

Southern Planning Committee

Agenda

Date: Wednesday, 25th November, 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 28 October 2015.

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

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

A total period of 3 minutes is allocated for each of the planning applications for the following:

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **14/5880C Land Off Crewe Road, Alsager, Cheshire ST7 2JL: Reserved Matters Application for 110 dwellings (33 affordable), the creation of an area of public open space and children's play area and associated works (pursuant to outline planning approval 13/3032C) for Niall Mellan, Persimmon Homes North West (Pages 19 - 30)**

To consider the above planning application.

6. **15/2910N The Gables, Bradfield Road, Leighton CW1 4QW: Extension and refurbishment to an existing former nursing care home and conversion into key worker accommodation for Ralph Murphy, Pantheon West (Pages 31 - 42)**

To consider the above planning application.

7. **15/2331N Land South Of Chester Road, Alpraham: Outline application for up to nine dwellings for A Harding (Pages 43 - 56)**

To consider the above planning application.

8. **15/2818N Land south west of Thornyfields Farm, Herbert Street, Crewe, Cheshire CW1 5LZ: Outline planning application for residential development of up to 12 dwellings, all matters reserved for CR Muller, Muller Property Group (Pages 57 - 72)**

To consider the above planning application.

9. **15/3394C Oak Farm, Church Lane, Sandbach, Cheshire CW11 4ST: Demolition of existing buildings and erection of up to 5 no. residential dwellings with associated infrastructure and ancillary facilities in Outline with Access defined-resubmission of 14/3810C for Paul Foden (Pages 73 - 98)**

To consider the above planning application.

10. **15/3563N Land Off Longhill Lane, Hankelow: Erection of 5 dwellings and creation of new vehicular access off Longhill Lane for D E Thelwell** (Pages 99 - 114)

To consider the above planning application.

11. **15/3651N Land Adjacent Yew Tree Farm, Close Lane, Alsager ST7 2JP: Outline application for residential development and access, all other matters reserved for Mr C R Muller, Muller Strategic Projects** (Pages 115 - 132)

To consider the above planning application.

12. **15/3752N 416, Newcastle Road, Shavington, Cheshire CW2 5EB: Construction of five detached two-storey dwellings with car parking and car parking for existing workshop with shared access for John Parton, A B Parton & Son Ltd** (Pages 133 - 144)

To consider the above planning application.

13. **15/3847C Sanofi Aventis, London Road, Holmes Chapel, Crewe, Cheshire CW4 8BE: Part A: Outline permission with all matters reserved except for means of access for: Extensions to Area 12 Manufacturing building, Area 11 Warehousing building, Area 77 Laboratory building and Area 37 Stability building; Relocation of service buildings and the erection of storage tanks, substation and associated plant; and Provision of additional staff car parking Part B: Full planning permission for: Extension to Area 13 Building to create new reception area, canteen and office floor space (2,775m²) Demolition of Building 15; and Alterations to internal roads and servicing area, provision of new internal HGV lay by, installation of new access gates and associated boundary treatments for Fisons Ltd, Trading as Sanofi** (Pages 145 - 156)

To consider the above planning application.

14. **15/4260C Moss Wood, Moss Lane, Brereton Heath CW12 4SX: Demolition of Existing Garages and Stables to be Replaced with One New Dwelling Using Existing Driveway. New Driveway to Moss Wood Using Existing Access to Property From Moss Lane for Mr S Kennerley** (Pages 157 - 172)

To consider the above planning application.

15. **15/4316C Former Twyford Bathrooms Site, Lawton Road, Alsager, Stoke-On-Trent, Cheshire ST7 2DF: Variation of Condition 15 (hours of delivery) and Removal of Condition 16 (hours of operation of the biomass boiler) on Approval 13/4121C - Full planning permission for the demolition of all existing buildings and the construction of a new retail foodstore; parking and circulation spaces; formation of new pedestrian and vehicle accesses; landscaping and associated works (re-submission of 12/0800C) for Sainsbury's Supermarkets Ltd & Lagan** (Pages 173 - 182)

To consider the above planning application.

16. **15/4389N Former Victoria Community High School and The Oakley Centre, West Street, Crewe CW1 2PZ: Demolition of former Newdigate and Meredith Buildings and the erection of a 3622 sqm. new educational building and associated car parking and landscaping works, along side the refurbishment of the Oakley Building for use by the UTC for Georgina Harris, Crewe Engineering & Design UTC (Pages 183 - 204)**

To consider the above planning application.

17. **15/4576C Land South Of The Paddock, Booth Bed Lane, Goostrey, Cheshire: Outline application for the erection of a single self build dwelling, garage and garden curtilage on land located to the west of Booth Bed Lane, Goostrey. The application also promotes the creation of a vehicle passing place within the site, and the minor widening of the verge to create a safer and more efficient entrance to / from Booth Bed Lane for John Beardsell (Pages 205 - 218)**

To consider the above planning application.

18. **Update following the resolution to approve application 15/2101C subject to a S106 Agreement (Pages 219 - 228)**

To consider a proposed amendment to the committee resolution for application 15/2101C (Land at Cardway Cartons, Linley Lane, Alsager).

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 28th October, 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, D Bebbington, P Butterill, J Clowes, W S Davies,
S Edgar, P Groves, S Hogben, A Kolker, N Mannion (substitute for Councillor
Rhodes), B Roberts and B Walmsley

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillor D Hough

OFFICERS PRESENT

Daniel Evans (Principal Planning Officer)
Patricia Evans (Lawyer)
Ben Haywood (Major Applications - Team Leader)
Chris Hudson (Principal Forestry and Arboricultural Officer)
Paul Hurdus (Highways Development Manager)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors D Marren and J Rhodes

96 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

With regard to application number 15/3840N, Councillor B Roberts declared that it was in his Ward. He had not discussed this application and had kept an open mind.

With regard to application number 15/2910N, Councillor D Bebbington declared that he had received correspondence and that the application had been discussed by the parish council. He had not discussed this application and had kept an open mind.

With regard to agenda item number 17, Councillor S Edgar declared that it was in his Ward. He had not discussed this application and had kept an open mind.

With regard to agenda item number 18, Councillor G Merry declared that it was in her Ward. She had not discussed this application and had kept an open mind.

97 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 30 September 2015 be approved as a correct record and signed by the Chairman.

**98 15/3157N LAND OFF PARADISE LANE, CHURCH MINSHULL:
DEMOLITION OF EXISTING BUILDINGS, ERECTION OF 11 NO.
DWELLINGS (INCLUDING 4 NO. AFFORDABLE DWELLINGS),
ACCESS ROADS, GARAGING, CAR PARKING AND LANDSCAPING
FOR SOTREX LTD**

Note: Mr R Spruce 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, the application be APPROVED subject to the completion of a Section 106 Agreement to secure:
1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
 2. A contribution of £32,685 to secondary education.

and the following conditions:

1. Commencement
2. Approved plans
3. Submission of external material

4. Submission of full details of boundary treatments
 5. Submission of a scheme for disposing of foul surface water
 6. Submission of a Phase II Contaminated Land Report
 7. Submission of drainage scheme to include foul and surface water including sustainable drainage systems
 8. Tree protection scheme
 9. Breeding bird survey for works in the nesting season
- (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.
- (c) That, should this application be the subject of an appeal, a Section 106 Agreement be entered into based on the above Heads of Terms.

99 **14/2915N LAND WEST OF BROUGHTON ROAD, CREWE: OUTLINE PLANNING APPLICATION FOR ERECTION OF UP TO 53 NO RESIDENTIAL UNITS WITH ASSOCIATED INFRASTRUCTURE AND ANCILLARY FACILITIES IN OUTLINE WITH ACCESS DEFINED FOR MG AND LF LTD**

Note: Mr R Adams 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, the application be APPROVED subject to a S106 agreement to secure:
- Education contributions of £108,463 (10 places) towards primary accommodation and £114,399 (7 places) towards secondary.
 - Open space provision and management
 - Provision and phasing of 30% affordable housing with 65% to be provided as social/affordable rent and 35% provided as intermediate tenure
 - Offsite ecological mitigation – pond creation

and the following conditions:

1. Submission of reserved matters
2. Implementation of reserved matters
3. Time limit for submission of reserved matters

4. Commencement of development
5. Development in accord with approved plans
6. Details for disposal of surface water to be submitted
7. Scheme for management of overland flow from surcharging of the site's surface water drainage system during heavy rainfall
8. Environmental Management Plan to be submitted and agreed by the planning authority
9. External lighting details to be approved
10. Noise mitigation scheme to be submitted
11. Travel plan to be submitted
12. Electric vehicle charging point to be provided
13. Phase II site investigation to be submitted
14. Refuse storage facilities to be approved
15. Ground levels to be submitted with reserved matters application
16. Method statement for reasonable avoidance measures for reptiles to be submitted.
17. Reserved matters to include Arboricultural Impact Assessment
18. Hedgerow Assessment to be submitted

Informative

Reserved matters to include housing for older people/ disabled people and pepper potting.

- 100 **14/5880C LAND OFF CREWE ROAD, ALSAGER, CHESHIRE ST7 2JL: RESERVED MATTERS APPLICATION FOR 110 DWELLINGS (33 AFFORDABLE), THE CREATION OF AN AREA OF PUBLIC OPEN SPACE AND CHILDREN'S PLAY AREA AND ASSOCIATED WORKS (PURSUANT TO OUTLINE PLANNING APPROVAL 13/3032C) FOR NIALL MELLAN, PERSIMMON HOMES NORTH WEST**

Note: Councillor D Hough (Ward Councillor), Town Councillor S Helliwell (on behalf of Alsager Town Council) and Ms A Snook (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED – That the application be DEFERRED to enable officers to seek revised plans to increase the separation from pylons to a minimum of 13m.

- 101 **15/1640C LAND ADJACENT THE PUMP HOUSE, FORGE LANE, CONGLETON, CHESHIRE CW12 4HF: VARIATION OF CONDITION 2 (PLANS) ON APPROVED 09/3498C - DEMOLITION OF FOUR DWELLINGS, A COACH & HGV DEPOT BUILDING, A WORKSHOP & VARIOUS OUTBUILDINGS & CONSTRUCTION OF TWENTY DWELLINGS WITH ASSOCIATED GARAGES & CAR PARKING & ALTERATIONS TO ACCESS ROAD (RESUBMISSION 08/1019/FUL) FOR KEYWORKER HOMES NW**

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 legal agreement/deed of variation to secure the same Heads of Terms as per the original permission.

and the following conditions

1. Time Limit – 3 years from 26th September 2014
 2. Development in accordance with approved plans (as amended by this application)
 3. Materials to be agreed prior to construction commencing (including window frames, doors and balconies)
 4. Standard contaminated land condition
 5. Scheme for noise mitigation within new dwellings
 6. Restriction on construction hours to 08.00 to 18.00 Monday to Friday, 08.00 to 13.00 Saturday and no work on Sundays or Bank Holidays
 7. Removal of permitted development rights
 8. Submission of a scheme of landscaping to include replacement hedge planting using native species
 9. Implementation and 5 years landscape maintenance condition
 10. Tree protection measures
 11. Precise details of boundary treatments
 12. Precise layout of car parking court to be submitted and agreed prior to commencement of development
 13. Precise details of retaining wall to the western site boundary to be submitted and agreed
 14. Scheme for ecological enhancements for bats and birds
 15. Site levels condition
 16. Submission of a detailed suite of plans relating to the off site highway works
 17. Compliance with the recommendations contained within the ecological report
 18. Provision of a sustainable urban drainage system (SUDS)
- (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.

- (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.

102 **15/2007N LAND OFF BESWICK DRIVE, CREWE, CHESHIRE CW1 5NP: THE ERECTION OF A CAR DEALERSHIP AND SHOWROOM (SUI GENERIS) WITH ASSOCIATED LANDSCAPING (TO BE SECURED BY CONDITION), CAR PARKING AND ACCESS ARRANGEMENTS FOR POCHIN'S LTD AND THE SWANSWAY GROUP**

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

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 (3 years)
 2. Plans
 3. Materials as per application
 4. Landscape – Prior approval of details
 5. Landscape – Implementation
 6. Protection of breeding birds
 7. Nesting features for birds – Prior approval of details
 8. Surface water storage and drainage scheme – Prior approval of details
 9. Drainage on separate system
 10. Hours of piling
 11. Piling method statement – Prior approval of details
 12. Floor floating method statement – Prior approval of details
 13. Lighting details - Prior approval of details
 14. Hours of operation
 15. Electric vehicle charging infrastructure - Prior approval of details
 16. Dust mitigation scheme - Prior approval of details
 17. Phase 1 and Phase 2 Contaminated Land Report - Prior approval of 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 and Ward Member, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

103 **15/2008N LAND ADJACENT BESWICK DRIVE, CREWE, CHESHIRE:
THE ERECTION OF A PETROL FILLING STATION WITH ANCILLARY
SHOP FOR POCHIN'S LTD AND THE KAY GROUP**

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

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 (3 years)
 - 2. Plans
 - 3. Materials as per application
 - 4. Landscape – Prior approval of details
 - 5. Landscape – Implementation
 - 6. Protection of breeding birds
 - 7. Nesting features for birds – Prior approval of details
 - 8. Surface water storage and drainage scheme – Prior approval of details
 - 9. Drainage scheme – Prior approval
 - 10. The fixed fuel storage tanks and delivery lines of the filling station must have dual containment systems with interstitial leak detection and automatic alarm systems to identify any leakage of the primary containment system
 - 11. Hours of piling
 - 12. Piling method statement – Prior approval of details
 - 13. Environmental Management Plan – Prior submission of details
 - 14. Lighting details - Prior approval of details
 - 15. Electric vehicle charging infrastructure - Prior approval of details
 - 16. Dust mitigation scheme - Prior approval of details
 - 17. Phase 1 and Phase 2 Contaminated Land Report - Prior approval of 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 and Ward Member, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

104 **15/2101C CARDWAY BUSINESS PARK, LINLEY LANE, ALSAGER ST7 2UX: OUTLINE PLANNING APPLICATION FOR A PHASED DEVELOPMENT OF UP TO 110 DWELLINGS FOR J. REDFERN, CARDWAY LIMITED**

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

Note: Councillor D Hough (Ward Councillor), Town Councillor S Helliwell (on behalf of Alsager Town Council), Mr G Macdonald (objector) and Mr C Copestake (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, the application be APPROVED subject to a 106 Legal Agreement to secure:
- Affordable housing:
 - 30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)
 - A mix of 2 , 3 bedroom and other sized properties to be determined at reserved matters
 - units to be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.
 - constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
 - no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.
 - developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.
 - Contribution of £ 227,772.09 (21 x 11919 x 0.91) towards primary education. This contribution is based on 110 units and will phased on pro rata basis and be required to be paid on first occupation of each phase (pro rata) of the development of the site

- Contribution of £277,826 ($17 \times 17959 \times 0.91$) towards secondary education. This contribution is based on 110 units and will be phased on a pro rata basis and be required to be paid on the first occupation of each phase (pro rata) of the development of the site
- Commuted Sum for off-site enhancement works of £ 19,762.75 in lieu of the loss of protected open space – to be spent at Merelake Way footpath/ Green Corridor
- Provision of on site NEAP (8 pieces of equipment) and a 25 years commuted maintenance sum of £75,799
- Contributions of £29,799 as maintenance payment for on site POS (not incidental areas of open space/ ecological area/buffer zones)
- Bus Shelter Contribution of £25,000 to upgrade two local bus stops to quality partnership specification located within the vicinity of the development site
- Off – site highway contribution of £100,000 to be spent in Alsager
- Travel Plan monitoring payment of £5000 (£1000 per annum for 5 years)
- Private residents management company to maintain all on-site incidental open space/buffer zones/ ecological area (not the 3 areas of formal open space/childrens play space)

and the following conditions:

1. Standard Outline
2. Submission of Reserved Matters
3. Time limit for submission of reserved matters
4. Approved Plans – (parking layout/driveways and courts size/position/ use not approved on indicative masterplan)
5. Electric vehicle infrastructure shall be provided on car parking spaces/ each dwelling
6. 6870 square metres of useable formal open space and childrens play space shall be provided within the site (not including noise buffer zones or incidental spaces/verges)
7. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
8. The developer shall agree with the LPA an Environmental Management Plan (EMP) with respect to the construction phase of the development. The EMP shall identify all potential dust sources and outline suitable mitigation. The plan shall be implemented and enforced throughout the construction phase.
9. Prior to the commencement of development an additional Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
10. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
11. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland

flow of surface water has been submitted to and approved in writing by the local planning authority.

12. Noise mitigation to be submitted and implemented to achieve a good standard and the proposed mitigation for the gardens closest to potential noise sources will require the recommended design criteria of <55dB LAeq to be achieved.
13. No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority showing how at least 10% of the predicted energy requirements of the development will be secured from decentralised and renewable or low-carbon sources. The scheme shall be implemented as approved and retained thereafter.
14. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.
15. 105 units maximum
16. Any reserved matters application for housing to include detailed proposals for the incorporation of features into the scheme suitable for use by roosting bats and breeding birds including swifts and house sparrows. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.
17. Works should commence outside the bird breeding season
18. No trees shall be removed without the prior approval of the LPA.
19. Landscaping Scheme including details of boundary treatments to be submitted
20. Submission of Statement Design (site wide) of part of 1st reserved matters principles to take into account, the Master Plan and the Parameters Plan and to include the principles for:
 - determining the design, form, heights and general arrangement of external architectural features of buildings including the roofs, chimneys, porches and fenestration;
 - determining the hierarchy for roads and public spaces;
 - determining the colour, texture and quality of external materials and facings for the walls and roofing of buildings and structures;
 - the design of the public realm to include the colour, texture and quality of surfacing of footpaths, cycleways, streets, parking areas, courtyards and other shared surfaces;
 - the design and layout of street furniture and level of external illumination;
 - the laying out of the green infrastructure including the access, location and general arrangements of the children's play areas, open space within the site
 - sustainable design including the incorporation of decentralised and renewable or low carbon energy resources as an integral part of the development
 - ensuring that there is appropriate access to buildings and public spaces for the disabled and physically impaired.
 - scale parameters for 2.5 storey buildings (maximum) on key parts of the site

- SUDS details to be submitted
 - All subsequent phases and reserved matters to comply with overall strategy unless otherwise agreed
21. Reserved Matters to include Arboricultural Implication Study (AIS) in accordance with para 5.4 of BS5837:2012 Trees in Relation to Design, Demolition and Construction -Recommendations , Constraints and Tree Protection Plan and Arboricultural Method Statement
 22. Landscaping implementation
 23. Umbrella Travel Plan to be submitted with 1st reserved matters and each Phase of development to include travel plan
 24. scheme to manage the risk of flooding from overland flow
 25. Existing and proposed levels to be submitted as part of each phase/ each reserved matters application whichever is sooner.
 26. Each phase to include an area of useable public open space as detailed on plan 14-028-P-001 Rev D with access strategy from wider area
 27. first reserved matters application to provide a detailed design/management regime for the Ecological Area
 28. Archaeological Watching Brief

Informatives:

1. Pepper potting of the affordable housing at the Reserved Matter stage
 2. Provision of older persons accommodation at the Reserved Matter stage
- (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.
- (c) That, should this application be the subject of an appeal, a planning agreement be entered into in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement as above.

105 **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**

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

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

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:

- the viability report being found to be satisfactory
- the completion of a s106 Agreement to secure £5,000 for the provision of off-site, replacement tree planting
- 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.
- (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.

106 **15/2879C 49, PIKEMERE ROAD, ALSAGER, STOKE-ON-TRENT, CHESHIRE ST7 2SE: TWO STOREY SIDE EXTENSION WITH INTERNAL ALTERATIONS FOR MR A BUCKLEY**

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
 1. Standard three year time limit
 2. Plans
 3. Materials as per application
- (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.

107 **15/2910N THE GABLES, BRADFIELD ROAD, LEIGHTON CW1 4QW: EXTENSION AND REFURBISHMENT TO AN EXISTING FORMER NURSING CARE HOME AND CONVERSION INTO KEY WORKER ACCOMMODATION FOR RALPH MURPHY, PANTHEON WEST**

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

RESOLVED – That the application be DEFERRED for the following:

- Further information with respect to the size of bedrooms/kitchens, bin stores, parking, communal sitting areas, laundry rooms, cycle stores
- Consultation with Leighton Hospital
- The submission of a Transport Statement
- A Committee site inspection to enable Members to assess the impact of the proposed development

108 **15/3840N 48, WISTASTON ROAD, CREWE, CHESHIRE EAST, CW2 7RE: PROPOSED CONSTRUCTION OF APARTMENTS ON LAND FOR GHP4 LIMITED**

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

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. Approved plans
 3. Materials in accordance with the details submitted with the application
 4. 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 and submission of a piling method statement
 5. Submission of details of external lighting
 6. Submission of a Phase 1 Contaminated Land Report
 7. Compliance with submitted mitigation measures
 8. All parking spaces laid out and available for use prior to first occupation of any of the units
 9. Provision of 1 electric vehicle charging point
 10. Bin/recycling facilities to be provided and available for use prior to first occupation of any of the units
 11. Submission of drainage scheme to include the disposal of foul and surface water
 12. Bin stores to have gates
 13. Submission, approval and implementation of outdoor seating area
 14. External works to be completed prior to occupation
- (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.

109 **15/3873N SITE OF BRISTOL STREET MOTORS, MACON WAY, CREWE, CHESHIRE: VARIATION OF CONDITION 13 (RANGE OF GOODS) ON APPLICATION 12/0316N - PROPOSED NEW BUILD, NON-FOOD RETAIL UNIT, UP TO 3715 SQ.M (USE CLASS A1), INCLUDING ACCESS AND ASSOCIATED INFRASTRUCTURE FOR ANDREW BIRD, MACONSTONE LTD**

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to a Deed of Variation to the Section 106 Agreement to reference the new consent and the following conditions:
1. Commencement of Development
 2. Reserved Matters
 3. Plans
 4. Details of Materials to be submitted and approved in writing
 5. Details of Surfacing Materials to be submitted and approved in writing
 6. Details of any external lighting to be submitted and approved in writing
 7. Landscaping to be submitted
 8. Landscaping Implemented
 9. Details of secured covered cycle parking to be submitted and approved in writing
 10. Details of bin storage areas to be submitted and approved in writing
 11. Details of boundary treatment to be submitted and approved in writing
 12. Restrict the Use of Unit to A1
 13. The range and type of goods to be sold from the non-food retail units hereby permitted shall be restricted to the following: DIY and building supplies and/or garden goods; furniture, carpets and floor coverings; camping, boating and caravanning goods; motor vehicle and cycle goods; and bulky electrical goods.
 14. Access to be formed in accordance with the approved plans
 15. Car parking and turning areas to be constructed and made available prior to the unit being occupied
 16. No subdivision of the building
 17. Pile foundations
 18. Restrict Retail Floor Space to 3715sqm
 19. Contaminated Land Report
 20. Air Quality Assessment
 21. Noise Control – Hours of Construction
 22. Waste

23. Floor Floating
24. Hours of operation
25. Travel Plan to be submitted and approved in writing
26. Details of Car Park Opening Times to be submitted and approved
27. Oil Interceptors
28. Acoustic Enclosures
29. Accesses to be constructed in accordance with the submitted plans
30. Details of calor gas storage to be submitted.

(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.

(c) That, should the application be subject to an appeal, authority be approved to enter into a S106 Agreement to secure a Deed of Variation to the Section 106 Agreement to reference the new consent.

110 **OUTLINE PLANNING FOR DEVELOPMENT OF 68 HOUSES INCLUDING NEW VEHICULAR ENTRANCE, BOUNDARIES, INFRASTRUCTURE AND LANDSCAPING, WITH PRIMARY ACCESS FROM THE CREWE ROAD SHOWN AND OTHER MATTERS RESERVED (15/1210N): OPEN GRASS LAND, CREWE ROAD, SHAVINGTON**

The Committee considered a report regarding planning application 15/1210N, which had been refused by the Southern Planning Committee on 8 July 2015. The Committee was requested to consider further information that had been submitted in relation to reasons for refusal 2 and 3 in advance of an appeal which the applicant intended to lodge.

RESOLVED

(a) That the appeal be defended in relation to reason for refusal 1 as existing and reason 2 on the following grounds:

The proposal would result in loss of the best and most versatile agricultural land and the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.

- (b) That reason for refusal 3 is not contested, on the basis of the amended indicative plan.

111 **15/3767T APPLICATION TO REMOVE THREE PROTECTED PINE TREES AT 14 DEANS LANE, SANDBACH CW11 3HE**

The Committee considered a report regarding an application to fell three protected Pine trees (with a proposal for their replacement) and the crown lifting of a fourth Pine tree at 14 Deans Lane, Sandbach, CW11 3HE. These trees were the subject of the Congleton Borough Council (Middlewich Road No.3, Sandbach) TPO 1993.

RESOLVED

- (a) That the application to fell three protected Pine trees forming part of Group G3 of the Congleton Borough Council (Middlewich Road No.3, Sandbach) TPO 1993 be REFUSED on the grounds that the submitted reasons do not justify the felling of the trees.
- (b) That consent be GRANTED for the crown lifting of Pine (T4) by removal of lower branches up to a height of no more than 4.5 metres from ground level.

The meeting commenced at 10.00 am and concluded at 3.10 pm

Councillor G Merry (Chairman)

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Application No: 14/5880C

Location: LAND OFF, CREWE ROAD, ALSAGER, CHESHIRE, ST7 2JL

Proposal: Reserved Matters Application for 110 dwellings (33 affordable), the creation of an area of public open space and children's play area and associated works (pursuant to outline planning approval 13/3032C).

Applicant: Niall Mellan, Persimmon Homes North West

Expiry Date: 24-Mar-2015

REASON FOR REPORT

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

The application was deferred from the Southern Planning Committee meeting on 28 October to secure revisions to the plans to increase separation of the dwellings from the pylons/power lines to a minimum of 13m.

SUMMARY

The principle of the development has already been approved.

The proposed scheme provides an acceptable design and layout, the dwellings are appropriate to the character of the area, sufficient open space is provided and appropriate landscaping can be conditioned. It is also considered that the development would not have a detrimental impact upon neighbouring amenity, ecology, trees, or highway safety.

The scheme therefore represents a sustainable form of development providing sufficient quality of design and landscaping and open space. Matters of drainage and flooding have been considered to be acceptable, subject to the conditions, on the associated outline planning application.

The application is therefore recommended for approval, subject to conditions.

RECOMMENDATION

Approve subject to conditions

PROPOSAL

The application seeks approval for all reserved matters following the outline planning permission 13/3032C for a residential development comprising 110 homes, including 33 affordable homes and an area of public open space and children's play area.

SITE DESCRIPTION

The application site covers an area of approximately 3.477 hectares, which is bounded to the south by Crewe Road, south of which is agricultural land. The east and north of the site is adjacent to the rear gardens of dwellings located along Close Lane, which lies on the westernmost edge of Alsager.

To the north west is agricultural land. White Moss quarry, a peat quarry, is located to the west of these. To the west of the southern field is Hollys House hotel.

The site itself consists of two fields with hedgerows along the southern, Crewe Road boundary, and along the western boundary. A hedge forms the boundary between the two fields, across the centre of the application site. The most significant feature on the site is the electricity pylon, located towards the southern part of the site and the overhead power lines that run across the southern field.

RELEVANT HISTORY

13/3032C - Outline application for residential development, comprising 110 homes, including 33 affordable homes to include an area of public open space and children's play area – Approved 04.11.2014

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.

50. Wide choice of quality homes

56-68. Requiring good design

69-78. Promoting healthy communities

Development Plan

Congleton Borough Local Plan Policy

PS8 (Open countryside)

GR1 (New Development)

GR2 (Design)

GR3 (Residential Development)

GR4 (Landscaping)

GR5 (Landscaping)

GR6 (Amenity and Health)

GR7 (Amenity and Health)

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

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement hierarchy
PG6 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
IN2 Developer contributions
SC4 Residential Mix
SC5 Affordable Homes
SE1 Design
SE2 Efficient use of land
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE6 Green Infrastructure
SE9 Energy Efficient Development
SE12 Pollution, Land contamination and land instability
SE13 Flood risk and water management
CO1 Sustainable Travel and Transport
CO4 Travel plans and transport assessments

Other material considerations

Interim Planning Statement: Affordable Housing

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

Alsager Town Strategy

CONSULTATIONS

Natural England – No objections

HSE Explosives Inspectorate – No objections

United Utilities – No comments received

Environment Agency – No formal response required. Responsibility for ordinary watercourses and surface and ground water flooding now with the Lead Local Flood Authorities.

Flood Risk Manager – No objections subject to condition relating to disposal of surface water

Environmental Health – No objections subject to conditions relating to piling, submission of environmental management plan, implementation of noise mitigation scheme, travel planning, electric vehicle infrastructure, and contaminated land.

Streetscape (open space) – No objections

Head of Strategic Infrastructure – No objections

Alsager Town Council - Concerned regarding the impact of this development when taking into consideration the cumulative effect of all new approved developments in the area.

REPRESENTATIONS

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

15 letters of representation have been received objecting to the proposal on the following grounds:

- Other available brownfield sites should take priority
- Ecological impact
- Urban sprawl
- Health risk of family homes close to overhead pylons
- Roads are inadequate to cope with increase in housing
- Highway safety
- Alsager already exceeded quota for houses
- Proximity to Radway Green Blast Zone
- Impact from dust
- Noise impact

- Pollution
- Visual impact
- Infrastructure cannot cope with increase
- Loss of agricultural land
- Flood risk
- No job creation in Alsager to justify this as sustainable development
- Speculative development should be put on hold until local plan in place
- Density too great
- Not part of local or town plan
- Not all house types have garages
- Inadequate parking spaces

Revised plans were received during the course of the application, and following re-consultation, 10 letters were received objecting to the proposal on the following grounds:

- Brownfield sites are available – MMU?
- Alsager already overloaded with new houses
- No employment for new residents
- Contrary to planning policies
- Noise and air pollution from M6 and quarry
- Overshadowed by high voltage power line
- Highway safety / impact
- Proximity to Radway Green Blast Zone
- No reference to required right turn lane in this submission
- Applicants previously stated that there would be no apartments – there are now 8
- Applicants were also investigating possibility of putting high voltage line underground.
- Acoustic fencing should be extended to all properties
- Increase in density from 40 to 45 dwellings
- Plots have crept closer to high power cables
- One plot is within 20 metres of play area which is prohibited by original decision notice
- Bland and uninteresting design
- Only two weeks to comment on revised proposals
- Unsuitable infrastructure
- Loss of privacy

APPRAISAL

Update since Southern Committee on 28 October

Members were concerned about the proximity of some of the plots to the power lines. It was stated that the distance from the power lines should be 13m or greater. Therefore the applicant has submitted a revised layout which has moved some plots further away from the power line. The closest properties are now 13m from the power line with the majority being further away.

In addition a Health Impact Assessment of Overhead Electricity Cables has been submitted, which was also submitted in support of the outline application. This report concludes that:

“The overhead power lines on the proposed development site were assessed in regards to their potential direct and indirect health effects. Direct effects were identified by analysing the power lines electric and magnetic fields with the guidelines exposure restrictions. The overhead power lines EMFs were significantly lower than the restrictions, concluding that no significant direct health effects on future residents are expected. Indirect effects were assessed through literature review and guidance, concluding no significant indirect health effects on future residents are expected.”

“Overall, the health effects of the overhead power lines on the proposed development site are considered to be not significant. The proposed development adheres to the current UK policy and guidance.”

Main Issues

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.

The key issues in question in this application, therefore, are:

- Impact upon nature conservation interests
- Impact upon character of the area
- Amenity of neighbouring property
- Highway safety

ENVIRONMENTAL SUSTAINABILITY

Character & Appearance

The local area is characterised by a variety of house types – flats, bungalows, terraced, semi-detached and detached – of varied ages and materials, and therefore the area does not provide a strong design lead for new development. The proposal seeks to construct two-storey detached, semi-detached and terraced dwellings, and two blocks of four flats predominantly in brick. The appearance of the proposed dwellings is fairly standard and is perfectly acceptable in the context of the local area.

The presence of the electricity pylons and power lines inevitably impacts upon the appearance of the development as a whole. The layout is therefore constrained a little by this and the linear form of the site. However it does contain some positive aspects, including the threshold open space at the entrance, which leads through the site to the play area at the south west boundary. The crescent that borders the play area also provides natural surveillance from the dwellings. Planting is widely used to reduce the dominance of frontage parking by breaking up views of parked cars.

Amenity

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties.

There will be a significant change to the views from the properties that border the site from open fields to the proposed residential development. However, the relationships of the proposed dwellings with existing properties all meet the distances above. A further revision to the plans has been made to move the dwelling on plot 110 back slightly away from a side facing habitable room window at the neighbouring property on Crewe Road. This repositioning has resulted in an acceptable relationship with the neighbour's window and their rear amenity space. Within the site, there are some separation distances that fall marginally below the identified standards. However, any shortfall is minimal and is not considered to have such a significantly adverse impact upon the living conditions of future occupiers to justify a refusal of planning permission.

Air Quality

No further air quality issues are raised from those identified at the outline stage. Conditions relating to a travel plan and electric vehicle charging infrastructure were attached to the outline permission.

Noise

The applicant has submitted a scheme of acoustic insulation with the application. The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by road traffic noise. The mitigation includes: the provision of standard thermal double glazing, standard background trickle ventilation and 1.8 metre high close-boarded wooden fences around garden areas. Environmental Health raises no objections subject to a condition requiring the mitigation measures to be implemented prior to the first occupation of the development.

Ecology

The nature conservation officer has provided the following comments on the application:

Oakhanger Moss SSSI / Ramsar

The outline application was supported by an assessment of the likely impacts of the proposed development upon the features for which Oakhanger Moss was designated as a SSSI and Ramsar site. The assessment concluded that the proposed development is not likely to have any significant effects. With regard to the reserved matters Natural England advise that the proposed development is not likely to have a significant effect upon the features for which the site was designated and they advise that an "Appropriate Assessment" under the Habitat Regulations is not required.

However, under regulation 61 of the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant effects'. This assessment has been undertaken by the nature conservation officer. The assessment concludes that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated. Consequently, a more detailed "Appropriate Assessment" is not required.

White Moss SBI

The assessment submitted with the outline application identified the following potential impacts on the nearby SBI. Firstly, the nutrient enrichment and pollution of water run-off and ground water contamination during the construction phase. Outline mitigation proposals were submitted to address this impact and the nature conservation officer was satisfied that these issues could be dealt with by means of a condition requiring the submission of a Construction

Environment Management Plan. This was made a condition of the outline consent, and remains applicable.

Secondly, the assessment submitted in support of the outline application identified potential impacts resulting from reduced infiltration rates and an increased risk of surface water pollution. The assessment concludes that these issues could be mitigated through the provision of a SUDS scheme. Further details of SUDS and surface water management were made a condition of the outline consent, and also remain applicable.

Nesting Birds

If planning consent is granted a condition is recommended requiring detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds to secure an enhancement for Biodiversity in accordance with the Framework.

Hedgerows

For the most part the existing hedgerows on site are retained. There is however likely to be some loss of hedgerow to facilitate the access roads. The loss of hedgerow should be compensated for through the incorporation of replacement native species hedgerow planting around the site boundaries.

Trees / landscape

The arboricultural constraints on the site relate to a small number of trees, and various lengths of mature hedgerow forming the site boundary and dividing the two fields.

The status of the hedgerows was established as part of the outline application; it was concluded that they were not considered important in respect of the 1997 Hedgerow Regulations. In order to compensate for the loss of hedgerow to facilitate access roads compensatory planting of native hedgerow species should be planted around the site boundaries where appropriate.

The only mature trees directly associated with the site are identified within the POS / Play Area to the south of the site. There is not considered to be any impact arising from the development, with protective fencing required to ensure this area is not used as a site compound and storage area. This can be addressed by condition.

A number of inconsequential trees are located off site, including a linear group of Silver Birch on the northern boundary. The plot positions of the proposed adjacent dwellings have no direct impact on the linear group. The species afford a degree of openness within their canopies which should not have a detrimental impact on the respective rear gardens. Some of the rear gardens of the properties on Close lane support a number of early mature trees none of which will be affected by the construction process.

In terms of the landscape details that have been submitted, the landscape officer confirms that the landscape layout and specification is acceptable. However, it also noted that no levels information has been submitted with the application; therefore, given the land does slope down towards the properties on Close Lane a levels condition is recommended. Similarly only limited details have been provided for the proposed boundary details and no

hard landscaping proposals have been received. Further information will be required, which can be secured by condition.

Highways

The Head of Strategic Infrastructure raises no objections to the proposal. The access details were agreed at the outline stage, and the internal layout is an acceptable design given the linear nature of the site. There should be no vertical deflections in the junction areas but there are no issues with changes of materials in these locations. The parking provision for each of the units across the site accords with standards. Therefore, no highways objections are raised.

One of the letters of representation makes reference to the fact that a condition on the outline permission requires the provision of a dedicated right turn lane from Crewe Road, and this is not included within the submission. The relevant condition (condition 7) requires these details to be submitted for approval prior to the commencement of development, and will therefore be dealt with as a discharge of condition application.

Contaminated land

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

This site is within 250m of a known landfill site or area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site. The Report submitted in support of the outline application recommends site investigation works be carried out. As such, the Contaminated Land team recommends a condition requiring a phase II site investigation to be carried out.

Flood Risk

The Flood Risk Manager has reviewed the proposals and there are no objections in principle to the proposed development on flood risk grounds. A condition is recommended requiring the detailed proposals for disposal of surface water. This was a matter covered by a condition on the outline permission. Therefore the condition is unnecessary for the reserved matters.

SOCIAL SUSTAINABILITY

Affordable Housing

As part of the outline approval the applicant entered into a s106 agreement securing the provision of affordable housing. In addition, the s106 outlined information to be provided and approved at reserved matters stage. This included an affordable housing scheme to include the tenure, layout and size of the affordable dwellings.

The applicant has provided a housing layout outlining the affordable housing units showing the units will be provided as 8x 1bd units, 7x 2bd units and 6x 3bd units for rent and 5x 3bd

units and 7 x2bd units as intermediate tenure. The pepper-potting of the units is acceptable and the units meet the identified housing need in Alsager.

Open Space

Public Open Space and Children's Play Area

As originally submitted the proposed play area was not acceptable as it did not include sufficient play equipment; it did not incorporate items of DDA inclusive equipment; there was no indication that it would be manufactured to appropriate standards; it was rather uninspiring and the proposed planting on top of the mound concealed the play area from natural surveillance from the housing giving rise to concerns of site safety.

Revised proposals have been submitted which add items of DDA inclusive equipment – basket swing and rotating platform. Modifications have been made to some of the other equipment to add more interest and variation. Confirmation has been received that the play equipment all has the required certification. And finally, the mounding has been removed to increase natural surveillance.

The play area was not positioned 20 metres from the nearest residential property as required by condition 15 of the outline planning permission. The applicant has sought to overcome this by reducing the size of the play area. Ansa has confirmed that the revised play area is acceptable.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Alsager town centre including additional trade for local shops and businesses (in closer proximity to the site than the town centre), jobs in construction and economic benefits to the construction industry supply chain.

PLANNING BALANCE

The principle of the development has already been approved.

The proposed scheme provides an acceptable design and layout, the dwellings are appropriate to the character of the area, sufficient open space is provided and appropriate landscaping can be conditioned. It is also considered that the development would not have a detrimental impact upon neighbouring amenity, ecology, trees, or highway safety.

The scheme therefore represents a sustainable form of development providing sufficient quality of design and landscaping and open space. Matters of drainage and flooding have been considered to be acceptable, subject to the conditions, on the associated outline planning application.

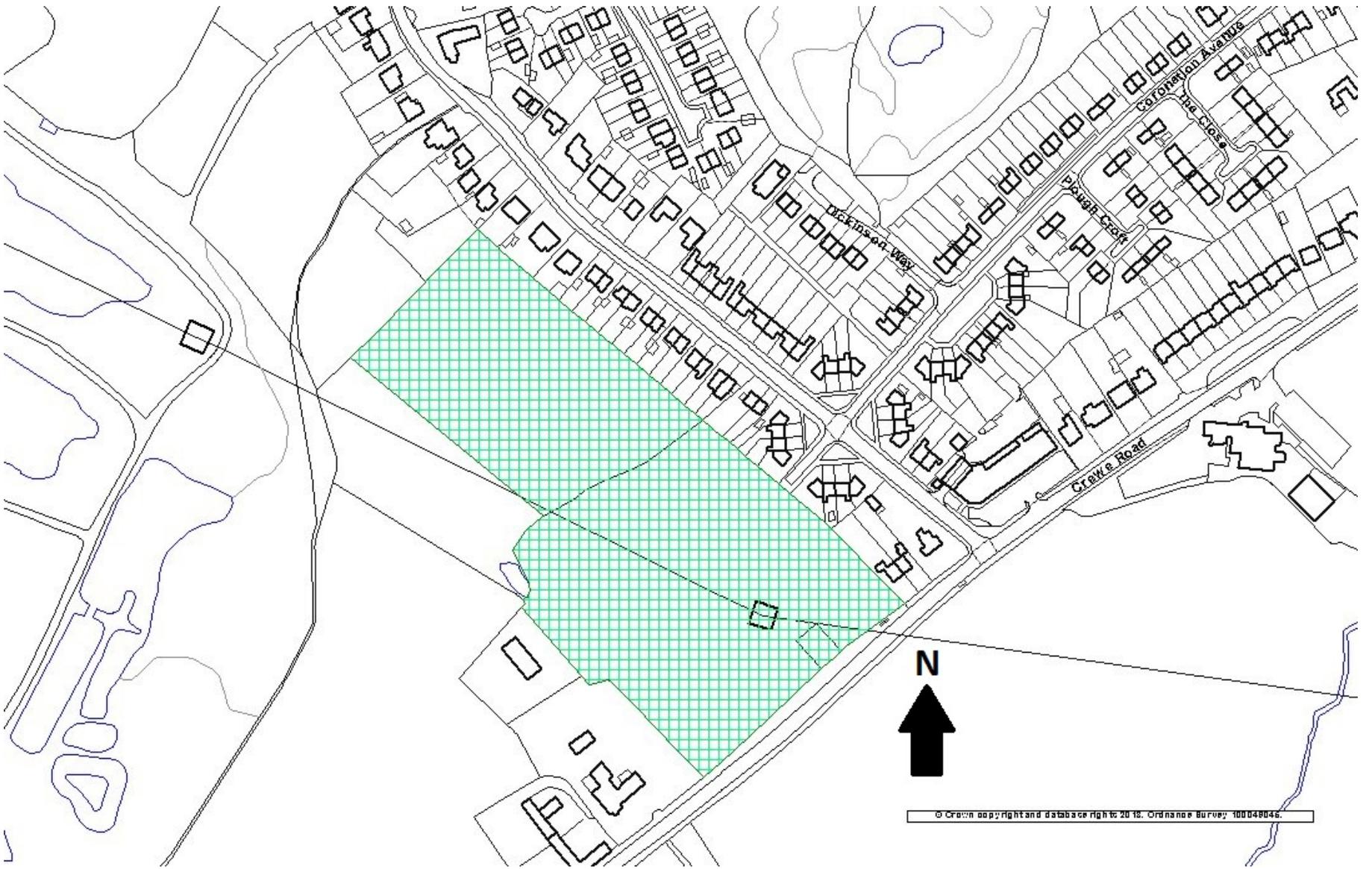
The application is therefore recommended for approval, subject to conditions.

RECOMMENDATION

The application is recommended for approval subject to the following conditions:

1. To comply with outline permission
2. Time limit following approval of reserved matters
3. Development in accord with approved plans
4. Submission of samples of building materials
5. Obscure glazing requirement
6. Noise Mitigation Scheme to be provided
7. Construction phase environmental management plan to be submitted
8. Phase II site investigation to be carried out
9. Play area to be provided and management of open space areas to be in accordance with submitted details.
10. Boundary treatment details to be submitted
11. Hard landscaping details to be submitted
12. Existing and proposed ground levels to be submitted.
13. Tree protection scheme to be submitted.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Principal planning Manager (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.



Application No: 15/2910N

Location: THE GABLES, BRADFIELD ROAD, LEIGHTON, CW1 4QW

Proposal: Extension and refurbishment to an existing former nursing care home and conversion into key worker accommodation.

Applicant: Ralph Murphy, Pantheon West

Expiry Date: 01-Oct-2015

SUMMARY:

The development would bring back into use a building that is currently vacant and in a poor state of repair to the detriment of the local area.

The proposal would satisfy the economic and social sustainability roles by providing much needed accommodation close to Leighton Hospital adjacent to 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 and design.

RECOMMENDATION:

Approve subject to Section 106 Agreement and conditions

DEFERRAL

The application was deferred at the last meeting of the Southern Planning Committee for the following reasons:

- Further information with respect to the size of bedrooms/kitchens, bin stores, parking, communal sitting areas, laundry rooms, cycle stores
- Consultation with Leighton Hospital
- A Committee site inspection to enable Members to assess the impact of the proposed development

These matters are dealt with in detail below but in summary:

1. Updated site plan drawing showing the revised parking/ increased numbers and relocated bin store has been submitted. This also shows the dimensions of the parking spaces.
2. The applicants have also shown detailed cycle store plan and elevations

3. They have also shown further detailed drawings of the bin store plans and elevations which has been relocated away from the site frontage
4. They have also enclosed a typical kitchen layout showing how this could be set out.
5. The bedroom sizes are as shown on the plans.
6. A letter explaining the applicants discussions with Leighton hospital have been submitted
7. Planning officers are also in the process of consulting the hospital. An update will be provided prior to committee.
8. The applicants have not shown any laundry room at present but can confirm that if the hospital require they we will add this into the scheme by potentially removing one of the bedrooms.
9. Applicant is willing to include in the Section 106 legal agreement for the possible new cycle link to the hospital is £10,000.

It is considered that these amendments / additional information have addressed Members previous concerns and accordingly the application is recommended for approval.

PROPOSAL

The application is for the conversion and extension of a former nursing home situated on the eastern side of Bradfield Road, Crewe. The development would effectively become a house of multiple occupation, aimed at accommodating key workers from Leighton Hospital, which is in close proximity to the site.

The application form describes the development as extension and refurbishment to an existing former nursing care home and conversion into key worker accommodation. The application also refers to the accommodation comprising 11 'cluster flats' and these are defined as several en-suite rooms grouped together in an apartment that shares a kitchen/common area. This would result in the creation of 51 bedrooms and seven kitchen/diners.

SITE DESCRIPTION

The application site is situated on the north eastern side of Bradfield Road, Leighton. The site lies within the open countryside but is adjacent to a site that has approval for 400 houses (11/1879N – Land North of Parkers Road).

The building to be converted and extended is a two storey, 'L' shaped building, with a brick and tile finish. It is a former nursing home that has been vacant for some time but is in a reasonable state of repair.

The site is in close proximity to Leighton Hospital.

RELEVANT HISTORY

12/3771N Withdrawn application for residential development

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 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.5 – Housing in Open Countryside
Res.9 – Houses in Multiple Occupation

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

Other Considerations:

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

CONSULTATIONS:

Highways:

The proposal is for key worker accommodation for employees of Leighton Hospital which is approximately 600m west of the site. The development will include 51 rooms and 1 flat, and the amended plan 3775/201A shows 25 car parking spaces and cycle storage.

There are no parking standards for 'key worker' accommodation but it is similar to HMO accommodation which would require 1 car parking space per room. Although the proposal falls short of this requirement, it is considered acceptable for the following reasons:

- The combined numbers of car and cycle parking spaces equates approximately to the number of rooms.
- Leighton Hospital is approximately 600m to the west which, according to the Institute for Highways and Transportation, is an acceptable walking distance for commuters.
- There is a proposed footway/cycleway route along Bradfield Rd and Smithy Ln, from the development to the hospital for which the applicant is willing to contribute costs towards to mitigate car usage.
- Three parking accumulation exercises have been provided for a nurses home and for apartment developments which demonstrate that parking demand will not exceed capacity.

The applicant will enter into a s106 agreement to contribute £15,000 towards the costs of the proposed footway/cycleway.

Environmental Protection:

Recommend conditions/informatives relating to noise generative works and noise mitigation in the building.

Minshull Vernon & District Parish Council: The Parish Council considered the above application at its meeting on 27 July 2015 and the deadline for observations was 29 July. The Parish Council did object to the application, but cannot find its e-mail to 'planning' setting out the objections and the report lists no observations having been received from the Parish Council. Request that the Committee is informed on Wednesday of these objections which are as below.

RESOLVED: That the following observations be submitted to Cheshire

East Council in respect of planning application No. 15/2910N –

- (i) The plans contain insufficient detail;
- (ii) The application form differs from the plans in that the plans show 51 dwellings but the application form indicates that the application is for housing for 11 key-workers;
- (iii) Car parking is inadequate; and
- (iv) This represents over-development of the site.

REPRESENTATIONS:

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

At the time of report writing no representations have been received.

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 Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011. The building in question is a former nursing home that has been vacant for some considerable time and the proposal is to refurbish and extend it to provide a house of multiple occupation aimed at 'key workers' at Leighton Hospital.

Paragraph 51 of the NPPF requires that local planning authorities should “*Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty hoes strategies and, where appropriate, acquire properties under compulsory purchase powers.*” Whilst this building is not the subject of a compulsory purchase order, it would involve bringing back into use a building that has been vacant for some considerable time.

Policy RES.9 requires that the conversion of buildings to houses of multiple occupation are acceptable subject to the provision of satisfactory living conditions for future residents, acceptable design, the proposal would not cause noise transmission or overlooking to neighbouring properties and that safe access and adequate parking are provided. The proposal meets the requirements of this policy and is therefore considered to be acceptable in principle.

Members had expressed concern about whether Leighton Hospital would support such a development. The applicant's Agent has provided the following statement

The client body has previously discussed the key worker accommodation at the Gables site with Leighton Hospital. The hospital need updated keyworker accommodation for their nursing staff and doctors. The existing accommodation needs modernising and this site/development would give the hospital the option of having privately funded much needed facilities.

The hospital are not in a position to formally support this site but once planning permission is obtained the client would open discussions again with the hospital.

Cheshire East council has also reported that key worker accommodation also includes many other services other than the hospital such as the police. fire brigade etc. Therefore the accommodation does not necessarily have to just cater for hospital requirements. However the client body really believes the hospital is potentially the best alternative and consider that if the hospital is not signed up for. The majority of the development they may discuss other potential uses for the site.

Commercially the client body has spent a great deal of money to obtain this permission

and believe the hospital would be the best use for the development. So much so that if this does not happen the client body may consider another use for the site and even submit another separate planning application.

Planning Officers have also consulted with Leighton Hospital who have stated:

A matter relating to our own residential accommodation is due to be discussed by our Executive Directors early next week (w/c Monday 16th November 2015). The outcome of this discussion will likely inform our views on this matter.

They have therefore asked if they can provide a response after this date. An update on this matter will therefore be provided prior to the committee meeting.

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 site is within very close proximity to Leighton Hospital where the developers are targeting the occupation of the building to staff working there (key workers). Whilst it would not be reasonable to condition that only key workers occupy the accommodation, it is likely that it would be most attractive to that group.

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

The site is designated as being within open countryside and therefore not the first priority for development. It does however involve the redevelopment of an existing building that has been vacant for a considerable amount of time. Clearly the provision of accommodation would be of benefit as would the improvements to the building.

Trees and Hedgerows

The application is supported by a Tree Survey and Constraints Plan by a suitably qualified arboriculturist.

The Council's expert in issues relating to trees has assessed this information and is in agreement with its findings. These include the fact that the site contains trees comprising almost all being of the genus Cypress, all of which are considered to be low value Category C specimens in terms of the British Standard. Therefore they should not be seen as a constraint to development.

The proposal includes an extension to the rear of the existing building. The extension would be contained within the existing curtilage of the site and would not have any significant impact on the openness of the countryside or the landscape character of the area.

Subject to conditions relating to the landscaping of the site, the proposal is considered to be acceptable in terms of its impact on trees and the wider landscape.

Ecology

The habitats on the site are considered to be of relatively limited nature conservation value.

No evidence of roosting bats was recorded during the submitted ecological survey, the survey was undertaken very late in the survey season, however on balance it is considered that roosting bats are not reasonably likely to be affected by the proposed development.

The submitted ecological assessment states that there are records of Great Crested Newts close to the proposed development site. There is a small pond present on site but this is of very low value for Great Crested Newts. It is considered that considering the poor quality of the pond and terrestrial habitat on site Great Crested Newts are not reasonably likely to be present or affected by the proposed development.

There are anecdotal records of grass snakes in the broad locality of the application site. The application site however provides only small areas of suitable habitat for reptiles It is therefore considered that reptiles are not reasonably likely to be present or affected by the proposed works.

If planning consent is granted a condition should be imposed to ensure the protection of breeding birds.

Design & Layout

The application involves the conversion and extension of this former nursing home. The refurbishment of the existing building would improve the character of the area as it is currently vacant and is beginning to fall into a poor state of repair to the detriment of the locality.

Having regard to the extensions, they are to the rear of the site, set well back from the road and would be barely visible from the street scene. The materials used would match those on the existing building as closely as possible.

Members had expressed concerns regarding the proposed bin storage arrangements. A bin store was shown on the site frontage, in which position it may have appeared incongruous, particularly as no elevational detail had been provided. However, this has now been moved adjacent to the side boundary of the site and elevations have been provided showing it as a brick structure.

Highways

The Head of Strategic Infrastructure was consulted on the application and raised concerns about the level of parking provision. The updated site plan has shown an increased level of parking provision as well as dedicated covered cycle parking. This also shows the dimensions of the parking spaces. In addition a Section 106 contribution of £10,000 has been offered towards the cycle link to Leighton hospital, where it is anticipated that the occupants will work. This has now addressed the highways concerns.

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’

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

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

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

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

The economic benefits of the development need to be balanced against the impact upon the open countryside.

With regard to the economic role of sustainable development, the proposed development will help to provide accommodation for key workers at Leighton Hospital as well as bringing direct and indirect economic benefits to Crewe, 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 Leighton Hospital and the developers are targeting the staff there as occupants of the rooms in the building.

Residential Amenity

The extension would be to the rear of the site and would be in excess of 30 metres away from the nearest existing residential property. As such there would be no significant adverse impact on the residential amenity of the property. To the north east of the site, there is approval for a development of 400 houses. However, given the siting of the extension and the position of windows, in both it and the approved dwellings, there would be no significant adverse impact on residential amenity.

Adequate communal amenity space will be provided within the site to provide recreational space and bin storage.

Due to the proximity to the road, an Environmental Noise Assessment was submitted with the application. This includes recommended mitigation measures for the protection of residents from road traffic noise and a condition should be imposed requiring compliance with this mitigation scheme.

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

Members expressed concerns at their last meeting regarding the sizes of bedrooms. The bedroom sizes are as shown on the plans and vary from approximately 12.7sqm to 23sqm. Members were also concerned as to whether any communal sitting areas would be provided. A typical kitchen layout showing how this could be set out has been submitted. This shows a kitchen area as well as a sitting area within this space. Members also queried the laundry room arrangement. The developer has confirmed that they have not provided laundry room at present but can confirm that if the hospital requires one they will add this into the scheme by potentially removing one of the bedrooms.

Conclusion – The Planning Balance

The development would bring back into use a building that is currently in a poor state of repair to the detriment of the local area.

The proposal would satisfy the economic and social sustainability roles by providing much needed accommodation close to Leighton Hospital and in close proximity to 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, landscape and design.

The additional information now submitted, amended plans and section 106 contribution have now addressed Members previous concerns and the reasons for deferral and accordingly it is considered to constitute sustainable development and is recommended for approval

RECOMMENDATION

APPROVE subject to s106 agreement to contribute £15,000 towards the costs of the proposed footway/cycleway and the following conditions:

- 1. Commencement of development**
- 2. Approved plans**
- 3. Materials as stated in the application**
- 4. Submission and approval of a construction management plan including 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. Compliance with the mitigation measures in the Noise Assessment**
- 7. Submission of a landscaping scheme**
- 8. Implementation of a landscaping scheme**
- 9. Submission of details of external lighting**
- 10. 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: 15/2331N
Location: Land South Of, CHESTER ROAD, ALPRAHAM
Proposal: Outline application for up to nine dwellings.
Applicant: A Harding
Expiry Date: 14-Jul-2015

SUMMARY:

The site is located within the open countryside where under policy NE2 there is a presumption against development unless the development falls into one of a number of categories as detailed by Local Plan. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

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 that 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).

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

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

In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION:

Approve subject to conditions and a Section 106 Agreement to secure affordable housing provision

PROPOSAL

Outline planning permission with all matters reserved is sought for the erection of up to nine dwellings. Although the application is in outline form an **indicative** site layout plan has been submitted showing a linear form of development with detached and semi-detached properties, with access being taken directly from the A51.

SITE DESCRIPTION

The application site comprises a rectangular parcel of land situated on the southern side of the A51. There is housing to the west and north of the site and also to the east with a playing field in between. There is a hedgerow to the front of the site, but no significant trees within it.

The site is designated as being within Open Countryside in the adopted local plan.

RELEVANT HISTORY

No relevant planning history relating to this site.

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 Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site as being within the within Open Countryside.

The relevant Saved Polices 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

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:

Highways:

No objection.

Environmental Protection:

Request conditions/informatives relating to noise disturbance and air quality.

United Utilities:

No objection subject to conditions relating to drainage.

Parish Council:

With reference to application 15/2331N, Alpraham Parish Council object on the following main grounds:

1. There is a significant Highways safety issue and we understand that there is no support from Cheshire East Highways for an access to this development directly onto the A51.
2. There is no indication of a significant financial contribution to mitigate against the major impact this development would have on the community or to enhance the proposed recreational amenities the residents need and support.
3. The application is not in line with the adopted Alpraham Community and Parish Plan 2015 and thus against the wishes of the majority of residents.

4. Should approval be given to this and/or similar applications we would expect a financial contribution of at least £15,000 per dwelling re item 2 above. In addition in this case we would expect that a combined single vehicle access route only from the A51 joining the existing Sandy Lane/ Cinder Lane be considered. We would expect also that the first part of the existing route to the field gate down Sandy Lane/Cinder Lane be retained as a pedestrian/cycle only access route with all vehicular access via any approved new route.

REPRESENTATIONS:

At the time of report writing eleven representations have been received which can be viewed in full on the Council website. These express concerns about the following issues:

- No need or demand for additional housing in Alraham
- Alraham is a small settlement with limited amenities and facilities
- Development on greenfield land
- Loss of agricultural land
- Dangerous access
- Increase in traffic
- Traffic survey not representative
- Infrastructure in the area is poor (gas, electricity etc)
- Drainage issues
- Flooding
- Loss of outlook
- Increased noise
- Light pollution
- Loss of privacy
- Over looking
- Loss of hedgerow and impact on wildlife
- Any new housing in Alraham should be affordable

APPRAISAL

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

Principle of Development

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

The proposed development does not fall within any of these exceptions. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act

2004 which states that planning applications and appeals must be determined "in accordance with the plan unless material considerations indicate otherwise".

The issue in question is whether 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 policy objection.

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 '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.

This is a material consideration in support of the proposal.

Sustainable Development

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 that 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.

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 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 Policy

In the absence of a 5-year housing land supply settlement boundaries are out of date but where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy NE2, 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 site is designated as Open Countryside in the adopted local plan, but the site consists of a small area of a field with existing development to the north, east and west. As such it is not considered that a refusal on the grounds of adverse impact on the character and beauty of the Open Countryside could be sustained.

Landscape

The site is currently part of a relatively large field set between existing built development and while its loss would be unfortunate, it is not considered that there would be significant and

severe harm to the overall character of the landscape of the area. As such a refusal on landscape impact could not be sustained.

Design

This is an outline planning application with all matters reserved. Therefore the layout drawing is only indicative. Should the application be approved, access, appearance, landscaping and scale would be determined at reserved matters stage.

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

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

The indicative layout shows a linear form of development similar to that on the opposite side of the road, which would not appear inappropriate in this context, where there are a variety of property designs and sizes in the vicinity.

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

Highways

As stated above the application is in outline form with all matters reserved for future consideration.

The indicative layout shows an access on to the A51. However there is an application to the south east of the site for up to twenty dwellings, a multi-use games area, a pavilion and improved recreational facilities (15/4922N). This site takes access onto Cinder Lane and from there onto the A51. In order that the layout does not frustrate this proposed development to the south east and lead to the creation of two access points in close proximity onto the A51, it is considered that at reserved matters stage, access to this site should be taken from the south east corner onto Cinder Lane.

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

The proposal is therefore considered to be acceptable in highway terms and in accordance with Policies BE.3 and BE.5 of the adopted local plan.

Ecology

Hedgerows are a priority habitat and hence a material consideration. Hedgerow 2 present on site has been identified as supporting native bluebells which is a species which is also a

material consideration in its own right. The submitted ecological survey report states that Hedgerow 2 is not considered to be 'Important' under the Hedgerow Regulations, however as native bluebell is a Red List species and is also listed on Schedule 8 of the Wildlife and Countryside Act, Hedgerow 2 would qualify as Important due to the presence of this species.

Based on the submitted illustrative layout plan it appears likely that Hedgerow 2 could be retained as part of the proposed development. However there is a risk that the bluebells associated with it could be lost if the hedgerow is disturbed during the construction phase. There will also be a loss of the hedgerow along the sites northern boundary as a result of the proposed site access.

It is considered that measures should be put in place during the construction phase to ensure the hedgerows on site are safeguarded during construction.

It is considered that if outline consent is granted a condition should be attached requiring the submission of a method statement for the safeguarding of the hedgerows to be submitted as part of any future reserved matters application.

If planning consent is granted it is recommended that conditions be attached to ensure protection for breeding birds and for features to be incorporated into the development for breeding birds and roosting bats.

Grass snakes are known to be present in the broad locality of the proposed development. The application site does not however provide any particularly notable habitats for this species. There is a low risk that any reptiles present on site could be killed or injured during the construction phase. To minimise this risk the applicant's consultant has recommended a suite of avoidance measures. If the application is approved, a condition should be imposed requiring compliance with these recommendations.

In order to avoid any adverse impacts on wildlife, particularly bats, it is recommended that a condition should be attached that details of any lighting proposed are to be submitted as part of any future reserved matters application.

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. The submitted ecology report identifies the potential presence of hedgehogs on the application site. If planning consent is granted a condition should be imposed requiring gaps to be incorporated into any boundary fencing used at the site..

Flood Risk

The site is within Flood Zone 1, which is at low risk of flooding. The Flood Risk Manager has been consulted and an update will be provided to Members prior to the Committee meeting.

Agricultural Land

Local Plan Policy NE.12 has been saved. The National Planning Policy Framework advises that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

The application does not contain an Agricultural Land Assessment. However; given the limited size of the site, it is not considered that its loss would be significantly detrimental.

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'.

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

'the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'.

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

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

The economic benefits of the development need to be balanced against the impact upon the open countryside.

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 Alpraham and the surrounding area, including additional trade for local businesses, jobs in construction and economic benefits to the construction industry supply chain.

SOCIAL SUSTAINABILITY

Residential Amenity

The proposal is for nine dwellings on this site. Adequate separation distance can be achieved between the proposed dwellings and adequate private residential amenity space can be provided within the site. The distances to existing residential properties and the properties proposed under application number 15/4922N, would be capable of meeting or exceeding the minimum separation distances required.

Should the application be approved, a condition should be imposed relating to piling. In terms of air quality, a condition should be imposed requiring an electric vehicle charging socket to be provided at each of the dwellings.

In order to protect the amenity of the future residents of the dwellings, a condition should be imposed requiring submission of a Noise Assessment and Mitigation Scheme

Subject to the condition set out above, the proposal is considered to be acceptable in amenity terms and in compliance with Policy BE.1 of the adopted local plan.

Affordable Housing

At the time of report writing, a response has not been received from the Strategic Housing Manager (SHM).

The Interim Planning Statement on Affordable Housing (IPS) and Policy SC5 in the Local Plan Strategy Submission Version outline that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all sites of 3 dwellings or more or than 0.2 hectare in size. The proposals are for nine dwellings therefore there is a requirement for affordable housing.

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% affordable or social rented and 35% intermediate tenure.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings (unless the development is phased with a high degree of pepper-potting, in which case the affordable housing can be provided no later than occupation of 80% of the market dwellings).

The applicant in their Planning Statement has agreed to incorporate two affordable dwellings on the site or accept a reasonable contribution to off-site affordable housing provision.

An update will be provided to members on the specific requirement for affordable housing provision prior to the meeting.

Education

A development of less than ten dwellings would not generate a requirement for an education contribution.

Health

There are four GP surgeries within 5 miles of the site which are all accepting patients and therefore not at capacity. No contributions will be required for health provision.

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, the affordable housing would help to make the development sustainable and is a requirement local plan policies and the NPPF. It is directly related to the development and is fair and reasonable.

Response to Objections

There have been eleven objections to the proposal, expressing concerns about highway safety, lack of infrastructure, loss of open countryside and impact on amenity. These issues are addressed in the main body of the report.

Conclusion – The Planning Balance

The site is located within the open countryside where under policy NE2 there is a presumption against development unless the development falls into one of a number of categories as detailed by Local Plan. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

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 that 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).

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

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

In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION

Approve subject to the completion of a Section 106 Agreement to secure the affordable housing provision following conditions:

- 1. Commencement**
- 2. Submission of reserved matters**
- 3. Approved plans**
- 4. Hours of piling limited to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday, with no working on Sundays or Public Holidays**
- 5. Submission of Construction Management Plan**
- 6. Provision of an electric vehicle charging point to each dwelling**
- 7. Submission of drainage scheme to include foul and surface water including sustainable drainage systems**
- 8. Submission of tree/hedgerow protection scheme**
- 9. Breeding bird survey for works in the nesting season**
- 10. Compliance with the Extended Phase One Habitat Survey**
- 11. Reserved matters to include Noise Mitigation Scheme**
- 12. Reserved matters to include details of external lighting**
- 13. Reserved matters to include features for breeding birds and roosting bats**
- 14. Reserved matters to include details of boundary treatments**
- 15. Reserved matters to include existing and proposed levels.**

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.

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.



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Application No: 15/2818N

Location: Land south west of Thornyfields Farm, Herbert Street, Crewe, Cheshire, CW1 5LZ

Proposal: Outline planning application for residential development of up to 12 dwellings, all matters reserved.

Applicant: CR Muller, Muller Property Group

Expiry Date: 02-Oct-2015

SUMMARY

The application site lies entirely within the Green Gap as determined by the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

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 Policies NE.2, NE.5 and RES.5. 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 both Green Gap and 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. This consideration is made on the sustainability of the development.

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 bring positive planning benefits such as; the provision of a market dwellings, an affordable housing contribution and a minor boost to

the local economy. The fact that the site is identified for housing in the emerging Local Plan is also a significant material consideration in favour of the application.

Balanced against these benefits must be the dis-benefits, which in this case relate to the impact upon the landscape, via the loss of Green Gap.

In this instance, it is considered that the benefits of the scheme, would outweigh the dis-benefit given that the application site would be enclosed by built form if planning permission 13/2055N, phase 1 of a larger housing proposal, is constructed.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION

APPROVE subject to a S106 Agreement to secure an education contribution of £21,693 and conditions

PROPOSAL

This application seeks outline planning permission to erect up to 12 dwellings

Approval of layout, access, scale, appearance and landscaping, and scale are not sought at this stage and as reserved for subsequent approval.

As such, this application shall consider the principle of the development only.

SITE DESCRIPTION

The site relates to Thornyfields Farm, a farm located at the northern end of Herbert Street, Sydney, Crewe within the Green Gap and Open Countryside.

The application site relates to an elongated, relatively flat field which extends south to north and is approximately 0.4 hectares in size.

The application site forms a part of a larger site which was granted approval for 240 dwellings under planning permission 13/2055N.

As part of this approved scheme, the application site formed a vegetated 'buffer zone'.

RELEVANT HISTORY

13/2055N - Outline application for up to 240 residential dwellings, open space and new access off Sydney Road – Approved 14th August 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
- 17 – Countryside
- 47-50 - Wide choice of quality homes
- 55 - Isolated dwellings in the countryside
- 56-68 - Requiring good design.

Development Plan

The Development Plan for this area is the 2011 Borough of Crewe and Nantwich Adopted Replacement Local Plan 2022, which allocates the site, under Policy NE.2, as Open Countryside.

The relevant Saved Policies are:

- NE.2 -Open countryside
- NE4 - Green Gap
- NE.5 - Nature Conservation and Habitats
- NE.9 - Protected Species
- NE17 - Pollution Control
- NE.20 - Flood Prevention
- BE.1 – Amenity
- BE.2 - Design Standards
- BE.3 - Access and Parking
- BE.4 - Drainage, Utilities and Resources
- BE5 –Infrastructure
- BE6 - Development on Potentially Contaminated Land
- RES.5 - Housing In The Open Countryside
- RT.6 - Recreational Uses on the Open Countryside
- RT.9 – Footpaths and Bridleways
- TRAN.3 – Pedestrians
- TRAN.5 - Cycling

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

- MP1 - Presumption in favour of sustainable development
- PG1 - Overall Development Strategy
- PG5 - Open Countryside
- PG6 - Spatial Distribution of Development
- SD1 - Sustainable Development in Cheshire East
- SD2 - Sustainable Development Principles
- IN1 – Infrastructure

IN2 - Developer contributions
SC4 - Residential Mix
SC5 - Affordable Homes
SE1 – Design
SE2 - Efficient use of land
SE3 - Biodiversity and geodiversity
SE4 - The Landscape
SE5 - Trees, Hedgerows and Woodland
SE6 - Green Infrastructure
SE9 - Energy Efficient Development
SE12 - Pollution, Land contamination and land instability
SE13 - Flood risk and water management
CO1 - Sustainable Travel and Transport
CO4 - Travel plans and transport assessments

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)
North West Sustainability Checklist

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections

Environmental Protection – No objections, subject to a number of conditions including; the prior submission of a Travel Plan, the prior submission of electric vehicle charging infrastructure, the prior submission of a dust mitigation scheme and the prior submission of a contaminated land report. In addition an hours of construction and contaminated land informative are sought

Housing (Cheshire East Council) – No affordable housing requirement

Education (Cheshire East Council) – No objections, subject to a primary school contribution of £21,693 to accommodate the impact of an increase in pupils.

Public Rights of Way – No objections, subject to the following conditions; the prior submission/approval of a PROW management scheme; that the line of the PROW be marked out on the development site prior to commencement; pre-commencement and post-completion of condition surveys. In addition, a number of informatives are sought.

Flood Risk Manager – It is proposed by the developer to discharge surface water into an attenuation basin located in land to the north west of the site. However no calculations have been provided to demonstrate the attenuation basin has sufficient capacity to cater for these additional 12 dwellings. This information is required before the Flood Risk Manager can formally comment on this application.

United Utilities – No objections, subject to the inclusion of a condition seeking the prior submission of a foul drainage scheme and a condition seeking the prior submission of a surface water drainage scheme

Crewe Town Council – No objections, subject to conditions or a legal agreement to ensure that the permission is only implemented in conjunction with 13/2055N (if consent is issued for that application) and not as a freestanding development in open countryside, and the new access which forms part of 13/2055N is constructed and open for traffic before the houses proposed in this application are occupied.

REPRESENTATIONS

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

No neighbour consultation replies have been received.

APPRAISAL

The key issues are:

- The principle of the development
- The sustainability of the proposal, including its; Environmental, Economic and Social role
- Planning balance

Principle of Development

The site lies entirely within the Green Gap as defined by the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

Policy NE.4 states that within the Green Gap, which is also subject to the Open Countryside Policy NE.2, approval will not be granted for new buildings which would; result in erosion of the physical gaps between built up areas or; adversely affect the visual character of the landscape.

Policy NE.2 and RES.5 state that only residential development which is required for a person engaged full-time in agriculture or forestry, infill development, the replacement of an existing dwellings, the conversion of an existing rural buildings, the change of use or re-development of an existing employment sites or affordable housing shall be permitted.

The proposed development does not fall within any of these exceptions. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

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

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that 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 ‘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.

This is a material consideration.

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 PS8, 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 significant consideration is the impact the development would have upon the landscape which is considered within the environmental section below.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The site is identified as “Site CS 5: Sydney Road, Crewe” in the Council’s recently published Core Strategy Pre-submission Document as presenting the opportunity for a high quality sustainable residential development. The emerging plan envisages:

The development of Sydney Road over the Core Strategy period will be achieved through:

1. *The delivery of 250 new homes;*
2. *The incorporation of Green Infrastructure including:*
 - I. *Allotments;*
 - II. *Equipped Children's Play Area/Multi-Use Games Area;*
 - III. *Community Woodland;*
 - IV. *Outdoor Gym; and*
 - V. *Formal Sports Pitches*

Site Specific Principles of Development:

- a) *Development should incorporate Green Infrastructure and reflect 'The Green Infrastructure Action Plan for Crewe' (TEP, 2012) including tree planting; the creation of tree lined boulevards with the provision of greenspaces within new developments. This should include the creation of green spaces, including those linking green infrastructure, with safe and secure pedestrian and cycle routes that should be integrated into any development proposal;*
- b) *Contributions towards highway improvements at Crewe Green Roundabout, Maw Green Junction and Sydney Road Bridge;*
- c) *The improvement of existing and provision of new pedestrian and cycle links to link new and existing residential areas, employment areas, shops, schools and health facilities;*
- d) *The inclusion of appropriate planting and buffering along the northern and western boundaries of the site, to provide a clear edge to the development and reduce the visual impact of the development of this site on the adjacent proposed new Green Belt area of search. Such buffering and planting to also ensure that noise and disturbance, from the West Coast Mainline which runs along the western boundary of the site, is reduced to a level to be agreed at a future date;*
- e) *The Core Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes);*
- f) *Provision of habitat for protected species, if required;*
- g) *Fowle Brook runs through the site and into Sandbach Flashes SSSI. Any discharge, foul drainage and / or run-off from the site must not lead to a deterioration in water quality entering the SSSI;*
- h) *The development will be expected to provide contributions to education provision; and*
- i) *A desk based archaeological assessment is required for the site, with appropriate mitigation being carried out, if required.*

The justification for the allocation is provided at paragraph 15.83 – 15.89 of the emerging plan. It states:

- *Green Infrastructure provision underpins future development in Crewe, ensuring that it is a pleasant place to live and work. Any proposals should take into account the Green Infrastructure Action Plan for Crewe.*
- *The provision of new Green Infrastructure and the improvement of existing Green Infrastructure are of paramount importance. This will assist in improving the health and wellbeing of residents, as well as enhancing the environment of the town and reflects the findings of the Green Infrastructure*
- *Action Plan for Crewe (TEP, 2012) and will also help deliver the aspirations of ‘All Change for Crewe: High Growth City’.*
- *Mechanisms must be put in place, to ensure that water from the development, flowing into Fowle Brook, does not have an adverse impact on the Sandbach Flashes SSSI.*
- *Adjacent land lies within the proposed new Green Belt Area of Search. It is important that any visual impact of development on the proposed new Green Belt Area of Search is minimised by appropriate landscaping and the retention of existing trees and hedgerows.*
- *It is important that the site contributes to highway improvements at Sydney Road Bridge, Maw Green Junction and Crewe Green Roundabout, to ensure highway safety.*
- *Habitat for protected species, if required, will be provided.*
- *It is important that buffering planting, along the western boundary of the site, with the West Coast Mainline is provided in such a way that noise and disturbance are mitigated to an acceptable level.*

This is a significant material consideration in support of the proposed development.

Sustainability

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

The National Planning Policy Framework definition of sustainable development is:

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

Accessibility is a key factor of sustainability that can be measured.

As part of the Outline application for 240 dwellings (ref: 13/2055N), of which this application site formed part of, it was concluded that although the application site did not adhere to the majority of the recommended walking distances to public facilities within the NPPF, development on the edge of a town will always be further from facilities in town centre than existing dwellings but, if there are insufficient development sites in the Town Centre to meet the 5 year supply, it must be accepted that development in slightly less sustainable locations on the periphery must occur.

It was advised that similar distances exist between the town centre and the existing approved sites and proposed local plan allocations at Coppenhall, Leighton and Maw Green, and although two of these sites would probably be large enough have own facilities, not all the requirements of the checklist would be met on site.

Notwithstanding the above, 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 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 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

Landscape Impact

The application site is located on the northern boundary of Crewe and is currently a parcel of agricultural land that covers an area of approximately 0.4 hectares. Part of the application site boundary is formed by hedgerows. The Crewe to Manchester railway line is located a distance to the west; to the north and east is the wider rural landscape. To the south is an already consented residential site. Footpath 4 Crewe traverses the application site from north to south.

The application includes neither a Landscape Appraisal or Landscape and Visual Assessment. The submitted Planning Statement does identify that the application site is located outside the settlement boundary of Crewe, within the boundary of the Green Gap (Policy NE.4) of the Borough of Crewe and Nantwich replacement Local Plan 2011. The application site forms part of the wider agricultural landscape, in an area identified in the Cheshire Landscape Character

Assessment as Landscape Type 7: East Lowland Plain; within this character type the application site is located within the Wimboldsley Character Area: ELP5.

Whilst the application does not include an assessment of either the landscape or visual impacts that might result from such a development, the LVIA for the consented application site to the south, Sydney Road Crewe (13/2055N), identified that there would be *'significant adverse residual visual effects'*(5.8) for Thornyfields Farm, and also the PROW that traverses the application site; as such it was proposed that *'The impacts of the scheme upon the function and amenity of the northern boundary public footpath... can be addressed through the strengthening of boundary vegetation... and can be coupled with areas of woodland planting to create a development offset that aims to reduce the proximity of new dwellings to the adjacent residential receptors at Thornyfields Farm towards the north eastern corner of the site'* (4.14). As such, the submitted indicative masterplan for that consented proposal indicated that this application site would form a planting buffer.

This application proposes residential dwellings across the full extent of the area proposed as a planting buffer, and as such, the Council's Landscape Officer has advised that it would appear that the previously identified adverse impacts on both the PROW and Thornyfields Farm will remain adverse and will adversely affect the visual character of the landscape.

Trees

The Councils Tree Officer has reviewed the application and advised that there are no arboricultural implications associated with this application. The site edged red is devoid of any significant tree cover, with only a field boundary hedge located on the south eastern boundary of the site.

Ecology

A formal consultation response is awaited for this application and an update will be provided in relation to the ecology impacts of this development.

Flood Risk and Drainage

The Councils Flood Risk Manager has requested additional information and an update will be provided in relation to this issue.

With regards to foul drainage, United Utilities have advised that they have no objections, subject to the inclusion of a condition seeking the prior submission of a foul drainage scheme and a condition seeking the prior submission of a surface water drainage scheme.

Design

The indicative layout shows the provision of 12 new dwellings within the site. These are shown to all front onto a new internal road accessed from Sydney Road approved under application 13/2055N.

Two detached dwellings would lie at the southern end of the site and face in a northerly direction to reflect the alignment of adjacent dwellings to the south-west. These would front onto a cul-de-sac.

A further 4 detached dwellings and a pair of 2 semi-detached units would lie in the centre of the site and face in a south-westerly direction, fronting an internal access road. Two detached and a pair of semi-detached units would lie at the northern end of the site and face in a north-westerly direction, fronting a cul-de-sac internal road.

It is considered that the layout of these dwellings would largely reflect the layout of the associated approved indicative layout of the wider scheme, 13/2055N and as such is deemed to be acceptable in principle.

Matters of scale and appearance are also reserved for subsequent approval. However, the submitted indicative plans propose 8 detached and 4 semi-detached units. This form would appear to be representative of the indicative form of the dwellings approved as part of application 13/2055N.

These matters would however, be considered as part of the reserved matters application.

The indicative design of the development proposal is therefore considered to comply with Policy BE.2 the Local Plan.

Access

It is proposed that the site is accessed via the access arrangements approved under application 13/2055N.

The Council's Head of Strategic Infrastructure (HSI) has advised that given that this is effectively an additional 12 dwellings on top of the already consented 240 dwellings associated with 13/2055N with the same access to the wider highway network and the additional impact of the dwellings would be minimal; the Head of Strategic Infrastructure has no objection to this outline application (all matters reserved).

Environmental Conclusion

It is not considered that the proposed development would create any significant concerns in relation to; trees, highway safety, flooding or design.

An update will be provided in relation to the ecological and flood risk implications of this development.

However, as concerns are raised in relation to the impact the development would have upon the landscape, it is not considered that the development could be 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 Crewe 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.

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

Social Role

The proposed development would provide open market housing which in itself, would be a social benefit.

Affordable Housing

The Interim Planning Statement: Affordable Housing (IPS) and Policy SC5 in the emerging Local Plan states that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on sites of 15 units or more. As the proposals are for up to 12 dwellings therefore there is no requirement for affordable housing.

Education

An application of 12 dwellings is expected to generate 2 primary aged children and 2 secondary aged children.

An assessment has been undertaken by the Council's Land and Sites Coordinator who looked at the capacities at primary schools within a 2 mile radius and secondary schools within a 3 mile radius of the proposal and this has been considered against numbers on roll and 5 year pupil forecasts.

Forecasts are indicating a shortfall of 277 places by 2019 and therefore in order to mitigate the impact of the development on the local education infrastructure a contribution for every pupil generated will be required. This takes into account all housing approved in the area as at 31.07.2015.

Contribution required = $21 \times 11919 \times 0.91 = \text{£}21,693$

Forecasts are indicating that there will be sufficient space in the local secondary schools to accommodate the pupils generated by this proposal.

As such, subject to the above contribution being secured via S106 Agreement, it is considered that the proposal would not have a detrimental impact upon local education.

Public Right of Way (PROW)

The above development, if granted consent, would affect Public Footpath No. 4 in Crewe Town, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way.

The application documents depict the Public Right of Way running along the estate roads. This is not normally acceptable; however the Council's PROW Officer has advised that it appears that the options for alternative alignments that would benefit from natural surveillance are limited due to surrounding existing and proposed developments.

The proposed diversion as indicated on the Illustrative Site Layout plan would require the developer to apply for (a) Diversion/Extinguishment Order(s) under the Town and Country Planning Act 1990 concurrent with the planning application process.

The Council's PROW Officer has concluded by advising that they have no objections, subject to a number of conditions which include; the prior submission/approval of a PROW management scheme; that the line of the PROW be marked out on the development site prior to commencement; pre-commencement and post-completion of condition surveys. In addition, a number of informatives are sought.

As such, subject to the above, it is considered that the proposal would adhere with Policy RT.9 Footpaths and Bridleways of the Local Plan.

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.

In terms of the separation distances, the closest existing neighbouring property is located approximately 48 metres away from the application site.

As such, it is not considered that the amenities of any of the existing neighbouring dwellings would be detrimentally affected by the proposed development.

With regards to the relationships between the dwellings themselves, as the layout of the scheme is reserved for subsequent approval, exact consideration of these relationships cannot be made at this time. However, the layout submitted appears to largely adhere with the recommended separation standards within The Council's *'Development on Back lands and Gardens Supplementary Planning Document.'* Furthermore, sufficient amenity space also appears to be provided.

The Council's Environmental Protection Team have advised that they have no objections to the development subject to a number of conditions including; the prior submission of a Travel Plan, the prior submission of electric vehicle charging infrastructure, the prior submission of a dust mitigation scheme and the prior submission of a contaminated land report. In addition an hours of construction and contaminated land informative are sought

As such, subject to the above conditions, it is considered that the proposed development would adhere with Policy BE.1 of the Local Plan.

Social Conclusion

As a result of the provision of market housing, it is considered that the proposed development would be socially sustainable.

Planning Balance

The application site lies entirely within the Green Gap as determined by the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

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 Policies NE.2, NE.5 and RES.5. 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 both Green Gap and 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. This consideration is made on the sustainability of the development.

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 bring positive planning benefits such as; the provision of a market dwellings, an affordable housing contribution and a minor boost to the local economy. The fact that the site is identified for housing in the emerging Local Plan is also a significant material consideration in favour of the application.

Balanced against these benefits must be the dis-benefits, which in this case relate to the impact upon the landscape, via the loss of Green Gap.

In this instance, it is considered that the benefits of the scheme, would outweigh the dis-benefit given that the application site would be enclosed by built form if planning permission 13/2055N, phase 1 of a larger housing proposal, is constructed.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION

APPROVE subject to a Section 106 Legal Agreement to Secure:

- £21,693 towards primary education

And the following conditions

Submission of reserved matters

1. Standard Outline 1
2. Standard Outline 2
3. Standard Outline 3
4. Plans
5. Submission, approval and implementation of a scheme to limit the surface water runoff generated by the proposed development
6. Submission, approval and implementation of a scheme to to dispose of foul drainage
7. Piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs
Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
8. Submission, approval and implementation of piling method statement
9. Electric Car Charging Points shall be provided
10. Contaminated Land
11. Public Rights of Way

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or addition conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Planning Manager (Regulation), in consultation with the Chair of the Southern Planning Committee is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.



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Application No: 15/3394C

Location: OAK FARM, CHURCH LANE, SANDBACH, CHESHIRE, CW11 4ST

Proposal: Demolition of existing buildings and erection of up to 5 no. residential dwellings with associated infrastructure and ancillary facilities in Outline with Access defined- resubmission of 14/3810C

Applicant: Paul Foden

Expiry Date: 17-Sep-2015

SUMMARY

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

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 H6. 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. This consideration is made on the sustainability of the development.

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 bring positive planning benefits such as; the provision of a market dwellings, an affordable housing contribution, the provision of a public footpath and a minor boost to the local economy. It is also accepted that part of the site would represent 'previously developed land'.

Balanced against these benefits must be the dis-benefits, which in this case relate to the isolated location of the site with regards to its distance to public facilities and its physical isolation from Sandbach Heath. In addition, is the deliverability of the proposed footpath link due to its potential impact upon hedgerows.

Furthermore, the proposal would have an adverse impact upon the setting of the nearby listed building.

In this instance, it is considered that these environmental dis-benefits outweigh the social and economic benefits of the scheme.

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 the application is recommended for refusal.

RECOMMENDATION

REFUSE

REASON FOR REFERRAL

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

- *'There is considerable local support for the application as it is considered a brownfield site and the revised plan now gives a significant public benefit by the proposed footpath upgrade to include a cycleway allowing good access to the church.'*
- *New construction on the site, sympathetic to surroundings, would be far better than conversions of the old dilapidated structures.'*

PROPOSAL

This application seeks outline planning permission to demolish the existing buildings on site and erection up to 5 no. dwelling houses with ancillary facilities and associated infrastructure with access defined.

There is currently 1 large dwelling on site and a number of outbuildings. The proposal would provide a net increase in the number of dwellings on site of 4 units.

Approval of appearance, landscaping, layout and scale are not sought at this stage and are reserved for subsequent approval.

The application is a re-submission of 14/3810C which was refused on the following grounds;

- 1. The proposed residential development is unsustainable because it is located in an isolated location within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and Policy SD2 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework. These seek to ensure that residential development is directed to the right location where it will be expected to provide suitable access to a range of forms of public transport, open space and key services and amenities and to ensure that 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. The benefits of the scheme are substantially and demonstrably outweighed by the site's unsustainable, isolated location with regards to both its distance and accessibility to / from local public facilities and its physical isolation from the built environment, where specific policies of the Framework indicate development should be restricted. For these reasons, the proposal would not represent sustainable development in the context of the Framework's policies and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*

The applicant is proposing to address these concerns by offering the provision of a footpath link from the application site to Sandbach Heath along Church Lane.

SITE DESCRIPTION

The site relates to Oak Farm, a detached, two-storey dwelling and its associated outbuildings / curtilage located on the eastern side of Church Lane, Sandbach within Open Countryside.

The application site lies in an elevated position in comparison to Church Lane. On the opposite side of the Road is St John's Church. Other than this church, the site is enclosed by fields.

RELEVANT HISTORY

14/3810C - Demolition of existing buildings and erection of up to 5 no. residential dwellings with associated infrastructure and ancillary facilities in Outline with Access defined – Refused 17th February 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, 17 – Countryside, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside and 56-68 - Requiring good design.

Development Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS8, as Open Countryside.

The relevant Saved Policies are:

PS8 - Open Countryside; BH4 – Listed Buildings – Effect of Proposals, GR1 New Development; GR2 Design, GR4 Landscaping, GR6 Amenity and Health, GR9 Accessibility, Servicing and Parking Provision – New development, GR16 Footpath, Bridleway and Cycleway Networks, GR20 Public Utilities, GR21 Flood Prevention, GR22 Open Space Provision, NR1 Trees and Woodlands, NR2 Wildlife and Nature Conservation – Statutory Sites, H1 Provision of New Housing Development, H6 Residential Development in the Open Countryside and the Green Belt and H13 Affordable and low cost-housing.

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP1 - Presumption in favour of sustainable development, PG1 - Overall Development Strategy, PG5 - Open Countryside, PG6 - Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, IN1 – Infrastructure, IN2 - Developer contributions, SC4 - Residential Mix, SC5 - Affordable Homes, SE1 – Design, SE2 - Efficient use of land, SE3 - Biodiversity and geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 - Green Infrastructure, SE9 - Energy Efficient Development, SE12 - Pollution, Land contamination and land instability, SE13 - Flood risk and water management, CO1 - Sustainable Travel and Transport and CO4 - Travel plans and transport assessments

Sandbach Neighbourhood Development Plan (Draft for Consultation)

H1 – Housing Growth, H2 – Design and layout, H3 – Housing Mix and type, H4 – Preferred Locations, PC2 – Landscape Character

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)
North West Sustainability Checklist

CONSULTATIONS

Head of Strategic Infrastructure (HSI) - No objections, subject to a condition stating that the proposed access be completed prior to commencement of development and must be formed and graded to the specification of the Local Planning Authority. Furthermore, a condition stating that any hedgerow, foliage, fence/wall or other obstruction within the Church Lane boundary of the site and falling within or encroaching into the visibility should be cut back or removed to prevent obstruction or maintained at or not exceed 0.9 metre in height relative to the level of the site access is also sought.

An informative stating that the developer will be required to enter into section 278 agreement under the Highways Act 1980 with the Highway Authority for the proposed works, that are within the existing highway boundaries is also sought.

Environmental Protection - No objections subject to a number conditions relating to; pile foundations, noise mitigation, electric vehicle infrastructure and contaminated land.

Housing (Cheshire East Council) – No comments received at time of report

Comments on previous application;

No objections to the provision of an affordable housing contribution. Amount agreed is £83,395 (10th February 2015)

Public Rights of Way – No objections, subject to the applicant being reminded of their responsibilities. Provision of footpath would improve pedestrian safety

Flood Risk Manager – No comments received at time of report

Comments on previous application;

No objections subject to conditions relating to; the prior submission of a surface water drainage scheme and; that the surface water run-off should not exceed the run-off from the undeveloped land (23rd January 2015).

United Utilities – No objections, subject to a condition seeking the prior submission of a foul water drainage plans and a surface water drainage plan.

Sandbach Town Council – Object on the following grounds:

- development is unsustainable due to the isolated location of the site
- proposed pedestrian path is inadequate and unsafe due to speed of traffic
- poor access with limited visibility for entering/leaving site

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. To date, 3 letters of objection has been received, 1 of which is from a Local Neighbourhood Forum. The main areas of concern raised include;

- Principle of development – loss of Open Countryside, sustainability of the location, isolated nature of the site, site not in the SHLAA
- Design - Impact upon the setting of St John's church, impact of acoustic fencing on the streetscene
- Impact upon the landscape
- Attempt to 'buy' planning permission with the provision of a footpath
- Highway safety – Impact of creation of footpath on existing road, poor visibility, increase in traffic volume
- Impact upon nature conservation
- Alternative of barn conversions and new build – Would be financially viable

2 letters of support have been received, primarily because of the provision of the proposed footpath link. 1 of these letters is from the local church, the other from the National Cycling Charity

APPRAISAL

The key issues are:

- The principle of the development
- The sustainability of the proposal, including its Environmental, Economic and Social role
- CIL test
- Planning balance

Principle of Development

The site lies entirely within the Open Countryside as designated in the Congleton Borough Local Plan First Review 2005 where policies PS8 and H6 state that only residential development which is required for a person engaged full-time in agriculture or forestry, the replacement of an existing dwelling, the conversion of an existing rural building, the change of use or re-development of an existing employment site, infill development or affordable housing shall be permitted.

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

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

Housing Land Supply

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

This is a material consideration.

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 PS8, 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, consideration is given to the impact the development would have upon the landscape which is considered within the environmental section below.

Sustainability

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

The National Planning Policy Framework definition of sustainable development is:

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

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

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

- Public house (1000m) - 400m
- Child care facility (1000m) – 700m
- Bus stop (500m) – 350m
- Public right of way (500m) – 50m
- Primary School (1000m) – 900m
- Outdoor Sports Facility – (1000m) – 600m
- Local meeting place (1000m) – 200m

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

- Amenity open space (500m) – 600m
- Children's Play space (500m) – 600m
- Bank or Cash Machine (1000m) – 1100m

The following amenities/facilities fail the standard:

- Railway station (2000m) – 3800m
- Any transport node – 3800m
- Post Office (500m) – 1200m
- Convenience Store (500m) – 1100m
- Post Box (500m) – 1000m
- Pharmacy (1000m) – 2000m
- Medical Centre (1000m) – 2000m
- Supermarket (1000m) – 2900m
- Leisure Facilities (Leisure Centre or Library) (1000m) – 2575m
- Secondary School (1000m) – over 3000m

In summary, the site does not comply with the majority of the standards advised by the NWDA toolkit.

It was concluded as part of the previous application that because there were no footpaths leading from the site to any of the facilities listed other than the church on the opposite site of the road that this only resulted in the sites isolation from public facilities being increased. In attempt to address this concern, the applicant now proposes to provide a public footpath from the application site along Church Lane to the boundary of Sandbach Heath.

Although this proposal would increase connectivity, the closest facilities (other than St John's primary school) are considered to be too far away from the application site for the to be considered to be locationally sustainable. Indeed it is likely that the applicant would have to rely on the use of the car in this location irrespective of the provision of a footpath link.

Although there is a bus stop within walking distance, given the lack of footpaths to the north, it is unlikely that future residents will walk to this stop to access sustainable transport. As such, it is considered that even with the provision of the proposed footpath link, the site remains locationally unsustainable with regards to its distance from public facilities.

In addition and potentially more importantly, to the isolated nature of the site with regards to its accessibility to public facilities, the application site is also physically removed from the Sandbach settlement. This impact is further demonstrated by the fact that there is no other built form close to the site other than the church across the road. There are fields on 3 sides of the application site which makes the site feel rural and isolated.

Paragraph 55 of the NPPF states that '*...Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances...*'

These exceptional circumstances include; the provision of an agricultural workers dwelling; the use of a heritage asset, the re-use of a redundant or disused buildings or of the design is of an innovative nature.

It is not considered that the proposed development would fall into any of these acceptable categories and as such, it is considered that the proposal would be contrary to the NPPF in this regard.

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 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 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

Landscape Impact

The site is located within Open Countryside and comprises a residential dwelling with associated barns in landscaped grounds. There are a significant number of trees present.

The main area of the site is positioned at a higher level than Church Lane with an intervening steep embankment to the west which continues for part of the northern boundary. The Council's Landscape Officer has advised that whilst the site appears to have the capacity to accommodate some development, she has concerns regarding the potential visual impact of a dwelling and garden in the proposed position of plot 5. In addition to the prominent siting of the dwelling, the noise report indicates a 1.8m high perimeter garden fence would be required for noise attenuation.

The Council's Landscape Officer has advised that whilst the additional planting would help to soften the impact of the development when viewed from Church Lane, it would not screen the development completely. As such, it is advised that in the event of approval, fully detailed landscape and boundary treatment proposals would be required.

Given that Landscape details have been reserved for subsequent approval, it is not considered that a condition is necessary in this instance. However, it is concluded that screen planting could overcome the localised landscape concerns with this development.

Trees and Hedgerows

The site has significant tree cover, comprising a mixture of evergreen and deciduous trees.

The previous application on this site was supported by an Arboricultural Impact Assessment (AIA) dated May 2014. However, no tree information was submitted with the current application.

In response, the Council's Tree Officer advised that an updated report would be required to support the application. Furthermore, it was noted that insufficient information was provided in order to demonstrate the impact the proposed footpath would have upon existing hedgerows, adjoining Church Lane. It was also advised that should a hedge loss be involved, an assessment under the Hedgerow Regulations would be appropriate.

In response to the above, the previous AIA was re-submitted by an Arboricultural consultant and SCP, a transport consultancy submitted a 'Footpath Area Review' which includes photographs of the sections of the verges on Church Lane where the footpath is sought.

Trees

In response to the submitted AIA, the access to the site appears to be in the same position as the previous submission and in this regard, the Council's Tree Officer has advised that there are no significant impacts upon the Root Protection Area of retained trees.

With regard to the wider indicative layout, the full implications of the development in relation to trees would only be ascertained at reserved matters stage.

The Council's Tree Officer has advised that in the event of approval, conditions would be appropriate to require at Reserved Matters stage which would include full details of tree protection and an arboricultural method statement to include arboricultural supervision, schedule of tree works and details of any special protection/ construction measures required.

Hedgerows

The Council's Tree Officer has reviewed the further submitted information and advised that he still has concerns regarding the hedgerow/footpath issue. It is advised that the width between the hedgerow and the edge of the existing carriageway narrows along the section edged Blue on the SCP Plan.

The Council's Tree Officer has advised that the submitted SK04 plan does not indicate what distance the offset from the hedge line will be other than the grass verge and part of the roadway will be used to extend the footpath. The grass verge along this stretch of road appears to narrow down to less than 1 metre and potentially to 0.5 metres and the Council's Tree Officer has advised that it is difficult to see how a footpath could be incorporated without the hedge requiring significant cutting back.

It is further advised by the Council's Tree Officer, that the hedge would also have to be maintained so as to allow adequate clearance for pedestrian access along it and this would result in a substantial reduction in its width.

The Arboriculturist Report does not make reference to the impact of the proposed footpath on the hedgerow.

BS5837:2012 provides the guidance for minimising the impact of construction on the rooting environment of trees. The Council's Tree Officer has advised that whilst hedges are not specifically mentioned in the Standard, the rooting environment of a small tree is not dissimilar to that of a hedgerow and he would anticipate that the grass verge will incorporate a significant proportion of rooting volume which will be affected by the construction of the footpath.

The hedgerow has also not been assessed as to whether it is deemed Important under the Hedgerow Regulations 1997. The Tree Officer has advised that is also a necessary requirement given the potential impact the footpath is likely to have upon the rooting environment of the hedgerow.

As such, insufficient information has been submitted in order to consider the impact of the proposed footpath upon potentially protected hedgerows. Although Landscape matters are reserved for subsequent approval, the deliverability of the proposed footpath link, a key component of the applicant's submission, cannot be considered.

Ecology

The nature conservation officer has commented on the application and has considered the submitted Ecological Report.

Bats

There are four buildings present on site and also two trees have been identified as having potential to support roosting bats.

As a result of the surveys completed to date roosting bats were recorded within two of the buildings on site. These are; Building 3 (the barn) which appears likely to support a brown long eared bat feeding perch and possible a minor roost of this species together with potentially a minor roost of a second additional species. Building 4 (outbuilding) which based on the results of the internal inspection is thought likely to support a Pipistrelle maternity roost and is also likely to support a minor roost of a second bat species. These roosts will be lost as a result of the proposed development.

The Council's Nature Conservation Officer has advised that in the absence of mitigation, the proposed development would have a Moderate adverse impact upon bats.

Of the two trees on site identified as having potential to support roosting bats both were originally proposed for removal. Tree (T13) was covered by the bat activity survey and no roosting bats were recorded as being associated with it. The second tree (T15) now appears to be recommended for retention.

EC Habitats Directive
Conservation of Habitats and Species Regulations 2010
ODPM Circular 06/2005

The UK implemented the EC Directive in The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection:

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

The Habitat Regulations 2010 require Local Authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- the proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- there is no satisfactory alternative
- there is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the Directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Overriding Public Interest

The proposed development would allow for the continued presence of bats on site via the provision of bat mitigation measures.

Alternatives

No development on site.

Given that the development proposes bat mitigation measures, it is considered that the provision of additional habitat would be of ecological benefit which would not be achieved

should no development take place. Furthermore, the existing buildings could fall into disrepair and eventually collapse resulting in a loss of habitat.

The Council's Nature Conservation Officer has concluded by advising that in the event that outline planning consent is granted, the proposed bat mitigation is adequate to ensure that the favourable conservation status of the species of bat concerned would be likely to be maintained.

It is also recommended that a condition be attached to ensure that any future reserved matters application is supported by an updated bat survey and mitigation method statement.

Hedgehogs

This priority species has been recorded in the broad locality of the proposed development. The submitted ecological assessment includes suitable measures to safeguard hedgehogs during the construction process. If planning consent is granted the Council's Nature Conservation Officer recommends that the following condition be attached:

'Any garden or boundary fences erected as part of the development are to incorporate gaps to allow passage of hedgehogs. The gaps to be located at the base of the fence and be measure 10cm by 15cm. These gaps to be provided at least every 5m along each fence.

Reason to safeguard protected species in accordance with the NPPF.'

Flood Risk and Drainage

The application site is located in an area of EA Flood Zone 1.

A Geo-environmental Report was submitted with the previous application which considered flood risk and drainage. This has not been included as part of this application.

This report advised that the nearest recorded watercourse system is Arclid Brook flowing west to east to the north of the site.

This report concludes that ground conditions may well be suitable for soakaways.

The Council's Flood Officer was consulted and advised that whilst he had no objections in principle, no details of the proposed surface water drainage have been provided. However, subject to a surface water drainage condition, they would raise no objections.

United Utilities have advised that they have no objections subject to the addition of a foul water and a surface water drainage scheme and a number of inforamtives which refer to the provision of a separate metered supply for each unit and that all internal pipe work must comply with the current water supply regulations.

Given that this scheme alters little from the previous application on site (ref: 14/3810C), it is considered that the same conclusions can be drawn.

As such, subject to the implementation of these proposals via conditions and informatives, it is considered that the proposed development would adhere with Policies GR20 and GR21 of the Local Plan.

Design

The indicative layout shows the provision of 5 new dwellings within the site.

2 of the most southern dwellings are proposed largely within or partially forward of the footprint of the existing dwelling on site and would front in a southerly direction.

A third dwelling would be sited behind these dwellings, to the north and would front in a westerly direction. A fourth dwelling would be sited north of this again and would face in a south-westerly direction and a fifth dwelling would be located to the north-west of the site fronting in a southern direction.

The plan shows that these dwellings would be accessed via the existing driveway to the site which is at the southern end of the plot and a driveway would extend to the dwelling at the most northern point.

It is considered that the layout of these dwellings would largely reflect the layout of the existing built form on site other than the proposed 5th dwelling in the north-western corner of the site. This dwelling would extend closer to Church Lane than the existing on-site built form.

Notwithstanding the above, the submitted indicative layout demonstrates that the plot is large enough to accommodate up to 5 dwellings.

Matters of scale and appearance are also reserved for subsequent approval. However, the submitted indicative plans propose 5 detached dwellings, with a mixture of dual-pitched and hipped roofs, a mixture of detached and integral garages and single-storey rear outriggers. No particular objections are raised to these initial scales and appearance.

The indicative design of the development proposal is therefore considered to comply with Policy GR2 the Local Plan.

Setting of Listed Building

Policy BH4 of the Local Plan advises that Planning Permission for proposals affecting the setting of a listed building will only be granted where (amongst other points); the proposal would not adversely affect the setting of the listed building.

On the opposite side of Church Lane to this dwelling is St John's Church, a grade II listed building.

The Council's Heritage Officer has reviewed the proposal and considered the impact of this development upon the setting of this building.

The Heritage Officer has advised;

'At present the site is characterised by its farmstead character situated adjacent to the Church, which in essence is within open countryside; the farm and the church being the only two buildings. The barns to the farm are roughly positioned in parallel with the church on an east-west axis and are located toward the centre of the site.

The key heritage issue from my perspective is the impact of proposed development upon the setting of the listed church. Setting is often much more than the immediate curtilage of the heritage asset and is defined in national policy and best practice as:

"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral." (Annex 2: Glossary, National Planning Policy Framework, Department of Communities and Local Government, 2012)

and

"The surroundings in which a place is experienced, its local context, embracing present and past relationships to the adjacent landscape." (Conservation Principles, English Heritage, 2008, p72)

In this context, the setting of the church is extensive and is relatively unaltered from the time of its construction in 1861 (aside from the degree of maturity of the local landscape). This is evidenced in the historic maps of the area, with the farm buildings evident on all OS maps and pre-dating the Church on the Tithe Map of 1836. The church's surroundings maintain their sense of openness and rurality, a key landmark within this rural landscape.

The second heritage issue is the loss of the farm buildings themselves. These pre-date the Church and are evident on the Tithe map. They would therefore be considered to be non-designated heritage assets, albeit the farmhouse has been substantially altered and extended. The proposals will result in their loss.

*The proposal is an outline application for 5 dwellings encompassing the entire farmstead site and entailing the demolition of the farm. Parameters information is included with the application in the form of a plan, identifying the developable area and the design and access statement (DAS), follows the CABE template for defining key development characteristics including the scale being 2 storey and it being low density "It is also accepted that within this **urban fringe setting** a lower density solution is more appropriate." (DAS p3). The proposals also require acoustic fencing to protect gardens from noise nuisance, which will be close boarded fencing, adding to the potentially suburban characteristics of new development.*

The reason I have highlighted the reference to urban fringe is that this site is clearly part of the open countryside, not the urban fringe, and this is important in considering the impact of the development on the rural and generally open setting of the church.

The general intensification of development in an area characterised by its rurality and openness will irreversibly alter the setting of the heritage asset, which will not be experienced in the same way should development proceed. In particular, the plot in the northern part of the

site has a more direct relationship to the Church, notwithstanding the landscape along the roadside. This change in relationship will be evident in views from Congleton Road, and potentially within Church Lane itself, particularly during the winter months. Views from the churchyard across the site would also alter. Based upon the details submitted, albeit this is outline, there is the likelihood of a sense of suburbanisation and erosion of the Church's rural setting. This would result in harm to the heritage asset.

The NPPF requires any harm to a designated heritage asset (including its setting) to be justified and weighed against the public benefit. However a number of appeal and judicial decisions, most notably the Barnwell Manor case reinforce the statutory requirements of section 66 of the Listed Buildings and Conservation Areas Act 1990. The Barnwell Manor Court of Appeal decision stated that 'decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings' when carrying out the balancing exercise'.

Therefore in determining this application considerable importance and weight should be given to the desirability of preserving the setting of St John's Church, which it is considered would be adversely affected by the development proposed on the opposite side of Church Lane.

In regard to the local value of the buildings proposed to be demolished, the development would lead to their total loss and therefore result in harm to non-designated heritage assets. This harm needs to be weighed against the public benefits of the scheme, as set out in para 134 of the NPPF.'

As a result of this assessment, it is considered that the proposed development would fail to adhere with Policy BH4 of the Local Plan.

Previously Development Land

The applicant considers that the application site represents previously developed land or Brownfield land

Paragraph 111 of the NPPF states that "*Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.*"

Annex 2 of the NPPF defines "Previously developed land" as:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.

This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.'

It is accepted that part of the site can be classed as previously developed land. This would include the land on which the dwellinghouse sits and the land on which the detached garage, to the rear sits.

However, it is unlikely that the land on which the large 2 barns to the rear of the site lie would fall into this category. This is because they would likely be classified as '*land that has been occupied by agricultural or forestry buildings*'. This is further supported by the fact that the application site is Oak 'Farm'.

A Certificate of Lawful Existing Use to demonstrate that the land on which these buildings lie has been used for residential purposes, continuously for 10 years or more would be required to clarify this point.

As such, it is not accepted that the entire site can be classified as 'previously developed land' in line with the NPPF definition.

Access

It is proposed that the site is accessed via the existing access to the site from Church Lane. The proposed scheme shall provide a shared drive access.

The Council's Head of Strategic Infrastructure (HIS) has advised that the proposals for access are satisfactory and off-street parking provision is in accordance with Cheshire East Council minimum parking standards for residential dwellings with four or more bedrooms.

Furthermore, it is advised that the commuter peak hour and daily traffic generation associated with the development of five dwellings will not have a material impact on the operation of the adjacent or wider highway network.

Accordingly, the Head of Strategic Infrastructure has no objection in relation to the above planning application, subject to a number of conditions including; that the proposed access be completed prior to commencement of development and must be formed and graded to the specification of the Local Planning Authority. Furthermore, a condition stating that any hedgerow, foliage, fence/wall or other obstruction within the Church Lane boundary of the site and falling within or encroaching into the visibility should be cut back or removed to prevent obstruction or maintained at or not exceed 0.9 metre in height relative to the level of the site access is also sought.

An informative stating that the developer will be required to enter into section 278 agreement under the Highways Act 1980 with the Highway Authority for the proposed works (including the footpath link), that are within the existing highway boundaries is also sought.

As such, it is considered that the access to the site is acceptable and would adhere with Policy GR9 of the Local Plan.

Conclusion

It is not considered that the proposed development would create any significant environmental impacts with regards to; the landscape, protected species, highway safety,

design, flooding and drainage. It is also accepted that part, and possibly the majority of the site can be classified as 'previously developed land'.

However, given the isolated nature of the application site due to the considerable gap between the application site and the existing, established Sandbach Settlement Zone Line to the west, and the limited presence of surrounding built form, it is considered that the proposed development would represent '*isolated homes in the countryside*', which would be contrary to Paragraph 55 of the NPPF. As such, it is not considered that the Settlement Boundary should be flexed in this instance to accommodate the development and the proposed development would remain contrary to Open Countryside policy.

In addition, it is considered that the proposed development would have a detrimental effect upon the setting of the adjacent Grade II Listed Building.

As a result of the above reasons, it is not considered that the proposed development would 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 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. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

It is advised within the information submitted in this application that the development should secure payment of up to £71,961 for the 'New Homes Bonus' over a 6-year term to contribute towards infrastructure and community facilities. This money could assist the Council in delivering a wide range of infrastructure improvements. However, this is not considered to be an economic benefit of the scheme in line with Central Government advice with Planning Policy Guidance because it is not known where this money is to be spent

The additional council tax provision, according to the submitted application information would generate an additional £11,988.65 per annum. Again, this is not considered to be an economic benefit of the scheme in line with Central Government advice within Planning Policy Guidance because it is not known where this money is to be spent and it can not therefore be considered to be a economic benefit.

As such, the Applicant has over-stated the economic benefits and it is considered that the proposed development would be economically sustainable in a limited way associated with a small number of new residents being economically active in the local area.

Social Role

The proposed development would provide open market housing which in itself, would be a social benefit.

Affordable Housing

The Council's Interim Planning Statement for Affordable Housing states that we will seek provision of 30% on-site affordable housing on sites over 0.4 hectares within settlements of 3000 or more. Furthermore we will seek a tenure split of 65% affordable or social rent and 35% intermediate tenure.

For the provision of 5 dwellings on site, there would be an affordable housing requirement of 1.5 units.

Whilst the provision of this on site would be preferable, the Housing Officer has advised that the applicant's offer of an affordable housing contribution of £83,395 would be acceptable. The applicant has agreed to this contribution which would be secured via a S106 Agreement should the application be approved.

This would be a social benefit to the scheme.

Footpath link

The applicant proposes a footpath link along Church Lane from the site to the edge of Sandbach Heath. It is proposed that this provision be provided directly by the applicant. This can be secured via condition.

The Council's Strategic Highways Manager has reviewed this proposal and advised that he has no objections to this aspect of the proposal, subject to the developer enter into section 278 agreement under the Highways Act 1980 with the Highway Authority for the proposed works, that are within the existing highway boundaries.

If provided, this would offer another social benefit to the scheme.

Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

Having regard to this proposal, the residential amenity space minimum standard stated within SPG2 is 65 square metres. The space provided for all of the proposed new dwellings would adhere to this standard.

In terms of the separation distances, there are no neighbouring dwellings within 300 metres of the application site. As such, no amenity issues would be created outside of the application site by the proposed development.

Within the site itself, the indicative layout plan shows that the proposed dwellings would largely adhere with the minimum separation standards, detailed within SPD2 which demonstrates that

the site is large enough to accommodate 5 dwellings without creating any amenity issue with regards to loss of privacy, light or visual intrusion (subject to the positioning of windows).

The Council's Environmental Health team have advised that they have no objections to the proposed development subject to the provision of a number of conditions. These suggested conditions include; including: Hours of piling, the prior submission of a piling method statement, the implementation of noise mitigation measures, the provision of electric vehicle infrastructure, a contaminated land condition and an hours of construction and a contaminated land informative.

As such, subject to the above conditions, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan.

Public Rights of Way

A Public Footpath lies just outside of the site boundary but follows to eastern boundary.

The Countryside Access officer has reviewed the proposal and advised that they have no objections, subject to the inclusion of an informative reminding the applicant of their responsibilities. They have also confirmed that the provision of a public footpath would improve pedestrian safety.

As such, subject to the recommended informative, it is not considered that the proposal would create any issues with regards to public footpaths.

Conclusion

As a result of the provision of market housing and an affordable housing financial provision and the provision of a footpath provision, it is considered that the proposed development would be socially sustainable.

Other Material Considerations

Draft Sandbach Neighbourhood Plan

The Neighbourhood Plan is 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 Sandbach area.

Policy H1 within the Neighbourhood Plan states that future housing will be delivered predominantly on small scale sites of up to 30 houses and designed to meet identified need and achieved at a sustainable "organic" growth rate.

Policy H5 refers to the preferred locations of development. Within the policy it is advised that the redevelopment of brownfield sites will be supported in favour of greenfield locations.

It is accepted that the application proposal would represent a smaller development site generally adhering with Policy H1. However, as advised, it is not accepted that all of the application site (with particular reference to the land on which the 2 on-site barns are located) represents brownfield development as insufficient information has been provided to

demonstrate this. As such, it is considered that the proposal be contrary to Policy H5 of the Neighbourhood Plan as it would be providing housing not in a preferred location.

Viability

The applicant has submitted a viability study with the application. This concludes that; *'The cost of upgrading and rehabilitation of the existing dwelling house, together with the cost of re-constructing the barns to a modern and sustainable standard would exceed the cost of five new building houses at the development.'*

It is advised that the conversion of the existing site would cost between £142,128 and £309,213 more than the erection of 5 new units.

In response, although it may well be more expensive to consider upgrading the exiting site, no indication of the likely profits of the development have been provided in order to demonstrate that the upgrade of the existing site would not be a viable alternative.

As such, no firm conclusions can be drawn from this study other than one option for the site's re-development would be more expensive than the other.

Other application sites / appeals

The applicant has drawn reference to various other appeal sites which he believes are comparable. Below is a brief description as to why these other sites are not considered to be comparable;

- Land of Sandbach Road, Church Lawton (14/2351C) – No decision has been finalised on this application as it is awaiting a S106 Agreement. However, this is an application for a rural exceptions site for 100% affordable housing. Such a proposal is permitted in principle by Local Plan policy. Furthermore, rural exception sites are often isolated by their nature. This application site is also enclosed by development on 3 sides compared to the application site which other than a church on the opposite side of the road, is enclosed by fields.
As such, it is not considered that this application or site is comparable to the application proposal.
- Land at New House Farm, Haslington, Crewe (15/2391N) – No decision has been recommended for this application to date as such we do not know what the Officer recommendation of the committee decision will be at this moment in time. Therefore, no comparison can be made.
- Higher House Farm, Knutsford, Cranage (12/4771C) – Approved. This application relates to a previously developed site or brownfield land relating to a former business. Such a proposal, in principle would accord to planning policy. It is not accepted that all of the application site where development is proposed as part of this application can be classified as previously developed land. As such, it is not considered that this application is comparable.

A number of other examples have also been put forward by the applicant in order to justify the application proposal. However, as can be taken from the examples above, each scheme is considered on its own merits as different circumstances apply.

It should also be noted that the Council are aware of appeal decisions which support the application proposal, such as APP/R0660/A/14/2218286 which was dismissed at appeal.

CIL Regulations

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations 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 proposal would make a contribution towards affordable housing of £83,395.

The commuted sum to be paid to the Council to spend on affordable housing in the area where there is an identified need.

On this basis the requirements of the s106 agreement are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

Planning Balance

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

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 H6. 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. This consideration is made on the sustainability of the development.

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 bring positive planning benefits such as; the provision of a market dwellings, an affordable housing contribution, the provision of a public footpath and a minor additional economic activity. It is also accepted that part of the site would represent 'previously developed land'.

Balanced against these benefits must be the dis-benefits, which in this case relate to the isolated location of the site with regards to its distance to public facilities and its physical isolation from Sandbach Heath. In addition, is the deliverability of the proposed footpath link due to its potential detrimental impact upon hedgerows.

Furthermore, the proposal would have an adverse impact upon the setting of the nearby listed building.

In this instance, it is considered that these environmental dis-benefits outweigh the social and economic benefits of the scheme.

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 the application is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

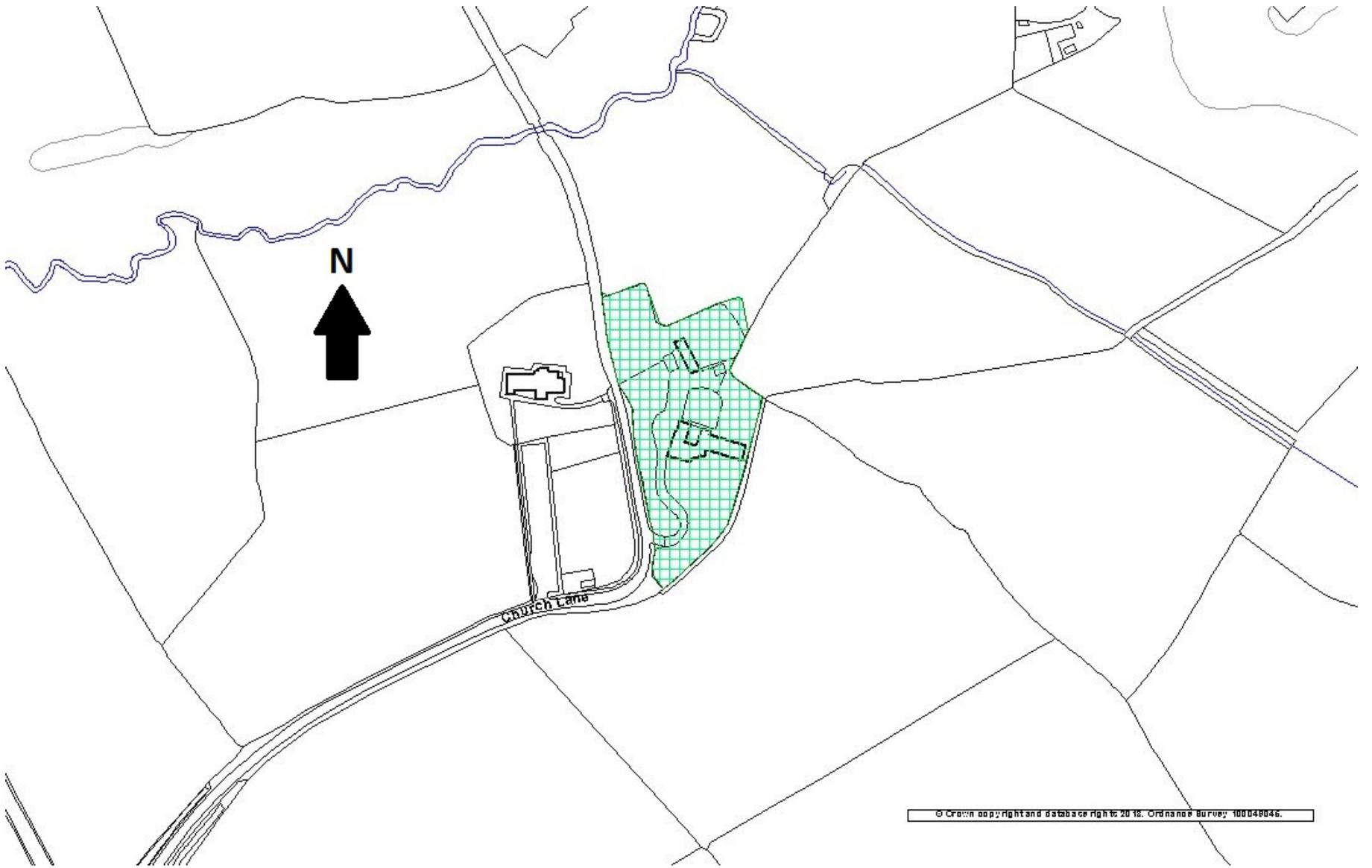
- 1. The proposed development would represent inappropriate development in the Open Countryside and would be contrary to Policies H6 (Residential Development in the Open Countryside and the Green Belt) and PS8 (Open Countryside) of the Congleton Borough Local Plan First Review 2005. The proposal would also be contrary to Policy PG5 (Open Countryside) of the emerging Cheshire East Local Plan Strategy – Submission Version (CELP) and the NPPF.**
- 2. Insufficient information has been received in order to consider the impact of the proposed footpath link from the site to Sandbach Heath upon existing hedgerows. The proposal would therefore be contrary to Supplementary Planning Document 14 – Trees and Development of the Congleton Borough Local Plan First Review 2005.**
- 3. The proposed development would have an adverse impact upon the setting of St John's Church, a Grade II listed building. The proposal would therefore be contrary to Policy BH4 (Listed Buildings – Effect of Proposal) of the Congleton Borough Local Plan First Review 2005.**

- 4. The proposed development would be located in an isolated location away from public services and other built form resulting in the development being both environmentally and socially unsustainable. It is considered that this dis-benefit in conjunction with the impact of the proposal upon the setting of a grade II listed building and the insufficient information received in relation to hedgerows outweighs the social and economic benefits of the scheme. As such, the proposal is not considered to represent sustainable development and would therefore be contrary to 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 her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

- 1. A commuted payment of £83,395 towards off-site affordable housing**



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Application No: 15/3563N

Location: Land Off, LONGHILL LANE, HANKELOW

Proposal: Erection of 5 dwellings and creation of new vehicular access off Longhill Lane

Applicant: D E Thelwell

Expiry Date: 28-Sep-2015

SUMMARY:

The proposal is considered to be acceptable in principle; given the site is located approximately 81 metres east of the Hankelow Settlement Boundary and directly adjacent to an established linear form of development on the opposite side of Longhill Lane, as well as its proximity to services and facilities accessible via public transport. It is considered therefore that on balance, the proposal would outweigh the limited conflict with local plan policy in terms of its location within the open countryside and the sites current classification as Grade 3b agricultural land and as such would represent a sustainable form of development.

The development would assist the Council's 5 year housing land supply position and would promote modest economic growth whilst fulfilling the social dimension of sustainability.

It is considered that these considerations would outweigh the proposals conflict with the adopted local plan in terms of the site location which lies outside the settlement boundary. Furthermore, it is considered that any harm arising from these issues would not be substantial or demonstrable, and therefore the presumption in favour of development, under paragraph 14 of the NPPF applies.

The proposal is made in outline with approval for access. Highway Authority raises no objections subject to conditions to secure the required visibility splays and the provision of a footway along the site frontage and proposed pedestrian link towards the village. Matters relating to design and layout are reserved for future consideration, however it is considered that the application site is capable of comfortably accommodating 5 no. dwellings and private amenity space whilst respecting the character and appearance of the locality.

The impact of the proposal on the existing trees is considered to be acceptable at this stage subject to further information submitted at reserved

matters. The application is considered to have an acceptable impact on the sites ecology subject to conditions.

RECOMMENDATION:

APPROVE subject to conditions and the completion of a S106 Agreement

REFERRAL

The application has been referred to Southern Planning Committee as Cllr Rachel Bailey has requested to call in the application.

PROPOSAL

The proposal seeks outline planning permission for 5 no. dwellings with approval for access.

SITE DESCRIPTION

The application site is a portion of greenfield land along Longhill Lane, lying approximately 130m south east of the junction to the A529 (Audlem Road).

Detached properties lie on the opposite side of the road to the south east whilst an agricultural field lies to the north. Brookfield Golf Course lies to the east whilst properties and Hankelow village green lie to the west.

A line of trees borders the eastern boundary of the site.

RELEVANT HISTORY

14/4164N - Outline planning application for erection of five dwellings, installation of package treatment plant and creation of access road. Withdrawn 07th November 2014.

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
NE.5 – Nature Conservation
NE.12 – Agricultural Land Quality
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 MP1 – Presumption in Favour of Sustainable Development
Policy PG 5 - Open Countryside
Policy SD 1 - Sustainable Development in Cheshire East
Policy SD 2 - Sustainable Development Principles
Policy EG 2 - Rural Economy
Policy SE 1 – Design
Policy SE 2 – Efficient Use of Land
Policy SE 4 - The Landscape
Policy SE 5 - Trees, Hedgerows and Woodland

Supplementary Planning Documents:

Development on Backland and Gardens

CONSULTATIONS:

Highway Authority: No objection subject to a condition regarding visibility splays and the provision of a public footway which would require the applicant to enter into a S.278 Agreement with the Highway Authority.

Environmental Health: No objection subject to pre-commencement conditions requiring a method statement for any piling work, the inclusion of electric vehicle charge points and confirmation of contaminated land. Compliance condition relating to hours of work is also suggested.

United Utilities: No objection subject to the submission of a foul and surface water disposal scheme.

Strategic Housing: No objection subject to the provision of 1 no. on-site affordable housing and 0.5 of a unit to be paid as a commuted sum.

Hankelow Parish Council: Object to the proposal. Concerns raised include impact of the proposal on the development of the Neighbourhood Plan, loss of agricultural land, highway and drainage implications, no demonstrable requirement for the proposal.

REPRESENTATIONS:

16 representations received objecting to the proposal which raise the following concerns:

- highway safety
- adverse impacts on existing and proposed drainage
- loss of agricultural land
- conflict with the draft neighbourhood plan for Hankelow
- conflict with local plan policies, impact on existing level of service offered by Audlem medical practice,
- adverse impact on ecology and trees
- adverse impact on existing levels of residential amenity
- light pollution
- recent planning permissions granted in the area for new development
- the site is unsustainable and would not adhere to the provisions set out in the NPPF
- poor relationship with existing buildings
- adverse impact on existing character of the village
- increased pressure on local amenities
- there is no defined need for the development
- lack of information in regards to the economic benefit the proposal would bring, adverse impact on the local environment.

APPRAISAL:

The key issues are:

Principle of Development

Character, Appearance and Landscaping

Residential Amenity

Access and Parking

Trees

Ecology

Drainage

Principle of Development

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

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that

planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

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

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework (“the NPPF”) requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements.

This 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 (“the NPPG”) indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The last Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector published his interim views based on the first three weeks of Examination in November 2014. He concluded that the Council’s calculation of objectively assessed housing need is too low. He also concluded that following six years of not meeting housing targets, a 20% buffer should also be applied.

Given the Inspector’s Interim view that the assessment of 1180 homes per year is too low, officers no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Examination of the Plan was suspended on 15th December 2014.

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 in the form of the “*Cheshire East Housing Development Study 2015 – Report of Findings June 2015*” produced by Opinion Research Services, has now taken place.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account ‘persistent under delivery’ of housing plus an allowance for the backlog.

The definitive methodology for buffers and backlog will be resolved via the Development Plan process. However the indications from the work to date suggests that this would amount to an identified deliverable supply target of around 11,300 dwellings.

This total would exceed the total deliverable supply that the Council is currently able to identify. As matters stand therefore, the Council remains unable to demonstrate a 5 year supply of housing land. On the basis of the above, the provision of housing land is considered to be a substantial benefit of the proposal.

Open Countryside Policy

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

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

Consequently, the main issues in the consideration of this application are the sustainability of the site and whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of housing land supply.

Loss of Agricultural Land

Paragraph 112 of the NPPF states that *“where significant development of agricultural land is necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”*

Policy NE.12 states that development on the best and most versatile agricultural land will not be permitted unless amongst other criteria, the development is supported in the local plan, it can be demonstrated that the development cannot be accommodated on land of lower agricultural value or non agricultural land or the sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

The Agent has submitted an Agricultural Land Statement in support of the application as well as an Agricultural Justification Report produced by Rostons Ltd in 2009.

The site would form part of existing Grade 3b agricultural land which is described in the agricultural land classification system as being *“moderate quality agricultural land capable of*

producing moderate yields of a narrow range of crops, principally cereals and grass or lower yield of a wider range of crops or high yields which can be grazed or harvested over most of the year.”

The application states that the soils are fairly heavily textured and slowly permeable and that the land is of moderate quality.

The Site Location Plan attached to Appendix 2 of the submitted Justification Report indicates that the application site forms part of the field which suffers from poor drainage and soil type, resulting in difficulty when farming this area of land. This results in low yield in terms of arable crop farming and subsequent low margin profitability.

As a result the development would not result in the loss of BMV agricultural land.

Sustainability

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 55 of the National Planning Policy Framework states that housing should be located where it will enhance or maintain the vitality of rural communities, for example development in one village may support services in a village nearby.

The application site is located approximately 81m east of Hankelow Settlement Boundary.

A recent appeal decision made on 5th February 2014 for the provision of 10 no. dwellings on a site approximately 500m north of the application site was allowed (LPA Ref: 12/2309N/PINS Ref: PP/R0660/A/13/2190651), with the Inspector concluding in paragraph 14 that in locational terms, the site appeared to be *“reasonably accessible for a rural settlement.”*

This application site is located in closer proximity to the village and its facilities than the site allowed at the above appeal. The site lies within 120m south east of the nearest bus stops, public house and village green and 160m south east of a post box. Hankelow Methodist Church is located approximately 160m north west of the site. Audlem Road forms part of the National Cycle Network.

There is currently no footway along Longhill Lane to Audlem Road. The applicant has agreed to provide a new footway along the site frontage as part of a S.278 Agreement with the Local Planning Authority. This would provide a pedestrian link from the application site to Audlem Road and the existing bus stops.

Audlem village centre, which has a greater range of facilities including a primary school and surgery is located approximately 2km south of the site.

The Inspector accepted in the previous decision that *“whilst the use of the car is likely to predominate, there are viable alternative modes of transport”*, and concluded that *“In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement.”*

In this respect, provided the footway link is provided, the site is considered to be locationally sustainable.

Affordable Housing

In line with Policy RES.8 of the Borough of Crewe and Nantwich Local Plan 2011, the proposal is required to provide a provision of 30% affordable housing, leading to a requirement of 1.5 dwellings.

The SHMA 2013 shows a need for smaller dwellings in the Audlem area which includes Hankelow. In addition, Cheshire Homechoice shows a number of people on the waiting list for accommodation in Audlem. A local housing needs survey was carried out in 2013 which showed a need for affordable housing from 14 households. The majority of these are single person households on low incomes.

Strategic Housing recommends the provision of one unit to be provided as affordable with the remaining 0.5 to be paid as a commuted sum.

The applicant has agreed to provide the contribution required, however the commuted sum requested by Strategic Housing has not yet been confirmed. This will be provided as a committee update.

Character, Appearance and Landscaping

The application is made in outline, therefore design and layout considerations have been reserved for future consideration.

The plot size is considered to be capable of accommodating 5 no. new dwellings and adequate amenity space without appearing cramped or incongruous in this location, particularly in the context of the existing properties which front the opposite side of the road.

Existing properties along Longhill Lane are detached and set slightly back from the main road with front gardens, private driveways and defined boundary treatments, particularly along the road frontage.

The submitted indicative Block Plan shows the properties would be set further back from the road frontage than the properties opposite and would share an access drive into the site.

It is advisable that the layout is amended somewhat at reserved matters stage so that each property is relocated slightly further forward to front the lane, which is considered would be more sympathetic to the existing built form of the immediate area.

It is also advised that the proposed properties are commensurate in their scale and size.

Existing properties on the opposite side of the road comprise a mixture of single storey bungalows and larger, detached two storey properties. Material finishes comprise render and red brick with dark roof tiles. Integral garages are sited to the rear of the properties.

The overall appearance of the scheme should take the existing context and appearance into account during any reserved matters stage.

Residential Amenity

It is considered that 5 no. dwellings could be sited comfortably on the plot, whilst meeting the required separation distances to neighbouring properties and providing sufficient private amenity space within the curtilage, as set out in the Authorities SPD on 'Development on Backland and Gardens'. The indicative plans show that there would be separation distances of between 26m and 32m to the dwellings on the opposite side of Longhill Lane.

Detailed boundary treatments would be considered at reserved matters stage.

Should the application be approved, conditions securing details and methods of piling operations, construction hours and contaminated land are considered reasonable to attach to the permission.

Access and Parking

The properties would be served from a priority access to Longhill Lane to which private driveways would serve each plot.

The submitted Highway Report advises visibility splays and stopping sight distances of 59m and 54m, respectively, which would be provided as part of the removal/relocation of the existing hedgerow boundary.

The Highway Authority consider that the splays would be acceptable, however it is advised that the splays are shown on a topographical survey base plan in order that they can be suitably conditioned, rather than on the overhead photograph as provided in the appendices to the Highway report. This would be provided as part of an update to the application.

The Head of Strategic Infrastructure indicated to the applicant that it would be appropriate to provide a footway along the site frontage towards the village as far as the driveway to the property that lies on the corner of Longhill Lane and the A529 for the purposes of sustainable transport movement and the safety of pedestrians. An existing narrow footway exists alongside the public house opposite.

Following receipt of comments from the Head of Strategic Infrastructure the applicant has offered to provide a footway/footpath that initially runs along the frontage of the development proposal (west of the site access) and then to the rear of existing properties in a northwesterly direction to meet Audlem Road. This has been demonstrated on the revised layout plans.

Discussions are currently being undertaken with the Highway Authority and an update will be supplied prior to Southern Planning Committee meeting.

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

Trees

The Agent has submitted a revised indicative Site Layout Plan, taking into account comments made by the Arboricultural Officer. The revised plan includes trunk positions crown spreads and root protection areas.

On this basis, the plan would appear to show that the property and garage sited on plot 5 would encroach into the RPA of the mature high grade Oak tree located on the western boundary of the site. However, as an outline application, the full arboricultural impacts of development would only be realised at reserved matters stage with the submission of a detailed layout.

It is advisable therefore that the final layout is designed accordingly during reserved matters stage, to ensure no encroachment and no damage to the oak tree or the existing trees on the western boundary.

A tree protection condition is considered to be reasonable to safeguard any retained trees on or adjacent to the site. A condition requiring the submission of an arboricultural method statement is also considered to be reasonable should the final layout have any impact on the trees located along the western boundary.

Hedgerows

The submitted layout plan indicates that the proposal would involve the removal of a section of roadside hedge to allow access into the site, as part of the proposal.

The agent has provided an assessment of the length of roadside hedge proposed for removal, in accordance with the Hedgerow Regulations 1997.

The assessment advises that the hedgerow has no historic significance and does not classify as important in line with the criteria set out in the Regulations.

The Assessment recommends that a replacement native hedgerow could be planted along the site frontage, behind the visibility splay. It is recommended that this is provided as part of any landscaping scheme during reserved matters stage.

Ecology

Great Crested Newts

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

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

and provided that there is

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

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

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

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. “This may potentially justify a refusal of planning permission.”

The NPPF advises that LPA’s should contribute 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’*.

The NPPF also states that the planning system should contribute to and enhance the natural and local environment by *‘minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures’*.

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

In this case the submitted survey has identified a small population of GCN within the study site boundary. In this case the Councils Ecologist considers that the proposed level of Great Crested Newt Mitigation is considered to be acceptable and is considered would prevent adverse impacts on the local population of a European Protected Species. Full compliance with the proposed Mitigation Measures would be made conditional as part of any approval.

In this case the development is in the interests of overriding public interest as it will provide much needed housing in this rural area and there is no satisfactory alternative. There would be no detriment to the maintenance of the species population at favourable conservation status in their natural range as the submitted report recommends Great Crested Newt mitigation measures.

Nesting Birds

Given the application would involve the removal of a section of roadside hedge, a condition regarding the protection of breeding birds is considered reasonable.

Drainage

United Utilities raise no objections subject to conditions to secure the submission of foul and surface water drainage schemes.

Any comments received from CEC Flood Risk would be provided as an update.

Neighbourhood Plan

In this case approval has been given to designate a Hankelow Neighbourhood Plan Area. To date a questionnaire has been undertaken and the Hankelow Neighbouring Plan Steering Group are currently applying to Cheshire East for assistance in the production of a draft plan.

Planning Balance

The proposal is contrary to development plan policy NE.2 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

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.

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 NE.2, 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. 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.”*

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 “*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 outweighed 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.

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.

Balanced against these benefits must be the negative effects of an incursion into Open Countryside. However, the incursion into the open countryside is considered to be small and the scale of the site is not considered to be significant.

Given the site's location adjacent to the Hankelow Settlement Boundary and opposite an established form of residential development as well as its proximity to services and facilities in nearby settlements, and the recent appeal decision north of the site, it is not considered that the incursion into open countryside and loss of this portion of agricultural land is sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

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 and the satisfactory completion of a S106 Agreement comprising;

Heads of terms:-

- 1. A scheme for the provision of 1 affordable housing unit – to be provided as social rent/affordable rent. The scheme shall include:**
 - The numbers, type, tenure and location on the site of the affordable housing provision**
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**
- 2. A contribution for off-site affordable housing (Final sum TBC)**

And the following conditions:

- 1. Submission of Reserved Matters**
- 2. Application for Approval of Reserved Matters**
- 3. Commencement of Development**
- 4. Plans**
- 5. Submission / Approval and Implementation of Piling Method Statement**
- 6. Submission / Approval of Information regarding Contaminated Land**
- 7. Tree Protection**
- 8. Submission / Approval of Arboricultural Impact Assessment**
- 9. Survey for nesting birds**
- 10. Visibility splays at access**
- 11. Submission / Approval of a Foul Water Drainage Scheme**
- 12. Submission / Approval of a Surface Water Disposal Scheme**
- 13. Provision of Electric Vehicle Infrastructure**
- 14. Provision of a pedestrian link**

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 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.



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Application No: 15/3651N

Location: Land Adjacent, Yew Tree Farm, Close Lane, Alsager, ST7 2JP

Proposal: Outline application for residential development and access, all other matters reserved.

Applicant: Mr C R Muller, Muller Strategic Projects

Expiry Date: 12-Nov-2015

SUMMARY:

The proposed development would be contrary to Policy NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS provision and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Nantwich.

The adverse impacts of the development would be the loss of open countryside and loss of agricultural land.

Having regard to the above benefits of the scheme including housing land supply and the Inspector's previous decision to outline application 13/1305N on the adjacent site, it is considered that the adverse impacts in approving this development would not significantly and demonstrably outweigh the resultant benefits.

SUMMARY RECOMMENDATION:

Approve subject to conditions

REFERRAL

The application has been referred to Southern Planning Committee given it is a largescale major development.

SITE DESCRIPTION:

The application site is located to the west of Alsager in the Haslington ward.

The application site is a linear strip of grassland which comprises a wooded area at the north of the site and open paddock for the remainder. Existing farm buildings lie towards the northern portion of the site.

Public Footpath No 48 Haslington runs through the centre of the site and links with Public Footpath No 19 Haslington which runs outside the site along the northern boundary.

Hedgerows run along the eastern and southern boundaries whilst the western boundary is open. Close Lane runs to the north of the site.

A recently approved scheme for 74 no. dwellings under outline application 13/1305N (allowed on appeal) and reserved matters application 14/4144C lies directly east of the site, and this site is currently under construction.

PROPOSAL:

The proposal seeks outline planning permission and approval for access for 40 no. dwellings.

Access into the site would be obtained via the internal road network which would lead from the approved scheme located directly east of the site.

RELEVANT HISTORY:

14/5114C – Reserved matters application for 74 dwellings and associated works for outline application 13/1305N. Approved 09th July 2015.

13/1305N – Outline planning application for a mixed residential scheme to provide affordable, open market and over 55s sheltered accommodation, open space and new access off Close Lane. Appeal allowed 29th July 2014.

13/4150N - Outline Planning Application for a Mixed Residential Scheme to Provide Affordable, Open Market and Over 55's Sheltered Accommodation, Open Space and New Access off Close Lane (76 Family Dwellings Comprising 1 - 4 Bedrooms and 56 Dwellings for the Over 55's Comprising 1 and 2 Bedrooms). Re-submission of 13/1305N. Refused 24th March 2014.

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)

NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
RT.9 (Footpaths and Bridleways)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

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 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

Supplementary Planning Documents:

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

CONSULTATIONS:

Highway Authority: No objection.

CEC Environmental Health: No objection subject to conditions to secure the submission of a Piling Method Statement, Dust Suppression Statement, Environmental Management Plan, Phase II Site Investigation Report and electric vehicle charge points.

Strategic Housing: No objection based on the applicants confirmation that 30% affordable housing would be provided on site, 65% as affordable and 35% as intermediate tenure.

Flood Risk: No objection subject to a condition requiring the applicant to carry out the proposal in accordance with the submitted FRA.

United Utilities: No objection subject to conditions to secure foul and surface water disposal schemes.

CEC Education: A contribution of £184,826 would be required given the proposal is expected to generate 8 primary school children and 6 secondary school children. The applicant has confirmed that they agree to pay the contribution. CEC Education raises no objection.

Public Rights of Way Network: Object to the application, given the proposal is likely to have a significant impact on the public right of way. Should the application be granted, a condition requiring the submission of a Public Rights of Way management plan is recommended to be attached to any grant of permission.

Natural England: No comments to make.

Ansa (Public Open Space): No comments received at the time of writing.

Alsager Town Council: Object to the application. Concerns raised include the site is no proposed for development within CEC Local Plan, adverse impact on the character and appearance of the open countryside, Alsagers highway network would not be able to accommodate all of the speculative development traffic within Alsager.

Haslington Parish Council: No comments received at the time of writing.

NHS England: No comments received at the time of writing.

REPRESENTATIONS:

7 representations received objecting to the proposal. Concerns raised are listed below.

Principle of Development and Housing Need

- Adverse impact on the character and appearance of the open countryside
- Loss of greenfield land
- Erosion of the open countryside
- The proposal would result in an increase in the 2000 homes allocated for development in Alsager
- The site is unsustainable

Highways and traffic

- Increase in traffic
- The road is narrow and dangerous

Infrastructure

- The development would result in a strain on the town's facilities and services
- Increase in flooding
- Increased pressure on the existing pumping system

Other

- The site is in close proximity to the M6, resulting in increased noise, pollution and a risk to the health of prospective residents
- Adverse impact on existing levels of outlook and privacy enjoyed by neighbouring properties
- The design is not sympathetic to the existing locality

APPRAISAL

Main Issues

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site for residential development, having regard to matters of principle of development, sustainability, loss of agricultural land, affordable housing, contaminated land, air quality, noise impact, drainage and flooding, design issues, open space, rights of way, amenity, landscape impact, trees and forestry, ecology, education, highway safety and traffic generation.

Principle of Development

The application site is a Greenfield site lying outside the settlement boundary. This represents a departure from adopted local plan policy.

Directly east of the site, residential development for 74 no. dwellings was granted on appeal under outline application 13/1305N and the reserved matters approved under application 14/5114C. Nevertheless, this application proposes a further 40 no. dwellings.

The proposed development would not fall within any of the categories of exception to Policy NE.2 relating to development within the open countryside. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*".

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

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that 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 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

SOCIAL SUSTAINABILITY

Affordable Housing

The site falls within the Alsager sub-area for the purposes of the Strategic Housing Market (SHMA) Update 2013.

The Interim Planning Statement on Affordable Housing (IPS) and Policy SC5 in the Local Plan Strategy Submission Version outline that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all sites of 15 dwellings or more or than 0.4 hectare in size.

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% affordable or social rented and 35% intermediate tenure. This would equate to a requirement of 12 affordable units in total on this site, split as 8 for social or affordable rent and 4 for intermediate tenure.

In this case the Strategic Housing Manager originally objected to the application given the applicant proposed 12 intermediate tenure units and no 1 bedroom properties.

The applicant has since confirmed that they will provide the required tenure split in accordance with Strategic Housing's requirement, being 8 as affordable or social rented units and 4 as intermediate tenure. The applicant has also confirmed that 1 bed accommodation would also be provided, the details of which can be secured at reserved matters stage.

The Strategic Housing Manager has now confirmed that this is acceptable and this would be secured as part of a S106 Agreement.

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site.

In this case the level required would be 1400sq.m. The submitted Illustrative Masterplan indicates that the level of public open space provided by the development would amount to 1000sq.m, which would be located towards the southern end of the site. This falls 400 sq.m short of the requirement under Policy RT.3.

In taking the relative shortfall of open space provision required, it is considered that an appropriate mitigation would be required to compensate for the shortfall of POS provision.

A formal consultation response from ANSA (Public Open Space) is yet to be received. However an update report will be provided prior to Southern Planning Committee meeting, which will also discuss provision of a LEAP, should this be required.

CEC Education

CEC Education advise that a development of 40 no. dwellings is expected to generate 8 primary school children and 6 secondary school children. The development is forecast to increase an existing shortfall in places predicted from 2016 for primary and 2021 for secondary in the immediate locality.

To alleviate forecast pressures, contributions to the sum of £184,826 would be required. This would be split as £86,770 for primary school children and £98,056 for secondary school children.

The applicant has confirmed agreement to the education contributions and these would be secured via the S.106 Agreement.

Location of the site

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

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

- Amenity Open Space (500m) – would be provided on site
- Children’s Play Space (500m) – approx. 100m (to be provided within the approved development east of the site)
- Bus Stop (500m) – approx. 300m
- Public House (1000m) – approx. 1000m
- Public Right of Way (500m) – located within, north and south of the site
- Primary School (1000m) – 760m
- Public Park/Village Green (1000m) – approx. 1000m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 1750m
- Outdoor Sports Facility (500m) – 1680m
- Convenience Store (500m) – 1000m
- Pharmacy (1000m) – 2000m
- Secondary School (1000m) – 1680m
- Medical Centre (1000m) - 2680m
- Child Care Facility (nursery or crèche) (1000m) - 1850m
- Community Centre/Meeting Place (1000m) – approx. 2500m
- Post box (500m) – 950m
- Post Office (1000m) – 2550m
- Railway Station (2000m) – 2750m

The site fails against 11 criteria in the North West Sustainability Checklist. However, these facilities are located towards and within the town centre, to which Alsager is identified as a key service centre in the emerging Core Strategy where development can be expected on the periphery. Development on the edge of a town will always be further from facilities in town centre than existing dwellings but, if there are insufficient development sites in the Town Centre to meet the 5 year supply, it must be accepted that development in slightly less sustainable locations on the periphery must occur.

Nevertheless, this is not untypical for suburban dwellings and the proposal would lie directly west of the approved residential development allowed on appeal under outline application 13/1305N.

In his decision, the Inspector accepted in paragraph 104 that given the sites proximity to local services and facilities, along with the proposed footpath link along Close Lane and the inclusion of a financial contribution towards the provision of a new local bus service to serve Close Lane for 5 years, the site is sustainable in locational terms.

There was no dispute between both parties during the appeal process that the site was sustainable locational terms.

In taking into account the appeal decision of the adjacent site, the proposed development, subject of this application, is considered to be locationally sustainable.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

Detailed measures to achieve appropriate levels of existing and proposed residential amenity between properties would be secured at reserved matters stage.

The reserved matters application should take into account proximity of proposed dwellings on the eastern boundary of the application site in particular, to those approved under applications 13/1305N and 14/5114C and ensure necessary spacing standards, as set out within the Authorities SPD on 'Development on Backland and Gardens' are met.

The application site is in a location where noise levels from the M6 motorway may cause harm to health and residential amenity. Conditions to secure appropriate noise mitigation prior to commencement of development and first occupation of the dwellings are considered reasonable.

The Environmental Health Officer has requested conditions in relation to the submission of an Environmental Management Plan, Piling Method Statement, Dust Suppression Statement and Phase II Site Investigation Report for contaminated land.

Air Quality

Given the relatively small scale of the scheme, an Air Quality Assessment would not be required to accompany the application.

However, it is considered appropriate to secure the necessary infrastructure to allow home charging of electric vehicles given the use of Modern Ultra Low Emission Vehicle technology is expected to rise.

This would be secured by condition.

Public Rights of Way

The development would affect Public Footpath No 48 Haslington.

PROW object to the application advising that the proposal would have a direct and effect on the Public Right of Way which constitutes a material consideration in the determination of this application.

The Illustrative Masterplan shows the diversion of the Public Right of Way (No 48 Haslington) would run along the footway of the main estate road running through the site.

The Defra Rights of Way Circular (1/09), Guidance for Local Authorities, Version 2, October 2009, para 7.8 states that:

“any alternative alignment [of a Public Right of Way] should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.”

A condition to secure a scheme of management to the public footpath affected by the proposal is recommended by PROW. The applicant is currently in discussion with the PROW team and an update will be provided prior to the Southern Planning Committee meeting.

Highways

Access

The application is made in outline with approval for access only.

Access into the site would be via the approved access point for the development on the adjacent site, to which the internal road network of the approved development site would lead into the application site.

Traffic impact

A Transport Assessment was submitted by the applicant in support of the application, the main highway consideration in the report was the impact on the Close Lane/Crewe Road junction. As this junction

provides the main access to the site, it is accepted that this is the junction that needs to be considered in regards to traffic impact.

The assessment submitted by the applicant indicated that with the additional traffic, the junction would operate within capacity. However, CEC have undertaken an assessment of the cumulative impact of the committed development sites within Alsager and the applicant was requested to assess the impact of the site using the CEC model that included all committed and local plan sites.

A further Technical Note was received from the applicant that assessed the impact using the CEC model, the results indicated that the junction would operate slightly above capacity with all approved sites included and also those sites that are not currently developed but are in the Local Plan.

CEC have assessed the cumulative impact of the residential development schemes on the road network in Alsager. In regard to this particular application, it has been assessed with all likely current developments coming forward and the impact is considered to be minimal at the junctions that will be directly affected. It is therefore considered that although the proposal would add further traffic to the highway network, the Highway Authority do not consider that a refusal would be justified on the basis of this impact.

Character and Appearance

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

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

In this case an indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved and that the areas of open space and all highways would be well overlooked. The proposal would have a low density of 29.6 dwellings per hectare, which is considered to be appropriate. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

Trees/Hedgerows

The only direct impact in terms of the indicative road layout would relate to T10 which has been categorised as a low value category C specimen. The trees RPA extends within the identified road layout, which cannot be implemented to an adoptable standard without directly impacting on the tree. The Arboricultural Officer raises no objection to its loss given its low value category designation.

The only possible impact in terms of trees relates to the diverted footpath which extends through the RPA of off site trees. This can be implemented to a non standard construction with a suitable method statement which accords with BS5837:2012.

Any reserved matters application should ensure the submission of an updated AIA to reflect layout amendments and include a method statement for the diverted footpath should this be required.

Consideration should also be given to establishing a better relationship and social proximity in respect of T2, a high value category A tree and those identified as B specimens.

Landscape

The submitted Landscape Visual Impact Assessment identifies both the national and regional landscape character of the application site; this site is located within the Lower Farms and Woods Landscape Type 10, and further, in the Barthomley Character Area (LFW7).

The Landscape Officer broadly agrees with the findings of the LVIA, in that this is a landscape of medium sensitivity and that the landscape effects would be of moderate significance. It is considered that the sensitivity of a number of receptors appears to have been underestimated, and as a consequence, the visual effects would be greater for a number of receptors. However, it is not considered that the proposal would result in any significant adverse effects.

Detailed landscape proposals would be considered at reserved matters stage.

Ecology

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

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

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

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

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

In this case the Council's Ecologist has examined the application and made the following comments.

Bats

Insufficient information has been submitted to allow the Council to determine whether the existing house on the site can support roosting bats. A bat survey of the house is required prior to the determination of the application.

The applicant has submitted the Survey which is currently under assessment by the Councils Ecologist. An update to this report with the Ecologists comments will be provided prior to Southern Planning Committee meeting.

Ditch to the South of the Site

A ditch is present to the south of the application site. The ditch has been assessed as having low potential to support water vole, a legally protected species. No survey for this species has been undertaken.

It is considered that the ditch could provide habitat for grass snake, a protected species known to occur in this locality. It is recommended that to avoid any potential impacts upon the ditch and any species it could potentially support, the ditch should be retained within an 8m undeveloped buffer zone.

The Councils Ecologist is currently assessing the issue further, following a letter received from the applicants Ecological Consultant dated 15th October 2015 disputing the need to provide an 8m buffer zone.

An update will be provided with the Ecologists comments prior to Southern Planning Committee meeting.

Reptiles

Surveys undertaken in connection with development to the east of the application site identified the presence of grass snakes in this locality. A programme of mitigation was agreed in connection with this development. The submitted habitat report states that habitats on site are unsuitable for grass snakes. However, as mentioned above, it is considered that the ditch to the south of the site may potentially be of value for grass snakes.

The submitted report states that the impacts of the development on reptiles are negligible, subject to the implementation of the agreed mitigation strategy for the development to the east of the site.

The Council's Ecologist has requested further clarification as to whether there are any measures proposed to remove and exclude grass snakes from the footprint of the proposed development.

The applicant has provided a response, which is currently under assessment and will be provided as an update to this report.

Flood Risk

The Councils Flood Risk Manager and United Utilities have been consulted as part of this application and have both raised no objection to the proposed development subject to the imposition of planning conditions requiring schemes for the disposal of foul and surface water and that the proposal shall be carried out in accordance with the recommendations set out in the submitted Flood Risk Assessment.

As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

ECONOMIC SUSATINABILITY

Loss of Agricultural Land

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (grades 1, 2 and 3a in the Ministry of Agriculture Fisheries and Food classification) will not be permitted unless:

- the need for the development is supported in the local plan;
- it can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non agricultural land; or
- other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

This is supported by the National Planning Policy Framework, which states that:

“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.

The application has included the submission of an Agricultural Land Survey to which 93% of the land site is categorised as Grade 3a agricultural land and 7% is categorised as non-agricultural land.

Previous Appeal decisions make it clear that in situations where authorities have been unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land.

The approved development to the east of the site was classified as Grade 2 agricultural land. The Appeal Inspector, in his opinion, concluded in paragraph 99 of the appeal decision, that given the sites relatively small size, its irregular shape, field boundaries, ownership and location on the urban fringe evidenced by its current use for horse grazing, the land to which the application site related was of limited agricultural value.

He further considered that given the above,

“...along with the extent of best and most versatile land surrounding Alsager and the promotion of development sites in the emerging Local Plan which include agricultural land within this category, it is apparent that some areas of agricultural land would have to be developed if the Council’s housing targets are to be met.”

He concluded therefore that the loss of the best and most versatile agricultural land afforded limited weight in this case.

The site, subject of this application, comprises a smaller portion of land than the approved development to the east. The site is subdivided into four smaller paddocks, used for horse grazing, which again relates to its position on the urban fringe.

The applicant states that the agricultural holding to which the application site forms part of, is restricted to the field in question. The site does not therefore form part of a wider agricultural holding and its viability for use as agriculture is considered to be limited.

Therefore, in taking into account the Inspectors previous decision as well as the site considerations relating to the proposed application site, it is considered that the loss of agricultural land in this instance would also afford limited weight in the overall planning balance.

CIL Regulations

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations 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, POS and children's play space is a requirement of the Local Plan Policy RT.3. It is necessary to secure these works and a scheme of management for the open space and children's play space. The contribution/mitigation required is currently under discussion with the applicant and will be provided as an update prior to Southern Planning Committee meeting

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

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

PLANNING BALANCE

The proposed development would be contrary to Policy NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The residential development directly east of the site was allowed on appeal under application 13/1305N. The Inspector concluded that:

“Although the proposed development would lead to the loss of some Grade 2 agricultural land, given its siting on the urban fringe, along with the practical difficulties associated with it and that the proposal would not break up a viable agricultural holding or holdings, I have afforded its loss limited weight in this case. Furthermore, although some harm to the character and appearance of the area has been identified in terms of the localised ‘major adverse’ effects in association with private views from neighbouring residential properties, I have afforded limited weight to the landscape changes that would result from the proposed development.”

The proposed application site would result in the loss of Grade 3a agricultural land. The site draws similarities to the approved development to the east having regard to its location on the urban fringe, current use for grazing of horses, relative small scale and that this is the only land to which the agricultural holding in question relates and the proposal would not involve breaking up a viable agricultural holding.

It is acknowledged that some harm would also arise in respect of the character and appearance of this part of the open countryside.

The sites sustainability in locational terms has also previously been established under application 13/1305N. Owing to its position on the edge of Alsager, it is acknowledged that the services would not be as near to the proposed development as existing dwellings or the above mentioned approved development.

Nevertheless this is not untypical for suburban dwellings and given the relatively small scale of the proposal and the sites limited width, it is considered that the properties located furthest north in the proposed development would still only be located approximately 170m away from the access road at the western edge of the approved development. In this respect, the proposal is considered to be locationally sustainable.

In addition to its locational sustainability, the proposal would supply up to 40 no. market housing on the edge of Alsager Settlement Boundary which is considered would help to contribute to housing supply in the local area.

The proposed development would also generate direct and indirect economic benefits to the town, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

The proposal would therefore also meet the economic and social role of sustainable development.

It is considered therefore that on balance, the adverse impacts in approving this proposal would not significantly and demonstrably outweigh the resultant benefits when applying the test set out under paragraph 14 of the NPPF.

The application is recommended for approval.

RECOMMENDATION

APPROVE subject to the following Heads of Terms to be secured as part of any S106 Agreement:

1. A scheme for the provision of 30% affordable housing in perpetuity – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - transfer of any rented affordable units to a Registered Provider
 - provision of details of when the affordable housing is required
 - provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
 - includes the requirement for an affordable housing scheme to be submitted at reserved matters stage that includes full details of the affordable housing on site including location by reference to a plan, type, size and tenure.
 - requires the affordable units which will be transferred to a Registered Provider to be constructed to the Governments Technical standards October 2015
2. Primary and Secondary School Education Contribution to the sum of £184,826
3. Provision of POS and LEAP TBC

And the following conditions:-

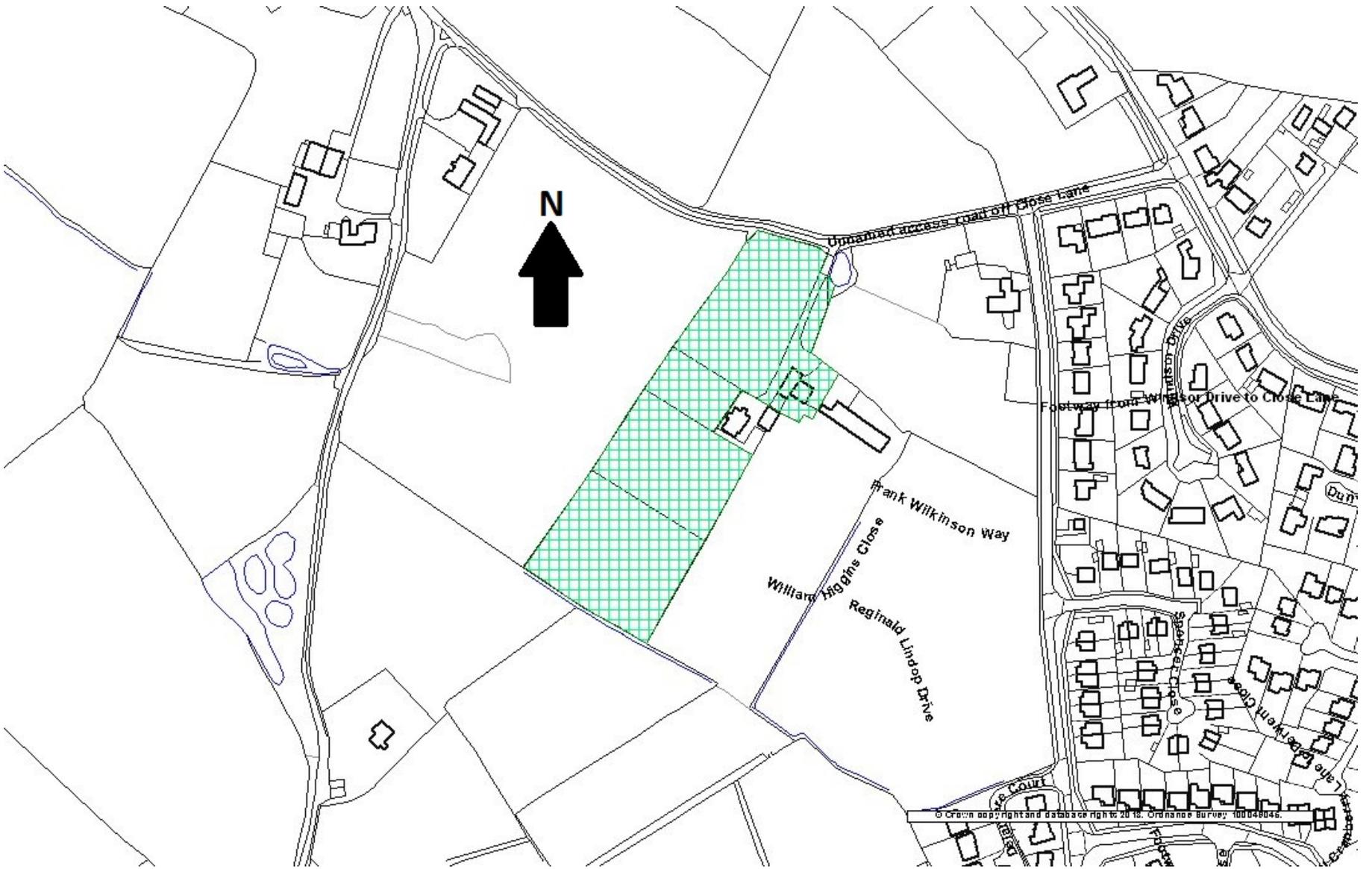
1. Submission of Reserved Matters
2. Application for Approval of Reserved Matters
3. Plans
4. Submission / Approval and Implementation of a Public Rights of Way scheme of management having regard to Public Footpath No. 48 Haslington
5. Submission / Approval and Implementation of Environmental Management Plan
6. Submission / Approval of Phase II S.I
7. Submission / Approval and Implementation of Dust Suppression Statement
8. Sustainable Drainage Scheme
9. Surface Water Disposal Scheme
10. Foul Water Disposal Scheme
11. Submission / Approval of an Updated Arboricultural Impact Assessment
12. Modern Ultra Low Vehicle Emission Electric Infrastructure
13. Submission / Approval and Implementation of Piling Method Statement

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

Should this application be the subject of an appeal, authority is approved to enter into a S106 Agreement to secure the following Heads of Terms:

1. A scheme for the provision of 30% affordable housing in perpetuity – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - transfer of any rented affordable units to a Registered Provider
 - provision of details of when the affordable housing is required
 - provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.

- includes the requirement for an affordable housing scheme to be submitted at reserved matters stage that includes full details of the affordable housing on site including location by reference to a plan, type, size and tenure.
 - requires the affordable units which will be transferred to a Registered Provider to be constructed to the Governments Technical standards October 2015
2. Primary and Secondary School Education Contribution to the sum of £184,826
 3. Provision of POS and LEAP TBC



Application No: 15/3752N

Location: 416, NEWCASTLE ROAD, SHAVINGTON, CHESHIRE, CW2 5EB

Proposal: Construction of five detached two-storey dwellings with car parking and car parking for existing workshop with shared access

Applicant: John Parton, A B Parton & Son Ltd

Expiry Date: 12-Oct-2015

SUMMARY:

The site is located within the open countryside where under policy NE2 there is a presumption against development unless the development falls into one of a number of categories as detailed by Local Plan. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

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 that 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).

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

Local concerns of regarding highway safety are noted. However the development would result in an improvement to the potential traffic situation at the site.

Given the previous approval on the site, it is not considered that this proposal would have any significant further impact on open countryside.

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

In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION:

Approve subject to conditions and a Section 106 Agreement to secure affordable housing provision

PROPOSAL

Outline planning permission is sought for the erection of five, two storey detached dwellings on this site. The application is in outline form with access to be determined at this point with all other matters reserved (Layout, Scale, Appearance and Landscaping).

An indicative layout plan has been submitted with the application, showing two of the dwellings to the front of the site and three at the rear. All the dwellings are shown with private parking and gardens. Access would be taken from the existing access onto Newcastle Road.

SITE DESCRIPTION

The application site is located on the southern side of Newcastle Road just outside the Shavington Settlement Boundary and within the Open Countryside. The site is currently occupied by a parking area and a strip of landscaping. To the north-west of the site is a petrol filling station, to the west of the site is a car garage (ABP) and a children play centre (Playworld). To the north-east of the site is 418 Newcastle Road which is a detached dwelling and an area of gravelled land which has planning permission for 2 units of B1/B8 use.

RELEVANT HISTORY

14/2403N – Construction of two single-storey buildings to be used for B1 (office/light industrial) and B8 (storage and distribution) purposes together with car parking (renewal of application 12/4391N). Approved 21st July 2015.

12/4391N: Construction of two single-storey buildings to be used for B1 (office/light industrial) and B8 (storage and distribution) purposes together with car parking (Amendments to approved applications 10/0714N and 10/4539N). Approved 7 February 2013.

10/4539N - Construction of a Single Storey Building to be Used for B1 (Office/Light Industrial) and B8 (Storage and Distribution) Purposes – Refused 14th February 2011 – Appeal Lodged – Appeal Allowed 5th July 2011.

10/0714N - Construction of Single-Storey Building to be Used for B1 (Office/Light Industrial) and B8 (Storage & Distribution) Purposes – Approved 22nd April 2010

Several other historic applications – not relevant to this proposal.

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 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

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:

Highways:

No objection.

Environmental Protection:

No objection subject to a condition relating to contaminated land.

United Utilities:

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

Wybunbury Parish Council:

Object to the application on the grounds of the site not being suitable for mixed use development, highway safety and drainage. (Full objection available on the website)

Hough & Chorlton Parish Council:

Object on the grounds of conflict with Policy NE.2 (Open Countryside), housing land supply, impact on trees and protected species, highway safety, inappropriate layout and impact on infrastructure. (Full objection available on the website)

REPRESENTATIONS:

At the time of report writing 14 representations have been received which can be viewed on the Council website. These express concern about the following issues:

- Encroachment on to open fields
- Contrary to policy
- Not infill development
- Already too much development going on in the area
- Highway safety
- Loss of parking provision to neighbouring businesses
- Potential hazard being sited next to a petrol station
- Adverse impact on wildlife
- Inadequate infrastructure (schools/doctors)
- Unsafe layout
- No need for more housing in this area

APPRAISAL

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

Principle of Development

The site lies within the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where Policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other

uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development does not fall within any of these exceptions. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

The issue in question is whether 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 policy objection.

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 ‘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.

This is a material consideration in support of the proposal.

Sustainable Development

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 that 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.

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 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 Policy

In the absence of a 5-year housing land supply settlement boundaries are out of date but where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy NE2, 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 site is designated as Open Countryside in the adopted local plan, but actually sits within the confines of a mixed use site. Consent was granted in July this year for two buildings to be used for B1 (Office/light industrial) and B8 (storage and distribution) and

this development could still be implemented. As such it is not considered that a refusal on the grounds of adverse impact on the character and beauty of the Open Countryside could be sustained, as the approved development would result in the loss of open countryside. In addition it is currently partly used for parking and does not have a particularly rural appearance.

Landscape

The site is located on the southern side of Newcastle Road, just outside the Settlement Boundary of Shavington and adjacent to a mixed use site and one residential property.

Consent has already been granted for its redevelopment for office, light industrial and storage and distribution uses with the erection of two buildings. It is considered that the impact of the proposed residential development would be no greater than that which has been approved and as such there are no objections on landscape grounds. The issue of landscaping details on the site would form part of a reserved matters application.

Trees

The application does not present any greater arboricultural implications than the extant permission (15/2403N). There is some slight intrusion into the Root Protection Area of a High (A) category mature Oak tree, due to the position of Plot 5 which is not significantly different to the extant permission.

A condition relating to tree protection should be imposed should the application be approved.

Design & Layout

This is an outline planning application therefore the layout drawing is only indicative. Should the application be approved, layout, scale appearance and landscaping would be determined at reserved matters stage.

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

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

The indicative layout shows a development that would not appear inappropriate in this context.

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

Highways

There have been a number of planning applications previously made on the site, the current permission is for B1 office and B8 storage and distribution and permission for this use was renewed in 2015. This approved permission had 81 car parking spaces in total across the whole site.

Traffic Impact

Although there have been a number of planning applications approved recently in the vicinity of the site, this application in traffic terms has to be compared with the current permitted use that would generate far more traffic than the proposed five dwellings. The levels of traffic would be reduced to low levels compared to the industrial usage of the site.

Internal Layout

The existing site access is to be used to serve the residential units shared with the existing uses on the site, the level of parking accords with standards.

In regard to the traffic impact of this application, this proposal represents a trip reduction when compared to the accepted commercial use of the site and as such there can be no traffic impact reason to reject the application. There is no change in the access points that were agreed in the previous commercial application in this proposal and the number of car parking spaces in total in being reduced to 50.

The Head of Strategic Infrastructure has confirmed that he has no objections to the proposal and it is therefore considered to be acceptable in highway safety and parking terms.

Ecology

The Council's Principal Nature Conservation Officer has assessed the proposal and is satisfied that the site poses no significant ecological issues.

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'

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

'the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by

taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

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

The economic benefits of the development need to be balanced against the impact upon the open countryside.

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

SOCIAL SUSTAINABILITY

Residential Amenity

The proposal is for 5 dwellings on this site. Adequate separation distance can be achieved between the proposed dwellings and adequate private residential amenity space can be provided within the site.

It is proposed that 2m high acoustic fencing is erected on the boundaries of plots 1, 2 and 3 to protect the amenity of the occupiers of these properties and this should be controlled by condition. A condition should also be imposed to restrict the hours of piling.

Should the application be approved a condition should be imposed relating to a Phase II Contaminated Land Investigation in order to protect future occupiers of the proposed dwellings.

Subject to the conditions set out above, the proposal is considered to be acceptable in amenity terms and in compliance with Policy BE.1 of the adopted local plan.

Affordable Housing

This is a proposed development of 5 dwellings, 3 of which lie in the Parish of Hough. The Council’s Interim Planning Statement on Affordable Housing requires 30% provision on all sites larger than 3 dwellings in rural areas

This leads to a requirement for 0.9 of a dwelling. The SHMA 2013 shows the majority of the demand in Shavington is for 2 bedroom dwellings. In addition Cheshire Homechoice reflects this demand.

The preference would therefore be for on site provision of one unit at Intermediate tenure either shared ownership or shared equity. If this is not possible then a commuted sum would be acceptable.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings.

The applicant is currently considering whether to provide on site provision or a commuted sum and this will be addressed in an update prior to the Committee meeting.

Response to Objections

There have been fourteen objections to the proposal, expressing various concerns including highway safety and loss of open countryside. It should be noted that the development would generate significantly less traffic than the approved use and the types of vehicles would also be smaller. As such a refusal on highway safety grounds could not be defended.

CONCLUSION – THE PLANNING BALANCE

The site is located within the open countryside where under policy NE2 there is a presumption against development unless the development falls into one of a number of categories as detailed by Local Plan. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

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 that 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).

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

Local concerns of regarding highway safety are noted. However the development would result in an improvement to the potential traffic situation at the site.

Given the previous approval on the site, it is not considered that this proposal would have any significant further impact on open countryside.

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

In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

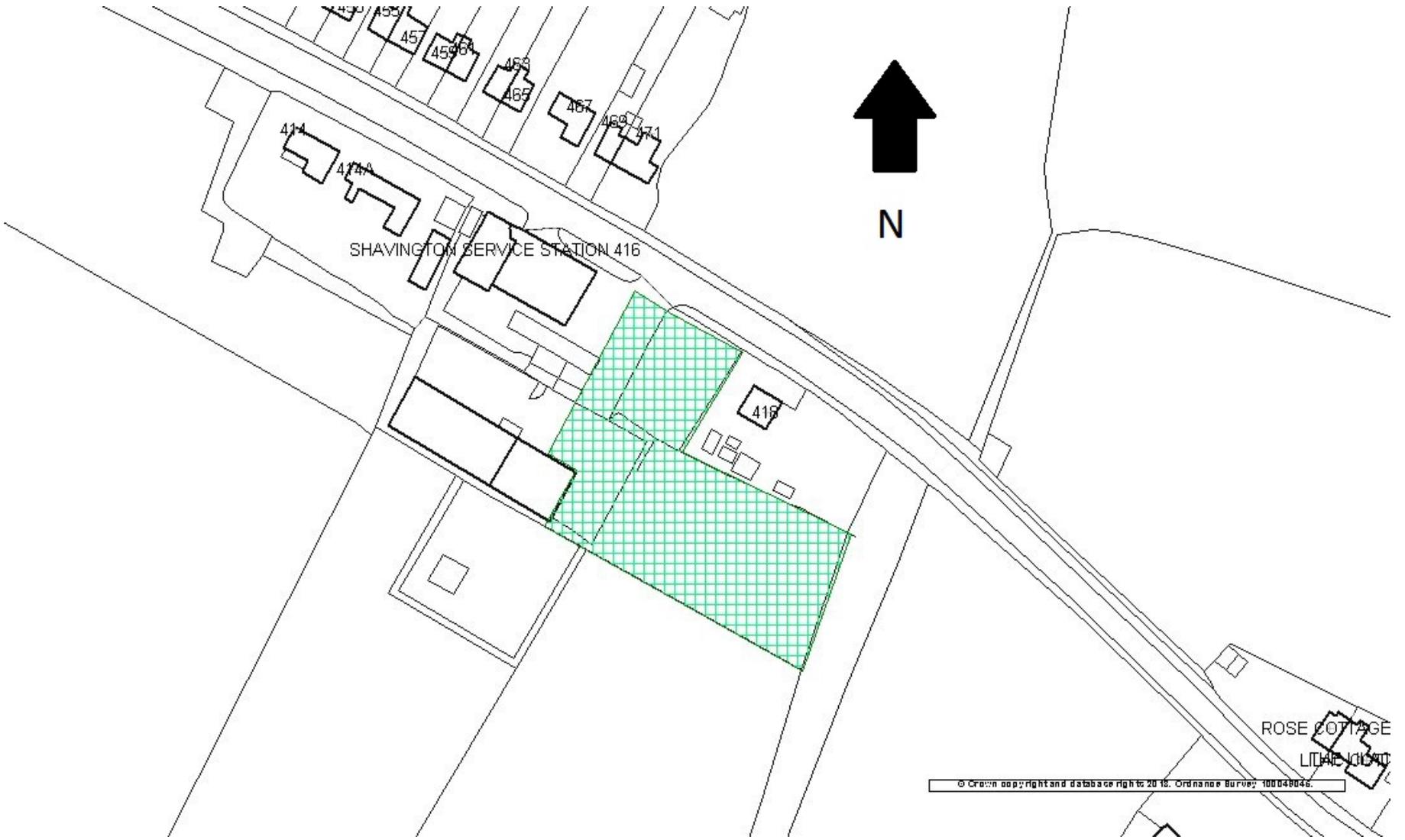
RECOMMENDATION

Approve subject to the completion of a Section 106 Agreement to secure the affordable housing and 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 Investigation**
- 5. Submission and approval of a construction management plan including any piling operations and a construction compound within the site**
- 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 including sustainable drainage systems**
- 9. Tree and hedgerow protection measures**
- 10. Breeding bird survey for works in the nesting season**
- 11. Reserved matters to include details of boundary treatments in particular acoustic fencing**
- 12. Reserved matters to include details of existing and proposed levels**
- 13. Reserved matters to include details of bin/cycle storage**
- 14. Reserved matters to include a single electric vehicle charging point for each dwelling**

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.

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



Application No: 15/3847C

Location: SANOFI AVENTIS, LONDON ROAD, HOLMES CHAPEL, CREWE, CHESHIRE, CW4 8BE

Proposal: Part A: Outline permission with all matters reserved except for means of access for: • Extensions to Area 12 Manufacturing building, Area 11 Warehousing building, Area 77 Laboratory building and Area 37 Stability building; • Relocation of service buildings and the erection of storage tanks, substation and associated plant; and • Provision of additional staff car parking Part B: Full planning permission for: • Extension to Area 13 Building to create new reception area, canteen and office floor space (2,775m²) • Demolition of Building 15; and • Alterations to internal roads and servicing area, provision of new internal HGV lay by, installation of new access gates and associated boundary treatments.

Applicant: Fisons Ltd, Trading as Sanofi

Expiry Date: 26-Nov-2015

SUMMARY:

This proposal would bring economic benefits through the delivery of new jobs and investment in an area with a longstanding association with the manufacture of pharmaceuticals. Sanofi Aventis are a major employer located within one of the local service centres in the Borough where national and local plan policy supports the expansion of existing development.

The proposal is compatible with the surrounding development and the design (subject to reserved matters), scale and form of the development would not appear incongruous within its context. The impact of the proposal on trees, hedges and the wider landscape setting would not be significant and environmental considerations relating to flooding, drainage, land contamination and ecology would be acceptable.

The impact on neighbouring residential amenity would be acceptable owing to the low impact nature of the use and the generous separation with the nearest neighbouring properties. Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network. Any contributions to provide a new public right of way would not be reasonable or necessary to offset an identified harm.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and would be compliant with relevant policy. The proposal is therefore considered to comply with the relevant policies of the Congleton Borough Local Plan, the Draft Brereton Neighbourhood Plan and advice contained within the NPPF and emerging local policy. The application is therefore recommended for approval.

RECOMMENDATION: APPROVE with Conditions

REASON FOR REPORT:

This application is to be determined by Southern Planning Committee as the proposal exceeds 5000 square metres in floor-space.

PROPOSAL:

This is a “hybrid” application (i.e. part outline and part full planning permission). Full planning permission (described as Part B) is sought for:

- Extension to Area 13 to provide new reception area, canteen and office floor space (2,775m²)
- Demolition of Building 15
- Alterations to internal roads and servicing area, provision of new internal HGV lay by, installation of new access gates and associated boundary treatments

Outline planning permission (described as Part A) with all matters reserved except for means of access is sought for:

- Extensions to Area 12 Manufacturing building, Area 11 Warehousing building, Area 77 Laboratory building, Area 37 Stability building
- Relocation of service buildings and the erection of storage tanks, substation and associated plant
- Provision of additional staff car parking

SITE DESCRIPTION:

This application relates to the site of Sanofi Aventis in Holmes Chapel, a large industrial firm specialising in the manufacture and the distribution of pharmaceutical products. The site falls within the settlement zone line of Holmes Chapel and is allocated for employment in the adopted Congleton Borough Local Plan First Review (2005).

RELEVANT HISTORY:

There are a number of planning applications for the site associated with the plant's incremental growth. However, the most recent and relevant are:

15/2168C - Extension and re-instatement of car park to provide 150 spaces – Approved 06-Jul-2015

14/4732C - Variation of condition 6 on existing permission 11/2720C; Outline application for extension to manufacturing, warehouse and office facility – Approved 08-Jan-2015

14/4705C - Application for all Reserved Matters in relation to permissions 11/2720C & 14/4732C; the extension to manufacturing facility (area 12) – Approved 08-Jan-2015

11/2720C - OUTLINE APPLICATION FOR EXTENSION TO MANUFACTURING, WAREHOUSE AND OFFICE FACILITY – Approved 15-May-2014

08/0405/FUL - New energy centre and assoc. ancillary equipment, new sprinkler water storage tank and pump house – Approved 12-Oct-2012

05/1026/FUL - Erection of security fences, gates, barriers, security cabin, flag poles, landscaping, vehicle lay-by and footpaths within the existing site boundary – Approved 17-Nov-2005

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 7, 8, 17 and 206.

Planning Practice Guidance (PPG) is also of relevance.

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 zone line of Holmes Chapel Village under Policy PS5.

The relevant Saved Policies are: -

PS5 – Villages

GR1 – General Criteria for New Development

GR2 – Design

GR6 – Amenity and Health

GR9 – Accessibility

E4 – Employment Development in Villages

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:

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE1 – Design

EG1 – Economic Prosperity

Other Material Consideration:

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Brereton Neighbourhood Plan

CONSULTATIONS:

Environment Agency:

No objection subject to conditions relating to land contamination, surface water and piling.

Environmental Protection:

No objection subject to conditions relating to contaminated land, piling, noise attenuation, dust control, external lighting and electric vehicle infrastructure.

Highways:

No objection - This is an existing site and established. The extensions proposed will create additional traffic movements to the site but many of these will fall outside the busiest peak hours. The principal junctions in Holmes Chapel have peak hour congestion problems and resultant queues. The development will cause a slight increase in the queuing experienced at the junctions but it is not considered that this amounts to a severe impact and as such no objections are raised.

Public Rights of Way (PROW):

No objection - The application site falls between London Road and Station Road/Marsh Lane. The local community has registered, under the Council's statutory Rights of Way Improvement Plan (ref. W106), an aspiration to create a walking route between these two roads in order to enhance and encourage pedestrian movements around the village. The Planning Authority would be requested to consider this aspiration together with the provision of links for non-motorised users between this and other adjacent proposed developments.

United Utilities:

No objection subject to a condition requiring the site to be drained on a separate system with only foul drainage connected to the main sewer. The surface water flows generated from the site should discharge directly in to the adjacent watercourse as stated within the submitted Flood Risk Assessment (FRA).

BRERETON PARISH COUNCIL:

Support the application.

REPRESENTATIONS:

One letter has been received objecting to this proposal on the following grounds:

- Sanofi sold off their out site to make way for housing
- Roads already suffer from bad congestion and are dangerous
- None of the jobs created will be for local people
- Proposal would put pressure on local services and amenities which are already over stretched

- Already been lots of development in the area which would further be despoiled by this proposal
- Failure of Cheshire East to adopt a Local Plan is enabling developer to ignore local communities and environments
- Proposal is not sustainable

APPRAISAL:

Principle of Development

The proposed development is required to assist the existing operations at the site and to help accommodate the businesses' expansion. The site is within the settlement zone line of Holmes Chapel where there is a presumption in favour of development provided that it accords with other relevant local plan policies.

Local Plan Policy E4 allows for such expansion, provided that it relates to an existing business and accords with other relevant policies. It is proposed that Policy E4 will be replaced by Policy EG1 of the Local Plan Strategy Submission Version. This states that proposals for employment development will be supported in Principal Towns, Key Service Centres and Local Service Centres such as Holmes Chapel.

Also of relevance is the Draft Brereton Neighbourhood Plan. Policy BUS01 deals with the rural economy and states that 'development which seeks to encourage investment in the rural economy' and this will be realised by 'supporting existing local businesses within the area'.

The development is required in connection with the primary use of the site and therefore relates to an existing business operation. There are clear benefits arising from the scheme that would support job creation and the economic growth of the locality and the Borough. The proposals will therefore assist in the economic growth of the existing business and the area as a whole. It is considered that such benefits are in line with the local plan, neighbourhood plan and the aims of the NPPF and as such, the principle of the development is deemed to be acceptable.

Design - Character and Appearance

Full Planning Proposals - 'Area 13' Extension

The detailed part of this application would include the provision of a new reception area, canteen and office floor-space. This would be accommodated in 'Area 13', which is directly in front of the existing reception and entrance to the plant and the first part of the site that is visible when you enter the site from London Road.

The size of the building would be commensurate with the existing building and would be similar in terms of external appearance. It would be smaller in terms of size and overall height and as such the scale of the proposals would appear subordinate to the main plant. The proposed extension would introduce large glazed areas to an otherwise blank elevation and as such would provide significant visual improvements and better articulation of part of the main London Road elevation. The facing materials would match those of the existing plant whilst also appearing contemporary and as such, the general design, appearance, layout and

scale is considered to be acceptable and in accordance with Local Plan Policies GR1 and GR2.

Demolition of 'Building 15'

Building 15 relates to an existing structure attached to the rear of the warehouse facility, which is located towards the rear of the site at the north-eastern side of the plant. The removal of Building 15 would make way for an extension to the warehouse facility at 'Area 11', which is subject of the outline part of this application.

Ancillary Development

To accommodate the above extensions, the proposal also seeks full planning permission for alterations to internal roads and servicing area, provision of a new internal HGV layby, installation of new access gates and associated boundary treatments. The provision of new HGV lay-by's at the site entrance and adjacent to 'Area 11', would improve internal circulation within the site. A new internal road is also proposed to serve the additional car parking at the front and hardstanding is proposed to the rear of the warehousing ('Area 11') to allow turning for the delivery vehicles. These proposed works would be well contained within the site and therefore the visual impact would be minima and not evident from public vantage points.

Outline Planning Proposals - Extensions to Area 12, Area 11, Area 77 and Area 37

For these elements of the proposals, only outline planning approval is sought. The submitted masterplan details how these parts of the scheme would be realised with details of scale parameters and siting. The precise design and appearance of the various elements would be for future consideration as part of a reserved matters application.

The proposed extensions to 'Area 12', which is the main manufacturing building would be sited alongside the existing packing area of the plant which is the elevation facing London Road. The scale parameters of the proposals would be commensurate with the existing building and would be capable of being designed so as to fit in with the existing appearance of the building as well as improving this elevation. Owing to the dense screen planting along the London Road frontage, any views from outside of the site would be limited.

The proposal to extend the warehouse building (Area 11) would involve increasing the projection of the warehouse at the same height and width but taking it closer to the eastern boundary of the site. This would be modest in size and scale compared to the existing plan and would not raise any issues in terms of visual impact.

It is also proposed to extend the Laboratory building (Area 77) and the building referred to as the 'Stability building' (Area 37). These buildings are located towards the far north western corner of the site. The addition to the laboratories would square off the existing building and would extend the building further into the site rather than towards the boundary with the properties recently constructed on the adjoining site. The extension to the stability building would also remain central within the site and would be modest in terms of its size and scale.

Service Buildings, Storage Tanks, Substation and Associated Plant

These would comprise of a number of small buildings positioned around the plant to assist with the expansion plans considered as part of this application. Owing to their small scale, size and ancillary nature, they would be acceptable in principle and would be acceptable in design terms subject to submission of an appropriate reserved matters application.

Additional Staff Car Parking

The additional car parking would be located to the south west of the site, near to the entrance, and also to the north adjacent to the laboratory buildings in order to accommodate additional workers. The parking to the southwest has been amended following concerns raised by the Council's Landscape and Tree Officer so that the existing screen planting at the front of the site is not undermined and retains its screening attributes. The parking adjacent to the laboratories would be within the centre of the site and would be surrounded by existing buildings. As such, these elements of the proposal would not raise concerns regarding character and appearance.

Parking, Highway Safety and Traffic Generation

Sanofi Aventis has a high level of employees accessing the site. It is the traffic impact of the proposed extensions that need to be assessed on the local road network. The nearby signal junction at the A54/A50 and the site access has been assessed as these would be likely to be directly affected by the proposals.

The site has a shift working pattern with vehicles arriving and departing at different times. There are some trips that occur outside the traditional peak hours. The applicant has undertaken a survey of existing vehicle movements and has determined the likely additional trips resulting from the proposals travelling in the peak hours.

The site access junction to the site is of a good standard and there is an existing ghost right turn lane into the site on London Road. There have been no congestion issues at the junction and the proposed extensions would not create a capacity issue at the site access. There are existing congestion problems at the A50/A54 signal junction with lengthy queues being formed. The applicant has provided figures on the traffic impact in the peak hours and has predicted this to be 0.4% at the signal junction. Whilst the Head of Strategic Infrastructure (HSI) has advised that the actual impact may be slightly higher due to using a pro rata mythology in it is clear that the resultant flows using the junction will not be sufficient to be considered as a material impact.

As amended, there is an increase of 226 car parking spaces proposed on the site. Discussions have taken place with the applicant to ensure that the level of car parking can be justified. There is an overlap in demand due to the shift system and also further employees and visitors will be on site which would result in an increase in car parking demand. In regard to car parking, although the site is accessible the most dominant mode will be by car and the Highway Authority. On this basis, the level of parking is accepted.

As such, the proposal development is acceptable in terms of highway safety, traffic generation and parking provision.

Trees and Landscaping

From London Road to the west, the site is well screened by an extensive belt of screen planting and mounding established as part of the landscape proposals when the land south of the River Croco was developed. This western screen is only broken by the access to the site although its depth is narrowed at a point north of the access. There are areas of soft landscape works and tree planting within the site. The proposals would result in the loss of some existing trees and some soft landscaped areas.

Following concern expressed by the Council's Landscape Officer, the proposals have been amended by reducing the encroachment of the proposed car park extension into the screen mounding and planted belt north of the main access. Coupled with a further landscaping scheme (which could be secured by condition), this would ensure that the existing screening of the wider site is not compromised.

With respect to trees, the submission is supported by an Arboricultural Method Statement dated 21 August 2015. The report identifies a number of forestry impacts involving tree losses and management works. The anticipated losses of trees within the site, whilst regrettable, would not be widely apparent to external view. At this stage, it appears the main losses on the site periphery would be a mature Grade Oak tree on the southern boundary. Subject to condition, the impact of the amended scheme on trees would be acceptable.

Impact on the Amenity of Adjacent Properties

The proposed development is within an existing industrial site and would not extend the development any closer to existing residential properties. The nearest residents are on the western side of London Road 180 metres to the northwest of the site and those which have recently been constructed by Bellway and Bloor Homes to 30 metres to the north. The proposals towards the north of the site would be low intensity and low impact (i.e. laboratories and car parking), which already existing at this end of the plant. As such, it is not considered that the proposal would exacerbate any impacts on neighbours and this is supported by the lack of objection from the Council's Environmental Protection Unit. Subject to conditions and appropriate detail at the reserved matters stage, the scheme is found to be acceptable in this regard.

Ecology

A pond is located within the site's southern corner, in close proximity to the proposed parking area. The submitted ecology report concludes that the pond offers potential for great crested newts (GCN), but that the likelihood of such is reduced due to the pond's isolation. Following comment from the Council's Nature Conservation Officer, these conclusions have been further supported by an additional survey, which showed that GCN were absent from the pond. As such, it is unlikely that GCN would be affected by the proposed development. Conditions are recommended in relation to breeding birds, external lighting, submission of a pre-construction badger survey and submission of a method statement to deal with the removal of some on-site Himalayan Balsam. Subject to this, the proposed development would not harm species protected by law.

Contamination

Owing to the sites previous and ongoing industrial use, the Council's Environmental Protection Unit has recommended conditions relating to land contamination, specifically which an updated conceptual model is carried out as part of the Phase 1 investigations. This would be dealt with by condition. However, the condition will need to be worded to allow the phasing of the development owing to the hybrid nature of this application. This has been agreed by the Council's Environmental Protection Unit.

Public Rights of Way (PROW)

There are no formal public rights of way that cross or adjoin the site. However, the Council's Public Rights of Way Unit has expressed an aspiration to provide a link between London Road and Station Road / Marsh Lane as part of their 'Public Rights of Way Improvement Plan'. Although this is an aspiration, it needs to be considered whether it would be reasonable to expect this development to deliver this aspiration or contribute to it.

There are no further details given about the proposed route, whether it would begin or end and likely cost of providing this infrastructure. Thus, in the absence of any detail as to how this will be delivered, it is not possible to determine whether it would be reasonable or necessary for this development to contribute towards this provision. Further it is possible to determine what impact this proposal would have on such infrastructure as the precise position is unknown.

It is important to note that this site is already well established and any additional employment growth (i.e. number of additional workers) would be relatively modest compared to the existing employees at the site,. Consequently, without further details it would be unreasonable to expect this development to deliver this footpath aspiration and would not comply with the tests outlined within the Community Infrastructure Levey Regulations.

PLANNING BALANCE & CONCLUSIONS

This proposal would bring economic benefits through the delivery of new jobs and investment in an area with a longstanding association with the manufacture of pharmaceuticals. Sanofi Aventis are a major employer located within one of the local service centres in the Borough where national and local plan policy supports the expansion of existing development.

The proposal is compatible with the surrounding development and the design (subject to reserved matters), scale and form of the development would not appear incongruous within its context. The impact of the proposal on trees, hedges and the wider landscape setting would not be significant and environmental considerations relating to flooding, drainage, land contamination and ecology would be acceptable.

The impact on neighbouring residential amenity would be acceptable owing to the low impact nature of the use and the generous separation with the nearest neighbouring properties. Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network. Any contributions to provide a new public right of way would not be reasonable or necessary to offset an identified harm.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and would be compliant with relevant policy. The proposal is therefore considered to comply with the relevant policies of the Congleton Borough Local Plan, the Draft Brereton Neighbourhood Plan and advice contained within the NPPF and emerging local policy. The application is therefore recommended for approval.

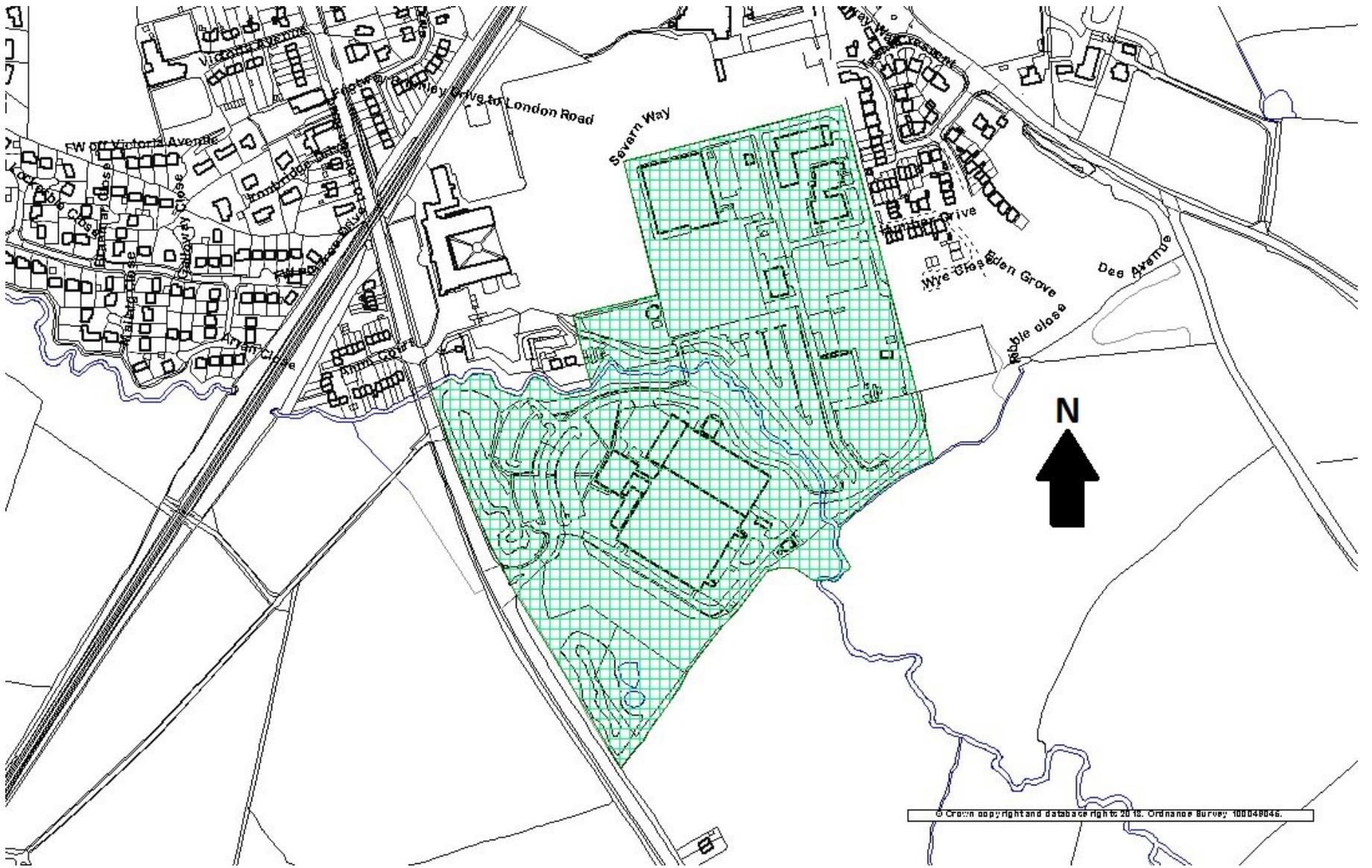
RECOMMENDATION:

Approve subject to the following conditions:

- 1. Standard 3 year time limit (Part B)**
- 2. Standard outline time limit (Part A)**
- 3. Submission of reserved matters (Part A)**
- 4. Approved Plans including amended parking**
- 5. Submission of Materials (Part B)**
- 6. Accordance with Landscaping submission (Part B)**
- 7. Landscaping implementation (Part B)**
- 8. Accordance with submitted Tree Protection Scheme and Arboricultural Method Statement (Part B)**
- 9. Arboricultural Impact Assessment and Arboricultural Method Statement to be submitted with future reserved matters application for Part A**
- 10. Breeding bird survey to be carried out prior to commencement of any works during nesting season**
- 11. Accordance with Flood Risk Assessment including surface water flows**
- 12. Accordance with Acoustic Report**
- 13. Details of drainage with only foul drainage to be connected to sewer**
- 14. Details of pile driving operations**
- 15. Submission of dust control measures for Part B**
- 16. Submission of details of external lighting**
- 17. Contaminated land Phase 1 with conceptual model to be submitted for Part A**
- 18. Contaminated land Phase 1 with conceptual model to be submitted for Part B**
- 19. Electric vehicle charging points to be provided in approved car parking**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Principal Planning Manager (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.

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: 15/4260C

Location: Moss Wood, MOSS LANE, BRERETON HEATH, CW12 4SX

Proposal: Demolition of Existing Garages and Stables to be Replaced with One New Dwelling Usign Existing Driveway. New Driveway to Moss Wood Using Existing Access to Property From Moss Lane

Applicant: Mr S Kennerley

Expiry Date: 30-Nov-2015

SUMMARY

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

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 H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

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 that 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 positive planning benefits such as; the provision of a market dwelling in a sustainable location and the knock-on minor local economic benefits such a development would bring.

Balanced against these benefits would be the loss of open countryside.

In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph

14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION

APPROVE subject to conditions

REASON FOR REFERRAL

As the proposed development is for a house in the Open Countryside and does not fall within any of the acceptable exceptions within Local Plan policies PS8 or H6, the application represents a 'departure' from the development plan.

PROPOSAL

This application seeks outline planning permission to erect No.1 dwelling with all matters reserved.

As such, the application seeks permission for the principle of erecting 1 dwelling on this plot. It should also be noted that the application includes the provision of a hardstanding driveway to link an existing access gate onto Moss Lane with the existing dwelling.

SITE DESCRIPTION

The site relates to a parcel of land to the east of Moss Lane, Brereton Heath within the Open Countryside as defined by the Congleton Borough Local Plan First Review 2005.

The application site partially forms part of the residential curtilage of 'Moss Wood' on a section largely comprising of a detached garage, and partially falls within an adjacent paddock.

The proposed plot is elongated extending in an east to west direction from Moss Lane.

The application site also falls within the Jodrell Bank Radio Telescope Consultation Zone Line.

RELEVANT HISTORY

15/1162C - Removal of Condition 11 & 12 on Application 14/0648C - Outline application for the erection of 6 dwellings (Resubmission of 13/0061C) – Approved 30th April 2015

14/0648C - Outline application for the erection of 6 dwellings (Resubmission of 13/0061C) – Refused 1st October 2014 – **Appeal allowed** 20th January 2015. Reason for refusal as follows:

- 1. The proposed residential development is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and Policy PG5 of the Emerging Development Strategy as well as the principles of the National Planning Policy Framework. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework.*

Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

13/0061C - Outline application for the erection of six dwellings – Refused 14th February 2013

05/1220/CPE - Certificate of lawful use for dwelling that has been occupied in breach of condition 4 of planning permission 5/4/4577 – Positive certificate issued 13th January 2006

15551/3 - Porch Extension Including Cloakroom, Toilet And Garage Extension – Approved 18th January 2015

13852/3 – Kitchen extension – Approved 25th January 1982

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

Development Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS8, as Open Countryside

The relevant Saved Policies are:

PS8 – Open Countryside

PS10 – Jodrell Bank Radio Telescope Consultation Zone

GR1 - New Development

GR2 – Design

GR4 – Landscaping

GR6 - Amenity and Health

GR9 - Accessibility, Servicing and Parking Provision – New development

GR20 - Public Utilities

GR21 - Flood Prevention

NR1 - Trees and Woodlands

NR2 - Wildlife and Nature Conservation – Statutory Sites

H1 - Provision of New Housing Development

H6 - Residential Development in the Open Countryside and the Green Belt

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

- MP1 - Presumption in favour of sustainable development
- PG1 - Overall Development Strategy
- PG5 – Open Countryside
- SD1 - Sustainable Development in Cheshire East
- SD2 - Sustainable Development Principles
- IN1 – Infrastructure
- IN2 - Developer contributions
- SC4 - Residential Mix
- SC5 - Affordable Homes
- SE1 – Design
- SE2 - Efficient use of land
- SE3 - Biodiversity and geodiversity
- SE4 - The Landscape
- SE5 - Trees, Hedgerows and Woodland
- SE6 - Green Infrastructure
- SE9 - Energy Efficient Development
- SE12 - Pollution, Land contamination and land instability
- SE13 - Flood risk and water management
- SE14 – Jodrell Bank

Brereton Neighbourhood Plan

The Brereton Neighbourhood Plan is at Regulation 17 stage with the examination hearing of the plan scheduled for 11th November 2015.

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

- HOU01 – Amount of New Housing Development
- HOU02 – Settlement Boundary
- HOU03 – Exceptions to new Housing Development
- HOU06 – Provision of open space in new housing development
- HOU09 – Housing Mix
- HOU11 – The layout and design of new housing

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objection

Environmental Protection – Condition suggested in relation to piling works, dust control measures and an informative is suggested in relation to contaminated land.

CEC Flood Risk Manager – No comments received at time of report

Jodrell Bank (University of Manchester) – No comments received at time of report

Natural England – No comments received at time of report

Brereton Parish Council – ‘No comment’

REPRESENTATIONS

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

One letter of objection has been received which raises the following points:

- This is the third in a series of applications from the same applicant which would total 11 dwellings
- This will not be the last application for residential development
- It is necessary to consider the scale and impact of this development
- Detrimental impact upon the local community
- Contrary to the Brereton Neighbourhood Plan
- There is no existing access to the dwelling just a small gate which provides access to a tennis court
- Cumulative impact of the developments
- The development will result in increased water pollution
- Impact upon local wildlife

APPRAISAL

The key issues are:

- The principle of the development
- Sustainability including the proposal’s Environmental, Economic and Social role
- Planning Balance

Principle of Development

The site lies entirely within the Open Countryside as designated in the Congleton Borough Local Plan First Review 2005 where policies PS8 and H6 state that only residential development which is required for a person engaged full-time in agriculture or forestry, the replacement of an existing dwelling, the conversion of an existing rural building, the change of use or re-development of an existing employment site, infill development or affordable housing shall be permitted.

The proposed development does not fall within any of these categories. As such, the issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection. These are considered below.

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 '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.

This is a material consideration in support of the proposal.

Sustainable Development

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 that 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.

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 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 Policy

In the absence of a 5-year housing land supply settlement boundaries are out of date but where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy PS8, 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 location, which is surrounded by existing and proposed development it is considered that the site has very limited intrinsic character and beauty, particularly given that it is existing domestic curtilage.

Locational 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"

Although a locational sustainability assessment has not been provided by the applicant for this scheme, outline planning permission ref 14/0648C was granted at appeal on part of the application site as part of a larger development for 6 dwellings in January this year (2015).

Within the Inspector's report with regards to locational sustainability, the Inspector concluded that;

'...The village has very few facilities and the nearest settlements with a reasonable range of services and facilities are Holmes Chapel and Congleton, both of which have a railway station and are accessible from Brereton Heath by bus. It would be quite possible, therefore, for occupiers of the proposed development to reach these settlements and towns and cities in the wider area (such as Crewe and Manchester) by public transport, although the absence of footways and street lighting on Moss Lane might deter some from walking to and from the bus stop on the main road. Travelling to Holmes Chapel and Congleton by bicycle is unlikely to be an attractive proposition for most occupiers given the speed and volume of traffic on the largely unlit A54. For most occupiers the convenience of the private car is therefore likely to be the preferred option.'

The Inspector goes on to state that;

'However, the accessibility of the site is only one aspect of sustainable development. The Framework identifies three dimensions to sustainable development: economic, social and environmental.'

The scheme would make a modest contribution to the local economy during the construction phase and subsequently by occupiers using the facilities and services in Holmes Chapel and Congleton. It would contribute to the social need for housing in an area with an identified deficit and would provide an element of affordable housing.

In environmental terms it would be possible to design dwellings incorporating sustainable forms of construction and renewable energy technologies. I am satisfied that these factors and measures would offset the drawback of the proposal in terms of reliance on the private car, and on balance I conclude that the development would accord with the presumption in favour of sustainable development as set out in the Framework.'

As such, in this neighbouring instance, the Planning Inspector concluded that the site was not sustainably located, but based on the benefits of the scheme, on balance, would be acceptable in principle.

As such, for the purposes of this application, it is concluded that the application site is not in a sustainable location.

However, as detailed by the Planning Inspector in the case of 14/0648C, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it.

Landscape Impact

The application site is situated in open countryside, outside the infill boundary line for the settlement and comprises part of the existing curtilage of Moss Wood although the plot would extend north, outside the existing residential curtilage of Moss Wood into an adjacent paddock (Subject of planning application 14/0648C). A proposed new access to Moss Wood would be taken south through the existing garden, to a parcel of land containing a tennis court, where there is an existing field gate.

The property has an established hedge fronting Moss Lane and the existing northern boundary of Moss Wood is marked by a line of trees, (mainly evergreen). There is also a hedge between the garden and the tennis court area.

As an outline application with all matters reserved, the full landscape impacts would only be realised at reserved matters stage. However in this case the principle of development has been established on land to the north and the Councils Landscape Officer does not anticipate any significant new landscape issues.

Trees and Hedgerows

As an outline application with all matters reserved, the full arboricultural impacts would only be realised at reserved matters stage. Nevertheless, it is clear that the line of trees on the northern boundary of Moss Wood would have to be removed. The submission provides no detailed arboricultural information. In this respect the application does not accord with BS 5837:2012. However the Councils Tree Officer has stated that the trees are not exceptional or worthy of TPO protection. As such replacement tree planting could be secured at the reserved matters stage.

Design

The proposed development is for 1 new dwelling. Layout, appearance and scale are not sought for approval as part of this application. Therefore, the design aspect of the development considers whether the site could feasibly accommodate 1 dwelling on this plot of an acceptable design, in principle.

The submitted indicative layout plan demonstrates that a new detached dwelling could be accommodated within the site, parallel with the applicant's property, Moss Wood.

The indicative plan shows that an existing large domestic garage would be demolished, as would a small stable block in an adjacent paddock to accommodate the dwelling.

The indicative plan is not to scale, but shows that this dwelling would be inset from Moss Lane by approximately the same distance as Moss Wood, approximately 21 metres and would have a similar footprint.

The side elevation of the dwelling would be sited within close proximity to the side elevation of Moss Wood, but the plan does demonstrate that a detached dwelling, a form characteristic of the area, of a footprint, again not dissimilar to those around the site could be accommodated within the plot. A smaller footprint at reserved matters stage would reduce its current cramped appearance without resulting in a development of a scale that would appear incongruous.

As a result, it is considered that the aspects of the proposal which can be considered would adhere with Policy GR2 of the Local Plan and Policies SE1 (Design) and SE2 (Efficient use of land) of the Cheshire East Local Plan Strategy – Submission Version (CELP).

Access

Access arrangements are also not sought for approval as part of this application. Again, the principle of the access to the site and the sites ability to accommodate sufficient off-street parking is therefore considered only.

The indicative layout plan demonstrates that the proposed new dwelling would be accessed via the existing access point and driveway onto Moss Lane as 'Moss Wood.' It is proposed that a new access be created onto Moss Lane for Moss Wood.

The Head of Strategic Infrastructure (HSI) has reviewed the submitted information and advised that he has no objections.

As such, it is considered that the proposed development would adhere with Policy GR9 of the Local Plan.

Ecology

The Councils Ecologist advises that, with the exception of nesting birds, there are unlikely to be any significant protected species issues associated with the proposed development.

If planning consent is granted the following condition should be attached to safeguard nesting birds.

Bagmere SSSI Ramsar

The application site falls within Natural England's SSSI Impact Risk Zone associated with Bagmere SSSI. Bagmere also forms part of the Midland meres and Mosses Ramsar site and so an Assessment of Likely Significant Effects may be required under the Habitat Regulations. An update will be provided once a consultation response has been received from Natural England.

The Moss - Local Wildlife Site (LWS)

The proposed development is located adjacent to the Moss Local Wildlife Site. The Councils Ecologist advises that the proposed development once complete is not likely to have an adverse effect on the LWS. The Councils Ecologist does recommend that if planning consent is granted a condition should be attached requiring any future reserved matters application to be supported by a construction method statement detailing measures that will be implemented to avoid any contamination of the LWS during the construction process.

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.

No comments have been received from the Council's Flood Risk Officer at the time of writing this report and this issue will be reported as part of an update report.

Environmental Conclusion

The proposed development would not create any significant open countryside landscape, hedgerow, tree, design or access concerns.

The impact upon ecology and flood risk/drainage will be considered as part of an up date report.

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

Economic Role

It is accepted that the construction of a house, although minor, would bring the usual economic benefit to the closest shops in Holmes Chapel and Congleton 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.

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

Social Role

The proposed development would provide 1 market dwelling which would be a social benefit.

Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

The closest neighbouring properties to the application site would be the occupiers of Moss Wood, the applicant's dwelling which would lie immediately parallel to the proposed dwelling according to the submitted indicative layout plan.

Within the relevant side elevation of Moss Wood, there are no sole windows to principal, habitable rooms.

As such, subject to the same scenario being the case for the proposed dwelling at reserved matters stage and/or the use of obscure glazing, it is not considered that the occupiers of Moss Wood would be detrimentally impacted by the proposed development with regards to loss of privacy, light or visual intrusion.

There are no other dwellings within close proximity of the application site which could be directly impacted by the development.

Although outline planning permission has been granted partially on this site and the immediate adjacent site for 6 dwellings, as the detail of this approval is yet to be secured as this was for

outline planning permission only, no assessment of the potential impact upon these future dwellings can be made at this stage.

The Council's Environmental Protection Team have advised that they have no objections to the development subject to conditions relating to piling works and dust control and an informative relating to contaminated land.

With regards to the amenity of the future occupiers of the proposed dwelling, sufficient space would be available for the dwelling to have a useable, private amenity space of at least 65 square metres.

As such, the proposal is considered to adhere to Policy GR6 of the Local Plan.

Brereton Neighbourhood Plan

Brereton Parish Council has prepared a draft Neighbourhood Development Plan (NDP) for the Parish of Brereton. The consultation period for the plan has now taken place and ran until 21st September 2015. Examination of the NDP is scheduled for the 11th November 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 HOU01 of the Neighbourhood Plan advises Brereton Parish has a need of 50 new dwellings within the plan period up to 2030. Policy HOU02 identifies that new housing should be contained within the settlement boundaries of the Brereton Parish (Appendix C of the Neighbourhood Plan) unless it meets other policies of The Plan and the Cheshire East Local Plan. Policy HOU03 clarifies that outside settlement boundaries only housing development which is redevelopment of previously development site, conversion of existing buildings, affordable housing scheme for local needs and self build schemes will be permitted and no exceptions sites may exceed 10 dwellings.

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.

The proposed development is for 1 dwelling outside the proposed settlement boundary of the Brereton Heath. However in this case the dwelling would fall under the exceptions for development outside the settlement boundaries (Policy HOU03) as the majority of the site is previously developed land (the site is currently includes a detached garage, stable building and hardstanding). Therefore, it is considered that this development complies with the Brereton Parish Plan.

Furthermore it should be noted that the site lies between an existing dwelling and a site which has outline planning permission for 6 dwellings (which is within the proposed settlement boundary).

Other Matters

The scheme is not of a scale which requires; affordable housing, public open space, education or health contributions.

Planning Balance

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

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 H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

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 that 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 positive planning benefits such as; the provision of a market dwelling in a sustainable location and the knock-on minor local economic benefits such a development would bring.

Balanced against these benefits must be the dis-benefits, which in this case would be the loss of open countryside.

In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

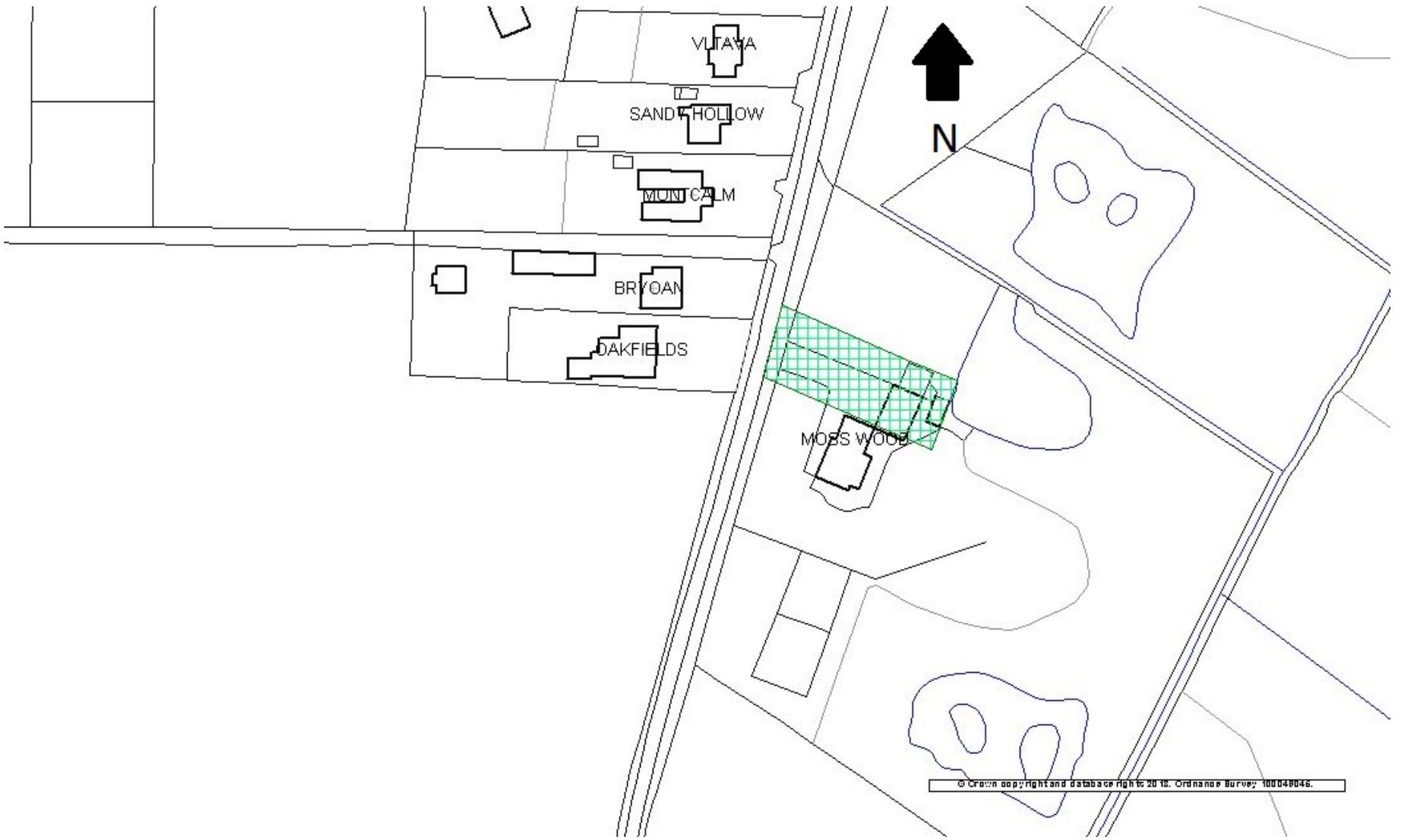
RECOMMENDATION

APPROVE subject to the following conditions;

- 1. Standard outline 1**
- 2. Standard outline 2**
- 3. Standard Outline 3**
- 4. Plans**
- 5. Materials – Prior approval required**
- 6. Reserved Matters application to include an Arboricultural Impact Assessment**
- 7. Prior submission of any piling works**
- 8. Dust Control Measures**
- 9. Surface water drainage scheme**
- 10. Landscaping scheme to include a scheme of replacement tree planting**
- 11. Breeding birds – timing of works**
- 12. Construction Method Statement – The Moss Local Wildlife Site**

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 there absence the Vice Chair) of the 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: 15/4316C

Location: Former Twyford Bathrooms Site, LAWTON ROAD, ALSAGER, STOKE-ON-TRENT, CHESHIRE, ST7 2DF

Proposal: Variation of Condition 15 (hours of delivery) and Removal of Condition 16 (hours of operation of the biomass boiler) on Approval 13/4121C - Full planning permission for the demolition of all existing buildings and the construction of a new retail foodstore; parking and circulation spaces; formation of new pedestrian and vehicle accesses; landscaping and associated works (re-submission of 12/0800C)

Applicant: Sainsbury's Supermarkets Ltd & Lagan

Expiry Date: 21-Dec-2015

SUMMARY

The variation of condition 15 and the removal of condition 16 would not raise any detrimental amenity impacts and as such the variation/removal of the conditions is considered to be acceptable.

There will also be a requirement for a deed of variation to the S106 Agreement to the original application and this is included within the recommendation below.

RECOMMENDATIONS

Approve subject to the completion of a deed of variation to the S106 Agreement to application 13/4121C.

PROPOSAL

Application 13/4121C gave full planning permission for the demolition of the existing buildings and the erection of a new retail food store with a total gross internal area of 4,303sq.m (46,317sq.ft), 2,322sq.m net sales area (25,000sq.ft), a petrol station and 302 car parking spaces.

The access to the store would be taken via the access road which would be provided as part of a new roundabout off Linley Lane.

This application seeks to vary condition 15 and remove condition 16 attached to planning permission 13/4121C. The conditions state as follows:

15. Prior to the first occupation / opening of the store the hours of deliveries to the store and biomass boiler shall be submitted to the Local Planning Authority for approval in writing. The deliveries shall only operate in accordance with the approved details.

Reason: In the interests of residential amenity and in accordance with Policies GR1, GR6, GR7 and GR8 of the Congleton Borough Local Plan First Review 2005.

16. Prior to the first occupation / opening of the store the hours of operation for the biomass boiler shall be submitted to the Local Planning Authority for approval in writing. The deliveries shall only operate in accordance with the approved details.

Reason: In the interests of residential amenity and in accordance with Policies GR1, GR6, GR7 and GR8 of the Congleton Borough Local Plan First Review 2005.

This application proposes to vary Condition 15 to specify the times for deliveries to the store and biomass boiler between the hours of 5am and 11pm (seven days a week) and that unrestricted (24 hour) deliveries to the petrol filling station. The application also seeks the complete removal of condition 16 as 24 hour operation of the biomass boiler is proposed.

SITE DESCRIPTION

The application relates to 3.28 ha of land, situated to the west of Linley Lane (A5011). The site is located within the Alsager settlement Boundary.

To the south of the site is the Crewe-Derby railway line. To the north there is tree cover which forms a TPO (Crewe Road/Linley Lane TPO 2007). The site is relatively flat and is well screened, the site includes part of a large factory and warehouse building which has a floor area of 64,095sq.m. An existing office building and a more modern warehouse building are located outside the red-edge for this planning application.

RELEVANT HISTORY

13/4121C - Full planning permission for the demolition of all existing buildings and the construction of a new retail foodstore; parking and circulation spaces; formation of new pedestrian and vehicle accesses; landscaping and associated works (re-submission of 12/0800C) – Approved 18th June 2015

12/0800C - Full Planning Permission for the Demolition of All Existing Buildings and the Construction of a New Retail Foodstore, Parking and Circulation Spaces, Formation of New Pedestrian and Vehicle Accesses, Landscaping and Associated Works – Withdrawn 23rd May 2012

ENQ/0181/12 – EIA Screening Opinion for a proposed supermarket – EIA not required 15th March 2012

11/4390C - Application for Planning Permission for a Three Arm Roundabout and Access Road – Withdrawn 13th September 2012

11/4109C - Outline Planning Permission with some Matters Reserved for up to 335 Residential Units – Approved 21st November 2013

POLICIES

National Planning 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

Local Plan policy

PS3 – Settlement Hierarchy

PS4 - Towns

GR1- New Development

GR2 – Design

GR4 – Landscaping

GR5 – Landscaping

GR6 – Amenity and Health

GR7 – Amenity and Health

GR9 - Accessibility, servicing and provision of parking

GR10 - Accessibility, servicing and provision of parking

GR13 – Public Transport Measures

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking

GR18 - Traffic Generation

GR21- Flood Prevention

NR1 - Trees and Woodland

NR3 – Habitats

NR4 - Non-statutory sites

NR5 – Habitats

E10 – Re-use or Redevelopment of Existing Employment Sites

S1 – Shopping Hierarchy

S2 – Shopping and Commercial Development Outside Town Centres

Cheshire East Local Plan Strategy – Submission Version

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

PG2 – Settlement Hierarchy

PG6 – Spatial Distribution of Development

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE 1 - Design

SE 2 - Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 6 – Green Infrastructure
SE 8 – Renewable and Low Carbon Energy
SE 9 – Energy Efficient Development
SE 13 – Flood Risk and Water Management
CO1 – Sustainable Travel and Transport
CO 4 – Travel Plans and Transport Assessments
EG 3 – Existing and Allocated Employment Sites
EG5 – Promoting a Town Centre First Approach to Retail and Commerce
IN1 – Infrastructure
IN2 – Developer Contributions

CONSULTATIONS:

CEC Head of Strategic Infrastructure: No comments received.

CEC Environmental Health: No objection. The Environmental Health Team have the Environment Protection Act to act under if problems do arise.

Network Rail: No objection

VIEWS OF THE TOWN/PARISH COUNCIL

Alsager Town Council: Alsager Town Council objects as 5am was an unacceptable time for deliveries and hours should be restricted for deliveries from 7am in line with other supermarkets in Alsager.

Church Lawton Parish Council: No comments received.

REPRESENTATIONS

No representations received.

APPRAISAL

Principle of Development

The principle of development has been established by the granting of planning permission 13/4121C. This application does not represent an opportunity to re-examine the appropriateness of the site for a supermarket development.

Conditions 15

This application proposes to vary Condition 15 to specify the times for deliveries to the store and biomass boiler between the hours of 5am and 11pm (seven days a week) and to allow unrestricted (24 hour) deliveries to the petrol filling station.

In this case the nearest residential properties are located to the opposite side of the Crewe-Stoke Railway line to the south of the site. The access to the approved supermarket is via Linley Lane to the east of the site and there are no existing dwellings in close proximity to the approved access.

It should be noted that there is also an outline planning permission for the development of part of the Twyfords site for up to 335 dwellings (11/4109C) and there is a resolution to approve an outline application on the Cardway Cartons site to the south for a development of up to 110 dwellings (15/2101C).

Given the separation to the nearest existing dwellings and the intervening railway and industrial uses it is not considered that the variation of condition 15 would raise any amenity issues. A Noise Assessment has been undertaken as part of this application and this concludes that the noise impacts are low and will remain below BS4142:2014 – suggested levels for sleep disturbance within bedrooms with the windows open for ventilation (this is in relation to the proposed dwellings – the impact upon the existing dwellings is even lower).

This follows discussions with the Councils Environmental Health Officer who has confirmed that the condition can be varied as the Environmental Health Department can manage any amenity issues which may arise through the Environment Protection Act. The reason for varying the condition is acceptable in planning terms and in any event the reasons for applying the conditions are protected by separate legislation.

Condition 16

The application also seeks the complete removal of condition 16 as 24 hour operation of the biomass boiler is proposed.

Again given the separation to the nearest existing dwellings and the intervening railway and industrial uses it is not considered that the variation of condition 16 would raise any amenity issues. A Noise Assessment has been undertaken as part of this application and this concludes that the noise impacts are low and will remain below BS4142:2014 – suggested levels for sleep disturbance within bedrooms with the windows open for ventilation (this is in relation to the proposed dwellings – the impact upon the existing dwellings is even lower).

This follows discussions with the Councils Environmental Health Officer who has confirmed that the condition can be varied as the Environmental Health Department can manage any amenity issues which may arise from deliveries through the Environment Protection Act. The reason for varying the condition is acceptable in planning terms and in any event the reasons for applying the conditions are protected by separate legislation.

Other Issues

It should also be noted that both conditions which are subject to this application require details to be submitted to the Local Planning Authority for approval in writing. In this case both conditions have had details approved under delegated powers as part of application 15/3526D. The approved condition details are in line with the recommendations of this report.

CONCLUSIONS

The variation of condition 15 and the removal of condition 16 would not raise any detrimental amenity impacts and as such the variation/removal of the conditions is considered to be acceptable.

There will also be a requirement for a deed of variation to the S106 Agreement to the original application and this is included within the recommendation below.

RECOMMENDATIONS

Approve subject to the completion of a deed of variation to the S106 Agreement to application 13/4121C.

And the following planning conditions:

- 1. Standard Time – 3 years from 18th June 2015**
- 2. Approved Plans**
- 3. Prior to the commencement of development, a plan showing the extent of the phases of development (comprising the internal road infrastructure works referred to in Condition 34 –Phase 1 - and the remainder of the development – Phase 2) shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details.**
- 4. Prior to the commencement of development details of existing and proposed land levels to be submitted to the LPA for approval in writing**
- 5. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water runoff generated by the proposed development, has been submitted to and approved in writing by the local planning authority.**
- 6. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority**
- 7. With the exception of the internal road infrastructure the development hereby permitted shall not be commenced until such time as a scheme to install underground tanks associated with the petrol filling station has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.**
- 8. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.**
- 9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.**
- 10. Contaminated Land**
- 11. Construction hours, and associated construction deliveries to the site, shall be restricted to 08.00 to 18.00hrs Monday to Friday and 09.00 to 14.00hrs on Saturdays. There shall be no working on Sundays or Bank Holidays.**
- 12. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs, Saturday 09:00 – 13:00 hrs, Sunday and Public Holidays Nil**

13. Construction Management Plan
14. External Lighting Details
15. Hours of deliveries to the store and biomass boiler between the hours of 5am and 11pm (seven days a week) and that unrestricted (24 hour) deliveries to the petrol filling station
16. Details of Fixed Plant and Equipment
17. Scheme of security barriers for the proposed car park
18. A written schedule of maintenance for the Biomass Boiler which shall include removal of ash, inspection and maintenance of particulate arrestment equipment, boiler servicing and stack cleaning.
19. The biomass boiler shall only be operated using clean wood pellets that comply with a recognised fuel quality standard. A statement shall be submitted to the local authority specifying the quality of the wood pellets used in the biomass boiler and the fuel specification in accordance with CEN/TS 14961 or a similar recognised standard.
20. There shall be no changes to the fuel type for the Biomass Boiler, specification or operation of the biomass boiler unless agreed with the LPA
21. The Biomass stack shall comply with the parameter values specified in Table 5-1 of the submitted air quality assessment, report number 410.04063.00001-dated August 2013 with the exception of the stack height which shall not be less than 8.755 metres. Any deviations shall be submitted to and be approved in writing by the Local Planning Authority.
22. Prior submission and approval of materials
23. Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone to be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Council.
24. Nesting Bird Mitigation Measures
25. Mitigation recommendation of the 2014 Badger report to be secured
26. Boundary Treatment Details including details of all retaining structures
27. Tree protection measures
28. Arboricultural Method Statement
29. Implementation of the submitted landscape proposals
30. Cycle Parking Details
31. The net sales area shall be limited to 2,322sq.m
32. 1,975sq.m (85%) of the sales area will be for the display of convenience goods with the remaining 348sq.m for comparison goods.
33. Prior to first development the developer will provide a detailed suite of design and construction plans for the internal road infrastructure to the satisfaction of the LPA.
34. Prior to first use all access roads and car parking will be constructed and formally marked out.
35. Prior to the store first being brought into use the developer shall fully construct the following off-site highway works:
 - The roundabout access in accordance with plan reference A-PL-103 Rev J
 - The new bus stops on the A5011 in accordance with plan reference A-PL-103 Rev J
 - The junction improvement works at the junction of the A5011/A50/B5077 in accordance with Plan reference VN20017/104.
36. Prior to the commencement of development a plan to show the provision of a footway and cycleway from the site access with Linley Lane to the signal junction at the A5011/A50/B5077 cross-roads shall be submitted to the Local Planning Authority for

approval in writing. The approved scheme shall be constructed in accordance with the approved details before the store or petrol station is first brought into use.

37. Travel Plan

38. Details of the opening of the culvert to be submitted to the LPA for approval in writing.

39. Prior to the commencement of phase 2 elevational details of all minor structures including trolley bays, sprinkler tanks, the biomass boiler and electrical services structures shall be submitted to the LPA for approval in writing.

In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Principal Planning Manager (Regulation), in consultation with the Chair (or in her absence the Vice Chair) of the 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: 15/4389N

Location: Former Victoria Community High School and The Oakley Centre, West Street, Crewe, CW1 2PZ

Proposal: Demolition of former Newdigate and Meredith Buildings and the erection of a 3622 sqm. new educational building and associated car parking and landscaping works, along side the refurbishment of the Oakley Building for use by the UTC

Applicant: Georgina Harris, Crewe Engineering & Design UTC

Expiry Date: 25-Dec-2015

SUMMARY:

The proposal will contribute to economic and social sustainability through the provision of improved educational facilities. In terms of environmental sustainability, the proposal would be acceptable in terms of amenity design and highways, it is not considered that a refusal on these grounds could be sustained and that any concerns in this regard are outweighed by the economic and social benefits of the proposal and the environmental benefits of bringing a vacant site back into use. The scheme, it is considered to represent sustainable development and is in accordance with the relevant policies of the development and accordingly it is recommended for approval.

RECOMMENDATION:

Approve subject to conditions

REASON FOR REPORT:

The proposal is a major development, the applicant is Cheshire East Council and the proposal is subject to objection.

SITE DESCRIPTION

The application site is approximately 1.3 ha, and consists of three buildings constructed in the 1980's: The Newdigate, Meredith and Oakley Buildings.

The site also includes a plant room, to the north of the private element of Chetwode Street. This is to be retained as part of the scheme.

Whilst Newdigate and Meredith Buildings are currently vacant, the site has a long established educational use having been occupied by the Victoria Community Technology School and more recently the Sir William Stanier Community School until 2009.

The site itself has a varied topography, characterised by retaining features and steps across the outside space. This is also very evident within the Oakley Building itself, which has significant level changes within it.

External areas of the site have areas of tree cover, blocked paved hard landscaping and planters. This also includes two fenced hard court play areas to the south east of the site.

The current site is very permeable to pedestrians and passers by virtue of not formally being fenced off from the surrounding area.

The site is located to the north of Crewe town centre.

The north of the site is bounded by two-storey terraced residential properties along Meredith Street, whilst the west is bounded by houses along Newdigate Street and to the east, Newton Street and access to garages.

The south of the site is bounded by West Street and retail development including an Asda superstore.

Whilst the Newdigate and Meredith Buildings are currently vacant, the Oakley Building is currently occupied by a daytime care centre, Pupil Referral Unit and Community Group. These facilities will be relocated to facilitate this development.

Along Newdigate Street and Newton Street, properties largely side onto the site. The houses on Meredith Street bound by Chetwode Street are separated from the site by workshops / garages and the plant room building (which is to be retained).

DETAILS OF PROPOSAL

The project involves:

- The demolition of two former school buildings – Newdigate Building and Meredith Buildings
- Erection of a new three-storey college building (use class D1) with teaching, laboratory, meeting and ancillary spaces
- The refurbishment of the existing Oakley Building (currently used as a community centre, use class D1) providing further teaching space for use by the UTC, including additional plant and amended rear access.

- New hard and soft landscaping scheme framing the new and refurbished buildings along with new boundary treatments to the site
- Enhanced pedestrian route to the west of the new UTC building, linking through to West Street
- Provision of a new car park for the UTC
- Plant room and hard courts are retained
- Associated highways works

PREVIOUS RELEVANT DECISIONS

There are no relevant previous decisions.

PLANNING POLICIES

National policy

National Planning Policy Framework

Local Plan policy

BE.1	Amenity
BE.2	Design
BE.3	Access and Parking
BE.4	Drainage Utilities and Resources
BE.5	Infrastructure
NE.5	Nature Conservation and Habitats
NE.20	Flood Prevention
TRAN.5	Provision for Cyclists
TRAN.6	Cycle Routes
TRAN.9	Car Parking
RT.1	Protection of open spaces with recreational or amenity value
RT.3	Open Space
RT.9	Footpaths and Bridleways.

OBSERVATIONS OF CONSULTEES

Environmental Health

No objection subject to the following conditions:

- Scheme of acoustic mitigation
- Details of all fixed plant to be submitted and agreed
- Hours of use of the building to be submitted and agreed
- Construction Environmental Management Plan
- Details of external lighting to be submitted and agreed
- Travel plan

- 2 electric vehicle charging points
- Phase II contaminated land report

United Utilities:

No objection Subject to the following conditions:

- Foul and surface water shall be drained on separate systems.
- Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.
- The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 72.6l/s in accordance with the drainage strategy submitted.

Environment Agency:

No objection subject to contaminated land conditions.

Highways Authority:

The proposal represents re-use of a former education site for similar educational purposes with a reduced floor area but, in all likelihood, a similar number of students.

The site is sustainably located and will be supported by a Travel Plan. A revised Interim Travel Plan is to be submitted by the applicant to the satisfaction of the Head of Strategic Infrastructure prior to occupation and will be secured by condition.

Car parking proposals are acceptable and cycle parking will be provided to Cheshire East Council standards (88 spaces) with these spaces being sheltered and suitably monitored.

A lit walk route through site, open to the general public at all times, is to be designed to an appropriate standard to be agreed with Head of Strategic Infrastructure.

The principle of a temporary access to West Street for large construction vehicles is accepted, with a suitable waiting area to be provided between West Street and the gated access to the site.

Public Rights of Way

The application documents refer to the proposal to create an enhanced pedestrian link between West Street and Meredith Street, the principle of which would be supported. It is understood that the route is to be adopted as a public highway.

VIEWS OF THE PARISH / TOWN COUNCIL:

The Town Council welcomes the redevelopment of two derelict buildings on a prominent site. However residents in Meredith Street should be no worse off after the development and the Town Council is concerned that there may be additional pressure on on-street parking as a result of the proposal.

1. The Town Council questions whether there is sufficient parking provision despite the calculations in the Transport Statement submitted with the application, and in particular considers that the proposed provision of only 1 parking space for every 2 members of staff is unrealistic.
2. It has concerns about the ability of coaches to negotiate the parked cars on either side of Meredith Street in order to access the drop off point.

OTHER REPRESENTATIONS:

5 representations have been received making the following points:

Loss of Existing Building

- Building should be saved and would help the surrounding environment by not demolishing it
- Concern about big lorries being used to take away rubble
- Concern about fumes and dust
- Impact on wildlife and trees
- Concern for safety of children and people with asthma

Objection to UTC in Principle

- Creation of the UTC may serve the interests of the backers, Bentley (Volkswagen), Bosch, Siemens, OSL, MMU, UNIPART, etc., but the taxpayer will pay the bill.
- Charged to the taxpayer will be the costs of demolition and construction of buildings, associated interest, service charges, and incidental charges of BAM as the already chosen Private-Public partner (PPP), as well as the ongoing running costs of the college, student tuition fees, etc.
- The project will inflict yet more damage on the existing technical college in Crewe, South Cheshire College, which was re-built about six years ago at a cost of over seventy million pounds of taxpayer's money. Already that investment of public funds in rebuilding the South Cheshire College (SCC) has been put in jeopardy by tuition fee increases soon after the re-build and

the college had to sell off land and make staff redundant because of reduced student numbers and income. Creation of a competing, so-called “university”, effectively just another technical college / secondary school, may kill off South Cheshire College completely.

- The proposed enormous waste of public funds on the UTC could alternatively be used in the public’s interest, for affordable housing, for example.
- Is the project a belated attempt by Cheshire East to address the problem of the rapid dereliction of the Newdigate and Meredith buildings that were effectively abandoned six years ago, such that these building must now be demolished, although the third building of the complex, the Oakley Building, that has continued to be occupied and used to this day, remains intact and useful?
- An alternative to Utter Total Chaos (UTC) is to allow South Cheshire College (SCC) to run the courses that employers are apparently requiring. SCC have the experience, the resources, the expertise and the space to provide what is needed, without wasting enormous amounts of public funds with a competing project.
- The planning application should be turned down at this stage as it is a vanity project that is a waste of taxpayers money and will have a detrimental effect on South Cheshire College.
- Has the tender process for this been carried out properly, only two firms actually submitted prices, is the taxpayer getting value for money?

Car parking and Highways

- The proposed location, a narrow strip of land wedged between narrow Meredith Street, a Victorian residential street where pavement and double car parking is the norm, and its location next to the heavily used West Street is yet another ludicrous aspect of the proposed project.
- The proposals for car parking are utterly inadequate: the developers of the project claim eighty parking spaces, apparently an additional sixty-two places, which are said to be for teaching and ancillary staff, also presumably for visitors and the disabled. Parking facilities for students on the campus apparently are not planned. Student numbers are projected to increase to eight hundred. Of these, some sixteen year-old students will have motor cycles and some seventeen to eighteen year-olds will have cars. Neighbouring streets; Meredith Street, Ludford Street, Newdigate Street and Chetwode Street, are all narrow and already monopolised by resident’s cars, by ASDA staff and ASDA shoppers anxious to avoid Cheshire East’s parking fees and restrictions for their car parks across West Street next to ASDA. No facilities for student’s vehicles exist. There seems to be no viable strategy capable of dealing with the absence of adequate parking other than to tell people that they should walk or cycle: this approach, this “promotion of sustainable travel”, is unlikely to succeed. Chaos will likely follow and the result may well lead to the demolition of surrounding housing to overcome the vehicle parking inadequacies.
- If coaches and buses are to be used for conveying staff and students to the “UTC”, how are these vehicles to access the site? Is it to be via Broad Street

and Meredith Street from the west, passing Beechwood primary school where infants are brought to school daily in parent's car where many are forced to park hundreds of yards away because parking in the area is so sparse. Is it to be from the east via the chicanery of Vernon Street, Market Street car parks and the very narrow entrance to Meredith Street next to the Nags Head public house? Another alternative would be on the north side of West Street where a bus lay-by could be created near the site of the existing traffic light controlled crossing and the proposed "enhanced pedestrian link". However, this might require relocation of the pedestrian crossing, and negate any of the (claimed but unlikely) benefits of the proposed, and ridiculously named, "enhanced pedestrian link", which is presumably an existing right of way.

- If buses and coaches are to be used to convey students and staff, where will they be able to turn around? All the surrounding roads, Meredith, Chetwode, Ludford, Newdigate, Albert streets are all very narrow. The prospect of turning anything up to twenty 40-seat vehicles around in any of these streets is utterly preposterous, even if they arrived at staggered intervals by arrangement to coordinate starting times at Beechwood Primary School, Beechwood Nursery and the ridiculously proposed UTC; the outcome will be utter total chaos.
- Even though the parties involved have had a Traffic plan commissioned its findings are laughable and it takes no account of existing double parking in Meredith Street, parking by visitors to the town and shop staff not wanting to pay car parking charges already using the area, not to mention the traffic mayhem already caused at drop off and pick up times for the local school.
- The proposed entrance to the UTC car park is too narrow and to get to it means travelling down an already busy Meredith St creating at least another 160 traffic movements during one day(the car park will have 80 spaces). No consideration has been given to existing residents car parking and movement requirements. The Traffic Plan suggests that students should be encouraged to bicycle to the UTC, I trust they will accept responsibility when an accident occurs, also where are all the bicycles to be parked? 400 Students is a lot of bikes...6/8 bikes equals 1 car park space!
- Better public transport and cycling infrastructure would reduce the need for car parking, and encourage staff and students to engage more with the local community and commerce
- The 88 space parking site is bigger than the area for student recreation and sports. It also allows for more than twice the number of cars to park than bicycles. given that ten bikes can occupy the space of one car this seems disproportionate if we are to encourage healthy travel and exercise. The Asda car park opposite is never more than half full during school hours and can easily cope with the extra cars. To promote cycling cycle paths around the site should be developed, particularly to the station to encourage a wider catchment area for those who do not drive.
- Would recommend the investigation into a foot tunnel under Vernon Way which would bring the Cumberland sports facilities and Thomas St parking within a 200 metre walk. Both are under-utilised during school hours.

Public Transport

- The bus service frequency is incorrect. The stop on Broad Street is served by just three buses an hour (2 on the 12 Crewe-Leighton Hospital and 1 on the 32 Crewe-Sandbach). This therefore makes the site in accessible to certain groups of people, especially those travelling from the south of the town.
- Cheshire East should work with bus companies, and create two new bus stops on each side of the road; at UTC (and opposite) and Market Centre (and opposite). This would make these facilities more accessible.
- some routes should be rerouted, such as the Arriva 6 Leighton Hospital-Brookhouse and D&G 1 Leighton Hospital-Crewe Bus Station-Crewe Business Park, to provide a quarter hourly service along this stretch of West Street.
- These two services would therefore (from the north) continue down West Street, and instead of turning right into Hightown, continue down West Street, calling at the new UTC and Market Centre stops. Then bus should turn left onto Vernon Way, take the third exit from the roundabout onto Earle Street, follow the road round calling at Crewe Library (Prince Albert Street). Turn right onto Chester Street, before a right onto Delamere Street before going into the bus station. This would extend journey times by just 2-3 minutes, but would allow more passengers to use the services, thus keeping them viable.
- As the Number 1 route extends to Crewe Railway Station during the peak times, it would allow for students from a further distance to access the UTC better, and encourage them to study in Crewe. The combined services would also allow students from across North, West and South Crewe to reach the college.

APPLICANT'S SUPPORTING INFORMATION:

- Arboriculture Assessment
- Acoustic Assessment
- Design and Access Statement
- Resource Management Plan
- Ecological Appraisal
- Ground Report
- Flood Risk Assessment
- Climate Change Report
- External Lighting Report
- Transport Statement
- Building SI Statement
- Ventilation Statement
- Interim Travel Plan
- Planning Statement

OFFICER APPRAISAL

Main Issues

The site is located within the settlement boundary for Crewe, where there is a general presumption in favour of development. Given that the site was last in educational use, the construction of the new UTC campus is considered to be acceptable in principle.

The main issues in the consideration of this application are the acceptability of the redevelopment in principle, the effect on the residential amenity of neighbouring occupiers, highway safety and the impact of the design and layout on the character and appearance of the area and mature trees within the site.

SOCIAL SUSTAINABILITY

Educational Benefits

The proposal will provide a new educational facility for the benefit of the people of Crewe. This is a major social sustainability benefit of the scheme.

Amenity

The site is surrounded by existing residential development to the north, west and east. It is bounded to the south by the major road of West Street beyond which lies commercial development within the town centre. The site is currently in educational use, and therefore, it is not considered that the proposed development, in principle, raises any amenity concerns, subject to the noise impact of individual pieces of plant and equipment, dealt with below.

With regard to the proposed buildings themselves, a minimum of 25m will be maintained between the proposed building and the nearest neighbouring residential property boundary. Greater distances will be maintained to the majority of dwellings themselves. Distances of over 21m are considered to be acceptable to maintain privacy. 13m is sufficient to avoid loss of light as a result of the construction of a standard 2 storey dwelling. Whilst it is acknowledged that the proposed UTC building will be higher than this, given that the minimum separation distance is almost twice the 13m standard, this is considered to be sufficient to avoid any loss of amenity as a result of overshadowing. Particularly given that the site is already occupied by large buildings.

Local residents have raised concern regarding construction traffic through the main access which is via the residential area to the north. This will be addressed through the construction management plan. However, the highways department has agreed with the developer that a temporary access for large construction vehicles can be provided direct from West Street.

Noise

The development is for an educational establishment which, due to its location could be adversely affected by noise from road traffic. In addition, noise from

fixed plant and equipment associated with the development could lead to a significant impact on existing neighbouring properties.

The applicant has submitted an acoustic feasibility report in support of the application which outlines an acoustic mitigation scheme to ensure internal and external noise levels meet relevant British standards. The report also outlines considerations when procuring and designing fixed plant and equipment.

At this time the detailed design / uses of each room are not known and as such it was not possible to outline the detailed acoustic scheme. The report recommends that when the detailed design / room uses are known a more detailed mitigation scheme can be designed. Therefore the Council's Environmental Health Officer has recommended conditions requiring a detailed scheme of acoustic mitigation to be submitted and agreed along with details of all fixed plant and acoustic insulation and the hour of use of the building.

In addition, the construction phase of the development has potential to cause noise impacts off site. Therefore, a Construction Environmental Management Plan is also recommended, which can be secured by condition.

Public Rights of Way

At present there are north-south pedestrian links through the site between West Street and Chetwood Street; West Street and Newdigate Street and directly between West Street and Meredith Street. As a result of the proposals, two of these links will be lost in order to create a secure campus with a single point of public entry and access control. This is an important security requirement for a modern educational institution. The Council's Rights of Way team have been consulted on the application and have raised no objection. Furthermore, the proposals will create an enhanced pedestrian link between West Street and Meredith Street, the principle of which is supported by the Council's Rights of Way team. The provision and retention of this link will be secured by condition.

There is also currently a pedestrian link the full length of the West street frontage frontage from Market Street to Newdigate Street to without using steps. The Landscape Officer has expressed concern that development proposals do not appear to maintain a link. In response the applicant has confirmed that, the current scheme does not maintain the east-west link across the whole site due to level changes. There is a retaining wall across the end of the proposed car park and also they do not consider that this route would be one to encourage people to walk across (post development). The new link north south link will provide a link to Meredith Street where people can then move west. However, the Council's Rights of Way team and highways department have expressed concern about this aspect of the scheme and the developer has been asked to reconsider this matter. A further update will be provided to Members in due course.

ENVIRONMENTAL SUSTAINABILITY

Environmental Benefits

The scheme will regenerate a derelict brownfield site in a prominent location within the town centre. It is sustainably located in close proximity to shops, business and other services within the town centre, as well as large residential areas, from where many students and staff will be drawn. It has good access to public transport links within the town centre, including the bus station.

Air Quality

During scoping communications, it was agreed with officers that a stand alone air quality impact assessment would not be required for the proposed development. This was on the basis that the traffic associated with the proposed development is considered to be negligible in comparison to the existing educational uses at the site.

Nonetheless, in order to ensure local air quality does not deteriorate and is safeguarded for the future, direct measures have been proposed to reduce traffic emissions and encourage sustainable modes of travel.

These are in the form of a robust travel plan and electric vehicle charging infrastructure for staff use which will be secured by condition.

Contaminated land

The Environmental Health team has no objection to the application but has commented that the application area has a history of mill, commercial and potentially infilled pit use and therefore the land may be contaminated. The a sensitive end use and could be affected by any contamination present or brought onto the site. A Phase I Preliminary Risk Assessment for contaminated land has been submitted in support of the application which recommends ground investigation works be undertaken to further assess potential contaminant linkages on the site.

It is unclear whether the electricity sub station mentioned in the Phase I report is historical or current, and if current, whether it will remain on site. This should be confirmed and appropriate analysis for PCBs undertaken as detailed in the report.

A proposed scope for the Phase II ground investigation was also submitted with the application. This scope details that a ground investigation was undertaken in May 2015, however this has not been submitted with the application.

The proposed scope does not allow for the analysis proposed in Section 5.2.2.2 of the Phase I report, for example analysis for PCBs, pH, MTBE, SOM and VOCs (if necessary). The deviation from the proposed analysis presented within the Phase I report should be justified. In addition Environmental Health Officers would ask that boreholes are screened appropriately for gas monitoring, and also that at least half of the rounds are undertaken in worst-case conditions.

As such the Environmental Health team recommends that a condition requiring a Phase II contaminated land investigation to be carried out and the results submitted should be attached as a condition, along with details of any necessary mitigation and its implementation.

Ecology

The application is supported by an ecological assessment which has been considered by the Council's Nature Conservation Officer. He has advised that there are unlikely to be any significant ecological issues associated with the proposed development. However if planning consent is granted he recommends that conditions be attached to safeguard nesting birds.

Landscape

The Council's Landscape Officer has considered the proposals and suggests that the materials and treatment of the areas of hard landscape will need to be of a high quality to compliment the building. Whilst the buildings incorporate brick and dark grey curtain walling, in the vicinity of the pedestrian plaza and steps there appear to be a large amount of white concrete, proposed. Similarly concrete is proposed in the seating area/outdoor dining to the north. A more appropriate material could be secured by condition, however.

Soft landscape proposals are provided and appear reasonable, although, in the plaza stepped areas turf is indicated which may be difficult to maintain.

The proposals would involve loss of a significant number of existing trees and several landscaped areas within the site. These features provide some amenity value in the vicinity. It is possible proposed amendments to the wall on the West Street boundary may impact on off site trees. The views of the Forestry Officer should be sought.

Trees

The Forestry Officer has commented that following the meeting with the developer on the 10th November 2015 a revised set of plans which includes the proposed temporary access of West Street will be provided. There are two possible locations for the temporary access point from an Arboricultural perspective, the developers preferred option involves the removal of a single ornamental tree (T26 Cotoneaster) located within one of the raised beds on highway land. The benefits of using this access to local residents at the rear of the site are significant; the trees removal is not contested. Replacement planting can be instigated once the raised planter has been re-instigated following completion of development.

The development proposals involve the removal of a large number of individual and groups of trees planted as part of the landscape proposals for the existing Oakley complex. Whilst there will be some loss of amenity within the immediate

area, it is conceded that a number of trees have exhausted their locations. Inappropriate species choice has resulted in some trees now being in direct contact with buildings, along with footpath disturbance as a result of root development and expansion. They have in the main exhausted their locations, with their loss mitigated by the use of a smaller number of semi-mature trees as replacements, as part of a specimen landscape scheme.

At the pinch point of the new building on the west street elevation a section of the wall which forms the raised planter requires removal to allow for the installation of piles. On completion the wall is to be re-built on the same line. This aspect of the development is located outside the site edged red. This can be accommodated without having any direct or indirect damage to adjacent trees, but a suitable tree protection scheme will be required in accordance with current best practice BS5837:2012. It was agreed on site further discussions would take place with TEP to agree the position of the fencing in order to avoid pre-commencement conditions should the application be approved. There is also an opportunity to review the status of the West Street trees as part of this application. A number are dead with inappropriate species (Crack Willow) also noted. This linear group of trees will be key to providing a degree of screening to the new development, removal of selected trees along with specimen replacement planting should be seen as a net long term gain.

On balance the loss of the identified trees is considered acceptable providing a suitable replacement planting scheme can be accommodated within the revised development layout.

Layout and Design

The Council's Design Officer has considered the proposal and is of the view that the design is acceptable, although there are some minor matters of concern which could be dealt with by condition.

There is some concern regarding lack of tree planting of the car park. There may still be opportunity to plant along the western boundary with Newdgate Street (or part of it) – principally for amenity benefits for the local neighbourhood rather than having a large open car park visible within this street.

At the pre-application stage the potential use of ceramic cladding as part of the materials palette was discussed and there is concern that the elevation adjacent the public route through the site (the Hall space), should be as animated and active as possible. The uplighting along this elevation is welcome but the treatment of this part of the building lends itself to the use of ceramic cladding, as opposed to metallic cladding. Ceramics are a more sympathetic material where people will have close interaction with the building. Also the final detail and finish of the cladding is important and should be conditioned along with other materials.

Given the amount of glazing it is imperative that the quality of the glazing is of high quality and also, it is not clear whether the glazing is inset or flush with the facing. Insetting the windows/glazing will give more relief and shadowing on the elevations, adding more depth. It could also contribute toward summer shading, especially on the southern elevation.

There are some flues on the main building that project quite a way above the building. They are located quite close to the front of the building. These could be set further back and/or reduced in height.

With regard to the external space – The Design and Access Statement refers to concrete products and the concrete terrace (in white) for the main space in front of the Atrium. It is worth suggesting that a palette of reasonably high spec materials is being developed outside the Lifestyle centre, that would also lend itself to this site. The retaining walls for the terrace could utilise a blue engineering brick rather than white concrete. To add interest this could be constructed in a different bond to stretcher to increase its interest. White concrete could be prone to graffiti out of hours as this space is directly related to through pedestrian traffic.

Pedestrian railings are indicated in a limited number of locations, the design of these could be enhanced to add to the schemes public realm quality (particularly as part of the terrace design).

There are areas of old blue paving bricks within the site, that at pre-app it was discussed were to be replaced. These could be reused in the hardscape elsewhere in the site (such as in the rear communal spaces of the UTC).

However, as stated above, all of these matters could be addressed by condition.

Drainage and Flood Prevention

The applicant has submitted with the application, a detailed Flood Risk Assessment, which concludes that adequate attenuations measures can be put in place to ensure that all surface water run-off can be adequately disposed of and any increased potential for flooding resulting from additional hard standing is mitigated.

The Environment Agency and United Utilities have considered the report and raised no objections subject to the imposition of appropriate planning conditions to ensure that the required mitigation is carried out. Therefore, it is not considered that a refusal on flood risk grounds could be sustained.

ECONOMIC SUSTAINABILITY

Economic Benefits

The scheme will provide economic benefits in the form of jobs in construction, teaching and support jobs at the finished facility and increased spending with local shops, businesses and other services. Also, crucially, it will help to provide a highly skilled and well trained workforce, which will benefit regeneration and economic objectives for Crewe and will have economic benefits for local employers. It will also help to attract new employers to the town.

Highways

Planning History

The site has previously been in use for educational purposes (the Sir William Stanier Community School) and the Oakley building remains in use as a leisure facility.

Site description and current application proposal

The site lies immediately to the north of the A532 West Street, in Crewe. The site is formed by a collection of three buildings; Oakley, Newdigate, and Meredith, which are interspersed with walkways and small outdoor meeting areas or squares.

Existing pedestrian access from the town centre is gained via a signalled crossing of the A532 West Street into the heart of the site. Vehicle access is currently gained to a small car park off Newton Street and parking bays off Chetwode Street; both accessed from Meredith Street. Pedestrian and cycle access can also be gained from both of these locations. Although the development site currently allows public pedestrian access across the campus the routes are not currently highway adopted routes.

The existing buildings have the following floor areas;

- Oakley 3,000sqm
- Newdigate 1,650sqm
- Meredith 3,290sqm

The Oakley building is to be retained and refurbished and the other two buildings are to be demolished and replaced with a single building of 3,750sqm. The redevelopment proposal would serve a total of 800 pupils/students and, it is assumed by the applicant, 80 staff.

The proposed level of parking is now 89 spaces rather than the 93 spaces referred to in the Transport Statement (TS) including five disabled bays and this parking is for staff only. The applicant needs to make some allowance for disabled students to access by car.

Wider planning balance

The Head of Strategic Infrastructure is not aware of any wider planning issues that may in part be related to transport that might arise as a result of this development proposal e.g. noise, light, or air quality issues. (The TS does indicate that discussions with officers of CEC have been undertaken regarding Air Quality issues). If such issues are likely to arise it is assumed that the relevant officers of the Council will respond as appropriate.

Transport Submissions

The TS prepared for this application was undertaken by Curtins.

The Curtins' TS purports to provide an audit of the existing highway and traffic situation around the proposal site. The TS fails to make commentary on one key transport issue that is obvious on roads surrounding the site; namely that the residential roads are heavily parked despite the majority of the former school site not being in operation at present. Indeed on the section of Meredith Street passing the community centre vehicles are parked all down one side of the road as well as fully on the footway in front of the community centre.

The TS proposes 40 cycle parking spaces to serve the development site (however also see commentary on discussions with the applicant on this issue later in this report).

The applicant indicates that servicing and delivery, when the UTC is in operation, will be through the parking area. Although not ideal this provision is considered acceptable.

Accessibility

The site is located in a highly accessible location for walk-in from residential areas and the town centre. The site is also well located for staff/students to be able to access retail and food/leisure facilities during break times.

The site will provide cycle parking. This must be sheltered and allow facility for secure parking e.g. Sheffield type stands in shelters that are overlooked or, more likely in this case, monitored. The plans submitted with the planning application currently indicate a level of cycle parking (40 spaces) well below CEC's cycle parking standards (88 spaces).

The applicant has indicated that the space set aside can easily accommodate 88 cycle parking spaces and indicates that these will now be provided from the outset of the development proposal opening. Discussions were also held regarding the need for shelters and monitoring and the applicant promised to look into the monitoring issue.

Bus services are easily reached including the service numbers 1, 20, and 32 within 250m of the site and a wider range of services can be reached in the town centre at the bus station.

Rail services can be accessed further afield at Crewe railway station and bus service number 1 provides a link to the railway station.

It is concluded that the site is highly accessible by sustainable modes, as one would expect close to the centre of Cheshire East's largest town.

Traffic Generation

The Curtins' TS provides a methodology for assessing the forecast number of trips at the proposed school that CEC cannot accept.

The estimation of trip generation based on the previous use has been based on the GFA of the school and the proposed trip generation of the new facility is based on pupil numbers. We see no reason why a different method should be applied to each facility.

Curtins has also looked at the trip generation for the proposed facility as half school and half college/university; despite basing parking standards on that of a school only.

Strategic Highways do not agree that this facility, despite its name, will have any of the travel characteristics associated with a college/university which clearly have a high number of students that will be living on campus or nearby and, on the other hand, have a higher number of students that will have access to a car than the 17/18 year olds that would attend this facility.

The facility is more akin to a standard secondary school – albeit without 11-13 year olds – with a large sixth form facility. So, on that basis, the SHM considers that the appropriate comparison is that of a standard secondary school.

Given that the proposed facility is somewhat smaller than the original school facility it seems unlikely that the traffic generation of the proposed facility would be any greater than that of the previous use.

Parking

Parking is clearly an issue in this area of Crewe with housing adjacent to the development being primarily terraced with no frontage gardens or parking. Indeed, site visits have indicated heavy parking during the day with vehicles parked on-street and illegally on footways.

It is considered that this proposal is more akin to a secondary school than a college/university. On that basis we would expect;

1 space per 2 staff	= 40 spaces
1 space per 10 sixth form age	= 40 spaces
Additional 5 spaces	= 5 spaces
Total	= 85 spaces

If we treated the facility as a college it would be;

1 space per 2 staff	= 40 spaces
1 space per 15 students	= 53 spaces
Total	= 93 spaces

The proposed provision of 89 spaces is therefore considered adequate for this facility and at least five of these spaces should be dedicated to disabled users and of a suitable standard for disabled use.

A designated drop-off/pick-up bay is also to be provided.

Cycle parking standards are one space per 10 staff and students. That equates to 88 cycle parking spaces and, it is now understood, the applicant will make such provision on first occupation of the building.

Construction traffic

Although no formal construction management plan is available the applicant has indicated that they consider the best access for large vehicles to be via a temporary access from West Street but that construction employees in smaller vehicles would access via the residential roads to the rear. This is agreed as a suitable strategy, with appropriate temporary signage and with reinstatement works to be agreed.

Travel Plan

The applicant has provided an Interim Travel Plan.

The development site location is undoubtedly sustainable in terms of transport options and access to shops and facilities typically used at break and mealtimes. However, the applicant will still need to promote use of sustainable modes of transport for environmental, traffic, health, and parking reasons.

The Interim Travel Plan indicates measures that 'could' be implemented and needs to be more positive indicating those measures that 'would' be implemented, with potential remedial measures that might be implemented should they be required to ensure the success of the Travel Plan.

The plan also needs to be more definitive in terms of targets and, as indicated above, list a menu of measures to be implemented should such targets not be achieved.

The Plan should also refer to the duration of the TP which it is assumed will run for the lifetime of the facility. The finalised plan should include an indication of the surveys that will be undertaken and how monitoring will be achieved internally and reported externally.

Site Plan

The applicant has indicated an unwillingness to provide a lit footpath through the site which would be adopted by the Council; the reasoning relating to potential use of 'high quality' materials that may not meet adoptable specifications.

However, conditions can be imposed to ensure that such a pedestrian link through the site will be provided 'in perpetuity'. It needs to be lit and built to a suitable standard. Plans need to be submitted to make it absolutely clear where this route will be provided. This can also be achieved through the use of conditions.

Conclusion

The proposal represents re-use of a former education site for similar educational purposes with a reduced floor area but, in all likelihood, a similar number of students.

The site is sustainably located and will be supported by a Travel Plan. A revised Interim Travel Plan is to be submitted by the applicant to the satisfaction of the Head of Strategic Infrastructure prior to occupation and will be secured by condition.

Car parking proposals are acceptable and cycle parking will be provided to Cheshire East Council standards (88 spaces) with these spaces being sheltered and suitably monitored.

A lit walk route through site, open to the general public at all times, is to be designed to an appropriate standard to be agreed with the Local Planning Authority.

The principle of a temporary access to West Street for large construction vehicles is accepted, with a suitable waiting area to be provided between West Street and the gated access to the site.

CONCLUSIONS

In summary, it is considered that the re-development of the UTC is acceptable in principle and will provide a new state-of-the-art facility of the benefit of the town. The site layout and design of the buildings are of an exceptionally high standard, which will enhance the quality of the built environment locally. The flood risk and highway safety implications of the development have been carefully assessed and are considered to be acceptable. There will be no net loss of open space and the development has been subject to and influenced by public consultation and participation. Outstanding matters relating to tree protection and hard and soft landscaping can be adequately dealt with by means of conditions and it is therefore considered that the development complies with all the relevant local

plan policies and accordingly it is considered to represent sustainable development and is recommended for approval.

RECOMMENDATIONS

APPROVE: Conditions

- 1. Standard**
- 2. Approved Plans**
- 3. Prior to commencement provision of tree protection scheme in accordance with current best practice BS5837:2012**
- 4. Prior to commencement Phase II contaminated land investigation to be carried out and the results submitted**
- 5. Prior to commencement Construction Management Plan to be submitted and agreed**
- 6. No works to commence during bird nesting season without prior survey**
- 7. No works other than clearance / refurbishment until scheme of acoustic mitigation to be submitted and agreed along**
- 8. No works other than clearance / refurbishment until provision of revised landscaping / replacement planting scheme to include removal of dead trees and replacement planting on West Street boundary & planting within the car parking & along the western boundary with Newdigate Street.**
- 9. No works other than site clearance / refurbishment until details of facing and surfacing materials have been submitted. Materials to include ceramic cladding to the elevation adjacent the public route through the site, retaining walls to be blue engineering brick, reuse of existing blue brick paviers,**
- 10. No works other than clearance / refurbishment until details of brick bond to retaining walls to be submitted and agreed.**
- 11. Prior to installation of any fixed plant details of acoustic insulation to be submitted and agreed**
- 12. Prior to first occupation details of the hours of use of the building to be submitted and agreed.**
- 13. Prior to first occupation travel plan to be submitted and agreed**
- 14. Prior to first occupation electric vehicle charging points to be provided**
- 15. Prior to occupation of the development a suitable Travel Plan will be submitted to the satisfaction of Cheshire East Council, including suitable measures to promote sustainable travel at the site.**
- 16. No development other than site clearance / refurbishment to commence on site prior to the provision of a plans that include a walk link through the development, at a suitable standard, connecting West Street to Meredith Street and/or Chetwode Street. Route to be retained thereafter**
- 17. Car parking provision to be provided at a total of 89 spaces.**
- 18. Secure and covered cycle parking to be provided at 88 spaces, with plans for monitoring to be agreed prior to occupation.**



Application No: 15/4576C

Location: Land South Of The Paddock, Booth Bed Lane, Goostrey, Cheshire

Proposal: Outline application for the erection of a single self build dwelling, garage and garden curtilage on land located to the west of Booth Bed Lane, Goostrey. The application also promotes the creation of a vehicle passing place within the site, and the minor widening of the verge to create a safer and more efficient entrance to / from Booth Bed Lane

Applicant: JOHN BEARDSSELL

Expiry Date: 02-Dec-2015

SUMMARY

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

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 H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

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 that 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 positive planning benefits such as; the provision of a market dwelling in a sustainable location and the knock-on minor local economic benefits such a development would bring.

Balanced against these benefits would be the loss of open countryside.

In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION

APPROVE subject to conditions

REASON FOR REFERRAL

As the proposed development is for a house in the Open Countryside and does not fall within any of the acceptable exceptions within Local Plan policies PS8 or H6, the application represents a 'departure' from the development plan.

PROPOSAL

This application seeks outline planning permission to erect No.1 dwelling. Matters of Access are also sought for approval.

Matters regarding; Layout, Scale Appearance and Landscaping are reserved for later approval.

As such, the application seeks permission for the principle of erecting 1 dwelling on this plot with consideration of the access only.

The original submission also sought approval for matters of layout and scale. However, the applicant has since decided not to pursue these matters at this time.

A revised indicative layout plan has also been submitted reducing the proposed footprint of the detached garage shown.

SITE DESCRIPTION

The site relates to a small field located adjacent to and to the south of a dwelling known as The Paddock and to the north of properties on Wood Lane and Eaton Lane, Goostrey.

The site, including the proposed access onto Booth Bed Lane falls entirely within the Open Countryside as defined by the Congleton Borough Local Plan First Review 2005.

The applicant site relates to only a part of a larger, 'L-shaped' paddock which is approximately 0.2 hectares in size.

The application site also falls within the Jodrell Bank Radio Telescope Consultation Zone Line.

RELEVANT HISTORY

28563/3 – Proposed conservatory extension (The paddock) – Approved 15th November 1996

25353/3 - Single Storey Extension to Provide Accomodation For Disabled Mother – Approved 30th June 1993

19412/3 - Proposed Dwelling and Turning Area – Refused 8th March 1988

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

Development Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS8, as Open Countryside

The relevant Saved Policies are:

PS8 – Open Countryside

GR1 - New Development

GR2 – Design

GR4 – Landscaping

GR6 - Amenity and Health

GR9 - Accessibility, Servicing and Parking Provision – New development

GR20 - Public Utilities

GR21 - Flood Prevention

NR1 - Trees and Woodlands

NR2 - Wildlife and Nature Conservation – Statutory Sites

H1 - Provision of New Housing Development

H6 - Residential Development in the Open Countryside and the Green Belt

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP1 - Presumption in favour of sustainable development

PG1 - Overall Development Strategy

PG5 – Open Countryside

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

IN1 – Infrastructure

IN2 - Developer contributions

SC4 - Residential Mix

SC5 - Affordable Homes

SE1 – Design

SE2 - Efficient use of land
SE3 - Biodiversity and geodiversity
SE4 - The Landscape
SE5 - Trees, Hedgerows and Woodland
SE6 - Green Infrastructure
SE9 - Energy Efficient Development
SE12 - Pollution, Land contamination and land instability
SE13 - Flood risk and water management.

CONSULTATIONS

Flood Risk Manager – No objections, subject to a condition that a surface water drainage scheme (including a scheme for the on-site storage and regulated discharge) be submitted to and approved in writing by the LPA.

Head of Strategic Infrastructure (HSI) – No objection.

Environmental Protection – No objections, subject to an hours of construction and a contaminated land informative only

Jodrell Bank (University of Manchester) – No comments received at time of report

Goostrey Parish Council – The Parish Council objects to this application for the reasons the applicant acknowledges in their Planning Statement:

- It is outside the Goostrey Settlement Zone Line so it conflicts with Policy PS5 in the Congleton Borough Local Plan and
- It is in designated Open Countryside. This is the same situation for Hermitage Lane where CE gave this reason for refusal

REPRESENTATIONS

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

At the time of writing this report letters of objection have been received from 9 local households raising the following points:

- The application site is part of the open countryside
- Loss or rural character
- The access to the site is hazardous
- The access is too narrow
- Increased vehicular movements
- Vehicles speeding along Boot Bed Lane
- Vehicles would need to reverse on Booth Bed Lane which would be hazardous to cyclists and pedestrians
- Previous applications have been refused on this site
- The proposed dwelling would not meet the needs of local people
- Other applications in the area have been refused
- The proposed dwelling would be out of character
- Loss of privacy
- Foul and surface water drainage issues in the area

- Concerns that this will be the first of many applications on this site
- The development would be contrary to the local plan
- The development does not represent sustainable development
- Increased noise and disturbance
- Increased pollution/smells
- Increased light pollution
- Impact upon Bats
- The proposal is contrary to the NPPF
- The proposal is contrary to the emerging Cheshire East Local Plan
- The scale and height of the building is not appropriate
- The housing needs for Goostrey are to be provided in Holmes Chapel
- There is limited facilities in Goostrey with no supermarket, banks, garages or secondary school
- Poor medical provision in Goostrey
- Capacity issues at local schools
- Lack of employment provision in Goostrey
- Lack of sustainable travel options in Goostrey
- Loss of outlook
- The footprint of the proposed dwelling is out of character
- The access cannot be widened
- Loss of biodiversity
- Impact upon the adjacent trees
- The development does not reflect the existing building line
- Concern that the proposed garage could be converted into a second dwelling
- Separation distances are not provided to all of the adjoining dwellings
- The siting of the house is not clear on the submitted documents
- Loss of agricultural land
- The proposed dwelling is too large
- The access is close to where the speed limit changes

APPRAISAL

The key issues are:

- The principle of the development
- Sustainability including the proposal's Environmental, Economic and Social role
- Planning Balance

Principle of Development

The site lies entirely within the Open Countryside as designated in the Congleton Borough Local Plan First Review 2005 where policies PS8 and H6 state that only residential development which is required for a person engaged full-time in agriculture or forestry, the replacement of an existing dwelling, the conversion of an existing rural building, the change of use or re-development of an existing employment site, infill development or affordable housing shall be permitted.

The proposed development does not fall within any of these categories. As such, the issue in question is whether there are other material considerations associated with this proposal, which

are a sufficient material consideration to outweigh the policy objection. These are considered below.

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 '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.

This is a material consideration in support of the proposal.

Sustainable Development

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 that 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.

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 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 Policy

In the absence of a 5-year housing land supply open countryside policy is considered to be out of date. However, Policy PS8, seeks to protect the intrinsic character and beauty of the countryside in line with the framework. It is therefore necessary to 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.

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 particular case the harm to open countryside would be minimal as the site is surrounded by existing development and makes minimal contribution to its intrinsic character and beauty.

Sustainability of Location

Although a locational sustainability assessment has not been provided by the applicant for this scheme, the application site lies directly adjacent to the boundary with the Goostrey Village Inset Boundary Line. As such, it is within walking distance, via an existing footpath, to the village's facilities including; a local shop, play area, church, primary school, community sports facilities and public house.

It also has good bus links to Sandbach, Holmes Chapel, Northwich and Goostrey Railway Station.

Furthermore, other proposals for dwellings on the edge of Goostrey have been considered to be locationally sustainable by the Local Planning Authority for the above reasons.

As such, it is considered that the proposed application site is sited within a sustainable location.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it.

Environmental role

Landscape Impact

The application site forms part of a small field associated with and to the south of 'The Paddock' in the Open Countryside. The Goostrey Village Settlement Boundary is located immediately to the south and forms the southern boundary.

On the northern boundary of the site are outbuildings associated with 'The Paddock'. To the east and south are the properties on Eaton Land and Wood Lane respectively.

As the application site is largely enclosed by built form, it is not considered that the development of built form in this location would have a detrimental impact upon the wider landscape. This conclusion is supported by the Council's Landscape Officer.

Trees and Hedgerows

The submission is supported by a tree survey and indicative Arboricultural Impact Assessment (AIA) dated October 2015.

As an outline with only access to be determined, the full implications for trees would only be realised at Reserved Matters stage, nevertheless, the Council's Tree Officer has advised that it would appear that a length of overgrown Leylandii hedge and a small group of Silver Birch would be removed to achieve access and a passing space and with a layout as indicated, there would be hard surfacing within the root protection area of the off site Weeping Willow and a Silver Birch.

It is further advised that it appears the site has the capacity to accommodate a single dwelling without significant arboricultural issues. Nevertheless, the Council's Tree Officer has concluded to advise that a reserved matters application and finalised layout would need to be supported by a package of arboricultural information in accordance with *BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations*. This could be covered by condition.

Design

The proposed development is for 1 new dwelling. Matters of layout, scale and appearance are not sought for approval as part of this application. This proposal therefore considers the principle of 1 dwelling on the site only based on the indicative layout plan.

The submitted updated indicative layout plan shows that the proposed dwelling would have an L-shaped footprint and be located to the north-west of the plot facing in a north-easterly direction. Within the updated Design and Access Statement it is advised that the dwelling would not exceed 7.5 metres in height.

A new access point would be created to the north-eastern corner which would link the site to the private driveway of The Paddock to the north, which would link to Booth Bed Lane to the east.

A detached garage block, of a smaller scale than originally shown, would be sited on the southern boundary on the opposite side of the site to the proposed access.

The proposed layout, although indicative, would not appear incongruous within a site which is enclosed by dwellings facing in various orientations and would be neatly sited adjacent and parallel to an existing rural building.

The development indicates the provision of a detached dwelling which would also respect the form of the immediate surrounding properties.

With regards to scale, according to the submitted indicative plans, the dwelling would have a footprint of approximately and height that would not appear incongruous. However, the detail of all of the above would be considered at reserved matters stage.

As a result of the above reasons, it is considered that 1 dwelling of a scale, layout and appearance which would respect the local character could be accommodated within this plot. As such, it is considered that the proposal would adhere with Policy GR2 of the Local Plan and Policies SE1 (Design) and SE2 (Efficient use of land) of the Cheshire East Local Plan Strategy – Submission Version (CELP).

Access

Access is sought for approval as part of this application.

The layout plan demonstrates that the proposal seeks the creation of a new access point which would link into the private driveway of The Paddock, to the north. Sufficient parking space would be provided for at least 200% parking.

The Head of Strategic Infrastructure (HSI) has reviewed the submitted information and has stated that the access is a long access drive that already serves a residential property and a number of stables. Given the long access drive there does need to be some facility for vehicles to pass one another. The applicant has proposed some improvements to the access drive and also the provision a passing bay.

Given that the access currently serves a small amount of development, the Head of Strategic Infrastructure does not have any objections to the additional dwelling subject to the improvements proposed being implemented.

As such, it is considered that the proposed development would adhere with Policy GR9 of the Local Plan.

Ecology

The application is supported by an Ecological Assessment.

At the time of writing this report comments were awaited from the Councils Ecologist and an update report will be provided in relation to this issue.

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 Council's Flood Risk Officer has reviewed the application and advised that they have no objections, subject to a condition seeking the prior submission of a surface water drainage plan.

As such, subject to the above, it is considered that the proposed development would adhere with Policies GR20 and GR21 of the Local Plan.

Environmental Conclusion

The proposed development would not create any significant landscape, hedgerow, design, access, flooding or drainage concerns. The impact upon protected trees would be acceptable, subject to a number of conditions.

An update will be provided in relation to the ecological implications of this development.

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

Economic Role

It is accepted that the construction of a house, although minor, would bring the usual economic benefit to the closest shops in Goostrey 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.

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

Social Role

The proposed development would provide 1 market dwelling which would be a social benefit.

Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space)

sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

The closest neighbouring properties to the application site would be the occupiers of; No's 12 and 14 Wood Lane and No's 8 and 10 Eaton Lane.

According to the submitted indicative layout plan, the proposed dwelling would be sited to the north-western corner of the site and would be orientated so that none of its elevations would lie directly parallel with any of these neighbouring properties.

The closest neighbouring property to the application dwelling would be No.14 Wood Lane which, according to the indicative layout plan, at its closest point (rear elevation), would be approximately 17 metres from the side/rear corner of the proposed unit.

Due to the offset relationship between the proposal and this neighbouring unit, which would result in the vast majority of the built form not lying directly to the rear of this neighbouring property, it is not considered that the occupiers of No.14 Wood Lane would be significantly impacted by the proposed development with regards to loss of privacy or visual intrusion should this layout be pursued at reserved matters stage.

As the application unit would be to the north of this dwelling, no significant issues in relation to loss of light should be created for this neighbour either.

All other neighbouring dwellings would be over the minimum 21.3 metre separation standard based on the indicative layout.

The application also indicates a proposed detached garage. The indicative layout plan shows that this would be sited to the south-east of the plot and would lie parallel with the southern boundary.

The indicative plan demonstrates that this garage would be located over the 21.3 metre separation distance standard with the rear elevation of No.8 Eaton Lane and 16.4 metres from the rear elevation of No.12 Wood Lane.

Given the proposed use of the building as a garage and the above separation distances, it is not considered that the provision of this garage in this location would have a detrimental impact upon the privacy, light or visual intrusion of these neighbouring dwellings, subject to the scale being appropriately considered at reserved matters stage.

The Council's Environmental Protection Team have advised that they have no objections to the development subject to an hours of construction and a contaminated land informative only.

With regards to the amenity of the future occupiers of the proposed dwelling, sufficient space would be available for the dwelling to have a useable, private amenity space of at least 65 square metres.

As such, it is considered that a detached dwelling and a garage could be accommodated within the plot without creating significant amenity concerns. The proposal is therefore considered to adhere to Policy GR6 of the Local Plan.

Other Matters

The scheme is not of a scale which requires; affordable housing, public open space, education or health contributions.

Planning Balance & Conclusion

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

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 H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

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 that 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 positive planning benefits such as; the provision of a market dwelling in a sustainable location and the knock-on minor local economic benefits such a development would bring.

Balanced against these benefits would be the loss of Open Countryside.

In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions;

- 1. Standard Outline 1**
- 2. Standard Outline 2**
- 3. Standard Outline 4**
- 4. Plans**
- 5. Surface water drainage scheme – Prior approval required**
- 6. The access improvements shall be constructed as shown on Dwg B1065 prior to occupation.**
- 7. Reserved matters application shall include an arboricultural impact assessment**

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 Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) of the Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.



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CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE REPORT

Date:	10 th November 2015
Report of:	Sue Orrell – Principal Planning Officer
Title:	Update following the resolution to approve application 15/2101C subject to a S106 Agreement
Site:	Land at Cardway Cartons Linley Lane Alsager

1.0 Purpose of Report

- 1.1 To consider an alteration to the committee resolution for application 15/2101C. This application has a resolution for approval subject to the completion of a S106 Agreement.
- 1.2 The report has been presented to Southern Planning Committee because the original application was considered by the Committee at the meeting on 28th October 2015.

2.0 Decision Required

- 2.1 To agree the alteration to the committee resolution.
- 2.2 The principle of the development has already been established by the previous resolution. Consequently, this report does not provide an opportunity to revisit that issue. This item relates to two matters only. Firstly, the report relates to the proposed amendment to the requirements of the legal agreement which should be via a Section 111 Agreement and not a Section 106 Agreement. Secondly, to update the Heads of terms relating to the affordable housing provision.

3.0 Background

- 3.1 The application site relates to land at Cardway Cartons and open space to the rear of the Cardway complex. The open space is Council owned.

4 Proposed Development

- 4.1 Application 15/2101C seeks outline planning permission for up to 110 dwellings and 3 access points, with the means of access being applied for at this stage. The 3 access points are intended to serve 3 phases of development.

5 Previous Resolution

- 5.1 Members may recall that on 28 October 2015, the Southern Planning Committee resolved to grant outline planning permission for the housing scheme and the 3 points of access.
- 5.2 The resolution to approve was subject to completion of Section 106 Agreement making provision for financial contributions for a variety of matters, provision and future maintenance of an on site NEAP, creation of residents management scheme for on site incidental open space and ecological area, 30% affordable housing and a number of conditions as follows:

RESOLVED – APPROVED subject to 106 Legal Agreement to Secure:

- **Affordable housing:**
 - **30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)**
 - **A mix of 2 , 3 bedroom and other sized properties to be determined at reserved matters**
 - **units to be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.**
 - **constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).**
 - **no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.**
 - **developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.**
- **Contribution of £ 227,772.09 (21 x 11919 x 0.91) towards primary education. This contribution is based on 110 units and will phased on pro rata basis and be required to be paid on first occupation of each phase (pro rata) of the development of the site**
- **Contribution of £277,826 (17 x 17959 x 0.91) towards secondary education. This contribution is based on 110 units and will phased on pro rata basis and be required to be paid on first occupation of each phase (pro rata) of the development of the site**
- **Commutated Sum for off-site enhancement works of £ 19,762.75 in lieu of the loss of protected open space – to be spent at Merelake Way footpath/ Green Corridor**

- Provision of on site NEAP (8 pieces of equipment) and a 25 years commuted maintenance sum of £75,799
- Contributions of £29,799 as maintenance payment for on site POS (not incidental areas of open space/ ecological area/buffer zones)
- Bus Shelter Contribution of £25,000 to upgrade two local bus stops to quality partnership specification located within the vicinity of the development site
- Off – site highway contribution of £100,000
- Travel Plan monitoring payment of £5000 (£1000 per annum for 5 years)
- Private residents management company to maintain all on-site incidental open space/buffer zones/ ecological area (not the 3 areas of formal open space/childrens play space)

And the following Conditions;

1. Standard Outline
2. Submission of Reserved Matters
3. Time limit for submission of reserved matters
4. Approved Plans – (parking layout/driveways and courts size/position/ use not approved on indicative masterplan
5. Electric vehicle infrastructure shall be provided on car parking spaces/ each dwelling
6. 6870 square metres of useable formal open space and childrens play space shall be provided within the site (not including noise buffer zones or incidental spaces/verges)
7. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
8. The developer shall agree with the LPA an Environmental Management Plan (EMP) with respect to the construction phase of the development. The EMP shall identify all potential dust sources and outline suitable mitigation. The plan shall be implemented and enforced throughout the construction phase.
9. Prior to the commencement of development an additional Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
10. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
11. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority.
12. Noise mitigation to be submitted and implemented to achieve a good standard and the proposed mitigation for the gardens closest to potential noise sources will require the recommended design criteria of <55dB LAeq to be achieved.

13. No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority showing how at least 10% of the predicted energy requirements of the development will be secured from decentralised and renewable or low-carbon sources. The scheme shall be implemented as approved and retained thereafter.
14. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.
15. 105 units maximum
16. Any reserved matters application for housing to include detailed proposals for the incorporation of features into the scheme suitable for use by roosting bats and breeding birds including swifts and house sparrows. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.
17. Works should commence outside the bird breeding season
18. No trees shall be removed without the prior approval of the LPA.
19. Landscaping Scheme including details of boundary treatments to be submitted
20. Submission of Statement Design (site wide) of part of 1st reserved matters principles to take into account, the Master Plan and the Parameters Plan and to include the principles for:
 - determining the design, form, heights and general arrangement of external architectural features of buildings including the roofs, chimneys, porches and fenestration;
 - determining the hierarchy for roads and public spaces;
 - determining the colour, texture and quality of external materials and facings for the walls and roofing of buildings and structures;
 - the design of the public realm to include the colour, texture and quality of surfacing of footpaths, cycleways, streets, parking areas, courtyards and other shared surfaces;
 - the design and layout of street furniture and level of external illumination;
 - the laying out of the green infrastructure including the access, location and general arrangements of the children's play areas, open space within the site
 - sustainable design including the incorporation of decentralised and renewable or low carbon energy resources as an integral part of the development
 - ensuring that there is appropriate access to buildings and public spaces for the disabled and physically impaired.

- scale parameters for 2.5 storey buildings (maximum) on key parts of the site
 - SUDS details to be submitted
 - All subsequent phases and reserved matters to comply with overall strategy unless otherwise agreed
21. Reserved Matters to include Arboricultural Implication Study (AIS) in accordance with para 5.4 of BS5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations , Constraints and Tree Protection Plan and Arboricultural Method Statement
 22. Landscaping implementation
 23. Umbrella Travel Plan to be submitted with 1st reserved matters and each Phase of development to include travel plan
 24. scheme to manage the risk of flooding from overland flow
 25. Existing and proposed levels to be submitted as part of each phase/ each reserved matters application whichever is sooner.
 26. Each phase to include an area of useable public open space as detailed on plan 14-028-P-001 Rev B with access strategy from wider area
 27. first reserved matters application to provide a detailed design/management regime for the Ecological Area
- 5.3 As the application site includes land which is still owned by the Council it becomes a legal impossibility for the Council to enter into a S106 Agreement with itself as landowner and Local Planning Authority. Therefore the Section 111 route is the most appropriate mechanism.
- 5.4 The Heads of Terms resolved to be imposed by Committee, paying specific regard to the affordable housing provision on site referred to the Code for Sustainable Homes Level 3 requirement, which is a matter that is now delivered via the Building Regulations. It is therefore proposed to omit this from the resolution.
- 6 Officer Comment**
- 6.1 The S111 route envisages the completion of a S111 Agreement with a draft S106 attached. Once permission is issued and the sale is completed (within 6 weeks of the sale), then the S106 will be completed.
- 6.2 The same Heads of Terms, with the exception of Code for Sustainable Homes, which is now dealt with under the Building Regulations, will be secured just via an appropriate mechanism given the Councils ownership of the site.
- 7. Conclusion**

7.1 On the basis of the above, the committee resolution should be amended.

8. Recommendation

8.1 The Southern Planning Committee resolve to alter the committee resolution as follows:

RESOLVED – That, for the reasons set out in the report, the application be APPROVED, subject to the satisfactory completion of a Section 111 Agreement with a Draft S106 attached Legal Agreement to Secure:

- **Affordable housing:**
 - **30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)**
 - **A mix of 2 , 3 bedroom and other sized properties to be determined at reserved matters**
 - **units to be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.**
 - **no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.**
 - **developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.**
- **Contribution of £ 227,772.09 (21 x 11919 x 0.91) towards primary education. This contribution is based on 110 units and will phased on pro rata basis and be required to be paid on first occupation of each phase (pro rata) of the development of the site**
- **Contribution of £277,826 (17 x 17959 x 0.91) towards secondary education. This contribution is based on 110 units and will phased on pro rata basis and be required to be paid on first occupation of each phase (pro rata) of the development of the site**
- **Commuted Sum for off-site enhancement works of £ 19,762.75 in lieu of the loss of protected open space – to be spent at Merelake Way footpath/ Green Corridor**
- **Provision of on site NEAP (8 pieces of equipment) and a 25 years commuted maintenance sum of £75,799**
- **Contributions of £29,799 as maintenance payment for on site POS (not incidental areas of open space/ ecological area/buffer zones)**
- **Bus Shelter Contribution of £25,000 to upgrade two local bus stops to quality partnership specification located within the vicinity of the development site**

- Off – site highway contribution of £100,000
- Travel Plan monitoring payment of £5000 (£1000 per annum for 5 years)
- Private residents management company to maintain all on-site incidental open space/buffer zones/ ecological area (not the 3 areas of formal open space/childrens play space)

And the following Conditions;

- 1 Standard Outline
- 2 Submission of Reserved Matters
- 3 Time limit for submission of reserved matters
- 4 Approved Plans – (parking layout/driveways and courts size/position/ use not approved on indicative masterplan
- 5 Electric vehicle infrastructure shall be provided on car parking spaces/ each dwelling
- 6 6870 square metres of useable formal open space and childrens play space shall be provided within the site (not including noise buffer zones or incidental spaces/verges)
- 7 Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
- 8 The developer shall agree with the LPA an Environmental Management Plan (EMP) with respect to the construction phase of the development. The EMP shall identify all potential dust sources and outline suitable mitigation. The plan shall be implemented and enforced throughout the construction phase.
- 9 Prior to the commencement of development an additional Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
- 10 The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
- 11 The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority.
- 12 Noise mitigation to be submitted and implemented to achieve a good standard and the proposed mitigation for the gardens closest to potential noise sources will require the recommended design criteria of <55dB LAeq to be achieved.
- 13 No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority showing how at least 10% of the predicted energy requirements of the development will be secured from decentralised and renewable or low-carbon sources. The scheme shall be implemented as approved and retained thereafter.
- 14 No development shall take place, including any works of demolition, until a Construction Method Statement has been

submitted to, and approved in writing by, the local planning authority.

- 15 105 units maximum
- 16 Any reserved matters application for housing to include detailed proposals for the incorporation of features into the scheme suitable for use by roosting bats and breeding birds including swifts and house sparrows. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.
- 17 Works should commence outside the bird breeding season
- 18 No trees shall be removed without the prior approval of the LPA.
- 19 Landscaping Scheme including details of boundary treatments to be submitted
- 20 Submission of Statement Design (site wide) of part of 1st reserved matters principles to take into account, the Master Plan and the Parameters Plan and to include the principles for:
 - determining the design, form, heights and general arrangement of external architectural features of buildings including the roofs, chimneys, porches and fenestration;
 - determining the hierarchy for roads and public spaces;
 - determining the colour, texture and quality of external materials and facings for the walls and roofing of buildings and structures;
 - the design of the public realm to include the colour, texture and quality of surfacing of footpaths, cycleways, streets, parking areas, courtyards and other shared surfaces;
 - the design and layout of street furniture and level of external illumination;
 - the laying out of the green infrastructure including the access, location and general arrangements of the children's play areas, open space within the site
 - sustainable design including the incorporation of decentralised and renewable or low carbon energy resources as an integral part of the development
 - ensuring that there is appropriate access to buildings and public spaces for the disabled and physically impaired.
 - scale parameters for 2.5 storey buildings (maximum) on key parts of the site
 - SUDS details to be submitted
 - All subsequent phases and reserved matters to comply with overall strategy unless otherwise agreed
- 21 Reserved Matters to include Arboricultural Implication Study (AIS) in accordance with para 5.4 of BS5837:2012 Trees in Relation to Design, Demolition and Construction -

**Recommendations , Constraints and Tree Protection Plan
and Arboricultural Method Statement**

22 Landscaping implementation

23 Umbrella Travel Plan to be submitted with 1st reserved matters and each Phase of development to include travel plan

24 scheme to manage the risk of flooding from overland flow

25 Existing and proposed levels to be submitted as part of each phase/ each reserved matters application whichever is sooner.

26 Each phase to include an area of useable public open space as detailed on plan 14-028-P-001 Rev B with access strategy from wider area

27 first reserved matters application to provide a detailed design/management regime for the Ecological Area

9. Financial Implications

9.1 There are financial implications.

10. Legal Implications

10.1 The Borough Solicitor has been consulted on the proposals and raised no objections.

11. Risk Assessment

11.1 There are no risks associated with this decision.

12. Reasons for Recommendation

12.1 For the purpose of negotiating and completing a S111/S106 Agreement for application 15/2101C and to issue the planning permission.

For further information:

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Background Documents:

- *Application 15/2101C*

