

# Southern Planning Committee

## Agenda

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**Date:** Wednesday, 2nd March, 2016  
**Time:** 10.00 am  
**Venue:** Council Chamber, Municipal Buildings, Earle Street, Crewe  
CW1 2BJ

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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 - 14)

To approve the minutes of the meeting held on 3 February 2016.

Please contact Julie Zientek on 01270 686466

E-Mail: [julie.zientek@cheshireeast.gov.uk](mailto:julie.zientek@cheshireeast.gov.uk) with any apologies or requests for further information

[Speakingatplanning@cheshireeast.gov.uk](mailto: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. **15/3099N Land To The Rear Of Sandy Lane Numbers 1 To 16, Sandy Lane, Winterley: Outline application for 1no. or 2no. residential properties, with primary access (single vehicle) off Sandy Lane, private access to the site owned by applicants for Mrs Doris Cooke (Pages 15 - 26)**

To consider the above planning application.

6. **14/5608N Land to the south east of Hankelow Manor, Land adjacent to Hankelow Manor, Hankelow Lane, Hankelow, Cheshire: Infill development of two, two storey, detached residential dwellings for Mr Hume (Pages 27 - 38)**

To consider the above planning application.

7. **15/4089C Former Sutherland Works, Bromley Road, Congleton, Cheshire: Residential development (Use Class C3) comprising 84 no. new affordable dwellings comprising 33 no. three bed houses, 27 no. two bed houses, 12 no. one bed apartments and 12 no. two bed apartments with associated infrastructure including a new estate access off Bromley Road for Mr Andrew Garnett (Pages 39 - 54)**

To consider the above planning application.

8. **15/4060N New Start Park, Wettenhall Road, Reaseheath: Removal of Condition 1 on Application 09/4331N to make permission permanent for Mr T Hamilton (Pages 55 - 64)**

To consider the above planning application.

9. **15/5454N Land Off Beswick Drive, Crewe: Variation of Condition 14 (Opening Times) on Approval 15/2007N for Mr David Smyth, Swansway Garages Limited (Pages 65 - 72)**

To consider the above planning application.

10. **15/5844C Land at Manor Lane, Holmes Chapel: Variation of condition 17 (hours of operation) and removal of condition 24 (dust mitigation measures) on approval 15/3673C - Erection of a foodstore (Use Class A1), together with associated service area, car parking, landscaping and access for Liberty Properties Developments Limited (Pages 73 - 80)**

To consider the above planning application.

11. **15/4967N Land East Of Rope Lane, Shavington, Crewe, Cheshire: Reserved Matters application seeking consent for appearance, landscaping, layout and scale following the approval of 14/3267N - Construction of up to 53 dwellings including details of access for Wainhomes (North West) Ltd (Pages 81 - 96)**

To consider the above planning application.

12. **15/5683N Land North Of Parkers Road, Leighton: Application to vary condition 3 (approved plans) to vary the approved house types of permission 11/1879N; hybrid planning application seeking residential development for up to 400 new dwellings with open space; comprising a full planning application for Phase A of 131 dwellings and Phase B which seeks outline planning permission for up to 269 dwellings with access and associated infrastructure. In respect of the outline element (Phase B), only access is sought for approval and all other matters are reserved for determination at a later date for Mr Jordan Clarke, Bloor Homes North West (Pages 97 - 106)**

To consider the above planning application.

13. **15/3863N Land Adjacent To The Bridge Inn, Broad Street, Crewe, Cheshire: Proposed construction of 14 no. dwellings for John Warters (Pages 107 - 120)**

To consider the above planning application.

**THERE ARE NO PART 2 ITEMS**

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 3rd February, 2016 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

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

Councillors Rhoda Bailey, P Butterill, J Clowes, W S Davies, S Edgar,  
P Groves, S Hogben, A Kolker, D Marren, S Pochin (Substitute), J Rhodes,  
B Roberts and B Walmsley

**OFFICERS PRESENT**

Patricia Evans – Lawyer  
Ben Haywood – Major Applications, Team Leader  
Sue Orrell – Principal Planning Officer  
Gaynor Hawthornthwaite – Democratic Services Officer

138 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor D Bebbington.

The Chairman reported that she had noted a statement from Sandbach Heath Neighbourhood Forum relating to application 15/3394C that had been received, as a speaker was unavailable to attend the meeting today.

139 **DECLARATIONS OF INTEREST/PRE DETERMINATION**

With regard to application number 14/4234C, Councillor S Pochin declared that the landowner is a personal friend and would, therefore, withdraw from the meeting and take no part in the discussion or voting on this application.

Councillor S Davies declared that with regard to applications 15/1666N and 15/1437N he had made up his mind and would withdraw from the meeting after he had spoken on these applications.

With regard to application 15/4967N, Councillor S Edgar declared that he was the Ward Member and that he had not discussed or pre-determined the application.

Councillor G Merry declared that it could be perceived that she had made up her mind on application 15/3394C, so she would vacate the Chair in favour of the Vice-Chair and not take part in the debate or vote.

With regard to application 15/5280C, Councillor Rhoda Bailey declared that she was the Ward Member and that she had not discussed the application and had kept an open mind.

Councillor J Clowes declared that she had called-in application 15/4413N on behalf of the Wybunbury Parish Council, the school and residents. She also stated that the comments detailed on page 57 of the report are part of the call-in and that she had not fettered her decision on the application.

With regard to application 15/4413N Councillor D Marren declared that he knew the speaker on this application from Crewe Green Parish Council, but had not discussed the application with him.

Gaynor Hawthornthwaite declared that as Clerk to Crewe Green Parish Council she knew Mr Spruce, who is a Crewe Green Parish Councillor and had registered to speak on application 15/4413N. She had not taken part in any discussions on this application.

The Chairman reported that following comments received from a resident about the Item 8 site visit, she confirmed that Members of the Southern Planning Committee did not engage in conversations with members of the Parish Council and that there was no lobbying during the site visit. Members of the Committee viewed the site from all angles and made an informed decision. In accordance with the Site Inspection Protocol, the Parish Council had been invited to attend the site visit.

### 140 **MINUTES OF PREVIOUS MEETING**

That the minutes of the meeting held on 6<sup>th</sup> January 2016 be approved as a correct record and signed by the Chairman, subject to the following amendment:

Item 135 – Application 15/3897N

Councillor Clowes asked for the minutes to reflect that the Parish Council had responded to the original application for all the units to be used for residential occupation and had requested that the application be determined by the planning committee. However, they had no objection to the revised application, to allow unit 3 only to be used as an agricultural worker's dwelling.

### 141 **PUBLIC SPEAKING**

That the public speaking procedure be noted.

142      **15/4922N LAND OFF NANTWICH ROAD, ALPRAHAM: OUTLINE PLANNING APPLICATION FOR A PAVILION, IMPROVED RECREATIONAL FACILITIES AND UP TO 20 DWELLINGS WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS FOR THE WELLCOME TRUST LTD**

Note: Councillor P Howson (on behalf of Alpraham Parish Council), Mr R Dawson (Objector), Ms E McElroy (Supporter) and Mr D Bainbridge (on behalf of the applicant) attended the meeting and addressed the Committee on behalf of the applicant.

Before the Planning Officer's presentation, the Major Applications, Team Leader confirmed that he attended the site visit and assured the meeting that there was no lobbying of Members during the site visit and that the site inspection had been conducted in accordance with the agreed Site Inspection Protocol.

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

**RESOLVED**

That for the reasons set out in the report, the application be APPROVED subject to a Section 106 Agreement to secure:

- The affordable housing provision
- Educational contribution
- Community facilities

And the 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 piling 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. Submission of a Phase II Contaminated Land Report
10. Breeding bird survey for works in the nesting season
11. Reserved matters application to include detailed Arboricultural Impact Assessment
12. Reserved matters to include Noise Mitigation Scheme
13. Reserved matters to include details of external lighting
14. Reserved matters to include features for breeding birds and roosting bats

15. Reserved matters to include details of boundary treatments
16. Reserved matters to include existing and proposed levels
17. Ecological survey and mitigation including T14 protected tree

Heads of Terms:

- Affordable housing – 30% provision comprising 6 affordable units with a tenure split of 4 social/affordable rent and 2 intermediate tenure
- Contribution of £49,028.07 to secondary education provision
- Completion of the pavilion and recreational facilities by the first residential occupation of the 10<sup>th</sup> 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 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.

*Following consideration of this application, Councillor Marren left the meeting*

143      **15/1666N LAND AT BOWE'S GATE ROAD, BUNBURY, CHESHIRE CW6 9PL: THE ERECTION OF 11 NO. NEW DWELLINGS INCLUDING AFFORDABLE HOUSING FOR RURAL HOUSING TRUST**

*Prior to consideration of this application, Councillor P Groves arrived to the meeting*

*Prior to consideration of this application, as stated in his declaration, Councillor S Davies spoke as the Neighbouring Ward Councillor and then left the meeting.*

*Councillor D Marren returned to the meeting during consideration of this application and did not take part in the debate or vote.*

Note: Councillor R Pulford (on behalf of Bunbury Parish Council), Mr P McGuirk (Objector) and Ms J Redmond (on behalf of the applicant) attended the meeting and addressed the Committee

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

**RESOLVED**

That the application be DEFERRED to negotiate more traditional design for 3 detached dwellings to the rear

144        **15/1437N HOLLY COTTAGE, GAUNTONS BANK, NORBURY SY13 4HP: PROPOSED CONSTRUCTION OF ONE DWELLING ON LAND ADJACENT TO HOLLY COTTAGE FOR R LEWIS**

*Prior to consideration of this application, as stated in his declaration, Councillor S Davies spoke as Ward Councillor and then left the meeting.*

Note: Councillor J Makin (on behalf of Marbury and District Parish Council) and Mr D Smith (Objector) attended the meeting and addressed the Committee

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

**RESOLVED**

That the application be DEFERRED to negotiate a more “cottage style” design

145        **15/4413N LAND REAR OF WOODLANDS VIEW, 20, BRIDGE STREET, WYBUNBURY CW5 7NE: ERECTION OF 19 NO. DWELLINGS, VEHICULAR ACCESS, ASSOCIATED CAR PARKING AND LANDSCAPING (RESERVED MATTERS) FOR SIMON CLUTTON, SIMON CLUTTON HOMES LTD**

Note: Councillor T Lightfoot and Councillor R Ellison-Jones (on behalf of Wybunbury Parish Council) had registered to speak, but were unable to attend the meeting.

Mr R Spruce (on behalf of the applicant) attended the meeting and addressed the Committee

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

**RESOLVED**

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

1. Approved Plans
2. External Lighting to be submitted to the LPA for approval in writing
3. Compliance with the submitted Environment Management Plan
4. Materials to be submitted and approved
5. Implementation of the approved landscape scheme
6. Boundary treatment to be submitted and approved
7. Tree Protection
8. Arboricultural Method Statement
9. Submission and Approval of a Construction Management Plan
10. Affordable Housing Details
11. Compliance with the mitigation measures contained within the submitted acoustic assessment
12. Bin Storage Details to be submitted and approved
13. External Lighting details to be submitted and approved
14. Remove Permitted Development for plots 3, 4 and 9-13 for extensions and dormer windows
15. Drainage

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.

146        **15/4967N LAND EAST OF ROPE LANE, SHAVINGTON, CREWE, CHESHIRE: RESERVED MATTERS APPLICATION SEEKING CONSENT FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOLLOWING THE APPROVAL OF 14/3267N - CONSTRUCTION OF UP TO 53 DWELLINGS INCLUDING DETAILS OF ACCESS FOR WAINHOMES (NORTH WEST) LTD**

Note: Mr S Harris (on behalf of the applicant) attended the meeting and addressed the Committee

The Committee considered a report regarding the above planning application.

**RESOLVED**

That the application be DEFERRED for the following:

- More information on flood risk
- Paul Reeves (Flood Risk Manager) be invited to attend the meeting when this application is considered
- Clarification on the maintenance of the Brook

*Following consideration of this application the meeting adjourned for lunch from 13.10 pm until 13.40 pm.*

- 147        **15/3099N LAND TO THE REAR OF SANDY LANE NUMBERS 1 TO 16, SANDY LANE, WINTERLEY: OUTLINE APPLICATION FOR 1NO. OR 2NO. RESIDENTIAL PROPERTIES, WITH PRIMARY ACCESS (SINGLE VEHICLE) OFF SANDY LANE, PRIVATE ACCESS TO THE SITE OWNED BY APPLICANTS FOR MRS DORIS COOKE**

Note: Mr V Cooke (on behalf of the applicant) attended the meeting and addressed the Committee

The Committee considered a report regarding the above planning application.

**RESOLVED**

That the application be DEFERRED for a Committee site visit

- 148        **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**

*Having made a declaration, Councillor G Merry vacated the Chair in favour of the Vice-Chairman and did not take part in the debate or vote.*

Note: Councillor S Corcoran (Ward Councillor), Councillor J Wray (Neighbouring Ward Councillor) and Mr D Foden (Applicant) attended the meeting and addressed the Committee

Mr G Heath and Mr R Whittle (Supporters) had registered to speak, but were unable to attend the meeting.

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

**RESOLVED**

That contrary to the Planning Officer's recommendation for refusal, the application be APPROVED for the following reason:

- Having regard to the multiple strands of sustainability, it is acknowledged that the site would be car dependent. However, adverse impacts on the setting of the church can be mitigated with screen planting. Whilst it is not a "brownfield site" there are existing buildings of a similar footprint on site to the proposed dwellings which is an important material consideration and members do not consider that the recommended reasons for refusal would be sustainable at Appeal.

That authority be delegated to the Head of Planning (Regulation) in consultation with the Vice Chairman of Southern Planning Committee and Ward Member to agree the conditions and that approval be subject to:

- a commuted payment of £83,395 towards the of-site affordable housing

and that the conditions should include a requirement that a footpath is provided prior to first occupation.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (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.

149      **15/3863N LAND ADJACENT TO THE BRIDGE INN, BROAD STREET, CREWE, CHESHIRE: PROPOSED CONSTRUCTION OF 14 NO. DWELLINGS FOR JOHN WARTERS**

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

**RESOLVED**

That the application be DEFERRED for more information on HS2, bin storage and better elevation plans to be included in the Key Plans pack

150      **15/4119C LAND EAST OF CHELLS HILL, CHURCH LAWTON: CONSTRUCTION OF TWO NEW DWELLINGS FOR MARION DONOVAN**

Note: Mr J Ashall (on behalf of the applicant) attended the meeting and addressed the Committee

The Committee considered a report regarding the above planning application

**RESOLVED**

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

1. Standard Time Limit (3 Years)
2. Accordance with approved and amended plans
3. Details of external materials to be submitted
4. Details of boundary treatments to be submitted

5. Details of drainage to be submitted
6. Landscaping scheme to be submitted
7. Implementation of approved landscaping scheme
8. Accesses to be constructed in accordance with approved plans prior to first occupation of the unit to which it relates
9. Survey for nesting birds if development s to be carried out within the bird breeding season
10. Removal of permitted development right (Classes A-E) extensions and outbuildings
11. Upper floor side facing windows to be obscurely glazed
12. Removal of permitted development rights for further openings with upper floor side facing elevations
13. Hours of working

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

*Following consideration of this application, Councillor J Weatherill left the meeting and did not return*

151      **15/4234C LAND OFF MANOR LANE, HOLMES CHAPEL:  
PROPOSED DEMOLITION OF EXISTING BUILDINGS AND OUTLINE  
PLANNING PERMISSION FOR UP TO 65 RESIDENTIAL DWELLINGS  
TO INCLUDE ACCESS FOR LIBERTY PROPERTIES DEVELOPMENTS  
LIMITED**

*Prior to consideration of this application, as stated in her declaration, Councillor S Pochin left the meeting and returned following consideration of application 15/4234C*

Note: The Major Applications, Team Leader read out a statement from Councillor L Gilbert (Ward Councillor) who was unable to attend the meeting.

Note: Councillor B Bath (on behalf of Holmes Chapel Parish Council) and Mr C Williams (on behalf of the applicant) attended the meeting and addressed the Committee

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

**RESOLVED**

That contrary to the Planning Officer's recommendation for approval, the application be REFUSED for the following reasons:

1. The proposed development would impair the efficiency of the Jodrell Bank Radio Telescope and would be contrary to Policy PS10 (Jodrell Bank Radio Telescope Consultation Zone) of the Congleton Borough Local Plan First Review 2005 and Policy SE14 (Jodrell Bank) of the emerging Cheshire East Local Plan Strategy – Submission Version.
2. The proposed development would be for residential development on an existing employment site. It is considered that the site remains suitable for employment uses and there is no substantial planning benefit in permitting alternative uses. The development is therefore considered to be contrary to Policy E10 (Re-use or Redevelopment of Existing Employment Sites) of the Congleton Borough Local Plan First Review 2005. The proposal is also unsustainable as there is substantial housing development coming forward already in or around Holmes Chapel, and without sufficient employment land being retained, this would lead to unsustainable forms of development having regards to the 3 strands of sustainability as set out within the NPPF.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (Regulation) in consultation with the Chair (or in their absence the Vice Chair) of the 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.

If the application is subject to an appeal approval is given to enter into a S106 Agreement to secure the following:

- 30% on site affordable housing provision
- £78,185.38 towards Secondary and SEN education (to be re-assessed for each phase of the development)
- Provision of 1,900sqm of on-site Public Open Space including the provision of a LEAP, the inclusion of a 20m buffer zone from the LEAP to the closest proposed residential dwellings and maintenance of the above in perpetuity

152      **15/4892C 4, NEEDHAMS BANK, MOSTON, SANDBACH CW11  
3PF: ERECTION OF SINGLE DETACHED DWELLING FOR MR IAN  
LARVIN**

*Prior to consideration of this application, the meeting was adjourned for refreshments*

Note: Councillor D Nixon (on behalf of Moston Parish Council) and Mr M Denny (Objector) attended the meeting and addressed the Committee

The Committee considered a report regarding the above planning application

**RESOLVED**

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

1. Time (Standard)
2. Plans
3. Removal of Householder Permitted Development – Extensions and Outbuildings
4. Prior Submission – External Facing and Roofing materials including windows
5. Prior submission of Construction Method Statement
6. Prior submission of Drainage details
7. Contaminated Land – Phase 1
8. Brine Board Assessment
9. Hours of construction

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.

153      **15/4903N LAND TO THE NORTH OF ORION WAY, CREWE:  
PROPOSED 4 NUMBER INDUSTRIAL UNITS WITH CLASS USE B1, B2  
AND B8, WITH NEW VEHICULAR ACCESS, ASSOCIATED CAR  
PARKING AND SERVICE YARD FOR MS SHANI GABBIDON, C4  
CONSULTING**

The Committee considered a report regarding the above planning application

**RESOLVED**

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

1. Time (3 years)
2. Plans
3. Materials as per application
4. Site must be drained on a total separate system with only foul drainage connected into the foul sewer
5. Surface water discharge to the soakaway/watercourse/surface water sewer should be attenuated to a maximum discharge rate of 10 l/s
6. Development shall be completed in accordance with the submitted Flood Risk Assessment

7. Prior submission of a surface water drainage scheme
8. Prior submission of an assessment into the potential for disposing of surface water in accordance with the principles of sustainable drainage systems
9. Prior approval of detailed design, management and maintenance of surface water drainage
10. Prior submission / approval of vehicle access details onto Orion Way
11. The access be constructed before commencement of construction of the development
12. Prior submission / approval of staff travel plan
13. Landscape – Details
14. Landscape – Implementation
15. Boundary treatment - Details

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (Regulation) in consultation with the Chair (or in their absence the Vice Chair) of the 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.

154      **15/5280C LAWTON MERE NURSERIES, CHERRY LANE, RODE HEATH, CHESHIRE ST7 3QX: DEMOLITION OF AN EXISTING GLASSHOUSE BUILDING AND THE CONSTRUCTION OF SIX NEW DWELLINGS FOR GARY BARRATT, ALSAGER PLANT HIRE AND GROUNDWORK**

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

**RESOLVED**

That the application be REFUSED for the following reason:

- The proposed residential development, by virtue of its location within the South Cheshire Green Belt is inappropriate development and no very special circumstances have been demonstrated to indicate why the development should be approved. The proposal is therefore contrary to Policies PS7 and H6 of the adopted Congleton Borough Local Plan First Review 2005 and the requirements of the National Planning Policy Framework.

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

155        **15/5425N FIELDS VIEW, AUDLEM ROAD, HANKELOW CW3  
OJE: ERECTION OF DETACHED BUNGALOW FOR MR A D PURTON &  
MISS S PARKES**

The Committee considered a report regarding the above planning application.

**RESOLVED**

That the application be DEFERRED for the following:

- Better access plan, including levels and showing access to existing dwelling
- More detailed Highway Officer Report/comments

The meeting commenced at 10.00 am and concluded at 5.10 pm

Councillor G Merry (Chairman)

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Application No: 15/3099N

Location: Land To The Rear Of Sandy Lane Numbers 1 To 16, SANDY LANE, WINTERLEY

Proposal: Outline application for 1no. or 2no. residential properties, with primary access (single vehicle) off Sandy Lane, private access to the site owned by applicants

Applicant: Mrs Doris Cooke

Expiry Date: 01-Sep-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.

**DEFERAL**

The application was deferred for a site visit by Members of the Committee at the previous meeting on 3<sup>rd</sup> February 2016.

**PROPOSAL**

Outline planning permission with all matters reserved is sought for the erection of up to two dwellings. Although all matters are reserved, access would be taken from an existing track off Sandy Lane.

**SITE DESCRIPTION**

The application site comprises an irregular parcel of land situated on the south eastern side of Sandy Lane and the north eastern side of Hassall Road, Winterley. It formerly housed a small scale cattle haulage business and there are dilapidated buildings on the site with the remainder having the appearance of an overgrown paddock.

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 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 subject to there only being one dwelling.

### **Environmental Protection:**

Request conditions/informatives relating to noise disturbance and contaminated land.

### **Parish Council:**

No comments received at the time of report writing.

## **REPRESENTATIONS:**

At the time of report writing nine 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 Winterley
- Development on greenfield land
- Loss of agricultural land

- Dangerous access
- Highway safety
- Flooding
- Loss of outlook
- Increased noise
- Light pollution
- Loss of privacy
- Over looking
- Impact on wildlife
- Haslington and Winterley will merge into Crewe
- There is no benefit to the local community
- Land contamination

## **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.

Having regard to this site, recent appeal decisions in the locality have concluded that Winterley is a sustainable location. In particular, Land North of Pool Lane – 13/4632N, where the Inspector concluded the following:

*“The LPA acknowledges that Winterley and the site are sustainable in locational terms. Whilst not all services are available in Winterley, it is close to other settlements that possess a wider range of services, there is a regular bus service that passes in front of the site and it is within some 20 minutes cycling time of Crewe. In this context, I have no reason to dispute the Statement of Common Ground conclusion regarding the sustainability of the location.”*

Given the Inspector's views, it is considered that a refusal on the grounds of locational sustainability could not be defended at appeal in this case.

### **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 uncultivated field with some development to the north west and south. 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 an uncultivated field containing some dilapidated buildings, 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 no layout has been provided. 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.”*

### **Highways**

This is an outline application for the development of up to two residential units on land off Sandy Lane in Winterley. Access to the site is proposed via an existing access track taken from Sandy Lane.

The Head of Strategic Infrastructure (HSI) has reviewed the proposals and notes concerns raised by neighbours regarding the suitability of the access to serve the site for residential purposes; given its narrow width and poor visibility where the access meets Sandy Lane.

Having visited the site, the HSI notes there are a number of buildings on the site including a large Barn that, whilst currently unused, can, without the need for planning permission be brought back into use. The planning application form indicates that the previous use was as a Cattle Haulage Yard for the temporary grazing of Cattle.

Having regard for the potential lawful re-use of the site, as a Cattle Haulage Yard, the HSI considers that the use of the site and its existing access for the development of the site for **one** dwelling would be acceptable.

### **Ecology**

The Council's Principal Nature Conservation Officer has visited the site and concluded that the buildings are not suitable for Barn Owls or roosting bats, therefore a survey for these species is not required.

Having regard to other ecological issues, conditions should be imposed relating to breeding birds, external lighting and features for breeding birds and roosting bats.

### **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, albeit in a limited way, to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits, to Winterley 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 up to two dwellings on this site. The HIS has concluded that the access would only be suitable for one dwelling. A single dwelling could be easily accommodated on this site, without having any significant adverse impact on neighbouring properties in terms of light and privacy. Whilst outlook for other properties would change, it is not considered that this would be a reason for refusal that could be sustained.

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

The application area has a history of light haulage use and therefore the land may be contaminated. 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.

A site visit has been undertaken and it is understood the site has previously had a use as an agricultural hauliers, with some limited maintenance also undertaken on site. Although there is an above ground fuel tank, there is no evidence on site of any underground fuel storage tanks.

Due to the previous uses on site and the proposed sensitive end use, further assessments with regard to land contamination are required. This will be secured through the use of a planning condition.

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.

### **Response to Objections**

There have been nine objections to the proposal, expressing concerns about highway safety, loss of open countryside, impact on wildlife, land contamination 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. **Standard time**
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. **Contaminated Land**
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. **Reserved matters to include details of boundary treatments**
11. **Reserved matters to include existing and proposed levels**
12. **Reserved Matters shall be limited to one dwelling only**

**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 Chair/Vice Chair of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**



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Application No: 14/5608N

Location: Land to the south east of Hankelow Manor, Land adjacent to Hankelow Manor, Hankelow Lane, Hankelow, Cheshire

Proposal: Infill development of two, two storey, detached residential dwellings

Applicant: Hume

Expiry Date: 10-Feb-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.**

## **PROPOSAL**

The application seeks full planning permission for the erection of 2 two-storey detached dwellings with attached double garages. Vehicular access would be taken from a central access off Hall Lane.

## **SITE DESCRIPTION**

The site is situated on the north western edge of the settlement of Hankelow, within the Open Countryside as defined in the adopted local plan. It is part of a larger paddock laid to grass and the land is fairly level. It is bounded by a residential property to the east, and to the north east, beyond Hall Lane. There is agricultural land to the south west and Manor Farmhouse, a Grade ii listed building to the north west, part of the Hankelow Manor Complex. Further along Hall Lane to the north west, there is another listed building, Grade ii\* Ball Farmhouse. The site is visible from Hall Lane and Hankelow Public footpath 1. There is a line of mature trees and a hedge on the Hall Lane frontage which continues along the frontage of Manor Farmhouse, and trees on the boundary with Manor Farmhouse.

## **RELEVANT HISTORY**

None relevant to this application.

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

National Planning Policy Framework.

### **Development Plan:**

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

The relevant Saved Policies are: -

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

NE.20 – Flood Prevention  
RES.3 – Housing Densities

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

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

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

SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 9 Energy Efficient Development  
SE 12 Pollution, Land Contamination and Land Instability  
PG 1 Overall Development Strategy  
PG 2 Settlement Hierarchy  
PG5 Open Countryside  
EG1 Economic Prosperity

## **CONSULTATIONS:**

### **Parish Council:**

None received at the time of report writing.

## **REPRESENTATIONS:**

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

At the time of report writing one objection has been received which can be viewed on the Council website. This raises issues about the following:

- Overdevelopment
- Village development boundary
- Greenfield site
- High water table
- Highway safety
- Privacy
- Future development

## **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**

#### Sustainability of Location

The National Planning Policy Framework definition of sustainable development is:

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

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and 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.

Although a locational sustainability assessment has not been provided by the applicant for this scheme, the application site is located within 30m of the Hankelow Settlement Boundary.

A appeal decision made on 5<sup>th</sup> February 2014 for the provision of 10 no. dwellings on a site a greater distance from the Hankelow Settlement Boundary 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 significantly closer to the village and its facilities than the site allowed at appeal, with easy access to bus stops, public house and village green and Hankelow Methodist Church. Audlem Road forms part of the National Cycle Network.

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.”*

As a result, it is considered that the application site is in a sustainable location, and as such would adhere to the NPPF.

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, 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 paddock between existing built development. 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.

### **Infill Development**

The applicant is of the view that the site constitutes infill development as defined in Policy NE.2 of the adopted local plan. This policy allows for *“the infilling of a small gap with one or two dwellings in an otherwise built up frontage.”* Policy PG.5 of the emerging local plan also repeats this requirement.

However, the neighbouring property to the north west of the site is set back significantly from the road. Its front garden can not be considered to be a built up frontage in policy terms. Therefore it could not be considered as the infilling of a small gap. As such the proposal constitutes a departure from the development plan.

### **Landscape and Trees**

Whilst the line of trees and Leyland Cypress provides some separation between the site and the listed building, and there is residential property to the east, and north east, the application site has a rural agricultural character with views from Hall Lane, between the trees to agricultural land beyond.

The proposal will require the removal of a protected Lime (identified as T4 in the submitted Tree Survey) and forming part of Group G1 of the Cheshire East Borough Council (Hankelow - Land off Hall Lane) TPO 2015. It is stated in the supporting arboricultural report that this tree is suppressed by adjacent protected Limes within the group. The protected group of 10 Lime trees located adjacent to Hall Lane can be easily seen along various points along the Lane with views north west and south east and from the public footpath (Hankelow FP1) looking north across the fields. Overall, the group makes a significant contribution to the amenity of the area and contributes to its sylvan setting. The removal of the suppressed Lime tree (T4), which is located centrally within the group would only marginally erode the integrity of the linear group of protected trees. As the adjacent flanking protected Lime trees are more dominant, the loss of the suppressed Lime would only be apparent when viewed immediately opposite the proposed driveway. Due to the more dominant adjacent trees, the resultant gap created by the access will in a relatively short time be reduced by the canopy growth of adjacent trees.

The Arboricultural Assessment provides a basis for a proposed no dig construction off Hall Lane and installation of services drawing. The latter proposes both electricity and water supply to be routed between Lime trees (T3 and T50 through the no dig driveway or in the same position by way of a trenchless (moling system). The latter is the least damaging option and this should be controlled by condition.

The proposed no dig driveway is standard specification and is broadly acceptable subject to a detailed construction specification/method statement. It is considered that the driveway would have to be constructed first and protected during the development process or that a

temporary above ground road be placed for construction traffic. For wheeled or tracked construction traffic movements across the proposed access, any ground protection should be designed by an engineer to accommodate the likely loading of construction vehicles and may involve the use of reinforced concrete slabs or other proprietary system.

Conditions can be imposed to address these issues.

### **Design**

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

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

The development comprises two large detached dwellings with attached garages, with a shared access of Hall Lane. The surrounding development comprises a variety of property types including bungalows, terraced cottages and substantial detached dwelling houses. It is therefore considered that the proposal is in keeping with the locality and is acceptable in design terms, in compliance with Policy BE.2 of the adopted local plan.

### **Highways**

Hall Lane is a relatively narrow road but has good visibility from where the point of access would be taken. There is adequate parking for in excess of 3 vehicles at each dwelling and vehicles could enter and leave in a forward gear.

Given that this is a development of 2 dwellings, it is considered that there would be no adverse impact on highway safety and that a refusal on these grounds could not be sustained.

### **Ecology**

The application is supported by a habitat survey report prepared by a suitably qualified ecological consultant. It is considered that whilst the submitted report is not extensive it provides sufficient information to allow the determination of the application.

The proposed access to the site will result in the loss of hedgerow; Hedgerows are a priority habitat and a material consideration. It is considered that the loss of hedgerow must be compensated for. It is recommended that replacement hedgerow planting is secured by condition. In addition a condition should be imposed for the protection of nesting birds.

### **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, albeit in a small way, to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits, to Hankelow and the surrounding area, including additional trade for local businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal, although small, will generate economic benefits to the area.

## **SOCIAL SUSTAINABILITY**

### **Residential Amenity**

The proposal is for 2 dwellings on this site. Adequate separation distances 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 would be capable of meeting or exceeding the minimum separation distances required.

Conditions should be imposed relating to piling and lighting. In terms of air quality, a condition should be imposed requiring an electric vehicle charging socket to be provided at each of the 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.

## **Built Heritage**

Whilst this proposal will result in the construction of two houses on a field which adjoins Hall Lane, it needs to be recognised that there is a line of mature trees between the proposed development site and the Manor which will provide a visual shield between the development site the Manor, its lawn and drive.

In addition the proposed new houses will be set back a little from the lane to mirror the footprint of many other older properties on Hall Lane and Hankelow Green and they will have large rear gardens which will reduce their footprint on this open field, with the field behind the development site also remaining un-developed to retain much of the open setting of the Manor to the rear.

The proposal is considered to be socially sustainable.

## **Response to Objections**

There has been one objection to the proposal, expressing concerns about overdevelopment, village development boundary, greenfield site, high water table, highway safety and privacy. These issues are addressed in the main body of the report. For the reasons explained in the report the objections could not be sustained as a reason to refuse this application.

## **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 economic and social benefits of the scheme would outweigh the dis-benefits by virtue of the loss of a paddock and the loss of designated open countryside.

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. Commencement**
- 2. Approved plans**
- 3. Materials to be submitted**
- 4. Submission and approval of a construction management plan including any piling operations and a construction compound within the site**
- 5. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays.**
- 6. Submission of details of any external lighting.**
- 7. Submission of drainage scheme to include foul and surface water including sustainable drainage systems**
- 8. Tree retention**
- 9. Tree and hedgerow protection measures**
- 10. Method Statement/Construction Specification for no dig driveway between trees T3 and T5**
- 11. Method Statement/Construction Specification for temporary ground protection between trees T3 and T5**
- 12. Submission of landscaping scheme**
- 13. Implementation of landscaping scheme**
- 14. Submission of details of boundary treatments**
- 15. Breeding bird survey for works in the nesting season**
- 16. Submission of details of features to be included in the development for breeding birds, including House Sparrow**
- 17. Provision of 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.**



Application No: 15/4089C

Location: FORMER SUTHERLAND WORKS, BROMLEY ROAD, CONGLETON, CHESHIRE

Proposal: Residential development (Use Class C3) comprising 84 no. new affordable dwellings comprising 33 no. three bed houses, 27 no. two bed houses, 12 no. one bed apartments and 12 no. two bed apartments with associated infrastructure including a new estate access off Bromley Road

Applicant: Mr Andrew Garnett

Expiry Date: 09-Dec-2015

**SUMMARY:**

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

Whilst the proposals would result in the loss of an employment site, it has been previously accepted that the site is no longer suitable for economic use and owing to the cost of accommodating 100% affordable housing and site acquisition and remediation costs, it has been demonstrated that the site cannot bear the cost of any additional financial contributions / obligations if there is to be a realistic prospect of site being brought forward for affordable housing.

Following negotiations, a number of design improvements have been secured which would result in a design and layout that would be acceptable within its context and would not detract from the character or appearance of the area. The proposal would provide much needed affordable housing whilst making use of a redundant brownfield site.

The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants subject to mitigation proposed measures. The applicants have demonstrated general compliance with national, regional and local guidance in a range of areas including trees, landscaping, ecology, drainage and flood risk and contaminated land. Subject to conditions, the proposal is also acceptable in terms of traffic generation, highways safety and parking provision.

On balance, the application is found to be sustainable in the social, economic and environmental sense and is therefore recommended for approval subject to the imposition of appropriate conditions.

**RECOMMENDATION:**

APPROVE subject to conditions

**PROPOSAL:**

Full planning permission is sought for residential development (Use Class C3) comprising 84 no. new affordable dwellings comprising 33 no. three bed houses, 27 no. two bed houses, 12 no. one bed apartments and 12 no. two bed apartments with associated infrastructure including a new estate access off Bromley Road, Congleton.

**SITE DESCRIPTION:**

The site is located to the east of Congleton Town Centre and is accessed off both Bromley Road and Brunswick Street, which form two boundaries to the site. The north of the site is bounded by the 'Biddulph Valley Way' and beyond this lies an area of employment land. To the west there is a footpath linking Bromley Road to the walk to the north.

Although access can be taken from the two roads to the south and east, there is a line of residential properties between the majority of the site and the road which have their rear gardens backing onto the boundary of the application site.

Whilst the main area of the site itself is relatively flat, the surrounding land and the entrance to the eastern side of the site is at a different level with the land falling away to the north down a steep wooded embankment before meeting the footpath which forms the northern most boundary. The land to the east is at a higher level and the access road into the site from this point, descends down from Bromley Road into the centre of the site.

The site was formerly occupied by a factory building providing approximately 7230sq.m floorspace used for the production of cardboard cartons. However, the site has since been cleared and despite various marketing exercises, the site has now been vacant for almost eight years.

The site falls within the settlement zone line of Congleton as designated in the adopted Congleton Borough Local Plan First Review.

**RELEVANT HISTORY:**

09/3651C - Outline Planning Permission for the Development of the Site for Residential Purpose, Comprising 63 Dwellings – Approved 16-Jan-2015

**NATIONAL & LOCAL POLICY**

**National Policy:**

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

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

### **Development Plan:**

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

The relevant Saved Policies are: -

PS4	Towns
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR14	Cycling Measures
GR17	Car Parking
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
H2	Provision of New Housing Development
H4	Residential Development in Towns
H13	Affordable and Low Cost Housing
NR2	Wildlife & Nature Conservation
NR3	Habitats
NR4	Non-Statutory Sites
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments

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

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

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

Policy SD 1 Sustainable Development in Cheshire East  
Policy SD 2 Sustainable Development Principles  
Policy SE 1 Design

Policy SE 9 Energy Efficient Development  
Policy IN 1 Infrastructure  
Policy IN 2 Developer Contributions  
Policy PG 1 Overall Development Strategy  
Policy PG 2 Settlement Hierarchy  
Policy SC 4 Residential Mix

### **Supplementary Planning Documents:**

Interim Planning Statement: Affordable Housing (Feb 2011)

### **CONSULTATIONS:**

#### **Environmental Health:**

No objection subject to the additional Phase II contaminated land investigation works being undertaken concurrently with the site enabling/clearance works as the removal of these obstructions will mean a more thorough investigation can take place. The proposed noise mitigation is acceptable however, some industrial noise will be audible from some properties. Further conditions relating to construction hours, dust control, noise mitigation, travel planning and lighting recommended.

#### **Highways:**

No objection subject to conditions.

#### **Green Spaces (Ansa: Environmental Operations):**

No objection - **Amenity Greenspace (AGS)**

Having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, 84 new homes will not require any further AGS. Whilst there is obviously a need to provide green spaces within the boundary of the new site, there is not a requirement for additional provision in line with the Interim Policy Note for the provision of new open space.

The proposed sketched layout illustrates some linear open space forming a buffer on the boundary of the site. This land contains some boundary trees and would be classed as a semi natural typology. This type of open space is not a requirement by policy. It is recommended that these areas are transferred to a management company for future management and maintenance.

#### **Children and Young Persons Provision**

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission in accordance with the submitted details there would be a surplus in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study/Council's adopted local standards.

Whilst there is no requirement for new open space, qualitative deficits have been identified at existing facilities within the vicinity of the new development. Opportunities have been identified for enhancements to be made to the Children and Young Persons play facilities at Bromley Farm Community Park and Congleton Park. The financial contributions sought from the developer are;

£16,207.89 for enhancements

£52,834.50 for maintenance of the enhancements for a 25 year period

### **Education:**

No objection subject to financial contributions. The proposed development will generate:

13 primary children (72 x 0.19 – 1 SEN (Special Educational Needs))

11 secondary children (72 x 0.15)

1 SEN child (72 x 0.51 x 0.03%)

To date, the development is forecast to increase existing and forthcoming pressures to both primary and secondary provision in the immediate locality, and SEN provision. Existing capacity can accommodate 1 primary child, therefore creating a partial primary education claim.

To alleviate forecast pressures, the following contributions would be required:

12 x £11,919 x 0.91 = £130,155.48 (Primary)

11 x £17,959 x 0.91 = £179,769.59 (Secondary)

1 x £50,000 x 0.91 = £45,500 (SEN)

Total education contribution: £355,425.07

Without a secured contribution of £355,425.07, Children's Services raise an objection to this application. This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. The objection would be withdrawn if the financial mitigation measure is agreed.

### **United Utilities:**

No objection provided that the proposed development is drained on a separate system with only foul drainage connected to the main sewer and subject to submission of a surface water drainage scheme.

### **Public Rights of Way Unit (PROW):**

No objection - The proposed site is adjacent to the Biddulph Valley Way, a linear country park and part of the National Cycle Network. The proposed development site could offer scope, through the dedication of land, to improve access to the Bridleway and Biddulph Valley Way, as sought by the local community. Such improved access would be beneficial for potential new residents and the surrounding community, in gaining active travel route options to schools and local facilities and to the countryside surrounding Congleton.

## **VIEWS OF THE CONGLETON TOWN COUNCIL**

No objection subject to the applicants of the new properties to be subject to the criteria set out by Homechoice.

### **REPRESENTATIONS:**

Representations have been made by 4 neighbours and Bromley Farm Community Development Trust expressing the following comments:

- Vehicles will block access to neighbouring properties
- Antisocial behaviour caused by pedestrian access
- One of the trees to be retained should be removed
- Site is prime for affordable housing
- Site has been an eyesore for years
- Is good to see development of a brownfield site rather than a greenfield site
- Houses should be offered via Cheshire Homechoice criteria and process
- Design is sterile
- Trees should be retained and supplemented
- The developer should contribute towards upgrading the Biddulph Valley Way, Bromley Farm Community Centre and Park
- Noise of adjacent commercial premises affecting new residents
- Previous site clearance has resulted in change in levels and waste that needs to be removed including asbestos

### **APPRAISAL:**

#### **PRINCIPLE OF DEVELOPMENT**

The principle of residential development on the site has been accepted previously by the grant of an outline application for 'residential development' (planning ref; 09/3651C).

Notwithstanding the previous resolution, as a site within the settlement zone line for Congleton, the principle of residential development on the site is acceptable under local plan policy PS4 subject to other material considerations. Such material considerations relate to the loss of an employment site, whether the development represents a sustainable form of development, highways and the impact on the character and appearance of the area and residential amenity.

#### **Location**

The proposals seek to utilise previously developed land, inside the settlement zone and in good proximity to Congleton Town Centre which offers a good range of shops and services and transport links. On this basis, the application performs well in terms of locational sustainability and adheres with para 14 of the National Planning Policy Framework (NPPF), which states that at the heart of the framework there is 'a presumption in favour of sustainable development'. It goes on to state that proposals that accord with relevant policy

should be approved without delay 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

### **Housing Land Supply**

The NPPF reiterates the requirement to maintain a 5 year rolling supply of housing in order to significantly boost the supply of housing. This proposal would help to deliver an additional 84 no. dwellings within the plan period in a sustainable location within the settlement boundary of one of the Key Service Centres for the Borough. Further, the proposal would utilise 'previously developed land' which is supported by one of the core principles of the NPPF, which states that Local Planning Authorities 'encourage the effective use of land by reusing land that has been previously developed.

### **Employment Land**

Whilst the proposal would result in the development of land that was previously in employment use, it has already been demonstrated and accepted that this vacant site is no longer suitable for employment uses and in its present form represents the inefficient use of land. There has not been a material change in the circumstances that would result in different conclusions being drawn. As such, the scheme is found to comply with Local Plan Policy E10.

This advice is largely supported by the relevant Local Plan Policies contained within the Congleton Borough Local Plan as well as the emerging Cheshire East Local Plan Strategy Submission Version. Thus, subject to compliance with other material planning considerations, the principle of the development is considered to be acceptable but must also be weighed in the planning balance taking account of the sustainability objectives as detailed below.

### **Sustainability**

Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be approved without delay. There are three strands to sustainability, social, economic and environmental.

### **SOCIAL SUSTAINABILITY**

#### **Affordable Housing**

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

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

This is a proposed development of 84 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 26 dwellings to be provided as affordable dwellings. . The SHMA 2013 shows the majority of the demand in Congleton is for 1 bedroom dwellings. The majority of the demand on Cheshire Homechoice is for 1 and 2 bedroom dwellings therefore 1 and 2 bedroom dwellings on this site would be acceptable.

The significant benefit of this scheme is that all 84 no. units will be affordable. As such, the 30% usually expected is far exceeded. There is a commitment from the Riverside Group, who is a registered provider to take the scheme forward and manage the affordable units. The tenure split will provide 40 affordable rented units and 44 for shared ownership. The mix of properties provided is also acceptable and generally reflects the housing need in the area. The Strategic Housing Manager has stated that they support the application and have confirmed that the site has grant funding secured from the Homes and Communities Agency Strategic Housing. Taking this into account, the scheme is found to be acceptable in this regard.

### **Viability and Deliverability**

The applicants state that the site is subject to abnormal costs including the cost of providing 100% affordable housing and the site acquisition and remediation costs. On this basis, the applicant states that the development cannot bear the cost of any additional planning obligations / financial contributions which is evidenced by a financial viability appraisal. This has been independently assessed by an external viability consultant and confirmed as being accurate, robust and reasonable.

The guidance contained within 'Planning for Growth' and National Planning Policy Framework (para 173) makes it clear that Councils will be expected to consider the impact of planning obligations on the viability and deliverability of development and that such issues amount to important considerations. The NPPF states that:

*"To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."*

Whilst it is clearly unfortunate that the development cannot bear the cost of any obligations in accordance with the usual policy requirements, a higher level of affordable provision would be secured which is a significant social benefit. The assessment confirms that the site abnormal costs with an assumed Gross Development Value (GDV) of only 7% increase over and above the existing use value, means that the applicant cannot realistically provide any obligations or other financial commitments to reflect the minimum enhancement a landowner would reasonably expect to release the land for much needed affordable housing.

The Council's Financial Viability Consultant has confirmed that the figures contained within the Viability Appraisal are reasonable. The 7% figure for GDV is below the accepted industry standard of 17.5% - 20%, a figure used within the majority of viability models and which is supported by the guidance published by the Homes and Community Agency. Accordingly,

there is clearly a need to forego any additional obligations / contributions in order to make the scheme viable including those requested by the Bromley Farm Community Centre.

### **Public Open Space Provision**

The Greenspaces section (ANSA) has confirmed that owing to the amount of existing amenity greenspace / children's play space accessible to the proposed development (within 800 metres), there is sufficient open space to accommodate the development and no further provision is required as a result of this development.

Whilst there is no requirement for new open space, qualitative deficits have been identified at existing facilities within the vicinity of the new development. Opportunities have been identified for enhancements to be made to the Children and Young Persons play facilities at Bromley Farm Community Park and Congleton Park. However, owing to the economies of provision, such contributions could not be secured having regard to the viability of the scheme.

### **Education**

With respect to the impact that the proposal would have on local education provision, the Council's Education Department has confirmed that the proposed development of 84 units is expected to generate 13 primary, 11 secondary children and 1 special educational needs child.

Owing to recent development in the area coupled with the size of the proposed development, there will be a deficit in local school places both at primary and secondary level. In order to offset this deficit, the development would normally provide financial contributions towards these local schools to facilitate additional school places. However, owing to the economies of provision, such contributions could not be secured having regard to the viability of the scheme. The Council's Education department has confirmed that they would withdraw an objection if a viability case has been proved, which it has in this case.

### **Social Sustainability Conclusion**

It is considered that, although the proposal will not make an education or public open space contribution, it will make a very significant contribution to the provision of affordable housing, especially in an area where it is desperately needed. On balance, such contribution will provide significant community benefit and whilst it is unfortunate that the scheme is unable to provide contribute towards education and open space, it has been robustly tested through a viability appraisal which shows that further contributions cannot be afforded by the scheme. Although it is finely balanced, it is considered that this proposal will be socially sustainable by providing much needed affordable housing.

### **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 the local area including additional trade for local shops and

businesses, jobs in construction and economic benefits to the construction industry supply chain.

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Design Considerations**

The importance of securing high quality design is specified within the Framework. Paragraph 61 states that:

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

The surrounding area is predominantly a mix of two and three storey properties of varying age, size, height and architectural design. The surrounding land use is a mix of residential and commercial. The site is surrounded by residential properties on two sides with commercial properties to the other site boundary and the Biddulph Valley Way.

In this case the proposal has been amended during the application process and various improvements have been made to the layout to create a greater sense of place and a more sustainable environment for the future residents of the site. The amendments include additional detailing on house types, staggering of the dwellings within the layout, the removal of some car parking from frontages, improvements in the road layout with a hierarchy of surfaces and road widths and also a mix in the palette of materials including reference to local stone.

The amendments to the layout have also enabled the scheme to link in with the Biddulph Valley Way by providing 2 points of pedestrian access. This is an important connection and this amendment is welcome. Following the amendments to the scheme it is now considered that an acceptable design/layout has been achieved. It is considered that the proposed development accords with policy GR1 and GR2 of the Local Plan.

#### **Trees and Landscaping**

Most of the site is hardstanding although there is some existing vegetation on the periphery, most of which is identified for retention. Levels vary across the site with an embankment to the east and sections of retaining wall to the south.

The proposals would provide site permeability with a footpath access from Brunswick Street to the south west in addition to the main pedestrian and vehicular access from Bromley Road and the pedestrian links with the Biddulph Valley Way. The amended layout would provide scope for soft landscaping and there are areas of open space that would help to soften the visual appearance of the scheme. The site is well contained and would not impact negatively on the wider landscape.

With respect to trees, following discussions, the scheme has been supported by an updated Arboricultural Impact Assessment and Method Statement (AMS). The submission confirms tree removal proposals. However, the Council's Tree Officer has confirmed that there are no significant concerns in this respect. Replacement planting could be secured in the landscape works. Details of tree protection measures are provided with an AMS and the proposals appear reasonable. An implementation condition would be appropriate.

### Highways

In terms of access, it is proposed that all of the properties are accessed from the Bromley Road access to the east with the existing smaller access to Brunswick Street being retained for pedestrian purposes. The proposal would utilise the existing vehicular access directly off Bromley Road. This site was previously in industrial use. With regard to the principle of residential development on the site, The Head of Strategic Infrastructure (HSI - Highways) has raised no highway objections, as the traffic impact is low and it is preferable that the site be used for residential as opposed to it being used for industrial use.

Following initial comments regarding the visibility requirements and general geometry of the access and internal roads, the applicant submitted some amended plans. The HSI has confirmed that the proposed vehicle access is considered acceptable for the proposed level of development. However, he has noted that the applicant had previously proposed the realignment (and narrowing) of Vaudrey Crescent at its junction with Bromley Road.

The HSI considers that such improvements are necessary to facilitate a suitable scheme to allow an appropriate offset between the realigned junction and the proposed site access. The only debate was as to the material within the build-out, which the applicant suggested would be grassed and the highways maintenance team indicated ought to be hard standing. The grassed layout would provide a better placemaking scheme and the hard standing would reduce maintenance costs for the Council. The latest layout plans from the applicant remove the build-out entirely and that is not acceptable to the Head of Strategic Infrastructure. The HSI therefore proposes a condition that the infrastructure will be provided with the alignment as per the original submission (MCI Drawing Bromley Rd/Access) with the surfacing to be agreed with the Cheshire East Council. Subject to this, it is therefore considered that the proposal will not have a significantly detrimental impact on highway safety in the area.

In terms of parking provision, it is important to note that this scheme is for 100% affordable units where the likelihood of car ownership will be less than that of an open market housing scheme. Additionally, the site is located in a highly sustainable location where it is near to Congleton Town Centre and other public transport links serving the wider area. The parking provision is therefore considered to be in this case.

Whilst highways have recommended a condition upgrading a nearby bus stop to provide a shelter, this is not required or necessary to make the development acceptable in planning terms and further, it has been demonstrated that the development cannot bear the cost of such.

## **Ecology**

The application is supported by an Extended Phase 1 Habitat assessment. The Council's Nature Conservation Officer (NCO) has confirmed that the application site is of limited nature conservation value and concurs with the conclusion of the applicant's ecological assessment. Accordingly, it is considered that the proposed development would not harm species protected under the Wildlife and Countryside Act 1981. Subject to the recommendations within the assessment being implemented, the requirements of local plan policy NR2, NPPF and the EC Habitats Directive are satisfied.

## **Residential Amenity**

In respect of the residential amenities afforded to neighbouring properties, the proposals would achieve the minimum interface distances advised within SPG2. Thus, the proposed development does not create issues with overlooking, loss of privacy or loss of light to existing properties due to the juxtaposition of the proposed dwellings and the provision of adequate separation distances.

Turning to the residential amenity of the future residents of the development, the distance advised between principal windows is usually 21.8 metres. Certain plots would fall short of this; however, there would not be a significant failure to meet this guideline. Where there would be a significant failure, the applicant has indicated that certain windows would be obscurely glazed to prevent direct overlooking. Subject to this, the proposed would not materially harm the amenity afforded to these neighbouring dwellings.

Each family dwelling unit would benefit from its own rear garden and it is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed and having regard to the character of the area. Subject to the removal of permitted development rights, the proposal is found to be acceptable in terms of residential amenity.

## **Noise**

The development is in an area affected by industrial noise to the north, and road traffic noise to the South. As such, the application is supported by an acoustic report which was commissioned to examine whether the development could be adequately mitigated in terms of noise. The report outlines a specific set of mitigation measures. In particular a 1m high earth bund, and 2m acoustic fence to the north to provide a degree of protection to properties in close proximity to the industrial uses. In addition, specific ventilation systems to habitable rooms have been recommended to avoid the need for residents to open windows and compromise the acoustic integrity.

Whilst it is far from ideal to develop residential properties in such close proximity to commercial uses, it has been demonstrated that mitigation is available to ensure noise levels meet the relevant standards. However, the methodology used to determine this is not capable of accounting for irregular noise (such as crashes and bangs etc) regularly associated with such industrial uses.

Industrial noise will in all likelihood be audible at the new properties, and in external amenity areas, and the Council needs to be aware of the fact that if complaints were received in the

future about the industrial noise this may be an extra regulatory Burdon on the industry. However, it is important to note that such noise will be unlikely to occur at sensitive times and also the area already contains a number of residential properties which co-exist with the existing commercial operations within the area without complaint. Thus, having regard to the proposed mitigation and the benefits of providing a much needed affordable housing, the scheme is found to be acceptable in this regard.

### **Flood Risk**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is more than 1 hectare, a Flood Risk Assessment (FRA) has been submitted in support of the application which concludes the risk from flooding is minimal. United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to the imposition of planning conditions. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

### **Contaminated Land**

The Council's Environmental Protection Unit have been consulted with regard to contamination. The Contaminated Land team has raised no objections to the submitted Phase II ground investigation but recommend conditions to agree further mediation details. Subject to this, the scheme is acceptable in this regard.

### **Planning Balance & Conclusions**

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

Whilst the proposals would result in the loss of an employment site, it has been previously accepted that the site is no longer suitable for economic use and owing to the cost of accommodating 100% affordable housing and site acquisition and remediation costs, it has been demonstrated that the site cannot bear the cost of any additional financial contributions / obligations if there is to be a realistic prospect of site being brought forward for affordable housing.

Following negotiations, a number of design improvements have been secured which would result in a design and layout that would be acceptable within its context and would not detract from the character or appearance of the area. The proposal would provide much needed affordable housing whilst making use of a redundant brownfield site.

The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants subject to mitigation proposed measures. The applicants have demonstrated general compliance with national, regional and local guidance in a range of areas including trees, landscaping, ecology, drainage and flood risk and

contaminated land. Subject to conditions, the proposal is also acceptable in terms of traffic generation, highways safety and parking provision.

On balance, the application is found to be sustainable in the social, economic and environmental sense and is therefore recommended for approval subject to the imposition of appropriate conditions.

**RECOMMENDATION**

**APPROVE subject the following conditions:**

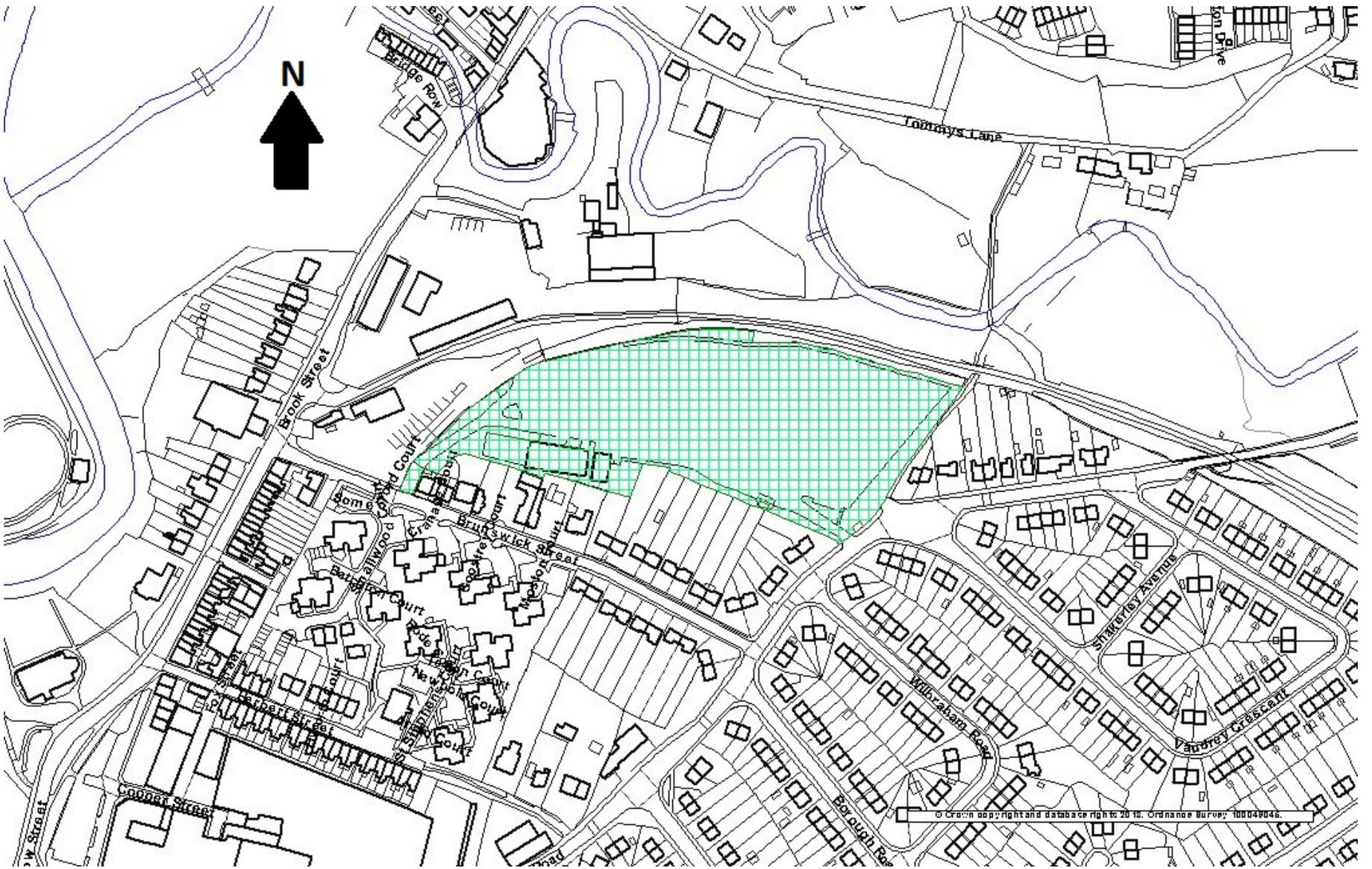
1. Standard time limit 3 years
2. Development to be carried out in accordance with approved / amended plans
3. Hours of piling limited
4. Accordance with submitted noise mitigation scheme
5. Accordance with submitted Construction Method Statement and Dust Management Plan
6. Drainage – Foul and surface water drainage connected on separate systems
7. Accordance with submitted flood Risk Assessment and Drainage Strategy
8. Construction of approved access including submission of plans detailing realigned junction layout of Bromley Road/Vaudrey Crescent, a suitable footway/cycleway link to Brunswick Street
9. Ecological mitigation to be carried out in accordance with submitted statement
10. Phase II Contaminated land report to be updated to further inform the Remediation Strategy and shall be carried out and the results submitted to, and approved in writing by the LPA
11. Bird breeding survey
12. Incorporation of features for breeding birds
13. Materials to be submitted and approved
14. Accordance with landscaping scheme including management details and boundary treatments
15. Landscaping implementation
16. Accordance with updated Arboricultural Impact Assessment and Method Statement (AMS)
17. Parking to be provided as per approved plan prior to first occupation
18. Removal of permitted development rights Classes A-E
19. Obscurely glazed windows on selected plots

\*\*\*\*\*

**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 should they be required.**



Application No: 15/4060N

Location: New Start Park, WETTENHALL ROAD, REASEHEATH

Proposal: Removal of Condition 1 on Application 09/4331N to make permission permanent

Applicant: Mr T Hamilton

Expiry Date: 30-Oct-2015

### **SUMMARY**

Having regard to the rural location of the site, the distance from local facilities and the absence of public transport, the site is not considered to be locationally sustainable. This would have some adverse implications in terms of use of natural resources and movement towards a low carbon economy.

The site is however considered to be well screened in terms of its boundaries and overall siting and it is considered that it has limited visual impact on the character and appearance of the open countryside. There is therefore conflict with the environmental role of sustainable development as set out in the Framework.

Balanced against this is the significant identified need for accommodation for gypsies and travellers in the Borough and the lack of available alternatives. A total of 69 additional plots are required within the Borough for the period to 2028. Whilst 24 additional permanent pitches have been granted planning permission since the publication of the GTTSAA, they are not currently available, and substantial weight should still be attached to this unmet need in favour of the application.

The lack of any alternative site now and at least for the immediate future also carries significant weight in favour of the proposal. The Council does not have an adopted policy that is based on an accurate assessment of need in the Borough. A 5 year supply of deliverable sites cannot be demonstrated, which is a matter that also weighs in favour of the application.

The situation with this site is similar to that considered by the Inspector in 2012 with the Council working towards delivering site allocations as part of the development plan. Therefore, due to the sites unsustainable location, the limited harm the proposal is considered to have on the character of the area, the PPTS advice to "very strictly limit" new traveller site development in the open countryside, and the stage of the local plan and site allocation process, the permanent occupation of the site is not considered to be justified.

However, in order for the Council to be given the opportunity to provide these site allocations on suitable sites, and to cater for the site owner's short term needs, it is recommended that permission should be granted for a further temporary period. The existing permission has

expired on 21<sup>st</sup> January 2016, and it is recommended that a further three years is given, from the date of the decision notice.

### **SUMMARY RECOMMENDATION**

Temporary approval subject to conditions

### **REASONS FOR REFERRAL:-**

The application has been called in by the Head of Planning and Regulation.

### **PROPOSAL**

The application seeks to remove Condition 1 on Application 09/4331N. The condition stated:-

*'The use hereby permitted shall be for a limited period being the period of 5 years from the date of this decision. At the end of this period the use hereby permitted shall cease, all caravans, materials and equipment brought on to the land in connection with the use shall be removed, and the land restored to its former condition in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.'*

The applicant is therefore seeking a permanent permission for a residential caravan site for eight gypsy families, each with two caravans (one mobile home and one touring caravan).

The improvement of the access, construction of access road and laying of hardstanding as well as the provision of foul drainage, were also subject to the temporary period condition, given the condition states that the land shall be restored to its former condition when the temporary 5 year period is over. Therefore these elements should also be considered in the determination of this application.

### **SITE DESCRIPTION**

The application site is a roughly rectangular shaped parcel of land set back from the frontage of Wettenhall Road and located within the open countryside, as identified within the Borough of Crewe and Nantwich Local Plan 2011.

### **RELEVANT HISTORY**

12/3020N - Removal of Condition 1 of 09/4331N - Change of Use as a Residential Caravan Site for 8 Gypsy Families, Each with Two Caravans, Including Improvement of Access, Construction of Access Road, Laying of Hardstandings and Provision of Foul Drainage. Refused 06<sup>th</sup> December 2012.

10/2810N - Change of Use of Land to Use as a Residential Caravan Site for Eight Gypsy Families, Each with Two Caravans, Including Improvement of Access, Construction of Access Road, Layout of Hardstandings and Provision of Foul Drainage. Refused 06<sup>th</sup> December 2012.

09/4331N – Change of use of land to use as a residential caravan site for 8 gypsy families, each with two caravans, including improvement of access, construction of access road, laying of hardstanding, installation of services (water and electric) and provision of foul drainage. Refused 15<sup>th</sup> June 2010. Appeal allowed 21<sup>st</sup> January 2011.

### **NATIONAL & LOCAL POLICY**

#### **National Policy**

The National Planning Policy Framework (the Framework) establishes a presumption in favour of sustainable development. The Framework sets out that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent.

Planning Policy for Traveller Sites (PPTS) 2015 sets out the Government's planning policy for traveller sites. It should be read in conjunction with the Framework. The overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers whilst respecting the interests of the settled community.

#### **Borough of Crewe and Nantwich Local Plan 2011**

The relevant Saved Policies are:

- NE.2 – Open Countryside
- BE.1 – Amenity
- BE.2 – Design Standards
- BE.3 – Access and Car Parking
- BE.4 - Drainage
- RES.13 – Sites for gypsies and travelling showpeople

#### **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
- PG5 - Open Countryside
- SC7 - Gypsies and Travellers and Travelling Showpeople

#### **Other relevant documents**

Cheshire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (March 2014)

Cheshire East Council Gypsy, Traveller and Travelling Showpeople Site Identification Study (April 2014)

### **CONSULTATIONS**

**Environmental Health** – No objection, subject to conditions restricting the number of caravans on the site, removal of p.d rights, formation of formal hardstanding with minimal pitch separation and provision of new foul drainage system.

**Environment Agency** – No objection. Comments were raised regarding the sewage treatment plant. The sewage plant installed was not the Marsh Ensign 27-32, as specified in the email dated 17/03/2011 regarding the discharge of condition relating to foul and surface water attached to permission 09/4331N. The applicant should demonstrate that the existing plant has sufficient capacity for the development to ensure that the foul effluent from the site is being adequately treated.

**CEC Drainage** – No objection.

**Worleston Parish Council** – Object to the application. Concerns raised include the site is unsustainable, repeated violation of the conditions attached to permission 09/4331N, no explanation of how the site would be changed to bring it up to specification for permanent permission.

## **REPRESENTATIONS**

6 letters of representation received objecting to the proposal. Concerns raised include:-

- The site is unsustainable
- Repeated violation of the conditions attached to permission 09/4331N
- No explanation of how the site would be changed to bring it up to specification for permanent permission.
- No change in circumstances to warrant the removal of the condition
- Inadequate access and highway safety along Wettenhall Road
- No evidence provided to justify the removal of the condition
- The occupants of the site have not integrated with the community
- The scale of the site does not respect the nearest settled community
- Loss of an agricultural site

## **APPRAISAL**

The key issue in the determination of this application is whether the condition is reasonable or necessary in the interests of the following matters:

- (a) Whether the site is in an appropriate location for the use proposed having particular regard to accessibility to services and facilities as well as other sustainability considerations referred to in the Local Plan and Planning Policy for Traveller Sites;
- (b) The effect of the proposed development on the character and appearance of the area;
- (c) Whether there is any harm and conflict with policy, there are material considerations which outweigh any identified harm and conflict with policy.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Character and appearance**

Policy RES.13 states that proposals for temporary or permanent gypsy caravan sites should amongst other criteria, avoid visual encroachment into open countryside and should have substantial natural screening or include proposals to provide such screening.

In his decision letter, the Inspector identified that the visual impact of the development was *“to a large extent reduced by the fact that it is sited within an enclosed field set back beyond the frontage grassland field fronting Wettenhall Road.”*

He concluded that *“any visual harm or physical encroachment that might harm the character of the countryside would be small and, with the benefits of additional planting, could be absorbed into the landscape structure with little impact.”*

The impact of the proposal on existing visual amenities of the area and surrounding open countryside has already been accepted.

### **Accessibility**

Policy RES.13 states that proposals for temporary or permanent gypsy caravan sites should be within easy reach of local services and facilities. The more recent PPTS does not provide any further guidance on acceptable distances between traveller sites and local facilities.

The Inspector concluded as part of the overall balance that *“the location of the site still has serious shortcomings in relation to accessibility”* and that *“the site is a generally unsustainable location for the scale of the use proposed.”*

The current proposal would therefore conflict with the requirements of Policy RES.13 of the Borough of Crewe and Nantwich Local Plan 2011.

### **Amenity**

No significant impact upon the living conditions of neighbours were identified at the time of the previous appeal under 09/4331N, and it is considered that the presence of a permanent site of the scale proposed would not have a significantly adverse impact upon the living conditions of neighbours in accordance with Policy BE.1 of the Borough of Crewe and Nantwich Local Plan 2011.

### **Highways**

The Head of Strategic Infrastructure raised no objections to the original proposal. The Inspector was also satisfied that access and parking arrangements would be adequate and additional traffic generated by the proposed use would have a negligible impact on highway safety, subject to further information regarding the sites access arrangements. The proposal was considered to be in accordance with Policy BE.3 of the Borough of Crewe and Nantwich Local Plan 2011. The removal of the condition would have no significant impact upon the traffic generation for the site.

### **SOCIAL SUSTAINABILITY**

The PPTS makes it clear that sustainability is important and should not only be considered in terms of transport mode and distance from services. But other factors such as economic and social considerations are important material considerations. It is considered that authorised sites assist in the promotion of peaceful and integrated co-existence between the site and the

local community. A settled base ensures easier access to a GP and other health services and that any children are able to attend school on a regular basis. In addition, a settled base can result in a reduction in the need for long distance travelling and the possible environmental damage caused by unauthorised encampments. Furthermore, the application site is not located in an area at high risk of flooding. These are all benefits to be considered in the round when considering issues of sustainability.

### **Need**

The PPTS requires local authorities to identify and update annually, a supply of deliverable sites sufficient to provide five years worth of sites for gypsies, travellers and travelling showpeople against their locally set targets, and identify a supply of specific, developable sites or broad locations for growth for years six to ten and, where possible, for years 11-15.

In 2013 Opinion Research Services (ORS) was commissioned by the local authorities of Cheshire to undertake a Gypsy, Traveller and Travelling showpeople Accommodation Assessment (GTTSA). The local authorities involved were: Cheshire West & Chester, Cheshire East, Halton and Warrington. Prior to this the last Gypsy and Traveller Accommodation and Related Services Assessment was published in 2007.

The study provides an evidence base to enable the Councils to comply with their requirements towards gypsies, travellers and travelling showpeople under the Housing Act 2004, the National Planning Policy Framework 2012 and Planning Policy for Traveller Sites 2015. It provides up-to-date evidence about the accommodation needs of gypsies, travellers and travelling showpeople in the study area up to 2028.

In terms of future need within Cheshire East, an extra provision totalling 69 pitches is required to 2028. Over 5 year periods, this translates to 32 pitches between 2013-2018, 17 pitches between 2018-2023 and 20 pitches between 2023-2028. There was also a recommendation within the GTTSA that the Council provide a transit site of between 5 and 10 pitches in order to address unauthorised encampments.

In June 2015, the Council granted approval for an additional 24 permanent pitches at Three Oaks Caravan Park, Booth Lane, Moston, which does go some way towards meeting the first five year requirement to 2018. This permission has not been implemented to date. Additionally a transit site comprising 9 pitches and a warden's pitch was granted approval at Cledford Lane in Middlewich in May 2015. This has also not been implemented to date. It is however clear that the Council is taking steps towards addressing the need for additional traveller pitches within the Borough.

### **Site Identification Study**

Peter Brett Associates were appointed by the Council to carry out research to identify gypsy, traveller and travelling showpersons sites across the Borough. Sites have been assessed to determine if they are suitable, available and achievable. It is intended that the results of the study will be used to inform the development of relevant policies and allocations and to guide the consideration of planning applications.

Potential sites were established from a review of information relating to: a call for sites; existing authorised sites subject to full, temporary or personal consents or certificates of lawful use; existing unauthorised and tolerated sites and encampments; other sites owned by

gypsies, travellers and travelling showpeople; surplus Council owned land; sites from previous and current land studies; housing allocations and potential urban extensions, and; sites owned by Registered Providers (housing associations).

It should be clarified that the site identification study does not allocate land for the proposed use, or confirm the acceptability in planning terms of the identified sites. It simply serves to highlight options available to the Council to meet the identified need for accommodation for gypsies, travellers and travelling showpeople within the Borough.

In terms of the application site, the Peter Brett report rejects the site as an option for permanent development stating that:

*“Although the site has temporary permission for Gypsy and Traveller use, the site would not be suitable for full planning permission, as it would have an unacceptable impact on landscape character. Situated within an area of rectilinear small pasture fields beyond the northern edge of Nantwich where there are signs of creeping urban fringe uses which, collectively, are eroding the prevailing strong rural character of the locality. A loose ribbon of properties is located along Cinder Lane to the east and the site is separated from this, essentially lying on its own; it therefore relates poorly to the prevailing settlement pattern. Although the site (and the existing development) is visually quite well contained due to the prevailing landscape structure of robust hedgerows, the area’s rural character is susceptible to erosion through piecemeal uses and activities, some of which is already apparent (including this site). The site is considered to be in inappropriate location for a permanent Gypsy and Traveller development.”*

### **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development would make a very limited contribution towards bringing increased trade to local shops and businesses.

### **PLANNING BALANCE**

Having regard to the rural location of the site, the distance from facilities, and the absence of public transport the site is not considered to be in a sustainable location. This would have some adverse implications in terms of use of natural resources and movement towards a low carbon economy. In addition, there would be a limited adverse impact upon the character and appearance of this rural area arising from the visual impact of the proposal. There is therefore conflict with the environmental role of sustainable development as set out in the Framework.

Balanced against this is the significant identified need for accommodation for gypsies and travellers in the Borough and the lack of available alternatives. A total of 69 additional plots are required within the Borough for the period to 2028. Whilst 24 additional permanent pitches have been granted planning permission since the publication of the GTTSAA, they are not currently available, and substantial weight should still be attached to this unmet need in favour of the application.

Alongside this, the Council's site identification study rejects the application site as a potential site for permanent provision noting that it is in an unsuitable location and would have an unacceptable impact upon landscape character. However, there are currently no alternative sites that are available to the applicants or any other gypsy or traveller. The lack of any alternative site now and at least for the immediate future also carries significant weight in favour of the proposal.

The Council does not have an adopted policy that is based on an accurate assessment of need in the Borough. A 5 year supply of deliverable sites cannot be demonstrated, which is a matter that also weighs in favour of the application.

The definition of sustainable development set out in the Framework includes more than an assessment of the proximity of the site to shops, services and facilities. It should be viewed in environmental, social and economic terms. The Inspector's conclusions on the original application identified that the positive factors in favour of the appeal did not outweigh the harm identified.

However, given the Council could not demonstrate a 5 year supply of deliverable sites during the determination of the appeal, a temporary 5 year permission for the site was considered to be appropriate, given new sites would likely become available at the end of the temporary period, in line with Circular 01/2006.

In this respect, the positive factors in favour of the appeal when considered on the basis of a 5 year temporary permission were considered to outweigh the harm identified and justified the development for a limited period. This conclusion remains, given the substantial unmet need for gypsy and traveller pitch provision in Cheshire East, despite recent planning permissions.

It is also important to note that the Inspector stated that:-

*"There is a substantial local need for more gypsy sites, no alternatives and it is likely to be in the order of 5 years before additional sites are available through the development plan process. The intended occupiers have a need for a lawful pitch and I have given particular weight to the need to facilitate the education of the school-age children among the families."*

The lack of alternative accommodation available to the appellant and his family and the educational needs of the children then simply served to add more weight to the Inspector's conclusions in favour of the development.

The PPTS was revised in August 2015 and Policy H states that *"Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan."* The word "very" has now been inserted before "strictly limit" presumably to increase the protection given to open countryside locations, such as the application site. In addition, whilst the local plan process has been subject to delay, there are clear indications of additional pitches coming forward (evidenced by recent planning permissions) and once the local plan process resumes in the very near future, further new pitches are again likely to become available through the development plan process, in order to meet the identified need. However at this moment there remains a significant unmet need for gypsy and traveller pitches

As such, the situation is similar to that considered by the Inspector in 2009 with the Council working towards delivering site allocations as part of the development plan. Therefore, due to the far from ideal location of the site, the limited harm to the character of the area, the PPTS advice to “very strictly limit” new traveller site development in the open countryside, and the stage of the local plan and site allocation process, the permanent occupation of the site is not considered to be justified. However, in order for the Council to be given the opportunity to provide these site allocations on suitable sites, and to cater for the site owner’s short term needs, it is recommended that permission should be granted for a further temporary period. The existing permission has expired on 21<sup>st</sup> January 2016, and it is recommended that a further three years is given, from the date of the decision notice.

It is acknowledged that the National Planning Practice Guidance (NPPG) advises that it will be rarely justifiable to grant a second temporary permission. However, given the particular circumstances of this case, and the stage of the local plan process which is relied on to provide the site allocations for further gypsy and traveller site provision, it is considered to be the most reasonable approach in this case. It is expected that the planning circumstances would change at the end of the temporary period, which is a specific situation where the NPPG advises a temporary permission is appropriate.

## **RECOMMENDATION**

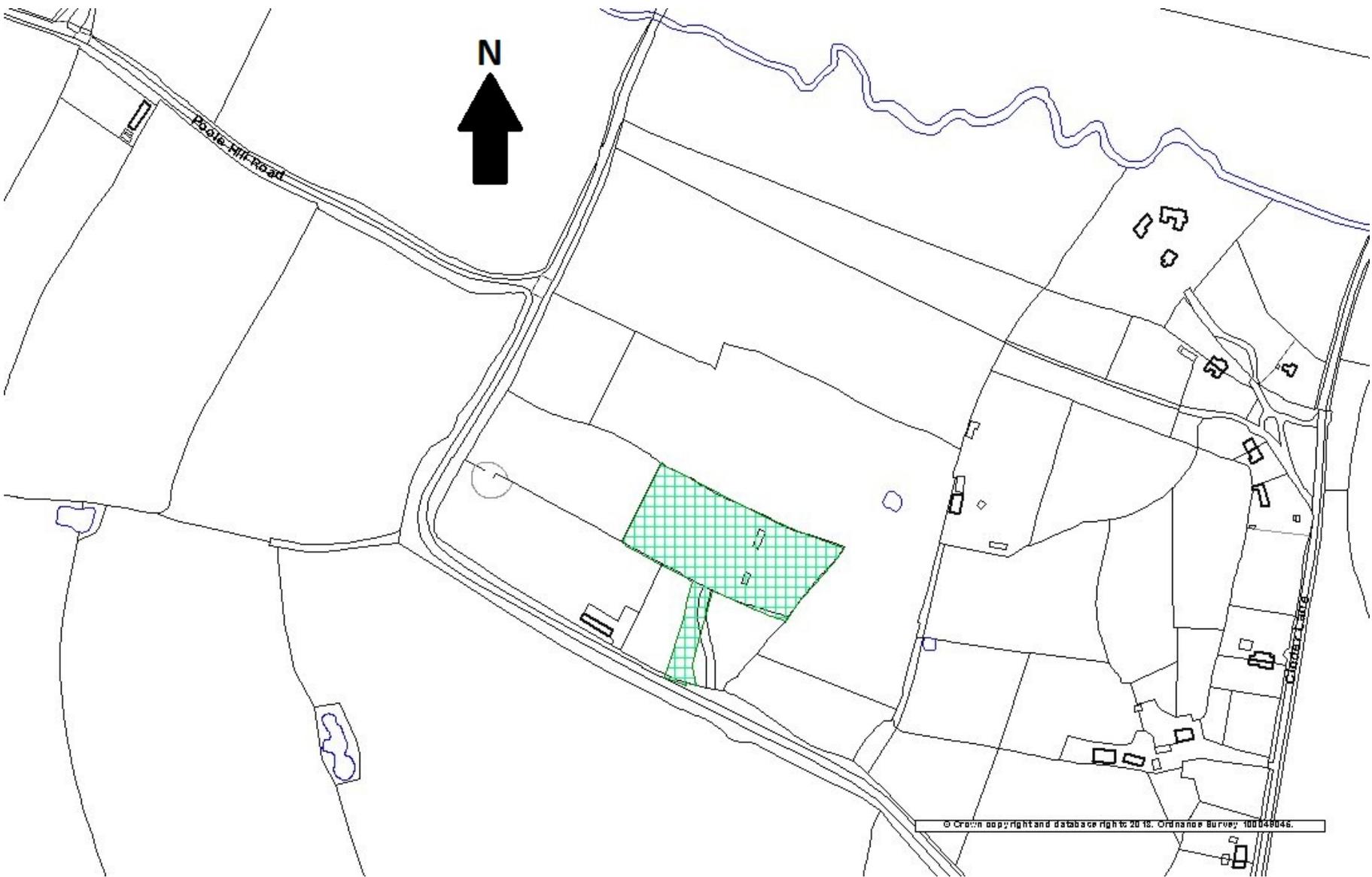
It is recommended that the application be granted for a further temporary period, subject to the following conditions.

- 1) Time period**
- 2) Occupation of the site**
- 3) Amount of pitches**
- 4) Vehicle tonnage**
- 5) Commercial activities**
- 6) Environment Improvement**
- 7) Environment Improvement Implementation**
- 8) Landscape implementation**
- 9) Remedial measures**
- 10) Ecological 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 Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**

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



Application No: 15/5454N  
Location: Land Off, BESWICK DRIVE, CREWE  
Proposal: Variation of Condition 14 (Opening Times) on Approval 15/2007N  
Applicant: Mr David Smyth, Swansway Garages Limited  
Expiry Date: 01-Mar-2016

### **SUMMARY**

**This Section 73 application seeks to amend the wording of Condition 14 from planning permission 15/2007N to allow for longer hours of operation.**

**The Council's Environmental Protection Officer has reviewed the proposed changes and is satisfied that the revised hours of operation would not create any in relation to environmental disturbance.**

**No new issues in relation to; loss of land specific employment development, design, landscaping, amenity, accessibility, servicing and parking provision, public services, flooding, trees and woodlands and protected species would be created.**

**The variation of the condition is considered to be acceptable in this case and would not change the environmental, social or economic sustainability considerations previously assessed as part of the original application.**

**The application is therefore recommended for approval.**

### **RECOMMENDATION**

**APPROVE Subject to conditions**

### **PROPOSAL:**

A variation of condition application (Section 73) is sought to vary Condition 14 on planning permission 15/2007N.

Planning permission 15/2007N was for the *'The erection of a Car Dealership and Showroom (sui generis) with associated landscaping (to be secured by condition), car parking and access arrangements.'*

Condition 14 reads;

*'The development shall be subject to the following hours of operation restrictions;*

Car Sales

Monday to Friday 08.30 - 19.00  
Saturday and Sunday 10.00 - 16.00

Car Servicing

Monday to Friday 08.00 - 17.30  
Saturdays 08.30 - 13.00

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

The applicant seeks to amend the hours of operation to the following;

Car Sales

Monday to Saturday **08.00 – 18.00**  
Sunday 10.00 - 16.00

Car Servicing

Monday to Friday **08.00 – 18:00**  
Saturdays **08.00 - 13.00**

**SITE DESCRIPTION:**

The application sites comprises of half of an irregular shaped parcel of land which is located to the northern side of Beswick Drive and the south-west of the Crewe Green Round-a-bout within the Crewe Settlement Boundary as defined by the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

The site lies entirely on land allocated in the Crewe and Nantwich Replacement Local Plan 2011 under Policy E.1.1 for Class B1 uses and uses required by Manchester Metropolitan University.

**RELEVANT HISTORY:**

- 15/2008N** - The erection of a petrol filling station with ancillary shop – Approved 28<sup>th</sup> October 2015
- 15/2007N** - The erection of a Car Dealership and Showroom (sui generis) with associated landscaping (to be secured by condition), car parking and access arrangements – Approved 28<sup>th</sup> October 2015
- P06/0964** - Extension of time period condition 2 attached to P03/0639 for mixed use development – Approved 16<sup>th</sup> October 2006
- P04/1475** - Reserved Matters Application for Construction of Three Storey Office Block With Related Parking – Approved 11<sup>th</sup> January 2005
- P03/1239** - Variation of Conditions 7 & 20 (P03/0639) – Withdrawn 24<sup>th</sup> March 2004

**P03/0639** - Outline Application for Mixed use Development comprising Student Accommodation, Offices and Pub/Restaurant together with Access, Car Parking and Landscaping – Approved 3<sup>rd</sup> September 2003

**P00/1130** - Manufacturing Building and Associated External Works (Class B2) – Approved 16<sup>th</sup> May 2001

**P00/1133** - Screening Opinion In Respect Of New Manufacturing Building – EIA not required 21<sup>st</sup> February 2001

**P96/0766** - Outline application for multiplex cinema bingo club, bowling alley, public house, restaurants and offices with associated car parking.

P94/0471 – Withdrawn 29<sup>th</sup> January 1997

**7/19179** - O/a for business development (class B1) and a hotel (class C1) – Approved 10<sup>th</sup> January 1991

**7/18607** - Outline clearance for an hotel – Approved 21<sup>st</sup> June 1990

**7/16315** - Extension to Crewe Business Park – Approved 7<sup>th</sup> December 1988

**7/13981** - New access road and sewers including new junction with improvement of A534 Crewe Road – Approved 19<sup>th</sup> March 1987

**7/11951** - Development of a high technology site – Approved 2<sup>nd</sup> August 1985

### Local Plan Policy

For the erection of a car showroom in this location, the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011 would apply; E.1 (Existing Employment Allocations), E.1.1 (Crewe Business Park/Crewe Green), E4 (Development on Existing Employment Areas), 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), BE.6 (Development on potentially contaminated land) and TRAN.9 (Car Parking Standards) The National Planning Policy Framework (NPPF) is also a material consideration.

### 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 – Core planning principles, 18-22 Building a strong, competitive economy, 23-27 – Ensuring the vitality of town centres, 56-68 – Requiring good design

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

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

PG2 (Settlement Hierarchy), PG6 (Spatial Distribution of Development), EG3 (Existing and Allocated Employment Sites), SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), SE1 (Design), SE2 (Efficient use of Land), SE3 (Biodiversity and Geodiversity), SE4 (The Landscape), SE5 (Trees, Hedgerows and Woodland), SE6 (Infrastructure), SE8 (Renewable and Low Carbon energy), SE9 (Energy Efficient Development), IN1 (Infrastructure), IN2 (Developer Contributions)

**CONSULTATIONS (External to Planning)**

**Environmental Protection (Cheshire East Council)** – No objections

**Crewe Green Parish Council** - No objections

**OTHER REPRESENTATIONS:**

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

To date, no neighbouring letters have been received.

**APPLICANT'S SUPPORTING INFORMATION:**

Covering letter

**OFFICER APPRAISAL**

**Principle of development / Amenity**

The principal acceptability of the car dealership has already been established.

The only matters under consideration is;

A change in the hours of operation of the car sales business and the car servicing operations from;

Car Sales

*Monday to Friday*        *08.30 - 19.00*  
*Saturday and Sunday*   *10.00 - 16.00*

Car Servicing

*Monday to Friday*    *08.00 - 17.30*  
*Saturdays*            *08.30 - 13.00*

To;

Car Sales

*Monday to Saturday*    *08.00 – 18.00*  
*Sunday*                    *10.00 - 16.00*

Car Servicing

*Monday to Friday*    *08.00 – 18:00*  
*Saturdays*            *08.00 - 13.00*

This condition was originally requested by the Council's Environmental Protection Officer (EPO).

The Council's EPO has reviewed these alternative times and advises that they have no objections to the revised hours of operation for car sales and servicing on environmental disturbance grounds.

It is therefore considered that the principle of the variation of Condition 14 is acceptable.

### **Other matters**

The proposed changes sought will not have any significant knock-on impacts upon matters of; loss of land specific employment development, design, landscaping, amenity, accessibility, servicing and parking provision, public services, flooding, trees and woodlands and protected species.

### **CONCLUSIONS**

This Section 73 application seeks to amend the wording of Condition 14 from planning permission 15/2007N to allow for longer hours of operation.

The Council's Environmental Protection Officer has reviewed the proposed changes and is satisfied that the revised hours of operation would not create any adverse impacts in relation to environmental disturbance.

No new issues in relation to; loss of land specific employment development, design, landscaping, amenity, accessibility, servicing and parking provision, public services, flooding, trees and woodlands and protected species would be created.

The application is therefore recommended for approval.

### **RECOMMENDATION**

- 1. Time (3 years from 28 Oct 2015)**
- 2. Plans**
- 3. Materials as per application**
- 4. Landscape - Details**
- 5. Landscape – Implementation**
- 6. Protection of breeding birds**
- 7. Nesting features for birds – As per discharge**
- 8. Surface water storage and drainage scheme – As per discharge**
- 9. Drainage on separate system**
- 10. Hours of piling – As per discharge**
- 11. Piling method statement – As per discharge**
- 12. Floor floating method statement – As per discharge**
- 13. Lighting details - As per discharge**
- 14. Hours of operation**
- 15. Electric vehicle charging infrastructure - As per discharge**
- 16. Dust mitigation scheme - As per discharge**
- 17. Phase 1 and Phase 2 Contaminated Land Report - As per discharge**

**In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (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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Application No: 15/5844C

Location: LAND AT, MANOR LANE, HOLMES CHAPEL

Proposal: Variation of condition 17 (hours of operation) and removal of condition 24 (dust mitigation measures) on approval 15/3673C - Erection of a foodstore (Use Class A1), together with associated service area, car parking, landscaping and access.

Applicant: Liberty Properties Developments Limited

Expiry Date: 23-Mar-2016

### **SUMMARY**

**This Section 73 application seeks to amend the wording of Condition 17 from planning permission 15/3673C to allow for longer hours of operation on Public Holidays. The application also seeks to remove Condition 24 from this permission as the matters are covered by an alternative condition (Condition 20).**

**The Council's Environmental Protection Officer (EPO) has reviewed the proposed changes and is satisfied with the revised hours of operation as this was previously agreed. This amendment corrects an error in the initial wording of the condition.**

**The EPO also accepts that Condition 20 duplicates the mitigation matters for dust as well as condition 24 and agrees that Condition 24 can be removed.**

**No new issues in relation to - Shopping and commercial development outside town centres, design, landscaping, accessibility, servicing and parking provision, public services, flooding, trees and woodlands and protected species would be created.**

**The variation/removal of the suggested conditions is considered to be acceptable in this case and would not change the environmental, social or economic sustainability considerations previously assessed as part of the original application.**

### **RECOMMENDATION**

**APPROVE Subject to conditions**

### **REASON FOR REFERRAL:**

The application has been called in by Cllr Les Gilbert for the following reasons:

*'These conditions were considered and agreed by Members of the Strategic Planning Board. This application is in effect an appeal against the Members' decision and it is inappropriate for such an application being dealt with under delegated powers as this would give the Planning Officer power to over-ride the Members' decision.'*

*I further propose that the wording of condition 17 should be amended to cover not only deliveries but also unloading failing which unloading could continue for hours after the cut-off for deliveries thereby causing disturbance to nearby residential occupiers.'*

**PROPOSAL:**

A variation of condition application (Section 73) is sought to vary Condition's 17 and 24 on planning permission 15/3673C. That application was for the *'Erection of a foodstore (Use Class A1), together with associated service area, car parking, landscaping and access.'*

Condition 17 reads;

*'The hours of operation of the use hereby approved shall be limited to 08:00 to 22:00 hours on Monday to Saturday and 10:00 to 16:00 on Sundays and 10:00 to 22:00 on Public Holidays.'*

The applicant seeks to expand the hours of operation for public holidays from 10am-10pm to 8am-10pm.

Condition 24 reads;

*'The dust mitigation measures outlined in Appendix E of the Entran air quality assessment dated April 2015 reference E1351 shall be implemented throughout the construction phase.'*

The Applicant believes that these mitigation measures are too onerous and consider that Condition 20 satisfactorily covers dust matters. Therefore, they seek this condition to be removed.

**SITE DESCRIPTION:**

The application sites comprises of a previously developed site located on the western side of Manor Lane within the Holmes Chapel Settlement Zone Line.

The site is located approximately 0.7 miles to the east of the Holmes Chapel Village centre on the Manor Business Park. The application site as a whole extends 0.87 hectares, fronts onto Manor Lane which links to the A54 and the A535.

To the north and west of the site is more land comprising of the former Manor Business Park. The site is vacant as the former buildings on the site have been demolished.

The application site calls partially within a Flood Zone 2 and Flood Zone 3 and the Jodrell Bank Radio Telescope Consultation Zone Line.

**RELEVANT HISTORY:**

**16/0018C** - Variation of condition 22 (electric vehicle charging points) on approval 15/3673C - Erection of a foodstore (Use Class A1), together with associated service area, car parking, landscaping and access – Approved 12<sup>th</sup> February 2016

**15/3673C** - Erection of a foodstore (Use Class A1), together with associated service area, car parking, landscaping and access – Approved 21<sup>st</sup> December 2015

**10/4464C** - Extension to Time Limit. Ref: 08/0528/REM, 07/0604/REM, 06/0721/OUT - Re-design of Two Storey Office Building from 3no. Self-contained Units to 4no. Self-contained Units – Withdrawn 24<sup>th</sup> January 2011

**08/0528/REM** - Re-design of two storey office building from 3no. self-contained units to 4no. self-contained units – Approved 22<sup>nd</sup> May 2008

**07/0604/REM** - Phase 1 redevelopment of existing business park for mixed commercial use, including B1, B2, and B8 – Approved 13<sup>th</sup> November 2007

**06/0721/OUT** - Redevelopment of existing business park for mixed commercial uses including B1, B2 & B8 – Approved 19<sup>th</sup> September 2006

### **Local Plan Policy**

The following policies within the Congleton Borough Local Plan First Review 2005 apply; PS5 (Villages in the Open Countryside and inset in the Green Belt), S1 (Shopping Hierarchy), S2 (Shopping and Commercial Development Outside Town Centres), S7 (Shopping and Commercial Development in Villages), S8 (Shopping – Holmes Chapel), GR1 (New Development – General Criteria), GR2 (Design), GR4 (Landscaping), GR6 (Amenity), GR9 (Accessibility, Servicing and Parking Provision), GR19 (Infrastructure), (GR20 (Public Services), GR21 (Flooding), NR1 (Trees and Woodlands) and NR2 (Protected Species).

### **National Policy**

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

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

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

PG2 (Settlement Hierarchy), PG6 (Spatial Distribution of Development), EG3 (Existing and Allocated Employment Sites), SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), SE1 (Design), SE2 (Efficient use of Land), SE3 (Biodiversity and Geodiversity), SE4 (The Landscape), SE5 (Trees, Hedgerows and Woodland), SE6 (Infrastructure), SE8 (Renewable and Low Carbon energy), SE9 (Energy Efficient Development), IN1 (Infrastructure), IN2 (Developer Contributions).

### **CONSULTATIONS (External to Planning)**

**Environmental Protection (Cheshire East Council)** – Raise no objections to the change in hours of operation or the removal of dust mitigation condition

**Holmes Chapel Parish Council** - No objections

**OTHER REPRESENTATIONS:**

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

To date, 9 neighbouring letters have been received.

5 of these are for the general support of the food store development and another raising concerns about the access. The matters raised in these letters refer to matters not considered by this application (e.g. principle, access).

3 letters of objection have been raised with specific reference to the proposed change in the hours of operation. The specific concern these residents have relates to noise.

**APPLICANT'S SUPPORTING INFORMATION:**

Covering letter

**OFFICER APPRAISAL**

**Principle of development / Amenity**

The principal acceptability of the food store has already been established. The only 2 matters under consideration are

1. The change in the hours of operation on public holidays from 10am-10pm to 8am-10pm (Condition 17)
2. The removal of a dust mitigation scheme condition (Condition 24)

Both of these conditions were originally requested by the Council's Environmental Protection Officer (EPO).

The Council's EPO has advised that they had previously considered the hours as now applied for were appropriate given the location of the site. As such they raise no objections to the proposed extension of opening hours on public holidays from 8 am to 10 pm.

With regards to the removal of Condition 24, the applicant believes that these mitigation measures duplicates the requirements of Condition 20 and considers that Condition 20 satisfactorily covers dust matters. Therefore, they wish condition 24 to be removed.

The Council's EPO has advised that they agree that Condition 20 (below) still allows the Council to review the proposed dust management measures before the construction starts and as such, raise no objections to the removal of Condition 24.

Condition 20 will remain in force

*'No development shall take place until a scheme to minimise dust emissions arising from demolition / construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the*

*methods to monitor emissions of dust arising from the development. The demolition / construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the demolition / construction phase.'*

It is therefore considered that the principle of the variation of Condition 17 and the removal of Condition 24 are acceptable and will not result in any adverse impacts upon the noise environment for nearby residents.

### **Other matters**

The proposed changes sought will not have any significant knock-on impacts upon matters of; Shopping and commercial development outside town centres, design, landscaping, amenity, accessibility, servicing and parking provision, public services, flooding, trees and woodlands and protected species.

The local Ward Councillor has concerns over the wording of the hours of delivery condition (Condition 18) to the approved food store. The Councillor wants to amend this condition to also cover unloading because he has concerns that unloading could continue for hours after the cut-off for deliveries stipulated within the condition thereby causing disturbance to nearby residential occupiers.

In response, the applicant has agreed to this minor change and as such, it is also proposed that Condition 18 be amended to include 'unloading' as per below;

*'Deliveries (including unloading) to the food store shall not be undertaken except between the following times 06.00 to 23.00 hours on Monday to Saturday and 09:00 – 17:00 on Sunday's for the first 12 months from the date of this decision notice. These delivery hours shall be discontinued on or before that date and shall revert to 07:00 to 22.00 hours on Monday to Saturday and 10.00 to 16.00 on Sundays and unless further permission to amend those opening hours has first been granted on application to the Local Planning Authority.'*

### **CONCLUSIONS**

This Section 73 application seeks to amend the wording of Condition 17 from planning permission 15/3673C to allow for longer hours of operation on Public Holidays. The application also seeks to remove Condition 24 from this permission as the matters are covered by an alternative condition (Condition 20).

The Council's Environmental Protection Officer has reviewed the proposed changes and is satisfied with the revised hours of operation as this was previously agreed. This amendment corrects an error in the wording of the original condition.

The EPO also accepts that Condition 20 considers the mitigation matters for dust as well as condition 24 and therefore agrees that Condition 24 can be removed.

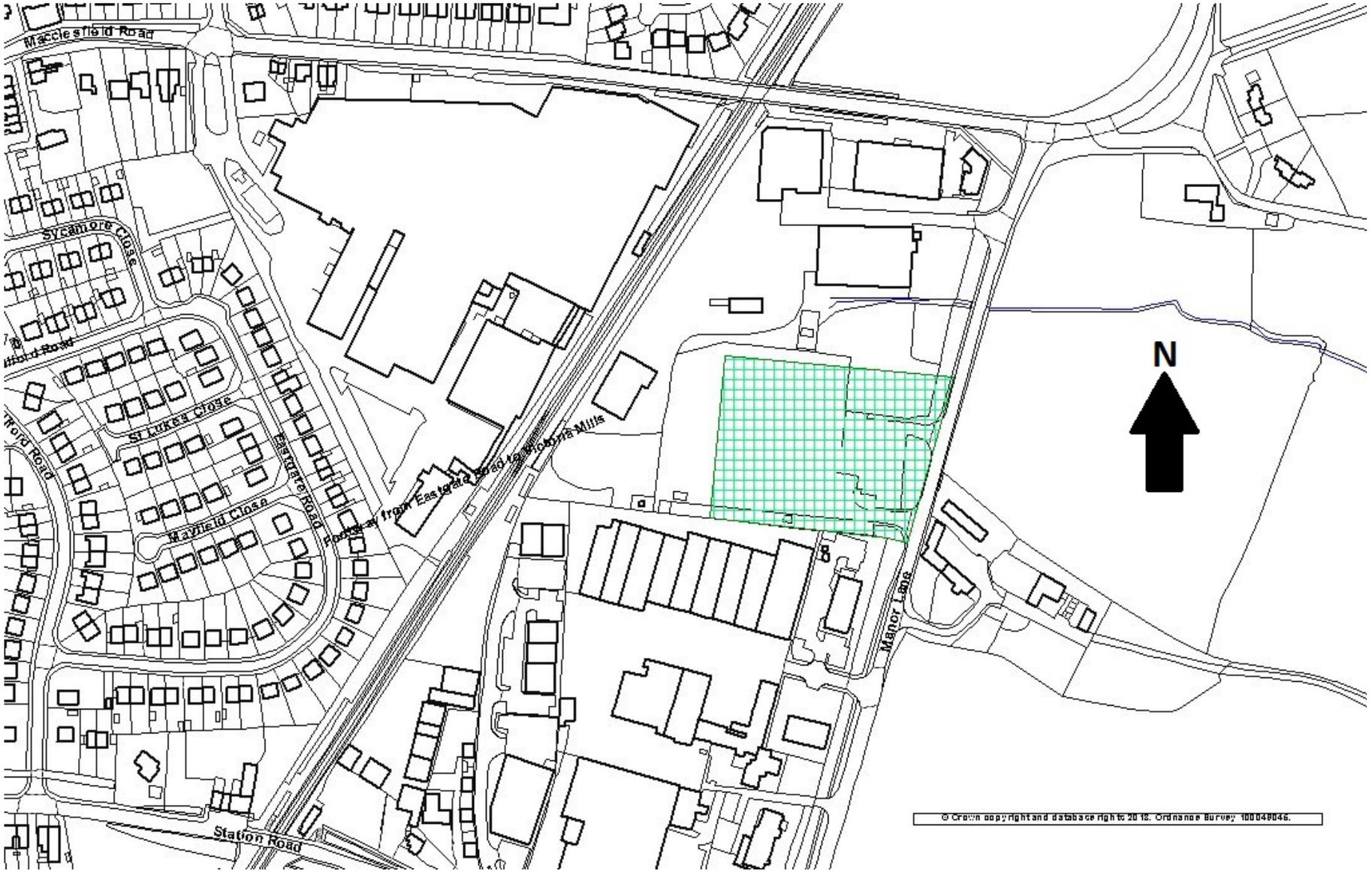
No new issues in relation to; Shopping and commercial development outside town centres, design, landscaping, accessibility, servicing and parking provision, public services, flooding, trees and woodlands and protected species would be created.

The application is therefore recommended for approval.

## **RECOMMENDATION**

- 1. Time – Works to commence before 21<sup>st</sup> December 2018**
- 2. Plans**
- 3. Prior approval of facing and roofing material details**
- 4. Prior approval of surfacing materials**
- 5. Landscape – Prior approval of details**
- 6. Landscape – Implementation**
- 7. Boundary treatment – Prior approval**
- 8. Prior approval of site hoarding details which will demarcate a construction exclusion zone around the site periphery**
- 9. Prior approval of a plan to demonstrate how access is reserved for servicing vehicles**
- 10. Protection of breeding birds**
- 11. Prior approval of a remediation strategy to deal with the risks associated with the contamination**
- 12. The submission of a verification report prior to the first occupation of the site**
- 13. No infiltration of surface water drainage into the ground shall be permitted where adverse concentrations of land contamination are present**
- 14. No piling or other foundation designs without the written consent of the LPA**
- 15. Proceed in accordance with submitted Flood Risk Assessment**
- 16. Site to be drained on a separate system**
- 17. Hours of operation - Monday to Saturday 08:00 – 22:00, Sundays 10:00 – 16:00 and Bank Holidays 08:00 – 22.00**
- 18. Hours of delivery - Monday to Saturday 06:00 – 23:00 and Sundays 09:00 – 17:00 for 12 months and then revert to hours of operation also restricted by condition**
- 19. Prior approval of acoustic specification and locations of any fixed plant equipment;**
- 20. Prior approval of a dust mitigation scheme;**
- 21. Prior approval of a floor floating method statement;**
- 22. The provision of 2 fast (7Kv) electric vehicle charge points**
- 23. Prior approval of a staff travel plan;**
- 24. The submission of the results of a watching brief for contamination prior to the first use of the site**
- 25. The submission of a verification report to demonstrate that the soil forming materials for use of landscaping is contamination free.**
- 26. Prior approval of a risk assessment detailing the use of any vibro-compaction machinery/piling machinery**
- 27. Prior approval of bus stop details**
- 28. Implementation of bus stop prior to first use of food store**
- 29. Prior approval of Electromagnetic Screening Measures (Jodrell Bank)**
- 30. Hours of construction**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (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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Application No: 15/4967N

Location: Land East Of, Rope Lane, Shavington, Crewe, Cheshire

Proposal: Reserved Matters application seeking consent for appearance, landscaping, layout and scale following the approval of 14/3267N - Construction of up to 53 dwellings including details of access

Applicant: Wainhomes (North West) Ltd

Expiry Date: 08-Feb-2016

### **Summary**

The principle of development has already been accepted as part of the outline approval on this site.

#### Social Sustainability

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

The impact upon infrastructure would be neutral.

In terms of the POS and LEAP provision this is considered to be acceptable.

#### Environmental Sustainability

Details of the proposed landscaping are considered to be acceptable.

With regard to ecological impacts, the development would have a neutral impact subject to mitigation.

The drainage/flood risk implications for this proposed development are considered to be acceptable subject to the imposition of planning conditions.

The development would not have any significant impact upon the trees and hedgerows on this site.

#### Economic Sustainability

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted together with contributions for off-site highway works. The internal design of the highway layout/parking provision is considered to be

acceptable.

The development of the site would provide a number of economic benefits in the residential use of the site.

It is considered that the planning balance weighs in favour of this development.

### **RECOMMENDATION**

**Approve with conditions**

### **REASON FOR DEFERRAL**

This application was deferred from the Southern Planning Committee meeting on 3<sup>rd</sup> February 2016 for the following reasons;

- *More information on flood risk*
- *Paul Reeves (Flood Risk Manager) be invited to attend the meeting when this application is considered*
- *Clarification on the maintenance of the Brook*

The applicant has now submitted a further drainage note and this will be discussed within the drainage/flood risk section of this report below.

### **PROPOSAL:**

This is a reserved matters application for 53 dwellings. The issues which are to be determined at this stage relate to the appearance, landscaping, layout and scale of the development.

The access would be via the approved development (phase 1) which in turn is accessed off Rope Lane.

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

- 18 x two bed units
- 7 x three bed units
- 25 x four bed units
- 3 x five bed units

### **SITE DESCRIPTION:**

The site comprises 3.13ha of gently undulating undeveloped agricultural land located on the north western edge of Shavington. The site is described as Phase 2 of a wider development by Wain Homes. Phase 1 was granted following the appeal decisions as part of applications 11/4549N and 13/1021N. Phase 1 lies directly to the south of this site and at the time of the case officer's site visit the development was under construction and some of the dwellings appear to be occupied.

The site is defined by the A500 to the north and west. A small tree lined brook runs along the eastern boundary with the land beyond in equine and agricultural use. The site is bound by existing hedgerows, some of which contain trees. In addition, there are two hedgerows which project into the site.

Existing residential development lies to the south of the site fronting Rope Lane, Vine Tree Avenue and Northfield Place. Further west lies Shavington high school and leisure centre and Rope Green Medical Centre.

### **RELEVANT HISTORY:**

14/3267N - Construction of up to 53 dwellings including details of access (outline) – Refused 25<sup>th</sup> September 2014 – Appeal Lodged – Appeal Allowed 6<sup>th</sup> August 2015

14/1534N - Variation of condition 1 (plans) attached to planning application 13/1021N. Land off Rope Lane, Shavington, Crewe, Cheshire CW2 5DA Development proposed for the erection of up to 80 dwellings – Approved 20<sup>th</sup> May 2014

13/2299N - Approval of details of the appearance, landscaping, layout and scale as required by condition 1 attached to the outline planning permission 11/4549N – Refused 30<sup>th</sup> May 2013

13/1021N - Approval of details of the appearance, landscaping, layout and scale as required by condition 1 of 11/4549N attached to the outline planning permission – Appeal Against Non Determination – Appeal Allowed 22<sup>nd</sup> January 2014

11/4549N - Outline Planning Permission for Erection of Up to 80 Dwellings Including Details of Access Land – Refused 21<sup>st</sup> March 2012. Appeal Lodged. Appeal Allowed 28<sup>th</sup> November 2012

### **POLICIES**

#### **National Policy:**

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

#### **Development Plan:**

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site within the open countryside and Green Gap..

The relevant Saved Policies are: -

NE.2 (Open countryside)

NE.4 (Green Gaps)

NE.5 (Nature Conservation and Habitats)

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

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

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

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

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

### **Other Considerations:**

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

### **CONSULTATIONS:**

**Environment Agency:** No objection subject to the imposition of planning conditions.

**ANSA (Public Open Space):** No objections to the landscaping proposals in general. The footpaths need to be bitmac, and the path to the play area needs to be wide enough so as to permit maintenance vehicle access to it. The play area itself needs to be of LEAP standard for a development of this size.

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

**CEC PROW:** The legal status, maintenance and specification of the proposed paths in the public open space of the site would need the agreement of the Council as the Highway Authority. If the routes are not adopted as public highway or Public Right of Way with the provision of a commuted maintenance sum, the route would need to be maintained for use under the arrangements for the management of the open space of the site.

Pedestrian and cyclist routes should be designed and constructed to best practice in terms of shared use infrastructure and accessibility. Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists and pedestrians.

Should the development be granted consent, the developer should be conditioned to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted.

**United Utilities:** No objection subject to the imposition of planning conditions.

**CEC Environmental Health:** No objection subject to the imposition of planning conditions relating to Environment Management Plan, external lighting, noise mitigation scheme, bin storage and electric vehicle infrastructure.

**CEC Head of Strategic Infrastructure:** No objection.

**Natural England:** No objection in relation to statutory nature conservation sites.

**CEC Strategic Housing Manager:** No objection.

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

**Shavington Parish Council:** No comments received.

**Rope Parish Council:** No comments to make on this application.

### **REPRESENTATIONS:**

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

A letter of general observation has been received from one household raising the following points:

- The public footpath will be upgraded and will be used by dog walkers and new residents. It is requested that a six foot fence is erected along the side boundary 2ith 1 Vine Tree Avenue to protect from a loss of privacy.

### **APPRAISAL**

The principle of residential development has already been accepted following the approval of the outline application 14/3267N which was allowed at appeal.

This application relates to the approval of the appearance, landscaping, layout and scale of the development.

### **Housing Mix**

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing. In this case the development would provide the following mix:

- Two bedroom – 12 units
- Three bedroom – 13 units
- Four bedroom – 25 units
- Five bedroom – 3 unit

This mix is acceptable as the majority of the development will be smaller family homes and would not be dominated by larger executive dwellings.

### **Affordable Housing**

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

This is a proposed development of 53 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 16 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Wybunbury & Shavington is for 2 bedroom dwellings. The majority of the demand on Cheshire Homechoice is for 2 and 3 bedroom dwellings therefore a mixture of 2 and 3 bedroom dwellings (with a greater emphasis on 2 bedroom units) on this site would be acceptable. This application is for 12 rented units (all 2 bedrooms) and 4 intermediate units (all 3 bedrooms) which does not meet the requirements of the IPS. However as there is a need for this type of accommodation within the area of the application this 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.

In this case the external design detail and materials would be consistent with the open market dwellings and is considered to be acceptable.

In terms of the layout of the affordable housing this is located with three areas of the site (9 dwellings at the centre of the site, a further 5 dwellings to the east of the site and 2 dwellings to the west of the site).

The issue of pepper-potting was disputed as part of the Reserved Matters appeal on Phase 1 where the 24 affordable housing units were located in 3 groups (1 group of eleven dwellings, 1 group of ten dwellings and 1 group of three dwellings). As part of the appeal decision on Phase 1 the Inspector found that the Interim Planning Statement on Affordable Housing does not have development plan status and there is no reference to 'pepper-potting' as a means of promoting inclusive and mixed communities in the NPPF or in the saved local plan policies.

As a result the Inspector concluded on Phase 1 that;

*'On the submitted layout the affordable homes are located on three different cul-de-sacs within the layout where they would share the roads and footpaths with nearby market houses. They form a significant proportion of the new development, so they would not appear to be marginalised or segregated. The proposed distribution would in my view be consistent with the objective in the NPPF of delivering a wide choice of quality homes and the creation of sustainable, inclusive and mixed communities. This benefit would extend beyond the development site to the wider village community'*

### **Highways Implications**

The wider traffic congestion issues in the locality and the point of access were considered as part of the outline application. The Unilateral Undertaking submitted as part of the outline application includes a contribution of £80,000 towards the provision of a pedestrian/toucan crossing on Rope Lane.

Given the approval for phase 1, the internal layout follows the same design and there are no objections to the proposal.

### **Amenity**

In this case the Crewe and Nantwich SPD titled 'Development on Backland and Gardens' requires the following separation distances:

21 metres between principal elevations

13.5 metres between a non-principal and principal elevations

In this case the separation distances proposed to the existing dwellings all exceed those set out within the SPD. The separation distances between the proposed dwellings are also considered to be acceptable.

The concerns raised in the letter of representation relate to Shavington-cum-Gresty FP14 which is on the southern edge of Phase 1. As this is not within the red-edge of affected by Phase 2 it is not possible to require an upgrade of the boundary treatment to the adjacent dwelling.

### Light pollution

An external lighting scheme has been submitted as part of this application (in accordance with Condition 10 attached to the outline approval) and the Councils Environmental Health Officers have considered that the submitted details are acceptable.

### 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 / occupants of nearby properties are not adversely affected by road noise from the A500. The mitigation recommended in this report (standard thermal double glazing and Passive Window Frame Vents, or similar) for living rooms and first floor bedrooms on Plots 93 to 104 inclusive has been considered by the Councils Environmental Health Officer and this will be secured through the use of a planning condition.

### Air Quality

An Air Quality Assessment has been submitted with the application which considers a recreational area and several new properties adjacent to the A500. The assessment uses the Design Manual for Roads and Bridges (DMRB) screening method to assess the nitrogen dioxide concentrations for those receptors on site close to the A500.

No local verification of the model was possible due to a lack of monitoring locations near the site. The report concludes that air quality concentrations on site will be well within the air quality objectives for nitrogen dioxide.

There is no consideration of the likely wider air quality impacts and, in particular, those in Crewe and the Nantwich Road Air Quality Management Area (AQMA) where verification would have been possible. Given that the predicted margin of compliance with the national air quality limit values in the locality and the likely small impact in the AQMAs further information will not be requested.

Whilst this scheme itself is of a relatively small scale, and as such would not require a detailed air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

The cumulative impact of a number of developments in the area around Crewe and the AQMAs (regardless of their individual scale) has the potential to significantly increase traffic emissions and as such adversely affect local air quality for existing residents by virtue of additional road traffic emissions.

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

### Disturbance during the construction phase of the development

In this case there is a construction management plan attached to the outline approval (condition 13).

### **Trees and Hedgerows**

The submitted Arboricultural Impact Assessment and Method Statement identifies some minor ingress into Root Protection Areas (RPA) in respect of protected trees Oak (T1), Oak (T2), Oak (T3) and Oak (T8). In respect of Oaks T1-T3 the ingress is due to the positioning and available working space for a footpath link adjacent to and to the rear of Plot 89 and adjacent to Plot 80.

The Arboricultural Statement identifies the impact of the ingress as low and that this will be mitigated by the implementation of an Arboricultural Method Statement for a no dig pavement surface adjacent (Phase 5 of the submitted Arboricultural Method Statement).

As the footpath is a link within the proposed public open space, full adopted construction standards are not required and therefore a no dig solution is acceptable in these locations.

The proposed construction of a footpath adjacent to Oak (T8) will likely be required to be to adoptable standard, but is on the edge of the western and north western sections of the root protection area (RPA). The AIA states that the likely impact will be low, but no further detail has been submitted to determine whether this is achievable without impact upon the tree. An initial assessment suggests that the incursion within the RPA will not exceed 20% of existing unsurfaced ground as required by BS5837:2012 (para 7.4.2.3 of BS5837:2012 applies) and that the likely tolerance of the tree to any root disturbance taking into account the trees age, condition and vitality will probably not incur any long term implications for the trees health and safe well being provided additional precautionary protection measures are employed.

The position of the proposed dwellings provide a reasonable relationship/social proximity to retained trees. Accordingly the Council Tree Officer has no objection to the development subject to the imposition of planning conditions.

### **Landscape**

A landscaping scheme has been submitted with this application and this has been considered by the Councils Landscape Architect who has stated that the proposed landscaping scheme is acceptable.

### **Design**

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

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

*“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the*

*connections between people and places and the integration of new development into the natural, built and historic environment.”*

In this case both of the reserved matters applications on Phase 1 were refused on the grounds that the development did not provide a sufficient quality of design in terms of the layout. As part of the appeal decision for application 13/1021N the Inspector did not agree that the layout was unacceptable and found that:

*‘Whilst it will always be possible to find ways of improving any scheme, I am satisfied that the present scheme is firmly based on the layout principles advised in Manual for Streets and is not an example of poor design. It is concluded on the second main issue that the internal layout of the development is designed to an acceptable standard, having regard to the guidance in Manual for Streets’*

The proposed layout for Phase 2 follows the layout and house-type design on Phase 1 and as such this reserved matters application is considered to be of an acceptable design.

The positive and externally orientated perimeter blocks are welcomed with all areas of open space, footpaths and highways well overlooked by the proposed dwellings. The density of 16.9 dwellings per hectare is appropriate due to the urban fringe location of the site.

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

The layout plan includes a Country Park which includes additional planting. The Country Park forms a linear area of open space which would be located onto the northern and eastern boundaries of the site. The residential properties would be orientated so that the areas of open space would be well overlooked and the boundary treatments to rear gardens are obscured from view.

Tree planting is proposed to reinforce the streets within the site and this is consistent with Phase 1. This is positive in terms of place making and the existing hedge lines are retained as the basis for the landscape infrastructure and associated open spaces.

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

### **Ecology**

#### Wybunbury Moss Ramsar, SAC, SSSI

The proposed development is located approximately 1.9km from Wybunbury Moss which holds a number of statutory designations for its nature Conservation value. In this case Natural England advise that the proposed development is not likely to effect any statutory designated sites.

Under regulation 61 of the Habitat Regulations the Council is required to undertake an ‘Assessment of Likely Significant effects’. This assessment was undertaken in respect of the outline application and concluded 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 was not required.

### Other Protected Species

An updated survey has been undertaken this survey has identified three setts around the boundaries of the site. In order to mitigate the risk of the sett being disturbed the submitted report makes a number of recommendations for alterations to the layout of the proposed development. These changes have now been made to the proposed scheme.

An access road is proposed within 15m of Sett 3. The submitted badger report recommends that the excavation of the road be undertaken under the supervision of an ecologist. It should be noted that the sett appears to be in only partially use during the latest survey and the Councils Ecologist advises that the level of mitigation required in respect of this sett would be dependant upon the level of activity at the time that the proposed development was undertaken.

If planning consent is granted a condition should be attached requiring an updated badger survey to be undertaken and a report including a revised mitigation proposals should be submitted to the LPA prior to the commencement of development.

### Bats

No trees on site have been identified as having a high potential to support roosting bats. A number of trees have been identified as having lower levels of potential to support bats. These trees appear to be retained as part of the proposed development.

### Swill Brook

If planning consent is granted a condition should be attached requiring the provision of an undeveloped buffer of 8m adjacent to Swill Brook. The buffer should be measured from the top of the bank of the brook and should be annotated onto the submitted plans.

### Hedgerows

Hedgerows are a UK and local Biodiversity Action Plan (BAP) priority habitat and a material consideration. There is likely to be loss of a number of sections of hedgerow to facilitate site access roads. There is however opportunities for suitable replacement hedgerows to be provided as part of the Countryside Park associated with the proposed scheme.

In this case amended plans have been submitted which provide for replacement hedgerows.

### Management plan

If planning consent is granted a condition should be attached requiring the submission of a habitat/landscape management plan for the Countryside park area.

## **Public Open Space**

The amount of open space required as part of this development is 1,855sq.m and the proposed development includes a country park which would easily exceed the required level of POS. As such the development is acceptable in terms of the POS provision.

The Unilateral Undertaking also secures the provision of a 5 piece LEAP and this would be provided within the proposed country park. Details of the play equipment will be secured through the use of a planning condition.

## **Education**

This issue of education capacity was dealt with as part of the outline application and the education department determined that no education contribution was required.

## **Flood Risk and Drainage**

Part of the application site is located within Flood Zones 2 (medium probability of flooding) and 3 (high probability of flooding) along the boundary with Swill Brook with the majority of the site located within Flood Zone 1 (low probability of flooding). This watercourse flows in a north westerly direction towards the A500 where it is culverted beneath the road. The risk of flooding from this source will need to be appropriately mitigated.

The submitted FRA identifies that all residential buildings will be located in Flood Zone 1 (apart from one building which will be located in flood zone 2 and some private garden areas). The finished floor levels of the building in Flood Zone 2 will be raised above the 1 in 1000 year flood level and would remain dry in any such event.

The submitted FRA models the flood levels for Swill Brook (provided by the Environment Agency) and the flood level in the 1 in 1000 year event is 49.83m AOD at this point and the finished floor level of the building in Flood Zone 2 (plot 105) has been set at 50.55m (which is 0.72m above the 1 in a 1000 year flood level).

The submitted FRA calculates that the greenfield surface water runoff rate is 4.4 l/s/Ha and based on the developable area of the site being 2.25 Ha this equates to a maximum allowable runoff rate for the development of 9.9l/s. The FRA states that the maximum rate of discharge from the site will be limited to 9.9l/s by a flow control device within the drainage system with excess water stored within the site (it is proposed to store excess volume of water by creating a dry detention basin within the POS. This basin will be limited to a depth of 1m with slopes of a maximum 1 in 3 gradient).

In terms of ownership and maintenance, the applicant has confirmed that Swill Brooks is owned by Wainhomes to its centre with the other half owned by the adjoining landowner. Wainhomes have a duty to keep the brook clear and will be maintained by the management company looking after the open space.

In this case the Councils Flood Risk Manager, the Environment Agency and United Utilities have considered the flood risk implications from this development and all have raised no objection to the development subject to the imposition of planning conditions.

As a result the development is considered to be acceptable in terms of the flood risk implications.

### **PLANNING BALANCE**

The principle of development has already been accepted as part of the outline approval on this site.

#### Social Sustainability

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

The impact upon infrastructure would be neutral.

In terms of the POS and LEAP provision this is considered to be acceptable.

#### Environmental Sustainability

Details of the proposed landscaping are considered to be acceptable.

With regard to ecological impacts, the development would have a neutral impact subject to mitigation.

The drainage/flood risk implications for this proposed development are considered to be acceptable subject to the imposition of planning conditions.

The development would not have any significant impact upon the trees and hedgerows on this site.

#### Economic Sustainability

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted together with contributions for off-site highway works. The internal design of the highway layout/parking provision is considered to be acceptable.

The development of the site would provide a number of economic benefits in the residential use of the site.

It is considered that the planning balance weighs in favour of this development.

### **RECOMMENDATION:**

**APPROVE subject to the following conditions**

- 1. Approved Plans**
- 2. Implementation of the approved landscape scheme**
- 3. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority**

4. Further notification if any contamination is discovered on the site
5. The site shall be completed in accordance with the submitted Arboricultural Impact Assessment
6. Arboricultural Method Statement for the footpath adjacent to Oak T8
7. Compliance with the submitted scheme of acoustic insulation
8. Compliance with the submitted External Lighting Details
9. Electric Vehicle Infrastructure details to be submitted for approval
10. Submission and approval of play equipment
11. Provision of an 8m undeveloped buffer zone adjacent to Swill brook and the submission of proposals for the safeguarding of this buffer during the construction phase.
12. Submission of updated badger survey and mitigation proposals prior to commencement.
13. Submission of landscape habitat management plan.

In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Principal Planning Manager (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.



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Application No: 15/5683N

Location: LAND NORTH OF PARKERS ROAD, LEIGHTON

Proposal: Application to vary condition 3 (approved plans) to vary the approved house types of permission 11/1879N; hybrid planning application seeking residential development for up to 400 new dwellings with open space; comprising a full planning application for Phase A of 131 dwellings and Phase B which seeks outline planning permission for up to 269 dwellings with access and associated infrastructure. In respect of the outline element (Phase B), only access is sought for approval and all other matters are reserved for determination at a later date.

Applicant: Mr Jordan Clarke, Bloor Homes North West

Expiry Date: 21-Mar-2016

### **SUMMARY**

The principle of development has already been accepted as part of the approvals on this site.

The amendments to the house types would not raise any amenity, design or highway issues and comply with the local plan.

In terms of affordable housing, wider traffic generation, landscape, trees/hedgerows, ecology, POS, education, sustainability and flood/risk drainage, there would be no greater impact and the mitigation will be secured through the use of planning conditions and a deed of variation to the S106 Agreement.

### **RECOMMENDATION**

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

### **PROPOSAL**

11/1879N is a “hybrid” application (i.e. part outline and part full planning permission). Full planning permission was granted for 131 dwellings in Phase A to the south of the site close to Parkers Road and outline planning permission was granted for up to an additional 269 dwellings of the remainder of the site (Phase B).

Phase A was subsequently revised as part of approved application 14/3389N which varied the approved house types on the development and reduce the number of units on Phase A from 131 to 126.

This application seeks to vary the approved house types on plots 61-65, 71-85, 111-114, 118, 119, 353, 354, 356 and 357 on 14/3389N. The approved highways layout and location of the open space would remain the same as that approved as part of application 14/3389N. There would be no change to the approved access point.

### **SITE DESCRIPTION**

The site comprises 15.1ha of agricultural land (plus highway land – Parker's Road) located on the north western edge of Crewe. The site is defined by Parkers Road to the south, Moss Lane to the east existing development to the west and a public footpath along part of its northern boundary. It is bisected by a network of existing hedgerows, some of which contain trees. In addition, there are a small number of free standing trees within fields.

Existing residential development lies to the east, south and south west of the site. Leighton Hospital lies to the west of the site. The wider site context includes Crewe Town Centre and railway station to the south west, Bentley Cars to the south on Pyms Lane and the village of Bradfield Green to the North West.

Work has commenced on the approved development and a number of the approved dwellings are now occupied.

### **RELEVANT HISTORY**

15/2756N - Variation of condition 34 on approved 11/1879N - A hybrid planning application seeking residential development for up to 400 new dwellings with open space; comprising a full planning application for Phase A of 131 dwellings and Phase B which seeks outline planning permission for up to 269 dwellings with access and associated infrastructure. In respect of the outline element (Phase B), only access is sought for approval and all other matters are reserved for determination at a later date – Application undetermined

14/4950N - Reserved matters approval for Phase 2B - residential development of 223 dwellings, following outline element of application 11/1879N – Approved 6<sup>th</sup> October 2015

14/3389N - Application to vary condition 4 to vary the approved house types of permission 11/1879N; hybrid planning application seeking residential development for up to 400 new dwellings with open space; comprising a full planning application for Phase A of 131 dwellings and Phase B which seeks outline planning permission for up to 269 dwellings with access and associated infrastructure. In respect of the outline element (Phase B), only access is sought for approval and all other matters are reserved for determination at a later date – Approved 11<sup>th</sup> December 2014

11/1879N - A Hybrid Planning Application Seeking Residential Development for up to 400 New Dwellings with Open Space; Comprising a Full Planning Application for Phase A of 131 Dwellings and Phase B which Seeks Outline Planning Permission for up to 269 Dwellings with Access and Associated Infrastructure. In Respect of the Outline Element (Phase B), Only

Access is Sought for Approval and All Other Matters are Reserved for Determination at a Later Date – Approved 1<sup>st</sup> May 2014

## **POLICIES**

### **National Policy**

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

Of particular relevance are paragraphs:

- 14. Presumption in favour of sustainable development.
- 50. Wide choice of quality homes
- 56 – 68. Requiring good design

### **Local Plan Policy**

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site, under policy NE.2, as open countryside.

The relevant Saved Policies are:

- NE.2 (Open countryside)
- NE.5 (Nature Conservation and Habitats)
- NE.9 (Protected Species)
- NE.20 (Flood Prevention)
- NE.21 (Land Fill Sites)
- 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)
- RT.6 (Recreational Uses on the Open Countryside)
- TRAN.3 (Pedestrians)
- TRAN.5 (Cycling)

### **Other Considerations**

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

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

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

## **CONSULTATIONS (External to Planning)**

**CEC Head of Strategic Infrastructure:** Does not affect the highway. No objection.

**Environmental Health:** No objection.

**Natural England:** No comments to make.

**Sustrans:** No comments received.

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

**Minshull Vernon and District Parish Council:** No comments received.

## **OTHER REPRESENTATIONS**

One letter of general observation received raising the following points:

- Why have the council, allowed hundreds of houses to be built, but have not stipulated that there should be provision for detached bungalows.
- The last bungalows built in Coppenhall, were in Becconsall drive, and are highly sought after.

## **OFFICER APPRAISAL**

**Principle of Development**

The principle of residential development has already been accepted following the approval of the hybrid application 11/1879N (which was then revised under application 14/3389N). This application will only consider the impacts of the alterations to the house types on Phase A.

In this case it should be noted that this scheme would result in the replacement of some of the larger house types with smaller units which increases the number of dwellings by 4 from approved application 14/3389N (Plots 353, 354, 356 and 357).

However it should be noted that the number of dwellings proposed on Phase A is still below the number approved as part of the original approval 11/1879N which was for 131 dwellings (14/3389N reduced the number of units on Phase A from 131 to 126). Ultimately, this application would result in the development of 130 units.

## **Sustainability**

The site was considered to be a sustainable site as part of the earlier application and this conclusion remains unchanged.

## **Affordable Housing**

None of the affordable housing units are affected by this application.

## **Highways Implications**

The point of access and internal highways layout would not be altered as part of this application and the wider traffic impact was considered as part of the original application with contributions secured to mitigate the traffic impact. This view is supported by the consultation response from the Head of Strategic infrastructure which raises no objection to this development.

## **Amenity**

There would be no change in the separation distances which were provided on the approved development. As a result the development would accord with Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan.

## **Landscape**

The landscape impact was considered as part of the original application and there would be no change in the landscape impact from the original approval.

## **Trees and Hedgerows**

There would be no greater tree or hedgerow loss as part of this application to alter the house types on this site. As a result the impact upon the trees/hedgerows is considered to be acceptable and would comply with Policy NE.5 (Nature Conservation and Habitats) of the Local Plan.

## **Design**

Phase A of the development would still be laid out with 4 blocks of properties along the southern boundary facing on to Parkers Road, and a further 3 blocks of dwellings to the rear. The change in house types would be internally within the site not effect the frontage of the development from Parkers Road. The development still creates an active frontage to the internal access roads within the development. The main gateway to the development is from a T-junction access mid-way along the Parkers Road frontage with a main spine road running due north from this junction and bisecting the site. This provides a welcoming and interesting gateway to the development.

Moving though the development the site has been subdivided into a number of blocks of houses by a series of streets and squares, in accordance with current urban design and Manual for Streets thinking. The squares are overlooked by the properties, which ensures natural surveillance and creates a sense of place. It also helps to create a sense of anticipation as the visitor moves through the site from one square to the next and each space is gradually revealed. Shared surfaces have been utilised in accordance with Manual for Streets best practice, to slow vehicle speeds, reduce the visual impact of highway over-engineering and to give pedestrians natural priority.

At the heart of the development, is a large central formal open space, incorporating a children's play area. This is overlooked by properties, and will benefit from natural surveillance as a result, as well as contributing to a pleasant residential environment.

In terms of the house types this application will result in a marginal increase in the number of two and a half storey units on the development (increased from 21 to 30). This is considered to be acceptable and would not appear out of character in this location. The detailed design of the proposed dwellings is consistent with that which was approved as part of the earlier applications on this site and is considered to be acceptable.

The proposal is therefore considered to be acceptable in design terms and compliant with the requirements of Policy BE2 (design) of the adopted Local Plan.

## **Ecology**

The approved development is currently under construction and was considered to be acceptable in terms of the ecological impacts. Given the advanced nature of the approved development there are no ecological concerns associated with this development subject to the imposition of planning conditions to secure the necessary mitigation.

## **Public Open Space**

As per the original approval the proposed layout makes provision for a large central formal open space, incorporating a children's play area within Phase A. Other peripheral areas of informal open spaces are also proposed.

The Deed of Variation to the existing S106 will secure the same amount of public open space provision and an equipped children's play area conforming to a NEAP standard with a minimum of 8 pieces of equipment and future management of the POS and NEAP.

## **Education**

This issue was dealt with as part of the application and as there is a capacity issue at the local primary schools. The mitigating contribution (£398,990) will be secured as part of a Deed of Variation to the S106 Agreement.

## **Flood Risk and Drainage**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. The Environment Agency and United Utilities raised no objection to the earlier applications and the change in house types would not raise any flood risk/drainage issues.

## **Public Rights of Way**

This application would have no greater impact upon the PROW within the vicinity of the site.

## **LEVY (CIL) REGULATIONS**

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

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

In this case the S106 was considered to satisfy this CIL tests as part of the last application and a deed of variation will be required to secure the same obligations.

## **CONCLUSIONS**

The principle of development has already been accepted as part of the approvals on this site.

The amendments to the house types would not raise any amenity, design or highway issues and comply with the local plan.

In terms of affordable housing, wider traffic generation, landscape, trees/hedgerows, ecology, POS, education, sustainability and flood/risk drainage, there would be no greater impact and the mitigation will be secured through the use of planning conditions and a S106 Agreement.

## **RECOMMENDATIONS**

**That the application be approved subject to completion of Section 106 Deed of Variation securing the same obligations as 14/3389N:**

1. **Provision of education contribution of £398,990**

2. Provision of £300,000 towards highway improvements to the Remer Street corridor and the provision of a drop-off lay-by at Leighton Primary School. (To include the provision for £200K for the layby to be requested after commencement)
3. Provision of public open space including amenity greenspace and an equipped children's play area conforming to NEAP Standard, to include:
  - a. A minimum of 8 pieces of equipment,
  - b. 1.4 metre high bowtop railing surround with two pedestrian access gates and a double leaf vehicular access gate.
  - c. Railings to be painted green and pedestrian gates to be yellow.
  - d. Equipment to be predominantly metal, inclusive, and conforming to BS EN 1176.
  - e. Equipment to have wetpour safer surfacing underneath it, conforming to BS EN 1177.
  - f. Surfacing between the wetpour to be tarmacadam with precast concrete edging surround.
  - g. Access paths to gates to be tarmacadam
4. Provision for future management of children's play areas and amenity greenspace to include transfer to and future maintenance by a private management company.
5. Provision of 10% of the 400 units proposed across the whole site as affordable housing in perpetuity. The tenure split to be on a 25% social/affordable rent, 75% intermediate tenure basis. Phase B to include key worker housing to be agreed as part of subsequent reserved matters applications.
6. Overage clause
7. Travel Plan Monitoring Fee £5000
8. Contribution of £25,000 for the provision of Green Infrastructure within Crewe and the environs of the site.

And subject to the following conditions:-

1. Standard outline time limit (Phase B)
2. Plans
3. Materials
4. Boundary Treatment
5. Landscaping submission
6. Landscaping implementation
7. Features for use by birds and bats
8. Habitat creation and management plan in accordance with details submitted as part of application 14/4882D
9. Design of proposed pond in accordance with plan reference G3333.04a
10. Design and layout of the proposed newt mitigation area including proposals to ensure no public access in accordance with details submitted as part of application 14/4882D
11. Bin Storage to be provided to the rear garden of each plot
12. Compliance with flood Risk Assessment
13. Restrict surface water run-off
14. Surface water attenuation
15. Minimum Floor Levels
16. Surface Water Regulation Scheme

17. Site to be drained on a separate system
18. Phase II contaminated land – validation report
19. Compliance with submitted Travel Plan submitted as part of application 14/3414D
20. Electric Vehicle charging points in accordance with details submitted as part of application 14/4882D
21. Limit hours of construction to 08:00 – 1800 Monday to Friday and 0900 – 1400 on Saturday with no working on Sunday or Bank Holiday
22. External lighting in accordance with plan reference SECTION\_38\_STREET\_LIGHTING\_DESIGN Rev A
23. Construction of access and highway improvements in accordance with plan reference SCP/11531/D100 Rev E
24. Provision of Parking
25. Highway Construction details as specified on plans reference 5309 1A/05-02 Rev B and 5309 1A/05-01 Rev B approved as part of application 15/4826D
26. Replacement hedge and tree planting
27. Tree / hedge protection measures in accordance with details submitted as part of application 14/4882D
28. Implementation of Tree / hedge Protection
29. Arboricultural Method Statement in accordance with details submitted as part of application 14/4882D
30. Code for Sustainable Homes Level 3
31. Noise Impact Assessment
32. Compliance with apprenticeship scheme

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



Application No: 15/3863N  
Location: Land Adjacent To The Bridge Inn, Broad Street, Crewe, Cheshire  
Proposal: Proposed construction of 14 no. dwellings  
Applicant: John Warters  
Expiry Date: 23-Nov-2015

**SUMMARY**

The application site lies within the Crewe settlement boundary where Policy RES.4 of the Local Plan advises that new residential development in principle is accepted.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location, the provision of an education contribution and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

The dis-benefits of the scheme include the impact upon ecology, flooding and drainage, amenity and the lack of tree information. It is considered that these impacts can be mitigated against by the use of planning conditions.

As such, the proposed application is recommended for approval.

**RECOMMENDATION**

**APPROVE** subject to S106 Agreement to secure a financial contribution towards education provision and conditions

**REASON FOR DEFERRAL**

The application was deferred by southern planning committee on the 3<sup>rd</sup> February 2016 for the following reasons;

- Defer for more information on HS2, Bin Stores, Better elevation plans in key plans pack

Further information concerning the 'Zone of Influence' of HS2 has been added to this report and further plans and elevations of the proposed dwellings have been marked up so they appear in the Committee Pack. These plans demonstrate the bin storage arrangements.

## PROPOSAL

Full Planning permission is sought for the erection of 14 dwellings.

Revised plans have been received during the application process which now incorporate further openings and/or dummy openings within elevations highly visible within the streetscene.

## SITE DESCRIPTION

The application site is a vacant plot of land to the south of Broad Street and to the east of the Bridge Inn Public House. The area is mainly characterised by two storey dwellings with dwellings fronting Lime Street to the west (the West Coast Main Line lies beyond these properties) with terraced properties fronting Crossway located to the east of the application site. The majority of the site currently lies overgrown and un-used with a smaller section of the land to the north of the site being used as a beer garden for the Bridge Inn. To the north-west corner of the site a small car-park provides parking for the Bridge Inn.

## RELEVANT HISTORY

**12/3877N** - Extension to Time Limit on Planning Permission 10/0196N: Construction of Old Persons Residential Care Home Comprising 46 Single Bedrooms and 20 Independency Units, of 2 Storeys plus Attic Dormers – Approved 23<sup>rd</sup> November 2012

**10/0196N** - Construction of Old Persons Residential Care Home Comprising 46 Single Bedrooms and 20 Independency Units, of 2 Storeys plus Attic Dormers – Approved 21<sup>st</sup> April 2010

**P07/1671** - External Seating Area – Approved 1<sup>st</sup> February 2008

**P07/0983** - Rearrangement of Existing Car Park and Erection of 14 Residential Dwellings – Approved 12<sup>th</sup> October 2007

**7/18209** – First-floor extension (15 Lime Street) – Approved 16<sup>th</sup> February 1990

**7/17912** – First-floor extension (15 Lime Street) – Approved 16<sup>th</sup> February 1990

**7/09510** – Alterations and extensions (15 Lime Street) – Approved 28<sup>th</sup> October 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; 17 – Core planning principles, 47-50 - Wide choice of quality homes and 56-68 - Requiring good design

### Development Plan

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

The relevant Saved Policies are;

RES.2 - Unallocated Housing Sites, RES.3 - Housing Densities, BE.1 – Amenity, BE.2 - Design Standards, BE.3 - Access and Parking, BE.4 - Drainage, Utilities and Resources, BE.5 – Infrastructure and BE.6 - Development on Potentially Contaminated Land

### **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), SE2 (Efficient Use of Land), SE4 (The Landscape), SE5 (Trees, Hedgerows and Woodland), IN1 (Infrastructure) and IN2 (Developer Contributions)

### **CONSULTATIONS**

**Strategic Infrastructure Manager (SIM)** – No objections, subject to conditions relating to; the prior submission of a construction method statement and that the approved access shall be constructed prior to commencement of development. In addition, an informative that the developer will enter into a Section 184 Agreement of the Highways Act 1980

**Environmental Protection (Cheshire East Council)** – No objections, subject to a number of conditions including; the prior submission of a piling method statement; the prior submission of a dust mitigation scheme; a restriction over the hours of construction; the provision of Electric Vehicle Charging point for each dwelling and the prior submission of a Phase II contaminated land report. In addition, informatives relating to hours of piling and contaminated land are also sought

**Flood Risk Manager (Cheshire East Council)** – No objections, subject to the provision of detailed hydraulic calculations that clearly identify agreed discharges and show how the 1 in 100 year plus climate volumes can be safely accommodated.

**United Utilities** – No objections, subject to the following conditions; that the development's foul and surface water shall be drained on a separate systems; the prior approval of a surface water drainage scheme

**Public Rights of Way (Cheshire East Council)** - No objections

**Education (Cheshire East Council)** – No objections, subject to a financial contribution of £32,538.87 towards primary school provision

**Housing (Cheshire East Council)** – No objections – No affordable housing requirement

**Crewe Town Council** – No comments received at time of report

### **REPRESENTATIONS**

Letters were sent to the occupiers of the properties adjacent to the application site. In addition, a site notice was erected and the site was advertised in the local newspaper. In response, 3 neighbouring letters of objection / concern have been received. The main areas of concern raised include;

- Amenity – Loss of privacy, noise, air pollution
- Ecology – Loss of habitat
- Highway safety – Access arrangements
- Public footpath maintenance

## APPRAISAL

The key issues are:

- The sustainability of the proposal (Economic, Social and Economic Role)
- Planning balance

## Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

**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;

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

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

## **Economic and Social Role**

### Principle of Development

Policy RES.2 of the Local Plan advises that within the settlement boundaries of Crewe and Nantwich, which are defined on the proposals map, the development or redevelopment of unallocated sites for housing will be permitted so long as it is in accordance with policies BE.1 to BE.5 of the Local Plan.

### *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.

As such the principle of housing within Crewe is accepted, subject to its adherence with other relevant Local Plan Policies. Furthermore, the provision of market housing is a social and economic benefit in principle given the Council's Housing Land Supply position.

## Other economic considerations

It is accepted that the construction of a small 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 not considered that the proposed development would be economically sustainable.

## Other social considerations

### *Affordable Housing*

The Council's Housing Officer has reviewed the proposal and advised that the scale of the scheme does not trigger an affordable housing requirement.

### *Education*

The Council's Education Officer has reviewed the proposal and considered the capacity of the closest primary and secondary schools.

It is advised that the development of 14 dwellings is expected to generate:

3 primary children (14 x 0.19)

2 secondary children (14 x 0.15)

The development is forecast to increase an existing shortfall predicted for 2016 and beyond, for primary provision in the immediate locality. To date, the development is forecast to be at no detriment to secondary provision.

To alleviate forecast pressures, the following contribution would be required:

$3 \times \pounds 11,919 \times 0.91 = \pounds 32,538.87$  (primary)

Total education contribution:  $\pounds 32,538.87$

Subject to the provision of this sum, it is considered that the impact upon local education provision would be neutralised.

### *Residential Amenity*

Policy BE.1 of the Local Plan advises that proposals for new development shall be permitted so long as the development does not prejudice the amenity of future occupiers or the occupiers of adjacent properties by reason of overshadowing, overlooking visual intrusion, noise and disturbance or in any other way.

With reference to the proposed layout plan, the closest residential properties to the proposed dwellings would be; No 175 and 179 Broad Street to the north, No's 55 – 45 Crossway to the east and No's 1 – 16 Lime Street to the east.

For the erection of new houses, the proposal would be expected to adhere to specified separation distances between the proposed new dwellings themselves and the surrounding properties.

The Council's '*Development on Back lands and Gardens Supplementary Planning Document.*' details these minimum standards. Paragraph 3.9 of the SPD advises that '*As a general indication, there should ideally be a distance of 21 metres between principal elevations (e.g. between properties fronting and backing onto each other), 13.5 metres between a principal elevation with windows to habitable rooms and blank elevations (e.g. the front and rear of dwellings and the side of other properties)...*'

To the north of the site, the closest properties would be Plots 1 and 3 to No's 175 and 179 Broad Street. The side/rear corner of No.175 Broad Street would be located approximately 11.5 metres from the rear/side corner of the dwelling on plot 1 and approximately 13.4 metres from the rear elevation of the dwelling proposed on Plot 3. Separating these plots is a public footpath and double boundary treatment. Given the offset relationship between this dwelling and plot 1, it is not considered that the occupiers of this neighbouring dwelling would be detrimentally impacted by the proposed development in terms of loss of privacy, light or visual intrusion.

As the separation distance between the side elevation of No.175 Broad Street and the rear elevation of Plot 3 largely adhere to the minimum separation standards, it is not considered that any significant amenity issues in relation to the above considerations would be created.

To the east, the side elevation of Plot 3 would be located approximately 15.5 metres from the rear elevation of No.55 Crossway, the dwelling proposed on plot 5 would be approximately 13.4 metres away from the rear elevation of No.52 Crossway, the rear elevations of Plots 6-8 would be between 20 and 23 metres away from the rear elevations of 50, 51 and 49 Crossway and the side elevation of plot 9 would be approximately 14.8 metres from the rear elevation of No.47 Crossway.

As such, all of these distances would largely adhere to the recommended separation standards listed in the SPD.

With regards to the impact upon the occupiers of the properties on Lime Street, the rear elevation of plot 14 would be approximately 20 metres from the main two-storey aspect of the rear elevation of No.2 Lime Street. A single-storey aspect would be approximately 17 metres away, but offset.

The rear elevation of plot 13 would be approximately 18 metres from the rear elevation of No.3 Lime Street, but the relationship would be offset.

Due to a combination of offset relationships and the close adherence to the recommended separation standards, it is not considered that the occupiers of the properties on Lime

Street would be significantly impacted with regards to loss of privacy, light or visual intrusion.

The properties on Broad Street lie within relatively close proximity to each other, including the front-to-front relationships at a distance short of the recommended standards. As such, there is scope for the application proposal to reflect this local character. Some of the relationships between the proposed dwellings are indeed short of the recommended separation standards. However, due to the character of the area and the relationship between the proposed dwellings, it is not considered that the proposal would create any significant amenity concerns for the future occupiers of the proposed dwellings.

With regards to environmental disturbance, the Council's Environmental Protection Officer has advised that they have no objections, subject to a number of conditions including; the prior submission of a piling method statement; the prior submission of a dust mitigation scheme; a restriction over the hours of construction; the provision of Electric Vehicle Charging point for each dwelling and the prior submission of a Phase II contaminated land report. In addition, informatives relating to hours of piling and contaminated land are also sought.

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

## **Environmental role**

### Design

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

Policies SD2 and SE1 of the emerging Cheshire East Local Plan Strategy – Submission Version largely support this local plan policy.

The proposed layout plan shows the erection of 14 new dwellings. The existing wide access to the public house would be narrowed and be taken almost from the front of the pub onto Broad Street and would arc immediately to the east before extending south into and to the end of the site. All of the proposed new dwellings would front onto this new access road as this new access would also access to the remaining public house car park.

The scheme would comprise of 3 detached, two-storey dwellings (Plots 3-5), 4 semi-detached, 2 ½ storey properties (Plots 1 – 2 and 13 -14) and 7, 2 ½ story terraced properties (Plots 6-8 and 9-12).

2 off-street parking spaces are proposed for each dwelling.

Subject to the inclusion of a landscaping condition to ensure the provision of adequate soft landscaping, it is considered that the layout of the scheme would be acceptable.

Surrounding the application site, this part of Crewe comprises of a mixture of semi-detached and terraced 2-storey properties. There are also occasional detached properties not too far from the application site, namely 20 Lime Street and 159 Broad Street.

As such the mixed form of dwellings sought would not appear incongruous within the area and as such, would be acceptable.

With regards to scale, the proposed dwellings would range in height between 8 and 8.5 metres.

This range of heights, would largely respect the heights of the surrounding units.

The dwellings would be of a simple design that would comprise of exposed brickwork finishes, dual-pitched roofs, symmetrical openings and many of the units would include gable features that would respect the dual-pitched design of the dwellings sought.

Following negotiations with the applicant, further design features have been incorporated into many of the original exposed blank elevations.

It is considered that the design of the proposed development would adhere with Policy BE.2 of the Local Plan.

### Highway Safety

The internal layout has been the subject of some discussion with the applicant and the Council's Road Adoption Engineer and it was determined that the Highway Authority would be unwilling to adopt the proposed layout; therefore, the applicant has agreed that the internal layout will not be adopted and will be managed and maintained privately.

It is noted that the development proposals will result in a small loss of off-street parking for The Bridge Inn, much of which is frontage parking along Broad Street; the use of which may involve vehicles being reversed into the highway. The SIM considered that the removal of this parking is beneficial from a highway safety perspective, furthermore, the parking loss was considered acceptable under the previous planning consents.

In terms of off-street parking provision, two spaces are provided for each three bedroom dwelling and three spaces are provided for the +4 bedroom dwellings. This level of provision is in accordance with CEC's minimum parking standards for residential dwellings.

Access to the site is taken from a new priority controlled junction with Broad Street;

In terms of junction geometry, layout and visibility the SIM has advised that access proposals are considered to be acceptable to serve a development of 14 dwellings and The Bridge Inn car park in this location.

A development of 14 dwellings would be expected to generate less than 10 two way trips during the morning and evening commuter peak periods; The SIM has advised that on this level of traffic generation, it is not expected that the development would have a material impact on the operation of the adjacent or wider highway network.

The SIM concludes that he is satisfied that the development proposals can be safely accommodated on the adjacent highway network; accordingly, the SIM has no objection to the planning application subject to conditions relating to; the prior submission of a construction method statement and that the approved access shall be constructed prior to

commencement of development. In addition, an informative that the developer will enter into a Section 184 Agreement of the Highways Act 1980

The development is therefore considered to adhere with Policy BE.3 of the Local Plan.

### Nature Conservation / Ecology

The Council's Nature Conservation Officer reviewed the original proposal and advised that an Ecological Appraisal of the site was required to allow determination of the potential impacts of the proposed development on nature conservation & protected species.

This appraisal was received during the application process.

The Council's Nature Conservation Officer has reviewed this and advised that he is satisfied that the risk to protected species is small with the exception of breeding birds which could be using trees and scrub on site. It is recommended that a condition to protect the breeding birds is imposed.

Subject to this condition, it is considered that the proposal would adhere to Policy NE.2 of the Local Plan and Policy SE.3 of the emerging Cheshire East Local Plan Strategy - Submission Version.

### Flood Risk and Drainage

The site does not lie within a flood zone and as such, flooding is not a primary consideration in this instance.

The Council's Flood Risk Officer has reviewed the proposal and advised that he has no objections on flooding grounds, but recommends a condition to seek the prior approval of detailed hydraulic calculations that clearly identify agreed discharges and show how the 1 in 100 year plus climate volumes can be safely accommodated.

United Utilities (UU) were consulted with regards to drainage. UU have subsequently advised that they have no objections to the scheme, subject to the following conditions; that the development's foul and surface water shall be drained on a separate systems; the prior approval of a surface water drainage scheme.

As such, subject to the addition of these conditions, it is considered that the proposed development would adhere with Policy BE.4 of the Local Plan.

### Landscape and Trees

The site is located to the south of the Bridge Inn with residential development to the west and east. The site is mainly laid to unmaintained grass with areas of bramble and an overgrown hedge with some trees and damson self sets separating the site from a footpath to the rear of properties in Crossway. There are trees on adjoining land which overhang the site.

#### *Trees*

The submission does not provide an existing site survey and no arboricultural information is provided. In this respect the submission does not accord with BS 5837:2012 Trees in relation to design, demolition and construction guidelines and it is not possible to make an assessment of the arboricultural impacts.

In the absence of this information, no assessment as to whether existing trees would be impacted can be made. Therefore, it is considered that the proposal would be contrary to Policy NE.5 of the Local Plan.

### *Landscape*

No issues are created given the urban location of the site.

### Rail - HS2 Matters

The application site lies within approximately 25 metres from the railway line separated by Lime Street and a row of properties to the east.

Concerns were raised by Members with specific regards to the impact the development could have up HS2 proposals, and specifically that the site potentially lies with the 'zone of influence'.

The HS2 Safeguarding Planning Manager in London has been contacted in this regard. In response, the Safeguarding Manager advised that the sphere of influence is not a term HS2 Ltd uses and advised that *'...there is currently no statutory requirement for planning applications in this area to be referred to HS2 Ltd for comments.'*

The HS2 Manager subsequently advised that *'Whilst the site in question is in very close proximity to the proposed HS2 Phase two route, given the current stage of design and the on-going consideration of consultation responses for that section of railway, HS2 Ltd would not at this stage wish to make any specific comments on the proposed development...'*

On this basis, HS2 matters are not sustainable as a reason to refuse this application.

### Environmental Conclusion

The proposed revised development would be of an acceptable design that would not create any significant issues in relation to highway safety, drainage / flooding or landscape subject to conditions.

However, as insufficient information has been provided to assess the impact of the proposed development upon trees.

As such, it is considered that the proposed development would be environmentally unsustainable.

### **Other Matters**

The proposed development is not of a scale which requires an open space provision.

### **Planning Balance**

The application site lies within the Crewe settlement boundary where Policy RES.4 of the Local Plan advises that new residential development in principle is accepted.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location, the provision of an education contribution and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

The dis-benefits of the scheme, such as the impact upon ecology, flooding and drainage, amenity and the lack of tree information can be mitigated against by the use of planning conditions.

As such, the proposed application is recommended for approval.

## **RECOMMENDATION**

**APPROVE subject to a S106 Agreement to secure;**

- 1. £32,538.87 towards education provision**

**And conditions;**

- 1. Time – 3 years**
- 2. Plans**
- 3. Materials – Prior approval**
- 4. Prior submission / approval of a Construction Method Statement**
- 5. The approved access shall be constructed prior to commencement of development**
- 6. The prior submission / approval of a piling method statement**
- 7. The prior submission / approval of a dust mitigation scheme**
- 8. Hours of construction**
- 9. The provision of Electric Vehicle Charging points**
- 10. The prior submission / approval of a Phase II contaminated land report**
- 11. The prior submission / approval of hydraulic calculations that clearly identify agreed discharges and show how the 1 in 100 year plus climate change volumes can safely be accommodated**
- 12. Foul and surface water shall be drained on a separate systems**
- 13. The prior approval of a surface water drainage scheme**
- 14. Prior submission / approval of Landscaping Scheme**
- 15. Landscaping – Implementation**
- 16. Prior approval of Boundary treatment**
- 17. Prior approval of Breeding Bird details**
- 18. Prior submission of a tree protection scheme**

**In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (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.**

