

Southern Planning Committee

Agenda

Date: Wednesday, 26th October, 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 5 - 8)

To approve the minutes of the meeting held on 28 September 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. **16/2645C Elmbank House, Lodge Road, Sandbach, Cheshire CW11 3HP: Outline application for demolition of all existing on site structures and the redevelopment of the site for 50 residential dwellings (Use Class C3) with associated landscaping and vehicular access from Lodge Road for Bruce Ledwith, Thornhill Holdings Ltd (Pages 9 - 30)**

To consider the above planning application.

6. **16/0866C The Hollies, Wesley Avenue, Sandbach, Cheshire CW11 1DQ: Construction of apartments and associated landscaping for Mr C Thompson, Revelation Properties Ltd (Pages 31 - 44)**

To consider the above planning application.

7. **16/3924C Waterworks House, Dingle Lane, Sandbach CW11 1FY: Demolition of existing two-storey dwelling, removal of water treatment storage and settlement tanks and construction of 12 two and three storey detached dwellings together with associated car parking, landscaping works and formation of new access onto Tiverton Close for Mr P Pollard, MyPad Developments Ltd (Pages 45 - 60)**

To consider the above planning application.

8. **16/1746C Land at Sunnyside Farm, Dunnocksfold Road, Alsager ST7 2TW: Residential development comprising the erection of 28 dwellings, together with replan of plots 4, 5 and 6 on planning consent 14/5548C, landscaping, access and associated works for Mr Tom Loomes, Jones Homes (North West) Limited (Pages 61 - 82)**

To consider the above planning application.

9. **16/2737C Land at Dunster Lodge, Brookhouse Road, Alsager: Outline application for the erection of one dwellinghouse in garden of Dunster Lodge, Brookhouse Road, providing access on to Cedar Avenue for Ms Christine Dyson (Pages 83 - 94)**

To consider the above planning application.

10. **16/2738C Land at Greenfields, Cedar Avenue, Alsager, Stoke-On-Trent, Cheshire ST7 2PH: Outline application for dwelling in garden of Greenfields for Mr & Mrs Smith (Pages 95 - 106)**

To consider the above planning application.

11. **16/3732C Heathend Farm, Hassall Road, Alsager ST7 2SJ: Demolition of the existing Farm House, Garage & Stables and Proposed 5 Number 5 Bedroom Dwellings with Detached Garages all on the land at Heathend Farm for Bruce Davies (Pages 107 - 118)**

To consider the above planning application.

12. **16/1940N Land To The Rear Of And Includ, 481, Crewe Road, Winterley: Outline Planning Application for Proposed Residential Development of 12 Number Dwellings on the land to the rear and including 481 Crewe Road Winterley Cheshire CW11 4RF Including the Demolition of 481 Crewe Road and alterations to the existing Road Access for Mr John Pass (Pages 119 - 134)**

To consider the above planning application.

13. **16/0762N Former Edleston Road Primary School, Edleston Road, Crewe, Cheshire CW2 7HB: Demolition of existing buildings and the development of a mix of 46 no. one and two bed apartments and ancillary works for Bourne Housing Limited (Pages 135 - 150)**

To consider the above planning application.

14. **16/3433N Grand Junction Way, Crewe, Cheshire: Demolition of an existing building, part demolition of the former pet hire building, erection of a retail unit (Class A1) measuring 1,207 sq.m. (GIA), alterations to access road, service area and car park layout for Triton Property Fund (Pages 151 - 164)**

To consider the above planning application.

15. **16/4532N 2, Market Street, Crewe CW1 2EQ: Elevation Alterations and Change of use from Disused Bank to Self Contained A2 Estate Agency and Large House of Multiple Occupation for 7 persons for Mr Evans (Pages 165 - 172)**

To consider the above planning application.

16. **16/2372N Land At Bunbury Heath, Whitchurch Road, Bunbury: Outline planning for residential development of 2 houses for Ms Redmond, Peckforton Estate** (Pages 173 - 186)

To consider the above planning application.

17. **16/3153N Greenfields, Holmshaw Lane, Oakhanger, Crewe, Cheshire CW1 5XE: Outline application for two four bedroom, twin bathroom detached houses for Anthony Lloyd-Weston** (Pages 187 - 198)

To consider the above planning application.

18. **16/3456N Ivy House Farm, Longhill Lane, Hankelow, Cheshire CW3 0JQ: Outline Application for the demolition of existing dwelling and commercial Buildings. Erection of five detached dwelling, access and associated works for Mr & Mrs Huddart** (Pages 199 - 214)

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 28th September, 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, D Bebbington, P Butterill, J Clowes, W S Davies,
S Edgar, A Kolker, J Rhodes, B Roberts and B Walmsley

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors J Hammond and D Marren.

OFFICERS PRESENT

Daniel Evans (Principal Planning Officer)
Patricia Evans (Senior Planning and Highways Lawyer)
Andrew Goligher (Principal Development Control Officer – Highways)
Richard Taylor (Principal Planning Officer)
Diane Moulson (Democratic Services Officer)

54 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

Councillor S Edgar declared that he had a personal interest with regard to application 16/1987N as he was a resident of Weston. He would exercise his separate speaking right as a member of the public but would not take part in the debate nor vote.

With regard to application number 16/1987N, Councillor J Clowes declared that she was the ward councillor who had called in the application but had kept an open mind and had not taken part in any discussions regarding the matter.

With regard to application number 16/2158N, Councillor J Rhodes declared that the application site was in her ward but that she had kept an open mind.

With regard to application number 16/3387N, Councillor J Hammond, who was in attendance at the meeting, declared that he was a member of Haslington Parish Council and a director of ANSA, both of which had been consulted on the application but he had made no comment.

55 MINUTES OF PREVIOUS MEETING

RESOLVED –That the minutes of the meeting held on 31 August 2016 be approved as a correct record and signed by the Vice Chairman.

56 16/1987N BASFORD OLD CREAMERY, NEWCASTLE ROAD, CHORLTON CW2 5NQ: NEW INDUSTRIAL BUILDING REPLACING EXISTING BUILDINGS, RETAINING B1, B2 AND B8 CLASSIFICATIONS FOR TOTAL CONCRETE PRODUCTS LTD

Note: Having exercised his public speaking rights as an objector to the application; Councillor S Edgar withdrew from the meeting for the duration of the Committee's consideration of the application.

Note: Parish Councillor P Grant (on behalf of Weston and Basford Parish Council), Parish Councillor A Broome (on behalf of Hough and Chorlton Parish Council) and Mr B Wood (on behalf of the applicant), attended the meeting and addressed the Committee on this matter.

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

RESOLVED: That the application be DEFERRED for the following:

- A site visit to enable members to evaluate the effectiveness of the noise mitigation measures
- Further information on landscaping details for the site
- A swept path analysis for the access to be provided by the Highways Department
- Further clarification regarding car parking details within the site
- Details of the noise mitigation measures for the northern and eastern boundaries to be provided
- To allow an Environmental Health officer to attend the meeting when the application is reconsidered

Note: At the conclusion of the item, Councillor Edgar re-joined the meeting.

57 16/3387N LAND SOUTH OF HASSALL ROAD, WINTERLEY: OUTLINE APPLICATION FOR THE ERECTION OF 29 DWELLINGS WITH ASSOCIATED WORKS. (RE-SUBMISSION OF 15/2844N) FOR HIMOR (LAND) LIMITED

Note: Councillor J Hammond (Ward Councillor), Dr S Carrington and Ms L Richardson (objectors) and Mr J Coxon (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: That, contrary to the planning officer's recommendation, the application be REFUSED for the following reasons:

1 The proposed development is located within open countryside and would have a severe adverse impact upon Hassall Road, Pool Lane and Coppice Road due to the sub-standard nature of these highways routes. As a result, the development would not achieve a safe and suitable access to the site for all people and this would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policies BE.3, TRAN.1 and TRAN.3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework (paragraph 32).

2 This application, when taken cumulatively with other approved developments within Winterley since the Inspector's appeal decision regarding application 14/3962N would exceed the spatial distribution for Winterley and further housing in Winterley is no longer considered to be sustainable. As a result, the proposed development would be contrary to Policies PG2 and PG6 of the Cheshire East Local Plan Strategy – Submission Version.

58 16/2158N VALLEY HOUSE, 11, WALTHALL STREET, CREWE CW2 7JZ: PROPOSED CONSTRUCTION OF APARTMENTS FOR DR D FYLES

Note: At 12.25pm, the Committee adjourned for a short comfort break; the meeting reconvening at 12.35pm.

Note: Mr G Allen (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: That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason

The proposals are of a layout and design which would represent an overdevelopment of the site and fails to achieve a high standard of design or acceptable level of amenity for existing and future occupants of the scheme, including the provision of inadequate outdoor amenity space and habitable rooms within apartments within the roof space only served by roof lights. The proposals are therefore in conflict with the provisions of Policies BE.1 and BE.2 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

59 16/2648N 5, COPPICE ROAD, WINTERLEY CW11 4RN: PROPOSED RESIDENTIAL DEVELOPMENT OF THREE DETACHED DWELLINGS AND EXTENSION TO EXISTING DWELLING FOR THE ESTATE OF MISS M J SWAIN

Note: Councillor D Marren (Ward Councillor) and Mr M Greenwood (the applicant's agent) attended the meeting and addressed the Committee on this matter.

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

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

- 1 Time (3 years)
- 2 Plans
- 3 Materials as per application
- 4 Scheme of landscaping
- 5 Removal of permitted development rights A-E
- 6 Tree protection
- 7 No dig construction
- 8 Bin storage/collection
- 9 Boundary treatments
- 10 Levels
- 11 Nesting birds
- 12 Drainage scheme
- 13 External lighting
- 14 Dust control
- 15 Piling
- 16 Contaminated land

Informatives:

- 1 NPPF
- 2 Hours of construction

60 APPLICATION WITHDRAWN 16/2740N LAND OFF CLOSE LANE, ALSAGER: FULL PLANNING APPLICATION FOR THE PROPOSAL OF 21 DWELLINGS (PHASE 2), A MIXED RESIDENTIAL SCHEME TO PROVIDE AFFORDABLE AND OPEN MARKET DWELLINGS ON LAND TO THE WEST OF CLOSE LANE, ALSAGER FOR BEN SUTTON, STEWART MILNE HOMES

This application was not considered as it had been withdrawn from the agenda.

The meeting commenced at 10.00 am and concluded at 1.45 pm

Councillor G Merry (Chairman)

Application No: 16/2645C

Location: ELMBANK HOUSE, LODGE ROAD, SANDBACH, CHESHIRE, CW11 3HP

Proposal: Outline application for demolition of all existing on site structures and the redevelopment of the site for 50 residential dwellings (Use Class C3) with associated landscaping and vehicular access from Lodge Road

Applicant: Bruce Ledwith, Thornhill Holdings Ltd

Expiry Date: 01-Sep-2016

SUMMARY

Policy PC3 of the Sandbach Neighbourhood Plan (SNP) states that new development (including housing) will be supported in principle within the policy boundary (Sandbach), within which the application site falls.

The application site also lies within the Sandbach settlement boundary as defined by the Local Plan where Policy PS4 advises that within settlement boundaries, there is a general presumption in favour of development provided it is in keeping with the towns scale and character and does not conflict with other policies of the Local Plan.

Policy H4 of the Local Plan generally permits housing in settlement boundaries provided that such a development adhere with all other local plan policies.

Although the development would result in the loss of an employment site, the site has been marketed unsuccessfully for continued commercial use. Furthermore, it has been accepted within the recent Cheshire East Council Employment Land Review, that the site is expected to be subject to a change of use. In conjunction with the planning benefits in terms of the provision of further housing in a sustainable location, it is considered that residential use would be an acceptable alternative.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location, the provision of affordable dwellings, the provision of a commuted sum for the improvement of off-site public open space, an education contribution and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

The dis-benefits of the scheme include the loss of an employment site.

In this instance, it is considered that the benefits of the scheme outweigh the dis-benefits and as such, the application is recommended for approval.

RECOMMENDATION

APPROVE subject to S106 Agreement to secure on-site Affordable Housing and an Education and Open Space contribution and conditions

REASON FOR REFERRAL

The application is referred to Southern Planning Committee as it proposes residential development of over 20 units.

PROPOSAL

Outline planning permission is sought for the erection of up to 50 dwellings and matters of Access.

Matters of Layout, Scale, Appearance, Landscaping are not sought for approval at this stage and would be subject Reserved Matters applications.

A revised indicative layout has been submitted during the course of the application, reducing the overall numbers proposed from 56 to 50.

SITE DESCRIPTION

The application site lies to the north of Lodge Road within the Sandbach Settlement boundary.

The application site as a whole extends approximately 1.76 hectares and is currently occupied by approximately 55,500 square foot of storage and distribution industrial development.

The application site also falls within a Brine Consultation Area.

RELEVANT HISTORY

09/3434C - Proposed Temporary Warehouse – Approved 24th March 2010

30464/3 - Change Of Use Of Existing Derelict Garage To A Plant Producing Pilot & Small Batch Chemicals - Requiring Renovation Of And Alterations To Garage – Withdrawn 5th March 1999

28291/3 - Proposed Change Of Use Of Existing Warehouse And Distribution Depot Into New Head Office For Pulse Fitness Plc For The Purpose Of Manufacture And Offices – Approved 13th August 1996

22132/3 - Storage of Metal Drums - Wooden Construction – Approved 1st May 1990

22116/3 - Office Area – Approved 1st May 1990

21900/3 - Proposed Warehouse with Double Pitched Roof – Withdrawn 25th May 1990

21115/3 - Single Storey Office Building with Pitched Roof – Approved 20th June 1989

20470/3 - Car Park – Approved 14th February 1989

19948/3 - Change of Use To Contract Packing And Filling Of Liquids And Powders – Withdrawn 2nd August 1988

15303/3 - Alterations To Loading Doors At Existing Warehouse – Approved 1st September 1983

14754/3 - Installation Of Sprinkler Water Storage Tank And Adjacent Pump Housing – Approved 23rd March 1983

11546/3 - Single Storey Fork Lift Truck Charging Bay And Boiler Room Extension – Approved 17th July 1980

10123/3 - Internal Extension To Ground And First Floor Office Accommodation – Approved 23rd October 1979

4029/3 - Modification Of Existing Warehouse And Office Building To Allow For 40% Retail Sales Area For Consumer Durables

NATIONAL & LOCAL POLICY

Sandbach Neighbourhood Plan (SNP)

The Sandbach Neighbourhood Plan has been 'made' on 12th April 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:

PC3 (Policy Boundary for Sandbach), PC4 (Biodiversity and Geodiversity), PC5 (Footpaths and Cycleways), H1 (Housing growth), H2 (Design & Layout), H3 (Housing mix and type), H4 (Housing and an Ageing Population) and H5 (Preferred Locations), IFT1 (Sustainable Transport, Safety and Accessibility), IFT (Parking), IFC1 (Community Infrastructure Levy), CW1 (Amenity, Play, Recreation and Outdoor Sports Facilities), CW3 (Health) and CC1 (Adapting to Climate Change)

Congleton Borough Local Plan

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

The relevant Saved Policies are;

PS4 – Towns, GR1 – New Development, GR2 – Design, GR4 and GR5 – Landscaping, GR6 - Amenities and Health, GR9 - Highways & Parking, GR20 – Public Utilities, GR21 – Flood Prevention, GR22 – Open Space Provision, NR1 – Trees and Woodlands, NR2 – Wildlife and Nature Conservation – Statutory Sites, NR3 – Habitats, E10 – Re-use or Re-development of Existing Employment Sites, H1 – Provision of New Housing Development and H4 – Residential Development in Towns

Emerging Cheshire East Local Plan Strategy

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

Policy SD1 - Sustainable Development in Cheshire East, Policy SD2 - Sustainable Development Principles, Policy SE1 - Design, Policy SE2 - Efficient Use of Land, Policy SE3 - Biodiversity and Geodiversity, Policy SE4 - The Landscape, Policy SE5 - Trees, Hedgerows and Woodland, Policy SE9 - Energy Efficient Development, Policy SE12 - Pollution, Land Contamination and Land Instability, Policy IN1 - Infrastructure, Policy IN2 - Developer Contributions, Policy PG1 - Overall Development Strategy, Policy PG2 - Settlement Hierarchy and Policy SC4 - Residential Mix

Cheshire East Council - Employment Land Review

National Policy

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

14 - Presumption in favour of sustainable development, 17 – Core planning principles, 47-50 - Wide choice of quality homes, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

Supplementary Planning Documents:

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

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections, subject to the prior submission/approval of a Construction Management Plan

Cheshire Brine Board – No objections, subject to the submission of a ground dissolution/brine extraction related risk assessment and proposals regarding suitable foundations designed to overcome the potential effects of brine pumping related subsidence

Environment Agency – No objections

Housing (Cheshire East Council) – No objections as policy required 30% on-site affordable housing is proposed

Flood Risk Manager (Cheshire East Council) – No objections, subject to conditions including; the prior submission/approval of a surface water drainage strategy; the prior submission/approval of storm period and intensity details and mitigation

Education (Cheshire East Council) – No objections, subject to the provision of £130,741.52 towards secondary school education provision

Environmental Protection (Cheshire East Council) – No objections, subject to a number of conditions including; the submission of a detailed acoustic mitigation scheme and updated acoustic report with the first reserved matters; that the agreed acoustic mitigation scheme includes a detailed site layout and specific mitigation for each property; that the agreed scheme be implemented in full, prior to the occupation of any unit requiring acoustic mitigation; the prior submission/approval of an Environmental Management Plan; that details of electric vehicle charging provision for each property be submitted with the first reserved matters; the prior submission/approval of a Residents Travel Information Pack; the prior submission/approval of a contaminated land report; the prior submission/approval of a soil verification report for imported material and that works should stop if contamination is found during development.

ANSA Greenspace (Cheshire East Council) – No objections, subject to a commuted sum to secure £6,339.60 for the upgrading of the Thornbrook Way site's Amenity Green Space and £14,190.00 for its maintenance. In addition a contribution of £10,988.40 is sought for the upgrade of the Thornbrook Way Play area and £35,820.00 for its maintenance.

United Utilities – No objections, subject to conditions including; that foul and surface water be drained on separate systems; the prior submission/approval of a surface water drainage scheme; the prior submission/approval of a sustainable drainage management and maintenance plan.

It is also noted that a public sewer crosses the site, therefore UU may not permit building over it.

Countryside and Rights of Way (Cheshire East Council) - No objections, subject to a condition that a scheme of signage for pedestrians and cyclists be submitted to and approved in writing by the LPA

Ramblers Association - No comments received at time of report

Sandbach Town Council – Object to the proposal on the following grounds

- The site is designated employment land
- No affordable housing within the proposal
- Site exits onto an already busy and dangerous junction
- The site is not included in the Sandbach Neighbourhood Development Plan

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected and the application was advertised in the local newspaper. In response, 4 letters of objection have been received from neighbouring premises. The main areas of objection include;

- Principle – mixing residential development with industrial
- Loss of employment land
- Impact upon local infrastructure – e.g. Schools

- Highway safety / parking
- Amenity – noise, loss of privacy

APPRAISAL

The key issues are:

- Principle of the development
- The sustainability of the proposal considering the Environmental, economic and social role of the development
- Planning Balance

Principle of development

As the site falls within the Sandbach Settlement Boundary, the proposal is subject to Policy PS4 of the local plan and Policy PC3 of the SNP. Policy PS4 advises that within settlement boundaries, there is a general presumption in favour of development provided it is in keeping with the towns scale and character and does not conflict with other policies of the Local Plan.

Policy PC3 of the Sandbach Neighbourhood Plan (SNP) states that new development (including housing) will be supported in principle within the policy boundary (Sandbach), within which the application site falls.

New dwellings

For the erection of new dwellings on site, Policy H4 is the relevant principal policy to assess residential development.

Policy H4 advises that proposals for residential development within towns shall only be permitted if a number of criteria are adhered to including;

- The proposal does not utilise a site which is allocated or committed for any other purpose in the local plan;
- That the development is of an acceptable design
- The proposal accords with other relevant local plan policies
- The proposal does not detrimentally impact housing land supply totals

In response to the above, the site is not allocated for committed for any other purpose in the local plan and would not have a detrimental impact upon Housing Land Supply totals as detailed in the below section. As such, subject to the development being of an appropriate design and adhering with all other relevant local plan policies, the principle of the development is considered to be acceptable.

Policy H1 of the Sandbach NP refers to housing growth. It is advised that future housing growth to meet the needs established in the emerging Cheshire East Local Plan will be delivered through existing commitments, sites identified in the Cheshire East Local Plan and windfalls.

In response, the site was not considered for housing as part of the emerging Local Plan because it was not of a size large enough for consideration. However, it has been identified within the

Cheshire East Council Employment Land Review document which forms part of the evidence base for the emerging Cheshire East Local Plan, that the site has potential for a change of use. On page E2-86 of this document, it is further stated that *'There are residential areas to the south and north and it would be expected that there will be a change of use over the plan period.'*

Policy H5 of the Sandbach NP refers to preferred locations for residential development. It states that certain types of development will be supported within the Policy Boundary defined in Policy PC3 (within which the application site lies). These types of development include;

- Housing infill development
- The conversion of existing buildings to residential use
- Self-build projects
- Co-housing
- The subdivision or amalgamation of existing residential units with suitable space
- Residential use of accommodation above retail premises.
- Development for older people within the town centre or;
- Redevelopment of Brownfield land

The application proposal comprises of the redevelopment of brownfield land and as such, is considered to adhere to Policy H5 of the Sandbach NP.

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' 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 'Sedgpool' 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.

Loss of commercial site

Policy E10 of the Local Plan refers to the re-use or re-development of existing employment sites.

Policy E10 advises that development for non-employment purposes on such sites shall only be permitted if it can be shown that the site is no longer suitable for employment purposes or there would be substantial planning benefits in permitting alternative uses which would outweigh the loss of the site.

The application site currently comprises of a warehouse and office facility with associated hardstanding.

The application is supported by a Planning Statement and Marketing Report. The key points raised in this report include;

- Location of the site is not considered to be as suitable for employment as Crewe, Winsford and Middlewich
- Proximity of the site to residential properties constrains the use
- Poor condition of the existing building to meet modern requirements and the split levels of the site
- That the site has been identified in the Council's Employment Land Review 2012 as having potential for a Change of Use of the Plan period (2010-2030)
- Site has been marketed for in excess of 12 months using; site boards, marketing brochures, direct mailing and online publications. Interest has been expressed but a commercial user has not been able to be secured. The reason put forward being that there are other more preferable sites and the re-use of the existing site would not be viable
- Site is shortly to become vacant and as such deteriorate
- The proposed development would improve the environmental conditions of the site through good design, green space and public realm

It should be noted that although the application site is currently used for employment purposes, it is not a formerly committed/designated employment site within the Local Plan.

The Council's Regeneration Officer has advised that sites of the type and size of the application proposal need to be retained for employment use. However, the Officer then goes on to refer to the importance of 'designated' employment sites, which the application site is not.

Furthermore, within the Cheshire East Council Employment Land Review document which forms part of the evidence base for the emerging Cheshire East Local Plan, it has been concluded that the site has potential for a change of use. On page E2-86 of this document, it is further stated that *'There are residential areas to the south and north and it would be expected that there will be a change of use over the plan period.'*

As a result of the above reasons and justification, it is accepted that the site is no longer suitable for employment purposes, primarily due to its location and the cost to upgrade the existing facilities. Furthermore, the benefits of permitting an alternative use on this site, specifically a residential use, given the council's 5-year housing land supply position is considered to carry significant weight.

Paragraph 51 of the NPPF states that planning *'...should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.'*

The other merits of the proposed are considered by the scheme's sustainability which is considered below.

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 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

Locational Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

Due to the siting of the application site within the Sandbach Settlement Boundary, it is considered that the site is within an appropriate distance to sufficient public facilities such as schools, shops, doctors etc for the site to be locationally sustainable.

Landscape

This is an outline application for the demolition of all existing structures on site and the redevelopment of the site for residential dwellings. The application site is located towards the south eastern part of Elworth, to the west of Sandbach and is currently a storage and distribution site with associated buildings and parking. The application as revised indicates that the proposal is for 50 dwellings.

The application site is located along the eastern side of Lodge Road, to the north are residential properties located along Abbey Road, to the west are a number of industrial buildings. Lodge Road is a cul-de-sac.

If the application is recommended for approval, the Council's Principal Landscape Officer has advised that appropriate landscape conditions be included to ensure the following information is submitted at the reserved matters stage for approval prior to the commencement of the development:

'A detailed landscape masterplan which should include some planting between the development and the industrial estate to screen or filter views, as well as full hard and soft landscape details and boundary treatments.'

Ecology

The application is supported by an Ecological assessment.

This assessment identified that an active 'other protected species' sett is present on site. The Council's Nature Conservation Officer has subsequently advised that appropriate mitigation measures, including the closing down the sett, will have to be completed under a Natural England licence.

The Council's Nature Conservation Officer further advises that with a redevelopment of this scale, a commitment to environmental enhancements, as outlined in the support ecology report, is required.

As such, subject to a condition requiring the prior submission/approval of a detailed Badger Mitigation Statement and a detailed Ecological Enhancements Statement, no objections on ecology grounds are raised.

Trees

The application is supported by an Arboricultural Statement (Ref CW/8067-AS) dated 21st April 2016 by Cheshire Woodlands Arboricultural Consultancy. 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.

The development proposals identify the removal of four groups (G1 – G4) and three Areas (A1 – A3) trees, all have been categorised as low quality specimens. The Council's Tree Officer has advised that she would concur with these designations and not considered worthy of formal protection.

The Council's Tree Officer has advised that a high quality off site tree (T1) and the two moderate value trees (T2 & T3) located within the north east corner of the site can all be retained and protected in accordance with current best practice BS5837:2012. A limited amount of construction works are proposed within RPAs but these are achievable without detrimentally impacting on the retained tree presence.

The Council's Tree Officer has advised that light attenuation should not be a significant factor with the proposed development area located to the south of the retained trees.

The Council's Tree Officer has concluded that should the application be approved, conditions requiring that the reserved matters be supported by a Tree Protection Scheme and a detailed Arboricultural method statement which accords with the requirements of BS5837:2012, should be secured.

Design

Policy GR2 of the Local Plan states that the proposal should be sympathetic to the character, appearance and form of the site and the surrounding area in terms of: The height, scale, form and grouping of the building, choice of materials and external design features.

Policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version, largely reflect the Local Plan policy.

The revised indicative layout plan demonstrates that the proposed 50 new dwellings would be accessed off a new access point towards the centre of the site from Lodge Road to the southwest.

The plan shows that this access road would extend directly to the rear of the site and then split off into 2 roads, one extending to the northwest and the other to the southeast, both along the rear boundary of the site. A further 4 roads would subsequently extend back 90 degrees back towards Lodge Road ending in turning heads.

The scheme demonstrates that 20 of the dwellings would front Lodge Road and have gardens to the rear. The majority of the remaining properties would be arranged in a grid system to the rear of these.

The Council's Urban Design Officer considered the original indicative layout submitted with the application, which showed the provision of 56 dwellings, and raised the following concerns;

- *'There should be interface with the site to the north (this is presently at appeal) and should that be approved, the scheme needs to ensure connectivity between the sites*
- *The over formality of the street arrangement and some concern about the overall number of units and whether this density of development is appropriate. Parts of the scheme could have reduced formality in the street design to give the development a slightly less engineered feel – this relates to geometry, dimensions, character and materiality*
- *Whilst employment development lies to the south and there are proposals for housing to the north, the development should be of a character that reflects the context, an element of which is that this site once formed part of the Abbeyfields historic park/garden. Abbeyfields itself is listed grade 2 and lies to the east. The development therefore needs to be responsive both in terms of density but also character, particularly the northern and eastern edges of the site.*
- *The landscape along the edges of the site will be important and the development should for the most part be outward looking, meaning that boundary landscape should largely be in publicly accessible areas and help to both soften the edge of the development but also ease the relationship between housing and the employment development to the south of the site.*
- *Interface with Lodge Road - some housing backs onto the cul-de-sac of Lodge Road. Housing should address street frontages unless there are very sound reasons not to. I'm not convinced that there is that sort of justification here.'*

In response to these comments, in conjunction with comments raised by the Council's Environmental Protection Officer, the applicant revised the scheme in order to demonstrate that they could indeed, accommodate a certain number of dwellings on the application site in an acceptable design.

As part of this revised, the applicant reduced the overall proposed number to 50 from 56.

In response to the revisions, the Council's Urban Design Officer advised the reduction in the proposed numbers helps to bring the density down to a level comparable to that for the land to the north and currently under appeal.

He still does not consider that the layout is particularly appropriate in this context and advises it should be made clear that this layout would not be supported at reserved matters stage, but it is acknowledged that the application is outline and is satisfied that a housing scheme of the density sought can be developed on the site to an acceptable design. This is also in consideration of the design impacts the noise mitigation will have as considered in the amenity section of this report.

Although no aspects of the design are sought for approval at this stage, it is considered that the site is large enough to accommodate a scheme for 50 dwellings of an acceptable design. Therefore the proposal is considered to adhere with Policy H2 of the SNP, policy GR2 of the Local Plan and policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version.

Access

The application is supported by a Transport Statement (TS).

The vehicle access into the site is currently via Lodge Road and will be relocated further east along Lodge Rd. The Council's Head of Strategic Infrastructure (HSI) has advised that the proposed vehicle access and footways into the site are in accordance with standards and therefore adequate. It is also advised that visibility onto Lodge Rd is also sufficient.

The HSI has advised that the scheme is in a sustainable location in that footway access is available to the wider Sandbach area and to bus stops and railway station.

It is further advised that the net increase in traffic that would be generated from the proposal, over the existing use, would be minimal and the traffic impact of the proposal is therefore considered negligible.

As a result of the above reasons, no objections are raised subject to the prior submission/approval of a Construction Management Plan.

Flood Risk and Drainage

The application site is located in Flood Zone 1. However, the Council's Flood Risk Manager has advised that there is also an amount of surface water risk to the east of the proposed development (topographic low spots) indicated by the Environmental Agency's (EA) mapping system. As such, the risk of flooding from this source will need to be appropriately mitigated and accessed before development can commence on site and shown in the appropriate documents submitted.

The Council's Flood Risk Manager has advised that subject to conditions, the flood risk can be mitigated. These conditions include; the prior submission/approval of a surface water drainage strategy; the prior submission/approval of storm period and intensity details and mitigation.

The Environment Agency raise no objections.

As such, it is not considered that the proposed development would create any significant flooding concerns and would adhere with Policy GR21 of the Local Plan.

With regards to drainage, United Utilities have advised that they have no objections, subject to conditions including; that foul and surface water be drained on separate systems; the prior submission/approval of a surface water drainage scheme; the prior submission/approval of a sustainable drainage management and maintenance plan.

It is also noted that a public sewer crosses the site, therefore UU may not permit building over it, even if planning permission is approved.

As such, subject to the proposed conditions, it is not considered that the proposed development would create any significant drainage concerns and would adhere with Policy GR20 of the Local Plan.

Environmental Conclusion

The proposed revised indicative layout indicates that a housing development of 50 dwellings could be developed on the application site which would largely reflect the nearby residential density. Although the indicative layout proposed is not supported in urban design terms, it is accepted that a suitable scheme could be achieved at reserved matters stage.

No significant issues with regards to; landscape, trees, ecology, access, flooding and drainage would be created, subject to conditions where deemed necessary.

As a result of the above reasons, it is considered that the proposed development would not 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 and facilities 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 the loss of the employment site would be an economic dis-benefit, as it has been demonstrated that there is no viable prospect for this site to be re-used for such purposes, this economic dis-benefit is afforded minor weight.

As such, it is considered that the proposed development would be economically sustainable, predominantly during the construction period.

Social Role

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

Affordable Housing

The Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we 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 larger than 0.4 hectares in size. The 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 50 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 17 dwellings to be provided as affordable dwellings. 11 units should be provided as Affordable rent and 8 units as Intermediate tenure.

The SHMA 2013 shows a need for 94 new dwellings per annum in Sandbach. The requirement is broken down as 18 x 1 bed, 33 x 2 bed, 18 x 3 bed, 9 x 4+ bed, 11 x 1 bed older persons and 5 x 2 bed older persons bedroom dwellings.

There are 281 applicants on Cheshire Homechoice who have selected Sandbach as their first choice area. These applicants require 107 x 1 bed, 110 x 2 bed, 60 x 3 bed and 14 x 4 bed dwellings.

The applicant has advised that they are willing to provide this policy required provision. As such, the Council's Housing Officer has advised that he has no objections, subject to the detail being agreed as part of a S106 Agreement.

Education

The Local Plan is expected to deliver 36,000 houses in Cheshire East; which is expected to create an additional 6,840 primary aged children and 5,400 secondary aged children. 422 children within this forecast are expected to have a special educational need.

Not including the current planning application registered on Elmbank House (16/2645C), there are 9 further registered and undetermined planning applications in Sandbach generating an additional 91 primary children and 70 secondary children.

The development of 50 dwellings is expected to generate:

10 primary children (50 x 0.19)

8 secondary children (50 x 0.15)

0 SEN children (56 x 0.51 x 0.023%)

The Council's Education Officer has advised that the development is expected to impact on secondary 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.

The development is not expected to impact primary or SEN provision.

To alleviate forecast pressures, the Council's Education Officer has advised that the following contributions would be required:

$8 \times \text{£}17,959 \times 0.91 = \text{£}130,741.52$ (secondary)

Total education contribution: $\text{£}130,741.52$

Public Open Space

Policy GR22 of the Congleton Borough Local Plan advises that where residential planning permission is granted, it will be a requirement that provision be made for public open space of an extent, quality, design and location in accordance with the Council's currently adopted standards.

Supplementary Planning Guidance Note 1: Provision of Public Open Space in New Residential Development advises that there will be a required provision for developments of 7 dwellings or more.

The Council's Public Open Space Officer has advised that the revised indicative site layout plan does not show any Amenity Greenspace (AGS). There is both a deficit in play provision and AGS in the area therefore based on policy a minimum of 1,200sqm should be provided on site. This is based on 2.4 persons per dwelling in the absence of a housing schedule.

As no AGS is not provided on site, then to increase the footfall by increasing/upgrading paths at Thornbrook Way, the Council would require;

$\text{£}6,339.60$ - Enhancement

$\text{£}14,190.00$ - Maintenance

As there is a deficit in the area of Children's and Young Persons Play Provision (CYPP), policy requires a LEAP provision (50 – 74 dwellings) with a minimum area of 400sqm. As this is on the trigger for a LEAP and a small development, it is accepted that this may not be achievable. If a LEAP is not provided on site then the Council's Open Space Officer has advised that the Council would look to upgrade Thornbrook Way play area to increase the capacity for this development.

The enhancement would be to incorporate DDA inclusive equipment.

$\text{£}10,988.40$ - Enhancement

$\text{£}35,820.00$ - Maintenance

Subject to the above being secured, it is considered that the POS provision would be acceptable. It is expected that the above would be secured via a S106 contribution.

Residential 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 via 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. It states that 21.3 metres should be maintained between 2 principal elevations and 13.8 metres should be allowed between a principal and flank elevation.

The closest residential properties to the application site are the occupiers of No.1 Lodge Road and No's; 129, 131, 133, 135, 137 and 139 Abbey Road, all located to the west of the application site.

The revised indicative layout plan (Ref: 14068 (PL) 001 A) suggests that the closest of the proposed properties on the site would be the dwellings proposed on plots 26-29 and plots 38 and 39.

The indicative layout plan indicates that the properties on plots 26-29 would be over the minimum recommended 21.3 metre separation standard from the closest properties on Abbey Road.

The corner of the dwelling proposed on Plot 39 would be approximately 8 metres away from the side/rear corner of No.1 Lodge Road. Due to the offset relationship between this existing and proposed unit, if this dwelling is constructed where suggested on the indicative layout plan, it is not considered that any significant issues with regards to loss of privacy, light or visual intrusion would be created for the occupiers of No.1 Lodge Road.

The side elevation of the dwelling proposed on plot 38 is indicated to be approximately 18.5 metres away from the rear elevation of No.1 Lodge Road.

This distance would adhere with the 13.8 metre standard, which would eliminate any significant issues for the occupiers of this closest neighbour with regards to loss of privacy light or visual intrusion.

With regards to the relationships between the proposed dwellings themselves, a definitive conclusion cannot be made on these grounds as layout is not sought for approval as part of this application. However, the indicative layout does demonstrate that 50 dwellings could be accommodated within the application site whilst largely adhering to these minimum standards.

In addition, it is considered that sufficient private amenity space would be provided for each unit.

Noise, air pollution odour, contaminated land

Noise is a particular concern for Environmental Protection. In essence, they have advised that it needs to be clear that at the reserved matters stage, the layout and orientation of dwellings will

be crucial to making the development acceptable from a noise perspective from the commercial development on the opposite side of Lodge Road.

To elaborate, the Environmental Protection Officer (EPO) has advised that the dwellings on the Lodge Road frontage would be needed to be carefully designed so they screen noise from the private rear gardens.

In addition, the house types proposed on the Lodge Road frontage would need to be designed so the principal habitable rooms of these dwellings would be to the rear of the units.

It is recommended that this be conditioned should the application be approved

The Council's EPO has advised that the following conditions should also be included, should the application be approved; the submission of a detailed acoustic mitigation scheme and updated acoustic report with the first reserved matters; that the agreed acoustic mitigation scheme includes a detailed site layout and specific mitigation for each property; that the agreed scheme be implemented in full, prior to the occupation of any unit requiring acoustic mitigation; the prior submission/approval of an Environmental Management Plan; that details of electric vehicle charging provision for each property be submitted with the first reserved matters; the prior submission/approval of a Residents Travel Information Pack; the prior submission/approval of a contaminated land report; the prior submission/approval of a soil verification report for imported material and that works should stop if contamination is found during development.

As a result of the above, subject to the recommendations of the Council's Environmental Protection Team, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan.

Public Right of Way (PROW)

The Council's PROW Officer has advised on consideration of the indicative site layout, it can be anticipated that pedestrians and cyclists would seek to cut through from the turning head of the western-most estate road, through to Lodge Road. This desire line could be formalised at reserved matters stage in order to improve the permeability of the site. Likewise, it is advised that the layout considered at the reserved matters application should design pedestrian and cyclist routes to link to the adjacent development site, if planning consent is granted for that application.

The Council's PROW Officer has also advised that it is important that the facilities for walking and cycling, including routes, destination signage and information materials, are completed and available for use prior to the first occupation of any property within any phase of the development, and remain available for use during the completion of other phases.

The PROW Officer has also recommended that should the development be granted consent, it should be conditioned to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted.

Social conclusion

The proposed development would bring additional social planning benefits other than the provision of new dwellings including; the provision of on-site affordable housing, an education contribution and the provision of an off-site Public Open Space contribution.

It is therefore considered that the proposal would be socially sustainable.

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.

The scale of the development in conjunction with local need will result in the requirement to provide 1,200 sqm of Amenity Green Space and the provision of a LEAP on site. As no on-site provision has been proposed, the Council seek a total contribution of £17,328 towards the upgrade of the AGS and play space on Thornbrook Way and £50,010 for its maintenance. This is considered to be necessary, fair and reasonable in relation to the development.

The development would result in the requirement for £130,741.52 towards Secondary education provision to account for the additional impact the erection of the proposed dwellings would have upon the existing capacity. This is considered to be necessary, fair and reasonable in relation to the development.

On this basis, the S106 recommendation is compliant with the CIL Regulations 2010.

Planning Balance

Policy PC3 of the Sandbach Neighbourhood Plan (SNP) states that new development (including housing) will be supported in principle within the policy boundary (Sandbach), within which the application site falls.

The application site lies within the Sandbach settlement boundary where Policy PS4 of the Local Plan advises that within settlement boundaries, there is a general presumption in favour of development provided it is in keeping with the towns scale and character and does not conflict with other policies of the Local Plan.

Policy H4 of the Local Plan generally permits housing in settlement boundaries provided that such a development adhere with all other local plan policies.

Although the development would result in the loss of an employment site, the site has been marketed unsuccessfully for continued commercial use. Furthermore, it has been accepted within the recent Cheshire East Council Employment Land Review, that the site is expected to be subject to a change of use. In conjunction with the planning benefits in terms of the provision of further housing in a sustainable location, it is considered that residential use would be an acceptable alternative.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location, the provision of affordable dwellings, the provision of a commuted sum for the improvement of off-site public open space, an education contribution and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

The dis-benefits of the scheme include the loss of an employment site.

In this instance, it is considered that the benefits of the scheme outweigh the dis-benefits and as such, the application is recommended for approval.

RECOMMENDATION

APPROVE subject to a S106 Agreement to secure;

- **30% on site affordable housing provision**
- **£130,741.52 towards Secondary education**
- **£17,328 towards the upgrade of the AGS and Children's and Young Persons Play Space on Thornbrook Way and £50,010 for its maintenance**

And conditions;

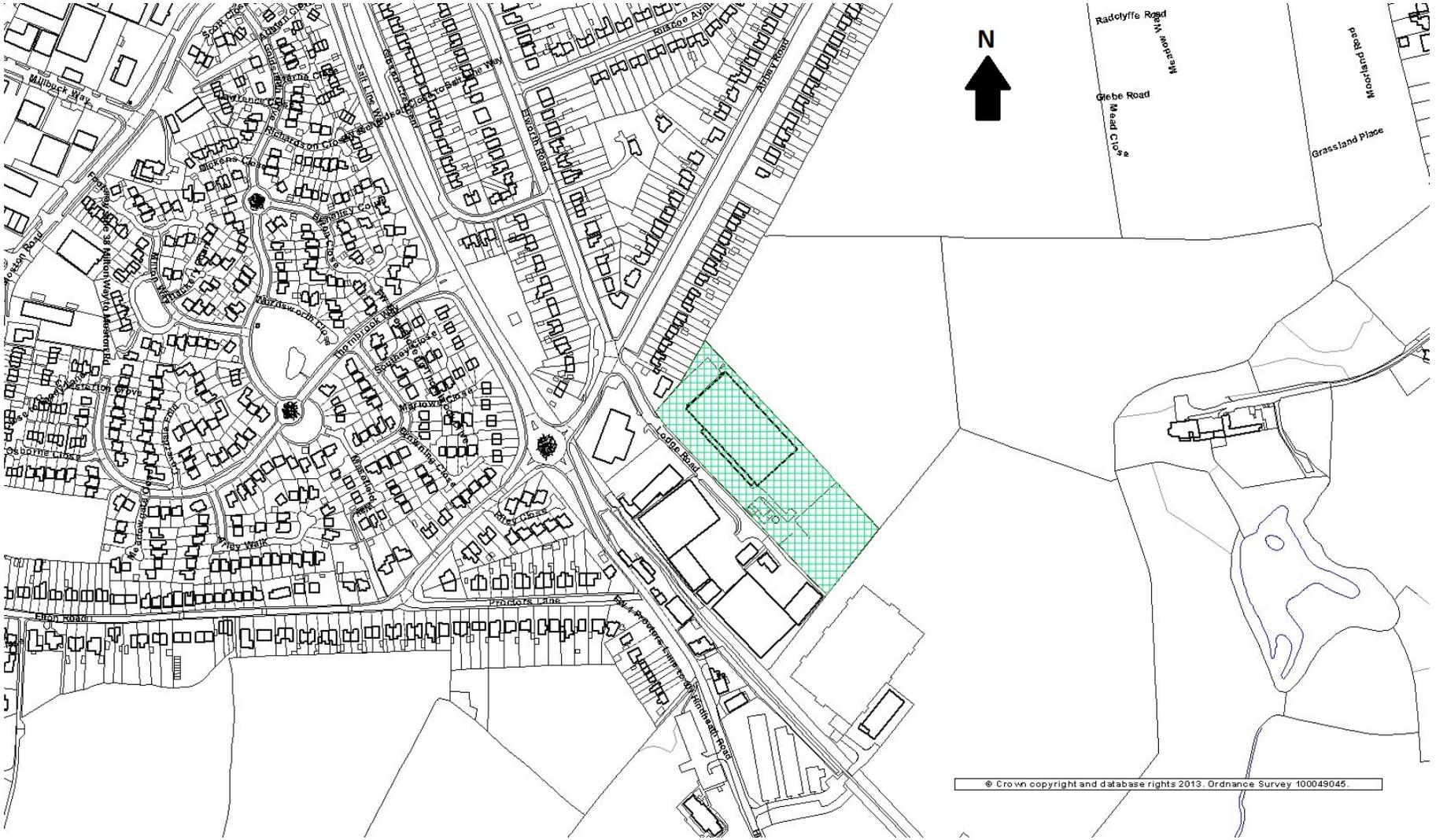
- 1. Time – 3 years of within 2 of last Reserved Matter approval**
- 2. Reserved Matters within 3 years**
- 3. Layout, Scale, Appearance and Landscaping Matters to be submitted and approved**
- 4. Plans**
- 5. The First reserved matters application include detailed landscape masterplan which should include some planting between the development and the industrial estate to screen or filter views, as well as full hard and soft landscape details and boundary treatments**
- 6. Prior submission/approval of a detailed Badger Mitigation Statement and a detailed Ecological Enhancements Statement**
- 7. The First reserved matters application shall be supported by a Tree Protection Scheme and a detailed Arboricultural method statement which accords with the requirements of BS5837:2012**
- 8. Prior submission/approval of a Construction Management Plan**
- 9. Prior submission/approval of a surface water drainage strategy/scheme**
- 10. Prior submission/approval of storm period and intensity details and mitigation**
- 11. Foul and surface water be drained on separate systems**
- 12. Prior submission/approval of a sustainable drainage management and maintenance plan**
- 13. All dwelling proposed on the Lodge Road site frontage shall comprise of internal arrangements that ensure that the principal habitable rooms of the dwellings (lounges, living rooms, bedrooms) are located to the rear of the dwellings**
- 14. The First Reserved Matters shall be accompanied by a detailed acoustic mitigation scheme and updated acoustic report. The acoustic mitigation scheme shall include a detailed site layout and specific mitigation for each property**
- 15. Prior submission/approval of an Environmental Management Plan**

16. The First Reserved Matters shall include details of electric vehicle charging provision for each property
17. Prior submission/approval of a Residents Travel Information Pack
18. Prior submission/approval of a Phase II contaminated land report
19. Prior submission/approval of a soil verification report for imported material
20. Works should stop if contamination is found during development
21. Prior submission/approval of a scheme of signage for pedestrians and cyclists within the red-edge boundary
22. Details of the existing and proposed levels to be provided as part of the first reserved matters application

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

Should the application be the subject of an appeal authority is given to enter into a S106 Agreement to secure the following Heads of Terms;

- 30% on site affordable housing provision
- £130,741.52 towards Secondary education
- £17,328 towards the upgrade of the AGS and Children's and Young Persons Play Space on Thornbrook Way and £50,010 for its maintenance



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Application No: 16/0866C

Location: THE HOLLIES, WESLEY AVENUE, SANDBACH, CHESHIRE, CW11 1DQ

Proposal: Construction of apartments and associated landscaping

Applicant: Mr C Thompson, Revelation Properties Ltd

Expiry Date: 14-Jun-2016

SUMMARY

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

The access and parking provision to this development would meet with the Council standards.

The design of the development has been the subject of negotiation and the height of the building has been reduced. It is considered that the design is appropriate and that the development would not have a detrimental impact upon the character and appearance of the Conservation Area or the setting of the surrounding Listed Buildings.

It is considered that the impact upon residential amenity is acceptable in this instance.

The impact upon local education is considered to be acceptable and there are no objections to the development of this site on ecological grounds.

There are no drainage/flood risk implications for this proposed development subject to the imposition of a planning condition.

In terms of the POS provision and affordable housing the applicant is not proposing any provision due to viability issues and an update will be provided in relation to the issue once the outcomes of an independent viability assessment are known.

RECOMMENDATION

Approve (Subject to the results of the viability appraisal)

PROPOSAL

The proposal seeks full planning permission for the demolition of the existing building (5 Bradwall Road) and the erection of a 3.5 storey residential development. The 3.5 storey building would contain a total of 17 apartments (14 x one bed units and 3 x two bed units)

The Hollies would be converted and extended to the rear to provide a total of 9 one bedroom apartments.

This would give a total of 26 apartments on the site.

The submitted plans show that 22 car parking spaces would be provided to the rear of the site together with an area for bin-storage and cycle storage.

SITE DESCRIPTION

The application site comprises 5 Bradwall Road a redundant storage depot, previously occupied by a printing business and The Hollies, which is an important building in the historic context of Sandbach. The site is contained within the Sandbach Conservation Area and the Methodist Church adjacent to the Hollies is a Grade II Listed Building. 5 Bradwall Road is on a prominent corner plot in the town centre. The entire site is contained within the settlement zone line of Sandbach.

The application site is surrounded by a mix of residential, retail and business units.

RELEVANT HISTORY

12/0219C - Demolition of the Existing Building and Construction of a New Three Storey Mixed Use Development with Restoration of The Hollies – Approved 23rd May 2014

12/0220C - Conservation Area Consent for demolition of the existing building (5 Bradwall Road) – Approved 26th July 2012

08/0454/FUL – Partial demolition and erection of mixed use development – Refused 22nd May 2008

08/0455/CON - Partial demolition – Refused 22nd May 2008

06/1324/CON - Demolition and erection of 22 apartments and restaurant – Refused 1st October 2007

06/1325/FUL – Erection of 22 apartments and restaurant – Refused 1st October 2007

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

126-141. Conserving and Enhancing the Historic Environment

Sandbach Neighbourhood Plan

PC3 – Policy Boundary for Sandbach

PC5 – Footpaths and Cycleways

HC1 – Historic Environment

HC2 – Protection and Enhancement of the Town Centre

H1 – Housing Growth

H2 – Housing Layout

H3 – Housing Mix and Type

H4 – Housing and an Ageing Population

H5 – Preferred Locations

IFT1 – Sustainable Transport, Safety and Accessibility

IFT2 – Parking

CW1 – Amenity, Play, Recreation and Outdoor Sports

CW3 – Health

CC1 – Adapting to Climate Change

Congleton Local Plan

The Development Plan for this area is the Congleton Borough Local Plan First Review 2005, which allocates the site, under policy PS8, as open countryside.

The relevant Saved Policies are:

PS3 – Settlement Hierarchy

PS4 – Towns

BH4 - The effect of development on listed buildings and their setting

BH5 - The effect of development on historic environment assets

BH9 - Conservation Areas

BH10 - Demolition in Conservation Areas

GR21- Flood Prevention

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping

GR9 - Accessibility, servicing and provision of parking

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking

GR18 - Traffic Generation

NR5 – Habitats

H2 - Provision of New Housing Development

H13 - Affordable Housing and Low Cost Housing

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG2 – Settlement Hierarchy
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
CO1 - Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 8 – Renewable and Low Carbon Energy
IN1 – Infrastructure
IN2 – Developer Contributions

Supplementary Planning Documents

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

CONSULTATIONS

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

Strategic Highways Manager: No objection subject to the imposition of conditions.

Environmental Health: There is insufficient information contained within the application to determine whether there will be a loss of amenity caused by road traffic noise. As a result it is recommended that the application be refused.

Conditions suggested in relation to construction management plan, travel plan and electric vehicle infrastructure and contaminated land. An informative is suggested in relation to contaminated land.

CEC Education: The education department would not seek a contribution from this application because only 3 of the 26 new dwellings have 2 or more bedrooms.

CEC Flood Risk Manager: Conditions suggested.

CEC Strategic Housing Manager: Object on the basis that the development does not provide affordable housing.

Ansa (Public Open Space): There is a deficit of amenity green space and children and young persons provision in the area therefore there should be some new on site. Sandbach Park could accommodate the increase of demand resulting from the development and the following contributions are requested;

Amenity Green Space

£1,690.56 to enhance the Park boundary

£3,784.00 to maintain that enhancement

Children and Young Persons Provision

£1,435.30 for infrastructure within the areas identified for play

£2,985.00 to maintain that enhancement

CEC PROW: The development does not appear to affect a PROW.

Historic England: No comments received.

VIEWS OF THE PARISH COUNCIL

Sandbach Town Council: Sandbach Town Council raise the following comments;

- Firstly, the cycle store next to parking space 12 appears to only be the size of a quarter of one car parking space which is clearly not large enough to be a proper cycle provision.
- The Planning Committee are also concerned with current plans to have a "Cycle Store/Cloaks" within every flat, especially those that are not on the first floor. Upon looking at plans, it appears that the location of the store within the flats is in such a place where a bicycle would have to be awkwardly maneuvered through the door and then into the store. Furthermore, for flats that are not on the ground floor, bikes would have to be carried upstairs which is not an ideal arrangement.
- To this end, the Sandbach Town Council Planning Committee would like to state that ALL cycling accommodation must be on the ground floor and meet the minimum requirements set by Cheshire East.

REPRESENTATIONS

A letter of support has been received from 1 local household raising the following points:

- Support the proposal but the windows should be arched

Letters of general observation have been received from 2 local households raising the following points:

- The application has made no reference to the Sandbach Neighbourhood Plan
- The windows should be arched
- Concern that the access is too narrow
- Questions whether the Local Plan identifies a need for 1 and 2 bedroom apartments in Sandbach

A letter of representation has been received from Cycling UK raising the following points;

- The cycle store next to parking space 12 appears to only be the size of a quarter of one car parking space which is clearly not large enough to be a proper cycle provision.
- Concerns that it would be difficult to manoeuvre cycles into the proposed apartments
- This is contrary to the Cheshire East Design Guide

APPRAISAL

Principle of Development

The site is a prominent brownfield site within Sandbach Town Centre and Conservation Area.

The proposed development is for a total of 26 apartments on this site and it should be noted that there is currently an extant planning permission on this site for a redevelopment consisting of the erection of a 3 storey mixed use development including 150sqm retail unit, 10 apartments and the refurbishment of The Hollies (12/0219C).

It should be also be noted that the redevelopment of brownfield sites is encouraged by the NPPF. One of the core principles of the NPPF states that planning should;

‘encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value’

The principle of residential development on this sustainable brownfield site is considered to be acceptable in principle.

Sandbach Neighbourhood Development Plan

The Sandbach Neighbourhood Plan (SNP) was subject to referendum in March 2016 and it is expected to be made on 12th April 2016.

In this case the principle of development has already been accepted on this site following the approval of application 12/0219C. It should also be noted that Policy H5 of the SNP encourages the redevelopment of brownfield sites and as a result the principle of development is considered to be acceptable.

In this case Policy HC1 (Historic Environment) of the SNP states that *‘All developments, projects and activities will be expected to protect and where possible enhance designated heritage assets and their settings, maintain local distinctiveness and the character of identified features’*. The impact upon the Historic Environment is considered below.

Design and impact upon Built Heritage

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

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

In this case the density of the site is consistent with that of the surrounding area of Sandbach Town Centre.

This application site within the Sandbach Conservation Area as such it is important to be mindful of the need to preserve or enhance the character or appearance of the area as stated in the NPPF and the Congleton Borough Local Plan Policy. The site is a prominent corner plot within the town centre and the conservation area boundary (amended in 2014) borders the site along Bradwall Road.

To the other side is the grade II listed chapel which currently dominates the streetscene. Currently on the site is the Hollies, a double fronted Georgian house, which has been on the site since at least 1875. It was formally offices with land to the front and rear. Adjacent to this is a dilapidated garage which sits on the corner of Wesley Avenue and Bradwall Road.

The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which it is experienced. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. In this case the Councils Conservation Officer considers that this site, particularly Hollies, makes a positive contribution to the significance of the Conservation Area and Listed Building and makes an important contribution to the ability to appreciate that significance.

The design has been amended to reflect the comments made by the Councils Conservation Officer at a meeting with the agent. The proposal is now a similar scale to the previously approved scheme which remains extant.

The design has been amended to remove the eaves detail but retain the brick diaper detailing to reflect local architecture. This is now acceptable subject to the details of the materials being submitted via condition. The Conservation Officer has raised a concern about the provision of car parking to the front of the Hollies. However this is an existing situation and as a result it is considered to be acceptable.

The proposed detailing of the buildings is of particular importance. The traditional style of the building requires well designed detailing to ensure that they are of a traditional design not a modern interpretation. With this in mind it is recommended that conditions relating to the bricks, bonding, lintels, cills, eaves, banding and diaperwork are put on any approval as well as conditions cover sample materials. Notwithstanding the proposed drawings, The Hollies windows should be traditional.

Section 66 of the Planning (Listed Buildings and Conservation Area Act) 1990 requires that the local authority when assessing proposals shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. It is concluded that the bringing back into use of the Hollies and demolition of the dilapidated later garage structure would enhance the conservation area and the setting of the adjacent listed chapel.

It is considered that the scheme is of an acceptable design and the proposal would comply with Policy GR2 (Design) and the NPPF. The development would also comply with Policies HC1 and H2 of the SNP.

Housing Mix

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing (this is echoed within Policies H3 and H4 of the SNP). In this case the development would provide the following mix:

- One bedroom – 23 units
- Two bedroom – 3 units

This mix is considered to be acceptable in this location.

Affordable Housing

This site is located in the Sandbach sub-area for the purposes of the Strategic Housing Market Assessment Update 2013 (SHMA). In the SHMA the Sandbach sub-area shows a need for 94 new affordable homes per year between 2013/14 and 2017/18 (18 x 1 beds, 33 x 2 beds, 18 x 3 beds, 9 x 4+ beds and 11 x 1 bed & 5 x 2+ beds older persons accommodation).

In addition to this, information taken from Cheshire Homechoice shows that there are currently 236 applicants who have selected one of the Sandbach lettings areas as their first choice. These applicants require 94 x 1 bed, 86 x 2 bed, 45 x 3 bed and 11 x 4+ bed units.

Therefore there should be provision of 30% of the total dwellings on this site as affordable, with 65% provided as social or affordable rent and 35% intermediate. This equates to a requirement for up to 8 affordable dwellings on this site, with 5 provided as social or affordable rented dwellings and 3 provided as intermediate tenure.

In this case due to viability issues associated with this development (as discussed below). The applicant has stated that they are unable to provide affordable housing on this site

Public Open Space

In this case the Councils POS Officer has requested financial contributions which could be secured via a S106 Agreement. These contributions would secure off-site POS improvements at Sandbach Park to mitigate the impact of this development.

In this case due to viability issues associated with this development (as discussed below). The applicant has stated that they are unable to provide the requested POS contributions on this site.

Education

In this case 23 of the 26 units which are proposed on this site would have 1 bedroom and as a result there would be only 3 units with a second bedroom which have the potential to be occupied

by people with school aged children. On this basis the education officer has confirmed that they are not seeking an education contribution as part of this application.

Viability

In this case the applicant has submitted a viability report to demonstrate that it would not be viable to provide on-site affordable housing and the requested POS contributions.

In relation to viability the NPPF states

'Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable'

In this case the viability appraisal which has been submitted by the applicant is currently being assessed by an independent viability consultant and an update will be provided in relation to this issue.

Residential Amenity

Opposite part of the site, on Bradwall Road, is a three storey block of apartments. This would be in close proximity to the proposed building with a separation distance of 9.1m. However, the layout of the building has been designed in such a way as to ensure that the majority of the windows are splayed and would serve bathrooms. The only windows that may cause an overlooking issue are the first and second floor bedroom windows which serve apartments 10 and 18 and the secondary kitchen/living area windows which served apartments 9 and 17. On balance it is considered that this relationship is acceptable and that the level of amenity provided would improve from the previous commercial uses on this site. Furthermore it should be noted that within historic town-centre locations that streets are often characterised by shorter separation distances and as a result the impact of this development is considered to be acceptable.

All other surrounding properties are largely non-residential with offices to the opposite side of Wesley Avenue, a church to the west of the site and a church, scout hut and church hall to the rear of the site (fronting Chapel Street and Bradwall Road).

The two residential properties at 12 and 14 Chapel Street are off set from the application site with a separation distance of over 30 metres to the nearest point of the proposed extension at The Hollies.

Noise

In this case the comments from the Environmental Health Officer in relation to noise from the surrounding road network and the recommendation of refusal due to insufficient information have been noted. However these comments are inconsistent with the comments on the previous

extant approval on the site where the Environmental Health Officer suggested the imposition of a planning condition in relation to the submission of a Noise Impact Assessment.

A condition will be attached to any approval to secure the submission of a Noise Impact Assessment and mitigation measures prior to the commencement of development.

Air Quality

In order to ensure that sustainable vehicle technology is a real option for future occupants / future patrons at the site a condition will be attached in relation to electric vehicle infrastructure.

Contaminated Land

The application area has a history of storage depot use and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site.

As no information relating to land contamination has been submitted in support of the application a standard contaminated land condition will be required as part of any approval.

Highways

The proposal is for a development of apartments with associated car parking spaces and cycle storage, off Wesley Avenue in the centre of Sandbach.

Although the car parking standards are below CEC requirements, this is considered acceptable due to the sustainable location and car ownership data for apartments for this area. As the provision is below standards, the spaces should remain unallocated to increase the efficiency of the provision.

Wesley Avenue is a minor unclassified road with a one-way system in place where westbound movements are prohibited. The low car ownership data reflects the sustainable location and the traffic impact upon the highway can be considered minor. The site access is wide enough to allow for two-way vehicle movement and visibility will be sufficient.

Cycle storage has been proposed to be within each of the apartments and it therefore meets CEC standards (Appendix C of the Local Plan Strategy). The cycle storage provision within the apartments is considered to be acceptable by the Councils Head of Strategic Infrastructure.

Refuse collection from within the site would be preferable but due to constraints it is not clear if this is possible. Refuse collection from Wesley Ave would also be acceptable.

On this basis the Councils Highways Officer has raised no objection to this development.

Trees

The only trees associated with this site are self set pioneer species Ash and Sycamore which have been allowed to establish as a result of its derelict condition. The majority have established

immediately adjacent to existing buildings and structures and cannot be considered viable as long term amenity features. Removal is considered to be the only reasonable course of action.

Landscape

The proposed development will not result in any significant landscape or visual impacts.

Ecology

In this case the Councils Ecologist advises that the bat survey of the buildings was constrained by unsafe access to one of the building and the lateness in the season of the activity survey. However, based on the results of the survey the condition and location of the building affected by the proposed development, the Councils Ecologist considers that roosting bats are not reasonably likely to be present or affected by the proposed development.

With the exception of nesting birds there are no other likely ecological issues associated with the proposed development. A condition could be attached to secure nesting bird mitigation details.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is less than 1 hectare in size, a Flood Risk Assessment (FRA) is not required.

In this case the application site is largely existing buildings and areas of hardstanding. The application has been considered by the Councils Flood Risk Officers and United Utilities who have raised no objection to this application.

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

PLANNING BALANCE

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

The access and parking provision to this development would meet with the Council standards.

The design of the development has been the subject of negotiation and the height of the building has been reduced. It is considered that the design is appropriate and that the development would not have a detrimental impact upon the character and appearance of the Conservation Area or the setting of the surrounding Listed Buildings.

It is considered that the impact upon residential amenity is acceptable in this instance.

The impact upon local education is considered to be acceptable and there are no objections to the development of this site on ecological grounds.

There are no drainage/flood risk implications for this proposed development subject to the imposition of a planning condition.

In terms of the POS provision and affordable housing the applicant is not proposing any provision due to viability issues and an update will be provided in relation to the issue once the outcomes of an independent viability assessment are known.

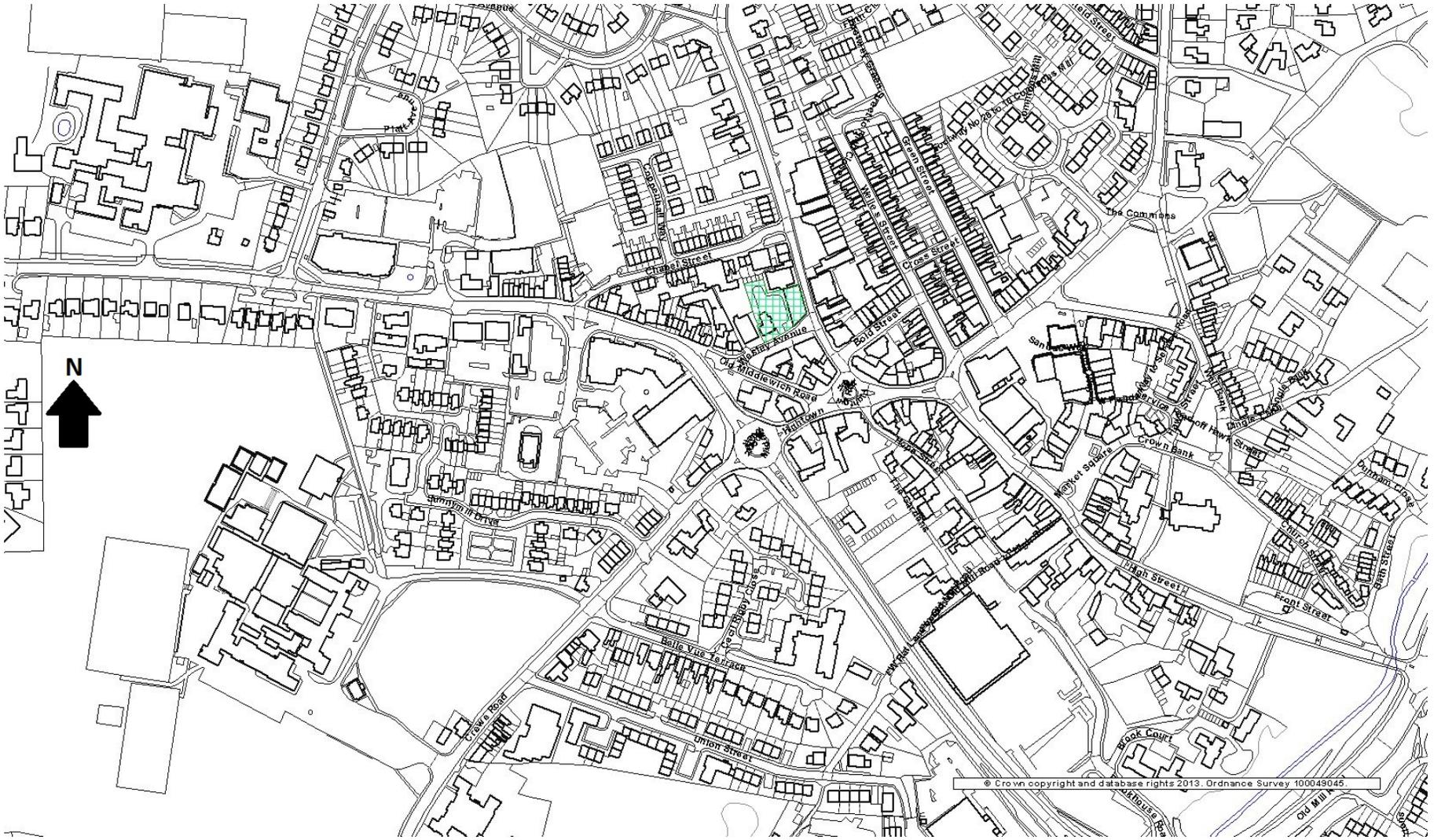
RECOMMENDATION:

Subject to the results of the independent viability appraisal

APPROVE subject to the following conditions;

- 1. Standard Time**
- 2. Approved Plans**
- 3. Parking provision prior to first occupation of the development**
- 4. Submission of Landscape Details including surfacing materials**
- 5. Implementation of the approved landscaping scheme**
- 6. Surface Water Drainage to be submitted and approved**
- 7. Piling Works to be submitted and approved**
- 8. Construction Method Statement to be submitted and approved**
- 9. Noise mitigation measures to be submitted and approved**
- 10. Contaminated Land mitigation measures**
- 11. Materials to be submitted and approved**
- 12. Boundary treatments to be submitted and approved**
- 13. Due to the specialised diaperwork a sample panel of brickwork 1m² showing the bricks, bond, pointing and diaperwork to be submitted and approved**
- 14. Detailed drawings of: eaves details, glazed link, windows and doors including rooflights to be submitted and approved**
- 15. Rainwatergoods to be metal and black**
- 16. The external window and door frames shall be recessed from the external wall face by a minimum of 100mm**
- 17. Nesting Bird Mitigation Details**

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



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Application No: 16/3924C

Location: WATERWORKS HOUSE, DINGLE LANE, SANDBACH, CW11 1FY

Proposal: Demolition of existing two-storey dwelling, removal of water treatment storage and settlement tanks and construction of 12 two and three storey detached dwellings together with associated car parking, landscaping works and formation of new access onto Tiverton Close.

Applicant: Mr P Pollard, MyPad Developments Ltd

Expiry Date: 30-Nov-2016

CONCLUSION:

The site is within the Settlement Zone Line of Sandbach, where there is a presumption in favour of sustainable development.

There is an extant consent for twelve dwellings on the site granted on appeal in 2014, therefore the principle of development has been established.

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

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

RECOMMENDATION: APPROVE subject to the completion of a Section 106 Agreement and conditions.

PROPOSAL:

The application seeks full planning permission for the demolition of existing two-storey dwelling, removal of water treatment storage and settlement tanks and construction of 12 two and three storey detached dwellings together with associated car parking, landscaping works and formation of new access onto Tiverton Close.

SITE DESCRIPTION:

The application site comprises a vacant detached dwelling house, set in a very large plot that is derelict due to a fire and vandalism. As its name suggests, the house was part of the former water treatment works and within the site are the now disused water storage tanks.

The site is designated as being within the Settlement Zone Line of Sandbach, within a Protected Area of Open Space and within a Wildlife Corridor. To the north and west of the site is existing residential development, with Sandbach Park adjacent to the existing housing to the west. To the south east is the A534 Old Mill Road. Vehicular access is currently taken from Dingle Lane, with pedestrian access both from Dingle Lane and Tiverton Close. The site is surrounded by footpaths, including Public Footpath 11, although none of the footpaths pass through the site.

There is an extant planning permission relating to this site for twelve detached dwellings that could still be implemented.

RELEVANT HISTORY:

12/1650C	Refusal for 12 detached dwellings Appeal allowed 6 th May 2014	2012
20100/1	Appeal allowed for residential development	1989
23370/3	Approval for residential development	1991
24811/3	Refusal for erection of 12 dwellings	1993

NATIONAL & LOCAL POLICY

Sandbach Neighbourhood Plan

Sandbach Neighbourhood Plan (SNP) The Sandbach Neighbourhood Plan has been made on 12th April 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:

- PC1 (Areas of Separation)
- PC2 (Landscape Charter)
- PC3 (Policy Boundary for Sandbach)
- PC4 (Biodiversity and Geodiversity)
- PC5 (Footpaths and Cycleways)
- H1 (Housing growth)
- H2 (Design and Layout)
- H3 (Housing Type and Mix)
- H5 (Preferred locations)
- CW1 (Amenity, play, recreation and Outdoor Sports Facilities)

Local Plan Policy

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review 2005, which allocates the site as being within the Settlement Zone Line

The relevant Saved Policies are: -

PS4 Towns
H1 & H2 Provision of New Housing Development
H6 Residential Development in Open Countryside & Green Belt
H13 Affordable and Low Cost Housing
GR1 New Development
GR3 Density, Housing Mix and Layout
GR4 Landscaping
GR6 Amenity and Health
GR7 Pollution
GR9 Accessibility, Servicing and Parking Provision
GR22 Open Space Provision
NR1 Trees and Woodlands
NR2 Statutory Sites
NR3 Habitats
NR4 Non-Statutory Habitats

SPG1 Provision of Public Open Space in New Residential Development
SPG2 Provision of Private Open Space in New Residential Developments
SPD6 Affordable Housing and Mixed Communities
SPD14 Trees and Development

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

Cheshire East Local Plan Strategy Proposed Changes (Consultation Draft) March 2016 (CELP)

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

PG 2 Settlement Hierarchy
PG 6 Spatial Distribution of Development
SC 4 Residential Mix
SC5 Affordable Homes
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 6 Green Infrastructure
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
SE 13 Flood Risk and Water Management
IN1 Infrastructure
IN2 Developer Contributions
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 are paragraphs:

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

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Interim Planning Statement Affordable Housing

CONSULTATIONS:

Sandbach Town Council: Object to the proposal on the grounds that it is contrary to the SNP and involves an over intensive use of the site. This can be viewed in full on the Council website.

Highways: No objection subject to informatives.

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

CEC Flood Risk Manager: None received at the time of report writing.

Public Rights of Way: No objection.

Environmental Health: None received at the time of report writing. However on the previous application they recommended conditions relating to the hours of construction, piling, contaminated land and noise attenuation measures for traffic noise generated from the A534.

Education: Require a contribution of £32,685 towards secondary education provision.

Ansa: Require a contribution of £26,935.20 towards amenity greenspace and children and young persons provision.

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants and site notices posted. At the time of report writing, twenty six representations have been received; these can be viewed in full on the Council website. They raise the following concerns:

- Highway safety
- Narrow access road
- Access should be off the A534
- Impact on wildlife corridor

- Impact on public footpaths
- Impact on trees and hedges
- Loss of protected open space
- Noise, disturbance and pollution
- Contaminated land
- Lack of a noise barrier
- Contrary to the neighbourhood plan
- Flood risk
- Loss of privacy
- Three storey dwellings not appropriate
- Design out of character with the area
- Inadequate infrastructure in Sandbach
- Already enough housing approved in Sandbach
- Sandbach roads already gridlocked

APPRAISAL:

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

Principle of Development

The principle of development within the settlement boundary is accepted provided that it accords with other relevant policies in the adopted local plan. These policies seek to ensure, amongst other things, that proposals are not detrimental to neighbouring residential amenity and are appropriate in design and highway terms.

In November 2012 the Council refused an application on the site for 12 dwellings. Subsequently this was the subject of a Public Inquiry and the Inspector allowed the appeal. There is therefore an extant planning permission for 12 dwellings on the site, that could be implemented and this is an important material consideration in the assessment of this application as it establishes the principle of development on the site.

Policy PC1 relates to Areas of Separation and seeks to minimise impact on the open character of them. Having regard to this site, there is already approval for 12 dwellings on the site. Therefore a reason for refusal on these grounds could not be sustained.

Policy H1 states that housing growth should be delivered through existing commitments, sites identified in the local plan and windfalls. As this site already benefits from planning permission, the proposal is in compliance with this policy.

In this case the site is largely brownfield and the NPPF states that planning should *'encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value'*.

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' 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 'Sedgpool' 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.

Sustainable Development

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 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

Trees & Landscape

The site is located to the east of Sandbach. It comprises a derelict dwelling and former water treatment works. It is bounded by residential development to the north and west, the A534 to the south east and a wooded area to the south. A well used footpath runs to the north and west linking the town centre to residential and amenity areas. The site is identified as protected open space and being within the Sandbach Wildlife Corridor in the Adopted Congleton Borough Local Plan. There are lengths of hedgerow and a number of mature trees on the site boundaries and a water course runs off site to the south. The site is readily visible from the adjacent public footpath. It is also visible from neighbouring residential properties and glimpsed views can be obtained from the A 534.

A previous application for residential development of 12 dwellings was allowed on appeal (12/1650C). The current submission would provide the same number of dwellings, with a different layout and design. The submission includes a topographic survey, two proposed section plans and landscape proposals.

Additional sectional drawings have been requested to show in detail the proposed and existing levels on the site. These will be provided in the presentation for Members at the meeting.

Should the layout be accepted, the landscape proposals appear reasonable in principle although a further plan to include a comprehensive planting specification should be required by condition.

None of the trees are subject to TPO protection although collectively they contribute to the character of the site and its surroundings. The submission is supported by a Tree Survey Plan

which shows tree constraints on the proposed site layout, provides tree categorisation and includes what is described as an Arboricultural Solutions Matrix.

The tree survey covers ten individual trees, three groups and a woodland. Most of the existing vegetation is shown for retention although one tree is identified for removal on grounds of condition, minor works are identified for trees adjoining proposed plot 12, pruning of an overgrown hedge is proposed on the northern boundary and one mature Alder adjacent to proposed plot 4 is identified for coppicing to ensure an future overhang can be managed.

Open Space

The site is designated as being within 'A Protected Area of Open Space', however it should be noted that the site is privately owned and is not actually public space. This is confirmed in the Inspectors decision on the appeal.

Having regard to criterion ii of Policy RC2, the development would have some impact on the Wildlife Corridor. However in his appeal decision, the Inspector concluded that the development would not interrupt the continuity of the wildlife corridor or act as a barrier to the movement of wildlife and that there would be some small-scale, but not significant harm. This was subject to an off-site contribution secured by legal agreement and it is considered that the same requirement should be applied to this proposal.

Design & Layout

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

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

As stated above there is an extant planning permission on this site for 12 dwellings. The main differences put forward with this application are a slightly amended layout with four dwellings at the end of the cu-de-sac, three on the northern side and five on the southern side. An access to the existing pumping station has also been added.

The house types have also been amended.

House Type A would be a detached dwelling with an attached garage, of two storeys with rooms within the roof. It would have a strong gable feature to the front and rear and dormer windows on the roof. These would be sited on plots 2, 5 and 11. It would be approximately 9.3m in height at the ridge.

House Type B would be double fronted, also with strong gable features and an integral garage. This house type would be two-storey and would be sited on plots 8 and 12. It would be approximately 8.9m in height at the ridge.

House Type C would again be double fronted with an integral garage and a strong gable feature. It would be two-storey with rooms in the roof served by a gable window and dormer to the front and rooflights to the rear. This house type would be sited on plots 3, 6, 9 and 10. It would be approximately 9.5m in height at the ridge.

House Type D would again have the strong gable features to the front and rear and an integral garage and would be two-storey. This house type would be sited on plots 1, 4 and 7. It would be approximately 9m in height at the ridge.

Many of the objectors to the proposal have expressed concern about the height of the proposed dwellings; however, given that the increase would be less than 1m and that the site is at a lower level than other dwellings, a refusal on these grounds could not be sustained.

Having regard to the design of the properties, whilst they do not mirror the design of the housing estate to the north, they do have a relatively traditional design, with features that can be found within Sandbach, which is considered to be acceptable in terms of Policy GR2 of the adopted local plan.

Policy H2 of the SNP sets out design requirements and it is considered that the proposal meets these requirements.

Policy H3 of the SNP relates to delivering a mix of housing types, and the proposal is for four and five bedroom dwellings. Whilst the proposal is not fully compliant with this policy, it is not considered that a refusal on these grounds could be sustained.

The proposal is therefore considered to be acceptable and in accordance with Policy GR2 of the adopted local plan and H2 of the SNP.

Highways

This is a full planning application for the development of 12 detached dwellings with associated access, car parking and landscaping.

With the exception of some minor layout details this application is largely consistent with extant Planning Permission Reference: 12/1650C, to which no objections were raised in relation to highways, by either the Strategic Infrastructure Manager or the Appeal Inspector.

Accordingly, the Strategic Infrastructure Manager has no objection to this planning application and it is considered to be in accordance with Policy GR9 of the adopted local plan.

Ecology

The proposed development is located within the Sandbach Wildlife Corridor. Local Plan Policy NR4 applies to the determination of this application. The potential impacts on the wildlife corridor and its associated habitats and species as a result of developing this site were considered during the determination of planning application 12/1650c which was granted consent at appeal.

Under planning permission 12/1650C a commuted sum of £5,647.00 was secured to fund creation or enhancement of Wildlife habitat with the Sandbach area as compensation for the loss of habitat within the wildlife corridor.

It is considered that in the event that planning permission is granted this commitment must also be taken forward as part of this application.

Roosting bats are unlikely to be present or affected by the proposed development. Bats are however active on site. In order to mitigate any impacts on foraging bats due to artificial lighting it is recommended that if planning consent is granted a condition should be attached requiring the submission of a lighting strategy prior to the commencement of development.

To ensure the boundary hedgerows retain their value for bats it must be ensured that they are maintained at height rather than cut back. This matter may be dealt with by means of management plan secured by condition.

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development site, but no records specifically for the site itself. If planning consent is granted it is recommended that a condition be attached requiring incorporation of gaps in boundary fencing.

If planning consent is granted conditions should be attached to safeguard nesting birds and for the incorporation of features for breeding birds including House Sparrow and roosting bats.

Native species hedgerows are a priority habitat and a material consideration. The proposed access will result in the loss of a section of hedgerow. The submitted landscape plan (drawing number M2613.01) shows proposed hedgerows located where there are already existing hedgerows. It is recommended that the plan should be amended to show the retention of the existing hedgerows rather than these being replanted. It is also recommended that adequate compensatory planting to the garden boundaries of plots 8-12 should be native species hedgerows.

No evidence of other protected species was recorded during the updated survey. However other protected species have previously been recorded on this site and as the status of other protected species can change within a short time scale, It is recommended that if planning consent is granted a condition should be attached which requires an updated protected survey to be submitted prior to the commencement of development.

Policy PC4 of the SNP relates to biodiversity and geodiversity and the proposal impacts on a wildlife corridor. The policy states that proposals which are likely to have a significant adverse impact on a wildlife corridor will not be permitted. As assessed by the Inspector on the appeal and by the Council's ecologist, the impact would not be significant and mitigation of any limited harm can be addressed. As such the proposal complies with Policy PC4.

ECONOMIC SUSTAINABILITY

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

Paragraph 19 states that:

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

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits, to the local area, including additional trade for businesses, jobs in construction and economic benefits to the construction industry supply chain.

SOCIAL SUSTAINABILITY

Residential Amenity

The proposal is for twelve dwellings on this site. Adequate separation distance can be achieved between the proposed dwellings and adequate private residential amenity space can be provided within the site.

Having regard to the existing properties adjacent to the site, the required separation distances between the proposed new dwellings and the existing ones would be in excess of that required. In addition the site is at a lower level than the existing dwellings.

Several objectors have referred to the lack of measures for the protection from noise required by the Inspector; this however can be controlled by condition.

Policy H2 of the SNP requires that new development should not cause unacceptable visual intrusion, overlooking, shading, noise, air pollution, light pollution or other adverse impact on local character and amenities. As set out above it is considered that the proposal meets these requirements.

Should the application be approved a condition should be imposed relating to a Phase I Contaminated Land Investigation in order to protect future occupiers of the proposed dwellings.

Subject to the conditions set out above, the proposal is considered to be acceptable in amenity terms and in compliance with GR6 of the adopted local plan and Policy H2 of the SNP.

Footpaths

The proposed development would not affect a public right of way. There are footpaths that go around the site, and whilst the outlook from these would be altered, they would be retained.

Policy PC5 of the SNP relates to footpaths and cycleways and the proposed development would not cause loss or degradation to the existing footpaths, meeting the requirements of this policy.

Public Open Space

In accordance with the advice, standards and formulae contained in the CBC Interim Policy Note on "POS Provision for New Residential Development" 2008 , the Council has assessed what

POS would be needed to serve the proposals for up to 12 new dwellings shown on the landscape layout plan drawing no M2613.01 dated August 2016.

The Policy Note provides for (1) amenity greenspace and (2) children's play provision, other land typologies such as woodland, buffers, green corridors, wildlife or semi natural areas are not a standard requirement.

A deficit in quality has been identified at Sandbach Park. The wetland and pond area within the park has been developed which enhances the area not only for the public but for wildlife by increasing the biodiversity of the area. As this is proposed on what forms part of the wildlife corridor and is on RC2 land this is a good opportunity to mitigate the loss by helping to further increase the environmental improvements at Sandbach Park.

It is appreciated the design has been considered thoroughly leaving the Southern section and West/North West section of the site relatively untouched to continue the wildlife corridor. The applicant has recognised the need for this wooded area to be protected and enhanced.

It is recommended that any enhancement planting proposed which runs throughout the development site are designed with their eventual maturity in mind.

Based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions for environmental enhancements in Sandbach Park sought from the developer would be:

Enhancement:	£2,535.84
Maintenance:	£5,676.00 (25 years)

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study and there would be a requirement for new provision. However as this site has size restrictions and is close to Sandbach Park then contributions towards Sandbach Park are preferred.

Based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions to enhance DDA inclusive activities at Sandbach Park would be;

Enhancement:	£ 4,395.36
Maintenance:	£14,328.00 (25 years)

Affordable Housing

This application is for 12 dwellings, on a largely Brownfield site, within the Settlement Zone Line of Sandbach. As such there is no requirement within the local plan for the provision of affordable housing within the development.

Other Matters

Sandbach Town Council has stated that the proposal would be contrary to Policy CW1 of the SNP. However this policy states that: *“All sports fields and areas currently used for amenity, play and recreation will be protected and where possible enhanced.”* The site is in private ownership and does not have access for the public, therefore cannot be used for amenity, play and recreation and is not a sports field. As such this policy cannot be applied to the proposal.

S106 contributions:

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.

Contributions to secondary education, public open space and off-site ecological works are directly related to the development and fairly and reasonably related in scale and kind to the development. The contribution would help to make the development sustainable.

PLANNING BALANCE AND CONCLUSION

The site is within the Settlement Zone Line of Sandbach, where there is a presumption in favour of sustainable development.

There is an extant consent for twelve dwellings on the site granted on appeal in 2014, therefore the principle of development has been established.

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

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

RECOMMENDATION

APPROVE subject to the completion of a Section 106 Agreement to secure the following;

- 1. A contribution of £32,685.00 for secondary education provision**
- 2. A contribution of £26,935.20 for enhancement and maintenance of amenity greenspace and children and young persons provision**
- 3. A contribution of £5,647.00 for off-site ecological works**

And the following conditions:

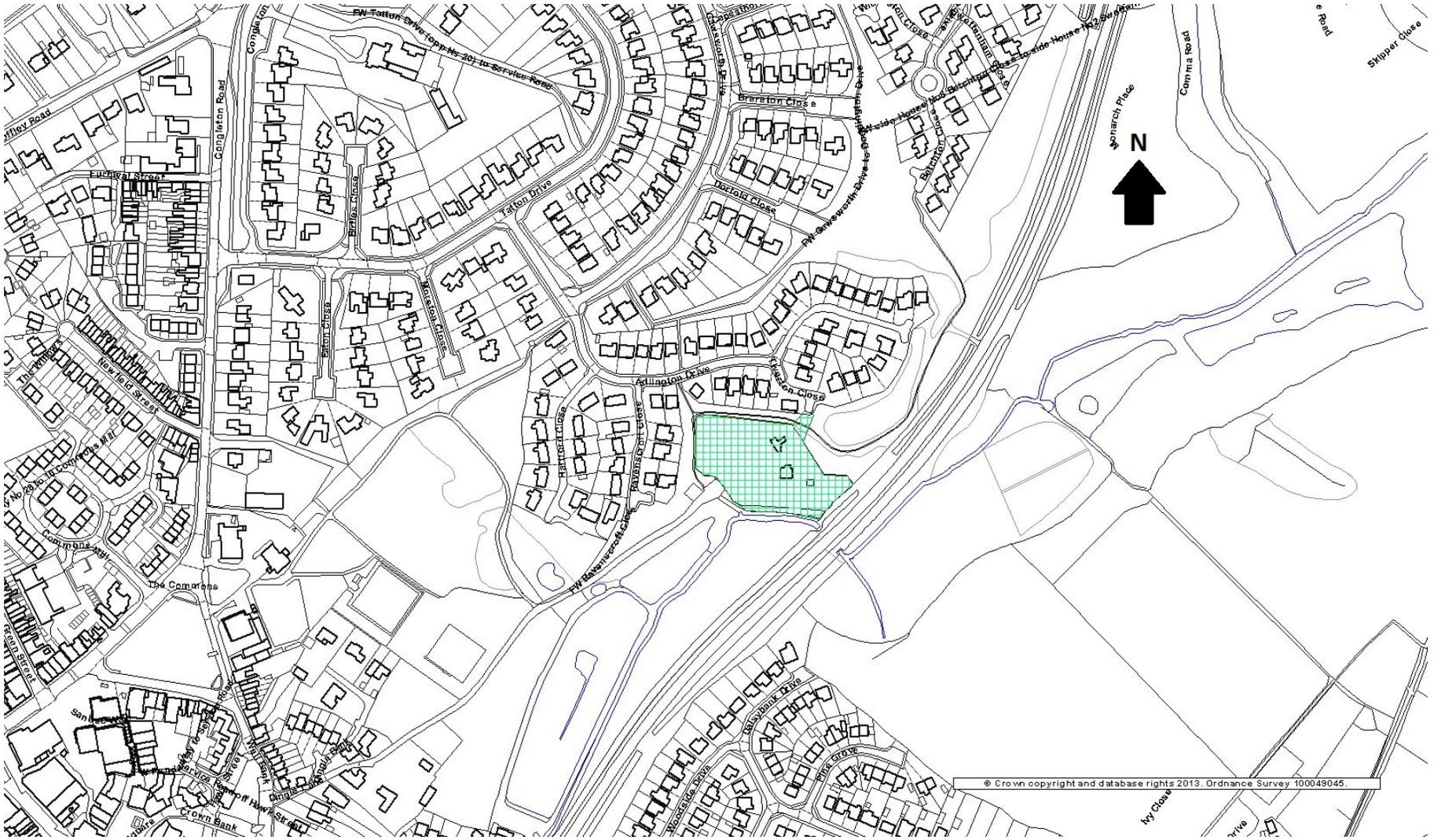
- 1. Standard time limit.**
- 2. Compliance with the approved plans.**
- 3. Submission of materials.**
- 4. Contaminated land Phase 11 investigation.**

5. Submission and implementation of a tree retention scheme.
6. Submission and implementation of a tree protection scheme
7. Submission and implementation of a tree pruning specification
8. Submission and implementation of an arboricultural method statement
9. Submission and implementation of foul and surface water drainage scheme.
10. Submission of a landscaping scheme.
11. Implementation of landscaping scheme
12. Submission and implementation of boundary treatment scheme including gaps for Hedgehogs.
13. Hours of construction (including deliveries) limited to 0800 to 1800 Monday to Friday, 0900 to 1400 Saturday with no working on Sundays or Bank Holidays.
14. Submission of details of the method, timing and duration of any pile driving operations.
15. Submission of a construction management plan
16. Protection measures for breeding birds.
17. Submission and implementation of details for the incorporation of features suitable for use by breeding birds including House Sparrow and roosting bats.
18. Submission of a scheme for protection of occupiers of the dwellings from traffic noise from the A534.
19. Submission of details ground levels and floor levels.
20. Updated badger survey to be submitted prior to commencement of development
21. Submission of details of external lighting
22. Submission of detailed design and planting specification for the nature corridor
23. Submission of management plan for the removal of non-native invasive species

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

Should 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.

4. A contribution of £32,685.00 for secondary education provision
5. A contribution of £26,935.20 for enhancement and maintenance of amenity greenspace and children and young persons provision
6. A contribution of £5,647.00 for off-site ecological works



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Application No: 16/1746C

Location: Land at SUNNYSIDE FARM, DUNNOCKSFOLD ROAD, ALSAGER, ST7 2TW

Proposal: Residential development comprising the erection of 28 dwellings, together with replan of plots 4, 5 and 6 on planning consent 14/5548C, landscaping, access and associated works.

Applicant: Mr Tom Loomes, Jones Homes (North West) Limited

Expiry Date: 07-Jul-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 H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

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

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

In this case, the development would provide positive planning benefits such as; the provision of a market and affordable dwellings in a sustainable location and the knock-on minor local economic benefits such a development would bring, particularly during construction.

Balanced against these benefits must be the dis-benefits, which in this case would be environmental matters predominantly comprising of the loss of Open Countryside.

All other issues are considered to be able to be mitigated against by the use of planning conditions or a S106 Agreement and as such, are considered to have a neutral impact.

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

Accordingly it is recommended for approval.

RECOMMENDATION

APPROVE Subject to a S106 Agreement and conditions

PROPOSAL

This application seeks full planning permission for the erection of 28 dwellings, together with a replan of plots 4, 5, and 6 on planning consent 14/5548C, reducing the adjacent scheme by one unit to enable internal access into the application site. The application includes access into the site and associated works.

SITE DESCRIPTION

The site relates to a parcel of greenfield land located adjacent to Sunnyside Farm, on the northern side of Dunnocksfold Road, Alsager, within the Open Countryside, but adjacent to the settlement zone line.

The application site extends to approximately 0.8 hectares and is largely rectangular in shape and relatively flat. The site sits adjacent to a recently permitted development for 95 dwellings. (12/4146C) (reduced to 89 at reserved matters stated 14/5548C), for which this application uses the same access off Dunnocksfold Road and includes the alterations of plots 4, 5 and 6 to allow access into the application site.

There is Public Right Of Way which runs along the west of the site.

RECENT RELEVANT HISTORY

12/4146C - Outline Application for the Erection of up to 95 Dwellings and formation of access point into site to serve the development. – Refused 22nd May 2013. Allowed on appeal 14th July 2014

14/5548C -Erection of up to 89 dwellings and formation of access point (reserved matters) – Approved with conditions 6th August 2015

16/2093C - Approval of reserved matters (landscaping) following outline approval 12/4146C – Approved with conditions 17th June 2016

LOCAL & NATIONAL POLICY

Congleton Borough Local Plan

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

The relevant Saved Policies are;

PS8 – Open Countryside,
GR1 – New Development,
GR2 – Design,
GR3 – Design,
GR4-5 Landscaping
GR6 - Amenity and Health,
GR9 - Highways & Parking,
GR20 – Public Utilities,
GR21 – Flood Prevention
GR22 – Open Space Provision,
NR1 - Trees and Woodlands,
NR2 - Statutory Sites,
NR3 – Habitats,
H1 & H2 - Provision of New Housing Development and
H6 - Residential development in the Open Countryside and the Green Belt

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

Policy SD1 Sustainable Development in Cheshire East, Policy SD2 Sustainable Development Principles, Policy SE1 Design, Policy SE2 Efficient Use of Land, Policy SE3 Biodiversity and Geodiversity, Policy SE4 The Landscape, Policy SE5 Trees, Hedgerows and Woodland, Policy SE9 Energy Efficient Development, Policy SE12 Pollution, Land Contamination and Land Instability, Policy IN1 Infrastructure, Policy IN2 Developer Contributions, Policy PG1 Overall Development Strategy, Policy PG2 Settlement Hierarchy, Policy PG5 Open Countryside and Policy SC4 Residential Mix

National Policy

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

14 - Presumption in favour of sustainable development, 17 – Core planning principles, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objection is raised with the informative that the applicant will be required to enter into a Section 38 Agreement regarding the construction and future adoption of the internal road layout.

Environmental Protection – No objections, subject to a number of conditions including; the prior submission/approval of an Environmental Management Plan; a travel information pack; the provision of electric vehicle infrastructure; the prior submission/approval of a Phase 1 Contaminated Land Report; the prior submission/approval of soil verification report and that works should stop if contamination identified. In addition, informatives in relation to contaminated land are also sought

Strategic Housing (Cheshire East Council) – No Objections subject to securing 5 Dwellings for affordable rent and 3 for intermediate tenure to be secured by S106 Agreement.

United Utilities – No objections, subject to the following conditions; that foul and surface water be drained on separate systems; the prior submission/approval of a surface water drainage scheme; the prior submission/approval of a sustainable drainage management and maintenance plan

ANSA Open Space – Both amenity green space and Children & Young Persons are showing a deficit. Contributions towards the Hassall Rd play area within 800m of the development site to encompass DDA equipment will be required. With regards to the Amenity Green Space, there is a deficit therefore provision would ideally be provided on site. However if this is not possible enhancements could be made to Hassall Rd to increase the capacity by improving the access.

Contributions sought are:

AGS £4,754.70 (Enhancement)

AGS £10,642.50 (Maintenance)

CYPP £8,241.30 (Enhancement)

CYPP £26,865.00 (Maintenance)

Children's Service's - No objections, subject to a financial contribution towards education provision of £65,371 for Secondary education

Flood Risk Manager – No objections, subject to a condition that a surface water drainage scheme be submitted to the LPA for prior approval

Public Rights of Way - No objections, but the applicant should be reminded of their responsibilities

Alsager Town Council –This response from Alsager Town Council supersedes the response of “No Comment” as determined on its registered list up to week ending 22nd April 2016.

Alsager Town Council objects to this application on grounds of highway safety due to cumulative traffic impact on Dunnocksfold Road and Close Lane.

There is concern on grounds of sustainability of the lack of public transport to and from Sandbach and Leighton Hospital due to a restricted No 78 bus service.

1. Given the 'material harm' to the landscape and open countryside constituted by this development and its adjoining one, the design, lay-out and landscaping of this site should be of the highest quality and seek to mitigate that harm.
2. While it is clear that the hedgerows and trees are not deemed to be 'high value' in ecological terms, they are deemed to be important in landscape and historical terms. The Developer's claim that all hedgerows will be retained with the exception of the access point for the two sites onto Dunnocksfold Road should be a condition
3. There is legitimate concern about highways infrastructure and road safety to which this Application will add cumulatively. It is not satisfactory to have each Developer claiming that their particular site will have little or no impact. Permission should only be granted on condition of appropriate traffic calming measures to mitigate the danger on a long straight leading into a bad bend near the site.
4. There should be a condition that improvements should be made to the pedestrian footpath along the full length of Dunnocksfold Road in the interests of road safety especially for the large number of children and elderly people who use this road.

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and an advert placed in the local newspaper. To date, approximately 10 letters of representation have been received. The main objections raised include;

- Principle of housing development in Alsager
- Loss of Countryside
- Highway safety – pressure on existing road infrastructure; poor visibility; Congestion, parking, speeding, suitability of access road, pedestrian safety, traffic calming required
- Impact upon hedge/trees important to retain
- Amenity – noise pollution, dust pollution during construction phase
- Drainage issues/ flooding
- Impact upon Public Right of Way
- Impact upon public facilities / infrastructure – Schools, highway network, medical facilities
- Sustainability of location
- Flooding
- Both this site and adjoining site should be reconsidered as a whole
- Previous residential developments have been refused on this site
- Design/layout not in keeping with the rural aspect of the area/lack of green space
- Lack of inclusive design within the development for elderly and disable future occupiers
- Lack of public response due to consultation fatigue
- If approved, conditions for landscaping, retain hedgerow, traffic calming measures, and a pedestrian footway should be sought

APPRAISAL

The key issues are:

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

Principle of Development

The site is designated as being within the Open Countryside where Policy PS8 (Open Countryside) of the Congleton Borough Local Plan states that development will only be permitted if it falls within one of a number of categories.

As the proposed development is for the erection of 28 new dwellings in the Open Countryside, it is subsequently subject to Policy H6 of the Congleton Local Plan and Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Policies H6 and PG5 advise that residential development within the Open Countryside will not be permitted unless it falls within a number of categories.

The proposed development does also not fall within any of the categories listed within Policies PS8 and H6 relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

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. These are considered below.

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’ 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 Sedgefield 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.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

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. These are considered below.

Environmental role

Locational Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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 applicant has not completed this assessment, but has completed a locational sustainability assessment as part of their Design and Access Statement. This advises that the site is within 500m walk of play areas, bus stops and public rights of way; 1000m walk of schools, local shops, meeting places and areas of open space; and within 2000m walk of the centre of Alsager which includes shop and facilities including supermarkets, banks, churches, library, doctors, dentist, eating places, public open space and employment opportunities.

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

- Amenity open space (500m) – Neighbouring site will include on site provision
- Children’s Play space (500m) – Neighbouring site will include on site provision
- Secondary School (1000m) – 1000m
- Primary School (1000m) – 900m
- Outdoor Sports Facility – (1000m) – 500m
- Public right of way (500m) – adjacent to the site
- Convenience Store (500m) – 1300m
- Leisure Facilities (Leisure Centre or Library) (1000m) – 870m
- Local meeting place (1000m) – 900m

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

- Post Office (1000m) – 1800m
- Pharmacy (1000m) – 1460m
- Railway station (2000m) – 2300m
- Bus stop (500m) – 550m
- Public house (1000m) - 1500m
- Child care facility (1000m) – 1480m
- Supermarket (1000m) – 1700m
- Post Box (500m) – 662m
- Bank or Cash Machine (1000m) – 1500m

The following amenities/facilities fail the standard:

- Medical Centre (1000m) – 2100m

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Alsager, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned.

However, this is not untypical for suburban dwellings and will be the same distances for the residential development on the other side of Dunnocksfold Road from the application site. However, all of the services and amenities listed are accommodated within Alsager and are accessible to the proposed development on foot or via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

Landscape Impact

The main body of the site is agricultural land located in open countryside to the north of Dunnocksfold Road. It is bounded by hedgerows with some hedgerow trees although there is a short length of fence forming part of the boundary to Sunnyside, a residential property, to the south east. There is residential property to the west, separated by a public footpath, and residential development to the south beyond Dunnocksfold Road. Agricultural land to the north and east beyond Sunnyside has extant planning approval for residential development which is now under construction.

The application site is an attractive relatively level agricultural landscape, characterised by hedgerows and a number of mature hedgerow trees, but influenced by the surrounding residential developments. The Council's Landscape officer considers the site has the landscape capacity to accommodate residential development, providing that this is well planned and designed and takes due account of the existing landscape characteristics and features of the site.

The layout appears to make provision for the retention of existing trees and boundary hedges, apart from sections to provide the link to development to the west and a footpath link to the west.

The submission provides no landscape or boundary treatment details, however these can be conditioned for later approval.

Trees and Hedgerows

The main body of the site is agricultural land located in open countryside to the north of Dunnocksfold Road. It is bound by hedgerows with some hedgerow trees.

The application is supported by an arboricultural statement dated 24 March 2016 which includes a tree survey and identifies arboricultural constraints /impacts in relation to the development.

The report indicates that all the existing trees will be retained with a short section of boundary hedge removed to enable access to the site. It also identifies pruning of retained trees, potential shading, and encroachment of building works /hard surfacing into the root protection area of several trees.

The Council Arboricultural Officer has raised concerns regarding plots 9 and 16 which, will be dominated by trees. It is considered that the constraints posed by tree T4 on plot 16 are not shown accurately on the current site plan. The plan in the tree report clearly shows the dwelling encroaching into the tree RPA, and the Council's Arboricultural Officer notes that an amendment would also avoid the need for the driveway to plot 16 to be 'no dig'.

The Council's Arboricultural Officer also notes that in relation to the other areas of encroachment of hard surfacing into tree root protection areas, whilst not ideal, it is accepted that special no dig construction techniques could be required by condition.

In respect to plots 9 and 16 the applicant states that the current layout is supported by their arboriculturalist and therefore do not propose making any further modifications as adequate mitigation can be secured through condition. Therefore the harm to the existing trees on the site and the potential future occupiers of the plots must be considered as a negative issue within the planning balance.

Ecology

The application is supported by a phase one habitat survey and further supplementary ecological information. The Council's Nature Conservation Officer (NCO) advises that this has been undertaken by a suitably experienced ecological consultant.

Oakhanger Moss SSSI and Midland Meres and Mosses Phase 2 Ramsar

The proposed development is located within 1km of this designated site. The submitted ecological survey has raised the potential risk of increased recreational pressure resulting from the proposed development having an adverse impact on these designated sites. The NCO advises that there is no public access to Oakhanger Moss and consequently there are no likely significant effects associated with increased recreation pressures. The application site is located outside of Natural England's SSSI Impact Risk Zones for this scale of development.

The NCO therefore advises that the proposed development is unlikely to have a significant effect upon either the SSSI or Ramsar. No further action is therefore required under the Habitat Regulations or the Wildlife and Countryside Act in respect of this designated site.

Great Crested Newts

The NCO advises that this protected species is not reasonable likely to be present or affected by the proposed development.

Other Protected Species

The submitted other protected species survey was undertaken by a consultant who has completed similar surveys on adjacent plan and is familiar with the extent of protected species activity in this area. Other Protected species are known to be active on this site, but the only active habitat recorded is located upon adjacent land. This adjacent land is also subject to development proposals and a protected species mitigation scheme has been agreed in respect of that scheme.

The NCO advises that based upon the current level of protected species activity recorded on site the proposed development is unlikely to have a significant adverse impact upon this species.

Grassland Habitats

The habitat survey was undertaken in October and therefore was outside the optimal survey season for assessing grassland habitats. A number of plant species were recorded on site that are indicative of better quality grassland habitats. To allow an accurate assessment of the nature conservation value of the habitats on site to be completed the NCO has recommended that a further survey of the grassland habitats on site be undertaken and a report of the survey submitted to the LPA.

This survey should include a full botanical species list for the grassland habitats on site with abundance data for each species recorded provided on the DAFOR scale. To ensure any proposed development is truly sustainable in ecological terms an assessment undertaken in accordance with the Defra Offsetting 'metric' should be undertaken to ensuring there is no net loss of biodiversity from the site. This assessment should be informed by the results of the additional grassland habitat survey.

Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. In order to avoid any isolation of habitat for this species the NCO recommends that the applicant submits proposals for the incorporation of gaps for hedgehogs into any garden or boundary fencing proposed. The gaps to be 10cm by 15cm and located at least every 5m.

Lighting condition

If planning consent is granted the NCO recommends that a condition be attached requiring any lighting scheme for the site to be agreed with the LPA.

Brown Hare

This priority species has been recorded in close proximity to the application site. The habitats on site however are of limited value for this species. In order to minimise any potential impacts on this species it is recommend that in the event that planning permission is granted the following condition should be attached:

Prior to the commencement of development the grassland habitats on site are to be cut short so as to render them unsuitable for breeding hare.

Invasive non-native plant species

If planning permission is granted the NCO recommends that a condition be attached requiring the submission of a method statement for the eradication of Invasive non-native plant species prior to the commencement of development.

Reptiles

There are records for grass snake around Alsager. The application site however offers limited habitat for reptiles. The submitted ecological assessment recommends that the low risk of reptiles being harmed as a result of the development be mitigated through the implementation of a method statement of 'Reasonable Avoidance measures'. The NCO advises that this approach is acceptable. If planning permission is granted it is recommend that a condition be attached to secure mitigation.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of a section of hedgerow to facilitate the site access. No detailed landscaping proposals have been submitted with the application. The NCO advises that the proposed plans should include proposals for the provision of suitable replacement hedgerow planting to compensate for this loss.

Bats

A number of trees on site have been identified with some potential to support roosting bats. Based upon the submitted layout plan it appears feasible for these trees to be retained as part of the proposed development and the submitted arboricultural statement indicates that this would be the case. The NCO therefore advises that roosting bats are unlikely to be affected by the proposed development.

As such, it is considered that subject to the above the majority of the proposal would adhere with Policies NR2 and NR3 of the Local Plan and Policy SE3 of the Emerging Local Plan Strategy, however as the Grassland survey is still outstanding and the committee will be updated on this matter.

Flood Risk and Drainage

The application site is located in flood zone 1. However there is a minimal amount of surface water risk to the west of the site boundary (topographic low spots) indicated by the Environmental Agency's (EA) mapping system.

The Council's Flood Risk Manager has reviewed this and advised that they have no objections, subject to the prior submission/approval of a surface water disposal scheme.

With regards to drainage, United Utilities have advised that they have no objections, subject to the following conditions; that foul and surface water be drained on separate systems; the prior submission/approval of a surface water drainage scheme; the prior submission/approval of a sustainable drainage management and maintenance plan.

Design

The proposed layout plan shows 28 new dwellings and the alteration of three dwellings to two dwellings which were previously approved as part of the adjoining development to allow for the internal access road to be constructed.

The general layout and density would appear to be in keeping with the adjoining development site and has a mix of 9 house types, all the properties are two storey, with a mix of terrace, semi's and detached dwellings. The housing mix includes 7 x two bedrooms, 8 x three bedrooms and 13 x four bedroom properties.

Policy SC4 of the emerging Local Plan Strategy refers to residential mix. This policy states that;

'New residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of a mixed, balanced and inclusive communities...'

It is considered that this is consistent with Paragraph 50 of the NPPF which states that planning should;

'To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities...'

The properties are a mix of detached, semi-detached and mews terrace and are of a mixed design in keeping with the adjoining development site. The proposed house types include a varied palette of external materials and gable features, bay window and porch features which add some architectural interest to the proposed dwellings.

It is considered proposed layout and design of the dwellings is acceptable and in accordance with Policy GR2 the Local Plan.

Access

The proposal includes 2m footways and is a small extension of a site that has been approved, utilising an approved access; it is therefore considered sustainable with a safe and suitable access. There would also be a pedestrian link, linking the site with the PROW to the west.

Swept paths have shown that refuge vehicles can safely enter/exit the site, and the site also accords with CEC parking standards.

During the adjacent outline application the TA assessed the impact of 100 units. The reserved matters application was for 89 units and this application sees the removal of 1 unit to accommodate the access. Although this application is for 28 units, the net increase of what has been assessed and what has been approved is 16 units. 16 dwelling units would generate around 10 two-way vehicle trips during the peak hour. The highway impact of the proposal is therefore considered negligible.

Environmental Conclusion

The proposed development would result in the loss of a parcel of Open Countryside, which in itself would be an environmental dis-benefit.

Furthermore, the development would result in the potential impact on the RPA of 2 trees, and the loss of grassland habitat. Currently there insufficient information to assess if the loss of grassland habitat is accepted.

There would be no issues created in relation to; landscape, flood risk and drainage, design and highway safety, subject to conditions.

However, due to the loss of Open Countryside, potential impact on trees and grassland, it is considered that the proposal would be environmentally unsustainable.

Economic Role

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest facilities in Alsager 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. However, these benefits would predominantly be realised during the construction phase of development.

Social Role

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

Affordable Housing

This is a proposed development of 28 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for dwellings to be provided as affordable dwellings. Five units should be provided as Affordable rent and three units as Intermediate tenure. An objection was originally raised as the applicant proposed to provide 4 rented dwellings and 5

intermediate. Revised plans have since been submitted which show that the developer will deliver a policy compliant tenure split on the site (5 rented and 3 intermediate).

The SHMA 2013 shows that the demand in Alsager is for 38 x 2 bed, 15 x 3 bed, 2 x 4 bed and 5 x 1 bed older person dwellings to be built per annum. The demand on Cheshire Homechoice is for 89 x 1 bed, 80 x 2 bed, 47 x 3 bed and 16 x 4 bed. The applicant proposes a mixture of 2 and 3 bed dwellings on this site and does not provide any 1 bed dwellings - this was originally seen as a reason for objection due to the level of need for 1 bed dwelling. However as the applicant will be delivering 1 bed dwellings on an adjacent site, that is currently being developed, this should be taken into account and my objection on these grounds has been withdrawn.

The affordable housing will be secured as part of a S106 Agreement.

Public Open Space (POS)

As the application proposal is for 28 dwellings, it triggers a POS requirement. The trigger for this requirement is 7 units as detailed within the *Revised Supplementary Planning Guidance Note 1: Provision of Public Open Space in New Residential Developments 2003*.

Amenity Green Space (AGS)

The Council's Green Space Officer states that having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, 28 new homes will generate a need for 900sqm of new AGS. The site layout plan provides no on site provision of Amenity Green Space. The Council's Green Space officer states that with regards to Amenity Green Space, there is a deficit therefore provision would ideally be provided on site however if this is not possible enhancements could be made to Hassall Rd to increase the capacity by improving the access.

AGS	£4,754.70	Enhancement
AGS	£10,642.50	Maintenance

Children's and Young Persons Provision (CYPP)

The developer is not providing on site CYPP due to the size of development. Having calculated the existing amount of accessible Children and Young Persons Provision there is currently a slight deficit in the area. With regards to the Amenity Green Space, there is a deficit therefore provision would ideally be provided on site however if this is not possible enhancements could be made to Hassall Rd to increase the capacity by improving the access.

Contributions sought are:

CYPP	£8,241.30	Enhancement
CYPP	£26,865.00	Maintenance

The above would be secured via a S106 Agreement.

Education

The Local Plan is expected to deliver 36,000 houses in Cheshire East; which is expected to create an additional 6,840 primary aged children and 5,400 secondary aged children. 422 children within this forecast are expected to have a special educational need.

Not including the current planning application registered on Sunnyside Farm (16/1746C), there are 9 further registered and undetermined planning applications in Alsager generating an additional 262 primary children and 201 secondary children.

The development of 28 dwellings is expected to generate:

5 primary children (28 x 0.19)
4 secondary children (28 x 0.15)
0 SEN children (28 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 = £65,371 (secondary)
Total education contribution: £65,371

A secured contribution of £65,371 is therefore required to mitigate for the development.

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 are sited on the opposite side of Dunnocksfold Road, from the development site and comprise of both single and two storey detached dwellings with driveways set back from the road, with grass verges between. The tightest relationship is Plot 8 which is 21.8m away from the front elevation of the opposing neighbours at No.108 Dunnocksfold Road, however this is a principal elevation facing a flank elevation on the new property with a road between. There is also an existing dwelling named Sundale off Dunnocksfold Road which will have a distance of 16m between the front elevation of the existing dwelling and the side/flank elevation of the new dwelling on plot 16. This meets the standards set out in the SPG. There is also a large tree on the boundary which is to be maintained as part of the proposal.

All other separation distances outside of the site exceed this distance and therefore it is not considered that the proposed development will have any significantly increased impact on neighbouring amenity. As such, this overcomes any significant neighbouring amenity concerns in relation to loss of privacy, light or visual intrusion.

Some of the internal separation distances are below the guidance of 21.8m between principal elevations, these include the terrace properties which have an internal separation of 17m. Although

this is lower than the standard distance it is considered that as the front elevation ground floor windows are kitchens, and second floor bedrooms at first floor and the lounge areas and Master bedrooms are to the rear (the main habitable rooms), the future occupiers will not be adversely affected by this reduction in separation distance. There is also parking areas and a shared road surface between the properties which will help to create a natural mitigation area.

Furthermore, the majority of the dwellings within the layout are to be sited at off set angles and therefore there will be limited direct overlooking caused by the internal layout.

The Council's Environmental Protection Team have reviewed the submission and advised that they have no objections, subject to a number of conditions including; prior submission/approval of an Environmental Management Plan; prior occupation/approval of a Travel Information Pack, the provision of electric vehicle infrastructure; the prior submission/approval of a Contaminated Land Report; the prior submission/approval of soil verification report and that works should stop if contamination identified. In addition, informatives in relation to hours of construction and contaminated land are also sought.

As such, subject to the above suggested conditions, from the Council's Environmental Protection Officer, the proposal is considered to adhere to Policy GR6 of the Local Plan.

Public Rights of Way (PROW)

The application site lies adjacent to public footpath Alsager 3 as recorded on the Definitive Map.

The Council's PROW Officer has advised that the development is unlikely to affect the public right of way, although the PROW Unit would expect the planning department to add an advice note to any planning consent to ensure that developers are aware of their legal obligations.

Social Conclusion

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

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.

The development would result in a deficiency in the quantity of provision of public open space within the area. In order to offset this loss, a contribution towards off site enhancement and maintenance of Children's and Young Persons Provision (CYPP) is required and the provision of on-site Amenity Green Space should be secured, with a commuted sum for maintenance. This is considered to be necessary, fair and reasonable in relation to the development.

The education contribution is necessary having regard to the oversubscription of local secondary schools and the demand that this proposal would add.

The above requirements are considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

Planning Balance

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

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

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

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

In this case, the development would provide positive planning benefits such as; the provision of a market and affordable dwellings in a sustainable location and the knock-on minor local economic benefits such a development would bring, particularly during construction.

Balanced against these benefits must be the dis-benefits, which in this case would be environmental matters predominantly comprising of the loss of Open Countryside.

All other issues are considered to be able to be mitigated against by the use of planning conditions or a S106 Agreement and as such, are considered to have a neutral impact.

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

Accordingly it is recommended for approval.

RECOMMENDATION

APPROVE Subject to a S106 Agreement to secure;

1. Open Space provision comprising of;

• Contribution towards Amenity Green Space (AGS) to enhancement Hassall Road Play area access of £4,754.70, and £10,642.50 for maintenance

- **Contribution towards Children and Young Persons Play at Hassall Road to improve the DDA equipment of £8,241.30 and £26,865.00 for maintenance.**
- 2. **30% on-site affordable housing provision to include; 5 rented dwellings and 3 intermediate properties**
 - **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.**
- 3. **Education contribution of £65,371 for secondary education**

And conditions;

1. **Time**
2. **Plans**
3. **Materials to be submitted**
4. **Landscaping**
5. **Landscaping implementation**
6. **Details of bin storage**
7. **Boundary treatment**
8. **Environmental Management Plan**
9. **Travel Information Pack**
10. **Electric Vehicle Infrastructure**
11. **Phase 1 contaminated Land**
12. **Soil Verification report**
13. **Unexpected Contaminated Land**
14. **Foul and Surface water drainage**
15. **Surface water drainage scheme**
16. **SUDs management and Maintenance plan**
17. **Hedgehog mitigation**
18. **Lighting Scheme**
19. **Grassland Habitat (Hares)**
20. **Method Statement for the eradication of invasive non-native plant species**
21. **Development in accordance with Extended Phase One: Habitat survey**

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

Should the application be subject to an appeal approval is given to enter into a S106 Agreement to secure the following Heads Of Terms;

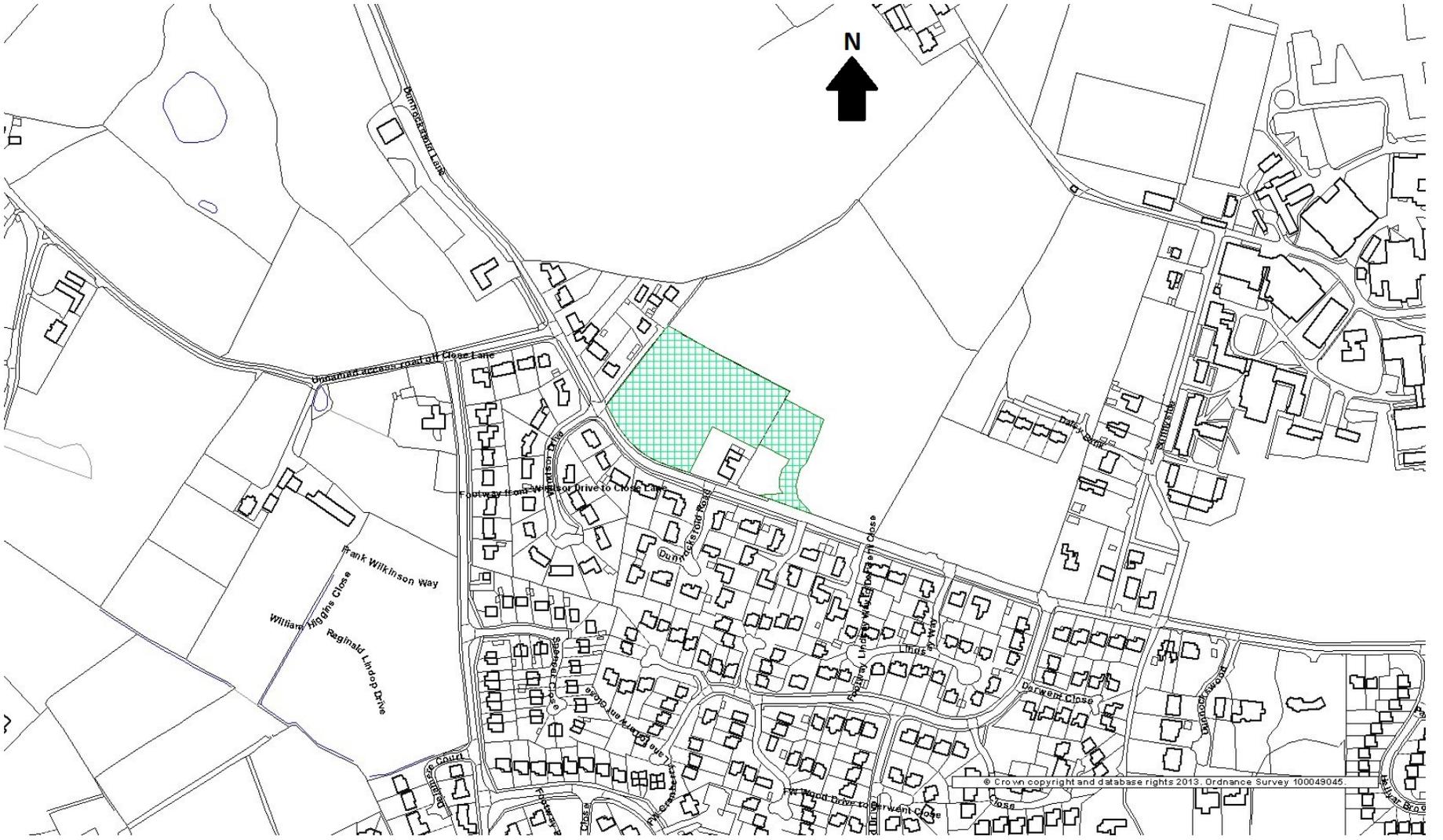
1. Open Space provision comprising of;

- **Contribution towards Amenity Green Space (AGS) to enhancement Hassall Road Play area access of £4,754.70, and £10,642.50 for maintenance**
- **Contribution towards Children and Young Persons Play at Hassall Road to improve the DDA equipment of £8,241.30 and £26,865.00 for maintenance.**

2. 30% on-site affordable housing provision to include; 5 rented dwellings and 3 intermediate properties

- **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.**

3. Education contribution of £65,371 for secondary education



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Application No: 16/2737C

Location: LAND AT, Dunster Lodge, BROOKHOUSE ROAD, ALSAGER

Proposal: Outline application for the erection of one dwellinghouse in garden of Dunster Lodge, Brookhouse Road, providing access on to Cedar Avenue

Applicant: Ms Christine Dyson

Expiry Date: 01-Sep-2016

SUMMARY:

The application site lies entirely within the Alsager Settlement Zone Line as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with the other policies of the Local Plan. The proposed development is appropriate to the character of its locality in terms of use and the layout, including the access.

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

In this case, the development would provide positive planning benefits such as; the provision of market dwellings in a sustainable location and the knock on minor local benefits such a development would bring, particularly during construction.

Balanced against these benefits must be the dis-benefits, which in this case would be predominantly the impact on the character of the area.

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

On the basis of the above, it is considered that the proposal represents sustainable development. Applying the tests within paragraph 14 it is considered that the benefits of the scheme significantly and demonstrably outweighed by the dis-benefits.

RECOMMENDATION

APPROVE subject to conditions.

REASON FOR REFERRAL

The application was called to be determined at Southern Planning Committee by Cllr. Deakin for the following reason:

“the proposed dwellings will not be in keeping with the surrounding street scene. The houses already on the site are of Victorian origin. As a result, it is possible there will be an altering of the height of houses with the bungalows next door.”

PROPOSAL

Outline Planning Permission is sought for the erection of one detached dwelling within the garden of Dunster Lodge.

Matters of scale, landscaping and appearance are reserved for subsequent approval. As such this proposal seeks to establish the principle of residential development, the access position and the layout.

Please note that there is a similar planning application on the land to the immediate east of the application site, planning application ref: 16/2738C.

SITE DESCRIPTION

This application relates to part of the garden of Dunster Lodge, Brookhouse Road, Alsager within the Alsager Settlement Zone Line. The Alsager Conservation Area is approximately 40 metres (m) to the north west of the application site.

The application site is generally flat and is currently accessed from Brookhouse Road with a shared access with Greenfields (the neighbouring dwelling to the east of the application site).

RELEVANT HISTORY ON SITE

There is no relevant planning history pertaining to the application site.

RELEVANT HISTORY ADJACENT TO SITE

16/1352C - Outline application for residential redevelopment of up to 14 dwellings with associated infrastructure – resolution to approve at Planning Committee subject to S106

16/2738C - Outline application for dwelling in garden of Greenfields – live planning application

LOCAL & NATIONAL POLICY

Development Plan:

The relevant policies saved in the **adopted Congleton Borough Local Plan First Review 2005** are:

PS4 - Towns
GR1 - General Criteria for Development
GR2 - Design
GR6 - Amenity and Health
GR9 - Accessibility, Servicing and Parking Provision
H1 & H2 - Provision of New Housing Development
H4 - Housing Development in Towns

SPG2 - Provision of Private Amenity Space in New Residential Development
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 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.

CONSULTATIONS:

Head of Strategic Infrastructure (HSI) – No objection;

“The proposed off-street parking provision and turning area are adequate and sufficient visibility is achievable as shown on plan ‘0887 12 D’.

No objection is raised with the condition that the visibility splay shown on plan ‘0887 12 D’ is not obstructed above a height of 1m.”

Environmental Protection – No objection subject to a land contamination condition construction hours of operation informative and a building regulations informative.

United Utilities – No objection subject to an Informative.

VIEWS OF THE TOWN COUNCIL:

Alsager Town Council – Object to the application due to the impact on the character of the area, reduction in garden amenity area and highway safety (full comments available on the website)

REPRESENTATIONS:

1 letter of representation has been received from a neighbouring property. The main concerns include;

- No need for the development
- Highway safety
- Impact on amenity
- Loss of garden space
- Impact on the character of the area

SUPPORTING INFORMATION:

Planning Statement and relevant surveys.

APPRAISAL

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

Principle of Development

The site is designated as being within the Settlement Zone Line of Alsager where Policy PS4 (Towns) states that there is a presumption in favour of development provided it is in keeping with the local character and scale and does not conflict with other policies of the local plan. Consequently this site, which is located within the settlement boundary, is considered to be suitable in principle for residential development provided it is in keeping with the town's scale and character and does not conflict with the other policies of the local plan.

As detailed below, it is considered that the development is in keeping with the character of the area and the pattern of the surrounding development. A planning application has been approved at Planning Committee for the erection for 14 dwellings opposite the application therefore it is considered that the principle of residential development in the area is acceptable (see planning history). It is noted that the application site is fundamentally different (i.e. part of the garden of an existing dwelling) however it is not considered that a reason for refusal based on the impact on the character of the area can be substantiated following on from the approved planning application opposite. As such, the principle of new residential development in this location is considered to be acceptable.

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' 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.

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 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

Locational Sustainability

The site is classified as being within the Alsager Settlement Zone Line and is located approximately 0.8 km from Alsager town centre. As such it is considered that the location of the development is sustainable.

Landscape Impact

The proposed dwelling would be located within the existing curtilage of Dunster Lodge located in a residential area with approval for 14 dwellings opposite the application site. As such it is not considered that there would be any significant on the landscape of the area.

Highways and Access

The proposal is for one dwelling and will be accessed from Cedar Avenue.

The point of access to serve this development would be via Cedar Avenue and the existing dwelling would retain an existing vehicular access point off Brookhouse Road.

The highways officer has confirmed that the proposed access off Cedar Avenue would provide adequate visibility splays to serve this proposed development.

Off-road parking provision accords with CEC parking standards and the Head of Strategic Infrastructure has no objection to the proposal. It is therefore considered that the proposal is in accordance with Policies GR1 and GR9 of the adopted local plan.

Ecology

The Council's Ecologist has advised that there are no Ecology issues subject to a condition relation to nesting birds.

Trees and Hedgerows

The application site has been subject of an amount of pre-determination felling, with trees removed from both the southern and eastern boundaries. The trees which have been removed appear to have been a number of mature Beech, with stumps still evident; none of the trees were protected

The removal of the trees has established adequate space to allow the proposed build footprint and associated access to be implemented. The off site trees located to the west of Brookhouse Road are a material consideration in terms of light attenuation, but any impact on the proposed dwelling and external living space is considered to be extremely limited.

The application is supported by a Tree Survey and the Forestry Officer has advised that there are no arboricultural implications.

Layout

The proposal is for one detached dwelling with all matters reserved except for access and layout. An indicative layout has been submitted and would be subject to a reserved matters application to finalise the scale, landscaping and appearance. The indicative layout is analysed below.

The plot would measure approximately 25 metres (m) in length and 20m in width at its maximum. The dwelling proposed for this plot would be positioned approximately 9 m from Cedar Avenue at its closest point. The dwelling would stand 3.5 m from the western boundary and 4.0 m from the eastern boundary.

The proposed dwelling would have a similar building line to Greenlands (the neighbouring property to the east). The neighbouring properties are either detached or semi-detached in nature and the area is characterised by a mix of garden/plot sizes. It is recognised that the application site is located within the Alsager Settlement Boundary, and the proposal layout confirms with the varied residential layouts in the vicinity of the area and broadly follows the existing building line along Cedar Avenue and Brookhouse Road.

Policy GR2 states that development should be *“sympathetic to the character, appearance and form of the site and the surrounding area in terms of the visual, physical and functional relationship of the proposal to neighbouring properties, the street scene and to the locality generally”*.

Policy GR1 states that *“all development will be expected to be of a high standard, to conserve or enhance the character of the surrounding area and not detract from its environmental quality, and to have regard to the principles of sustainable development.”*

As detailed in this report it is not considered that the proposed development would conserve or enhance the character of the surrounding area by virtue of the its location and siting.

The proposed dwelling would be located within the garden of Dunster Lodge and it is considered that the layout of the proposal respects the pattern of the surrounding area as the development would comprise a dwelling with a smaller footprint (when compared to the surrounding dwellings) set in an appropriate curtilage, which is a consistent with the character of the area.

Paragraph 55 of the NPPF states that *“local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”* and it is considered that the proposed dwelling would not cause significant harm to the local area by virtue of the above. One of the core planning principals of the NPPF is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of the land and buildings and it is considered that the proposed development conforms with this.

The proposal would be consistent with the pattern, character and form of the surroundings and is therefore acceptable. As a result of the above it is considered that the layout of the proposal is in keeping with the character of the area and is considered to be in accordance with Policy GR1 (New Development) and GR2 (Design Standards).

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’

It is accepted that the construction of a housing development of this size would bring the usual economic benefits to the closest public facilities in the closest villages 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 proposal will provide a new market dwelling which in itself would be a social benefit.

Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties via 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. It states that 21.3 metres should be maintained between 2 principal elevations and 13.7 metres should be allowed between a principal and flank elevation. The SPD recommends a minimum amenity space of 65 m² and the proposed amenity space is more than sufficient (approximately 230 m²).

The proposed dwelling would be positioned approximately 29 m to the west of Greenlands (the neighbouring property to the east) at its closest point. No indicative house type has been provided at this stage but it is noted that the principal elevation of Greenlands is the elevation facing the application property. If the elevation facing Greenlands was to be a flank elevation then the spacing requirement would be met. If this elevation was a principal elevation then the spacing standards would not be met. This is an issue that can be resolved at reserved matters stage.

The proposed dwelling would be approximately 25 m from Dunster Lodge (the dwelling to the north). The proposal meets the guidance and it is not considered that there would be any significant impact on the amenity afforded to the occupiers of Dunster Lodge. It is noted that the design could be amended to alleviate any amenity concerns raised regarding the layout.

A planning application for a dwelling within the garden of Greenfields (the dwelling to the east). This application is yet to be determined.

The Council's Environmental Protection Team have reviewed the submission and advised that they have no objections, subject to a number of conditions/Informatives.

As a result of the above reasons the proposal is considered to be acceptable in terms of residential amenity and in compliance with Policy GR6 (Amenity) of the Local Plan.

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

Planning Balance

The application site lies entirely within the Alsager Settlement Zone Line as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with the other policies of the Local Plan. The proposed development is appropriate to the character of its locality in terms of use and the layout, including the access.

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 consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide positive planning benefits such as; the provision of a market in a sustainable location and the knock-on minor local economic benefits such a development would bring, particularly during construction.

Balanced against these benefits must be the dis-benefits, which in this case would be environmental matters predominantly the impact on the character of the area.

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

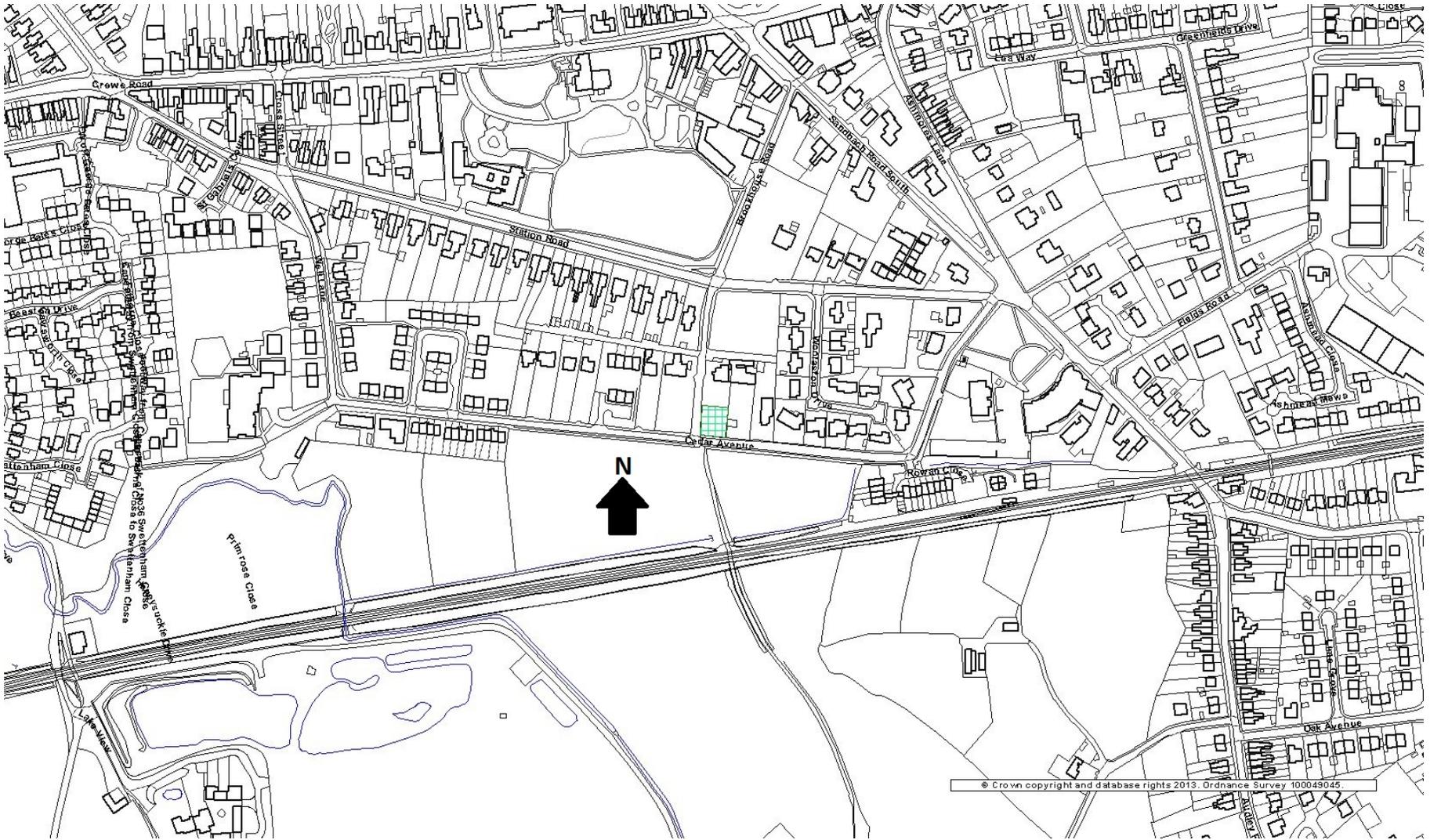
Accordingly it is recommended for approval.

RECOMMENDATION:

Approve subject to the following conditions:

1. **Time Limit (Outline)**
2. **Submission of reserved matters**
3. **Reserved Matters application made within 3 years**
4. **Development in accordance with approved plans**
5. **Nesting birds**
6. **Land contamination**

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



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Application No: 16/2738C

Location: LAND AT GREENFIELDS, CEDAR AVENUE, ALSAGER, STOKE-ON-TRENT, CHESHIRE, ST7 2PH

Proposal: Outline application for dwelling in garden of Greenfields

Applicant: Mr & Mrs Smith

Expiry Date: 01-Aug-2016

SUMMARY:

The application site lies entirely within the Alsager Settlement Zone Line as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with the other policies of the Local Plan. The proposed development is appropriate to the character of its locality in terms of use and the layout, including the access.

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

In this case, the development would provide positive planning benefits such as; the provision of market dwellings in a sustainable location and the knock on minor local benefits such a development would bring, particularly during construction.

Balanced against these benefits must be the dis-benefits, which in this case would be predominantly the impact on the character of the area.

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

On the basis of the above, it is considered that the proposal represents sustainable development. Applying the tests within paragraph 14 it is considered that the benefits of the scheme significantly and demonstrably outweighed by the dis-benefits.

RECOMMENDATION

APPROVE subject to conditions.

REASON FOR REFERRAL

The application was called to be determined at Southern Planning Committee by Cllr. Deakin for the following reason:

“the proposed dwellings will not be in keeping with the surrounding street scene. The houses already on the site are of Victorian origin. As a result, it is possible there will be an altering of the height of houses with the bungalows next door.”

PROPOSAL

Outline Planning Permission is sought for the erection of one detached dwelling within the garden of Greenfields and including a new access from Cedar Avenue. The proposal included the relocation of the existing access that serves Greenfields.

Matters of scale, landscaping and appearance are reserved for subsequent approval. As such this proposal seeks to establish the principle of residential development, the access position and the layout.

Please note that there is a similar planning application on the land to the immediate west of the application site, planning application ref: 16/2737C.

SITE DESCRIPTION

This application relates to part of the garden of Greenfields, Cedar Avenue, Alsager within the Alsager Settlement Zone Line. The Alsager Conservation Area is approximately 45 metres (m) to the North West of the application site.

The application site is generally flat and is currently accessed from Brookhouse Road with a shared access with Dunster Lodge (the neighbouring dwelling to the west of the application site). To the east of the site is a detached dwelling known as Greenlands.

The site is characterised by a number of large trees, none of which are protected.

RELEVANT HISTORY ON SITE

36881/3 - Retention of timber decking and erection of a summerhouse – approved 15th March 2004

37299/3 – new pitched roof over existing flat roof – approved 15th June 2004

RELEVANT HISTORY ADJACENT TO SITE

16/1352C - Outline application for residential redevelopment of up to 14 dwellings with associated infrastructure – resolution to approve at Planning Committee subject to S106

16/2737C - Outline application for the erection of one dwellinghouse in garden of Dunster Lodge, Brookhouse Road, providing access on to Cedar Avenue – live planning application

LOCAL & NATIONAL POLICY

Development Plan:

The relevant policies saved in the **adopted Congleton Borough Local Plan First Review 2005** are:

PS4 - Towns
GR1 - General Criteria for Development
GR2 - Design
GR6 - Amenity and Health
GR9 - Accessibility, Servicing and Parking Provision
H1 & H2 - Provision of New Housing Development
H4 - Housing Development in Towns

SPG2 - Provision of Private Amenity Space in New Residential Development
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 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.

CONSULTATIONS:

Head of Strategic Infrastructure (HSI) – No objection

Environmental Protection – No objection subject to a land contamination condition construction hours of operation informative and a building regulations informative.

United Utilities – No objection subject to an Informative.

Public Rights of Way – No objection.

VIEWS OF THE TOWN COUNCIL:

Alsager Town Council – Object to the application due to the impact on the character of the area, reduction in garden amenity area and highway safety (full comments available on the website)

REPRESENTATIONS:

2 letters of representation have been received from neighbouring properties. The main concerns include;

- Concerns relating to traffic and highways
- Noise pollution
- Impact on amenity
- Loss of garden space
- Impact on the character of the area

SUPPORTING INFORMATION:

Planning Statement and relevant surveys.

APPRAISAL

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

Principle of Development

The site is designated as being within the Settlement Zone Line of Alsager where Policy PS4 (Towns) states that there is a presumption in favour of development provided it is in keeping with the local character and scale and does not conflict with other policies of the local plan. Consequently this site, which is located within the settlement boundary, is considered to be suitable in principle for residential development provided it is in keeping with the town's scale and character and does not conflict with the other policies of the local plan. As detailed below, it is considered that the development is in keeping with the character of the area and the pattern of the surrounding development. A planning application has been approved at Planning Committee for the erection for 14 dwellings opposite the application therefore it is considered that the principle of residential development in the area is acceptable (see planning history). It is noted that the application site is fundamentally different (i.e. part of the garden of an existing dwelling) however it is not considered that a reason for refusal based on the impact on the character of the area can be substantiated following on from the approved planning application opposite. As such, the principle of new residential development in this location is considered to be acceptable.

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' 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 'Sedgpool' 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.

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 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

Locational Sustainability

The site is classified as being within the Alsager Settlement Zone Line and is located approximately 0.8 km from Alsager town centre. As such it is considered that the location of the development is sustainable.

Landscape Impact

The proposed dwelling would be located within the existing curtilage of Greenfields located in a residential area with approval for 14 dwellings opposite the application site. As such it is not considered that there would be any significant on the landscape of the area.

Highways and Access

The proposal is for one dwelling and will be accessed from Cedar Avenue.

The point of access to serve this development would be via Cedar Avenue. The development proposes a relocated access to serve the existing dwelling from Cedar Avenue and further information has been requested from the Agent regarding the visibility splays and this will be dealt with via a committee update.

The highways officer has confirmed that the access off Cedar Avenue for the proposed dwelling would provide adequate visibility splays to serve this proposed development.

Off-road parking provision accords with CEC parking standards and the Head of Strategic Infrastructure has no objection to the proposal. It is therefore considered that the proposal is in accordance with Policies GR1 and GR9 of the adopted local plan.

Ecology

The Council's Ecologist has advised that there are no Ecology issues subject to a condition relation to nesting birds.

Trees and Hedgerows

The application is supported by a Tree Survey and the Forestry Officer has advised that there are no arboricultural implications associated with this application.

Layout

The proposal is for one detached dwelling with all matters reserved except for access and layout. An indicative layout has been submitted and would be subject to a reserved matters application to finalise the scale, landscaping and appearance. The indicative layout is analysed below.

The plot would measure approximately 30 metres (m) in length and 18m in width at its maximum. The dwelling proposed for this plot would be positioned approximately 9 m from Cedar Avenue at its closest point. The dwelling would stand 1.4 m from the western boundary and 8.8 m from the eastern boundary.

The proposed dwelling would have a similar building line to Greenlands (the neighbouring property to the east). The neighbouring properties are either detached or semi-detached in nature and the area is characterised by a mix of garden/plot sizes. It is recognised that the application site is located within the Alsager Settlement Boundary, and the proposal layout confirms with the varied residential layouts in the vicinity of the area and broadly follows the existing building line along Cedar Avenue. Policy GR2 which states that development should be *“sympathetic to the character, appearance and form of the site and the surrounding area in terms of the visual, physical and functional relationship of the proposal to neighbouring properties, the street scene and to the locality generally”*.

Policy GR1 states that *“all development will be expected to be of a high standard, to conserve or enhance the character of the surrounding area and not detract from its environmental quality, and to have regard to the principles of sustainable development.”* As detailed in this report it is not considered that the proposed development would conserve or enhance the character of the surrounding area by virtue of the its location and siting.

The proposed dwelling would be located within the garden of Greenfields and it is considered that the layout of the proposal respects the pattern of the surrounding area as the development would comprise a dwelling with a smaller footprint (when compared to the surrounding dwellings) set in an appropriate curtilage, which is a consistent with the character of the area.

Paragraph 55 of the NPPF states that *“local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”* and it is considered that the proposed dwelling

would not cause significant harm to the local area by virtue of the above. One of the core planning principals of the NPPF is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of the land and buildings and it is considered that the proposed development conforms with this.

The proposal would be consistent with the pattern, character and form of the surroundings and is therefore acceptable. As a result of the above it is considered that the layout of the proposal is in keeping with the character of the area and is considered to be in accordance with Policy GR1 (New Development) and GR2 (Design Standards).

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'

It is accepted that the construction of a housing development of this size would bring the usual economic benefits to the closest public facilities in the closest villages 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 proposal will provide a new market dwelling which in itself would be a social benefit.

Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties via 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. It states that 21.3 metres should be maintained between 2 principal elevations and 13.7 metres should be allowed between a principal and flank elevation. The SPD recommends a minimum amenity space of 65 m² and the proposed amenity space is more than sufficient (approximately 350 m²).

The proposed dwelling would be positioned approximately 16 m to the west of Greenlands (the neighbouring property to the east) at its closest point. No indicative house type has been provided at this stage but it is noted that the principal elevation of Greenlands is the elevation facing the application

property. If the elevation facing Greenlands was to be a flank elevation then the spacing requirement would be met. If this elevation was a principal elevation then the spacing standards would not be met. This is an issue that can be resolved at reserved matters stage.

The proposed dwelling would be approximately 20 m from Greenfields (the dwelling to the north). If the facing elevation was to be a principal elevation then the application would fall short of the standards by 1.3 m. Whilst the proposal does not meet the guidance it is not considered that this would constitute a reason for refusal as the standards can be relaxed in certain circumstances and it is not considered that a shortfall of 1.3 m would be sufficient for a reason for refusal in this instance as it is not known at this stage which elevations are principal and which are flanks and it is noted that the design could be amended to alleviate the concerns raised regarding the layout.

A planning application for a dwelling within the garden of Dunster Lodge (the dwelling to the north west). This application is yet to be determined.

The Council's Environmental Protection Team have reviewed the submission and advised that they have no objections, subject to a number of conditions/Informatives.

As a result of the above reasons the proposal is considered to be acceptable in terms of residential amenity and in compliance with Policy GR6 (Amenity) of the Local Plan.

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

Planning Balance

The application site lies entirely within the Alsager Settlement Zone Line as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with the other policies of the Local Plan. The proposed development is appropriate to the character of its locality in terms of use and the layout, including the access.

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 consider whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide positive planning benefits such as; the provision of a market in a sustainable location and the knock-on minor local economic benefits such a development would bring, particularly during construction.

Balanced against these benefits must be the dis-benefits, which in this case would be environmental matters predominantly the impact on the character of the area.

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

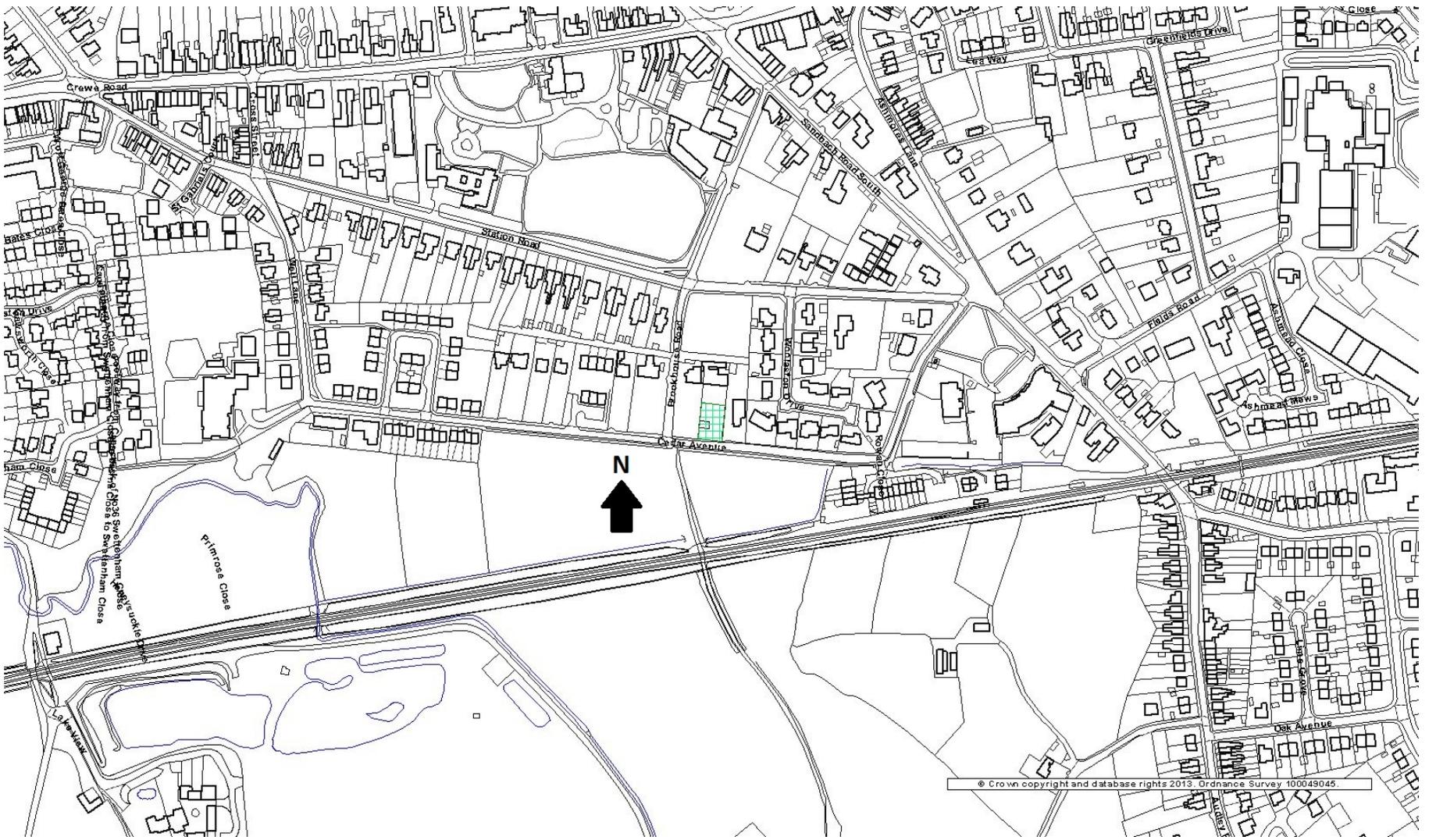
Accordingly it is recommended for approval.

RECOMMENDATION:

Approve subject to the following conditions:

1. **Time Limit (Outline)**
2. **Submission of reserved matters**
3. **Reserved Matters application made within 3 years**
4. **Development in accordance with approved plans**
5. **Boundary treatment**
6. **Nesting birds**
7. **Land contamination**

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



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Application No: 16/3732C

Location: Heathend Farm, HASSALL ROAD, ALSAGER, ST7 2SJ

Proposal: Demolition of the existing Farm House, Garage & Stables and Proposed 5 Number 5 Bedroom Dwellings with Detached Garages all on the land at Heathend Farm

Applicant: Bruce Davies

Expiry Date: 05-Oct-2016

SUMMARY:

The proposed development would be contrary to Policies PS8 and H6 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites policies PS8 and H6 are out-of-date for the purposes of paragraph 49 of the NPPF. The presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

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

The development would have a neutral impact upon education, protected species/ecology, flood risk/drainage, trees, residential amenity/noise/air quality/contaminated land and highways.

The adverse impacts of the development would be the loss of open countryside, and limited landscape impact of the development.

However, the benefits of approving this development (as listed above) would significantly and demonstrably outweigh the adverse impacts of the development. As such the application is recommended for approval.

RECOMMENDATION:

Approve subject to conditions

PROPOSAL

Outline approval with all matters reserved is sought for the demolition of the existing farm house, garage and stables and the erection of five, 5 bedroom dwellings with detached garages.

SITE DESCRIPTION

The application site is located on the western side of Hassall Road and is designated as being within the Open Countryside in the adopted local plan. Opposite the site is land within the settlement zone line of Alsager, to the west at Mere End Barns a single dwelling has been approved and to the south, on the boundary to the site, 34 dwellings have been approved.

RELEVANT HISTORY

No relevant planning history relating to this site.

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan:

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

The relevant Saved Policies are: -

PS8	-	Open Countryside
GR1	-	General Requirements for New Development
GR2	-	Design
GR6	-	Amenity and Health
GR9	-	Accessibility, Servicing and Parking Provision
H1&2	-	Provision of New Housing Development
H6	-	Residential Development in the Open Countryside
SPG2	-	Provision of Private Amenity Space in New Residential Developments

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
SE 14 Jodrell Bank
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
PG5 Open Countryside
EG1 Economic Prosperity

CONSULTATIONS:

Highways:

No objection.

Environmental Protection:

Recommend conditions/informatives relating to noise, disturbance, dust, air quality and contaminated land.

United Utilities:

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

Alsager Town Council:

Object to the proposal on the grounds of intrusion into Open Countryside, highway safety and ecology. These can be viewed in full on the Council website.

REPRESENTATIONS:

At the time of report writing one representation has been received which can be viewed in full on the Council website. It raises concerns about the type of homes proposed, highway safety and encroachment into open countryside.

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 adopted Congleton Borough Local Plan First Review 2005, where Policies PS8 and H6 require 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 and affordable housing.

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 Sedgefield 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.

Sustainable Development

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

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

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

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

ENVIRONMENTAL ROLE

Open Countryside Policy

In the absence of a 5-year housing land supply settlement boundaries are out of date but where appropriate, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy PS8, seeks to protect the intrinsic character and beauty of the countryside.

The site is currently host to a dwelling and associated outbuildings and garden and a paddock with equestrian buildings and manege. There are trees and hedgerows on the boundaries of the site and

on the existing access. Residential development has been approved adjacent to the site to the west and to the south.

Given the size of the site and the approved development surrounding it, 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.

Trees

The application is supported by a detailed Arboricultural Implications Assessment (AIA). The report identifies the removal of 21 individual trees in order to implement the proposed development; the majority have been identified as low value Category C specimens with two un-classified. Their removal will have a negligible impact on the amenity of the immediate area and the wider landscape; their loss is considered to be acceptable.

Sixteen trees are identified for retention including seven high value Category A specimens, all of which can be protected in accordance with current best practice. The submitted AIA contains the sufficient detail precluding the need for the matter to be addressed by condition.

The proposed development layout establishes adequate space in terms of spatial separation and social proximity between trees and the adjacent dwellings and their respective external living space. Post development issues have been designed out.

The AIA contains a detailed replacement planting scheme which is considered a net gain in terms of the numbers and quality of the trees identified for removal. A condition should be imposed requiring the arboricultural works to be carried out in accordance with the AIA.

Design & Layout

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

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

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

The **indicative** layout shows a five detached dwellings, in large plots which is considered to be acceptable given the variety of properties both existing and approved in the vicinity.

The proposal is therefore considered to be unacceptable and contrary to Policies GR1 and GR 2 of the adopted local plan that seek to conserve and enhance the character of areas in the borough.

Highways

This application is to demolish the existing farm house and other associated buildings and erect 5 No. dwellings. The existing access to the site is to be used to serve the development and it is indicated that it will be a private access drive although access is a reserved matter and is not to be determined at this stage.

The Head of Strategic Infrastructure (HSI) has no objections in principle to a further four dwellings being constructed on the site. However, the reserved matters should deal with visibility splays on to Hassall Road and speed surveys should be submitted with any reserved matters application.

There will be a requirement for a communal bin store located close to the access point or facilities should be provided internally to accommodate a refuse vehicle.

Ecology

An Extended Phase 1 Habitat Survey has been submitted with the application. The report has been assessed by the Council's Ecologist who considers that it is acceptable and addresses the necessary issues. Conditions are recommended relating to breeding birds and features to be incorporated into the development for bats and breeding birds.

ECONOMIC SUSTAINABILITY

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

Paragraph 19 states that:

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

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

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

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

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

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

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

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

SOCIAL SUSTAINABILITY

Residential Amenity

The proposal is for five dwellings on this site. Adequate separation distance can be achieved between the proposed dwellings and adequate private residential amenity space can be provided within the site.

Should the application be approved a condition should be imposed relating to a Phase I Contaminated Land Investigation in order to protect future occupiers of the proposed dwellings.

Having regard to noise, a condition should be imposed requiring a noise mitigation scheme to address noise generated from the M6 motorway.

Having regard to air quality, whilst this is a small scheme, it is recommended that a condition is imposed requiring the provision of electric vehicle charging point for each dwelling.

Subject to the conditions set out above, the proposal is considered to be acceptable in amenity terms and in compliance with GR6 of the adopted local plan.

Affordable Housing

Following a Court of Appeal judgement on 19th May 2016, National Planning Practice Guidance was amended. The result of this is that in developments of 10 dwellings or less, contributions for affordable housing should not be sought. As such there is no requirement for the provision of affordable housing.

In order to comply with the NPPG a condition will be attached to ensure that the reserved matters does not have a maximum combined gross floorspace of more than 1000sqm.

Education

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

Health

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

Response to Objections

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

Conclusion – The Planning Balance

The proposed development would be contrary to Policies PS8 and H6 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites policies PS8 and H6 are out-of-date for the purposes of paragraph 49 of the NPPF. The presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

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

The development would have a neutral impact upon education, protected species/ecology, flood risk/drainage, trees, residential amenity/noise/air quality/contaminated land and highways.

The adverse impacts of the development would be the loss of open countryside, and limited landscape impact of the development.

However, the benefits of approving this development (as listed above) would significantly and demonstrably outweigh the adverse impacts of the development. As such the application is recommended for approval.

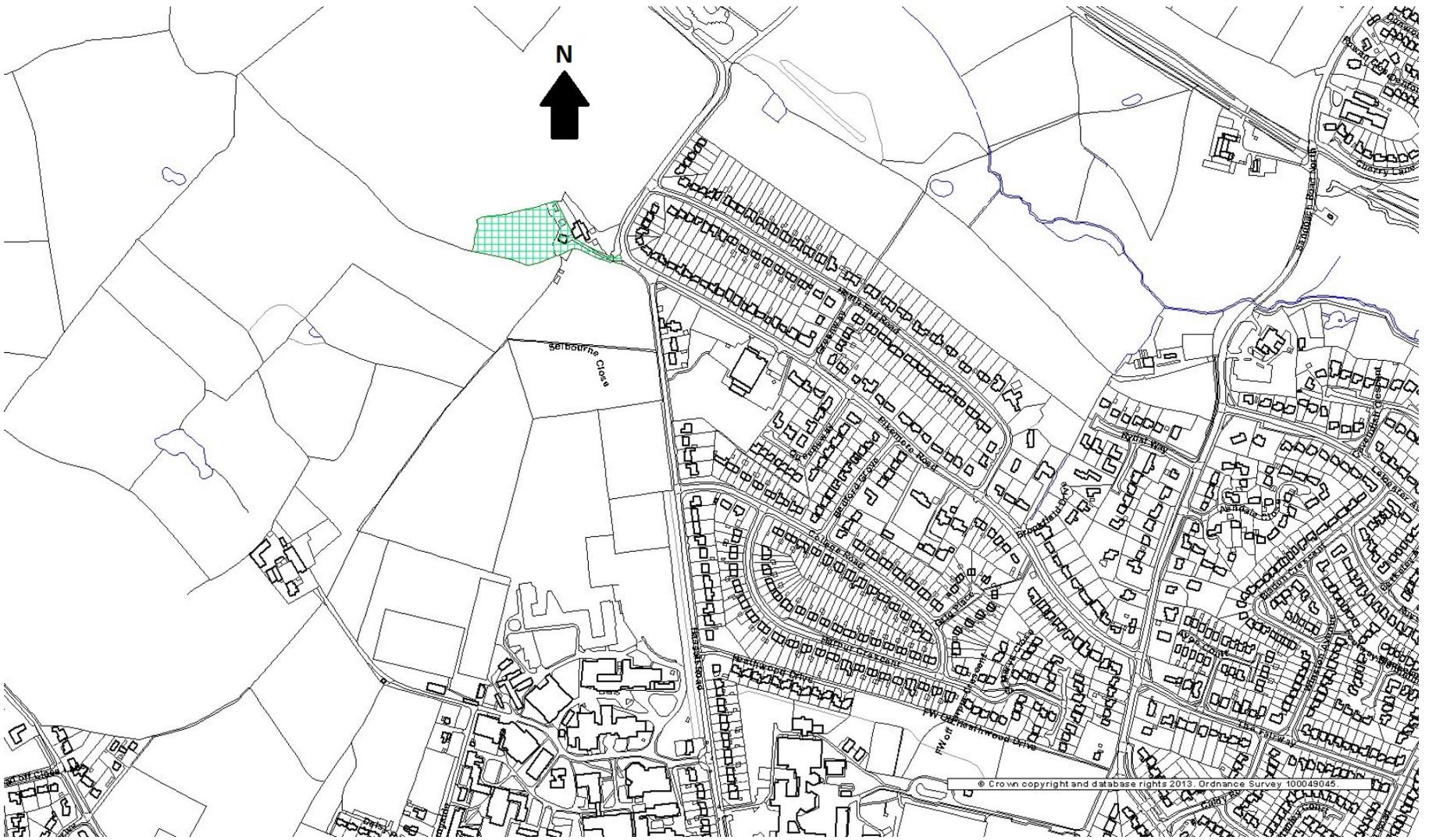
RECOMMENDATION:

Approve subject to conditions

1. **Commencement**
2. **Submission of reserved matters**
3. **Approved plans**
4. **Hours of piling limited to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday, with no working on Sundays or Public Holidays**
5. **Submission of Construction Management Plan**
6. **Provision of an electric vehicle charging point to each dwelling**
7. **Submission of drainage scheme to include foul and surface water including sustainable drainage systems**
8. **Submission of tree/hedgerow protection scheme**
9. **Breeding bird survey for works in the nesting season**
10. **Compliance with the Extended Phase One Habitat Survey**
11. **Reserved matters to include Noise Mitigation Scheme**
12. **Reserved matters to include details of external lighting**
13. **Reserved matters to include features for breeding birds and roosting bats**
14. **Reserved matters to include existing and proposed levels.**
15. **The reserved matters shall have a maximum combined gross floorspace of no more than 1000sqm**

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in

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



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Application No: 16/1940N

Location: LAND TO THE REAR OF AND INCLUD, 481, CREWE ROAD, WINTERLEY

Proposal: Outline Planning Application for Proposed Residential Development of 12 Number Dwellings on the land to the rear and including 481 Crewe Road Winterley Cheshire CW11 4RF Including the Demolition of 481 Crewe Road and alterations to the existing Road Access.

Applicant: Mr John Pass

Expiry Date: 26-Aug-2016

SUMMARY

The site is not located within a settlement boundary and is located in the Open Countryside as designated in the Crewe and Nantwich Local Plan.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policies NE.2 and RES.5

In this instance the proposal is not listed as an appropriate form of development and it is not considered capable of being an infill development. As a result, it constitutes a "departure" from the development plan and emerging plan and as such, there is a presumption against the proposal.

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 consider 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 planning dis-benefits are that the proposal constitutes an inappropriate form of development in the open countryside.

However the proposal would bring positive planning benefits such as provision of market housing, a minor boost to the local economy and on balance is considered to be locationally

sustainable given the location to the bus stop and the siting which borders the settlement boundary and would therefore be viewed as an extension to the existing settlement.

Applying the tests within paragraph 14 it is considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

RECOMMENDATION

Approve

PROPOSAL

The proposal seeks outline consent for the demolition of 481 Crewe Road and the erection of 12 dwellings including alterations to the existing Road Access. All matters are reserved except access

The proposal seeks to provide 6 affordable units and 6 for open market sale. However the affordable housing requirement based on the 12 dwellings proposed is just for 4 affordable units.

SITE DESCRIPTION

The application site comprises both the plot currently housing No.481 Crewe Road and the land to the rear. The plot is sited with the open countryside with residential properties to the north, east and south.

The settlement boundary immediately borders the site. Boundary treatment consists of 2m high planting to the eastern boundary and mixed trees/planting to the remaining boundaries.

The site is located in the Open Countryside as per the Crewe and Nantwich Local Plan

RELEVANT HISTORY

Various alterations/extensions proposed to No.481 Crewe Road however none relevant to the current application

LOCAL & NATIONAL POLICY

Borough of Crewe and Nantwich Local Plan 2011

- Policy BE.1 – Amenity
- Policy BE.2 – Design Standards
- Policy BE.3 – Access and Parking
- Policy BE.4 – Drainage, Utilities and Resources
- Policy NE.2 – Open Countryside
- Policy NE.5 – Nature Conservation and Habitats
- Policy NE.10 – New Woodland Planting and Landscaping
- Policy RES.2 – Unallocated Housing Sites

Policy RES.3 – Housing Densities
Policy RES.5 – Housing in the Open Countryside
Policy TRAN.9 – Car Parking Standards

Cheshire East Local Plan Strategy – Consultation Draft March 2016 (CELP)

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

Policy MP1 – Presumption in Favour of Sustainable Development
Policy PG1 – Overall Development Strategy
Policy PG2 – Settlement Hierarchy
Policy SD 1 – Sustainable Development in Cheshire East
Policy SD 2 – Sustainable Development Principles
Policy SE 1 – Design
Policy SE2 – Efficient Use of Land
Policy SE5 – Trees, Hedgerows and Woodlands
Policy SE13 – Flood Risk and Water Management
Policy CS4 – Residential Mix

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

National Policy

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

14 - Presumption in favour of sustainable development
17 – Core planning principles
47-50 - Wide choice of quality homes
56-68 - Requiring good design

Supplementary Planning Documents (SPD):

North West Sustainability Checklist

CONSULTATIONS

Housing (Cheshire East Council)

No objection subject to the affordable housing units being secured by section 106 agreement

Highways (Cheshire East Council)

No objection

Environmental Protection (Cheshire East Council)

No objections subject to conditions regarding pile foundations, dust control, electric vehicle charging and contaminated land and informatives regarding working hours

Flood Risk (Cheshire East Council)

No objection subject to condition requiring a surface water drainage scheme requiring information regarding the designs storm period and intensity, any works required off site and flood water exceedance routes

Education (Cheshire East Council)

No comments received

Natural England

No objection regarding statutory nature conservation sites however considered to be an opportunity to encourage incorporation of green infrastructure, features of benefit to wildlife and the landscape.

Standing advice is referred to regarding protected species and the local authority are required to consider the impact on site with local designations.

United Utilities

No objection subject to conditions regarding foul and surface water drainage and sustainable urban drainage systems

Sandbach Town Council

No objection providing the recommendations within CIVICANCE report, regarding s106 agreements are implemented

Haslington Parish Council

No comments received

REPRESENTATIONS

19 letters have been received regarding the following:

- Loss of privacy
- Loss of light
- Loss of security
- Indicative plans make it difficult to assess the likely impact
- Noise and disturbance
- Loss of countryside and agricultural land
- Too much development in Winterley
- Increase in traffic/congestion
- Highways assessment inadequate

- Flooding
- Impact on wildlife habitat
- Request committee site visit
- Precedent for future development
- Loss of existing property would be visually harmful
- Current housing stock remains for sale
- Impact on existing infrastructure
- Loss of rural views
- Loss of trees
- Impact on house value
- Air pollution
- Scholl provision
- Disturbance from piling
- Waste collection

APPRAISAL

The key issues are:

- The principle of the development
- Open Countryside
- Amenity
- Impact on trees/important landscape features
- Impacts on wildlife and habitats
- Character/appearance
- Highway safety

APPRAISAL

Principle of development

The site is located outside the settlement boundary and is within the open countryside as defined by the Local Plan. Within the open countryside Policy NE.2 advises that:

'All land outside the settlement boundaries defined on the proposals map will be treated as open countryside.'

'Within open countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.'

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

In this instance the proposal is not listed as an appropriate form of development and the isolated nature of the site means that it is not within an otherwise built up frontage.

As a result, it constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

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.

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

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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.

Sustainability

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”

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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

Locational 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 assessment against this criteria is shown in the table below.

Amenity:	Distance (Meters)	Walk	Bike	Car	Amenity Name
Post box (500m)	70m	1 minute	1 minute	1 minute	Winterley Post Box
Post Office (500m)	2575m	32 mins	8 mins	4 mins	One Stop Post Office
Amenity Open Space (500m)	644m	7 mins	2 mins	1 minute	Winterley Pool
Children's Play Space (500m)	1287m	16 mins	4 mins	2 mins	Wheelock Playing Fields
Primary School (1000m)	2414m	25 mins	6 mins	3 mins	The Dingle Primary
Outdoor Sports Facility (1000m)	1287m	16 mins	4 mins	2 mins	Wheelock Playing Fields
Leisure Facilities (Leisure Centre or Library) (1000m)	4345m	49 mins	13 mins	6 mins	Sandbach Leisure Centre
Local meeting place (1000m)	70m	1 minute	1 minute	1 minute	Church
Public House (1000m)	50m	1 minute	1 minute	1 minute	Foresters Arms
Child Care Facility (nursery or crèche) (1000m)	70m	1 minute	1 minute	1 minute	Child Care at Church
Bus Stop (500m)	48m	1 minute	1 minute	1 minute	Foresters Arms Bus Stop
Public Right of Way (500m)	100m	2 mins	1 minute	1 minute	Public Footpath
Pharmacy (1000m)	4023m	31 mins	8 mins	4 mins	Boots Pharmacy
Railway station (2000m where geographically possible)	4667m	57 mins	16 mins	7 mins	Sandbach Station
Bank or cash machine (1000m)	48m	1 minute	1 minute	1 minute	Holly Bush Inn ATM
Supermarket (1000m)	2092m	25 mins	6 mins	3 mins	Co-operative Food
Secondary School (1000m)	3540m	43 mins	11 mins	5 mins	Sandbach School
Medical Centre (1000m)	2575m	31 mins	8 mins	4 mins	Haslington Surgery
Convenience Store (500m)	1609m	20 mins	5 mins	2 mins	Wheelock Newsagents

In summary, the site does not comply with all of the standards advised by the NWDA toolkit, however this is to be expected with the development proposed being within a village setting and whilst not all services are available in Winterley, it is close to other settlements that contain key services such as Haslington, Wheelock, Sandbach and Crewe.

In addition, there are several services operating within Wheelock Heath and Winterley that would alleviate the need to be within a certain proximity such as; over 3 major supermarkets offering home delivery, online banking and online services provided by the DVLA. In addition to these services and facilities and within a distance of approximately 2km of the proposed development site, there is a veterinary surgery, an animal hotel, the Trent and Mersey canal, a beauty salon, a farm shop, play area and petting zoo, a blacksmith, two Chinese and one Indian takeaways/restaurants, an animal food store, a gym offering personal training and group sessions, a tyre and exhaust mechanics, a nursing home and Lakemore Farm Park.

There is also a bus stop located 120m south of the site which is assessable by footpath from the site and has frequent trips to the service centres of Sandbach, Middlewich, Crewe Sandbach, Congleton, Macclesfield.

The site also borders the settlement boundary where housing development is considered appropriate and sustainable. As a result the site is considered to be locationally sustainable.

Open Countryside

The proposal is considered to cause harm to the open countryside through loss of openness as it would occupy space that is currently free from built form.

However the site immediately borders the settlement boundary to the east where new development is considered appropriate subject to meeting certain design criteria.

As a result it is considered that the proposal would be viewed in the context of the existing built form and would therefore be viewed as an extension to the existing settlement rather than stand alone/isolated development.

Never the less the loss of countryside weights against the proposal.

Landscape

The site is an irregular shaped parcel of land to west of Crewe Road. The site includes 481 Crewe Road and its extended garden, stables and outbuildings, together with agricultural land to the North West. There are existing trees and lengths of established hedge present.

Most of the land is in open countryside outside the settlement boundary for Wheelock as define in the adopted local plan. The site has no formal landscape designation.

Whilst the parcel of land directly behind 475-481 Crewe Road is relatively well contained with hedges and trees to the north, south and west, the extended site comprising agricultural land has no defined western or northern boundary on site.

An Indicative layout plan has been provided however this does not detail any proposed planting as landscaping is a reserved matter. However it would appear that suitable landscaping could be accommodated to provide a suitable buffer to soften the visual impact of the proposal. This would be addressed at reserved matters stage requiring a comprehensive landscape and boundary scheme to be provided.

Trees

Policy NE.5 advises that the LPA will protect, conserve and enhance the natural conservation resource.

The submission is supported by a Phase Two Arboricultural Impact Assessment dated 20 May 2016 which accords with the guidelines within BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations.

Whilst all matters are reserved except access, the Arboriculture Impact Assessment indicates that that the indicative layout would result in the loss of a number of trees with the potential for future pressure to remove or reduce a further three trees.

Based on the indicative layout and the size of the site, it would appear that the layouts of the properties could be amended to accommodate the proposal whilst limiting tree loss.

This would be dealt with at reserved matters stage and an application would need to be supported by an arboricultural impact assessment and arboricultural method statement reflecting the finalised layout.

Design

At this stage no elevational drawings have been provided to show the design/appearance of the proposed dwellings. An indicative plan has been provided however this seeks to establish the access and layout only.

The locality consists of a mixture of properties types, both detached and semi-detached. Therefore it is considered that the site could accommodate either detached or semi-detached property types or a mixture of both.

The plan shows that the closet properties would be set well back from Crewe Road by 33m and would only be viewed at intervals given the siting behind the main build line of properties on Crewe Road. Therefore the properties could be accommodated without appearing over prominent in the street scene.

The crescent shape of the plot would also allow the properties to follow the line of properties to the east, resulting in the proposals being viewed as an extension to the settlement boundary.

The plot dimensions and plot ratios would also appear comparable to other properties noted locally, in particular those noted to the east. Issues of detailed design would be addressed at reserved matters stage.

Therefore it is considered that residential properties could be accommodated without significant harm to the overall character/appearance of the area.

Highway Safety

Policy BE.3 requires proposals to provide safe access and egress and adequate off-street parking and manoeuvring.

Although all highway details are to be determined in a reserved matters application, in principle an adequate standard of access to serve 12 units can be achieved with the demolition of No. 481 Crewe Road.

The indicative plan also indicates that adequate off-street parking and turning areas could be provided.

Therefore the proposal could be accommodated without significant highway impacts although further details would be dealt with in the reserved matters application.

Flood Risk and Drainage

The application site lies within a Flood Zone 1.

The Council's Flood Risk Team have been consulted who advise that there is high surface water risk to the north of the proposed development from topographical low spots indicated on the Environmental Agency's mapping system. Anecdotal evidence of this has been provided by local residents. The risk of flooding from this source will need to be appropriately mitigated and assessed then shown in the submitted documents before development can commence.

As a result they have suggested an appropriate condition requiring a surface water drainage scheme requiring information regarding the design's storm period and intensity, any works required off site and flood water exceedance routes.

United Utilities have also provided comments regarding the proposal and have not raised any objections subject to the imposition of conditions regarding foul and surface water drainage and sustainable urban drainage systems.

Therefore subject to conditions in the reserved matters application it would appear that concerns from a Flood Risk perspective could be addressed.

Ecology

The Council have requested a Bat Survey which was not received at the time of writing the report. Therefore the results of this and appropriate assessment will be provided in the update report.

Economic Role

It is accepted that the construction of a housing development of this size would bring the usual economic benefits to the closest public facilities in the closest villages 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 residents' spending money in the area and using local services.

Social Role

The provision of both affordable and market dwellings themselves would be a social benefit.

This is a proposed development of 12 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 4 dwellings to be provided as affordable dwellings. The SHMA 2013 shows that the demand in Haslington & Englesea is for 44 dwellings per annum. Broken down there is a need for 1 x 1 bed, 11 x 2 bed, 19 x 3 bed, 10 x 4 bed, 1 x 1 bed older person and 1 x 2 bed older person dwellings.

Information taken from Cheshire Homechoice shows that there are no applicants on the housing waiting list who have selected Winterley as their first choice. However there are 50 applicants who have selected Haslington as their first area of choice and they require 21 x 1 bed, 18 x 2 bed, 10 x 3 bed and 1 x 4 bed accommodation.

Should the application be approved, it is advised that the affordable housing be secured via S106 Agreement.

Education

No response was received from Education at the time of writing the report. This will be provided when received in the update report.

Residential Amenity

Policy BE.1 advises that development should not prejudice the amenity of occupiers or future occupiers of adjacent properties by reason of overshadowing, overlooking, visual intrusion, noise and disturbance, odour or in any other way.

Policy BE.2 requires a high standard of design, which respects the character and form of its surroundings.

Existing residential properties are located to the north, east and south.

No details/elevational drawings have been provided at this stage indicating the heights or room layouts of the proposed dwellings. An illustrative plan has been provided showing a possible layout of the properties.

The illustrative plan indicates that the nearest properties to be created (plots 9&10) would be sited between 20.5m-23.5m to the main face rear elevation of the nearest property to the east (4 Frederick Howarth Drive). The remaining plots would be sited over 33m away at the closest point to the remaining properties on Frederick Howarth Drive. These distances are sufficient to prevent significant harm to living conditions through overlooking/loss of privacy.

The properties to be created would be sited between 16m-21m to the boundaries shared with properties on Frederick Howarth Drive. These distances would prevent significant harm through overbearing impact, overshadowing and overlooking of the garden areas.

The illustrative plan indicates that the nearest plot (plot 1) would be sited 14m to the windowless side elevation of the main dwelling. Given that the properties would sit at a 90-degree orientation which each other this would prevent any direct overlooking between windows on the rear elevation.

The plot would be sited 7.5m to the boundary shared with No.479 Crewe Road and the illustrative plans, suggest that this property will be a bungalow. Whilst no detail has been provided showing the height of the bungalow or the location of any facing windows, it is considered that the bungalow could be accommodated without causing significant harm through overbearing or overshadowing impact given the siting from the boundary and the single storey nature.

Any overlooking of the rear garden area could be prevented at reserved matters stage which would consider the location of any front facing windows.

The illustrative plan indicates that the nearest plot (plot 1) would be sited 15.5m to the rear facing windows of No.477 Crewe Road. Subject to the location of any side facing windows on plot 1, this separation distance is considered significant to prevent overlooking.

Whilst the plot would be sited just 3m to the shared boundary with No.477, the plot is shown on the illustrative plan as being a bungalow property which would prevent significant harm though overbearing impact and overshadowing.

Details of height and location of windows would be dealt with at reserved matters stage.

Planning Balance

The site is not located within a settlement boundary and is located in the Open Countryside as designated in the Crewe and Nantwich Local Plan.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policies NE.2 and RES.5

In this instance the proposal is not listed as an appropriate form of development and it is not considered capable of being an infill development. As a result, it constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

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 consider 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 planning dis-benefits are that the proposal constitutes an inappropriate form of development in the open countryside.

However the proposal would bring positive planning benefits such as provision of market housing, a minor boost to the local economy and on balance is considered to be locationally sustainable given the location to the bus stop and the siting which borders the settlement boundary and would therefore be viewed as an extension to the existing settlement.

Applying the tests within paragraph 14 it is considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

RECOMMENDATION

Approve subject to the completion of a section 106 Agreement to secure the following;

1. **30% on-site affordable housing provision in a 65:35 split social rented :intermediate housing**

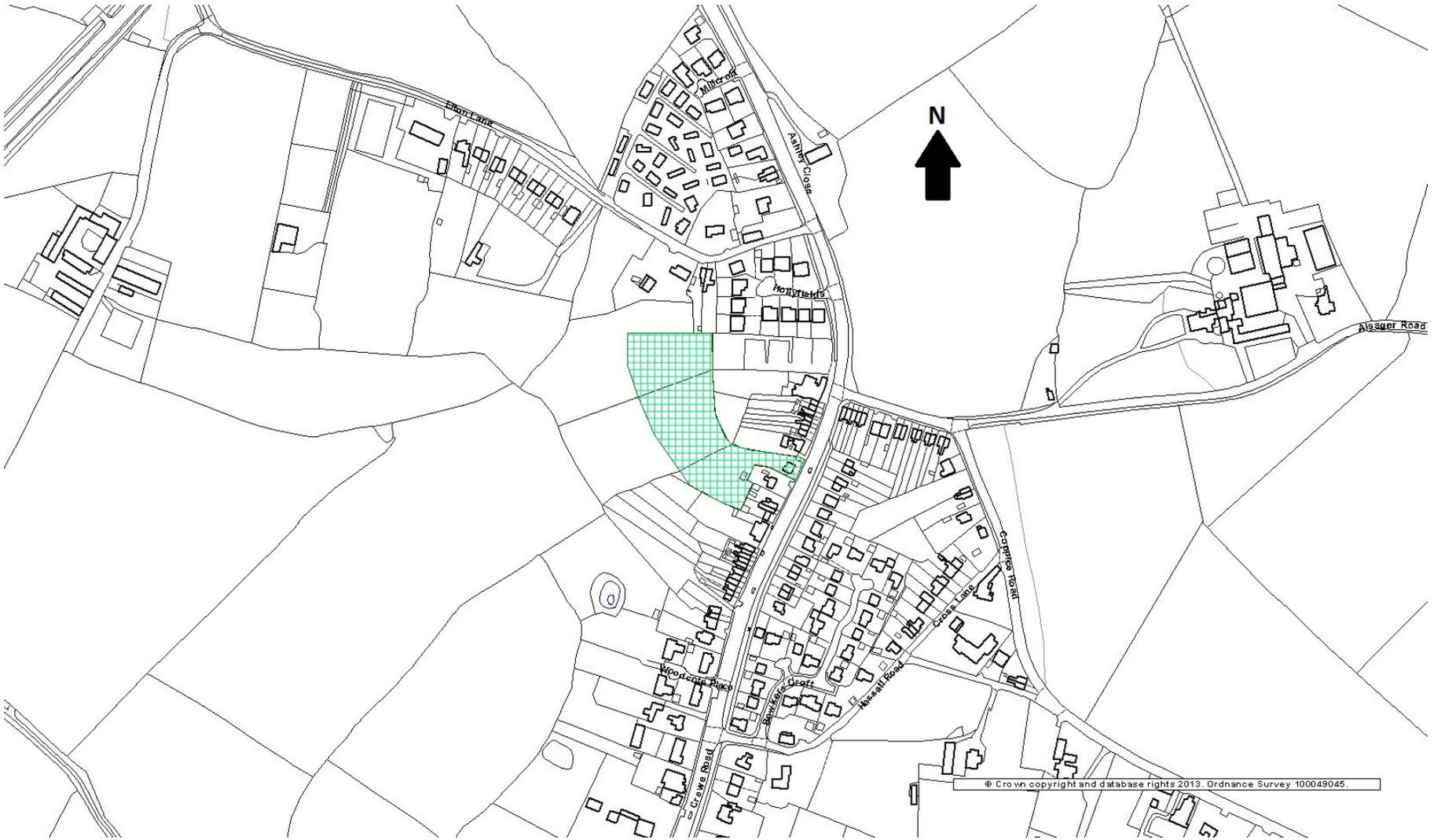
And the following conditions;

- 1) **Time period within 3 years**
- 2) **Approved plans**
- 3) **Dust control measures**
- 4) **Contaminated land**
- 5) **Electric vehicle charging**
- 6) **Reserved matters application to include a comprehensive landscape and boundary scheme**
- 7) **Reserved matters application to include an arboricultural impact assessment and arboricultural method statement**
- 8) **Reserved matters application to include a foul and surface water drainage scheme**
- 9) **Reserved matters application to include a Sustainable urban drainage system**

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

Should the application be the subject of an appeal approval is given to enter into a S106 Agreement the following Heads of Terms;

- **30% on-site affordable housing provision in a 65:35 split social rented :intermediate housing**



Application No: 16/0762N

Location: Former Edleston Road Primary School, Edleston Road, Crewe, Cheshire, CW2 7HB

Proposal: Demolition of existing buildings and the development of a mix of 46 no. one and two bed apartments and ancillary works.

Applicant: Bourne Housing Limited

Expiry Date: 18-May-2016

SUMMARY

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 consider 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 benefits in this case are:

- The development would provide 47 flats which will help in the delivery of the 5 year housing land supply.
- The development would bring forward a brownfield site which has been vacant and is falling into disrepair. Development of brownfield sites is promoted within the NPPF, the Crewe Local Plan and the Cheshire East Local Plan (consultation version)
- Circa 75% of the school building (a locally listed building and a non designated heritage asset) will be incorporated within the design so this would retain an element of the front façade to public viewpoints
- The development would provide economic benefits through the provision of employment during the construction phase, 47 new residential units and benefits for local businesses in Crewe by virtue of the economic activity associated with the new residents of those flats

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development that could not be resolved by condition

The development would not raise any significant highways issues subject to the provision of the basement car park as detailed in the revised scheme. The Strategic Highways Manager

considers adequate car and cycle parking is provided within the curtilage of the site via the basement and ground level parking zones

The adverse impacts of the development would be:

- The impact upon education infrastructure as it would not be possible to secure an education contribution as part of this development
- The impact upon residential amenity by virtue of overlooking/overshadowing / loss of outlook of adjacent residential occupiers
- The adverse impact upon affordable housing requirements in Crewe by virtue of the non-provision of any contribution as part of the proposal on viability grounds
- The adverse impact upon the character and appearance of the area by virtue of the scale, massing and detailed design of the proposal
- The impact upon the locally listed building by virtue of design/ scale of the proposal.

The adverse impacts in approving this development would significantly and demonstrably outweigh the benefits in the planning balance. It is therefore concluded that the development unsustainable and that Paragraph 14 of the NPPF is not engaged

Recommendation
Refuse

DESCRIPTION OF SITE AND CONTEXT

The application property is a detached, two storey unit located on the western side of Edleston Road within the Crewe Settlement Zone Line.

The application site consists of the former Edleston Road Primary School and its associated grounds and car parking. The site is located within the urban area of Crewe and is approximately 700m south of the town centre. The site is bounded to the north by Derrington Avenue, to the east by Edleston Road and to the south by Stalbridge Road. To the west the site is bounded by the existing residential properties located along Derrington Avenue and Stalbridge Road. The site is roughly rectangular in shape and extends to an area of 0.48 hectares.

The former school building was constructed in 1875 (following the 1870 Education Act) and was constructed in red brick with stone detailing, feature windows and lights with repeating dormer windows. The original building was subsequently extended, in a similar style, and has a minor recent extension.

The building sits comfortably within the central part of the site, surrounded by areas of hard surfacing. There is also a robust and attractive brick wall with varied copings around the boundary of the site. The historic significance and architectural quality of the building is recognised by its inclusion on the Local List.

The prevailing scale and grain of the area is 2-3 storey, but predominantly 2 within the immediate context of the site. A short terrace of 3 storey properties is located opposite the site on Edleston Road. The surrounding area is predominantly residential in nature however there

are some existing commercial and community facilities in close proximity to the application site located along Edleston Road and Stalbridge Road.

DETAILS OF PROPOSAL

The application is submitted in outline form, with all matters submitted for determination at this stage except for landscaping. The plans submitted propose the demolition of the majority of the school building, with a small section of the Edleston Road façade retained and the construction of 47 no. one and two bed units. This comprises 22 x 1 bed units and 25 x 2 bed units. The proposed would be a 4-storey building, with the 4th storey contained within its recessed mansard style roof. The building will cover more site area than the current school premises.

The scheme has been amended during the determination period and now also includes a basement car park to be excavated and provided as part of the proposals. The basement car park would comprise 29 car parking spaces and a further 6 no car parking spaces are proposed within the grounds. A small central section of the school façade to Edleston Road is retained and incorporated within the design proposal. The flats contain some balconies.

The application description as applied for is 46 flats and the demolition of the building on the application form. This anomaly is noted, however, given the recommendation it is not considered to be a reason to invalidate the application.

RELEVANT HISTORY

P08/1208 - Vehicular Access (Retrospective) – Approved with conditions 12th December 2008

P08/0828 - Vehicular Access – Approved 18th August 2008

P97/0606 - Extension to form classrooms, storage and ancillary accommodation. (County consultation) – Approved 25th September 1997

13/0013N - Conversion of building to 10 residential flats – approved 17th April 2013

15/2996N - Demolition of Former Edleston Road County Primary School. Demolition determination -Prior Approval Required - 24 July 2105

POLICIES

National policy

National Planning Policy Framework (NPPF)

Local Plan Policy – Crewe & Nantwich Local Plan

CF.3 - Retention of Community Facilities

BE.1 - Amenity

BE.2 - Design Standards

BE.3 - Access and Parking

BE.4 - Drainage, Utilities and Resources

BE.13 - Buildings of Local Interest

RES.2 - Unallocated Housing Sites

E.7 - Existing Employment Sites

TRAN.9 - Parking

NE.5 - Nature Conservation and Habitats

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG2 – Settlement Hierarchy
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
CO1 Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 the Landscape
SE 5 Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 8 – Renewable and Low Carbon Energy
SE 9 – Energy Efficient Development
SE 13 Flood Risk and Water Management
IN1 – Infrastructure
IN2 – Developer Contributions

Supplementary Planning Documents:

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

CONSULTATIONS (External to Planning)

Strategic Highways Manager – No objections subject to the provision of underground parking as detailed in the revised scheme

Environmental Health – No objections, subject to conditions relating to hours of construction, hours of piling, the prior submission of a piling method statement, the prior submission of any proposed external lighting, the installation of noise mitigation in accordance with the submitted noise assessment, the provision of adequate bin storage and a contaminated land informative.

United Utilities – No objections, subject to conditions in relation to drainage and surface water connections

Flood Risk Manager: No objections, subject to conditions in relation to drainage

Strategic Housing Manager: Objection. The proposal will have an impact upon local affordable housing provision. The viability of the scheme will not sustain any contribution therefore housing object to this application.

(Childrens Services) Education: Objection. The proposal will have an impact upon primary education provision which will require a contribution of £54,231.45. The viability of the scheme will not sustain this contribution therefore Children's Services object to this application on grounds of impact upon local education provision

VIEWS OF THE PARISH/TOWN COUNCIL

Crewe Town Council: Strongly object to this application for the following reasons:

- 1) The proposed on-site parking provision of 23 spaces for 46 flats is inadequate. It does not meet the requirements of the Cheshire East Parking Standards Guidance Note (October 2012) which would require 71 spaces (1 space per 1 bed flat and 2 spaces per 2-bed flat). Comparable developments in Crewe granted permission in recent years have provided 1 space per dwelling (in this case that would equate to 46 spaces). There is already a shortage of on-street parking at certain times and inadequate on-site provision will create problems for highway safety and residential amenity.
- 2) The proposal is overdevelopment of the site taking into account the inadequate parking provision and lack of space within the site to increase that provision.
- 3) There is inadequate provision for storing the quantity of waste likely to be generated by 46 flats.
- 4) The design does not reflect the Victorian character of the area, contrary to Policy BE2 of the Borough of Crewe and Nantwich Local Plan and Policy SE1 of the emerging Cheshire East Local Plan Strategy. This could be addressed by retaining more of the original building.

OTHER REPRESENTATIONS

49 objections were received to the scheme as originally submitted raising the following issues:

- Loss of privacy
- Parking congestion/ area is already congestion
- Loss of the school building
- Building allowed to fall into disrepair
- High density living is causing problems in the area
- Damage to other property during building process
- Bin storage for such a high number of units will spill onto the streets
- Impact upon infrastructure
- External appearance of the school is part of Victorian town history.
- Overdevelopment

A further 7 representations have been received in respect of the amended scheme, which raise the same concerns with the following additional issues:

- The basement car park will attract illicit activity, area has become a red light district
- Any replacement building for Edleston Road School MUST be in keeping with other buildings & have red brick walls NOT rendering
- Plans show 47 flats but only 46 applied for
- The proposed building is not in keeping with the surrounding Victorian style homes
- Lack of parking. With 71 bedrooms a provision for an equitable number of (71) parking spaces should be assured by the developer anything less will be detrimental to local businesses and residents

APPLICANT'S SUPPORTING INFORMATION

Planning Statement
Noise Assessment
Heritage Assessment
Transport Technical Note
Viability Assessment
Ecology Assessment

OFFICER APPRAISAL

Principal of Development

Policy CF.3 of the Local Plan refers to the retention of community facilities. It advises that proposals which would result in the loss of community facilities which make a positive contribution to the social or cultural life of a community will not be permitted unless a suitable alternative provision is made.

Given that permission has been granted for the use of the site for residential purposes, as a material consideration this policy test has been satisfied

Policy RES.2 refers to unallocated housing sites. Policy RES.2 advises that within the settlement boundaries of Crewe and Nantwich (within which this site falls), the development or redevelopment of unallocated sites for housing will be permitted in accordance with the general Local Plan policies with regards to amenity, design, highway safety, drainage and infrastructure.

The existing school is a locally listed building and a non designated heritage asset. Much comment is raised by the local community who consider the building to be important to the history of the area and Crewe.

The NPPF has within its core principles is that planning should conserve heritage assets in a manner appropriate to their significance.

Housing Land Supply

The NPPF reiterates the requirement to maintain a 5 year rolling supply of housing in order to significantly boost the supply of housing. This proposal would help to deliver an additional 47 no. dwellings within the plan period in a sustainable location within the settlement boundary of one of the Key Town Centres for the Borough. Further, the proposal would utilise 'previously developed land' which is supported by one of the core principles of the NPPF, which states that Local Planning Authorities 'encourage the effective use of land by reusing land that has been previously developed.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will provide 47 residential flats to housing land supply, which will deliver direct and indirect economic benefits to Crewe including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The additional residents would also add economic activity within Crewe by working and shopping locally.

SOCIAL SUSTAINABILITY

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we 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 larger than 0.4 hectares in size. The 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 47 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 14 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Crewe is for 50x 1 bedroom, 149x 3 bedroom, 37x 4 bedroom dwellings and an oversupply of 51x 2 bedroom dwellings, plus 12x 1 bedrooms and 20x 2 bedroom for Older Persons. The majority of the demand on Cheshire Homechoice is for 1, 2 and 3 bedroom dwellings therefore 1 and 2 bedroom units on this site would be acceptable. 9 units should be provided as Affordable rent and 5 units as Intermediate tenure.

No Affordable Housing provided on the basis that it would make this development unviable.

The Viability report submitted by the Applicant has been peer reviewed by the Council and the development is considered to be unviable even without the Affordable Housing being supplied on site or with Commuted Sum in lieu of the housing. It therefore follows, in the light of the advice contained within the NPPF, that this scheme cannot sustain any contribution in terms of affordable housing.

Crewe has a clearly proven need for housing from the SHMA 2013 as this is showing a Net need for 217 Units per year being required and with the Cheshire Homechoice showing a total of 1669 people on the register in need of housing.

Since the SHMA 2013 was produced and including year 16/17 Quarter 1 there have been 450 Affordable Houses completed in the period of this current SHMA 2013.

With the amount of people on the register minus the currently completed sites this still leaves 1219 people still on the register. This combined with the 217 units PER YEAR required in the SHMA until 2018.

There is still a clear need for affordable housing in the SHLAA period in Crewe. The impacts of this scheme unviability in these terms to the sustainability of the scheme needs to be assessed in the planning balance.

Education

The education impact is another element of the social sustainability of the scheme to be assessed within the overall planning balance.

The development of 25 (2 bed +) dwellings is expected to generate:

5 primary children (25 x 0.19)
4 secondary children (25 x 0.15)
0 SEN children (25 x 0.51 x 0.023%)

The development is expected to impact on primary 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 primary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of primary school places still remains. The development is not forecast to impact secondary school or SEN provision.

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

$5 \times £11,919 \times 0.91 = £54,231.45.$

Viability

As part of this application a viability report has been submitted by the applicant. The viability report has been independently assessed by consultants appointed by the Council.

The Council's appointed consultants have advised that they consider the scheme, based on current industry costs, would make a loss of approx. £1.5 m. This is a figure which is significantly different than the Applicants own viability report.

The Council's consultant advises that the costs associated with the development of this site which could total £4.5m. This is based upon the complexity and design quality of the design of the building with the retained façade element and the build costs, with the provision of the

basement car park to address initial Highways objection to the lack of surface level car parking and the potential need for piling.

It is understood that the Applicants own report is based on RICS building costs rates, which do not include external works (drainage, services to the site etc) as part of their calculations. The Applicants assessment also seems to not include all of the building in its calculations. The Council's consultant has therefore raised doubt about the accuracy of the submitted viability report.

The Council's consultant has confirmed, however, that even based on the Applicants own calculations (which are not considered to be the true costs of the whole development and are considered to be an under assessment of the final costs) this design of building, with all its complexities and additions would make a 1.2% profit and on this basis, the Council's consultant advises that even on the applicant's own calculations, that this scheme is unviable in development industry terms. Accordingly, development financing would be unlikely to be forthcoming in either scenario.

The Applicant, in response, states that he will be personally funding this development for long term retention and the block will be rental block rather than sold off. In these circumstances, the Councils consultant casts doubt on the viability of the scheme with respect of contractor's overheads. Doubt is also cast over whether development finance would ever be realised for this scheme and whether the proposal, with its complex build, basement car park and detailed design will be developed, given the viability concerns.

However, notwithstanding these concerns, this development to this design, in this area; it is accepted that this scheme is unviable, regardless of any affordable housing requirements or other S106 requirements, (e.g. commuted sum payments for education, contributions towards off site provision for children's play) that would reasonably be imposed.

The NPPF, when considering viability as a material planning issue, states as follows:

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

In terms of the requests for S106 contributions these have come from education, and an affordable housing requirement for 30% on-site provision. In this case, given the unviable nature of the development, the education contribution and the affordable housing requirement as requested cannot be secured.

Accordingly, whilst the provision of market dwellings contributes to social sustainability, that contribution is significantly diminished by the fact that no social housing will be provided and other costs such as the primary education contribution that this development would generate will have a social cost to the Crewe area. This will need to be assessed within the planning balance.

ENVIRONMENTAL SUSTAINABILITY

Amenity of existing and future residents

Environmental Health have advised that they have no objections subject to the implementation of a number of conditions. These include hours of piling, the prior submission of a piling method statement, the prior submission of details of any external lighting proposed, the implementation of the noise mitigation measures as detailed within the applicant's noise assessment and the inclusion of a contaminated land and working hours informative.

The amount of amenity space proposed is also an important consideration of a scheme such as this. The standard amount of space required for dwellings within the Crewe and Nantwich Area is 50 square metres as detailed by the Borough of Crewe and Nantwich Development on Buckland and Gardens SPD. However, for flats / apartments, no such figure is quoted, however a communal space should be provided. Paragraph 3.36 of the SPD advises that *'In the case of developments which are made up of flats, where it is not appropriate to provide private open space for each dwelling, it will be necessary to provide communal open space; these should be located so they can be used by all the residents equally.'*

The proposed development includes 2 strips of amenity space to the rear of the block on the Stalbridge Street elevation

This, in conjunction with the fact that the site lies close to the Crewe Town Centre, will ensure that the future occupiers of the site will have access to ample amenity space within walking distance.

For housing proposals, Policy BE1 requires consideration to be given to the occupiers of both neighbouring properties and the future occupants of the site with regards to privacy, loss of light, visual intrusion and pollution.

The scale of the proposed block of flats would dominate the surrounds of the site. This proposal also extends the site coverage of built form closer to the boundaries, particularly to Derrington Ave and Edleston Road. The proposed building comprises a 3 and 4 storey building with an excavated basement car park.

In terms of the separation distances, the proposal will introduce a 2/3 storey flat roof structure comprising principal windows to 3 separate flats on different floors a distance of 17m from principal living and bedroom windows immediately opposite the main frontage of 133 Edleston Rd and 18 Union Street. This will be detrimental to the living conditions of those residents by virtue of loss of outlook, loss of privacy and the general sense of being overlooked and enclosed by numerous, separate dwellings circa 17m away. The inner urban location on a busy thoroughfare such as Elliston Road does not diminish this adverse impact upon amenity.

In terms of the relationship with (south facing) terraced dwellings at 10, 12 and 14 Derrington Avenue, the proposal incorporates a 3-storey block of flats, comprising 9 separate flats over 3-storeys at a separation distance of 21 m. The SPD for Garden and Buckland Development does not explicitly refer to developments such as this; however, it is a well established principle nationally that 21m relates to privacy distances for 2-storey development where it is opposite other 2-storey development. This building is a 3-storey block with a 4th floor set back from the frontages.

Further, Policy BE1 requires proposals not to prejudice the amenity of future or existing residents by virtue of overshadowing, overlooking, visual intrusion, noise disturbance, and odour or in any other way.

It is considered that the proposals will detrimentally effect the living conditions of existing residents to those effected properties in Derrington Avenue and Edleston Road, by virtue of overlooking, overshadowing, visual intrusion/ loss of outlook, contrary to Policy BE1.

This is also noted from objections received from these residents as part of this application. The amenity of existing residents is a bone fide issue and one which also needs to be assessed as part of the planning balance

To address privacy concerns, the Applicant has put forward a fixed window blind/louvre solution to the inside double glazed window cavity with the overlooking flats windows in an attempt to direct views away from the houses opposite. This solution, whilst technically possible, would then result in adverse consequences for living conditions of those future residents of the flats in question, which are north facing and permanent louvres within windows would reduce the amount of natural light to their primary accommodation even further. In addition, this solution would not address the impacts upon the amenity by virtue of the loss of outlook and potential loss of daylight/overshadowing that the affected houses would have imposed upon them by the scale of the block in front of them, where presently there is nothing. This would also be contrary to policy BE1 and would also be detrimental to the environmental sustainability of the proposal.

Heritage and design considerations

Policy BE.2 of the Local Plan advises that planning shall only be permitted where the development would achieve a high standard of design, would respect the pattern, character and form of the surroundings and would not have an adverse impact upon the streetscene by reason of scale, height, proportions and materials used.

Policy BE.13 of the Local Plan advises that Buildings of Local Interest will be protected from inappropriate development. The building is also a non-designated asset. The NPPF sets out at para 135 that "The effect of an application on the significance of non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated assets, a balanced judgement will be required having regard to the scale of harm or loss and the significance of the heritage asset"

As a non-designated heritage asset the benefits of the development should be weighed against the level of harm to the heritage asset in the planning balance. The level of harm to the asset will be significant. Circa 75% of the building would be lost.

The significance of the heritage asset is recognised by its formal inclusion on the Local List. This proposal would result in the substantive loss of the school building, with a modest remnant retained and encapsulated by the proposed new apartment building. Notwithstanding the retention of a small part of the building and the boundary wall, this development may ultimately lead to the asset's removal from the Local List due to the level of harm that would arise as a consequence of the development.

In broader urban design terms, the building is substantially larger in both footprint and in terms of overall scale and mass than the vast majority of buildings in the area. In respect to its immediate neighbours, which are generally 2-storey, this proposal will significantly increase the general scale of townscape in the area.

The school building has a relatively large footprint compared to its surroundings but the new building will be larger still, of significantly greater site coverage and its overall mass in relation to neighbouring properties will be substantially different to that which presently exists.

In architectural design terms a number of iterations have been prepared at pre-application to try and create a building that captures both the architectural flavour of the school and something that reflects the terraced character of the area. Initial attempts were extremely 'busy' particularly on the Derrington Avenue elevation.

The attempts made by the applicant to successfully integrate the design should be noted, however the sheer scale of the building makes it extremely difficult to achieve this in what is essentially a very human scale neighbourhood. This building has certain monumental qualities and despite these attempts, would still seem at odds with its surroundings. Whilst improvements have been made to try and give the retained gable section of the school building some 'breathing room', the remnant of the school building does feel that is being engulfed by the new building rather than being complemented by it.

Again this is due to the sheer scale and mass of the proposed new build element. In trying to retain an element of the history of the site, this may well appear a tokenistic pastiche and perhaps will only seek to emphasise the degree of harm that has arisen to the asset.

The southern side of the building presents a significant outdoor opportunity to create a sunny communal space for residents but the space itself is not large enough to achieve this satisfactorily and is also not ideally situated. Its landscape and liveable qualities will therefore be limited. Other spaces exist between the building and the retained boundary wall on the Edleston Road and Derrington Avenue frontages but these are either affected by proximity to a very busy vehicular route or by the shading of the building and the narrowness of the space.

The scale of the building is such that it sits uncomfortably in its surroundings, to the detriment of the local established townscape but also potentially to the wellbeing and quality of life of existing neighbouring residents. It could also be argued that the living accommodation of some of the apartments would be affected by measures to try and overcome issues of amenity for neighbours, particularly units on the northern elevation, Derrington Avenue.

Para 135 of the NPPF advocates a balanced judgement having regard to the scale of impact and significance of the building. This proposal results in substantial harm to the building and its setting and the significance of the building is formally recognised by its inclusion on the Local List. In essence the significance of the building will be all but lost as a consequence of the proposed development. The attempts to try and incorporate the remainder of the school within the new building are noted but the scheme is characterised by just that, the school being assimilated rather than new development being duly reverent to the heritage asset. This could only heighten the sense of loss and harmful impact, viewing the juxtaposition of the two; with the overwhelming scale of the new, set against the very modest remnant of the old.

In terms of the external environment of the scheme, whilst the retention of the boundary wall is noted, as is the inclusion of a basement car park design to reduce the amount of surface car parking, the quality of external space is still heavily compromised, particularly space to the south that could have provided a generous, sunny and airy communal space for the residents. What space is proposed to the south is compromised by the surface parking on one side and the basement car park access to the other. The remaining external spaces will either be largely shaded or adjacent to a busy road.

In summary, this scheme is having to work too hard to achieve the level of development the applicant seeks, resulting in great harm to the significance of the locally listed building. It will also lead to a building, despite the best efforts of the designer, that is out of scale in the local townscape and in relation to its immediate neighbours and which potentially is unneighbourly and could create less than ideal conditions for some of its occupants.

Paragraph 56 of the NPPF stresses the importance of good design to achieving sustainable development, stating that it is “indivisible from good planning, and should contribute positively to making places better for people”

It further advises at Paragraph 64 that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

In the light of these issues, whilst the efforts of the Applicant are noted, it is considered that the proposed development would fail to comply with Policy BE.2 and BE.13 of the Local Plan and the advice within the NPPF concerning non designated heritage assets and achieving good quality design. This proposal is therefore environmentally unsustainability in terms of the impact upon the locally listed building and the character and appearance of the area.

Highway Safety and Parking

Originally the Strategic Highways Manager objected to the proposal on grounds of lack of parking. The Applicant has addressed this objection by the introduction of a basement car park. The proposed development will close up the existing access onto Stalbridge Road and provide two new entrances to Stalbridge Road, one via a ramp for the proposed basement car park and a separate access for 6 surface level car parking spaces.

Overall the proposal now includes the provision of 35 parking spaces. Covered cycle storage has also been increased as part of the revisions

Car ownership data for the local area has been used to advise the applicant of an adequate level of off-road parking provision. The proposal now reflects local car ownership levels for apartments, and CEC’s visitor parking requirements for apartments. This would negate the need for additional on-street parking. Additional cycle parking would be provided in line with CEC’s standards.

The Strategic Highways Manager considers that the revised proposal is within a sustainable location and will not result in a severe impact on the road network capacity. The Strategic Highways Manager has now withdrawn his initial objection and now raises no objection on the basis that 35 car parking spaces and adequate cycle parking is provided.

As a result, it is considered that the proposed development adheres with Policy BE.3 of the Local Plan.

Protected Species

The Council's Nature Conservation Officer has advised that he does not anticipate there being any significant ecological issues associated with the proposed development.

PLANNING BALANCE

Given the inner urban location of the site there is a presumption in favour of residential development, provided the amenity of the area for future or existing residents is not compromised and the non-designated heritage asset/locally listed building is adequately safeguarded.

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 consider 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).

Policies BE1, BE2, and BE13 of the Borough of Crewe and Nantwich Local Plan are considered consistent with the aims of the Framework. The relevant policies of the development plan are therefore considered consistent with the Framework and should be afforded significant weight in the determination process.

Given the lack of viability of the proposed development, the requirements for affordable housing and education mitigation need to be set aside. In these circumstances, these social sustainability issues are not added to the planning balance and are a cost of this development to the community.

It is accepted that the development would provide positive planning benefits in the form of 47 market dwellings in a sustainable location. The time limited economic benefits created predominantly during the construction phase of the scheme and the contribution made by new residents of 47 flats in the local economy by virtue of their proximity to work and shopping opportunity in the town centre are accepted.

Balanced against this economic benefit, however, must be the adverse impacts, which in this case would be the impact upon the character and appearance of the area by virtue of the scale and mass of this large, imposing 4-storey building in a predominantly Victorian street pattern, the impact of the proposals upon the locally listed building and non designated heritage asset, the adverse impacts upon the amenities of adjoining residents by virtue of loss of privacy, outlook, daylight/looming scale of proposed building upon those residents within their dwellings. There is also the concern that the proposed solutions to some of the problems of the

proposal, for example the applicants' solution to the overlooking problem, will result in poor quality habitable accommodation for future residents.

In this instance, it is considered that the dis-benefits of the scheme, significantly and demonstrably outweigh the benefit to housing land supply. Paragraph 14 is not engaged and this proposal does not constitute a sustainable form of development

Accordingly it is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons

1. The proposal, by virtue of its height and proximity to dwellings opposite on 133 Edleston Road, 18 Union Street and 10-14 Derrington Avenue will be detrimental to the amenity of those residents by virtue of loss of privacy and overbearingness for all; loss of light, overshadowing for the residents on Derrington Avenue contrary to Policies BE1 of the Crewe and Nantwich Borough Local Plan.
2. The proposal by virtue of its scale, mass and detailed design would be inappropriate and out of keeping with the general character of the area within which it is located and consequently represents poor design that fails to take the opportunities available for improving the character and quality of the area and the way that it functions, contrary to policy BE2 of the Crewe and Nantwich Local Plan, and Paragraph 64 of the NPPF.
3. The proposal by virtue of its scale, mass and detailed design, the extent of demolition proposed and the impact upon its setting would result in significant harm to the heritage significance of the locally listed building, contrary to Policy BE13 of the Crewe and Nantwich Borough Local Plan and paragraph 135 of the NPPF.

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



Application No: 16/3433N

Location: Grand Junction Way, Crewe, Cheshire

Proposal: Demolition of an existing building, part demolition of the former pet hire building, erection of a retail unit (Class A1) measuring 1,207 sq.m. (GIA), alterations to access road, service area and car park layout.

Applicant: Triton Property Fund

Expiry Date: 13-Oct-2016

Summary

The design of the proposed development is considered to be acceptable and there would be no amenity issues. The proposed development is also considered to be acceptable in terms of its highway implications.

However there is considered be a sequentially preferable site which is available within Crewe Town Centre. On this basis paragraphs 24 and 27 of the NPPF advise that the application should be refused.

RECOMMENDATION

REFUSE

REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Brookfield, Cllr Flude, Cllr Faseyi and Cllr Damian Bailey for the following reasons:

The planning application is too significant for many reasons and needs input and consideration of Committee Members. The request is based upon the following:-

1) Following the closure of BHS and the announcement that Marks & Spencer there is grave concern about the town centre and it has been acknowledged by the Council Leader, Portfolio Holders and Local Members together with the Town Council, South Cheshire Chamber of Commerce and other Stakeholder and Retail Representatives that connectivity and connection between the extremely busy Grand Junction Retail and the town centre is key. It is imperative that the town centre sustainability is considered for local residents in particularly those who are elderly or disabled and are not able to access the Grand Junction Retail Park as this is not served by adequately by local transport.

Furthermore the increased floorspace this planning application together infill builds (such as Costa

etc) and past expansions of existing units equates to well over 4,000sqm - if all this had been considered as a single application then an Impact Assessment would be a requirement. We understand that a Cabinet Meeting at Cheshire East in April 2015 endorsed a policy approach as follows "from a planning perspective, the primary objective must be to protect the Town Centre from uses, within it and in the wider area, that will undermine its vitality and viability as a Town Centre". This application undermines the Council's own policy approach.

2) We have grave concerns about the proposed new service access via Rainbow Street. Rainbow Street's junction with Earle Street is close to the foot of Earle Street Bridge - opposite Brierley Street, a residential street giving access to a primary school, sports ground and public car park. This is already a congested area and is hazardous the increase in HGVs in turning and accessing will impact further and in our opinion will not be safe. We would also draw attention to the possible increased detriment to air quality in this area where there are residential properties. There is already standing traffic in this area which will be worsened by increased HGV activity.

3) Rainbow Street is a small side street currently used as an access to the former PET hire building and other small business units. These businesses generate a lot of traffic including pedestrians and during the daytime there is on street parking on both sides of the road. The increased HGV traffic will be detrimental to the existing businesses in terms of congestion, environment and health and safety.

4) The proposal would result in the closure of the existing service road. Grand Junction Retail then only has one access and egress. We accept the service road is not established but in an emergency would be available - this proposal would eliminate this. Is it appropriate that a development of this size in this location with the numbers of vehicles attending has only one entrance/exit?

5) We continue to stress the impact the ever increasing Grand Junction Retail Park has on nearby residents. There is inconsiderate parking in the side streets when all the spaces are full on the park's retail park, increased littering and noise implications.

Based upon the above we would be grateful if Planning Officers and the Chair of the Committee would give serious consideration that the application is called in and put before a Planning Committee for due consideration'

PROPOSAL:

This is a full application for the demolition of an existing unit (located to the east of the site and accessed off Rainbow Street) and the partial demolition of part of the former P.E.T unit and the erection of a new retail unit (Class A1).

The new retail unit would be sited between the existing Sports Direct and Hobbycraft units. The unit would replace an existing service road which provides access to the rear of the existing retail units.

The proposed retail unit would have a gross internal area of 1,207sq.m. This consists of 594sqm at ground floor and 613sqm at mezzanine level (the floorspace at mezzanine level is greater than ground floor as it extends over the ground floor entrance feature).

The proposed development would provide a new vehicle turning area to the rear of the Sports Direct unit and highway works at the junction of Earle Street and Rainbow Street.

The development would result in the demolition of 312sq.m of gross internal floor space as part of the former PET unit and as a result this development would provide a net additional retail floor space of 895sq.m.

SITE DESCRIPTION:

The application site is an irregular shaped parcel of land within the Crewe Settlement Boundary.

The site includes Rainbow Street (and areas of highway land at either side of the junction with Earle Street), part of the former P.E.T unit, a utilitarian building to the rear of the former P.E.T plant hire unit, an existing service road from the retail park and areas of hardstanding/external storage.

RELEVANT HISTORY:

15/5777N - Demolition of An Existing Unit, Erection Of A Retail Unit (Class A1) Measuring 1,207sq.m. (GIA), Alterations To Access Road, Service Area And Car Park Layout – Withdrawn 1st April 2016

POLICIES

National Policy:

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

Of particular relevance are paragraphs:

14 Presumption in favour of sustainable development.

23-27 Ensuring the Vitality of Town Centres

32 Promoting Sustainable Transport

56-68 Requiring good design

Development Plan:

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

The relevant Saved Policies are: -

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

S.10 (Major Shopping Proposals)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

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

Other Considerations

Cheshire Retail Study Update 2016
The Crewe Town Centre Regeneration Delivery Framework for Growth

CONSULTATIONS:

CEC Flood Risk Manager: Conditions suggested.

United Utilities: No objection – conditions suggested.

CEC Environmental Health: Condition suggested in relation to contaminated land. Informatives suggested in relation to hours of construction and contaminated land.

CEC Regeneration: The premises at 29 Queensway (the former BHS Unit) is both suitable and viable to accommodate the occupier requirement identified at Grand Junction Retail Park by the applicant.

CEC Head of Strategic Infrastructure: No objection subject to the imposition of a planning condition.

VIEWS OF THE TOWN COUNCIL:

Crewe Town Council: Object to this proposal for the following reasons:

- The new service access via Rainbow Street is intended for use by HGVs. After the proposed re-alignment it will join Earle Street close to the foot of Earle Street Bridge, almost opposite Brierley Street. Brierley Street is a residential street which also provides access to a primary school, public car park and sports facility. There is already traffic congestion at this point, and the additional HGVs turning movements will cause severe adverse impacts on congestion and safety.
- Rainbow Street is currently exclusively used as an access to the former PET hire building, River and Reef Aquatics and the small light industrial units on the west side of the street. These businesses generate a lot of traffic, and during the daytime there is on street parking on both sides of the road. If this application is approved, there is potential for conflict between service vehicles accessing Grand Junction Retail Park and vehicle movements associated

with the Rainbow Street units and between service vehicles and parked cars. Restricting on-street parking could seriously affect the businesses operating there, endangering their viability. The 5 spaces proposed on the east side of Rainbow Street will not adequately replace the amount of on-street parking currently available.

- The proposal would result in the closure of the existing service road. There is only one entrance and exit to Grand Junction Retail Park. The service road which would be lost provides an alternative route in and out of the estate which is capable of being used in extreme emergency (albeit not public and not established).
- The increased floor space on the retail park together with the different types of use classes that are now located there have had a significant adverse impact on the amenity of residents in terms of disturbance, littering, parking and traffic congestion.
- Cheshire East Council's Cabinet on Tuesday 21st April 2015 endorsed a policy approach as follows "from a planning perspective, the primary objective must be to protect the Town Centre from uses, within it and in the wider area, that will undermine its vitality and viability as a Town Centre." The current application is for a 1,207 sq. m. unit. This is in addition to the 1,207 sq. m. of new floor space approved in July 2015 (15/2570N and 15/2571N) and the further 1,955 sq. m. of additional floor space approved in the last 3 or 4 years as extensions to Aldi, Next, and Unit 8 together with the creation of two new units adjacent to Costa Coffee. If the current applications are approved this would represent a cumulative increase of 4,214 sq. m. If this had been submitted as a single application it would have required an impact assessment under para 26 of the NPPF, and the application of a sequential test. The Town Council is concerned about the impact of the current application on its own, and cumulatively with previous approvals, on the viability and vitality of the town centre and on traffic congestion on Earle Street and adjoining roads. It considers that it is contrary to the policy approach adopted in April 2015 outlined above.
- Since the submission of the first application (15/5777N) for the proposed development, there has been significant deterioration in retail provision in Crewe Town centre through the closure of BHS, and the announcement that Marks and Spencer will close its town centre store and relocate to the retail park. Not only does this emphasise the vulnerability of retailing in the Town Centre, it means that two large retail premises are available or about to become available in the town centre. The proposed new store at Grand Junction would not now pass the sequential test if it were applied. Cheshire East Council is therefore requested to take these new circumstances into account when determining this application.

REPRESENTATIONS:

Letters of objection has been received from 7 households/businesses raising the following points:

- The supporting Transport Assessment and Design and Access Statement include numerous errors
- The application does not include a choice of transport modes and does not improve life for the mobility impaired
- The development is contrary to the NPPF
- Net decrease in parking spaces on the retail park
- A number of bus services within the vicinity of the site have been withdrawn
- There is no public transport to and from the retail park
- Pedestrian access to the site is not good with narrow footways and severe gradients on Earle Street bridge
- Poor pedestrian and cycle links between the town centre and the retail park
- The delivery vehicles to the retail park are made using 16.5m articulated vehicles

- There is constant vehicle queuing along Earle Street
- Safety issues in terms of accessing the site from Earle Street when turning into Rainbow Street
- If allowed the development would improve the business interests of the applicant at the expense of the business on Rainbow Street
- Security concerns for the businesses on Rainbow Street
- Rainbow Street is not lightly trafficked is not correct
- The difficulty when exiting Rainbow Street onto Earle Street has not been addressed
- Pedestrian/highway safety
- The demolition and construction phase will affect the adjoin businesses
- Dust pollution during the demolition phase
- Dust will impact upon the adjacent aquatics business and will contaminate the life support system impact upon livestock
- The development could impact upon the quality of the water supply to the aquatics business on Rainbow Street
- The highway works on Rainbow Street will have an impact upon the existing businesses on Rainbow Street
- The existing footpath along Rainbow Street is not safe
- Lack of pre-application consultation
- Litter problems from the retail park
- Increased pollution
- Increased traffic congestion
- The development will add to existing congestion problems
- Earle Street is used by emergency vehicles and the development could disrupt access for emergency vehicles
- Existing traffic congestion issues caused by Brierley Street School
- The occupancy of the unit should be restricted to A1 bulky goods (no food or clothing)
- The BHS unit is vacant and should be considered
- The Council should discourage out of town developments

APPRAISAL

Principle of Development

The NPPF requires the application of a sequential test for main town centre uses that are not in an existing centre. The Cheshire Retail Study 2016 identifies that the Grand Junction Retail Park is an edge-of-centre location.

Within the town centre the Cheshire Retail Study 2016 identifies that Crewe Town Centre has a higher number of vacant units than the national average but that the majority of the vacant units are small to medium in scale. However the report also concludes that the town centre is well represented in terms of the convenience (food, drinks, tobacco, newspapers/magazines, cleaning materials, toiletries) and comparison goods provision (all other goods) but is under-represented in terms of its service provision.

The Cheshire retail Study then goes onto conclude that the health of Crewe Town Centre has declined in recent years and that it is evident that positive steps have already been taken to attracting new investment in Crewe via the production of the Crewe Town Centre Regeneration

Delivery framework for Growth in addition to the Councils acquisition of the Royal Arcade site with the intention of delivering a leisure-led mixed use development.

The development would provide a new retail unit with an internal floor space of 1,207sq.m. In addition the development would result in the demolition of 312sq.m of gross internal floor space as part of the former PET unit and as a result this development would provide a net additional retail floor space of 895sq.m.

Impact Assessment

An impact assessment is not required as the proposed development is below the threshold of 2,500sq.m as set out within the NPPF.

The point raised by the Town Council and Ward Members in relation to the cumulative impact of developments is noted. However it is only possible to consider each individual proposal in terms of threshold for the impact assessment.

As long as it can be demonstrated that there are no sequential preferable town centre or edge-of-centre sites then the development is highly unlikely to have a significant impact upon investment in Crewe Town Centre. Crucially, an impact assessment is not required as part of this application due to the modest scale of the proposed development.

Sequential Test

The NPPF advises that where an application fails to satisfy the sequential test then the application should be refused.

Outside of Crewe Town Centre policy S.10 of the Crewe and Nantwich Replacement Local Plan only relates to major proposals (defined as those with a gross floorspace of over 2500sqm). As a result this policy does not apply to this application.

The sequential test is a key element of the NPPF. In support of this the Planning Practice Guidance states that the sequential test should be proportionate and appropriate for the given proposal and should;

- Have due regard to the requirement to demonstrate flexibility. Has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location preference should be given to sites that are well connected to the town centre.
- Is there scope or flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can be accommodate precisely the scale and form of the development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- If there are no suitable sequentially preferable locations, the sequential test is passed.

Where a proposal fails to satisfy the sequential test it should be refused.

The applicant states that proposed development seeks to meet the requirements of large format, retail warehouse occupiers and that any alternative sites need to be able to accommodate the total floorspace to be created at the application site (1,207 sq. m).

The sequential test only allows the consideration of town centre or edge of centre sites that are available. It does not ask whether such sites are likely to become available during the plan period or over a number of years (this was determined in a SoS decision in East Northamptonshire in 2014).

A sequential test has been undertaken and this considers the existing vacant units within Crewe Town Centre. The largest vacant units in Crewe Town Centre are 29 Queensway (the former BHS Unit) (2,818sq.m), (Burford House (523sq.m) and 39 High Street (796sq.m). It should be noted that Burford House measures 1,671sq.m but only 523sq.m is available to let.

In this case the agent states that the proposed development is to meet the requirements of a large format retail warehouse and any alternative sites need to accommodate the total floorspace of 1,207sqm subject to the application of flexibility. The applicants have stated that to demonstrate flexibility they would be looking at sites between 1,000sqm and 1,400sqm.

The largest unit available within Crewe Town Centre is the former BHS Unit. The applicant has stated that this unit is not sequentially preferable for the following reasons;

- The BHS unit provides an oversupply of floorspace
- The site is earmarked for a wider development of the Royal Arcade site and as a result there would only be an option of a short term lease
- The BHS Unit has dual customer entrances and service points, multi-level trading. Issues of service access as well as fire escape provision impose limitations on the scope of reoccupation
- The costs of undertaking works to sub-divide the building would be significant
- The vacant unit does not benefit from direct car-parking provision which would suit a retail warehouse operator

The Councils Economic Development Officer has responded by stating that;

- The vacant BHS Unit is suitable for a range of retail uses not just a department store
- The previous occupant only utilized the ground floor for retail with the upper floors used for storage, office space and staff facilities
- The cost of the sub-division of the unit would not be significant
- The occupant would benefit from two customer entrance points and would be free to use either of both entrances
- The Council has not committed to demolishing 29 Queensway as part of a wider redevelopment and it is available on either a short or long-term lease, since it is capable of being retained within a new redevelopment,
- Lease terms are available from the Council's agent. These are negotiable and are not limited to short term periods only.
- Surfaced car-parking is available within 2 minutes on the vacant BHS Unit
- The unit does not require comprehensive redevelopment and is situated in the centre of the town in a high footfall location.

On this basis it is considered that there is a sequentially preferable site which could accommodate the proposal. On this basis the development fails the sequential test.

In this case there are no other units over 1000sqm and the applicant has looked at whether any of the vacant units could be amalgamated to form a larger unit of more than 1000sqm. The

applicants have stated that there are a number of location where units could be amalgamated as listed below;

- 79 and 79A Victoria Street (total size 450sqm)
- 37 and 39 Victoria Street (total size 230sqm)
- 36 and 38 Victoria Street (total size 390sqm)
- 21 and 23 Queensway (total size 410sqm)
- 69 and 71 Market Street (total size 440sqm)
- 267 Edleston Road, 42 High Street and 44-46 High Street (total size 770sqm)
- 2, 4 and 6-10 High Street (total size 300sqm)
- 25 and 27 High Street (total size 1,570sqm)

In this case the amalgamated units would not meet the requirements of sites between 1,000sqm and 1,400sqm. In terms of the site at 25-27 High Street the applicant has also commented that the site is within a secondary frontage, the buildings are of a poor state of repair with low foot fall. The applicant has also stated that the proposed development of this unit would require significant capital expenditure and comprehensive redevelopment and that the current configuration of floor space meets the previous leisure use and is not suitable to meet the requirements of a large format retail operator.

The applicant has stated that the former PET Hire unit adjacent to the Grand Junction Retail Park measures 1,150sqm. However the owner of this unit in formal discussions with a potential future occupier of this unit and that the unit is currently subject to a planning application (16/3452N) to improve the environment and linkages to the town centre and the wider retail park and this forms part of the negotiations with the potential future tenants.

Overall, it is considered that there is a sequentially preferable site occupying an in-centre location within Crewe which would meet the applicant's needs. The National Planning Policy Framework document states that Councils should *'allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available'*.

On this basis the development fails the sequential test and should be refused in line with paragraphs 24 and 27 of the NPPF.

Highways Implications

The application would involve the closing of an internal access road within the Grand Junction Retail Park which would result in the use of Rainbow Street as the main service access to the units on the western side of the retail park.

Within Rainbow Street the gable wall of the former PET unit will be demolished and moved eastwards into the site. The Rainbow Street carriageway width will be increased from 5.6m to 7.6m, additional parking bays, dropped kerbs and footway would be introduced. This will allow for HGVs to travel along Rainbow St while on-street parking is taking place.

At the junction of Rainbow Street and Earle Street a new 1.8m wide pedestrian refuge island would be created. Swept paths of 16.5m articulated and 10m rigid vehicles have demonstrated that these vehicles would be able to safely enter and exit via the new Rainbow St/Earle St junction.

Data on the existing HGV deliveries to the retail units along the western edge of the retail park have been provided and are shown in the table below.

Day	During trading hrs		Outside trading hrs	
	16.5m artic	7.5t Box Van	16.5m artic	7.5t Box Van
Monday	4	1	2	1
Tuesday	6	2	1	3
Wednesday	5	2	2	3
Thursday	4	1	1	2
Friday	5	2	2	2
Saturday	3	1	1	2
Sunday	3	1	2	2

The busiest day sees 12 deliveries although a number of these are smaller box vans. This averages at around 3 deliveries per week per unit; it would therefore be reasonable to assume the proposal for 1 additional unit would result in a few extra deliveries over a week.

The proposal will result in the same number of HGVs not having to route through the retail car park were a large number of pedestrians would be located.

The proposal is small in scale and as a stand alone unit it would generate around 1 vehicle per minute during a weekday evening or a Saturday afternoon peak hour.

As this proposal would be located within an existing retail park close to the town centre it is accepted that a proportion of the trips generated to the new unit will be linked trips and as such the number of additional vehicle trips will be less than that of a standalone unit.

The traffic impact on the road network capacity will therefore be minimal.

Response to highways objections

A number of the objections refer to the site not being sustainable. This is not accepted as the site is located in close proximity to Crewe Town Centre. The site is accessible via foot, bicycle and bus.

The parking provision on the wider retail park is considered to be acceptable and the site would be accessed via linked trips by visitors to the retail park.

The development would provide a pedestrian island at the junction of Rainbow Street and Earle Street and this would help to maintain the existing pedestrian connections between Crewe Town Centre and the retail park.

Finally a number of the letters of objection refer to the issues associated with the construction phase of the development upon the existing businesses which are located on Rainbow Street. In this case it is noted that such works may cause some levels of disruption (as it would on any site where highway works are involved). However such works would be temporary and would be managed in a way to minimise the impact upon the existing businesses and residents in proximity to the site. As such this issue could not be used as a way to resist this development.

Highways Conclusion

The proposed development would be situated within a sustainable location and would not adversely impact on the local highway network capacity.

The proposed improvements to the pedestrian infrastructure, and the widening and improvements to Rainbow Street, would allow for safe two-way vehicle movement and would suitably mitigate any adverse impact on pedestrian infrastructure.

Amenity

The site is located within an existing retail park between two retail units. There are no residential units in close proximity to the site and as a result it is not considered that the development will have a detrimental impact upon residential amenity through overbearing impact, loss of light or loss of privacy.

In terms of litter generation it is not considered that a proposed retail unit would generate litter. There are existing bin facilities on the retail park for patrons to use.

Noise

Given the scale of the development, intervening land uses and separation distances involved it is not considered that the development would have a detrimental impact upon amenity due to noise. This is supported by consultation response from Environmental Health.

Air Quality

The applicant has submitted a Transport Statement addressing the potential impact of the proposed development on the existing infrastructure. The site is already an existing retail park occupying numerous retail units being accessed daily by customers. The site is easily accessible by all means of travel both car and non-car travel. It is therefore deemed that the proposal will provide a sustainable development in transport terms.

In order to ensure that sustainable vehicle technology is a real option for future occupants / future patrons at the site to ensure that one fast (7Kv) charge point shall be provided and shall be made publically available. This will be secured through the imposition of a planning condition.

The issue of dust from the demolition and construction works will be controlled through the use of a standard condition which relates to dust control.

Contaminated Land

The application area has a history of factory, works, electricity substation and former pond use and therefore the land may be contaminated. Furthermore the site is within 250m of an area of ground that has the potential to create gas.

As a result a condition will be attached in relation to contaminated land as requested by Environmental Health.

Design

The proposed development relates to an elongated flat roofed unit which would be sandwiched between two existing retail units on Grand Junction Retail Park.

The front elevation includes a projecting gable at first floor level which would be supported by brick plinths. The materials that would be used are brick and cladding to match the adjacent units.

The detailed design would not appear out of character on this modern retail park and the detailed design complies with the NPPF and Policy BE.2.

Flood Risk and Drainage

The application site is an existing area of hardstanding and the Councils Flood Risk Manager has confirmed that he has no objection to the development subject to the imposition of planning conditions.

Economic Benefits

The proposed development would provide economic benefits which weigh in favour of this development which would result in the creation of 13 new full time equivalent (FTE) positions which will generate £166,842 per annum in wages.

CONCLUSION

The design of the proposed development is considered to be acceptable and there would be no amenity issues. The proposed development is also considered to be acceptable in terms of its highway implications.

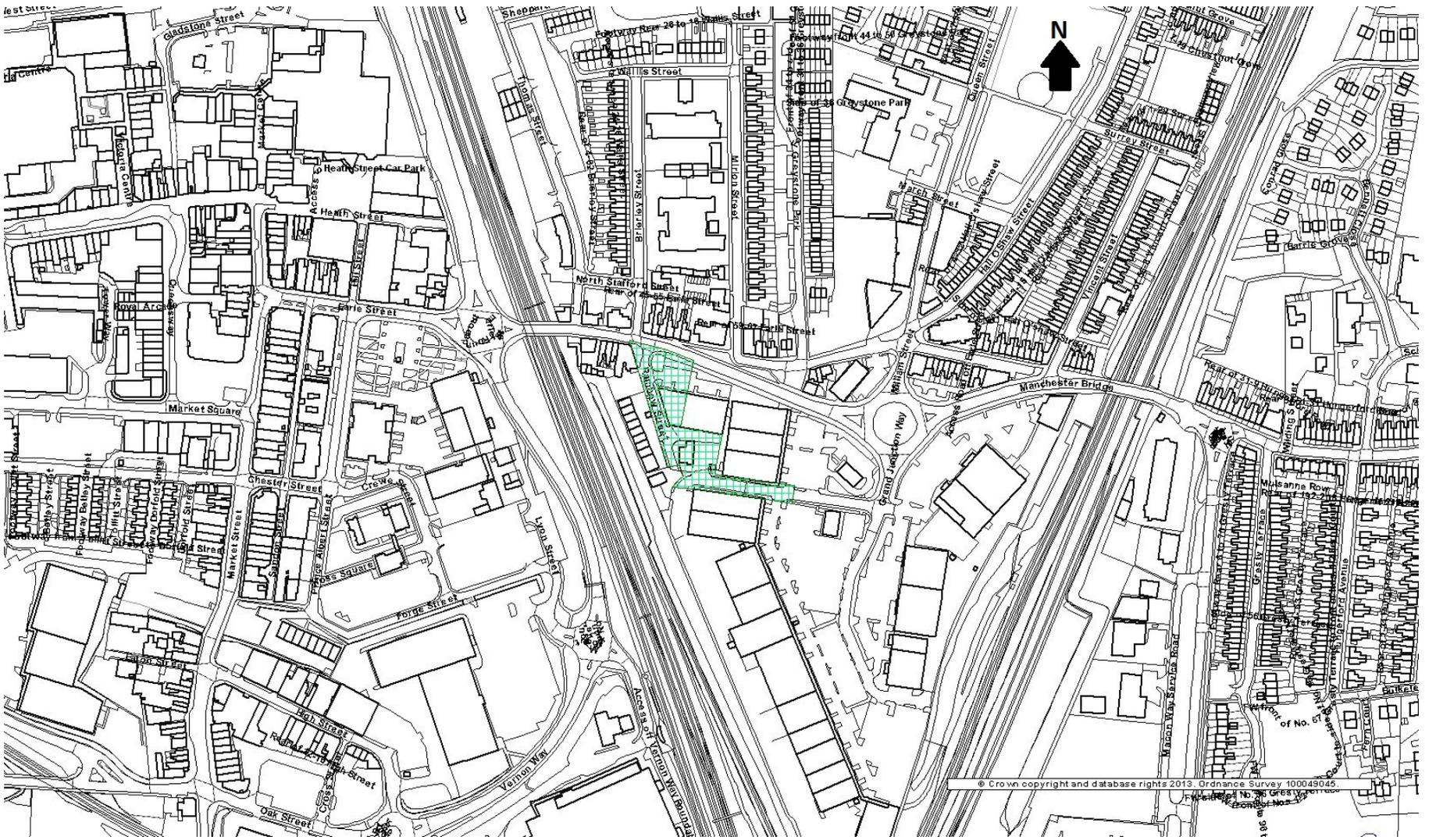
However there is considered be a sequentially preferable site which is available within Crewe Town Centre. On this basis paragraphs 24 and 27 of the NPPF advise that the application should be refused.

RECOMMENDATION:

REFUSE for the following reason;

1. In this case there is an available unit within Crewe Town Centre which is currently available. This application fails to satisfy the sequential test and as such the development is contrary to Paragraphs 24 and 27 of the NPPF.

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



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Application No: 16/4532N

Location: 2, Market Street, Crewe, CW1 2EQ

Proposal: Elevation Alterations and Change of use from Disused Bank to Self Contained A2 Estate Agency and Large House of Multiple Occupation for 7 persons

Applicant: Evans

Expiry Date: 10-Nov-2016

SUMMARY:

The site is within Crewe Town Centre and a Primary Frontage and the Settlement Zone Line of Crewe, where there is a presumption in favour of sustainable development.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, design and residential amenity satisfying the environmental sustainability role.

The proposal would satisfy the economic sustainability roles by providing employment in the locality.

In terms of the social role of sustainable development, the proposal would create additional residential accommodation in a sustainable location within the Town centre.

RECOMMENDATION:

Approve subject to conditions

CALL IN

The application has been called in to Committee by Councillor Brookfield also on behalf of Councillors Faseyi, Bailey & Flude. The reasons are:

- 1. The accommodation being proposed is substandard. The space proposed is far too small and there is insufficient natural daylight to the 'rooms'.*
- 2. There is an internal rubbish store - in this day and age this is clearly unacceptable. Ask yourselves would you like to reside next to the rubbish of your fellow residents and the proposed business occupiers?*
- 3. There are insufficient laundry provision provided for the residents.*

4. *There is no free parking or on-street parking available. It cannot be assumed in this day and age that residents will not need access to a vehicle for work etc.*

5. *Sandon Street - the rear street where the residents will access their 'rooms' is only an area with ongoing serious problems. Having accommodation of this nature in this area will inhibit any possible solutions to the ongoing and increasing social problems that are taking place here. We would formally request that this matter is looked into further and if necessary consultation with local Police and other organisations are undertaken. The approval of this subject application would we believe hinder the possibility of this area becoming gated to prevent anti-social behaviour.*

Further to the obvious concerns above we would respectfully ask the Planners, the Chair and other committee members to think strategically - to consider the potential impact on the future development of Crewe town centre. Residential accommodation is required for the town centre but let this be of a good standard - we believe this current application does not offer this.

PROPOSAL

The application is for the conversion of the existing two storey bank premises with a basement to form an estate agency or shop on the ground floor frontage, with 4 en-suite single bedrooms on the ground floor and 3 similar bedrooms on the first floor.

The basement would form a kitchen, cycle/refuse store and plant room. There would be two accesses to the building, one on the north side of the shopfront to Market Street and the other at basement level to the rear. Access to a roof terrace is possible from the first floor.

As part of the scheme external alterations would be carried out in terms of a new shopfront with two doorways and replacement windows and doors.

Applicant's statement

The revised layout is for 7 bedrooms (2 less than previously approved). By relocating the kitchen from the upper ground floor to the lower ground floor this has allowed the 4 bedrooms at upper ground level to be a more conventional shape/layout and overall better standard of accommodation. The applicant has also added 'brew stations' at upper ground and first floor levels following discussions and site visits with The Council's Housing Standards & Adaptations Officer.

SITE DESCRIPTION

The application site is located on the eastern side of Market Street within the Crewe Settlement Boundary and the Crewe Town Centre Primary Frontage. The property is an end terraced two-storey unit with a flat roof. At ground floor is the former Lloyds TSB bank which is now vacant with offices above. At the rear is a service road and on the north side is a right of way leading down towards Chantry Court and the Lifestyle Centre.

RELEVANT HISTORY

15/4378N Change of Use of Disused Bank to Mixed Use of Self Contained Shop and HMO with 9 Letting Rooms Granted 25/1/2016

14/5479N - Prior notification for proposed change of former Lloyds Bank premises to class C – Refused - 15-Jan-2015

10/3015N - The Reinstatement of Two Previously Joined Shop Units, New Shopfronts and New Entrance Door – Approved - 29-Sep-2010

P06/1432 - Internally Illuminated Fascia Sign and Two Projecting Signs – Approved 3rd January 2007

P03/0038 - Replacement ATM Signage – Approved 13th February 2003

P98/0751 - Illuminated Fascia and Gable Signs – Approved 26th October 1998

P92/0776 - Alterations to shop front – Approved 9th October 1992

P91/0017 - Cashpoint Machine – Approved 7th November 1991

7/18043 - Alterations to form extension to bank – Approved 2nd February 1990

7/18042 - Advertisement signs – Approved 27th February 1990

7/10391 - Alterations to front – Approved 14th October 1993

7/04936 - Extension of existing Bank Premises – Approved 25th January 1979

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 19.

Development Plan:

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

S.2 – Crewe Town Centre Primary Frontages

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.18 - Shop Fronts and Advertisements

RES.9 – Houses in Multiple Occupation

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 5 Trees, Hedgerows and Woodland
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
EG1 Economic Prosperity

CONSULTATIONS:

CREWE TOWN COUNCIL: The Town Council would welcome residential uses in the town centre if they are apartments of good quality which will widen the mix of housing in the town centre. It considers that the proposed accommodation is substandard with insufficient laundry and communal space for the number of units proposed. There is no bin storage indicated on the plans and no parking available. There is no on-street or free off-street parking available in the immediate vicinity. The Town Council therefore objects to the current proposal.

Highways: The Head of Strategic Infrastructure (HSI) raises no objections

Environmental Protection: No objections subject to conditions relating to hours of use of the office and hours of construction works

Housing: If the application is approved then the property will require a licence to operate as an HMO.

REPRESENTATIONS:

At the time of report writing no representations have been received which can be viewed in full on the Council website.

APPRAISAL

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

Principle of Development

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

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

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

ENVIRONMENTAL SUSTAINABILITY

Crewe Town Centre

The proposal site is situated within the settlement boundary of Crewe and within the town centre and an area designated retail frontage under Policy S.9 within the Crewe and Nantwich Replacement Local Plan 2011.

As the site lies within a designated retail area there is a presumption against development which would harm the character of the area. The proposal will retain the current streetscene frontage, the A2 use is an existing lawful use and is being reduced in floor area, and the property has been empty for several years.

It is therefore considered that in this instance a change of use aspect of the proposal is acceptable in principle under policy S.9, subject to the proposal not having 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.

Highways

The change of use to an A2 and 7 HMOs will not result in a large increase in traffic generation over the existing use. The nearest long stay car park is within easy walking distance at Oak Street to the south.

Usually CEC parking standards would require 1 off-road space to be provided for each bedroom. Given the small scale of the proposal, the sustainable location, low car ownership levels for apartments in this location, the availability of nearby public car parks, and the existing TROs outside the site (which would prevent parked cars blocking the highway) the parking provision is not considered to be an issue.

Shared cycle storage has also been proposed as part of this application.

No highways objection is raised under policies RES.9 and BE.3.

Design

There are no design implications arising from the development as all alterations are appropriate to this modern building. There are some fenestration alterations but they will have no impact on the visual appearance of the building or the surrounding streetscene. It is therefore considered that the proposal is acceptable in this position.

Amenity

The site adjoins a retail shop and therefore the proposed use is a complimentary use adjacent to retail units. Furthermore, the Environmental Health department have raised no objections however, have requested specific conditions in relation to hours of opening of the office/shop, and this is considered to be reasonable

The property has no private amenity space, which is an issue in terms of policy RES.9. However the location of the site gives easy access to indoor and outdoor recreation facilities and there is space available for cycle, refuse and domestic storage and possible clothes drying. Account must also be taken of the existing permission for 9 bedrooms which can be taken up if this application is refused. It is therefore considered that the proposed change of use is acceptable.

ECONOMIC SUSTAINABILITY

The proposal will bring empty commercial premises into use and create economic benefits from the construction and future use.

SOCIAL SUSTAINABILITY

The proposal would create additional residential accommodation in an accessible location within the town centre.

Response to Objections

The objections have raised specific points as follows:

1. Size of rooms and daylight. This will be addressed under licensing procedures.
2. Refuse storage. This is proposed within the basement area, and this is considered to be preferable to outside storage.
3. Inadequate laundry facilities. These are provided within the kitchen at basement level.
4. Lack of off-street parking. This has been assessed by the Strategic Infrastructure manager and found to be acceptable
5. Increased risk of anti-social behaviour at rear of premises. Access to the residential accommodation is provided at the front of the property as well as at the rear. The proposal would have no adverse impacts over and above the existing permission.

Conclusion

The site is within the Settlement Zone Line and Town Centre of Crewe, where there is a presumption in favour of sustainable development.

The proposal is considered to comply with the 4 criteria of policy RES.9 for the reasons given above, and the existing planning permission for a 9 bedroom development adds weight to the merits of the scheme. Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety and residential amenity satisfying the environmental sustainability role.

The proposal would satisfy the economic sustainability roles by providing employment in the locality.

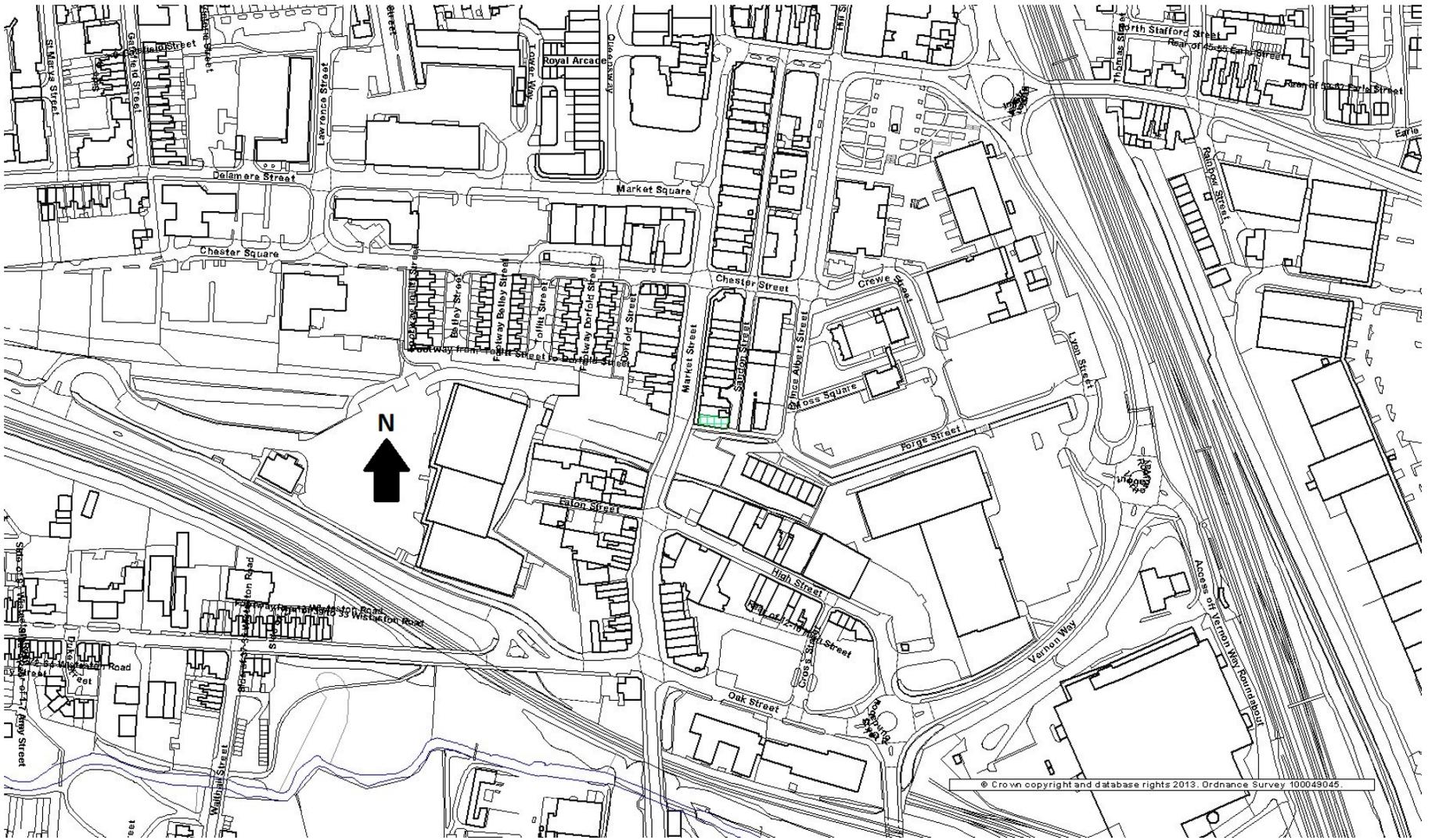
In terms of the social role of sustainable development, the development would create additional residential accommodation within an accessible location.

RECOMMENDATION

Approve subject to the following conditions:

1. **3 years commencement**
2. **Compliance with approved plans**
3. **Materials as specified**
4. **Hours of use restriction for office**
5. **Refuse and cycle storage to be provided as shown**

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



Application No: 16/2372N
Location: Land At Bunbury Heath, WHITCHURCH ROAD, BUNBURY
Proposal: Outline planning for residential development of 2 houses
Applicant: Ms Redmond, Peckforton Estate
Expiry Date: 12-Jul-2016

SUMMARY

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

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policies NE.2 and RES.5 and H2 of the Bunbury Neighbourhood Plan. The proposed development is considered to comply with these policies as it represents an infill development within an otherwise built up frontage.

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 consider 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, and landscape.

In this instance, it is considered that the economic and social benefits of the scheme would outweigh the dis-benefits by virtue of the loss of designated open countryside.

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

RECOMMENDATION

APPROVE subject to conditions

PROPOSAL

This application seeks outline planning permission for the construction of two detached dwellings with matters of access only sought for approval. The proposal therefore merely seeks to establish whether the construction of two dwellings in this location would be acceptable as a matter of principle, and whether the means of access is acceptable.

The scheme has been supported by an indicative layout to show the construction of two detached dwellings fronting Whitchurch Road. Access would be via the existing track adjacent to the site with areas of parking and garaging sited to the rear of the site. The junction with Whitchurch Road would be widened to accommodate for passing traffic. Suggested elevations have also been provided demonstrating two storey dwellings.

The scheme initially proposed the construction of three units on the land. However this has been reduced to two properties.

The adjacent parcel of land to the north has an extant planning permission for its redevelopment with two two-storey detached dwellings approved under applications 14/0381N and 15/5521N.

SITE DESCRIPTION

The site relates to a parcel of land which is located adjacent to the property known as Leafield. The land is undeveloped and appears to be used as paddock/grazing land. The site boundaries to Whitchurch Road and the track to the north are defined by established hedgerows. An existing field access is located to the west of the site from the track. Public Footpath Bunbury FP12 is located immediately opposite the site.

The site lies wholly within the Open Countryside as defined by the Local Plan Proposals Map. The settlement boundary line for Bunbury lies approximately 95m from the site at its closest. The surrounding area, in the immediate context, comprises mainly housing.

RELEVANT SITE HISTORY

None relevant on site. However, applications on the adjacent plot are considered to be relevant:

14/0381N - Outline application for erection of two detached family houses and double garages, closing of existing shared access and provision of new shared access with associated landscaping – approved – 22/04/14.

15/5521N - Reserved Matters application following outline approval 14/0381N for the erection of two detached family houses and double garages – approved – 19/02/16.

LOCAL & NATIONAL POLICY

Bunbury Neighbourhood Plan (March 2016)

H1 Settlement Boundary
H2 Scale of Housing Development
H3 Design
BIO1 Biodiversity
T3 Pedestrian Footways

Borough of Crewe and Nantwich Replacement Local Plan 2011

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site, under Policy NE2, as Open Countryside

The relevant Saved Policies are;

NE.2 Open Countryside
BE.1 Amenity
BE.2 Design Standards
BE.3 Access and Parking
BE.4 Drainage, Utilities and Resources
BE.5 Infrastructure
RES.5 Housing in the Open Countryside
RT.9 Footpaths and Bridleways

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

Policy SD1 - Sustainable Development in Cheshire East
Policy SD2 - Sustainable Development Principles
Policy SE1 – Design
Policy SE2 - Efficient Use of Land
Policy SE4 - The Landscape
Policy SE5 - Trees, Hedgerows and Woodland
Policy SE9 - Energy Efficient Development
Policy SE12 - Pollution, Land Contamination and Land Instability
Policy IN1 – Infrastructure
Policy PG1 - Overall Development Strategy
Policy PG2 - Settlement Hierarchy
Policy PG5 - Open Countryside

National Policy

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

7 – Achieving Sustainable Development; 14 - Presumption in favour of sustainable development; 17 – Core planning principles; 32 – Promoting sustainable transport; 47-50 - Wide choice of quality homes; 55 - Isolated dwellings in the countryside; 56-68 - Requiring good design; 69-78 - Promoting healthy communities; and, 109-11 – Conserving and enhancing the natural environment.

The National Planning Practice Guidance (NPPG)

Supplementary Planning Documents:

SPD – Development on Backland and Gardens
North West Sustainability Checklist

CONSULTATIONS

CEC Highways – No objection

United Utilities – No objection

Environmental Protection – No objection subject to conditions relating to piling, contaminated land and dust collection.

Bunbury Parish Council – Do not object in principle to the development of two houses on this site; that is within the definition of infill in the Neighbourhood Plan, but make the following comments:

Design and Scale - The houses are too large when compared to existing surrounding properties. The setting and location in the landscape needs to be looked at.

Highways Safety - Access and visual splays need to be carefully considered and strongly enforced

REPRESENTATIONS

One letter of objection received in respect of revised scheme for two dwellings. The salient points being:

- Positioning and size of dwellings are overwhelming
- Overdevelopment of site
- Insufficient garden space
- Impact on residential amenity
- Windows will look directly into house and garden
- Not in line with building line
- Loss of outlook
- Impact of additional traffic and safety hazard for deliveries and refuse collection.

5 letters of objection to original scheme for 3 dwellings. The salient points being:

- Lane is nothing more than a track and would be extremely dangerous
- Three houses out of keeping

- Encroachment
- Size and design not in keeping
- Traffic increase significant
- Impact on neighbours through privacy, noise and light reduction
- Impact on flora and fauna
- Not infill in accordance with neighbourhood plan
- Properties closer to adjacent than shown on plans
- Traffic speeds greater than 30mph
- Loss of ancient hedgerow
- Great Crested Newts and Barn Owls will be affected

APPRAISAL

The key issues are:

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

Principle of Development

The site is designated as being within the Open Countryside where Policy NE.2 (Open Countryside) of the Borough and Crewe and Nantwich Replacement Local Plan states that development will only be permitted if it falls within one of a number of categories. The Bunbury Neighbourhood Plan, identifies the site as falling outside of the settlement boundary and therefore within the Open Countryside. In accordance with H2 of the Neighbourhood Plan, and NE.2 and RES.5 of the Local Plan housing development can be acceptable where it represents the infilling of a small gap in an otherwise built up frontage. Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version identifies that housing development will only be acceptable where it is the subject of a number of criteria.

The application site is adjoined to the rear by residential development, while to the north is a parcel of paddock/grazing land. That land to the north has planning permission for residential development; however this approval has not been implemented. On this basis it is considered that the development constitutes a small gap in an otherwise built up frontage. Therefore, housing development on this site would satisfy the criteria for housing development in the open countryside as set out in Policies NE.2 or RES.5 of the Local Plan, or H2 of the BNP.

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. These are considered below.

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' 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 Sedgefield 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.

This is a material consideration in support of the proposal.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

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. These are considered below.

Environmental role

Locational Sustainability

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.

A locational sustainability assessment has not been provided by the applicant for this scheme. Notwithstanding this, planning permission has been approved by Committee for the construction of two dwellings immediately to the north of the site which has been accepted as an appropriate location for housing development. This is a significant material consideration in the determination of this application and its proximity to services and facilities would match very closely to that approved development.

Therefore, in light of recent permissions, and particularly given the modest scale of the proposed development, it is considered that the proposal is sustainably located with reasonable access to services and facilities.

Open Countryside Impact

The application site represents an area of grazing land which lies between a residential property to the south, and a development site to the north. The application proposals, which would ultimately change the character of the site, would undermine the open countryside protection policies which seek to protect the countryside for its own sake.

Impact on Landscape Features

The indicative plans indicate that the proposed development may require the removal of the established hedgerow fronting onto Whitchurch Road, and part of the hedgerow adjoining the track to facilitate appropriate access arrangements and requisite visibility splays. The loss of this hedgerow is regrettable however its removal has already been approved under the consent for housing to the north of the site. There is appropriate scope within the site to secure mitigation hedgerow, while it is considered that a replacement or transplanted hedgerow may be feasible along the roadside boundary to retain the character of the site.

Design

The application is in outline with matters reserved relating to scale, layout and appearance. Notwithstanding this, an indicative layout and elevational drawings have been provided.

The layout indicates how the site could be laid out and indicates the provision of two detached dwellings with principal elevations fronting Whitchurch Road. The immediate surrounding area comprises a mixture of detached and semi-detached dwellings which front Whitchurch Road. The plan shows the dwellings set back from the dwelling to the south (Leaffield), but set forward of the positioning of the dwellings approved to the north. It is considered that the proposed development. It is considered that two detached dwellings could be provided on this site which respects the pattern of development in the area and without representing an overdevelopment of the plot.

The proposed development would include the construction of two storey dwellings, the adjoining existing and approved dwellings are two storeys and therefore in principle, the construction of two storey dwellings would be of appropriate scale. It would be necessary to ensure that their height is appropriate in the context of the existing dwelling and as such it would be necessary to ensure that a streetscene elevation be provided to support the reserved matters application. Details of existing and proposed levels would be necessary to ensure that there would be no significant land level changes and the height of the development is appropriate.

Provided the dwellings are appropriately designed it is unlikely that the proposal will have a detrimental impact on the character and appearance of the area.

Impact on Biodiversity

The application proposals would result in the development of a paddock and removal of hedgerow. The application has been supported by an extended Phase I habitat survey to determine the impact that the proposed development would have on protected species and

their habitats. The survey identifies that there are a number of ponds within 250m of the site, however the LPA's ecologist is satisfied that the application site offers very limited habitat for Great Crested Newts and that the proposed development would not result in the fragmentation or isolation of Great Crested Newt Habitat.

The potential impacts of the proposed development are limited to the low risk of any newts that venture onto the site being killed or injured during the construction process. In order to address this risk the applicant's ecological consultant has recommended a suite of 'reasonable avoidance measures' (RAMs). The LPA's Ecologist has confirmed that provided these measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application. However, they have suggested that a condition be attached to any approval for a reserved matters application to be supported by an updated method statement.

The scheme would result in the loss of hedgerow, however the LPA's ecologist is satisfied that there would be scope within the scheme to provide replacement native species hedgerow.

Highways Matters

The application is in outline with the means of access sought for approval at outline stage. The application proposals show that the dwellings would be accessed via the existing track to the north of the application site, which connects to the highway network via a junction with Whitchurch Road. The scheme shows the widening of the junction so that its carriageway width would be 6m. The plans also show visibility of 38.8m to the south and 88.1m to the north.

The access arrangements have been considered by the Strategic Infrastructure Manager who considers that the proposal would provide satisfactory access to serve the proposed development.

No objections have been raised with regard to the level of parking to support the development. There plot is of sufficient size to provide the level of parking that the development would demand.

Environmental Conclusion

It is not considered that the proposed development would create any significant environmental impacts with regards to; the landscape, highway safety, and design, subject to conditions.

As a result of the above reasons, it is not considered that the proposed development would be environmentally neutral.

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'.

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

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

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

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

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

With regard to the economic role of sustainable development, the proposed development will help, albeit in a small way, to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits, to Bunbury, and the surrounding villages, including additional trade for local businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal, although small, will generate economic benefits to the area.

Social Role

The proposed development would provide two open market dwellings which in itself would be a social benefit.

Amenity

Policy BE.1 (Amenity) 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 overshadowing, overlooking, visual intrusion, noise and disturbance, odour or in any other way.

The proposed indicative layout shows the proposed detached dwellings to be sited adjacent to Leafield to the south of the site. Within the side elevation of that property are secondary windows which would face towards the application site. As these openings are secondary it is not considered that there would be significant implications on residential amenity resulting from the development of this site. It is also considered that the proposed development could be provided which would not result in a breach of 45 degree standard from principal windows in the front or rear elevations of Leafield, and as such no significant loss of daylight to habitable rooms.

Given the amount of private amenity space that Leaffield enjoys it is considered that a development can be carried out on this site without resulting in an overbearing or overshadowing impact on the private amenity space.

Provided the openings to habitable rooms are provided within the front and rear elevations it is considered that there should be no overlooking or loss of privacy caused to the adjacent dwellings.

It is considered that a scheme can be provided on the application site which would provide an appropriate level of private amenity space for the requirements of future occupants of the development.

Planning Balance

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

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policies NE.2 and RES.5 and H2 of the Bunbury Neighbourhood Plan. The proposed development is considered to comply with these policies as it represents an infill development within an otherwise built up frontage.

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 consider 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, and landscape.

In this instance, it is considered that the economic and social benefits of the scheme would outweigh the dis-benefits by virtue of the loss of designated open countryside.

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

RECOMMENDATION

Approve subject to conditions;

1. **Submission of Reserved Matters (Appearance, Landscaping, Layout and Scale)**
2. **Time Limit for submission of reserved matters**
3. **Time limit for outline permission**
4. **Approved plans (access details)**
5. **Existing and Proposed Site Levels, and Finished Floor Levels to be provided for approval**
6. **Reserved Matters application to include streetscene elevation to demonstrate relationship with existing dwellings**
7. **Reserved Matters application for landscaping to include a comprehensive landscaping scheme, and include replacement of existing hedgerows which may be lost and to show a net increase in vegetation across site. Whitchurch Road boundary shall include provision of a hedgerow.**
8. **Access and visibility to be provided in accordance with the approved details prior to first occupation**
9. **Any further reserved matters application be supported by an updated Great Crested Newt Reasonable Avoidance Measures method statement**
10. **Details of piling to be provided (if proposed) prior to commencement of development**
11. **Scheme to minimise dust emissions during construction to be submitted and approved prior to commencement of development**
12. **Unexpected Contamination**

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



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Application No: 16/3153N

Location: GREENFIELDS, HOLMSHAW LANE, OAKHANGER, CREWE, CHESHIRE, CW1 5XE

Proposal: Outline application for two four bedroom, twin bathroom detached houses

Applicant: Anthony Lloyd-Weston

Expiry Date: 23-Aug-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 and trees.

In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits by virtue of the loss of open countryside.

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

RECOMMENDATION:

DELEGATE to the Head of Planning (Regulation) in consultation with the Chairman of Southern Planning Committee to approve with conditions, subject to no objections from Natural England.

PROPOSAL

Outline planning permission with all matters reserved is sought for the erection of two detached dwellings.

SITE DESCRIPTION

The application site comprises a parcel of land used as garden, to the north of the dwelling house.

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

RELEVANT HISTORY

P99/0675 – Approval for extensions – 22nd September 1999

7/17636 – Approval for stable block and access onto Holmshaw Lane – 16th November 1999

7/17588 – Approval for vehicular access – 2nd November 1989

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 14 and 47.

Development Plan:

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

The relevant Saved Policies are: -

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

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

Cheshire East Local Plan Strategy 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
PG5 Open Countryside
EG1 Economic Prosperity

CONSULTATIONS:

Highways:

No objection.

Haslington Parish Council:

None received at the time of report writing.

REPRESENTATIONS:

None received at the time of report writing.

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 wholly within any of these exceptions other than that of outdoor recreation. 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

Locational Sustainability

The site is classified as being within open countryside and a short distance from several public footpaths, including Haslington Footpath 8, which leads to Butterton Lane where there are regular bus services to Crewe, Alsager and Stoke-on-Trent. In addition a recent appeal decision concluded that a site in very close proximity to the application site was a sustainable location, due to its proximity to Alsager and the regular bus services available, and that it was not an isolated location. (15/3983N APP/R0660/W/16/3147994) As such the site is considered to be in a sustainable location.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it.

Open Countryside Policy

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

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

to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

In this case the site is designated as Open Countryside in the adopted local plan, but the site consists of an existing garden area to the north of the existing dwelling, 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.

Design

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

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

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

The **indicative** layout shows two dwellings sited off Holmshaw Lane, with a similar building line to the existing dwelling. To the rear of the site is the significant equestrian operation known as Oakhanger Equestrian Centre, with all its associated buildings and ancillary development.

It is considered that the proposed development of two dwellings on this site, would not have any significant adverse impact on the intrinsic character and beauty of the countryside. This is due to its current use as garden and the surrounding development.

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

Highways

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

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

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

Ecology

The application site falls within Natural England’s SSSI impact risk zones associated with Oakhanger Moss SSSI for development that results in a net increase in residential units. Natural

England has been consulted upon this application and a response has not been received at the time of report writing.

Oakhanger Moss is also part of the Meres and Mosses Ramsar. Therefore it may be necessary for the Council to undertake an Assessment of Likely Significant Effects prior to determining this application. The Council's ecologist considers that the habitats on site do not present a constraint to the proposed development.

Traditionally managed orchards are a priority habitat. There are a number of fruit trees on site. However the site does not appear to support a particularly valuable example of this habitat type. If planning consent is granted it is recommended that a condition be attached requiring the retention/planting of fruit and nut trees as part of the landscaping scheme developed as the reserved matters stage.

A tree on site has been identified as having potential to support roosting bats; however the submitted ecological assessment states that this would be retained as part of the proposed development. If this tree is proposed for removal at the detailed design stage a bat survey may be required.

Trees

An Arboricultural Impact Assessment (AIA), in accordance with the British Standard has been submitted with the application. This identifies twenty two individual trees, eight groups of trees and one hedge.

Several trees would require removal to facilitate development; however the majority of these are of low quality specimens. One good quality Weeping Willow is also to be removed and it should be replaced as part of a landscaping scheme for the site.

The remaining trees should be protected during construction in accordance with the recommendations in the AIA. This should be secured by condition.

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 negative impact due to the loss of 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 the surrounding area, including additional trade for local businesses, jobs in construction and economic benefits to the construction industry supply chain.

SOCIAL SUSTAINABILITY

Residential Amenity

The proposal is for up to 2 dwellings on this site. Adequate separation distances can be achieved between the proposed dwellings and adequate private residential amenity space can be provided within the site. The distances to existing residential properties would be capable of meeting or exceeding the minimum separation distances required.

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

Subject to the conditions the proposal is considered to be acceptable in amenity terms and in compliance with Policy BE.1 of the adopted local plan.

Affordable Housing

Following a Court of Appeal judgement on 19th May 2016, National Planning Practice Guidance was amended. The result of this is that in developments of 10 dwellings or less, contributions for affordable housing should not be sought. As such there is no requirement for the provision of affordable housing.

Conclusion – The Planning Balance

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

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of

deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

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

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

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

In this instance, it is considered that the benefits of the scheme would outweigh the dis-benefits by virtue of the loss of open countryside.

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

RECOMMENDATION

Delegate to the Head of Planning (Regulation) in consultation with the Chairman of Southern Planning Committee to approve, subject to no objections from Natural England and the following conditions:

- 1. Commencement**
- 2. Submission of reserved matters**
- 3. Approved plans**
- 4. Hours of piling limited to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday, with no working on Sundays or Public Holidays**
- 5. Submission of Construction Management Plan**
- 6. Provision of an electric vehicle charging point to each dwelling**
- 7. Submission of drainage scheme to include foul and surface water including sustainable drainage systems**
- 8. Compliance with the tree/hedgerow protection scheme within the Arboricultural Impact Assessment**
- 9. Submission of a Phase 1 Contaminated Land Report**
- 10. Breeding bird survey for works in the nesting season**
- 11. Reserved matters to include features for breeding birds and roosting bats**
- 12. Reserved matters to include existing and proposed levels.**

In the event of any changes being needed to the wording of the Committee’s decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Southern Planning

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



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Application No: 16/3456N

Location: Ivy House Farm, Longhill Lane, Hankelow, CHESHIRE, CW3 0JQ

Proposal: Outline Application for the demolition of existing dwelling and commercial Buildings. Erection of five detached dwelling, access and associated works

Applicant: Mr & Mrs Huddart

Expiry Date: 13-Sep-2016

SUMMARY

The site is not located within a settlement boundary and is located in the Open Countryside as designated in the Crewe and Nantwich Local Plan.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policies NE.2 and RES.5

In this instance the proposal is not listed as an appropriate form of development and although it would provide 5 dwellings it is not considered capable of being an infill development. As a result, it constitutes a "departure" from the development plan and emerging plan and as such, there is a presumption against the proposal.

Although the proposal would be contrary to Policy NE.2 it would meet one of the core planning principles as contained within the NPPF in relation to the re-development of a brownfield site.

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 consider 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 planning dis-benefits are that the proposal constitutes an inappropriate form of development in the open countryside.

However the proposal would bring positive planning benefits such as provision of market housing, a minor boost to the local economy, redevelopment of a previously developed site

and on balance is considered to be locationally sustainable given the location to the bus stop and with the previous approval in mind. The proposal would also see the removal of the existing commercial use which it has been demonstrated is no longer viable and the removal would reduce traffic levels and general noise and disturbance to neighbouring properties. The proposal would remove the existing unsightly buildings and result in a reduction in the footprint of the existing buildings.

Applying the tests within paragraph 14 it is considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

RECOMMENDATION

APPROVE with conditions

PROPOSAL

The proposal seeks outline consent for the demolition of existing dwelling and commercial Buildings and the erection of five detached dwellings, access and associated works with all matters reserved

SITE DESCRIPTION

The application site is located about 100m east of Longhill Lane along an unadopted lane which forms footpath Buerton FP1, linking the settlement at the road junction with Pewitt Lane, Hunsterson. The site comprises a number of older little used buildings constructed in a variety of materials including block, render and sheeting. Some are partially open with the appearance of former agricultural buildings, whilst others are fully enclosed. Since the cessation of the former poultry processing business a number of buildings have been removed, although hardstandings still remain and this has left an open, bare landscape.

The application site is within an isolated location consisting of scattered residential properties and agricultural buildings/uses. The nearest residential properties are sited to the west of the site and the land level is elevated from the rear of the site and internally to the east

The site is located in the Open Countryside and is a Hazardous Installation Area as per the Crewe and Nantwich Local Plan

RELEVANT HISTORY

P08/0872 – Outline Application for Demolition of Existing Dwelling and Commercial Buildings and Erection of Five Dwellings with Associated Highways and Landscaping Works – approved 2nd March 2009 (expired 2nd March 2014)

P06/1064 - To vary/ remove conditions 2, 3, and 5 of permission P93/1044. Refused 7th November 2006

P96/0418 - Change of use of land and buildings for industrial use, storage and importing of timber. Refused 25th July 1996

P96/0335 - Change of use to baling of wood shavings. Refused 25th July 1996.

P93/1044 - Change of use of office to dwelling and use of existing buildings as specialist engineering workshop. Approved 11th February 1994.

P93/0585 - Change of use from chicken processing to manufacture of house name plates. (Class B2). Approved 16th September 1993.

LOCAL & NATIONAL POLICY

Borough of Crewe and Nantwich Local Plan 2011

Policy BE.1 – Amenity

Policy BE.2 – Design Standards

Policy BE.3 – Access and Parking

Policy BE.4 – Drainage, Utilities and Resources

Policy BE.21 – Hazardous Installations

Policy NE.2 – Open Countryside

Policy NE.5 – Nature Conservation and Habitats

Policy NE.10 – New Woodland Planting and Landscaping

Policy RES.2 – Unallocated Housing Sites

Policy RES.3 – Housing Densities

Policy RES.5 – Housing in the Open Countryside

Policy TRAN.9 – Car Parking Standards

Policy E.4 – Development on Existing Employment Areas

Policy E.7 – Existing Employment Sites

Cheshire East Local Plan Strategy – Consultation Draft March 2016 (CELP)

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

Policy MP1 – Presumption in Favour of Sustainable Development

Policy PG1 – Overall Development Strategy

Policy PG2 – Settlement Hierarchy

Policy SD 1 – Sustainable Development in Cheshire East

Policy SD 2 – Sustainable Development Principles

Policy SE 1 – Design

Policy SE2 – Efficient Use of Land

Policy SE5 – Trees, Hedgerows and Woodlands

Policy SE13 – Flood Risk and Water Management

Policy CS4 – Residential Mix

Policy EG3 – Existing and Allocated Employment Sites

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

National Policy

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

14 - Presumption in favour of sustainable development

17 – Core planning principles

47-50 - Wide choice of quality homes

56-68 - Requiring good design

Supplementary Planning Documents (SPD):

North West Sustainability Checklist

CONSULTATIONS

Flood Risk Team (Cheshire East Council)

No objection subject to conditions regarding the following:

- 1) Drainage strategy/design
- 2) Sustainable Urban Drainage/Management plan

Highways (Cheshire East Council)

No objection

Public Right of Way PROW (Cheshire East Council)

No objection subject to condition regarding the following:

- 1) Protection of the existing Public Right of Way

Environmental Protection (Cheshire East Council)

No objection subject to conditions/informatives regarding dust control, construction hours and contaminated land

United Utilities

No objection subject to conditions regarding the following:

- 1) Foul and Surface Water
- 2) Sustainable Urban Drainage Systems

Health and Safety Executive (HSE)

Do not advise against the granting of planning permission

National Grid

No objection as the National Grid have no record of apparatus in the vicinity of the site

Parish Council

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

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

REPRESENTATIONS

7 letters/comments received regarding the following:

- No semi-detached properties proposed
- Site notice was posted earlier than the date on the notice
- Single track access is inadequate
- Increase in congestion at dangerous junction
- Highways Statement is out of date
- Contaminated land
- Pressure of services in Audlem
- Unsustainable location

APPRAISAL

The key issues are:

- The principle of the development
- Open Countryside
- Loss of existing employment use
- Amenity
- Ecology
- Impact on trees/important landscape features
- Character/appearance
- Highway safety

APPRAISAL

Principle of development

The site is located outside the settlement boundary and is within the open countryside as defined by the Local Plan. Within the open countryside Policy NE.2 advises that:

'All land outside the settlement boundaries defined on the proposals map will be treated as open countryside.'

Within open countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

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

In this instance the proposal is not listed as an appropriate form of development and the isolated nature of the site means that it is not within an otherwise built up frontage.

As a result, it constitutes a "departure" from the development plan and emerging plan and as such, there is a presumption against the proposal.

Although the proposal would be contrary to Policy NE.2 it would meet one of the core planning principles as contained within the NPPF which states that planning should;

'encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value'

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' 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 Sedgefield 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.

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 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

Locational Sustainability

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.

Recommended standards (m denotes metres):

- Post box (500m)
- Post Office (500m)
- Amenity Open Space (500m)
- Children’s Play Space (500m)
- Primary School (1000m)
- Outdoor Sports Facility (500m)
- Local meeting place (1000m)
- Leisure Facilities (Leisure Centre and Library) (1000m)
- Public House (1000m)
- Child Care Facility (nursery or crèche) (1000m)
- Bus Stop (500m)
- Public Right of Way (500m)
- Pharmacy (1000m)
- Railway station (2000m where geographically possible)
- Any transport node
- Bank or cash machine (1000m)
- Supermarket (1000m)
- Secondary School (1000m)
- Medical Centre (1000m)
- Convenience Store (500m)

Based on the above figures the proposal would likely fail most the criteria. This assessment identifies that the site would not be located near to a number of key services, which are located in Hanklow and Audlem village. The site is 1.3kms from Hankelow and 3.2kms from Audlem

However the site was previously deemed to be sustainable as part of application P08/0872 which gained approval for a similar proposal for the erection of x5 dwellings. It is therefore difficult to see how a contrary view could be reached for the current proposal which relates to the same site and the same number of dwellings.

The site is however served by a regular bus service and therefore has connections to these villages and Nantwich/Whitchurch (Bus Nos.73&75 between 6-11 buses Monday to Saturday). Audlem provides shops, a primary school and community facilities with some opportunity for access to jobs as well, although there are no major employment site.

As a result, whilst the location of the site would be distant from a number of key facilities and would in some circumstances encourage the use of the car, it is considered that the previous conclusion that the site was sustainable along with the regular bus service to the nearby large service centres of Audlem, Nantwich, Hanklow and Whitchurch, that the site would represent a sustainable location, albeit at a marginal level, and as such would adhere to the NPPF.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it.

Impact on the appearance of the open countryside/design

The locality is characterised by a mix of 2 storey and bungalow properties. The previously approved scheme ref P08/0872 also granted planning permission for the erection of x 5 two storey dwellings.

The current proposal seeks outline consent only and does not clarify the type of properties, however bearing in mind the mixed nature of properties it is considered that either bungalows or two storey dwellings could be accommodated on this site.

A public footpath passes along the access track to the site and there are number of other rights of way in the area. The site is therefore readily visible in the landscape. However the current view is of the bulky, disused commercial buildings and external storage.

The illustrative layout of the proposed development provides a group of dwellings arranged as a crescent shape. It is considered that this arrangement provides an appropriate layout within the footprint of the existing buildings which follow a similar pattern/layout, however the proposal will provide visual breaks between the buildings rather than the large mass of buildings which currently exist. The proposed layout would therefore respect the established build lines in the locality.

The proposal will also result in a substantial reduction in footprint on the site. The development will therefore offer benefits not only in the removal of unsightly buildings and re-development of this previously developed site, but removal of the non conforming use in this countryside location along with the uncontrolled outdoor storage, noise, smells and traffic movements.

No detailed plans have been provided at this stage showing the bulk, form, design or materials of the proposed dwellings. However these matters will be dealt with at reserved matters stage.

The proposal also presents the opportunity to provide some planting/greenery to the site which would help to soften the impact of the built environment, this can be secured by condition.

As a result it is considered that the proposal could be accommodated on site without causing significant visual harm to the character/appearance of the area and the wider countryside setting.

Trees

Policy NE.5 advises that the LPA will protect, conserve and enhance the natural conservation resource.

The site contains limited low quality planting, however none of the trees on this site are considered of sufficient quality to merit retention, nor are they considered to provide any significant visual merit. This has been confirmed by the Councils Landscape Officer.

However the proposal is considered to present an opportunity to provide some planting/greenery to the site which would help to soften the impact of the built environment, this can be secured by condition.

As a result the proposal would not cause harm to existing landscape features and would provide the opportunity to increase trees/planting on site.

Highway Safety

Policy BE.3 requires proposals to provide safe access and egress and adequate off-street parking and manoeuvring.

The proposal involves the replacing of a dwelling and approximately 700sqm of commercial buildings. In this case it is necessary to compare the highway impact of the 4 additional dwellings against the commercial buildings.

A development of 4 dwellings is likely to generate approximately 20 two-way vehicle trips per day which is unlikely to be more than the existing lawful land use, therefore the vehicle access onto Longhill Lane is not considered to be intensified as a result of this proposal.

There have also been no recorded traffic accidents at this access over the last 5 years. The width of the unadopted track, just off Longhill Lane, is also sufficient to allow for two-way vehicle movement.

Adequate off street parking could also be provided.

As a result it is not considered that the proposal would pose any significant harm to the existing highway network.

Flood Risk and Drainage

The application site does not fall within a Flood Risk Zone 2 or 3 and is not of a scale that triggers the requirement of a Flood Risk Assessment (FRA) to accompany the application.

United Utilities have been consulted as part of the application and have raised no objections subject to conditions regarding foul and surface water and sustainable urban drainage systems. However it is considered that drainage details could be secured by condition to prevent local flooding.

It is also considered that the removal of the large area of built development including existing hardstanding will present a benefit in terms of control of surface water run off.

Ecology

Great Crested Newts

A number of ponds are located within 250m of the proposed development. The application site however has relatively limited habitat for great crested newts. Considering the distance between the proposed development and the pond, the habitat connectivity between the site and the pond and the extent of habitat lost, the proposed development would pose a low risk to great crested newts.

In order to address this risk the applicant's ecological consultant has recommended a suite of 'reasonable avoidance measures' be implemented during the development. Provided these measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

It is therefore considered necessary to condition that the development is undertaken in accordance with the recommendations of the submitted Report on GCN and Habitat Assessment prepared by EVR Ecology dated June 2016. A further condition is also required to include native species planting to the site boundaries to further enhance ecological value of the site.

Bats

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the buildings subject to this application. The usage of the building by bats is likely to be limited to single small numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have a low impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

The submitted report recommends the installation of bat boxes as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed. This can be secured by condition.

As a European protected species will be directly impacted by the proposal, the Council is required to assess the application under the Habitats Regulations 2010 'Three Tests'. In broad terms the tests are that:

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

In this instance the proposal would see the removal of a derelict and unused commercial site which has been demonstrated is a use which is no longer required in this location and is to be replaced with x5 dwellings which would provide social and economic benefits to the local community and would go some way to resolving the national housing shortage. As a result it is not considered that there is an alternative scheme as clearly the existing building is not longer fit for purposes.

Nesting Birds

In order to safeguard nesting birds and to ensure some provision is made for roosting bats and nesting birds as part of the proposed development, conditions would be required as part of any planning permission which require a detailed survey and any prevention methods along with a further condition for the incorporation of features into the scheme suitable for use by breeding birds.

Therefore it is not considered that the proposal could be accommodated with posing any significant concerns from an ecology perspective.

Hazardous Installations

Despite the constraints layer on the Councils mapping system showing the site as being in the zone for a gas pipeline, the HSE and National Grid have been consulted, who advise that they are not aware of any pipelines owned by them in the vicinity of the site.

As a result all reasonable measures have been undertaken from the LPA regarding potential safety hazards.

Environmental Conclusion

On balance the proposed development is considered to constitute sustainable development from a locational perspective with a neutral impact in terms of trees, ecology, design, flooding and drainage, subject to conditions where necessary.

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

Economic Role

It is accepted that the construction of a housing development would bring the usual economic benefits to the closest public facilities in the closest villages 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.

Loss of existing employment

The principle of the proposal has previously been accepted as part of P08/0872, which consisted of a detailed review of the marketing appraisal which concluded that the existing commercial use

was no longer required in this location due to it being considered remote, poorly connected to major roads and the condition of the buildings.

As nothing has changed on site since the previous approval and with the site remaining vacant, this is considered to further support the conclusion that the use is no longer required in this location and its loss would not have any detrimental impact on the supply of employment land within the borough.

Social Role

The provision of market dwellings would be a social benefit and would go some way to address the national housing shortage.

Residential Amenity

Policy BE.1 advises that development should not prejudice the amenity of occupiers or future occupiers of adjacent properties by reason of overshadowing, overlooking, visual intrusion, noise and disturbance, odour or in any other way.

Policy BE.2 requires a high standard of design, which respects the character and form of its surroundings.

The nearest proposed dwelling would be sited 20.5m to the side elevation of Freshfields and 18m to the side facing windows of The Squirrels. Whilst no details have been provided showing the height of the proposed properties (bungalows or two storey) and no indication has been given regarding the location of windows, the proposed separation distances would appear sufficient to prevent significant harm to living conditions.

The illustrative plan also demonstrates that the replacement dwelling would also be sited further away from the boundaries shared with the neighbouring properties which would limited the impact of the proposal compared to that of the existing buildings which are sited closer to the shared boundaries.

Representations express concern about the impact of traffic generated by the proposed dwellings on residential amenities at the existing dwellings. However the site has planning permission for a specialist engineering workshop at present with conditions limiting the operation of the business.

It is considered that the provision of five dwellings on this site would generate less or equal amounts of traffic with a reduction in the size of vehicles.

Removal of the commercial use would also remove the existing non confirming use which is inappropriately sited near to existing residential properties thus removing concerns from noise and general disturbance.

As a result it is not considered that the proposal would cause significant harm to the living conditions of the occupiers of neighbouring properties.

Other matters

The proposal is not of a size to require any contributions to affordable housing, open space or education.

It is noted that a Buerton Neighbourhood Plan is currently being prepared, however it is yet to reach Regulation 14 stage and therefore cannot be attached any significant weight at this stage.

Planning Balance

The site is not located within a settlement boundary and is located in the Open Countryside as designated in the Crewe and Nantwich Local Plan.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policies NE.2 and RES.5

In this instance the proposal is not listed as an appropriate form of development and although it would provide 5 dwellings it is not considered capable of being an infill development. As a result, it constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

Although the proposal would be contrary to Policy NE.2 it would meet one of the core planning principles as contained within the NPPF in relation to the re-development of a brownfield site.

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 consider 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 planning dis-benefits are that the proposal constitutes an inappropriate form of development in the open countryside.

However the proposal would bring positive planning benefits such as provision of market housing, a minor boost to the local economy, redevelopment of a previously developed site and on balance is considered to be locationally sustainable given the location to the bus stop and with the previous approval in mind. The proposal would also see the removal of the existing commercial use which it has been demonstrated is no longer viable and the removal would reduce traffic levels and general noise and disturbance to neighbouring properties. The proposal would remove the existing unsightly buildings and result in a reduction in the footprint of the existing buildings.

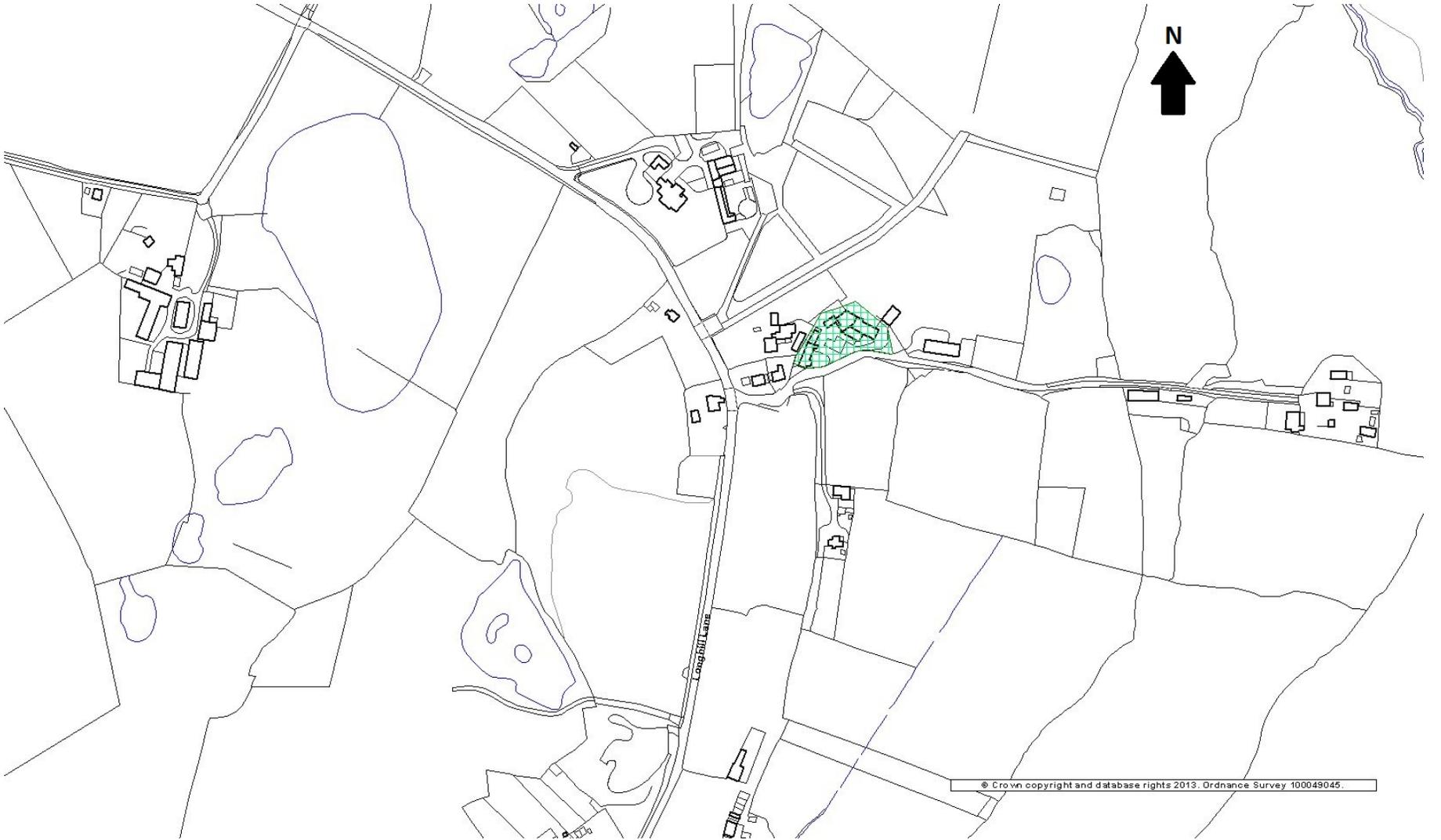
Applying the tests within paragraph 14 it is considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1) Time period within 3 years
- 2) Approved plans
- 3) Dust control measures
- 4) Contaminated land
- 5) Development in accordance with the recommendations of the submitted Report on GCN and Habitat Assessment
- 6) Reserved matters application to include native species as boundary features
- 7) Development to proceed in accordance with the recommendation made in the submitted Protected Species report
- 8) Detailed survey shall be carried out to check for nesting birds
- 9) Incorporation of features into the scheme suitable for use by breeding birds
- 10) Drainage strategy/design in accordance with the appropriate method of surface water drainage
- 11) Sustainable drainage management and maintenance plan for the lifetime of the development
- 12) Foul and surface water schemes
- 13) No change to the surface of the right of way

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



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