

Southern Planning Committee

Agenda

Date:	Wednesday, 25th May, 2016
Time:	10.00 am
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

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

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

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

1. **Apologies for Absence**

To receive apologies for absence.

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

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

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

To approve the minutes of the meeting held on 27 April 2016.

Please contact Julie Zientek on 01270 686466

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

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

4. **Public Speaking**

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

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

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

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

5. **15/4326C Croxtonbank, 36, Croxton Lane, Middlewich, Cheshire CW10 9EZ: Outline application for development comprising the demolition of one existing dwelling (36 Croxton Bank) and construction of 27 residential units, including a new access, affordable housing provision and area of public space for Lizzie Smith, Renew Land Developments Ltd (Pages 15 - 32)**

To consider the above planning application.

6. **15/5166N Smithy Lodge, Nantwich Road, Wrenbury CW5 8EW: Proposed Development of 10No. residential dwellings for Chris Chaplin, Landlink plc (Pages 33 - 48)**

To consider the above planning application.

7. **16/0953N Land South of Sandfield House, Station Road, Wrenbury CW5 8EX: Erection of 27 dwellings and associated infrastructure for Holyhead Estates (Wrenbury) Ltd (Pages 49 - 68)**

To consider the above planning application.

8. **16/0507N The Bungalow, Sadlers Wells, Bunbury CW6 9NU: Outline planning application for the erection of a single two storey dwelling on land adjacent to The Bungalow, Sadlers Wells for W Stockton (Pages 69 - 80)**

To consider the above planning application.

9. **16/1112C Land Adjacent Arclid Lodge, Hemmingshaw Lane, Arclid CW11 4SY: Construction of two new residential dwellings (resubmission of planning application reference 15/4711C) for The Derek Beresford Family Trust (Pages 81 - 96)**

To consider the above planning application.

10. **16/0564N 417, Newcastle Road, Shavington CW2 5EB: Change of use from offices with storage areas(s)/workshop to beauty salon with sun beds and treatment rooms for Mrs Julie Howes (Pages 97 - 102)**

To consider the above planning application.

11. **16/1690N Vine Inn, Rope Lane, Shavington CW2 5DT: Variation of Condition 9 on approved planning application 14/5472N which covers delivery times associated with the store for NewRiver Retail Property Unit Trust No.4 (Pages 103 - 110)**

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 27th April, 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,
S Hogben, D Marren, J Rhodes, B Roberts and B Walmsley

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors S Corcoran, B Moran and J Wray

OFFICERS PRESENT

Patricia Evans (Senior Planning and Highways Lawyer)
Peter Hooley (Planning and Enforcement Manager)
Neil Jones (Principal Development Officer - Highways)
Sue Orrell (Principal Planning Officer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors D Bebbington and A Kolker

Apologies due to Council Business

Councillor P Groves

178 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

With regard to application number 15/1666N, Councillor S Davies declared that he had made up his mind. He would exercise his separate speaking rights as a Neighbouring Ward Councillor and not take part in the debate or vote.

With regard to application number 15/5650C, Councillor B Walmsley declared that she knew the speakers but had kept an open mind.

With regard to application number 15/4326C, Councillor B Walmsley declared that she knew the landowner but had not spoken to her recently.

All Members of the Committee declared that they had received correspondence with regard to application number 15/5650C.

With regard to application number 16/0014N, Councillor J Clowes declared that she had called in the application on behalf of the parish council but that she had kept an open mind and would consider the application on its merits, having heard the debate and all the information.

With regard to application number 15/5259C, Councillor G Merry declared that she was a member of Sandbach Town Council but that she was not a member of its planning committee. She had not discussed this application and had kept an open mind.

With regard to application number 16/0574C, Councillor G Merry declared that she was a member of Sandbach Town Council and had received correspondence with regard to the application. She had not discussed this application and had kept an open mind.

With regard to application number 15/5650C, Councillor G Merry declared that she had been contacted but that she had not discussed this application and had kept an open mind.

179 **MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 30 March 2016 be approved as a correct record and signed by the Chairman.

180 **15/5259C LAND TO THE NORTH OF 24, CHURCH LANE, SANDBACH: ERECTION OF 12 DWELLINGS FOR CHELMERE HOMES LTD**

Note: Councillor S Corcoran (Ward Councillor), Ms A Buxton (objector) and Mr G Clark (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

(a) That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reasons:

1. The proposal involves the development of countryside outside of the Policy Boundary for Sandbach as defined in the Sandbach Neighbourhood Plan 2016. It is also involves development within the countryside as set out in the Congleton Local Plan First Review 2005. The proposal erodes the character of the countryside and undermines the ability of the community to shape and direct sustainable development in their area, contrary to Sandbach Neighbourhood Plan Policy PC3, Congleton Local Plan First Review

policy PS8 and the advice of NPPF paragraphs 17, 183-5 and 198. These conflicts significantly and demonstrably outweigh the benefits of the proposal.

2. The future occupiers of the dwelling proposed on Plot 1 would be detrimentally impacted both in terms of visual intrusion and loss of light due to the proximity of the proposed 4 metre high acoustic fence. The development is therefore considered to be contrary to Policy H2 (Design and Layout) of the Sandbach Neighbourhood Plan, Policy GR6 (Amenity) of the Congleton Borough Local Plan First Review 2005 and the NPPF.
 3. Insufficient information concerning air quality and noise with specific regard to the development of the smart motorway adjacent to enable the Council to assess the proposals impact upon the amenity and living conditions of future occupiers, contrary to GR1 of the Congleton Borough Local Plan First Review 2005.
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That, should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the following Heads of Terms for a S106 Agreement:
1. £5,646.50 to be utilised to fund off site habitat creation/enhancement within the Meres and Mosses Nature Improvement Area. Prior to commencement of development
 2. £23,007.15 towards Public Open Space provision and maintenance (AGS - £2,166.03 - Enhanced provision: £2,166.03 and Maintenance: £4,848.25 (25 years) and CYPP - Enhanced provision: £3,754.37 and Maintenance: £12,238.50 (25 years))
 3. Provision of 4 on-site affordable dwellings - 3 provided as affordable rent and 1 unit as Intermediate tenure. The affordable units should be tenure blind and be provided no later than occupation of 50% of the open market dwellings.
 4. £32,685 towards education Secondary school education provision

181 **16/0574C LAND EAST OF RUSHCROFT, CONGLETON ROAD, SANDBACH: RESIDENTIAL DEVELOPMENT COMPRISING UP TO 7NO DWELLINGS FOR EDWARD DALE, THE DALE LAND TRUST**

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

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

RESOLVED

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

The proposal involves the development of countryside outside of the Policy Boundary for Sandbach as defined in the Sandbach Neighbourhood Plan 2016. It is also involves development within the countryside as set out in the Congleton Local Plan First Review 2005. The proposal erodes the character of this part of the landscape and the countryside and undermines the ability of the community to shape and direct sustainable development in their area, contrary to Sandbach Neighbourhood Plan Policies PC2 and PC3, Congleton Local Plan policies GR1 and PS8 and the advice of NPPF. These conflicts significantly and demonstrably outweigh the benefits of the proposal.

- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

182 **15/3979N HEATHCOTE, SANDY LANE, ASTON CW5 8DG: OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING HOUSE AND THE CONSTRUCTION OF AN ACCESS ROAD WITH RESIDENTIAL DEVELOPMENT ON EXISTING GARDEN AREA AND PADDOCK LAND FOR JOHN CARTER**

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

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the signing of a Section 106 Agreement with the following Heads of Terms:

1. A scheme for the provision of 30% affordable housing – split 2 rented and 1 for intermediate sale based on 10 units. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. An education contribution of £32,685 towards secondary education in Nantwich.

and the following conditions:

1. Commencement of development (3 years) or 2 from the date of approval of reserved matters.
 2. Reserved matters to be approved.
 3. Approved plans (to include the revised access but NOT the illustrative layout)
 4. Tree retention/protection in accordance with agreed scheme
 5. Further ecological surveys to be submitted as part of the reserved matters application
 6. Surface water drainage
 7. Separate systems for drainage
 8. Contaminated land verification report
 9. Construction management plan including dust control
 10. Noise mitigation
 11. Reserved matters to comprise no more than 8 dwellings
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in her absence, the Vice Chairman) of 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.
- (c) That, should this application be the subject of an appeal, the following Heads of Terms be secured as part of any S106 Agreement:
1. A scheme for the provision of 30% affordable housing – split 2 rented and 1 for intermediate sale based on 10 units. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. An education contribution of £32,685 towards secondary education in Nantwich.

183 **15/5650C THIMSWARRA FARM, DRAGONS LANE, MOSTON:
VARIATION OR REMOVAL OF CONDITION 5 ON APPLICATION
14/3086C FOR MR P COSNETT**

Note: Councillor J Wray (Ward Councillor), Parish Councillor A Holder (on behalf of Moston Parish Council) and Mr A Roscoe (objector) attended the meeting and addressed the Committee on this matter.

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

RESOLVED – That the application be DEFERRED for further information on the personal circumstances of the applicants, to enable Members to properly assess the need for the proposal.

184 **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**

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

Note: Parish Councillor R Pulford (on behalf of Bunbury Parish Council), Mr P McGuirk (objector) and Mrs J Redmond (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman of Southern Planning Committee,

to APPROVE the application for the reasons set out in the report, subject to:

- no objections from Historic England and the Council's Tree Officer
 - the completion of a s106 agreement making provision for Affordable Housing comprising 4 units on site 2 for social / affordable rent and 2 for intermediate tenure
 - the following conditions:
 1. Standard Time Limit (3 Years)
 2. Accordance with approved / amended plans
 3. Prior submission of facing and roofing material details
 4. Prior submission of surfacing material details
 5. Submission of details of boundary treatment
 6. Tree retention and accordance with submitted AIA
 7. Tree protection – Implementation including details of no dig construction
 8. Landscaping to be submitted including hedgerow planting to be supplemented
 9. Landscaping implementation
 10. Survey for nesting birds to be carried out if development is carried out in the bird nesting season
 11. Features for breeding birds to be incorporated
 12. Access to be constructed in accordance with approved plans
 13. Accordance with recommendations of ecological report
 14. Prior submission of a piling method statement
 15. Prior submission of any external lighting
 16. Prior submission of a dust mitigation scheme
 17. Drainage to be connected to foul sewer
 18. Removal of permitted development rights for gates, walls and fences
 19. Removal of permitted development right for extensions and outbuildings (Classes A-E)
 20. Submission of a programme of archaeological mitigation
 21. Submission of details of bin storage
 22. Details of footpath link to be submitted
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.
- (c) That, should 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.

- 185 **15/4326C CROXTONBANK, 36, CROXTON LANE, MIDDLEWICH, CHESHIRE CW10 9EZ: OUTLINE APPLICATION FOR DEVELOPMENT COMPRISING THE DEMOLITION OF ONE EXISTING DWELLING (36 CROXTON BANK) AND CONSTRUCTION OF 27 RESIDENTIAL UNITS, INCLUDING A NEW ACCESS, AFFORDABLE HOUSING PROVISION AND AREA OF PUBLIC SPACE FOR LIZZIE SMITH, RENEW LAND DEVELOPMENTS LTD**

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

Note: Councillor D Marren left the meeting prior to consideration of this application.

Note: Ms R Thornley attended the meeting and addressed the Committee on behalf of the applicant.

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

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

- 186 **14/4451C LAND OFF MANCHESTER ROAD, CONGLETON, CHESHIRE CW12 2NA: ERECTION OF UP TO 137 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE (PHASE 1) FOR P E JONES (CONTRACTORS) LTD**

Note: Mr T Loomes attended the meeting and addressed the Committee on behalf of the applicant.

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

RESOLVED

- (a) That authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman of Southern Planning Committee, to APPROVE the application for the reasons set out in the report, subject to:
- the resolution of outstanding matters relating to levels around trees
 - detailed design revisions concerning the siting of a block of 2.5/3 storey houses to Plots 22-25
 - negotiations/further investigations with regard to health related infrastructure requirements
 - the completion of a s106 agreement to secure
1. £51,084 in lieu of on site Public Open Space provision – upon 1st occupation

2. NEAP including at least 8 items of equipment. Specification to be submitted to and agreed by the Council.
3. Provision for a private residents management company to maintain the on-site ecological area/ amenity space / play area and all incidental areas of open space not within the adopted public highway or domestic curtilages
4. Detailed management plan for the above Open Space/ecological mitigation area to be submitted and approved.
5. Provision of 30% on-site affordable dwellings – 65% provided as affordable rent and 35% as Intermediate tenure. The affordable units should be tenure blind and be provided no later than occupation of 50% of the open market dwellings.
6. £50,000 ecological mitigation payment to be paid on the occupation of the 109th dwelling
7. £271,157 towards primary school education provision - 50% of the money upon the occupation of the 55th dwelling house and a further 50% upon the occupation of the 109th dwelling
8. £326,854 towards secondary school education provision - 50% of the money upon the occupation of the 55th dwelling house and a further 50% upon the occupation of the 109th dwelling
9. £91,000 towards special education needs education provision (1 space primary and 1 space secondary) - 50% of the money upon the occupation of the 55th dwelling house and a further 50% upon the occupation of the 109th dwelling
10. £299,999 towards schemes of highway mitigation on the A34 and the A536 to be paid upon commencement of building of the 109th dwelling

- the following conditions:

1. Time – 2 years
2. In accordance with approved plans
3. Materials – Prior submission/approval
4. Construction Management Plan, inc wheel washing – Prior submission/approval
5. Right turn lanes from Manchester Road to be provided and implemented prior to any occupation
6. Details of bin and bike store for flats to be submitted, approved and provided prior to flat occupation
7. Parking areas to be provided as per the submitted plan prior to 1st occupation of relevant flat/house
8. Removal of PD rights for extensions – selective plots – smaller house types
9. Removal of PD rights for any walls, fences, means of enclosure forward of any buildings
10. Surface water drainage scheme – Prior submission/approval of the detailed design, implementation, maintenance and management
11. Landscaping – Prior submission/approval – To include hedgerow retention/enhancement/further planting
12. Landscaping – Implementation

13. Boundary treatments – Prior submission/approval
 14. Nesting birds - Prior submission/approval
 15. Breeding birds and roosting bat features – Prior submission/approval
 16. Piling
 17. Floor Floating
 18. Environmental Management Plan – Prior submission/approval
 19. Land Remediation Strategy – Prior submission/approval in accordance in Compliance with Phase II Contamination report
 20. Energy Efficiency/fabric first approach
 21. Residential travel plan
 22. Evidence and verification report of imported soil and soil forming materials – Prior submission/approval
 23. Tree and hedgerow Protection scheme – Prior submission/approval
 24. Levels existing and proposed prior to any development. Implementation in accordance
 25. Retention and protection scheme for existing trees and hedgerows.
 26. Phasing plan for the completion of POS & ecological mitigation areas
 27. Landscape Masterplan and full hard and soft landscape details submitted prior to commencement with phasing of implementation
 28. Implementation of great crested newt mitigation and *Scheme to fully comply with GCN Appraisal and mitigation & Habitat compensation measures (2014) prepared by CES Ecology unless varied by a subsequent Natural England license.*
 29. Updated badger survey prior to commencement of development
 30. Safeguarding of nesting birds
 31. Provision of details for the incorporation of features for nesting birds including house sparrow
 32. Scheme of reduction of energy use/enhanced fabric approach
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to Head of Planning (Regulation) in consultation with the Chairman (or in her absence, the Vice Chairman) 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.
- (c) That, should the application be subject to an appeal, approval be given to enter into a S106 Agreement to secure the Heads of Terms as detailed above.

187 **14/4452C LAND OFF MANCHESTER ROAD, CONGLETON, CHESHIRE CW12 2NA: ERECTION OF UP TO 95 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE (PHASE 2) FOR P E JONES (CONTRACTORS) LTD**

Note: Mr T Loomes attended the meeting and addressed the Committee on behalf of the applicant.

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

RESOLVED

- (a) That authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman of Southern Planning Committee, to APPROVE the application for the reasons set out in the report, subject to:
- the resolution of outstanding matters relating to levels around trees
 - negotiations/further investigations with regard to health related infrastructure requirements
 - the completion of a s106 agreement to secure
1. £46,000 Biodiversity mitigation to be utilised to fund off site habitat creation/enhancement within the Meres and Mosses Nature Improvement Area. Prior to commencement of development, to be paid upon the commencement development on site
 2. £2,000 Barn Owl Mitigation payment upon commencement
 3. £34,102 in lieu of on site Public Open Space provision – on 1st occupation
 4. £70,923 Place Space Maintenance (in lieu of on site provision)
 5. £28,096 Amenity Greenspace payment in lieu of on site provision
 6. Provision for a private residents management company to maintain the on-site ecological area/ amenity space / play area and all incidental areas of open space not within the adopted public highway or domestic curtilages
 7. Detailed management plan for the above Open Space be submitted and approved.
 8. Provision of 30% on-site affordable dwellings – 65% provided as affordable rent and 35% as Intermediate tenure. The affordable units should be tenure blind and be provided no later than occupation of 50% of the open market dwellings.
 9. £184,387 towards primary school education provision - 50% of the money upon the occupation of the 40th dwelling house and a further 50% upon the occupation of the 80th dwelling
 10. £184,387 towards Secondary school education provision- 50% of the money upon the occupation of the 40th dwelling house and a further 50% upon the occupation of the 80th dwelling
 11. £45,500 towards Special education needs education provision -50% of the money upon the occupation of the 40th dwelling house and a further 50% upon the occupation of the 80th dwelling
 12. £158,333 towards schemes of highway mitigation on the A34 and the A536 to be paid upon commencement of building of the 25th dwelling(25%)
- the following conditions:
 1. Time - standard
 2. In accordance with approved plans

3. Materials – Prior submission/approval
 4. Construction Management Plan, inc wheel washing – Prior submission/approval
 5. Main access road to be constructed up to binder course prior to commencement.
 6. Parking areas to laid out and drained as the agreed plan
 7. Removal of PD rights for extensions – selective plots – smaller house types
 8. Removal of pd rights for any walls, fences, means of enclosure forward of any buildings
 9. Site to be drained on a separate system
 10. Surface water drainage scheme – Prior submission/approval
 11. Landscaping – Prior submission/approval – To include hedgerow retention/enhancement/further planting
 12. Landscaping – Implementation
 13. Boundary treatments – Prior submission/approval
 14. Nesting birds - Prior submission/approval
 15. Breeding birds and roosting bat features – Prior submission/approval
 16. Implementation of Barn Owl survey and Mitigation strategy prepared by CES Ecology dated January 2016.
 17. Piling
 18. Floor Floating
 19. Environmental Management Plan – Prior submission/approval
 20. Land Remediation Strategy – Prior submission/approval in accordance in Compliance with Phase II Contamination report
 21. Energy Efficiency/fabric first approach
 22. Residential travel plan
 23. Evidence and verification report of imported soil and soil forming materials – Prior submission/approval
 24. Tree and hedgerow Protection scheme – Prior submission/approval
 25. Levels existing and proposed
 26. Retention and protection scheme for existing trees and hedgerows.
 27. Phasing plan for the completion of POS & ecological mitigation areas
 28. Landscape Masterplan and full hard and soft landscape details submitted prior to commencement with phasing of implementation
 29. Boundary treatments
 30. Implementation of great crested newt mitigation and *Scheme to fully comply with GCN Appraisal and mitigation & Habitat compensation measures (2014) prepared by CES Ecology unless varied by a subsequent Natural England license.*
 31. Updated badger survey prior to commencement of development
 32. Safeguarding of nesting birds
 33. Provision of details for the incorporation of features for nesting birds including house sparrow
 34. Scheme of reduction of energy use/enhanced fabric first approach
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in her absence, the Vice Chairman) of 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.

- (c) That, should the application be subject to an appeal, approval be given to enter into a S106 Agreement to secure the Heads of Terms as detailed above.

188 15/5329C LAND AT ERF WAY, MIDDLEWICH, CHESHIRE: GAS FUELLED CAPACITY MECHANISM EMBEDDED GENERATION PLANT TO SUPPORT THE NATIONAL GRID FOR MR DAVID SHEPPARD

Note: Mr D Sheppard (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
 - 1. Time limit
 - 2. Approved plans
 - 3. Compliance with the submitted Ecology Report and Mitigation Measures dated January 2016
 - 4. Protection for breeding birds
 - 5. Closure of protected species habitat until construction works are completed
 - 6. Submission of details of the colour and finish of the security fence and acoustic wall
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

189 16/0014N ROSE COTTAGE, 50, STOCK LANE, WYBUNBURY, CHESHIRE CW2 5ED: ALL MATTERS EXCEPT ACCESS - TO INCLUDE, APPEARANCE, LAYOUT, LANDSCAPING AND SCALE FOR M BEESTON

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Compliance with the conditions on applications numbered 15/3336N and 15/0482N (not condition 10)
 2. Approved plans
 3. Submission of materials for approval
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

The meeting commenced at 10.00 am and concluded at 2.30 pm

Councillor G Merry (Chairman)

Application No: 15/4326C

Location: Croxtonbank, 36, CROXTON LANE, MIDDLEWICH, CHESHIRE, CW10 9EZ

Proposal: Outline application for development comprising the demolition of one existing dwelling (36 Croxton Bank) and construction of 27 residential units, including a new access, affordable housing provision and area of public space.

Applicant: Lizzie Smith, Renew Land Developments Ltd.

Expiry Date: 25-Dec-2015

SUMMARY:

The application site lies entirely within the Open Countryside as determined by the Borough of Congleton Borough Local Plan. Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policies PS8 and H6. The proposed development does not fall within any of the listed categories. The proposal is contrary to Open Countryside policy regardless of the Council's 5-year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be "flexed" in order to accommodate additional housing growth.

The proposed development would result in the loss of a green space outside of the settlement boundary. However, the impact upon the wider landscape will not be significant and the development would serve to 'round-off' the existing settlement. A refusal on grounds of landscape impact / open countryside would not be sustainable and the proposal would offer a benefit by providing additional houses in a sustainable location.

The indicative layout demonstrates how a development of up to 27 dwellings could be accommodated on the site without causing material planning harm to neighbouring amenity, the character and appearance of the area (including the designated heritage assets) and matters relating to drainage and flooding. The proposed access and parking would not give rise to issues of highways safety and subject to conditions relating to trees, hedges, ecology, it is not considered that the proposed development would create any significant environmental concerns and as such on balance, is considered to be environmentally sustainable.

The proposal would bring positive planning benefits such as a boost to the local economy and a social benefit via the provision of the required affordable housing. In

addition the site is located in a sustainable location with regards to its physical relationship to existing built form and with regards to its distance from local amenities and facilities accommodated within Middlewich Town Centre. As such, this proposal would also satisfy the economic and social roles of sustainability.

Subject to the required Section 106 package, the proposed development would provide adequate public open space and the necessary affordable housing.

RECOMMENDATION:

APPROVE subject to conditions and S106 Agreement

REASON FOR DEFERRAL:

At the Southern Planning Committee meeting of 27th April 2016, Members resolved to defer this application to carry out a site visit.

PROPOSAL:

Outline planning permission is sought for the demolition of one existing dwelling (36 Croxton Bank) and the construction of 27 residential units, including a new access, affordable housing provision and area of public space. Details of access and landscaping have been provided with this application, with all other matters reserved for approval at a later stage.

SITE DESCRIPTION:

This application relates to a Greenfield site measuring approximately 1.1 ha in size located on the northern edge of Middlewich. The site also includes a single residential property and its domestic curtilage referred to as no. 36 Croxton Lane occupying party of the southwestern corner of the site.

The site is bound to the west by Croxton Lane, to the north by a paddock beyond which lies the 'Trent and Mersey Canal' and its conservation area which also follows the eastern boundary of the site and to the west on the opposite side of Croxton Lane there is further residential development.

There are a number of trees in and around the periphery of the site including an orchard to the north west boundary of the site. Public Footpath no. 13 Middlewich dissects the north eastern of the site

The south western corner of the site lies within the settlement zone line of Middlewich with the remaining part falling within open countryside as designated in the Congleton Borough Local Plan First Review (2005).

RELEVANT HISTORY:

None

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 7, 14, 17, 32, 34, 47, 49, 55, 132 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
NR1	Trees & Woodland
NR2	Wildlife & Nature Conservation
NR3	Habitats
NR4	Non-Statutory Sites
BH5	Impact of Proposals - Listed Buildings
BH9	Impact of Proposals – Conservation Areas
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments

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 3 Biodiversity and Geodiversity
Policy SE 5 Trees, Hedgerows and Woodland
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 Protection Unit: No objection subject to conditions requiring submission of an environmental management plan, a noise mitigation scheme, a phase II contaminated land investigation, a travel plan, electric vehicle charging points and informatives relating to hours of construction.

Highways: No objection. The site is located on the edge of a residential area with a reasonable level of accessibility although there is a requirement to link the site to the existing footpath network. The access design is of a suitable standard to serve a development consisting of 27 units, the visibility splays have been determined from speed surveys. The traffic impact is not considered to have a material impact on the local road network. There are no highway objections raised subject to conditions.

Green Spaces (Ansa): No objections subject to financial contributions.

The developer is proposing some POS in the North eastern area of site although the actual size of plot is not known. Having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, 27 new homes will generate a need for 800 sq m of new AGS based on the housing schedule. To maintain this area of AGS, the Council would need £9,460.00.

Having calculated the existing amount of accessible CYPP within 800m of the site and the existing number of houses which use it, 27 new homes (72 persons) will place extra demand on the facilities at the main town park at Fountain Fields. Given the size of site, new provision on site is not practical. For example a qualitative deficit can be improved at Fountain Fields to meet the needs of the new development by enhancing the quantity/quality thus increasing the sites capacity.

There are several aspects of Fountain Fields that could be improved such as a new DDA inclusive swing which would improve the quality and accessibility of the facility and encourage greater use of the area.

Applying the standards and formulae in the 2008 Guidance the Council would need £6,593.04 to upgrade Fountain Fields site. This would be spent on a DDA swing as mentioned above. The Council would also need a commuted sum of £21,492.00 to maintain the upgraded facilities over 25 years.

Education: No objection. No contributions required.

Brine Compensation Board: No objection. The site is within an area that has previously been affected by brine subsidence and future residual movements cannot be completely discounted. As such, the dwellings should be constructed on a concrete raft foundation.

Canal and Rivers Trust: No objection subject to the following comments:

The Trust would hope any application in future did not propose further development in this buffer area. The Trust would like assurances that the vegetation between the development site and the canal is supplemented and managed to ensure a sustainable visual barrier and a wildlife strip is maintained. The Trust also consider it appropriate to request some additional tree planting along the north western edge of the public open space as this will soften the visual impact of the proposed development from the canal corridor to the North.

Flood Risk Officer: No objection subject to conditions.

Public Rights of Way: No objection subject to conditions. The development, if granted consent, would affect Public Footpath No. 13 Middlewich, as recorded on the Definitive Map and Statement. However, it appears that the footpath would not require a diversion order as the plans show it has been accommodated on its current alignment within the development area.

United Utilities: No objection provided that the proposed development is drained on a separate system with only foul drainage connected to the main sewer.

VIEWS OF THE MIDDLEWICHTOWN COUNCIL

No comments received.

REPRESENTATIONS:

Representations have been received from 7 addresses objecting to the application on the following grounds:

- Loss of Greenfield site
- Anti social behaviour from proposed open space
- Motorists do not adhere to the speed limit
- Poor drainage
- Traffic impact and highway safety
- Local amenities and facilities cannot cope
- Trees and vegetation were felled prior to the application
- Trees and hedges should be retained
- Noise from construction
- Loss of wildlife
- Will lead to more housing
- Loss of views
- Brownfield sites should be built on first
- Impact on neighbouring amenity

- Loss of existing historic house

It is important to note that the Local Ward Councillor, Cllr Parsons commented on the application as follows:

“please be advised that I would expect conditions of and funding from this development to cover the provision of a new replacement footpath, alongside the border of Middlewich Cemetery, between Meadow View and Finney's Lane (and where no suitable footpath has ever been provided, despite requests for such).

The existing footpath in this area is the original old and narrow 'Country Lane' footpath which led out into the countryside when there were no housing developments down that side of Croxton Lane. Today this totally ineffective footpath is being asked to serve in the region of 150 dwellings within which there are elderly and disabled and young mothers with pushchairs. For those in particular, the current footpath is unsafe and unusable.”

APPRAISAL:

Principle of Development

The site lies largely in the Open Countryside as designated by the Congleton Borough Local Plan 2005, where policies PS8 and H6 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

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

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

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 receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgfield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need, however, at the current time, the Council cannot demonstrate a 5 year supply of housing.

Open Countryside Policy

In the absence of a 5-year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy PS8, seeks to protect the intrinsic character and beauty of the countryside.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year

supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

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

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development comprises of three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

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

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

ENVIRONMENTAL ROLE

The application site is located adjacent to the existing residential development at Middlewich where the application site is within walking distance of the Town Centre. The application site is located in close proximity to a number of facilities including local primary schools, secondary school, convenience store, supermarket, various shops, public houses, a post office and public transport which are all readily accessible by foot. On the whole, these facilities and amenities are accessible to

the proposed development. Given the factors above and the designation of Middlewich as a Key Service Centre, the proposed site it is considered to be locationally sustainable.

Landscape Impact

Full details of landscaping have been submitted for consideration with this outline application, which includes a Landscape and Visual Appraisal. This indicates that it has been undertaken according to the Guidelines for landscape and Visual Impact (Third Edition) 2013. The appraisal identifies both the national and regional landscape character of the application site; this site is located within Landscape Character Type 13: River valleys, specifically R4: Lower Dane Character Area. The Cheshire Landscape Character Assessment (2009) identifies that part of the application site is located within the urban part of Middlewich.

The Council's Principal Landscape Officer broadly agrees with the appraisal, and considers that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals. This could be ensured through the reserved matters, appropriate conditions and the S106 agreement. The proposal would serve to 'round-off' the existing settlement and as such, the landscape impact would not be adverse.

Trees

The proposal will necessitate the removal of a number of low (C) category trees including a previously topped Ash and Lombardy Poplar on the Croxton Lane frontage and an Ash and various fruit trees internally within the site. The Poplar and Ash are structurally poor exhibiting weak branch attachments decay points and past branch failures. Their removal is considered arboriculturally acceptable.

An old orchard located to the North West boundary of the site (Group G17) includes some 11 Apple trees and 5 Plum. Most are relatively recent plantings, with only two specimens of Apple in excess of 40+ years. All are in relatively poor structural and physiological condition and have limited life expectancy. Similarly a mature Pear (T19) within the centre of the site is in acute decline and has limited life expectancy. Their removal together with a linear group of 6 small Apple trees to accommodate the development does not present any significant arboricultural implications.

There is a mature protected Oak tree located to the north east boundary section to the south of footpath FP13 and is shown within an area of amenity space. Root Protection Areas (RPA) in respect of the proposed indicative turning head and indicative position of Plot 15 comply with BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. In this regard, it is not anticipated that there would be any significant arboricultural implications.

The proposed internal access arrangements serving indicative plots 22-27 allow for the retention of part of the Holly hedge located along the Croxton Lane frontage which is welcomed, although it will be necessary to remove a section of Hawthorn hedge to accommodate the access. Any future reserved matters application must be supported by an Arboricultural Implication Study in accordance with BS5837:2012, which shall include full details of those trees for retention and removal and tree protection plan.

Ecology

The application is supported by the relevant protected species surveys. There is a commitment by the applicant to establish satisfactory confidence levels if the building to be demolished (no. 36 Croxton Lane) supports an active bat roost. This will require additional surveys which cannot now be completed until spring 2016. A Natural England licence application may or may not be required dependent on the findings of the additional bat surveys. The Council cannot determine risk to European Protected Species, to satisfactory confidence levels, until updated surveys are completed.

Planning conditions should be set to ensure that 'Reasonable Avoidance Measures' for great crested newt and reptiles as set out in supporting ecology reports are implemented in full.

Design Considerations

Policy GR2 of the development plan states that planning permission will only be granted where the proposal is sympathetic to the character and form of the site and the surrounding area in terms of the height, scale, form and grouping of buildings, and the visual, physical and functional relationship of the proposal to neighbouring properties, the street scene and to the locality generally.

Site layout is reserved for subsequent approval. However, an indicative layout has been submitted which shows a main spinal road taking access directly from Croxton Lane. The proposed access would be offset to the left hand side of the site frontage and shows that units could be accommodated either side of the proposed access directly fronting Croxton Lane.

The indicative layout shows dwellings arranged around the spinal road which would terminate towards the rear of the site (eastern end) where there would be an area of open space which would accommodate the existing Middlewich FP13 public footpath and a mature protected Oak tree. This would also ease the transition between the built development and the Trent and Mersey Canal Conservation Area to the east.

It is considered that an appropriate design can be achieved, which will sit comfortably alongside the mix of existing development within the area and will sustain the provision of up to 27 units.

Impact on Heritage Assets

To the east, the application site borders the 'Trent and Mersey Canal Conservation Area' and a grade II listed canal milepost. The boundary to these assets is only short as the site tapers off and narrows in this direction. Further, the indicative layout shows that this end of the site would be given over to open space and therefore the visual impact on the setting of both heritage assets would be minimised. The development would also be read in the context of the existing built development to the south and west and as such, subject to an appropriate detailed reserved matters application, the impact on the heritage assets would be acceptable.

Highways

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

There is a single access proposed to serve the development with a carriageway measuring 5.5m wide and two 2.0m footways on either side of the access road. The applicant has submitted a priority junction design to serve the site and a speed survey has been undertaken to determine the approach vehicle speeds so that the appropriate visibility splays can be calculated.

The submitted traffic impact assessment has calculated that the trip generation arising from 27 units is low being 20 two way trips in the peak hours. This level of traffic generation will not give rise to capacity problems on Croxton Lane and is not considered to have 'severe' impact on the road network. Sufficient space within the development would allow adequate parking spaces to be provided as part of a future detailed layout scheme. The Head of Strategic Infrastructure (HSI – Highways) has confirmed that the proposed access strategy is acceptable.

Public Right of Way

The Middlewich FP13 public footpath dissects the norther eastern corner of the site. The indicative layout shows that this could be accommodated within the layout of the site by incorporating within the proposed on site open space. This would allow it to be maintained without obstruction and without the need for diversion. On this basis, the Council's Public Rights of Way Unit (PROW) has confirmed that the scheme is acceptable in this regard. The incorporation of the public footpath into the scheme serves as a social benefit of the scheme also.

With respect to comments made by the Local Ward Councillor, it is important to note that the Council's Public Rights of Way Unit (PROW) have assessed this impact and have offered no objection to proposal nor have they identified a need to contribute towards the upgrade or replacement of any footpaths outside of the application site.

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

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

Taking into account the modest scale of the proposals, it is considered that it would not be reasonable to request such contributions. The demand placed on the footpath alongside the *Middlewich Cemetery, between Meadow View and Finney's Lane* would not be significantly increased by these proposals. Consequently, it would not be reasonable to expect this development to provide replacement of such to make the development acceptable and as such, would not be CIL compliant.

Flood Risk and Drainage

The application site does not fall within a Flood Zone and is not of a scale which requires the submission of a Flood Risk Assessment. United Utilities and the Council's Flood Risk Team have reviewed the application and advised that they have no objections, subject to condition.

Talking the above into account, subject to further updated protected species surveys, the proposals are found to be environmentally sustainable.

ECONOMIC ROLE

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

SOCIAL ROLE

The proposed development would provide new housing in a sustainable location including the provision of the requisite affordable units which would be to the benefit of the local area. It is considered that this offers social benefit in consideration of the sustainability of the application.

Affordable Housing

The Interim Planning Statement: Affordable Housing (IPS) advises – that for Windfall sites in settlements with a population of 3,000 or more 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. It also advises that 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 site falls within the Middlewich sub-area for the purposes of the Strategic Housing Market Assessment (SHMA) Update 2013. This identifies a need for 65 affordable homes per annum for the period 2013/14 – 2017/18. There is a requirement for 26 x 1 beds, 22 x 2 beds, 8 x 3 beds, 4 x 1 bed older persons accommodation and 4 x 2+ bed older persons units

In addition, information taken from Cheshire Homechoice, shows there are currently 184 live applicants who have selected one of the Middlewich lettings areas as their first choice. These applicants require 63 x 1 bed, 53 x 2 bed, 45 x 3 bed and 12 x 4+ bed accommodation (2 applicants did not specify how many bedrooms they require). Using this information there would be a preference for the affordable housing on this site to include 1 and 2 bedroom properties.

Therefore, there should be provision of 30% of the total dwellings as affordable, with 65% provided as social rent (affordable rent is also acceptable at this site) and 35% intermediate. This is the preferred tenure split identified in the SHMA 2010, SHMA Update 2013 and highlighted in the IPS. This equates to a requirement for 8 affordable dwellings on this site, with 5 provided as social or affordable rent and 3 provided as intermediate tenure.

The IPS requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%. The Affordable Homes should also be integrated

with the open market homes and therefore 'pepper-potted' and be tenure blind and also not be segregated in discrete or peripheral areas.

On the basis that the application will provide the requisite level of affordable housing, the Council's Strategic Housing Officer has confirmed that such provision is acceptable and in line with policy.

Public Open Space Provision

The Greenspaces section (ANSA) has confirmed that the proposal would generate the need to provide both amenity greenspace and children's and young person's provision. This would equate to 800 m² of new Amenity Greenspace (AGS), which would be provided on site and an opportunity to contribute towards the upgrade and future maintenance of the main town park at Fountain Fields. To maintain the proposed area of AGS, the Council would need £9,460.00. To upgrade the Fountain Fields play area (Children and Young Person's Provision), £6,593.04 would be required to upgrade a DDA swing and £21,492.00 to maintain the upgraded facilities over 25 years. Subject to s106 legal agreement to secure the terms of the provision, the scheme is deemed to be acceptable in this regard at this stage.

Residential Amenity

In respect of the residential amenities afforded to neighbouring properties, the closest of which are to the south (Waterside Way), the proposals would broadly achieve the minimum interface distances advised within SPG2. Subject to a detailed layout and elevations to show the precise positions of windows, the scheme would not give rise to any direct overlooking or significant loss of sunlight or daylight to neighbouring properties.

With regard to the amenities of the occupiers of the proposed units, the dwellings could be configured and arranged so as to ensure that there is no direct overlooking of principal windows, overshadowing, or visual intrusion. Each 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 as indicated on the indicative plan.

Noise

The applicant will need to ensure that the future occupants of the proposed dwellings are not adversely affected by noise from the A530 Croxton Lane. The Environmental Protection Unit is satisfied that this can be adequately mitigated through appropriate insulation, glazing and ventilation. Such mitigation will need to be confirmed at the reserved matters stage.

S106 contributions Levy (CIL) Regulations:

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

Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical,

social, community, environmental and any other infrastructure required to support development and regeneration.

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

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

The provision of Public Open Space and the requisite level of affordable housing are necessary to make the development acceptable in planning terms and are directly related to the scale of development in order to offset its impacts on these matters. As such, they meet the above tests.

Planning Balance & Conclusions

The application site lies entirely within the Open Countryside as determined by the Borough of Congleton Borough Local Plan. Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policies PS8 and H6. The proposed development does not fall within any of the listed categories and as such, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

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

Whilst the proposed development would result in the loss of a green space outside of the settlement boundary, the Council’s Landscape Officer has advised that its impact upon the wider landscape will not be significant and the development would serve to ‘round-off’ the existing settlement. Owing to the size, shape and characteristics of the site, subject to appropriate landscaping (which would be secured by condition), a refusal on grounds of landscape impact / open countryside would not be sustainable.

The indicative layout demonstrates how a development of up to 27 dwellings could be accommodated on the site without causing material planning harm to neighbouring amenity, the character and appearance of the area (including the designated heritage assets) and matters relating to drainage and flooding. The proposed access and parking would not give rise to issues of highways safety and subject to conditions relating to trees, hedges, ecology and materials, it is not considered that the proposed development would create any significant environmental concerns and as such on balance, is considered to be environmentally sustainable.

The proposal would bring positive planning benefits such as a boost to the local economy and a social benefit via the provision of the required affordable housing. In addition the site is located in a sustainable location with regards to its physical relationship to existing built form and with regards to its distance from local amenities and facilities accommodated within Middlewich Town Centre. With

respect to fulfilling the environmental role, this proposal will safeguard the natural, built and historic environment.

This proposal would also satisfy the economic and social roles by providing for much needed housing adjoining to an existing settlement where there is existing infrastructure and amenities. The boost to housing supply is considered to be an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

Subject to the required Section 106 package, the proposed development would provide adequate public open space and the necessary affordable housing.

RECOMMENDATION

APPROVE subject S106 Agreement making provision for:

Affordable Housing comprising:

- **8 units on site 5 for social / affordable rent and 3 for shared ownership**

Public Open Space comprising of:

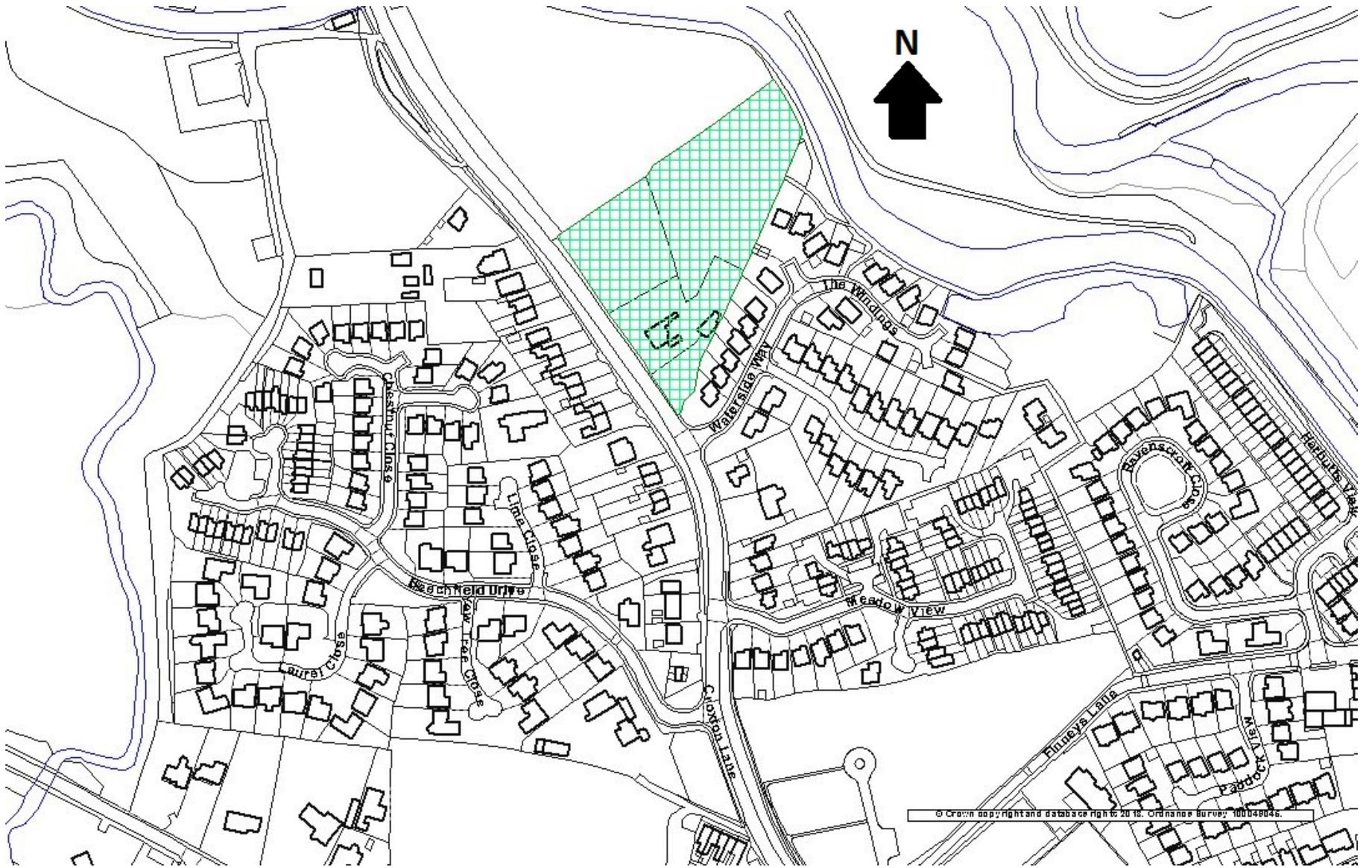
- **800m2 of new Amenity Greenspace on site and commuted sum of £9,460.00. towards future maintenance**
- **£6,593.04 required to upgrade a DDA swing at Fountain Fields and £21,492.00 to maintain the upgraded facilities over 25 years.**

And the following conditions:

1. **Standard Outline Time limit – 3 years**
2. **Submission of Reserved Matters**
3. **Accordance with Approved Plans**
4. **Submission of an Environmental Management Plan**
5. **Details of pile driving operations to be limited**
6. **Details of drainage (SUDS) to be submitted**
7. **Only foul drainage to be connected to sewer**
8. **Submission of landscaping scheme**
9. **Implementation of landscaping scheme**
10. **Retention of important trees**
11. **Tree and hedgerow protection measures**
12. **Arboricultural Specification/Method statement**
13. **Timing of the works and details of mitigation measures to ensure that the development would not have a detrimental impact upon breeding birds.**
14. **Submission of update protected species surveys with reserved matters application**
15. **Submission of noise mitigation scheme with reserved matters**
16. **Accordance with approved access and constructed prior to first occupation**
17. **Electric Vehicle charging points for each dwelling**
18. **Scheme for connection into public right of way**
19. **Phase II contaminated land investigation to be submitted**

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

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



This page is intentionally left blank

Application No: 15/5166N
Location: Smithy Lodge, NANTWICH ROAD, WRENBURY, CW5 8EW
Proposal: Proposed Development of 10No. residential dwellings.
Applicant: Chris Chaplin, Landlink plc
Expiry Date: 25-Jan-2016

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 adverse impacts..

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

RECOMMENDATION:

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

PROPOSAL

This full planning application proposes the erection of 10 two storey dwellings, on this back-land site behind properties fronting Nantwich Road in the centre of Wrenbury village. The dwellings would be arranged into three 'blocks' around a central courtyard, and would share an existing access to Smithy Lodge, although amendments are proposed to improve this. An area at the rear of the site would be set aside for an area of open space/paddock and orchard.

SITE DESCRIPTION

This 0.84 ha site comprises an area of garden attached to Smithy Lodge and paddocks to the north. There are hedges and trees around the boundaries and ornamental trees and shrubs within the garden area. The site is generally flat. There is agricultural land to the north, residential development beyond Nantwich Road to the south, residential development to the west (separated by a public footpath along a track) and residential development to a section of the eastern boundary.

The site is on the northern edge of Wrenbury village but in an area designated as being within Open Countryside in the adopted local plan. The western edge of the site also falls within the Wrenbury Conservation Area, as does the land to the south through which the access passes.

There is a public footpath (FP1) which runs along the western edge of the site and to the south west of that footpath there is a Grade II listed building (Hawk House) at the Nantwich Road entrance to the footpath.

RELEVANT HISTORY

7/05602 Alterations to vehicular access - Old Smithy Nantwich Road Wrenbury APPROVED 1979

7/05414 Buildings to be used for storing agricultural implements and keeping farm animals - Old Smithy Nantwich Road Wrenbury APPROVED 1979

13/3620N Residential development consisting 14 No detached dwellings - Smithy Lodge, NANTWICH ROAD, WRENBURY, CW5 8EW WITHDRAWN Nov 2013

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
- BE.7 - Conservation Areas
- BE.9 – Listed Buildings
- 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, with the obvious exception of NE2 Open Countryside.

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 7 The Historic Environment
- 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

Wrenbury is defined as a Local Service Centre in the emerging plan.

Neighbourhood plan:

Wrenbury is a Designated Neighbourhood Area but the plan is at an early stage and as such there are no policies to consider.

CONSULTATIONS:

United Utilities - No objection subject to conditions relating to foul and surface water drainage being drained to separate systems, and submission of a surface water drainage scheme.

Highways - Whilst there were originally concerns about the information submitted in support of the application, following the submission of revised plans and supporting information they are now satisfied that the visibility at the access meets Manual for Streets and that the access will operate safely. They raise no objections to the proposals, and their more detailed comments on sustainable access, safe and suitable access and network capacity are incorporated in the highways section below.

Environmental Protection - No objections are raised, however conditions are recommended with regard to the requirement for an Environmental Management Plan, Electrical Vehicle Infrastructure, and in view of the former history of a smithy, contaminated land.

Flood Risk Team – Additional information was requested to enable a full assessment of the scheme to be made. This information has subsequently been submitted and comments on this are awaited.

Built Heritage – Pre application discussions were had with the applicant following the withdrawal of the previous application 13/3630N. In view of their past involvement and the importance of heritage to this application their comments are repeated in full in the built heritage section of the report below. In conclusion however they feel the revised application is much improved on the previous application and if the principle of the development is accepted, then they support the scheme in terms of its impact on built heritage subject to a number of conditions.

Nature Conservation Officer - No significant ecological issues are anticipated, however conditions relating to safeguarding birds during the nesting season and providing enhancement for nesting birds and securing the orchard as proposed are recommended.

Forestry/Landscape – Their comments are incorporated below, but in respect of landscape there will inevitably be an impact on landscape, but the enclosed nature of the site (with built form on two sides and hedgerows to the rear) will reduce this impact. On the subject of trees, whilst the application was supported by a tree survey it did not include an arboricultural impact assessment and arboricultural method statement (AMS) which should be submitted in support of the application. On receipt of these reports and its recognition that the end southern unit (plot 1) will have an impact on trees that should be retained, it is recommended this block is re positioned to avoid this conflict.

Definitive map officer - The property is adjacent to public footpath Wrenbury FP 1 as recorded on the Definitive Map. It appears unlikely, however, that the proposal would affect

the public right of way, although the PROW Unit would expect an advice note should be attached to any planning consent given to ensure that developers are aware of their obligations.

Education - The development of 10 dwellings is expected to generate:

2 primary children (10 x 0.19)
2 secondary children (10 x 0.15)
0 SEN children (10 x 0.51 x 0.03%)

The development is forecast to increase an existing shortfall for secondary provision in the immediate locality.

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

2 x £17,959 x 0.91 = £32,685.38 (secondary)

Total education contribution: £32,685.38

Without a secured contribution of £32,685.38, Children's Services raise an objection to this application.

Housing – Whilst their comments are incorporated in the report below, they would object to the application unless the affordable housing need (in this case 3 units (2 rented and 1 intermediate tenure)) in Wrenbury are met.

Parish Council:

“The Wrenbury-cum-Frith Parish Council resolved “to object to this application on the grounds that the development is outside the settlement boundary, part of the development is within the conservation area and the adverse effect on the conservation area, the over-density of the development, the lack of visibility splay owing to the traffic speed and the exacerbation of drainage problems in the area.”

The development is outside the settlement boundary and thus in open countryside. Policy NE.2 states limits the reasons for development and this proposal does not constitute any of the permitted reasons and is thus contrary to policy.

Much of the site lies within Wrenbury Conservation Area which is a “designated heritage asset”. The remainder of the site provides the setting to the Conservation Area. Given the sensitivity of the site's location, the development has a detrimental effect on the conservation area, particularly with the courtyard design of the houses, wholly unsympathetic to the conservation area.

There is currently no footpath to the south of Nantwich Road and the proposal will significantly increase the likelihood of an accident along this unpaved area. Policy BE.3 permits new developments as long as they provide safe pedestrian and vehicle access and adequate parking and Policy TRAN3 advises that proposals for new developments will only be permitted where appropriate provision is made for pedestrians.

There are significant drainage problems in the area with the Nantwich Road regularly flooded as drains overflow. This development will add to this problem and thus lead to increased instances.

The Borough Council's SHLAA document identifies that this land can only become developable following a policy change, which has not occurred, and require the demolition of Smithy Lodge. It is noted, therefore, that this development does not meet either of these criteria.

In addition, the reasons stated in the previous refusal adjacent to this land for a house (P04/0057) supported by appeal dismissal APP/K061/A/04/1152130 are still relevant. The development would be in conflict with Policies BE.2 (Design), BE.6 (Development in a Conservation Area) and Policy BE.3 (Access and Parking)."

REPRESENTATIONS:

Some 14 representations have been received which can be viewed in full on the Council website. These express concerns about the following issues:

- Conflict with the development plan and loss of open countryside
- Pedestrian and highway safety
- Impact upon the character and appearance of Wrenbury Conservation Area and the setting of Hawk House a Grade II Listed Building.
- Impact upon local amenity and the amenity of the occupiers of neighbouring properties.
- Surface water flooding concerns
- Waste water systems
- Use of inappropriate traffic data on vehicle speeds
- The layout is inappropriate and unsympathetic to the location
- Loss of mature trees

APPRAISAL

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

Principle of Development

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

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

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

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

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

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

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

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

This is a material consideration in support of the proposal.

Sustainable Development

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14.

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

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

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

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

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

ENVIRONMENTAL ROLE

Open Countryside Policy

In the absence of a 5-year housing land supply settlement boundaries are out of date but where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy NE2, seeks to protect the intrinsic character and beauty of the countryside.

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

In this case the site is designated as Open Countryside in the adopted local plan, but the site has a close relationship to the village, with built development on three sides. 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 Cheshire Landscape Character Assessment identifies the application site as being located in Landscape Type 7: East Lowland Plain and specifically within the Ravensmoor Character Area (ELP1). This identifies the character area as being a predominantly flat landscape with hawthorn hedges and hedgerow trees as typical boundary types. The assessment also states that areas in the south and west (of the character area) possess a smaller-scale landscape, with much more limited views restricted by high vegetation associated with smaller fields, abundant hedges and hedgerow trees. Such areas are described as having a very tranquil and rural character.

Whilst on the edge of the settlement of Wrenbury and adjoining residential properties, the site has a rural nature and the open paddocks to the north contribute to the setting of the Conservation Area. The existing vegetation affords the northern part of the site a degree of enclosure, with a line of *Leylandii* separating the garden to Smithy Lodge and the paddocks.

Taking into account the nature of the application site together with the presence of the Conservation Area, there would inevitably be some impact on the landscape character although the retention of an informal open space/paddock to the north could, if combined with appropriate planting, provide a buffer to open countryside. With a public footpath to the west and adjoining residential properties, there are also sensitive visual receptors. Although not of any significant arboricultural value, the proposed removal of the existing line of *Leylandii* trees would open up views to the northern section of the site from Nantwich Road.

Trees

The tree survey submitted with the application indicates that whilst a number of trees, and a *Leylandii* hedge would be removed, they are not of high quality. The more significant trees are to be retained on the site boundaries. Additional planting is also proposed.

Following the submission of the Arboricultural reports the applicant has been asked to reposition the first block of units to avoid conflict with trees in this location which should be retained. Amended plans to address this issue are awaited.

Heritage/Design

The Built Heritage Officer responding to the original scheme wrote:

“The current proposals like the previous application will retain the existing buildings fronting the street scene in this part of Nantwich Road and use a diversion off the existing access to Smithy Lodge, all of which will serve to minimize the visual impact of the proposed new development within the street scene of the conservation area.

The reduced number of new properties within the current proposal will now serve to restrict the extent of development into the land to the rear which will now be laid out as an informal rear open space/paddock, thus serving to reduce the extent of the area for development. The extent of proposed development to the rear is now less than was previously proposed for the new dwelling to the rear of Hawk House, permission for which was refused in 2004, and, will now align it more closely with the new development on the adjacent site at Marie Close, to give some protection to the setting of the conservation area and its historic footprint.

The proposed new development however will remain visible when passing the Grade II listed Hawk House from the adjacent lane (FP1) which runs to the west of the site and which lies within the conservation area.

Whilst the proposed new orchard to the north of the site will visually shield some distant views of the development from afar it will remain a backdrop to the conservation area when viewed from the canal towpath located to the north.

Design Considerations

The foot print and design of the current proposals will now result in a type of development more sympathetic to its conservation area setting.

The previous proposal for detached dwellings facing onto a curved cul de sac has now been replaced by four small blocks of smaller properties all of which face directly onto a large central courtyard, more in keeping with the historic character of a rural settlement.

The previous design of the proposed dwellings with their larger windows, variety of bay windows, large canopies at ground floor level, double and detached garages and lack of chimneys has now been replaced with small blocks of more simple properties with characteristics more in keeping in this historic setting.

The design of the current scheme would however be more appropriate in the context of the conservation area and its setting, the setting of the adjacent listed buildings and its proximity to development at Marie Close”

Should approval be recommended conditions were recommended.

They did however feel more information was required with regards to materials, dormer roof on the garage between unit 3-4 should be removed and the design and footprint of property units 6-7 could be addressed in order to reduce its impact on the rear property within the adjacent Marie Close and open views beyond.

Revised proposals have been submitted which address the comment with regards to the relationship to 3 Marie Close, and although the roof dormer remains, as this is on the front elevation i.e. away from the elevation facing the listed building, this is not considered to be a significant issue. Materials can be conditioned. In conclusion however it is considered that the proposed design of the development is appropriate to its sensitive location on the edge of a conservation area, which it will help preserve and enhance, and in proximity to a listed building and as such is considered acceptable.

Highways

Whilst Highways originally had concerns about the information submitted in support of the application, they are now happy with the revised information and raise no objections to the application. With regards to specific issues:

Sustainable access: The development is within easy walking distance of a range of village facilities, including a shop, village hall, sports and social club and a primary school. In addition there is a bus stop nearby with services to Whitchurch and Nantwich. The site is also close (0.6 mile) to Wrenbury station on the Crewe-Shrewsbury line. The site is considered to be locationally sustainable.

Safe and suitable access: Visibility splays of 2.4 x 46m as proposed are considered acceptable for the proposed development access and is in accordance with Manual for Streets. The internal access arrangements are considered acceptable.

Network capacity: The levels of traffic associated with the development will have minimal impact on the highway network.

Parking provision – Parking is proposed within the courtyard and meets the standards of 200% provision.

Ecology

No issues have been raised by the Council's Ecologist subject to conditions which should be attached to any approval granted.

Flood Risk

The site is within Flood Zone 1, which is at low risk of flooding. The Flood Risk Manager has requested additional information, and following its submission their updated comments will be reported in any updates.

Agricultural Land

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

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

ECONOMIC SUSTAINABILITY

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

Paragraph 19 states that:

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

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

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

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

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

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

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits, to Wrenbury 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

Some adjoining residents have expressed concern about the relationships of the new dwellings to their properties. The original layout has been amended, with the units 6-7 having being moved further off the boundary with 3 Marie Close. There are not now considered to be any significant overlooking or massing issues, and the planting along the boundary in this location will help to minimise any impact. The other concern was expressed by the occupiers of Glen Lea adjacent to the site entrance, where the concern was one of increased use of the access and its potential impact on amenity. Whilst clearly usage of the access will increase with appropriate boundary treatment and retention of planting proposed the proposals are considered acceptable. Landscaping details will need to be conditioned.

In all other respects the development complies with the Council's separation distances and is considered acceptable.

Affordable Housing

The Interim Planning Statement: Affordable Housing (IPS) advises – that for Windfall sites in settlements with a population of less than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 3 dwellings or more or than 0.2 hectare in size. It also advises that 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. We would expect the affordable units to be delivered at a ratio of 65%/35% between social/affordable rented and intermediate tenure. This is in accordance with the SHMA 2010 and 2013 update.

SHMA Update 2013

The SHMA Update 2013 identified a requirement for 29 affordable homes in the Wrenbury sub-area between 2013/14 and 2017/18, this was made up of a requirement for 15 x 2 beds, 12 x 4/5 bed & 2 x 1 bed older persons dwellings each year.

In addition to the information from the SHMA Update 2013 there are currently 45 active applicants on the waiting list with Cheshire Homechoice (which is the Choice based lettings system for allocating social & affordable rented accommodation across Cheshire East) who

have selected Wrenbury as their first choice, showing further demand for affordable housing. These applicants have stated that they require 5 x 1 bed, 13 x 2 bed, 3 x 3 bed.

The above information shows that there is a high level of need for affordable housing in Wrenbury and therefore this site should provide on-site affordable housing in line with the Council's policies.

The applicant has been asked to clarify their position with regards to affordable housing, and will be reported in the update report.

Education

The requirements for an educational contribution are outlined above and would need to be secured through a Section 106 Agreement.

S106 Contributions:

Total education contribution: £32,685.38

Affordable Housing 30%

LEVY (CIL) REGULATIONS

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

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

As explained within the main report, the financial contributions affordable housing would help to make the development sustainable and is a requirement local plan policies and the NPPF. It is directly related to the development and is fair and reasonable.

Response to Objections

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

Conclusion – The Planning Balance

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

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

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

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

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, heritage impact, amenity, drainage, landscape, and ecology. Issues of trees and affordable housing are however still outstanding and will need to be reported to Members in an update report.

On the basis these matters are satisfactorily addressed, it is considered that the benefits of the scheme would outweigh the adverse impacts.

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

RECOMMENDATION

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

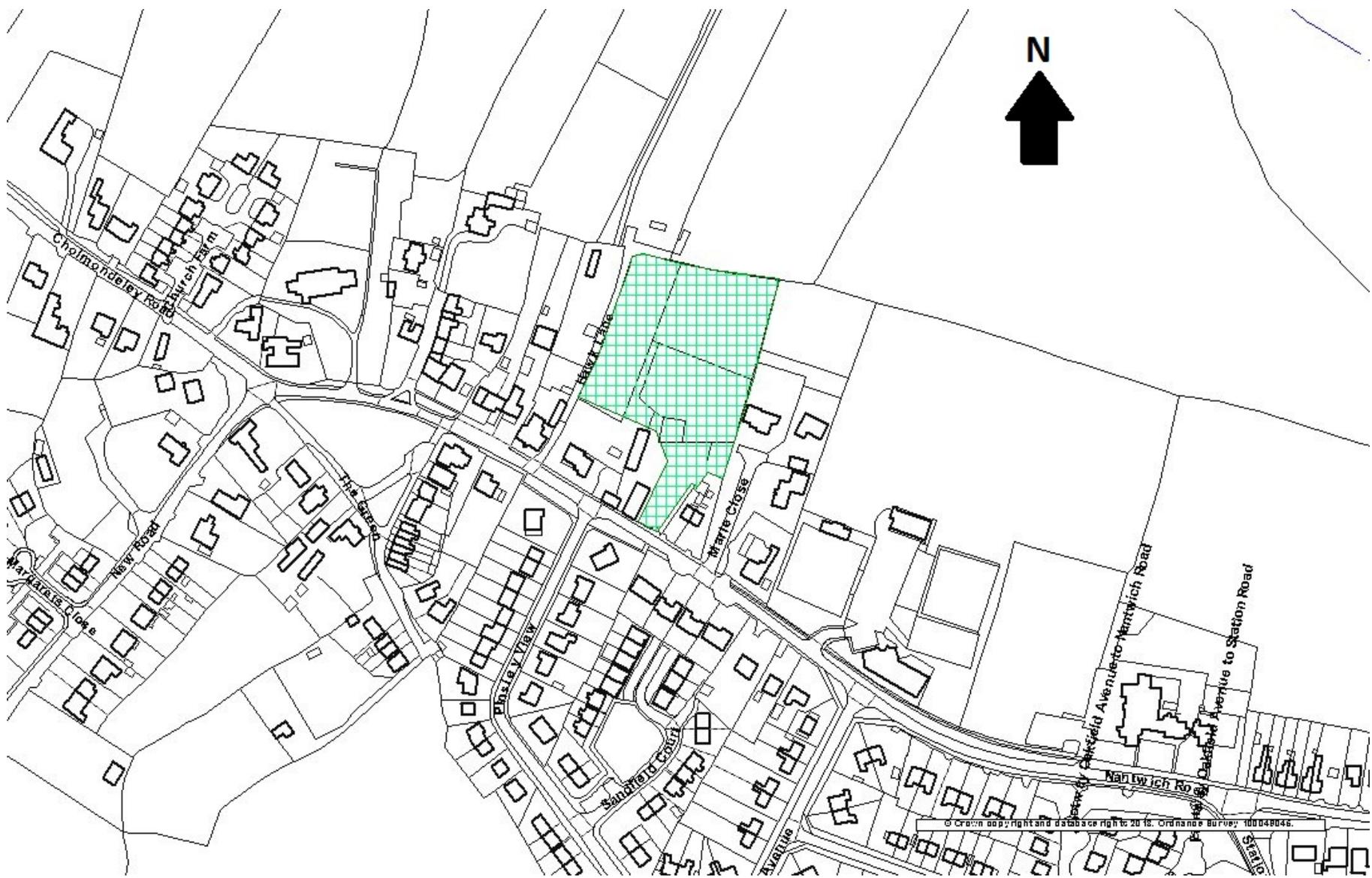
- 1. Commencement within 3 years**
- 2. Approved plans (including highways drawings)**
- 3. Submission of Construction Management Plan**
- 4. Provision of an electric vehicle charging points**
- 5. Implementation of drainage scheme to include foul and surface water including sustainable drainage systems**
- 6. Breeding bird survey for works in the nesting season**
- 7. Enhancement for bird nesting/orchard planting**
- 8. Materials – to include:**
 - details of the design, materials and colours for the entrance to the access off the Nantwich Road, the driveway into the courtyard, the courtyard and property frontage flooring and kerbs;**
 - submission of samples of the proposed roof tiles and the bricks for the walls;**
 - submission of cross sections of the set-in for the doors and windows;**
 - windows and doors to be in wood;**
 - swept heads to the doors and windows to be omitted;**
 - double glazing to be slim line with the parting bead between the panes of glass to be in black;**

8. Bin storage provision
9. Landscaping details to be submitted
10. Implementation of landscaping
11. Implementation of tree/hedgerow protection scheme
12. Removal of PD rights.
13. Contaminated land and verification report

Informative - PROW

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.



© Crown copyright and database right to 2018. Ordnance Survey 100048046.

Application No: 16/0953N

Location: Land South of Sandfield House, STATION ROAD, WRENBURY, CW5 8EX

Proposal: Erection of 27 dwellings and associated infrastructure.

Applicant: Holyhead Estates (Wrenbury) Ltd

Expiry Date: 06-Jun-2016

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

The proposal is contrary to development plan policy NE.2 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise, however given the lack of a demonstrable supply of housing land at this time it is considered that the policy in this context is out of date and cannot be relied upon.

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

Balanced against these benefits must be the loss of an area agricultural land. All of the site will be lost from agriculture, whether built upon or subject to open space. However, much of Cheshire East comprises best and most versatile land and use of such areas will be necessary if an adequate supply of housing land is to be provided. Furthermore, previous Inspectors have attached very limited weight to this issue in the overall planning balance.

It is also necessary to consider the negative effects of this incursion into Open Countryside by built development. Nevertheless, it is not considered that this is sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

On the basis of the above, it is considered that the application should be approved subject to the imposition of appropriate conditions and the completion of a Section 106 Agreement to secure contributions to education, and the provision of 30% affordable housing.

RECOMMENDATION:

Approve subject to the completion of a Section 106 Agreement

REASON FOR REFERRAL

This application is a small scale major development for 27 dwelling and is sited outside the settlement boundary for Wrenbury, therefore approving the application would amount to a departure from the development plan.

Furthermore, Cllr Stan Davies has called the application in to Southern Planning Committee for the following reason.

‘The site is in open countryside and the plan submitted includes spur roads which indicate further housing applications may be made in the future, where there is no requirement.’

PROPOSAL

This is an outline application for the erection of up to 27 dwellings and associated infrastructure. All matters other than access are reserved for consideration at a later date. An **indicative** layout has been submitted that shows the access off Station Road with phase II shown as a street with small cul-de-sacs off the main spur.

The site is accessed off Phase I which was allowed by appeal on the 23rd June 2015, for 18 dwellings. There are 3 protected trees on the boundary, adjacent to the access into the site adjacent to Sandfield House.

SITE DESCRIPTION

The proposal site is situated on the edge of the Wrenbury settlement boundary, within the open countryside with the River Weaver to the south of the application site.

Proposal site is a rectangular piece of land surrounded by trees to the south, garages to the west, residential properties to the north and the approved scheme to the east.

RELEVANT HISTORY

13/2391N - Steel frame building to store agricultural machinery and fodder – Approved with conditions 3rd September 2013

14/5260N - Residential development of up to 18 dwellings to include means of access – Refused 2th February 2015 and allowed at appeal 23rd June 2015

15/1857N - Residential development of up to 18 dwellings to include means of access – withdrawn 23rd June 2015

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 14 and 47.

Development Plan:

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

The relevant Saved Policies are: -

BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.5 – Infrastructure
BE.6 – Development on Potentially Contaminated Land
NE.2 – Open Countryside
NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.7 – Affordable Housing
RES.3 – Housing Densities
RT.3 – Provision of Recreational Open Space and Children’s Playspace in New Housing Developments

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

Cheshire East Local Plan Strategy

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

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

Other Considerations:

Interim Planning Statement: Affordable Housing (Feb 2011)
North West Sustainability Checklist
The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

CONSULTATIONS:

Highways: The SIM 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.

Environmental Health: Recommend conditions/informatives relating to piling foundations, dust control, environmental management plan, construction hours, electric vehicle infrastructure, and contaminated land

Strategic Housing: Monitoring has shown that in settlements of less than 3,000 population the majority of new housing has been delivered on sites of less than 15 dwellings. The Council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. 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.

Desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 27 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 8 dwellings to be provided as affordable dwellings. . The SHMA 2013 shows the majority of the demand in Wrenbury is for 15x 2 bedroom, and 12x 4 bedroom dwellings. Also the SHMA advises 2x 1 bedroom Older Persons dwellings. The majority of the demand on Cheshire Homechoice is for 5x 1 bedroom, 9x 2 bedroom and 5x 3 bedroom dwellings therefore 9 x 1, 2, 3 or 4 Bedrooms dwellings as shown on the application for this site would be acceptable.

6 units should be provided as Affordable rent and 3 units as Intermediate tenure.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings

The affordable housing should meet the Government's Nationally Described Space Standards which were published in April this year.

Our preference is that the affordable housing is secured by way of a S106 agreement, which:

-
- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

Details of Registered Providers of social housing can be obtained from the Development Officers in Strategic Housing

Environment Agency -

The FRA demonstrates the proposed finished floor level for proposed buildings is to be 68.25 m Above Ordnance Datum. This is circa 2 metres above the Jflow data for the River Weaver 100 year flood level at this site. This is considered acceptable in principle and we therefore withdraw our objection. The proposed development will however only meet the requirements of the National Planning Policy Framework if the following measure, as detailed in the Flood Risk Assessment submitted with this application, is implemented and secured by way of a planning condition on any planning permission.

Flood Risk Manager:

No objection subject to conditions.

United Utilities:

No objection subject to the submission of scheme for the disposal of foul and surface water, management and maintenance of sustainable drainage system.

Education:

Require a contribution of £65,370.76 for secondary school provision

Greenspaces:

None received at time of writing this report.

Cheshire Archaeology Planning Advisory Service:

None received at time of writing this report.

Wrenbury cum Frith Parish Council:

At its meeting held on 10 March, the Parish Council RESOLVED – that the Council objects unanimously to this application on the grounds that

- 1) Increased traffic movements along Station Road and proximity to its junction with Nantwich Road;

- 2) The proposal to widen the pavement along Station Road will decrease the width of this already narrow road for vehicular traffic, to an unsafe width;

- 3) The vehicular access to the site from Station Road is not suitable for an additional 27 dwellings;
- 4) Whilst the Council appreciates that each application must be considered on individual merit, with the recent approvals for housing within the village now totalling in excess of 100 (approx. a 25% increase in housing), any more development will not be sustainable within the village amenities and services/utilities; and
- 5) The configuration of the development is not in keeping with previous developments adjacent to the site.

REPRESENTATIONS:

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

Objections

At the time of report writing 16 representations have been received which can be viewed on the Council website. They express several concerns including the following:

Principle of the Development

The site is outside the settlement boundary
Wrenbury will cease to be a village
Contrary to the adopted local plan and the emerging local plan
The development is not infill
The proposal would not constitute sustainable development
Brownfield sites should be used first

Design and Scale

Would be detrimental to the character of the village
Adverse impact on landscape

Amenity

Loss of outlook
Noise and light pollution
Loss of privacy
Impact on neighbours during construction

Highways

Highway safety and existing parking issues
Increased congestion
Existing roads are not suitable for current traffic, increase will be exacerbated

Infrastructure

There are insufficient local facilities
Lack of school places

Ecology

Adverse impact on wildlife
Impact on the River Weaver

Other issues

Not economic sustainability

Local Businesses will suffer as are will no longer be a tourism area

Little economic benefit for the local community

Bus and train services are very limited

Loss of Green Space

Loss of agricultural land

Poor drainage and flood risk

Drainage pipe sited along the boundary of the site

There is no need for further housing in Wrenbury

Wrenbury has already been subject to the unsuitable approval of a concrete works

Local school and medical centre are at capacity

Current housing on sale in the area is staying on the market for 6-12 months

Facebook page 'Save Wrenbury' has been viewed over 5000 times.

Support

At time of writing this report there have been 3 letters of support which can be viewed on the Council website. The main issues raised are,

New dwellings are required to help the village grow

Highways issues require highway infrastructure improvements

Locationally sustainable for School, Medical Centre, village shop, bus and train stops

Affordable housing will encourage young families into the village.

APPRAISAL

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

Principle of Development

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

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

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

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016.

The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' (CD 9.7) of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgfield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

National Planning Policy Guidance (NPPG) indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years).

Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing.

Open Countryside Policy

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

Policy NE.2, seeks to protect the intrinsic character and beauty of the countryside.

The proposal is in an area where it is considered that the settlement boundary should be “flexed” in order to accommodate additional housing growth; it is immediately adjacent to existing residential development in the village of Wrenbury, and immediately adjacent to the approved phase 1 site, planning reference 14/5260N. There are residential properties adjacent to the northern boundary of the site with a river to the south. As such it is considered that whilst the site is designated as Open Countryside in the adopted local plan, its loss would not cause a significant level of harm to the character and appearance of the countryside that would significantly and demonstrably outweigh the benefits provided by the proposed development.

Sustainability

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

The National Planning Policy Framework definition of sustainable development is:

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

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

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

The toolkit sets maximum distances between the development and local amenities. These comprise of everyday services that a future inhabitant would call upon on a regular basis, these are:

- a local shop (500m),

- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).
- public right of way (500m)

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

- Post box – Within Wrenbury Stores 300m
- Public house 650m & 700m
- Church 300m
- Bus stop 300m
- Post Office 300m
- Local shop 300m
- Health food shop 300m
- Medical centre 200m
- Equipped playground 200m
- Primary School 100m
- Railway station 200m
- Sports ground and social club 200m
- Village green 300m

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan.

It is considered that as the site lies adjacent to existing residential development in Wrenbury, and the Inspector for the adjoining development site considered the site to be locationally sustainable, it would therefore be difficult to uphold a reason for refusal on the grounds of the site not being in a sustainable location.

Accordingly, it is considered that this is a locationally accessible site.

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

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural

resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

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

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

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

ENVIRONMENTAL ROLE

The site is a greenfield site and therefore not the first priority for development. It is however immediately adjacent to existing residential development. The site is within walking distance of the centre of Wrenbury village, which offers a wide range of essential facilities

Landscape Impact

This is an application for the erection of 26 dwellings and associated infrastructure. The application site covers an area of approximately 1.528 hectares and is currently agricultural land, located to the south of Sandfield House, Station Road in Wrenbury.

As part of the application a landscape and Visual Appraisal has been submitted, this indicates that it has been undertaken using the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA 3). As part of the Landscape and Visual Impact Appraisal the baseline landscape character is identified at the regional level. The application site lies within the area identified in the Cheshire Landscape Character Assessment (2009) as Landscape Character Type 7: East Lowland Plain, and is further characterised as being within the Ravensmoor Character Area (ELP1).

The landscape appraisal indicates that the sensitivity of the landscape of the proposed development area is low, that the magnitude of change for the application site would be high for such a development, but negligible for the wider area and that the overall landscape effect would be minor to moderate adverse on the local area and negligible on the wider area. Although the appraisal identifies a methodology, it is not clear, or explained, how this assessment of effect has actually been reached. The Council's Landscape Officer has considered the proposal and considers that the sensitivity would be greater, and that on the site and local level that the proposed development would have a greater significance of effect than that given, although it is not considered that it would be substantially adverse. The visual appraisal (Table 6) identifies 11 viewpoints and indicates that there will be major adverse visual effects for four of the viewpoints, moderate adverse effects for one, minor adverse for two, and either a negligible or no effect for the remaining four viewpoints.

The Landscape Officer broadly agrees with the Landscape and Visual Impact Appraisal that has been submitted, the application includes an illustrative layout plan and it is considered that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals. This could be ensured through the reserved matters, appropriate conditions and the S106 agreement.

Highways Implications

This is an outline application for the development of up to 27 residential dwellings on land accessed from Station Road in Wrenbury. The application follows on from an earlier application for 18 dwellings on an adjoining site to the east of this site, reference 14/5260N, which was refused by the Council in February 2015 but allowed under appeal; reference APP/R0660/W/15/3013651, in June 2015.

The Strategic Infrastructure Manager (SIM) has considered the following in relation to the site:

- Sustainability;
- Access;
- Traffic Generation; and
- Cumulative Traffic Impact.

Sustainability

Referring to application, reference 14/5260N, for the adjoining site, at paragraph 10 of the of the appeal decision letter, the Inspector concluded:

“The village of Wrenbury contains a good range of services and facilities and the site is within walking distance of these. In addition, the village is served by both bus and train services which provide access to larger local settlements, and both are within walking distance of the site. Therefore, future occupiers would not be totally reliant on the private car to meet their day to day needs, and the development would help to maintain the vibrancy of local services. Consequently, the site is in an accessible location and overall the proposal would be sustainable in terms of the social dimension.”

The SIM concludes it is reasonable to draw the same conclusion in relation to this application site.

Access

The site access with Station Road, for the adjoining site to the east, was approved under the appeal for application reference 14/5260N.

Access to this application site is proposed via the approved access with Station Road and through the adjoining site to the east.

The access proposals are considered to be an acceptable solution to serve this site.

Internal Site Layout

As the application is in outline, the HSI has not commented on site layout at present, but reserves the right to do so at a later date in the application process (i.e. reserved matters).

Traffic Generation

Traffic generation associated with the development proposal has been estimated from a range of sites within the TRICS database, the morning and evening peak hour estimates are summarised in Table 1.0.

Table 1.0 Traffic generation associated with the development proposals

	TRICS trip rate		Trips associated with 27 dwellings	
	Arrivals	Departures	Arrivals	Departures
AM	0.116	0.446	3	12
PM	0.439	0.208	12	6

The morning and evening peak hour traffic generation associated with the development proposal is expected to be low, less than 20 two-way trips per peak hour.

Cumulative Traffic Impact

The cumulative traffic impact of this application (27 dwellings) and the consented scheme to the east (application reference 14/5260N - 18 dwellings) has been considered, the morning and evening peak hour estimates are summarised in Table 2.0.

Table 2.0 Cumulative traffic impact

	TRICS trip rate		Trips associated with 45 dwellings	
	Arrivals	Departures	Arrivals	Departures
AM	0.116	0.446	5	20
PM	0.439	0.208	20	9

The cumulative morning and evening peak hour traffic generation associated with both development proposals is expected to be low, less than 30 two-way trips per peak hour.

Once distributed on the road network the development traffic would only result small increases in the traffic flow. In order to resist this application, the Highway Authority would have to prove that there is severe harm arising from this increase, this would not be possible given the low level of traffic generation predicted.

The SIM 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.

Trees and Hedgerows

There are trees present in the vicinity and variations in levels across the site. The submission is supported by a tree report dated which considers the tree population and identifies tree constraints. The report also assesses the arboricultural impacts which would arise in relation to the proposed layout.

The report identifies that the submitted proposals would involve the removal of a small area of scrubby woodland to the west of the site boundary comprising 1 Alder and 11 Ash and indicates that a dwelling and part of the access footway would encroach into the root

protection area of two Grade A trees, one of which is a very large specimen identified in the report as an Elm.

As an outline application with only access included, the full implications for trees would only be realised at reserved matters stage. Nevertheless, taking into account the area of land involved, it is considered that most of the arboricultural impacts which have been identified could be avoided with an amended layout. In particular, it is expected that a greater consideration be given to Grade A trees.

The revised site plan includes within the site edged red the access taken from Station Road. This would result in hedgerow loss. Taking into account the approval at appeal for development on land to the east which would utilise the same access (14/5260N), there appears to be little merit in requiring the usual Hedgerow Regulations assessment for the hedge.

Ecology

An ecological survey has been submitted with the application and the Council's Ecologist has considered the information submitted below.

Brook

A brook is located to the south of the red line of the application site. At its closest point the brook is 8.5m from the red line of the application site. In order to avoid any adverse impacts on the brook it must be ensured that all construction activities including the storage of materials and movement of vehicles is restricted to the red line of the application site. It is recommended that this matter be secured by means of a planning condition if planning consent is granted.

Badgers

Evidence of badger activity was recorded on site and a badger sett was found which the submitted report states is 20m from the application site boundary. In addition a badger day bed was recorded on the application site.

It is advised that the proposed development will result in the localised loss of badger foraging habitat however at the time of the ecological survey the grassland habitats on site did not appear particularly suitable for this species.

The off-site sett is however sufficiently close to the application site boundary that it could potentially be disturbed as a result of the proposed development. If it was still being used at the commencement of development the day nest would also be lost as a result of the proposed development which may result in the disturbance of badgers.

Whilst a 20m buffer zone is shown on the submitted layout plan it is advised that in order to ensure badgers are adequately safeguarded the applicant should submit a more detailed outline badger mitigation method statement prior to the determination of the application.

Additional information has been requested and will be submitted as an update to the Planning Committee.

Bats

Bat foraging activity on site was concentrated around the south west corner of the application site, closes to the ash trees and south east of the site adjacent to a large oak tree. The submitted ecological assessment states that these features would be retained and this is confirmed by the submitted design and access statement.

Barn owl

Barn owls were recorded as foraging to the south of the application site and it is advised that they may potentially also forage on the application site. The submitted ecological assessment states that the proposed development would have a minor negative impact upon this species. Apart from the need to consider the lighting of the site no mitigation or compensation proposals have been submitted with the application to address this impact.

Bird and bat box conditions

If planning consent is granted it is recommend that a condition for nesting birds as part of the development of the site:

Lighting

If planning consent is granted a any lighting scheme associated with the development to be submitted and agreed with the LPA as part of any future reserved matters application.

ECONOMIC ROLE

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

The proposed development will help to maintain a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal will also deliver economic benefit in the form of the New Homes Bonus, which is a material consideration.

SOCIAL ROLE

Affordable Housing

The proposal will provide new family homes, including 30% affordable homes. The site is also within walking distance of the centre of Wrenbury village, which offers a wide range of essential facilities. The indicative plans show a layout with up to 27 dwellings and it is considered that the 30% affordable housing would be secured as part of a S106 Agreement.

Public Open Space

The proposal is for up to 27 dwellings and Policy RT.3 requires provision of Open space for all developments of 20 dwellings or more a provision of 15 sq m of shared recreational open space per dwelling is required and in developments with family sized dwellings an additional 20 sq m of shared children's play space per family dwelling will be required. Currently no provision has been suggested on the indicative layout or within the design and access statement. Comments

are still outstanding from the Open Space Officer and this matter will be addressed within the updates to Committee.

Amenity

An indicative layout has been submitted with the application and this shows that minimum separation distances could be achieved between the proposed and existing dwellings adjacent to the site. However some of the relationships along the boundary with the existing dwellings are tight and it is considered that the layout will need to be reconsidered to ensure a suitable level of amenity is retained for the existing neighbours.

Having regard to the amenity of future occupiers of the dwellings, adequate private residential amenity space could be provided.

The proposal is therefore in compliance with Policy BE.1 of the adopted local plan.

Design

This is an outline planning application therefore the layout drawing is only indicative. Should the application be approved, appearance and layout would be determined at reserved matters stage.

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

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

The indicative layout shows a development that would not appear inappropriate in this context.

Education

Not including the current planning application registered on Land South of Sandfield House (16/0953N), there are 9 further registered and undetermined planning applications in Nantwich generating an additional 105 primary children and 77 secondary children.

The development of 27 dwellings is expected to generate: 5 primary children (27 x 0.19), 4 secondary children (27 x 0.15), 0 SEN children (27 x 0.51 x 0.023%).

The development is expected to impact on secondary school places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places still remains.

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

4 x £17,959 x 0.91 = £65,370.76 (secondary)

Total education contribution: £65,370.76

The applicant has agreed to the contribution and to secure it through a Section 106 Agreement.

Flood Risk and Drainage

A Flood Risk Assessment has been submitted with the application as part of the land is in Flood Risk Zone 2. The Environment Agency have been consulted on the application and note that the FRA demonstrates the proposed finished floor level for proposed buildings is to be 68.25 m Above Ordnance Datum. This is circa 2 metres above the Jflow data for the River Weaver 100 year flood level at this site. This is considered acceptable in principle. The proposed development will however only meet the requirements of the National Planning Policy Framework if the following measure, as detailed in the Flood Risk Assessment submitted with this application, is implemented and secured by way of a planning condition on any planning permission.

The Council's Flood Risk Manager has assessed the application and is satisfied that the proposal is acceptable in terms of flood risk, subject to conditions relating to sustainable drainage features and surface water run off.

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 applicant has been unable to ascertain whether the land is Grade 3a or 3b. However; given the limited size of the site, it is not considered that its loss would be significantly detrimental.

Response to Objections

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. These issues are summarised in the representations and include loss of open countryside, loss of agricultural land, adverse impact on landscape, privacy, pollution, highway safety, ecology and local infrastructure.

S106 Contributions:

LEVY (CIL) REGULATIONS

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

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

As explained within the main report, the financial contributions the local high school and to secure affordable housing provision on the site this would help to make the development sustainable and is a requirement local plan policies and the NPPF. It is directly related to the development and is fair and reasonable.

Conclusion – The Planning Balance

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

The proposal is contrary to development plan policy NE.2 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise, however given the lack of a demonstrable supply of housing land at this time it is considered that the policy in this context is out of date and cannot be relied upon.

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

Balanced against these benefits must be the loss of an area agricultural land. All of the site will be lost from agriculture, whether built upon or subject to open space. However, much of Cheshire East comprises best and most versatile land and use of such areas will be necessary if an adequate supply of housing land is to be provided. Furthermore, previous Inspectors have attached very limited weight to this issue in the overall planning balance.

It is also necessary to consider the negative effects of this incursion into Open Countryside by built development. Nevertheless, it is not considered that this is sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

On the basis of the above, it is considered that the application should be approved subject to the imposition of appropriate conditions and the completion of a Section 106 Agreement to secure contributions to education, and the provision of 30% affordable housing.

RECOMMENDATION

Approve subject to the completion of a Section 106 Agreement..

Heads of Terms:

- £65,370.76 to secondary education
- provision of 30% affordable housing

and the following conditions:

1. Commencement
2. Submission of reserved matters (all matters other than access)
3. Approved plans

4. Submission of a Phase I Contaminated Land Survey
5. Submission of soil or soil forming materials
6. Submission of piling foundations
7. Submission of Dust Control
8. Submission of major development construction phase environmental management plan
9. Reserved matters to include details of any external lighting.
10. Access to the site shall be completed prior to the commencement of any other form of development
11. Submission of drainage scheme to include foul and surface water including sustainable drainage systems
12. Reserved Matters to include Arboricultural Impact Assessment (AIA) including Tree Constraints Plan / Tree Protection Plan
13. Reserved Matters to include Arboricultural Method Statement in accordance with BS5837:2012 Trees in Relation to Design Demolition and Construction – Recommendations
14. Reserved Matters to include details of existing and proposed levels.
15. Reserved Matters to include detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house sparrow and roosting bats
16. Reserved matters to include details of boundary treatments
17. Reserved matters to include details of bin/cycle storage
18. Reserved matters to include a single electric vehicle charging point for each dwelling
19. Finished floor levels to be no lower than 68.25m above ordinance datum

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

Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the 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: 16/0507N

Location: THE BUNGALOW, SADLERS WELLS, BUNBURY, CW6 9NU

Proposal: Outline planning application for the erection of a single two storey dwelling on land adjacent to The Bungalow, Sadlers Wells.

Applicant: W STOCKTON

Expiry Date: 29-Mar-2016

SUMMARY

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

APPROVE subject to conditions

REASON FOR REFERRAL

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

“substantial impact on the flood plain, the loss of eleven trees, including tpo trees, design impact on the adjacent conservation area”

The application was deferred at Southern Planning Committee on the 10 March 2016 due to local concern and compliance with Neighbourhood Plan Policies.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises the large rear garden of property known as ‘The Bungalow’, which is situated off Saddlers Wells Bunbury and served by an existing vehicular access off Saddlers Wells, currently used by the applicant’s property ‘The Bungalow’. The site is bound on three sides by mature hedges and trees and to the south of the site lies a bank of trees which are under Tree Preservation Order.

The site is designated as being within the village settlement boundary of Bunbury.

DETAILS OF PROPOSAL

Outline planning permission is sought for the erection of a two storey detached dwelling. Matters of access from Saddlers Wells are sought for approval at this stage with layout, appearance, landscaping and scale being reserved for later consideration. Although the application is in outline form an **indicative** site layout plan with proposed elevations have been submitted showing the scale and general layout.

RELEVANT HISTORY

No recent, relevant applications relating to this site.

LOCAL & NATIONAL POLICY

Development Plan:

The Bunbury Neighbourhood Plan 2015 – 2030 (BNHP) was made on 29th March 2016 under 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 and now forms part of the Development Plan for Cheshire East. The relevant Policies in the Neighbourhood Plan are:

- H1 Settlement Boundary
- H2 Scale of Housing Development
- H3 Design
- LC1 Built Environment
- LC2 Backland Development
- ENV3 Environmental Sustainability of Buildings
- BIO1 Biodiversity

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

The relevant Saved Policies are: -

- BE.1 – Amenity
- BE.2 – Design Standards
- BE.3 – Access and Parking
- BE.4 – Drainage, Utilities and Resources
- BE.7 – Conservation Areas
- RES.4 – Housing in Villages with Settlement Boundaries
- 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 7 The Historic Environment
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
SE 13 Flood Risk and Water Management
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
EG1 Economic Prosperity

National Policy:

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

Other Considerations:

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010

CONSULTATIONS (External to Planning)

Strategic Highways Manager: No Objection

Environmental Health: No Objection subject to Informative

Nature Conservation: No Objection

Landscape: No Objection

Forestry: No Objection - subject to tree protection conditions

Flood Risk: **No Objection** – subject to flood mitigation scheme

Built Heritage: **No Objection** – *“it should have minimal impact upon the character and appearance of Brook Cottage in this extended part of the conservation area, provided the existing tall hedge is retained and the proposed new building is located towards the south of the site.”*

VIEWS OF THE PARISH COUNCIL

Bunbury Parish Council: Raises objection on the following grounds:

- Backland development and compliance with the NHP;
- Wildlife impacts;
- Loss of trees;
- Flooding and drainage;

- Conservation area impacts;
- Amenity Impacts.

OTHER REPRESENTATIONS

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

One representation has been received in support.

44 no. representations have been received in objection to this application. They express concerns / objections on the following grounds:

- Conflict with the Bunbury Neighbourhood Plan in relation to:
 - Backland Development
 - Village character
 - Affordable housing and size of proposed house
 - Impinges green corridor
- Amenity
 - Loss of privacy overlooking
 - Overbearing impacts
- Access and highways safety issues
- Impact and loss of important trees and hedgerows
- Design and impact on the character of the area including proximity to conservation area.

- Stability of riverbank
- Drainage and flood impact
- Harm to natural environment
- Impacts to protected species

Other issues were raised including loss of views - these are not material considerations which can be taken into account within the planning application process. A full record of all received representations and comments can be viewed on the Councils web pages.

APPRAISAL

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

Principal of Development

The site is designated as being within the Village Settlement Boundary of Bunbury as designated within the Crewe and Nantwich local Plan 2011 and Bunbury Neighbourhood Plan, where there is a presumption in favour of small scale developments in keeping with the character and scale with adjoining development, and subject to compliance with other policies in the adopted plans.

SUSTAINABILITY

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

ENVIRONMENTAL ROLE

Appearance and Design

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

This site lies in a low lying backland parcel of land which is currently well screened due to extensive boundary hedges and bank of trees. Residential gardens surround the site on three sides with the host dwelling ‘The Bungalow’ to the north west, ‘The Willows’ to the south and ‘Brook Cottage’, within the Lower Bunbury Conservation Area, to the north. To the east lies a water course with line of trees and beyond which are a row of more modern dwellings located off The Acreage.

Objections to the proposals have been received raising concern as to the impact of the proposals on the character of the area with particular reference to the sites proximity to the Lower Bunbury Conservation Area and conflict with the BNHP. In addition a number of objections have

been received raising specific objection to the principle of the proposed Backland Development in relation to the Bunbury Neighbourhood Plan (BNHP).

It should be noted that Policy LC2 (Backland Development) of the BNHP resists development which would result in adverse residential amenity impacts on neighbouring property and does not preclude the residential development of backland sites and as such subject to residential amenity impacts, further assessed below under social considerations, the use of backland site for residential development is considered acceptable.

With regards the impacts upon the adjacent conservation area, the site is located adjacent to an old house known as 'Brook Cottage' and the Lower Bunbury Conservation Area was recently extended to include this building in recognition of its early origins. There is a tall hedge between Brook Cottage and the development site and it is noted that properties within this part of the Lower Bunbury conservation area are predominantly modern in age.

Consultation with the councils Heritage Officer raised no objections to the proposals and comments received argue that it would have minimal impact upon the character and appearance of 'Brook Cottage' in this extended part of the conservation area, provided the existing tall hedge is retained and the proposed new building is located towards the south of the site.

It is considered that the low lying and relatively well screened nature to of the site would have minimal visual impact on the character and appearance of 'Brook Cottage' and that of the conservation area and locality in general and due to the surrounding form of development the introduction of a further modern dwelling is not un-acceptable in principle.

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

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

The indicative layout shows the proposed dwelling centrally positioned within the plot with access and parking located to the north leading to a double garage, the suggested scale and siting of the dwelling within the reasonably generous plot, and would not be out of keeping with that of the nearby dwellings, and not out of character with the locality in general.

It is therefore considered that, subject to condition requiring boundary treatments to be approved, that the site is capable of accommodating a dwelling and would not be out of character with the area or have adverse impact upon the neighbouring conservation area, and would therefore accord with Policies H2, H3, LC1 and LC2 of the Bunbury Neighbourhood Plan (2015-30) and; Policy BE.2 and BE.7 of the Crewe and Nantwich Local Plan 2011.

Highways

The indicative layout shows an access off Saddlers Wells using an existing access shared with 'The Bungalow' with proposed parking and turning and parking for up to three cars and a double garage.

A number of objections have been received relating to safety of pedestrians on Saddlers Lane and in particular vehicles using its junction with School Lane which is noted to have limited visibility.

The Head of Strategic Infrastructure (HSI) is satisfied that a development of a single dwelling can be safely accommodated on the adjacent highway network and would provide satisfactory off street parking in accordance with CEC minimum parking standards; accordingly, the HSI has no objection to the planning application.

It is considered that the proposal for a single dwelling would not result in significant increase in traffic using Saddlers Wells or the junction with School Lane and the proposals would provide satisfactory parking.

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

Trees

The proposed development site is bounded to the north by the Lower Bunbury Conservation Area, and to the south by a 1973 Tree Preservation Order titled The Nantwich Rural District Council (Bunbury) Tree Preservation Order 1973.

The application is supported by an Arboricultural Statement (Ref CW/8023-AS1) dated 1st February 2016 by Cheshire Woodlands. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

Objections have been received in relation to the loss of mature trees on the site and potential for adverse impacts to the TPO block located to the South of the site, particular concern has been made in relation to the felling of beech tree on site.

The application identifies the loss and removal of eleven trees for development and two trees for other reasons, from within the site edged red. These are mainly Lawson Cypress which form two linear groups of trees (hedgerows). The Arboricultural report identifies the trees individually and collectively as low value (Category C specimens).

Consultation with the Councils Arboricultural Officer concurs with this designation and notes that none are currently protected, or considered worthy of formal protection. Nor is it considered that the removals would significantly impact upon the Conservation Area.

In response to concerns regarding the felling a mature beech the southern boundary of the site, and which stood on the edge of the G11 of the 1973 Tree Preservation Order. Following a site visit by the Councils Arboricultural Officer where a calculation of the trees age by counting the annual growth rings was undertaken, it is noted that the tree presented an age consistent with the serving of the Order, but would have been a sapling in 1973, and unlikely to be considered for formal

protection at the time. In addition the absence of the species beech listed in the first schedule confirms that the tree was not protected and therefore its removal has not been a transgression of the TPO legislation.

The Councils Arboricultural Officer confirms that that subject to appropriate mitigation measures and prior approval of a construction method statement that the footprint provided within the indicative site plan dwg no. 1258-01 Rev A could be accommodated on site without significant impacts upon retained trees.

It is therefore considered that subject to the approval of tree protection mitigation and method statements details in relation to any reserved matters application, there would be no significant impacts to retained trees or that of the setting of the conservation area and as such the proposals would accord with Local Plan Policy BE.7 (Conservation Areas).

Ecology

The site consists of parcel of land currently in use as a residential garden, the site is predominately grassed with surrounding trees and hedges and small water course which runs along the southern boundary.

A number of concerns have been raised relating to potential impacts upon local wildlife and protected species.

On reviewing the application the Councils Ecologist comments note the close proximity of the River Gowery and raised the potential for adverse impacts upon water voles and their habitat, and as such requested that a survey be undertaken. In response the applicant has provided Water Vole Survey Report' dated March 2016, which did not identify any evidence of water voles.

The Councils Ecologist has reviewed the provided survey report and advise there are unlikely to be any significant ecological issues associated with the proposed development, however if planning consent is granted condition be attached to protect nesting birds during development.

As a result it is considered that subject to recommended condition that the proposals would not cause any adverse impacts to protected species and therefore would accord with Policy NE.9 (Protected Species) of the Crewe and Nantwich Local Plan 2011.

Drainage and Flood Risk

The site lies on relatively low lying ground which slopes down towards a small watercourse, tributary to the River Gowery which runs along its eastern boundary.

Concerns have been raised relating to impacts on drainage and flood risk in the area and the provision of foul drainage within the site.

Consultation with the Councils Flood Risk Officer noted that whilst the site is located in flood zone 1, and therefore of low risk of flooding, the location of the watercourse to the East of the proposed development together with indications of a large amount of surface water flooding (1 in 30 year) to the east of the site and as indicated by the Environmental Agency's (EA) mapping system, that the area is at potential risk from surface water flooding. As a result it is recommended that the flood

risks need to be appropriately mitigated before development can commence on site. The Flood Risk officer recommends that should permission be granted that conditions be attached requiring a drainage strategy and mitigation measures together with a surface water drainage scheme to be approved.

Consultation with United Utilities raised no objection to the proposals.

It is considered that subject to the above conditions that the site would not raise any significant adverse drainage or flood risk and would accord with Policy BE.4 of the Crewe and Nantwich Local Plan 2011.

As a result of the above reasons, it is considered that the development would be environmentally sustainable.

ECONOMIC ROLE

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

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

SOCIAL ROLE

Amenity

Policy BE.1 of the Local Plan and LC2 of the BNHP advises that new 'backland development' should not be permitted it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking, visual intrusion or noise and disturbance. Furthermore, the level of private amenity space provided is a material consideration as detailed within the Supplementary Planning Document on Development on Backland and Gardens (SPD).

Objections have been received raising concern as a result of loss of neighbouring residential amenity from overlooking and overbearing impacts.

As all matters are reserved, it should be noted that the precise positioning and impacts will be assessed at a later date.

From the indicative layout shown on dwg no. 1258-01 Rev A the nearest neighbouring properties with the potential to be impacted by the proposals would be 'The Willows' to the south with separation distance of over 28m to nearest elevation, 'Brook Cottage' to the north with separation of 22m and the rear elevation of the host property dwelling at 14m.

As shown within the provided indicative plans it is considered that a dwelling could be sited comfortably on the plot, whilst meeting the required separation distances to neighbouring properties, as set out in the Authorities SPD on 'Development on Backland and Gardens', which would be demonstrated and secured at reserved matters stage.

Environmental Health has advised that they have no objections to the proposal subject to the inclusion of informative on hours of construction and contaminated land.

The proposal is therefore considered to be in compliance with Policy BE.1 of the adopted local plan.

As a result of the above reasons, it is considered that the development would be socially sustainable.

Other Matters

In addition to the number of representations relating to the character, amenity, ecology, trees etc. which have been addressed above there have concerns have been raised relating to the affordable housing provision it should be noted that housing schemes on the scale proposed would not require the provision for affordability to be

CONCLUSION – THE PLANNING BALANCE

The site lies within the Bunbury Village Settlement Zone Line where there is a general presumption in favour of development. As such, the principle of four bed single dwelling in this backland site is considered acceptable subject to compliance with other relevant neighbourhood and development plan policies which in this case, relate to design, ecology, drainage, trees and residential amenity.

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

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

From an environmental and social perspective the proposal would be of an acceptable scale and layout that would have a minimal impact upon the amenities and highways safety, and not have adverse impacts upon trees or protected species. As such, the proposal would adhere to relevant Neighbourhood and Local Plan Policies and would also accord with the NPPF, and is therefore recommended for approval.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Commencement**
- 2. Submission of reserved matters (all matters excluding access)**
- 3. Approved plans**
- 4. Boundary Treatments**
- 5. Submission of Flood risk Mitigation Strategy**
- 6. Submission of drainage scheme to include foul and surface water at reserved matters stage**
- 7. Breeding bird survey for works in the nesting season**
- 8. Tree Mitigation Measures to be provided at Reserved Matters**
- 9. Construction method statement to be provided at Reserved Matters**

Informative:

- 1. NPPF**
- 2. Environmental Protection**

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: 16/1112C

Location: LAND ADJACENT ARCLID LODGE, HEMMINGSHAW LANE, ARCLID, CW11 4SY

Proposal: Construction of two new residential dwellings (resubmission of planning application reference 15/4711C)

Applicant: The Derek Beresford Family Trust

Expiry Date: 28-Apr-2016

SUMMARY

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

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H.6. 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 where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

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

In this case, the development would provide positive benefits through a small contribution to the supply of market housing and a minor boost the local economy.

Balanced against these benefits must be the negative effects of an incursion into Open Countryside; the minor impact upon the efficiency of the Jodrell Bank Radio Telescope and; resulting noise impacts upon future residents from adjacent quarry operations. However, the incursion into the open countryside is considered to be small and the scale of the site is not considered to be significant. It has been demonstrated that effective noise mitigation can be achieved to prevent harm to residents or viability of the quarry.

In this instance, it is considered that the benefits of the scheme would outweigh the adverse impacts.

The design of the scheme is considered to be acceptable and it would not have a detrimental impact upon the setting of the surrounding area or streetscene, amenity of neighbouring properties, trees or highway safety.

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.

RECOMMENDATION

APPROVE subject to; a 21 day notification period to Jodrell Bank of the intent to grant planning permission, and conditions

PROPOSAL

This application seeks full planning permission to erect a two detached dwellings with front and rear dormers.

Plot 1

The four bed dwelling on plot 1 would measure 14 m by 12.5m with open brick and render finish, with wooden fenestration under tiled roof with maximum height of 5.2m and eaves of 2.7m.

Plot 2

The three bed dormer bungalow dwelling on plot 2 would measure 12 m by 13m with open brick and render finish, with wooden fenestration under tiled roof with maximum height of 6.3 m and eaves of 2.5 m.

SITE DESCRIPTION

The site relates to a manege located to the south western side of Hemmingshaw Lane, Arclid, within the Open Countryside and within the Jodrell Bank Radio Telescope Consultation Zone Line.

The application site measures approximately 1218 square metres and its topography is predominantly level and in line with the Lane. The site is currently manege and is accessed via a wooden gate off Hemmingshaw Lane.

Immediately to the south of the site is an access to active silica sand quarry with associated parking area.

The application site falls just within Open Countryside outside the Sandbach Settlement Zone.

RELEVANT HISTORY

None

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside and 56-68 - Requiring good design

Development Plan

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

The relevant Saved Policies are:

PS8 – Open Countryside, PS9 – Areas of Special County Value, PS10 – Jodrell Bank Radio Telescope Consultation Zone, GR1 - New Development; GR2 - Design, GR4 and GR5 - Landscaping, GR6 - Amenity and Health, GR9 - Accessibility, Servicing and Parking Provision – New development, GR16 - Footpath, Bridleway and Cycleway Networks, GR20 - Public Utilities, GR21 - Flood Prevention, GR22 - Open Space Provision, NR1 - Trees and Woodlands, NR2 - Wildlife and Nature Conservation – Statutory Sites, H1 - Provision of New Housing Development, and H6 – Residential Development in the Open Countryside and the Green Belt.

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

Cheshire Replacement Minerals Local Plan 1999

The relevant Saved Policies are:

Policy 7 (Mineral Safeguarding)

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

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

Supplementary Planning Documents:

Noise Assessment
Design and Access Statement

CONSULTATIONS

Parish Council: No comments received at the time of report writing

Jodrell Bank (University of Manchester) – Oppose Development – *“Our view is that the impact from the additional potential contribution to the existing level of interference coming from that direction will be relatively minor. This is a general direction in which there is already significant development close to the telescope.”*

Environmental Protection: No Objection subject to conditions requiring noise mitigation measures, contaminated land and informative relating to contaminated land hours of works and

Forestry: No Objection

Landscape: No Comment

Heritage: No Objection

United Utilities: No Objection- subject to informative

Strategic Infrastructure: No Objection

REPRESENTATIONS

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

An objection has been received from the operators of the adjacent quarry, raising concern as to impact of quarry operations on the amenity of future residents.

Appraisal

The key issues are:

- The principle of the development
- Housing Land Supply
- Open Countryside
- Sustainability of proposal including; Environmental, Economic and Social Role
- Amenity – noise and dust impacts
- Planning balance

Principle of Development

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

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

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

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Council’s identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was ‘too low’ further evidential work has now taken place and a fresh calculation made.

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

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

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

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

This is a material consideration in support of the proposal.

Open Countryside Policy

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

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

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

Sustainability

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.

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

The applicant has not submitted this completed toolkit. However, the Planning Officer can confirm that the site is not likely to adhere to the majority of the public facilities listed due to its location and as such, the proposed development cannot be considered to be locationally sustainable.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

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

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

Environmental role

Landscape, Trees and Hedgerows

As highlighted above a significant consideration is the impact the development would have upon the landscape and openness of the countryside. The proposed dwelling would be located within a menage to the South West of Hemmingshaw Lane, There is quarry site to the east, residential development to the north, west and east and an employment site to the north.

The site is in open countryside as defined in the Congleton Borough local plan. It is well contained and would be surrounded on three sides by residential uses and to the east by quarry parking / access. As such it is considered that the proposals would only have very limited impacts on the surrounding landscape and /or openness of the surrounding open countryside.

Design & Heritage

The surrounding area is considered to be semi-rural in nature with near by residential properties constituting a mixture of medium sized bungalows, and detached dwellings including with mixture of curtilage sizes.

The submitted layout plan shows that the proposed dwellings would be erected adjacent to each other fronting onto Hemmingshaw Lane, each accessed via a new individual access.

The units would be inset from the highway by approximately 7 metres and 12 metres respectively, be inset from the rear of the site by between 9 and 10 metres respectively.

It is considered that this layout and inset from the highway would, whilst being smaller than surrounding properties not significantly detract from the streetscene, and therefore is considered to be acceptable.

With regards to form and scale, the dwellings would each be detached, and be of a 1 ½ storey and two storey design.

The neighbouring property on comprises of a detached, modern, two-storey design. Properties on the opposite side of the road include Bearsford Lodge which is of a bungalow design and Badgers Hollown and Squirrels chase which are 1 ½ storey barn conversions, and in addition two dwellings of similar design and layout have been recently approved on opposite side of Hemmingshaw Lane.

As such, it is not considered that the erection of a further 2 detached 1 ½ storey units in this part of Hemmingshaw Lane would appear incongruous within the streetscene given the range of forms and scales.

It is advised within the application form that the dwellings would comprise of brick and rendered walls, tile roofs and timber fenestration. The site also lies adjacent to the grade II listed Arclid Hall Farmhouse. Consultation with the councils Conservation Officer raises no objection to the proposals subject to external materials matching nearby development including nearby converted barns and the farm house.

Subject to the detail of the materials being secured for prior approval by condition, it is considered that the appearance of the proposed dwellings would not appear incongruous within this setting of a mixture of dwelling forms and designs.

As a result, once the materials have been conditioned, it is considered that the proposed development would be of an acceptable design and would adhere with Policy GR2 of the Local Plan and Policies SE1 (Design) and SE2 (Efficient use of land) of the Cheshire East Local Plan Strategy – Submission Version (CELP).

Trees and Hedgerows

The proposals are not considered to adversely affect any significant trees or hedgerows and as such is considered that the proposed development would adhere with Policy NR1 of the Local Plan and Policy SE5 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Access

The proposal seeks the creation two separate new accesses off Hemmingshaw Lane.

It is considered that the increase in traffic from two new dwelling would not result in significant highways safety impacts on Needhams Bank or Red Lane and that it would not have any significant wider impacts on the wider highway network.

The retention and provision of two parking spaces for no. 4 Needhams Bank and the proposed dwelling would meet the Councils minimum parking requirements.

The proposal would therefore accord with Policy GR9 of the Congleton Local Plan 2005.

Drainage

The application site does not fall within a Flood Zone and is not of a scale which requires the submission of a Flood Risk Assessment.

It is considered that subject to appropriate conditions the proposals would accord with Policy GR 21 (Flood Prevention) of the Congleton Borough Local Plan and guidance provided within the NPPF.

Environmental Role Conclusion

Subject to appropriate conditions the proposed development would not create any significant tree, flooding, drainage, design, land stability or highway safety issues. It is considered that the proposal's impact upon the landscape and nearby listed building would be minimal in this case and on balance results in the proposal being considered environmentally sustainable.

Economic Role

Housing

The development would bring in some economic benefit to the closest shops in Sandbach for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services. Although for 2 new dwellings, this carries some weight in favour of the development.

Mineral Resources

Policy 7 of the CRMLP 1999 requires that minerals resources are safeguarded. The proposal site is located within the Cheshire Mineral Consultation Area, which in accordance with Policy 7 of the Cheshire Replacement Minerals Local Plan 1999 is identified to ensure mineral resources are not sterilised or that new development is not adversely affected by mineral activities.

The proposed development site shares a boundary with Arclid Silica Sand Quarry (South), including vehicle yard, site access, staff parking and welfare facilities. On meeting with the quarry operator it has been confirmed that this yard is also the maintenance area for those vehicles working the south area and the adjacent access point to the quarry also

accommodates 20 tonne + HGV vehicle movements typically during the spring and summer seasonal demand for soil based products. Nearby quarry workings include associated plant and machinery including hoppers, conveyors and sand pumping operations located approximately 100 meters from the site and current and potential extraction areas within 200m.

The Quarry is a key supplier of high purity silica sand, which is a nationally important mineral resource, and as confirmed by the operator currently employs around 65 people.

The close proximity of the dwellings to adjacent active quarry workings and associated plant and vehicle movements would add additional noise receptors which would be closer to parts of the quarry operations than existing residential receptors and as such has the potential to impact on the mineral operation of the quarry through imposed noise restrictions to residential uses from normal mineral operations.

An objection has been received from the operators of Arclid Quarry raising concerns as to the proximity of the dwellings to the mineral operations and likely noise impacts to future residents.

A Noise Impact Assessment prepared by 'dBX Acoustics' has been submitted in support of the application. The submitted assessment recommends that in order to provide appropriate residential amenity conditions attenuated ventilation can be installed to bedrooms, living rooms and dining rooms. In addition the report identifies "*no significant impact from dust arising from the nearby quarry*".

The received objection from the current quarry operators also included an assessment by 'LFAcoustics' of the submitted report, which raised concern as to the scope of the provided assessment with particular issues raised on the following points:

- Limited period (24 hours) of noise monitoring undertaken is not representative of ongoing or future quarry operations including that of seasonal soil stripping operations;
- The proximity of noise generating operations on the quarry site are misleading and seasonal soil stripping operations are not accounted for;
- No consideration for noise impacts to garden areas has been made.

The objection recommends the need for acoustically treated ventilation for rear elevations and that should permission be granted a condition be imposed requiring appropriate mitigation be provided on boundary fences.

The Councils Environmental Protection team have reviewed the provided noise (and dust) assessment and those raised concerns from the quarry operator, in addition a site meeting was undertaken with the quarry operator. The Environmental Protection Officer comments highlight the shortcomings of the applicants acoustic report which is not considered to fully address all potential noise sources and identifies that the design of the proposed dwellings with large areas of patio/bi-fold door access to the gardens were not considered as a sensitive receptor.

The Councils Environmental Protection team recommend that the potential noise impacts from quarry operations can be sufficiently mitigated and acceptable residential levels can be reached by the imposition of conditions, requiring specific acoustic amelioration in the form of 2.5 metre high close board fencing; fitting of all windows with trickle vents and; the provision that the east elevation bedroom window to house type 2 be obscure glazed and non opening.

The proximity of the proposed dwellings to the current and future quarry operations would likely result in future residents experiencing quarry noise and would increase the number and proximity of receptors to noise and dust sources which have the potential to adversely impact the current and future quarry operations. It is however, considered that in this case, the quarry noise sources can be sufficiently ameliorated to a level at which there would be no significant residential amenity impacts. It is also noted that the current quarry permission has controls in place to restrict the hours of activity including plant maintenance in this area which would provide additional mitigation to sensitive receptors.

On the basis of the mitigation that can be secured by planning condition and the existing provisions in the quarry's mineral consent, it is considered that the addition of further sensitive receptors in this location will not pose any additional significant constraints on the mineral operator in terms of restrictions on working practices or ability to extract the mineral reserves which would otherwise result in sterilisation of this nationally significant mineral reserve. As such this accords with the approach of the NPPF and Cheshire Replacement Minerals Local Plan and it is therefore considered that there are insufficient grounds to sustain a reason for refusal.

For the above reasons, it is considered that the proposed development would be economically sustainable.

Social Role

The proposed development would provide open market housing which is a social benefit.

Amenity

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

The closest neighbouring properties to the application units would be detached dwelling 'Arclid Lodge' located to the west of the site. At its closest point, the western elevation of the proposed House 1 would be approximately 12.5 metres away from the side elevation of this dwelling. The relevant side elevation of this dwelling has a ground floor secondary lounge window and first floor primary bedroom window.

Within the relevant side elevation of House 1, there would be windows serving toilet and living room at ground floor and window serving bathroom at first floor is proposed.

Given the separation distance, drop in levels and off set forward position of House 1 and subject to condition requiring first floor bathroom window be obscure glazed, should permission be granted it is considered that there would not be any significant adverse amenity impacts upon this neighbouring property.

Other residential properties along Hemmingshaw lane and that of Arclid Hall, located to the south west, would exceed spacing standards within the SPD and would not result in any adverse residential amenity impacts as a result of the proposals.

Each dwelling would benefit from a garden of sufficient size and subject to the opposing first-floor side windows of each of the proposed dwellings being obscurely glazed to prevent loss of privacy for the future occupiers; it is not considered that the dwellings would have a detrimental impact upon each other.

The Council's Environmental Protection Team have advised that they have no objections to the development on environmental disturbance grounds (please refer to noise impacts above) subject to a number of conditions including noise attenuation measures, contaminated land restriction on soils importation and contaminated land informative.

It is considered that, subject to the above conditions, there would not be any significant adverse amenity impacts upon future residents or neighbouring properties and the proposed development would therefore accord with Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Local Plan 2011.

Jodrell Bank Radio Telescope

As the application site falls within the Jodrell Bank Radio Telescope Consultation Zone, it is subject to Policy PS10 of the Local Plan.

Policy PS10 advises that for such sites, development will not be permitted which can be shown to impair the efficiency of the Jodrell Bank Radio Telescope. It is proposed that Policy PS10 will be replaced by Policy SE14 within the emerging Cheshire East Local Plan Strategy – Submission Version. The principles of this policy broadly reflect those of Policy PS10.

The University of Manchester (who operate Jodrell Bank), have advised that the additional potential contribution to the existing level of interference coming from that direction will be relatively minor, but that this should be considered in the light of cumulative impacts. They are opposed to such development.

As such, there would be an impact upon the Telescope, and this carries some weight against the grant of planning permission. However, the impact would be 'minor' and this impact needs to be weighed in the overall balance of the application proposal.

Should the committee resolve to grant planning permission the Council will be required to give 21 days notice of the intention to do so to Manchester University, in accordance with the Jodrell Bank Directive.

For the above reasons, it is considered that the proposed development would be socially sustainable.

Other Matters

The scheme is not of a scale which requires; affordable housing, public open space, education or health contributions.

Planning Balance

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

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

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

The location of the site adjacent to an active silica sand quarry has raised issues relating to potential noise impacts on future residents and knock on effects on the future working of the quarry and protection of mineral reserves. It is considered that subject to appropriate mitigation the impact would not be considered significant

The proposal would bring positive planning benefits such as; the provision of market housing and a minor boost to the local economy.

The development would lead to a loss of Open Countryside, would not be located in a sustainable location, and would be in a location where future residents have the potential to experience adverse noise impacts due to nearby quarry operations with knock on effects on mineral reserves and economic operation of the quarry. These are adverse impacts that carry weight against the scheme.

Given that the site is enclosed on all sides by built form, it is not considered that the impact upon the landscape, and Open Countryside would not be significant in this instance. It has been demonstrated that the impacts of noise from adjacent quarry can be effectively mitigated and would not result in significant adverse impacts upon future residents or that of the viability of the quarry operations. Furthermore, such a proposal would adhere with the emerging Local Plan Policy PG5.

As such, on balance, it is considered that the development would, in the broad definition, be sustainable and would accord with relevant local plan policies of the Crewe and Nantwich Local Plan 2011, Cheshire Replacement Minerals Local Plan 1999 and guidance provided within the NPPF, and should therefore be approved.

RECOMMENDATION

APPROVE subject to the following conditions

- 1. A 21 day notice period to Jodrell Bank (Manchester University)**

And Conditions:

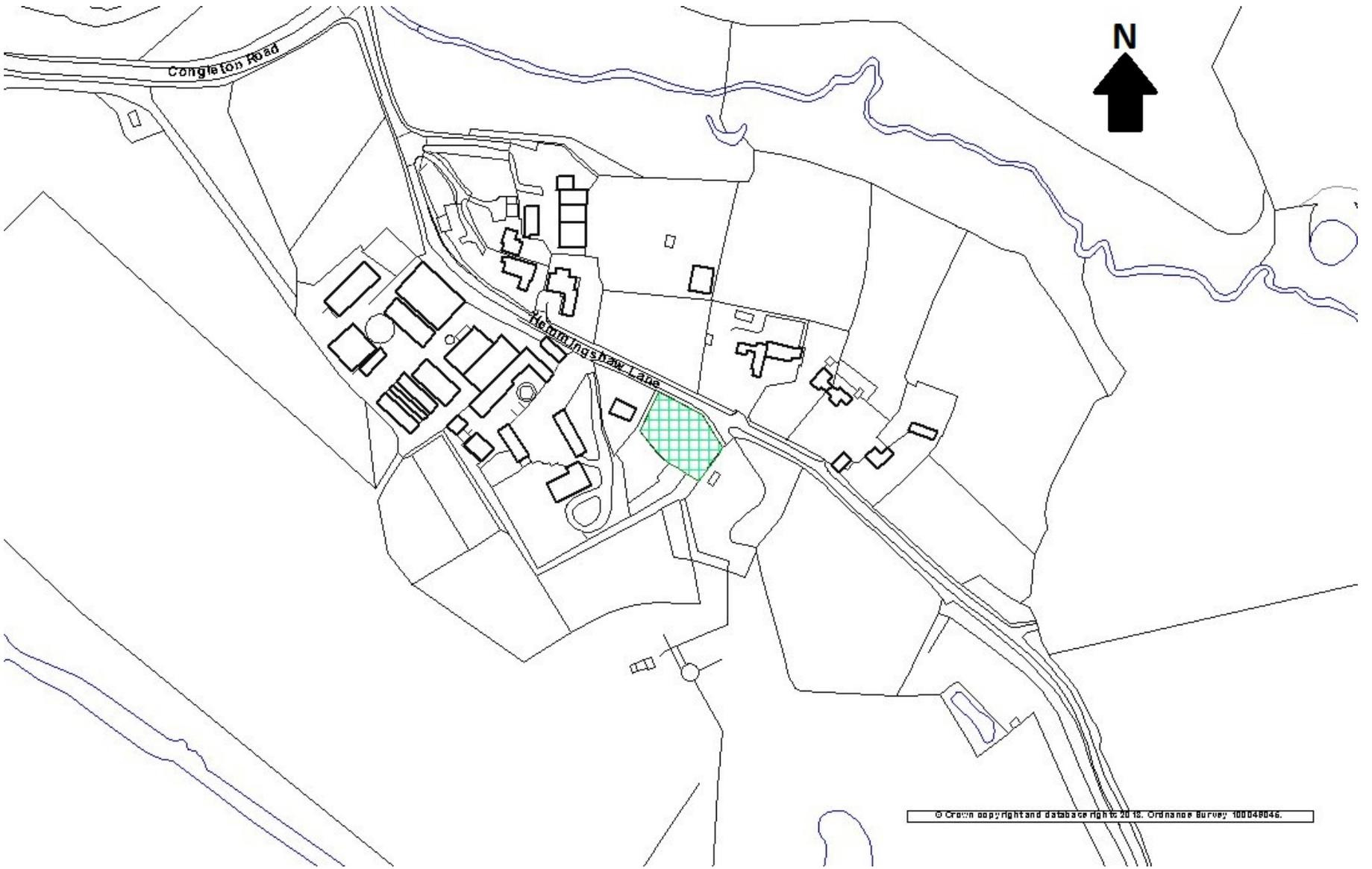
- 1. Time**
- 2. Plans**
- 3. Prior submission of material details**
- 4. Boundary treatments to be approved**

5. Noise mitigation measures
6. Contaminated land – import of soils
7. Obscure glazing

Informatives:

1. NPPF
2. Contaminated land
3. 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 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.



This page is intentionally left blank

Application No: 16/0564N

Location: 417, NEWCASTLE ROAD, SHAVINGTON, CW2 5EB

Proposal: Change of use from offices with storage areas(s)/workshop to beauty salon with sun beds and treatment rooms.

Applicant: Mrs Julie Howes

Expiry Date: 31-Mar-2016

SUMMARY – The proposal seeks permission for the change of use of an existing building to Beauty Salon.

The proposed development respects the surrounding land use, and should not have an adverse impact upon neighbouring amenity subject to the conditions proposed.

The proposed use of the building is appropriate to for the area and as conditioned should not have any increase impact on Highway safety over and above the existing situation and is therefore considered to be in keeping with Policies BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Access and Parking) the Borough of Crewe and Nantwich Replacement Local Plan 2011.

As such, the development is recommended for approval.

RECOMMENDATION

APPROVE subject to conditions

REASON FOR REFERRAL

This scale of application would usually be determined under the Council's delegated powers, however in this instance Councillor Steven Edgar has called the application into Southern Planning Committee for the following reasons.

'My reasons for requesting the application is reported to the Planning Committee is: This business is already established and operating. I believe it to be a retrospective application A business of this nature will require far more parking than is currently available. Overspill parking will be on the road which is very close to the traffic lights, double yellow lines and very busy roads.'

SITE PROPOSAL

The proposal relates to the proposed change of use of No.417 Newcastle Road, Shavington from offices with storage area and workshop to a Beauty Salon with sun beds and treatment room.

No external alterations are proposed, and therefore any external alterations or adverts required may require separate consent.

The application is part retrospective as the Beauty Salon use has commenced in part of the building.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises the former Nantwich Refrigeration Services building on the cross roads of Newcastle Road and Crewe Road, Shavington. Currently there is a Wedding Shop, Alarm Company and the Beauty Salon is currently in part of the building, with the intention of regularising this element and expanding into the Wedding shop.

RELEVANT HISTORY

P01/0285 - Change of Use from Agricultural Supplies Outlet to Workshop for Repair of Refrigeration Equipment with Ancillary Retail Use – Approved with conditions 19th June 2001

P00/1006 - Conversion of Commercial Premises to Create Six Dwellings – withdrawn 23rd January 2001

7/14906 - COU to agricultural supplies outlet – Approved with conditions 7th January 1988

7/14389 - COU alterations and extensions to form car showroom and provide 1st floor flat and office. – approved with conditions 13th August 1987

7/13839 - Conversion of garage to 2 no. houses. – Approved with conditions 22nd January 1987

7/10995 - Extension for service bay – Approved 7th June 1984

POLICIES

The policies from the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP) are:

Local Plan Policy

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

Emerging Local Plan Strategy

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
EG1 Economic Prosperity

National Planning Policy

National Planning Policy Framework

CONSIDERATIONS (External to Planning)

Environmental Protection: no objections.

Highways Authority: No objection is raised.

VIEWS OF THE PARISH / TOWN COUNCIL– Parking is a problem in the vicinity of the site and the proposed development will exacerbate this. The objections are, therefore, on the grounds of highway safety and parking.

OTHER REPRESENTATIONS

The occupier of No.1 Stock Lane has objected to the proposal. The main issues raised are;

- Proposal is retrospective
- Parking has been provided but is not being utilised properly and cars park on the pavement on Newcastle Road instead,
- Impact on highway safety
- Impact on pedestrian safety

APPLICANT'S SUPPORTING INFORMATION – None received

OFFICER APPRAISAL

Principle of Development

The application site is situated within the Shavington Village settlement boundary. The principal of some types of commercial uses within residential areas is considered acceptable. The site has been in commercial use for m, provided that the proposal will not have a detrimental impact on neighbouring amenity , highway safety or the existing streetscene, and therefore must comply with policies BE.1 (amenity), BE.2 (Design Standards) and BE.3 (Access and Parking) of the Crewe and Nantwich Replacement Local Plan.

Design

There are no design implications arising from the development as all alterations are to be internal within the unit. All signage and any further external details will either be required by condition or a further application.

Amenity

The site is situated within a largely residential area and therefore a commercial use may have some increased impact on neighbouring amenity. However the application site has been in commercial use for many years and therefore it is considered unlikely that the current proposed use will have any increased amenity impact on neighbours than that which already exists. Furthermore, the Environmental Protection department have raised no objections to the current proposal.

However, there is currently a treatment room on the first floor which was previously an office/storage room which overlooks the neighbours at No.1 Crewe Road and it is considered reasonable to require that this window is obscure glazed and none opening unless above 1.7m from the floor level of the room to safeguard the amenity of the neighbour property from over looking.

It is therefore considered that the proposed change of use is acceptable and will not have significantly detrimental impact on neighbouring amenity over and above the existing situation.

Highway safety

The existing building includes parking areas around the building which relate to the building as whole. This proposal will result in little traffic when compared to the existing land use and adequate parking provision for approximately 10 vehicles is provided. There have been no recorded traffic accidents at the site access over the last 5 years. Therefore the Strategic Highways Manager has raised no objections to the proposed change of use.

It is noted that within the objections for the proposal parking provision is raised as a concern and it would appear that the current arrangements are not clear. Therefore it is considered reasonable to condition that a parking layout is implemented on site before the full proposal is carried out.

It is therefore considered that the proposed alterations are suitable and in accordance with Highways Safety as conditioned.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development respects the surrounding land use, and should not have an adverse impact upon neighbouring amenity subject to the conditions proposed. The proposed use of the building is appropriate for the area and as conditioned should not have any increase impact on Highway safety over and above the existing situation and is therefore considered to be in keeping with Policies BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Access and Parking) the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Conditions

- 1. Standard Time**
- 2. Approved plans**

3. **Obscure glazed window at first floor facing No.1 Crewe Road**
4. **Parking Layout**



Application No: 16/1690N
Location: Vine Inn, Rope Lane, Shavington, CW2 5DT
Proposal: Variation of Condition 9 on approved planning application 14/5472N which covers delivery times associated with the store.
Applicant: ., NewRiver Retail Property Unit Trust No.4
Expiry Date: 07-Jun-2016

SUMMARY:

The site is within the settlement boundary of Shavington where there is a presumption in favour of sustainable development.

The variation would allow deliveries to take place one hour earlier from Monday to Saturday, meaning that they could take place from 7am on these days, whilst still being limited to 8am on Sundays and Public Holidays.

It is considered that because there is the potential for disturbance to neighbouring residential properties, permission should be granted for a temporary period of 12 months in order that this can be monitored.

RECOMMENDATION:

Approve with conditions

CALL IN

This application has been called into Southern Planning Committee by Councillor Steven Edgar on the following grounds:

'At the original Southern Planning meeting in June/July 2015 a condition was imposed that deliveries be made no earlier than 8am due to the close proximity of residential homes and its location on a pub car park. The landlady works regularly until 12 midnight and should not be disturbed early in the mornings.'

PROPOSAL

This is an application to vary condition 9 on application number 14/5472N. This condition reads as follows:

'Deliveries to the store shall be restricted to between the hours of 0800 hours and 2100 hours.'

The proposal is to vary those hours to:

'Deliveries to the store shall be restricted to between the hours of 0700 hours to 2100 hours Monday to Saturday and 0800 to 2100 on Sundays and Public Holidays.'

SITE DESCRIPTION

The application site comprises the existing large car park to the side of the Vine Inn public house in Shavington. To the south is the public house. To the east, residential properties on The Vineyard and to the west are bungalows.

The site is designated as being within the settlement boundary of Shavington.

RELEVANT HISTORY

14/5472N Erection of Class A1 convenience store including ATM with dedicated external servicing, refuse and plant area, associated car parking and landscaping. – Approved – 25th March 2016.

LOCAL & NATIONAL POLICY

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

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
S.8 – Existing District and Local Shopping Centres
NE.17 – Pollution Control

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

Cheshire East Local Plan Strategy Proposed Changes (Consultation Draft) March 2016 (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
EG1 Economic Prosperity

National Policy:

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

Of particular relevance is paragraph 18.

CONSULTATIONS:

Environmental Health:

Recommend allowing the extended hours for a temporary period in order to monitor the impacts.

Parish Council:

None received at the time of report writing.

REPRESENTATIONS:

At the time of report writing 3 representations have been received which can be viewed in full on the Council website. They express concerns relating delivery lorries, noise and disturbance and the change of delivery hours.

APPRAISAL

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

Principle of Development

Planning permission was granted for the store in March 2016 following the completion of a Section 106 Agreement securing the provision of £70,000 for the construction of a pedestrian crossing on Rope Lane. The principle of developing a convenience store on the site has therefore been established and cannot be re-visited with this application.

Sustainability

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

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural

resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

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

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

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

Environmental Role

Noise & Disturbance

The building will be sited to the front of the site with parking to the rear and a service yard on the corner of Rope Lane and The Vineyard and the original permission restricted delivery times to between 8am and 9pm. This proposal is to allow for deliveries between 7am and 9pm from Monday to Saturdays and 8am and 9pm on Sundays and Public Holidays.

Environmental Protection has been consulted on the application and they consider that the potential for disturbance to neighbouring residential properties is of concern. However, they have recommended that the alternative delivery hours are allowed for a period of 12 months in order that this can be monitored. It is considered that this is a reasonable course of action in this case.

Economic Role

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'

The economic benefits of the development need to be balanced against the impact upon the amenity of neighbouring properties.

The approved development will bring direct and indirect economic benefits to the area and allowing earlier deliveries would facilitate the efficient operation of the store.

Social Role

Amenity

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of

future or neighbouring occupiers, does not prejudice the safe movement of traffic and does not cause an increase in air, noise, water pollution which might have an adverse impact on the use of land for other purposes.

In addition to the environmental impact of noise there are also social implications in terms of the amenity of neighbouring properties. As discussed earlier, allowing deliveries for the extended hours for a temporary period, would allow monitoring of any potential impacts, in order that any adverse impacts on residential amenity could be rectified.

Legal Matters

The original permission is subject to the requirements of a Section 106 Agreement, requiring a highways contribution of £70,000. The nature of the clauses in the Agreement means that it can be endorsed with this planning application number and therefore the new approval would be bound by it.

Response to Objections

The representations of members of the public have been given careful consideration. The issue of noise and the earlier deliveries is addressed in the main body of this report. Having regard to highway safety and delivery vehicles, this matter was assessed and considered acceptable when the store was granted approval.

Conclusion – The Planning Balance

The site is within the settlement boundary of Shavington where there is a presumption in favour of sustainable development.

The variation would allow deliveries to take place one hour earlier from Monday to Saturday, meaning that they could take place from 7am on these days, whilst still being limited to 8am on Sundays and Public Holidays.

It is considered that because there is the potential for disturbance to neighbouring residential properties, permission should be granted for a temporary period of 12 months in order that this can be monitored.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Commencement**
- 2. Approved plans**
- 3. Materials in accordance with the details submitted with the application**
- 4. Parking provision completed and available for use prior to the store opening for business**
- 5. Submission of a details relating to any piling operations**
- 6. Submission of details relating to floor floating**
- 7. Submission of details of external lighting and CCTV equipment**
- 8. Hours of opening restricted to between 7am and 11pm**

9. Hours of deliveries to the store restricted to between 7am and 9pm Monday to Saturday and 8am to 9pm on Sundays and Public Holidays for a temporary period of 12 months
10. Submission of details of equipment with the potential to generate noise (fans/refrigeration etc)
11. Submission of drainage scheme to include the disposal of foul and surface water
12. Implementation of the landscaping proposals submitted with the application
13. Tree protection measures
14. Provision of the pedestrian crossing in accordance with the Section 106 Agreement

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 Strategic Planning Board, 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 Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.



This page is intentionally left blank