

Southern Planning Committee

Agenda

Date: Wednesday, 21st December, 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.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website.

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 - 20)

To approve the minutes of the meeting held on 23 November 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. **16/1987N 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 (Pages 21 - 30)**

To consider the above planning application.

6. **15/5369C Somerford Booths Hall, Chelford Road, Somerford CW12 2LY: Full planning application proposing the conversion of the Grade II* listed hall from offices to residential and demolition of the existing buildings and the erection of a residential development set in attractive landscaping and open space with associated access and car parking arrangements for P Hogarth (Pages 31 - 54)**

To consider the above planning application.

7. **15/1437N Holly Cottage, Gauntons Bank, Norbury, SY13 4HP: Proposed construction of one dwelling on land adjacent to Holly Cottage for R Lewis (Pages 55 - 64)**

To consider the above planning application.

8. **16/3262C Land at Radnor Park Trading Estate, Back Lane, Congleton: Residential development (Use Class C3) comprising 30 no. new affordable dwellings incorporating 12 no. three bed houses, and 16 no. two bed houses and 2 no. one bed maisonettes with associated infrastructure and incidental open space including a new estate road and vehicular and pedestrian access off Back Lane for William Fulster, M.C.I.Developments Limited and Places for People Group Limited (Pages 65 - 80)**

To consider the above planning application.

9. **16/3286C 130, Holmes Chapel Road, Congleton CW12 4NY: Demolition of existing dilapidated bungalow and garage and erection of 4 no. dwellings for Mr David Denton** (Pages 81 - 92)

To consider the above planning application.

10. **16/3974N Land East of Whitchurch Road, Aston: Outline application for the development of up to 24 dwellings with all matters reserved except access for Cranford Estates** (Pages 93 - 112)

To consider the above planning application.

11. **16/4408N Land at Chester Road, Alpraham: Outline application for proposed 2no. residential dwellings for Mr & Mrs D Evans** (Pages 113 - 126)

To consider the above planning application.

12. **16/4784N Land to the rear of, Valley House, 11, Walthall Street, Crewe, Cheshire CW2 7JZ: Resubmission of proposed construction of apartments and associated parking, bin storage, cycle storage and access arrangements for D Fyles** (Pages 127 - 138)

To consider the above planning application.

13. **16/4926N Woodlands House, 61B, London Road, Stapeley CW5 7JL: Single dwelling for Mr & Mrs Clarke** (Pages 139 - 152)

To consider the above planning application.

14. **Variation of Condition 27 on application 13/1305N - Land to the west of Close Lane, Alsager** (Pages 153 - 156)

To consider a report regarding Heads of Terms for the legal agreement at the forthcoming appeal.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 23rd November, 2016 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor G Merry (Chairman)

Councillors Rhoda Bailey, D Bebbington, P Butterill, W S Davies, S Edgar,
S Gardiner (for Cllr Clowes), A Kolker, J Rhodes, B Roberts and B Walmsley

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors D Bailey, M Deakin, J Hammond and D Hough

OFFICERS PRESENT

Daniel Evans (Principal Planning Officer)
Patricia Evans (Senior Planning and Highways Lawyer)
Andrew Goligher (Principal Development Control Officer - Highways)
Phil Mason (Senior Enforcement Officer - Environmental Protection)
Sue Orrell (Principal Planning Officer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillor M J Weatherill

Apologies due to Council Business

Councillor J Clowes

77 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

With regard to application number 16/4268N, Councillor D Bebbington declared that he would be leaving the meeting early in order to attend a meeting at Bentley Motors Ltd. He had not discussed this application, nor was he going to discuss planning at the meeting.

With regard to agenda item number 14, Councillor S Edgar declared that, as he had made up his mind and had previously spoken against the application, he would leave the meeting prior to consideration of this item.

All Members of the Committee declared that they had received email correspondence with regard to application number 16/3664N.

With regard to application number 16/2645C, Councillor G Merry declared that she was a member of Sandbach Town Council, which had been consulted on the application. She had not discussed this application and had kept an open mind.

Councillor G Merry also declared that she had received email correspondence with regard to application number 16/2010N.

With regard to application numbers 16/2993N and 16/4736C, Councillor J Hammond, who was in attendance at the meeting, declared that he was a member of Haslington Parish Council, which had been consulted on the applications.

With regard to application numbers 16/2993N and 16/4736C, Councillor D Hough, who was in attendance at the meeting, declared that he was a member of Alsager Town Council, which had been consulted on the applications. In addition, he declared that he was a Director of Transport Service Solutions Ltd.

78 **MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 26 October 2016 be approved as a correct record and signed by the Chairman.

79 **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**

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

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to 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
 - Management company to maintain any landscaping areas within the site and the acoustic barrier

And the following 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 provided as part of the first reserved matters application
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern

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

(c) That, should the application be subject to an appeal, approval be 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
- Management company to maintain any landscaping areas within the site and the acoustic barrier

**80 16/2993N LAND ADJACENT TO 68, CLOSE LANE, ALSAGER:
PROPOSED OUTLINE RESIDENTIAL DEVELOPMENT OF 16 NO.
DWELLINGS WITH ACCESS AND LAYOUT APPLIED FOR, FOR
PEMBROKE HOMES LTD & NICHOLA JANE BEACH**

Note: Councillor S Gardiner arrived at the meeting during consideration of this item and did not take part in the debate or vote.

Note: Councillor J Hammond (Ward Councillor), Councillors M Deakin and D Hough (Neighbouring Ward Councillors), Town Councillor S Helliwell (on behalf of Alsager Town Council), Mr P Swann (objector) and Ms E Robinson (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

(a) That authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman of Southern Planning Committee, to APPROVE the application for the reasons set out in the report and the written update, subject to:

- clarification of the secondary education contribution and confirmation that all drainage conditions are included
- a S106 Agreement to secure:
 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision

- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Secondary Education Contribution (to be confirmed)
Primary Education Contribution of £32,539
 3. Management Company and maintenance agreement in perpetuity for the incidental public open space, the pond and the tree belt to the north-western and south-western boundaries
- the following conditions:
 1. Standard outline 1
 2. Standard outline 2
 3. Standard outline 3
 4. Approved Plans
 5. Electric Vehicle Infrastructure to be submitted and approved
 6. Piling Details to be submitted and approved
 7. Reserved matters application to include dust control measures
 8. The noise mitigation measures to be as per the submitted report
 9. Submission / Approval of Information regarding Contaminated Land
 10. Any reserved matters application shall be supported by an Arboricultural Impact Assessment (AIA) in accordance with Section 5.4 of *BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations)* which shall evaluate the direct and indirect impact effect of the proposed design on existing trees.
 11. Reserved Matters application to include details of the existing and proposed land levels. No levels should be raised on site that may result in the flooding offsite.
 12. Tree Protection Details to be submitted and approved
 13. No development should commence on site until such time as detailed proposals for disposal of surface water (including a scheme for the onsite storage and regulated discharge) have been submitted to and agreed in writing
 14. No development should commence on site until such time as detailed scheme for the management of overland flow from surcharging of the site's surface water drainage system and neighbouring land have been submitted to and agreed in writing
 15. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority.

The drainage design must also include information about the design storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for Climate Change)) & any temporary storage facilities included, to ensure adequate drainage is implemented on site.

16. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Drainage Strategy Report (Ref No. P5664, Dated 14th March 2016 prepared by HR Wallingford). For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.
 17. Reserved Matters application to include a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company; and
 - b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.
 18. Nesting bird survey measures to be submitted and approved
 19. Any future reserved matters application to be supported by proposals for the incorporation of features into the scheme suitable for use by breeding birds
 20. Any future reserved matters application to be supported by proposals for the incorporation of gaps for hedgehogs to be incorporate into any garden or boundary fencing proposed
 21. Updated badger survey to be undertaken and submitted in support of any reserved matters application
 22. Replacement pond as shown on the site layout plan to be provided and retained
 23. The reserved matters application shall include a landscaping plan for the site including mitigation for the loss of tree from the eastern boundary
 24. The reserved matters application shall include a woodland management scheme for the trees to the north-western and south-western boundaries
 25. Visibility splays as shown on the site plan to be provided and retained
 26. Land levels
 27. Provision of underground electricity cabling
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern

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

- (c) That, should the application be subject to an appeal, approval be given to enter into a S106 Agreement to secure the following Heads of Terms:
1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
 2. Secondary Education Contribution (to be confirmed)
Primary Education Contribution of £32,539
 3. Management Company and maintenance agreement in perpetuity for the incidental public open space, the pond and the tree belt to the north-western and south-western boundaries

81 16/4736C LAND TO THE WEST OF CLOSE LANE, ALSAGER: FULL PLANNING APPLICATION FOR THE PROPOSAL OF 26 DWELLINGS (PHASE 2) A MIXED RESIDENTIAL SCHEME TO PROVIDE AFFORDABLE AND OPEN MARKET DWELLINGS ON LAND TO THE WEST OF CLOSE LANE, ALSAGER FOR MR BEN SUTTON, STEWART MILNE HOMES

Note: Councillor J Hammond (Ward Councillor) and Councillors M Deakin and D Hough (Neighbouring Ward Councillors) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

- (a) That, for the reasons set out in the report, the application be REFUSED for the following reasons:

- 1 The proposal will, by superseding the development required by Appeal 13/1305n, by virtue of the loss of dwellings for the over 55's, from the 56 units within a mixed residential scheme granted permission under 13/1305n to 6 units now proposed would comprise an unsustainable form of development, contrary to policy SC4 of the Cheshire East Local Plan Strategy Proposed changes (consultation draft) March 2016 and policies contained within the NPPF. Furthermore the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the proposal to housing land supply. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development.
 - 2 The proposed siting and distribution of the affordable units, clustered to the southern portion of the site, together with their close proximity to the affordable units within the Phase 1 (as approved by 14/5114C) development at the site results in a lack of pepper-potting throughout the development site, which is contrary to Policy SC5 of the Cheshire East Local Plan Strategy Proposed changes (consultation draft) March 2016, the Interim Planning Statement on Affordable Housing and policies contained within the NPPF.
 3. Insufficient information has been provided concerning water voles and reptiles on the site to enable the Local Planning Authority to assess the implications of the development for these species. The proposal is therefore contrary to Policy NE9 of the Crewe and Nantwich Adopted Replacement Local Plan 2011
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.
- (c) That, should the application be subject to an appeal, approval be given to enter into a S106 Agreement to secure the following Heads Of Terms:
- 30% of the dwellings to be affordable in a 65:35 split plots 10, 11, 12, 13, 14 & 15 (1 & 2 bed bungalows) are to be provide as affordable rent units and plots 18 and 19 as intermediate units
 - Education contribution - £32,539 primary contribution and £49,028 secondary contribution

**82 16/2010N LAND OFF OAK GARDENS, BUNBURY, CHESHIRE:
OUTLINE APPLICATION FOR PROPOSED RESIDENTIAL
DEVELOPMENT FOR 15 DWELLINGS WITH ASSOCIATED WORKS
FOR MR NICHOLAS HOWARD, CRABTREE HOMES**

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

Note: Parish Councillor R Pulford (on behalf of Bunbury Parish Council), Mr P Gorman (objector) and Mr D Muir (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 an oral report of the site inspection.

RESOLVED

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

The proposed development would include a shared access with the constructed affordable housing scheme immediately adjoining which results in a scale and form of development which is not in keeping with the character of the village and will result in a conjoined form of development contrary to Policy H2 of the Bunbury Neighbourhood Plan.

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

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

1. £4517.20 towards off-site grassland habitat improvements
2. £32,685.00 towards secondary school provision
3. 30% on-site affordable housing provision

**83 16/1402N LAND NORTH OF PARKERS ROAD, CREWE: OUTLINE
PLANNING APPLICATION FOR THE ERECTION OF 17 RESIDENTIAL
DWELLINGS FOR ADRIAN FABCZAK, BLOOR HOMES NORTH WEST
LTD**

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

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

RESOLVED

- (a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to a S106 Agreement to secure:
1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
 2. Primary Education Contribution of £32,539

And the following conditions:

1. Standard outline 1
2. Standard outline 2 - landscape details to include structural planting with the Gables
3. Standard outline 3
4. Approved Plans
5. Electric Vehicle Infrastructure to be submitted and approved
6. Construction Management Plan to be submitted and approved
7. Piling Details to be submitted and approved
8. Noise mitigation measures to be submitted and approved
9. Submission / Approval of Information regarding Contaminated Land
10. Any reserved matters application shall be supported by an Arboricultural Impact Assessment (AIA) in accordance with Section 5.4 of *BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations)* which shall evaluate the direct and indirect impact effect of the proposed design on existing trees.
11. Reserved Matters application to include details of the existing and proposed land levels
12. Tree Protection Details to be submitted and approved prior to any commencement on the site
13. No development should commence on site until such time as detailed proposals for disposal of surface water (including a scheme for the

onsite storage and regulated discharge) have been submitted to and agreed in writing

14. Nesting bird mitigation measures to be submitted and approved
 15. The reserved matters for the landscaping of the site shall include the replacement of any hedgerow which would be lost as part of the proposed development
 16. The reserved matters shall provide 1 car parking space for dwellings with 1 bedroom and 2 car parking spaces for dwellings of 2 bedrooms or more
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That, should the application be subject to an appeal, approval be given to enter into a S106 Agreement to secure the following Heads of Terms:
1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
 2. Primary Education Contribution of £32,539

84 **16/4268N BENTLEY MOTORS LTD, PYMS LANE, CREWE, CHESHIRE CW1 3PL: INSTALLATION OF SOLAR PANELS ON A DEDICATED CAR PORTS SITUATED ON EXISTING CAR PARK FOR MR ANDREW ROBERTSON, BENTLEY MOTORS LTD**

Note: Councillor A Kolker left the meeting prior to consideration of this application.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Time limit
 2. Approved plans
 3. Materials in accordance with the details submitted with the application
 4. Construction Management Plan to include a staged construction of the development
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

85 16/5038N 40, WEST STREET, CREWE CW1 3HA: PROPOSED CHANGE OF USE OF HAIRDRESSING SALON TO HOUSE OF MULTIPLE OCCUPATION FOR MR PAUL SAMUDA

Note: Councillor D Bailey (on behalf of the Ward Councillor) and Ms A Woodward (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Mr P Samuda (applicant) had registered his intention to address the Committee but was not in attendance at the meeting.

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

RESOLVED

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

The proposal by virtue of the creation of poor living conditions for future residents and the overdevelopment of this site as a House of Multiple Occupation would be an unsuitable form of development contrary to Policy BE.1 of the Borough of Crewe and Nantwich Replacement Local Plan and the Cheshire East internal guidance in relation to HMOs. There are no material considerations which would outweigh the harm.

- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be

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

**86 16/3664N THE WHITE LION, AUDLEM ROAD, HANKELow CW3 0JA:
DEMOLITION OF PUBLIC HOUSE AND ERECTION OF 5NO. FOUR-
BEDROM DETACHED DWELLINGS FOR MR TIMOTHY GUTTRIDGE**

Note: Prior to consideration of this application, the meeting was adjourned for a short break.

Note: The Principal Planning Officer read a representation from Councillor Rachel Bailey (Ward Councillor), who was unable to attend the meeting.

Note: Parish Councillor T Lee (on behalf of Hankelow Parish Council), Mr D Smith (objector) and Mr M Askew (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

- (a) That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reasons:
1. The proposed demolition of the Public House and loss of the Asset of Community Value and local community facility without adequate alternative facilities would be contrary to Policy CF3 (Retention of Community Facilities), the NPPF and Government Guidance concerning Assets of Community Value.
 2. The proposed development by reason of its design and layout would detract from the pattern, character and appearance of the site and the area. The development would be contrary to Policy BE.2 (Design Standards) of the Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

87 OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 33 UNITS WITH ALL OTHERS MATTERS RESERVED, EXCEPT FOR ACCESS AND LANDSCAPING: LAND NORTH OF POOL LANE, WINTERLEY

The Committee considered a report regarding planning application 16/1728N, which had been refused against officer recommendation by the Southern Planning Committee on 31 August 2016. The committee report had referred to proposed Heads of Terms for a S106 Agreement, in the event that the application was subject to an appeal, but these had not been carried over into the minutes of the meeting.

RESOLVED – That a S106 Agreement to secure the following Heads of Terms be entered into at the forthcoming appeal:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of Public Open Space to be maintained by a private management company
3. Secondary School Education Contribution of £81,713.45

88 OUTLINE APPLICATION FOR THE DEMOLITION OF 46 CHESTNUT AVENUE, SHAVINGTON AND ERECTION OF 44 DWELLINGS (INCLUDING ACCESS) AND ASSOCIATED WORKS: LAND TO THE REAR OF 46 CHESTNUT AVENUE, SHAVINGTON CW2 5BJ

Note: Having declared that he had made up his mind, Councillor S Edgar left the meeting prior to consideration of this matter.

The Committee considered a report regarding planning application 16/0015N, which had been refused against officer recommendation by the Southern Planning Committee on 3 August 2016. The committee report had referred to proposed Heads of Terms for a S106 Agreement, in the event that the application was subject to an appeal, but these had not been carried over into the minutes of the meeting.

RESOLVED – That a S106 Agreement to secure the following Heads of Terms be entered into at the forthcoming appeal:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of Public Open Space to be maintained by a private management company
3. SEN Contribution of £45,500

The meeting commenced at 10.00 am and concluded at 3.30 pm

Councillor G Merry (Chairman)

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Application No: 16/1987N

Location: Basford Old Creamery, NEWCASTLE ROAD, CHORLTON, CW2 5NQ

Proposal: New industrial building replacing existing buildings, retaining B1, B2 and B8 classifications

Applicant: Total Concrete Products Ltd

Expiry Date: 28-Jul-2016

SUMMARY:

The site is an existing employment site with B1, B2 and B8 Use Classes allowed. Granting planning permission would have a positive benefit in terms of employment provision and support of a local business.

Additional measures have been put in place to protect neighbouring properties from noise and disturbance and subject to conditions, there would be no significant adverse impact on residential amenity.

The development is considered to be acceptable in terms of design, highway safety and impact on the Listed Building within the complex.

It is considered that the scheme represents a sustainable form of development and that the planning balance weighs in favour of supporting the development subject to conditions.

RECOMMENDATION:

Approve subject to conditions.

DEFERRAL

Members deferred the application from the September Committee Meeting for the following reasons:

- 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

CALL IN

This application was originally called in by Cllr Janet Clowes for the following reasons:

“Weston and Basford parish Council has asked me (as Ward Councillor) to Call-In this application. Their concerns relate to:

- 1. Lack of adequate acoustic mitigation conditions*
- 2. Acoustic mitigation to the building and to the site boundaries to be completed prior to work resuming in the new building*
- 3. The need for appropriate warning signage on left-hand entry to the site from the west (bridge side) and egress from the site turning right onto the bridge of Newcastle Road*
- 4. That HGV traffic movement is restricted through Weston village (routes to be limited to A500 and Shavington By-Pass)*
- 5. That due to the new constrained nature of this site, no further related or other industrial process plant be permitted on site*
- 6. That all acoustic mitigation conditions associated with the phase 1 application (15/4224N) be completed (as stated in that decision notice) before phase 2 (16/1987N0 construction commences in order to safe guard the amenity of residents living adjacent to the site to the west and south*

PROPOSAL

This application is for a new industrial building, to replace existing buildings, retaining the B1, B2 and B8 Use Classes. The new replacement building would be single storey, constructed of insulated, composite steel panels. The existing brick buildings would be demolished.

SITE DESCRIPTION

The site consists of a substantial range of vernacular traditional agricultural buildings that currently have consent for office/light industrial use and general storage/distribution and a new replacement industrial building.

To the front of the site, adjacent to the access and Newcastle Road is Basford Bridge Cottage a Grade II Listed Building in a very poor state of repair. A main railway line runs alongside the western boundary of the site. The site is adjacent to, but just outside the HS2 Safeguarding Zone.

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

RELEVANT HISTORY

P03/0367	2003	Conversion to Office/Light Industrial Use and General Storage / Distribution
P08/0782	2008	Renewal of Previous Consent (P03/0367) for Conversion to Office / Light Industrial Use and General Storage / Distribution.
11/2911N	2011	Extension to Time Limit of Application P08/0782 for Renewal of Previous Consent (P03/0367) for Conversion to Office/Light Industrial Use and General Storage/Distribution
15/0556N	2015	Approval for modular building and change of use of existing B8 unit to B2
15/4224N	2016	Approval for demolition of existing buildings and erection of replacement detached single storey industrial unit for B1, B2 and B8 classifications. Erection of acoustic walling to boundaries.

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 7, 14 and 19.

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
E.4 – Existing Employment Sites
E6 – Employment in Open Countryside
NE.17 – Pollution Control

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

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

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

SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles

SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
EG1 Economic Prosperity

CONSULTATIONS:

Highways:

At the time of report writing, discussions are still ongoing relating to the swept path analysis drawings.

Environmental Protection:

Recommend conditions/informatives relating to hours of working, hours of operation of the business, noise and vibration and contaminated land.

United Utilities

No objection subject to conditions.

Weston & Basford Parish Council

Have concerns relating to noise, disturbance, compliance with conditions, they also express concerns about health and safety on the site. They also request signage and traffic mitigation methods. They also request further development on the site is restricted. This can be viewed in full on the website.

Hough & Chorlton Parish Council:

Have concerns relating to noise, road safety, working hours, parking and health and safety on the site. This can be viewed in full on the website.

Wybunbury Parish Council:

Support the comments of Weston and Basford Parish Council.

REPRESENTATIONS:

At the time of report writing, no objections have been received relating to this application.

APPRAISAL

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

Principle of Development

The site is on an existing industrial area, within the Open Countryside. Policy E.4 states that *“proposals for new employment development, for the re-use, re-development or intensification of the use of land within existing employment areas will be permitted.”*

The building would be for an industrial use within an existing employment site and is therefore considered to be acceptable in principle.

The issue in question is whether this proposal represents sustainable development and whether the requirements of other policies contained within the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework (NPPF).

Sustainability

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

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

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

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

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

ENVIRONMENTAL SUSTAINABILITY

Design & Layout

The proposal involves the demolition of the existing brick buildings as they are no longer suitable for the industrial uses for which they are required. The modular building is a flat roofed structure and given its appearance in this industrial context, the design is considered to be acceptable.

The buildings to be demolished are no longer of a standard for their current use. The replacement buildings would have a typical industrial appearance that is considered to be acceptable within this existing industrial area.

The proposal is therefore considered to be in compliance with Policy BE.2 of the Borough of Crewe and Nantwich Replacement Local Plan.

Highways

One of the reasons for deferral of the application was for the submission of swept path details and clarification of car parking provision on the site.

Having regard to car parking, there are 21 spaces shown within the site and as stated below, this meets the Council's recommended standards.

The swept path details are currently being discussed between the applicant and the Council's Highways Officer and an update will be provided to Members prior to determination of the application.

The Highways Assessment from the report to Committee in September is set out below:

Highways (September Report)

The proposal will increase the size of the gross floor area from 703sqm to 1559sqm. The parking provision will be retained and the existing vehicle access onto Newcastle Road will be utilised.

The site access width is adequate and visibility of over 200m is achievable to the east and approximately 150m to the west. Accident data indicates no existing safety concerns.

Although off-road parking provision is not being increased, it currently exceeds Cheshire East Council's recommended levels and the proposal will bring them in line.

Both Hough and Chorlton and Weston and Basford Parish Councils have stated that large vehicles should not be allowed to turn right out of the site, nor turn left into the site as they consider visibility to be sub-standard and they have also requested warning signage and road markings be provided. However, given the assessment of the Head of Strategic Infrastructure that visibility is acceptable at the access, this would not be reasonable, necessary or indeed enforceable.

It is therefore considered that the proposal is acceptable in highway terms and is in compliance with Policy BE.3 of the Borough of Crewe and Nantwich Replacement Local Plan.

Landscape

Plans showing additional landscape planting on the boundary of the site have been submitted with the application. This would soften the boundaries of the site and will also help with noise attenuation. However, the submitted plans specify the planting of Leyland Cypress and this is not considered to be a suitable species in this location. It is therefore considered that a condition should be imposed requiring the submission of amended details of landscaping.

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 provide employment both operationally and during the building works.

SOCIAL SUSTAINABILITY

Residential Amenity

The site is located in Open Countryside, with the nearest residential property being on the opposite side of Newcastle Road and other residential properties approximately 270 metres to the west.

The proposal is to demolish the existing buildings and replace them with a modern industrial unit to accommodate the existing steel fabrication company operating from the site.

Steel cutting will take place within the new building using a laser cutting machine and there will be no cutting of steel by this business, elsewhere within the site

The proposed replacement building will have insulated cladding panels designed to minimise noise associated with the assembly of the portal frames including the installation of an internal overhead crane helping to limit noise from the turning of steel work for painting purposes.

Environmental Protection has assessed all the information submitted including the information on sound propagation submitted by ACIA Engineering Acoustics. This states that the building itself will be a substantial barrier to sound propagation in the direction of the village of Weston, which Environmental Protection are in agreement with.

The Parish Council has put forward the construction of an acoustic screen behind planting on the entire northern and eastern boundary. However due to the configuration of the existing and proposed buildings, the layout of the site and the Network Rail access route, a barrier of this sort would have a limited impact on sound propagation. Environmental Protection are in agreement with this.

Conditions should be imposed relating to hours of operation, including deliveries and requiring steel fabrication to take place within the building.

This application relates only to a building for the steel fabrication business operating from the site. However, the site edged red includes the whole of the Basford Creamery site which also contains a concrete panel manufacturing business that is subject to a condition relating to concrete cutting operations. In order to ensure that this condition is retained and remains enforceable, it is recommended that it be imposed on this application should it be approved.

In addition, should external lighting be proposed on the site, details should be submitted for approval by the Local Planning Authority.

Listed Building

The proposed works to remove the existing converted brick building will not have a detrimental impact on the historic setting of the listed former dairy farmhouse, as this building has little remaining historic interest.

The proposed works to build a replacement building will similarly have a limited impact on the setting of the former dairy farmhouse, given the existing use of the site, the replacement building's single storey height and its set back from the former dairy farmhouse.

Conclusion – The Planning Balance

The site is an existing employment site with B1, B2 and B8 Use Classes allowed. Granting planning permission would have a positive benefit in terms of employment provision and support of a local business.

Additional measures have been put in place to protect neighbouring properties from noise and disturbance and subject to conditions, there would be no significant adverse impact on residential amenity.

The development is considered to be acceptable in terms of design, highway safety and impact on the Listed Building within the complex.

It is considered that the scheme represents a sustainable form of development and that the planning balance weighs in favour of supporting the development subject to conditions.

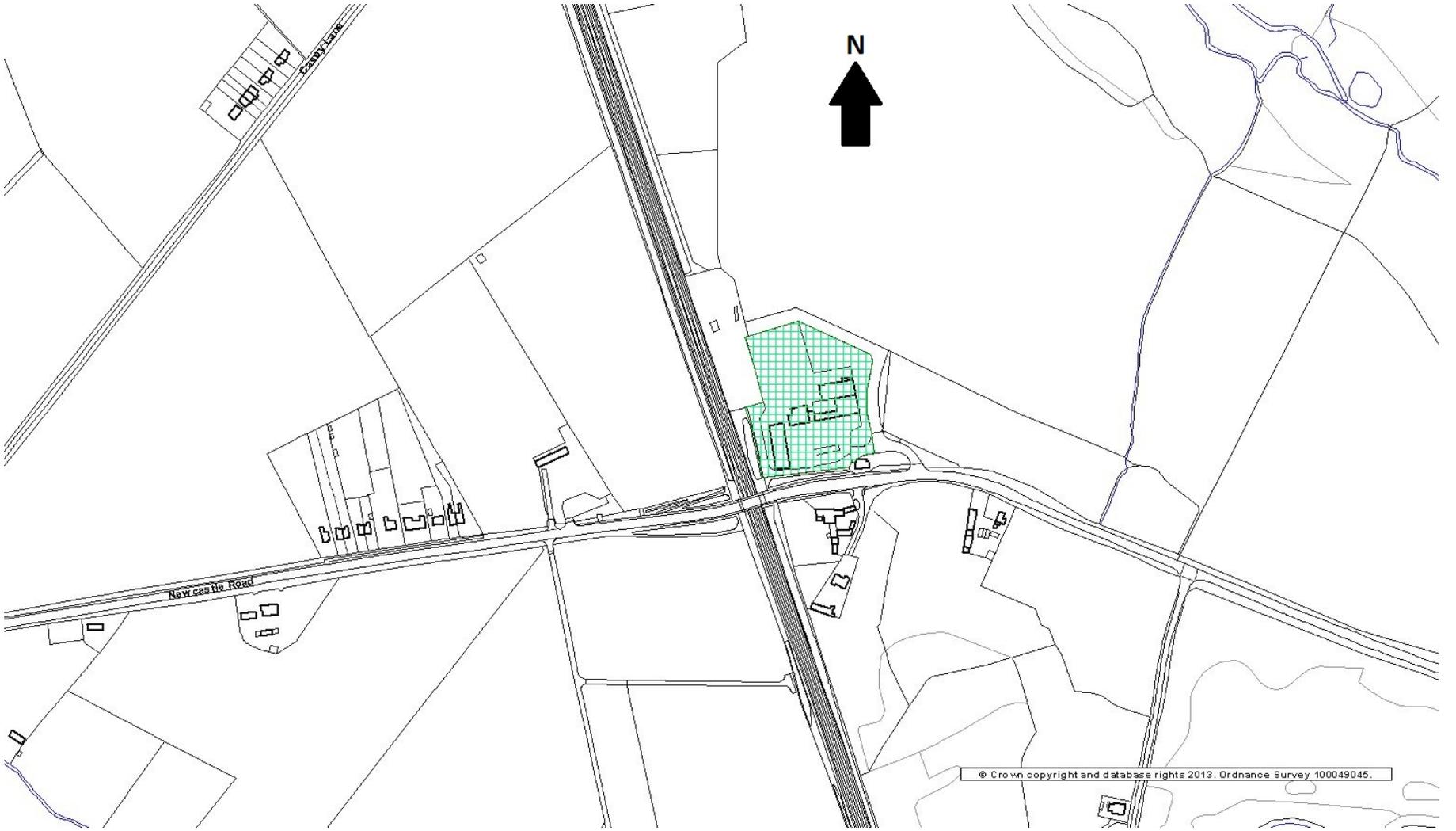
RECOMMENDATION

Approve subject to the following conditions:

- 1. Time limit**
- 2. Approved plans**
- 3. Materials in accordance with the details submitted with the application**
- 4. Restriction on operational hours (including deliveries to and from the site) to 8am to 6pm Monday to Friday, 8am to 2pm Saturday and no working on Sundays or public holidays**
- 5. Restriction on the hours of steelwork fabrication to 8am to 6pm Monday to Friday with no working on Saturdays, Sundays or public holidays**
- 6. Submission of details of external lighting**
- 7. Any cutting operations that take place outside the buildings shall be restricted to the acoustic cutting area**
- 8. All other fabrication activities shall take place within the building**
- 9. While fabrication and concrete work is taking place inside the buildings, all external doors shall remain closed**
- 10. Submission of a detailed design and method statement including the structure and foundations of the proposed building (for HS2 Safeguarding)**
- 11. Provision of an electrical vehicle charging point**
- 12. Submission of phase I Preliminary Risk Assessment and if necessary a Phase II Ground Investigation and Risk Assessment (Contaminated Land)**
- 13. Submission of details of any external lighting**
- 14. Submission of a revised scheme of landscaping**

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

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



Application No: 15/5369C

Location: SOMERFORD BOOTHS HALL, CHELFORD ROAD, SOMERFORD,
CW12 2LY

Proposal: Full planning application proposing the conversion of the Grade II* listed hall from offices to residential and demolition of the existing buildings and the erection of a residential development set in attractive landscaping and open space with associated access and car parking arrangements.

Applicant: P Hogarth

Expiry Date: 29-Feb-2016

SUMMARY

Whilst the site is located within the Open Countryside as designed in the Development Plan, the site is presently host to some large vacant office / commercial buildings and therefore the proposal would make good use of a brownfield site in the countryside which is supported by the NPPF. The Council cannot at present demonstrate a 5 year supply of housing land and therefore provided that any adverse effects of the scheme do not significantly and demonstrably outweigh the benefits, the scheme would comprise of sustainable development.

The benefits in this case are:

- The development would provide benefits in terms of much needed housing provision in a relatively sustainable location. This is a social benefit of the proposal.
- The proposal would help in the Councils delivery of 5 year housing land supply, which cannot currently be identified.
- The development would provide sufficient public open space facilities for proposed residents.
- The development would make effective use of a brownfield previously developed site.
- The proposal would remove the existing unsightly 20th Century additions to the Grade II* Listed Hall and would thereby enhance the heritage asset.
- The proposal would secure the costly restoration of the heritage asset and provide it with a viable future use.
- The development would improve the appearance of the site which has been vacant since 2011 and has fallen into disrepair.
- The development as a whole adopts a design approach that relates well to the site and the heritage asset and will make a positive contribution to it.

The development would have a neutral impact upon the following subject to mitigation:

- The impact on employment land would be neutral as the site is no longer suitable for employment purposes.
- The impact upon education infrastructure would be neutral as there is sufficient school provision in the area to support the proposals.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions
- There is not considered to be any significant drainage implications raised by this development.

- The impact upon trees is considered to be neutral.
- The impact upon the residential amenity, noise, air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development

The adverse impacts of the development would be:

- The harm to the landscape by introducing a spread of development in the countryside
- 'Minor' impact on the Jodrell Bank Radio Telescope

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 (including the 'minor' impact on the Jodrell Bank Telescope) of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly the application is recommended for approval.

SUMMARY RECOMMENDATION

Approve subject to conditions and no objection being raised by Natural England and refer to University of Manchester to notify them of the Council's intended decision.

PROPOSAL

Full planning permission is sought for the conversion of the Grade II* listed hall from offices to residential and demolition of the existing buildings and the erection of a residential development set in attractive landscaping and open space with associated access and car parking arrangements. The proposal would involve the demolition of the bungalows and other modern additions to the hall, conversion of the hall building to 3 dwellings and the erection of 24 dwellings within the curtilage. A parallel Listed Building Consent application is under consideration (15/5370C refers).

SITE DESCRIPTION

Somerford Booths Hall is a Grade II* listed building which originally dates back to 1612, but was substantially refurbished in the early 19th century and the exterior of the building stands very much as the 1817 redesign. The house was the seat of the Swettenham family until 1935 when the Hall passed into a different ownership. It remained as a private house until the 1960's. The property was then changed to commercial use and further large commercial office buildings were constructed on adjacent land in the 1960s. Further redevelopment of the site continued, including the provision of a large basement under the car park and a flat roofed extension linking the new commercial buildings to the original Hall.

During the course of the commercial use, three dwellings were created within the grounds of the hall, which were occupied initially by the owners of the commercial business and their family. These 1960's dwellings were connected to the original hall, impacting significantly on its setting and partly destroying the elevational detail of the west side of the Hall itself.

In the expansion of the commercial business a large office block was built adjacent to the hall and between the hall and the new block was a flat roofed extension linking the two buildings together.

The expansion of the housing development also occurred with the provision of an indoor swimming pool and games room associated with the three dwellings together with garaging facilities. The whole of this area was single storey and covered with further flat roofed links, creating further impact on the fabric and setting of the listed building.

During the use of the hall for commercial purposes, many of the internal features were destroyed, covered up or completely removed, particularly when structural work took place in the late 20th century to remove the internal roof detail and to provide storage and accommodation at second floor level. It was at this stage that the pitched roof detail of the original property was completely removed on the inside and replaced with a large flat roof taking the lines of the ridges of the original pitched roof. By doing this, much of the internal detail of the roof structure was removed and large areas of brickwork were created at second floor and the original roof line destroyed.

The commercial use of the site together with the occupation of the three residential units continued until 2011 when it was decided to curtail the commercial use back to the 1960's office development only and to place the hall and the three houses on the market.

The site is located within Open Countryside, an Area of Special County Value and Jodrell Bank Radio Telescope 'Outer' Consultation Zone as designated in the adopted Congleton Borough Local Plan First Review (2005).

RELEVANT HISTORY

10/1274C - Conversion of Somerford Booths Hall to a Single Dwelling, Demolition of 3 Existing Bungalows and Replacement with 3 Detached Dwellings with Access, Car Parking, Landscaping and Associated Infrastructure – Approved 26-Jan-2011

10/1273C - Application for Listed Building Consent for Alterations to Somerford Booths Hall to Enable the Restoration and Change of Use Back to a Single Residential Dwelling – Approved 24-Nov-2010

07/0654/FUL 2007 - Conversion of Hall to single dwelling, demolition of 3 existing bungalows and replacement with 3 detached dwellings, access car parking, landscaping and infrastructure. – Withdrawn

07/0656/LBC 2007 - Demolition of 1960s and 1970s extensions and restoration of interior in connection with change of use to a private residence. – Withdrawn.

25674/4 1993 Fitting out of attic area as offices and staff facilities – Listed Building Consent Granted

17330/4 1986 Repairs generally to the entire hall both interlay and externally – Listed Building Consent Granted

17329/3 1986 Extensions to cellar – planning permission approved.

17107/3 1985 Application for the use of offices of the remaining part of the accommodation – approved

17040/4 1985 Listed building consent for demolition of buildings to separate hall from existing bungalow accommodation – withdrawn

17039.3 1985 Conversion of Hall from offices into four private dwellings and construction of garages – withdrawn

16825/3 1985 To repair and renovate the hall and to divide to re organise into 12 dwellings - planning permission refused

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

14 Presumption in favour of sustainable development.

50 Wide choice of quality homes

56-68 Requiring good design

69-78 Promoting healthy communities

143 Heritage Assets

Development Plan

Congleton Borough Local Plan

NE11 Nature Conservation

PS8 Open Countryside

PS9 Area of Special County Value

PS10 Jodrell Bank Consultation Zone

GR1 New Development

GR2 Design

GR6 Amenity and Health

GR9 Parking provision and Accessibility

NR1 Trees and Woodlands

NR3 Habitats

BH2 Listed Buildings – demolition

BH3 Listed Buildings - conversion

BH4 Listed Buildings – effect of proposals

BH15 Conversion of Rural Buildings

BH16 Residential conversion of rural buildings

E10 Redevelopment of employment sites

- H6 Residential development in the Open Countryside and Green Belt
- H13 Affordable and Low cost housing

Cheshire East Local Plan Strategy – Proposed Changes Version (CELPS)

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

- MP1 Presumption in favour of sustainable development
- PG1 Overall Development Strategy
- PG2 Settlement hierarchy
- PG5 Open Countryside
- PG6 Spatial Distribution of Development
- SD1 Sustainable Development in Cheshire East
- SD2 Sustainable Development Principles
- IN1 Infrastructure
- IN2 Developer contributions
- EG1 Economic Prosperity
- SC1 Leisure and Recreation
- SC2 Outdoor sports facilities
- SC3 Health and Well-being
- SC4 Residential Mix
- SC5 Affordable Homes
- SE1 Design
- SE2 Efficient use of land
- SE3 Biodiversity and geodiversity
- SE4 The Landscape
- SE5 Trees, Hedgerows and Woodland
- SE6 Green Infrastructure
- SE9 Energy Efficient Development
- SE12 Pollution, Land contamination and land instability
- SE13 Flood risk and water management
- CO1 Sustainable Travel and Transport

Other Material Considerations:

- National Planning Practice Guidance (NPPG)
- Interim Planning Statement: Affordable Housing
- Strategic Housing Market Assessment (SHMA)
- Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

CONSULTATIONS (External to Planning)

ANSA – No objection subject to the provision of 1100 square metres of Amenity Greenspace (AGS) and the provision of a Local Area for Play (LAP).

Cheshire Archaeology Planning Advisory Service Cheshire Shared Services – No objection subject to a condition to secure 'a programme of archaeological work'.

Education – No objections. No financial contributions required.

Environment Agency (EA) – No comments received.

Environmental Protection - No objection subject to conditions relating to contaminated land, pile foundations, dust control, and electric vehicle infrastructure.

Head of Strategic Infrastructure (Highways – HIS) – No objection subject to conditions requiring submission of a construction management plan.

Historic England – No objection provided that the application(s) is determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Natural England – Comments awaited.

Public Rights of Way (PROW) – No objection.

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

University of Manchester (Jodrell Bank) - Object - the impact from the additional potential contribution to the existing level of interference coming from that direction will be relatively minor. This is a general direction in which there is already significant development close to the telescope. The University of Manchester would ask the planning authority to take this in to account in reaching its decision on this development, noting that the cumulative impact of this and other developments is more significant than each development individually.

VIEWS OF THE PARISH COUNCIL

Hulme Walfield and Somerford Parish Council - No objection

OTHER REPRESENTATIONS

Letters of objection have been received from an adjoining land owner and their solicitor expressing concern about the extent of land owned by the applicant. The objector considers that the land ownership boundary is incorrect.

Officer Comment: The boundary between the land owners should run down the centre of the River Dane, however, as the river continually moves, the precise position cannot be established at this moment in time. For the avoidance of doubt, the applicant has reduced the site edged in red, to avoid any contention.

APPRAISAL

The key issues to be considered in the determination of the application will be:

- Whether the proposal represents sustainable development
- Whether the proposal is acceptable in the Open Countryside
- The impact upon the character and appearance of the landscape
- Design and the impact on the heritage assets

- The impact on residential amenity
- The impact upon highway safety
- The impact upon nature conservation interests
- The impact on trees
- And the provision of affordable housing, education and public open space

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:

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

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;

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

SOCIAL SUSTAINABILITY

Housing Land Supply

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications.

Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply. Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council’s position at the examination hearings was

that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council's position, this cannot be given material weight in application decision-making.

The Council's ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiates it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports. However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged.

Viability

The applicants state that the development of the site cannot bear the cost of any planning obligations / financial contributions, which is evidenced by a financial viability appraisal. This has been independently assessed by an external viability consultant and confirmed as being reasonable.

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

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

The Council's Financial Viability Consultant has confirmed that the figures contained within the Viability Appraisal are reasonable. The 18% figure for Gross Development Value (GDV) that would be generated by this proposal is within the accepted industry standard of 17.5% - 20%, a figure used within the majority of viability models and which is supported by the guidance published by the Homes and Community Agency.

Whilst it is clearly unfortunate that the development cannot bear the cost of any obligations in accordance with the usual policy requirements, part of the revenue generated by the proposed new build housing would be used to fund the costly restoration of the Grade II* Listed Hall. Whilst it is important to note that the application is not being applied for as an 'enabling

development', it has been argued that the number of units sought are in order to improve the viability of the scheme so that the developer's return is reasonable enough to reflect the minimum enhancement a landowner would expect to release the land for development. The Council's consultant does however consider that an element of affordable housing provision may be able to be provided.

Affordable Housing

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

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

This site is located in the Somerford Booths Parish. For the purposes of the Strategic Housing Market Assessment Update 2013 (SHMA) the Somerford Booths Parish is included in the Congleton Rural sub-area. The site is also close to the boundary of Congleton town and Congleton sub-area (for SHMA purposes). In the SHMA the Congleton Rural sub-area shows a need for 11 new affordable homes per year between 2013/14 and 2017/18 (1 x 1 beds, 1 x 2 beds, 4 x 3 beds, 2 x 4+ beds and 2 x 2+ beds older persons accommodation). For the same time period Congleton sub-area shows a net need of 58 new affordable per year (27 x 1 beds, 10 x 3 beds, 46 x 4+ beds and 37 x 1 beds older persons accommodation). The SHMA identified an oversupply of 49 x 2 beds and 12 x 2+ beds older persons accommodation.

During the course of the application, the numbers of dwellings have been reduced down from 33 to 27 units with a net increase of 23. The applicant has put a viability case forward to demonstrate that the site cannot bear the cost of affordable housing provision. This has been independently appraised by a viability expert and confirmed as being the case taking into account Vacant Buildings Credit (VBC).

The NPPG also provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

In this case, the floorspace of the existing buildings is 4814 square metres and the proposed floorspace is 4983 square metres, an increase of 169 square metres. The affordable housing contribution can therefore only be sought from the additional 169sqm as a proportion of what would normally be required. 30% of 169 is 50 square metres, which is less than 1 dwelling, and therefore there is no affordable housing requirement for this development.

Public Open Space

According to the Council's Supplementary Planning Guidance, developments of 7 or more family dwellings will generate a requirement for public open space and children's play space.

The necessary level of off-site provision is calculated by assessing the existing provision within an 800 metre radius against the population demand existing and arising from the new development. Given that the site is located approximately 1.7 miles from the built up edge of Congleton, it would not be feasible for the scheme to provide off-site provision. As such, the scheme proposes on site provision.

The Council's Greenspaces Officer has confirmed that this development would need to provide 1100 square metres of new Amenity Greenspace (AGS) based on the housing schedule. The proposed development identifies wildlife grassland, woodland and unimproved grassland. As the site is located over 2000 metres away from the nearest AGS then it is essential that 1,100sqm is set aside for AGS to enable children to play informal games on, picnic etc.

As this development is under the 49 dwelling trigger for formal equipped play requirement, on site provision is not required however a Local Area for Play (LAP) with a minimum of 100 square metres ideally located adjacent to the AGS and in accordance with standards is required. It is clear that the proposed development exceeds the required level of provision owing to its location within the existing park and gardens of the hall. As such, subject to conditions, the proposal is found to be acceptable in this regard. The open space would be maintained by a management company which would be acceptable for this development.

Education

The proposed development of 27 dwellings will generate 5 primary aged pupils and 4 secondary aged pupils. However, the Council's Education Department have confirmed that there would be no requirement for contributions towards school places as a result of this proposal.

Jodrell Bank

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

Equipment commonly used at residential dwellings causes radio frequency interference that can impair the efficient operation of the radio telescopes at Jodrell Bank.

Jodrell Bank Observatory now opposes development across a significant part of the consultation zone as a matter of principle, in order to protect the efficiency of the Jodrell Bank radio telescope's ability to receive radio emissions from space with a minimum of interference from electrical equipment. However, Jodrell Bank recognises that the impact will vary between each development.

In this case, it is important to note that the application site comprises predominantly office floorspace (some 3367 square metres floorspace), which already has the potential to generate similar impacts to the proposed residential use. Further, the proposed dwellings would be sited within the 'outer consultation zone' where Jodrell Bank has confirmed that the impact of this development on the workings of the telescope will only be 'minor'. On this basis, and having regard to the scale of the current lawful use of the site, it is not considered that a refusal could be sustained as the impact on the workings of the telescope would not be significant. It is important to note that these conclusions have been drawn having regard to the recent decision to dismiss an appeal in Goostrey based on the impact on the telescope (appeal ref; APP/R0660/W/15/3129954 refers). In accordance with its statutory duty, the Council will notify the University of Manchester of its intended decision.

ENVIRONMENTAL SUSTAINABILITY

Open Countryside

The site lies in the open countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 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.

However, one of the NPPF's 12 key principles is to '*encourage the effective use of land by reusing land that has been previously developed*'. This is reiterated in para 111 of the NPPF. This states that Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (Brownfield land), provided that it is not of high environmental value. This proposal seeks to redevelop an existing brownfield site previously used for commercial / office uses.

Paragraph 215 of the NPPF states that "*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*". Policies PS8 and H6 do not contain the exception as laid down in paragraph 111 and as such, in this case the NPPF takes precedence.

In this case, there would be benefit derived from developing this redundant brownfield site.

Loss of Employment

Also of relevance is Local Plan Policy E10. Policy E10 states that '*proposals for the change of use or redevelopment of an existing employment site or premises to non-employment uses will not be permitted unless it can be shown that the site is no longer suitable for employment uses or there would be a substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes.*' The policy further states that in determining whether the site is no longer suitable for employment uses, account will be taken of its location; adequacy of employment site supply in the area; attempts to sell or let the premises; and the need for the proposed change of use.

The cessation of the commercial / office uses, and the applicant's assertion that the buildings are no longer fit for purpose and have reached the end of their economic life, indicate that there is a potential case for the site no longer being suitable for employment uses. The buildings are of an age and configuration that would not lend themselves well to modern commercial / office uses and therefore re-use. In addition, there is no clear evidence to support the development of employment floorspace in this area (office) on anything but the smallest scale. The locational disadvantages of this site as an employment location are such that any new development will serve a predominantly local market.

The applicant also asserts that there would be significant planning benefits arising from the removal of the existing unsightly buildings and the redevelopment of the site which would facilitate the costly restoration of the Grade II* hall. It is considered that this would serve as an important benefit of the scheme and therefore coupled with the fact that the site is no longer in demand for employment re-use, it is considered that there is no longer a need for employment floorspace of this scale at this site and as such, the proposal would comply with Policy E10.

Locational Sustainability

Another of the core principles of the NPPF is that Local Planning Authorities should:

“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to objectively identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.”

With respect to sustainability, the site is located approximately 1.7 miles to the north of the built up edge of Congleton. Whilst it does not meet all of the distances specified within the former North West Regional Development Agency's Sustainability toolkit, owing to its position close to Congleton, the site would benefit from the key services and amenities offered within this key service centre. Thus, whilst the site is not as sustainably located as a site that more centrally positioned, it does not perform badly.

Owing to the relatively small-scale nature of the proposals, and the fact that it is accessible, it is not considered that a refusal could be sustained on these grounds. These negative must be balanced against the lawful use of the site as offices, which has the propensity to generate many more vehicle movements than that generated by 27 dwellings and also the benefits of restoring the heritage asset, which will be discussed in more detail later in this report.

Landscape

Somerford Booth Hall is set in landscaped grounds to the east of Chelford Road. It stands on raised ground to the north of the River Dane with grounds sloping down to the south. The original building has been modified and within the grounds there are a number of later developments including a large office building, associated car parking areas, garages, a domestic bungalow and a tennis court. A stable block lies to the south of the site, set apart from the main group of buildings and adjacent to a gated driveway forming the southern of

three access points. The remaining access point includes a driveway to the north off Hallgreen Lane and a central access leading to the bungalow off Chelford Road.

The landscaped grounds close to the listed building include areas of woodland, parkland with parkland trees, specimen trees and formal gardens. Whilst there have been modifications, important historic landscape elements including a ha-ha, a walled garden, carriageways and ponds remain. The wider site extends to open agricultural land and woodland.

The site is located in open countryside and is identified as being in an Area of Special County Value for Landscape and a Park and Garden of Historic Interest in the Local Plan.

The submitted landscape commentary identifies the site as being in National Landscape Character Area NCA 61 the Shropshire, Cheshire and Staffordshire Plain, and HFW1 Gawsworth character area of the Higher Farms and Woods Type. Although the land close to the river and surrounding the stable block is in the Upper Dane character area of the River Valleys landscape character type (R5).

Notwithstanding the opportunity to remove existing unsympathetic development and the potential for a landscape scheme to be undertaken as part of the proposed development, the proposals are a concern in landscape terms. The scale of the proposed development will necessitate encroachment of built form and enclosed private gardens onto previously undeveloped land, which form part of the parkland setting of Somerford Booths Hall.

Whilst it is acknowledged that the overall volume of buildings will be reduced, and due to the form of the dwellings, their heights will be kept relatively low, they are much more spread across the site than the existing development. The visual impact will therefore be greater in landscape terms. However, balanced against this must be the benefits of removing the existing unsightly development from the countryside and delivering a better designed development which would give the site and the listed hall and its setting the better prospect of being managed and maintained in the future. Details relating to wider landscape harm could be mitigated by submission of a details landscape scheme.

Landscape conditions, including boundary treatments, levels, and a landscape and habitat management plan including long-term design objectives, management responsibilities and maintenance schedules for all areas that are not within residential curtilages are recommended.

Trees

There is extensive tree cover on the site with trees and woodland on the banks of the River Dane, a belt of trees/ woodland along the western boundary adjacent to Chelford Road, trees in proximity to the Hall and existing buildings and trees forming part of the parkland setting. Trees on the western side of the site and Bunnister Wood to the south east are protected by the Congleton Rural District Council (Valley of the Dane) TPO 1954.

The application is supported by an Arboriculture Implications Study (AIS) and Arboricultural Method Statement (AMS). The AIS covers the area of the site closest to the hall, essentially the area east of Chelford Road, and enclosed by the northern and southern access

driveways. The Study identifies 41 individual trees, 14 groups of trees, 2 areas of woodland and 5 lengths of hedgerow.

The AIS and AMS reports reference a proposed wall to be constructed in tree crown spreads as the rear garden boundary to the courtyard plots. The landscape layout plans appear to show a hedge and estate railing on the same line which would result in less harm to trees and avoid special construction measures required for the wall. The landscape commentary report suggests a hedge and post and rail fence. Should the development be deemed acceptable overall, if trees are to be retained, the Council's Tree Officer does not consider a wall would be appropriate in this position. However, this can be adequately dealt with by condition.

Following discussions between the agent and the Council's Tree Officer, the amendments to the scheme has improved the social relationship between specific specimens and proposed development o an acceptable standard.

Some of the existing hard surfacing to be removed encroaches over tree root protection areas in several locations and new hard surfacing is proposed in others. Existing hard surfacing will need to be removed with care and special construction techniques will need to be employed for new surfacing. Whilst there are some details in relation to the latter in the AMS, methodology need to be provided for the former. This can be secured by condition. Thus, subject to conditions, the impact of the proposed development on trees is deemed to be acceptable.

Ecology

The proposed development falls within Natural England's Impact Risk Zone for the River Dane SSSI. Natural England have been consulted but their comments are awaited. The Council's Nature Conservation Officer (NCO) has advised in respect of the following ecological / biodiversity considerations.

Local Wildlife Sites - The Rive Dane (Radnor Bridge to Congleton) Local Wildlife Site is located to the south of Somerford Booths Hall and falls within the red line of the application. There does not however appear to be any development proposed within this part of the site and so the proposals are unlikely to affect this Local Wildlife Site.

Other Protected Species - No evidence of other protected species was recorded on the site during the submitted survey however a significant sett is located in the broad locality. As the status of other protected species on a site can change within a short time scale it is advised that if planning consent is granted a condition should be attached requiring an updated survey to be undertaken and a report submitted to the LPA prior to the commencement of development.

Breeding Birds – The proposal would be acceptable subject to conditions requiring the submission of a bird nesting survey should the development be carried out during the bird breeding survey and also for a scheme to secure features for breeding birds including house sparrow.

Unimproved grassland, ponds and broad leaved woodland - These areas of habitat are of substantial nature conservation value and are worthy of retention as part of the proposed development. These grasslands and woodlands are however potentially undervalued by the

submitted Ecological Appraisal. However, as the habitats are shown as being retained this is not a significant issue.

The landscaping plan submitted with the application does however appear to show some tree planting within the area of unimproved grassland. To ensure that the nature conservation value of the unimproved grassland is recognised and protected it is advised that the area of unimproved grassland as shown on the submitted Phase One plan should be annotated on the submitted landscape plan and tree planting removed from this area. The unimproved grasslands should then be subject to on-going management as part of a habitat and landscape management plan secured by condition if planning consent is granted. In terms of the management of the existing woodland the removal of Rhododendron would be particularly beneficial.

Ponds - The onsite pond is assessed by the submitted assessment as being of 'site' ecological value. As ponds are a Local Biodiversity Action Plan Priority Habitat, The Council's NCO has advised that this is an underestimation of the ponds nature conservation value. However, as the pond will be retained as part of the proposed development the valuation of the pond's nature conservation value does not cause concern.

Bats - The latest surveys have identified two bat roosts on site. A significant maternity roost of notable nature conservation value was recorded within the office buildings proposed for demolition. This roost is assessed by the submitted ecological assessment as being of Local Ecological value. This may potentially undervalue the roost which considering the size of the bat colony present, this roost should be regarded as being of District value. The hall building, which is proposed for alterations and renovations, supports minor roosts of two relatively common bat species. In the absence of mitigation the demolition of the office buildings would result in a significant adverse impact upon bats through the loss of a notable roost and the risk of a significant number of bats being killed or injured during the demolition.

Alterations and renovations to the main hall building have the potential to result in the loss or alteration of the bat roosts present and pose a risk of killing or injuring any bats present when the work was completed.

In order to mitigate the adverse impacts of the proposed development upon bats the applicant is proposing to provide a 'bat barn' as part of the proposals together with a number of bat boxes attached to the proposed buildings and existing trees. In order to minimise the risk of bats being killed or injured during the development the applicant's consultant has provided details of the proposed timing and supervision of the works.

An Ecological Appraisal undertaken at this site in 2008 also identified significant bat roosts associated with a tree on site. The latest ecological assessment states that 10 trees would be lost as a result of the proposals but no updated surveys of the trees on site have been undertaken. However, the tree previously supporting a Noctule bat roost would not be lost as a result of the development proposals according to the submitted landscape masterplan.

Great Crested Newts - This protected species has been recorded at a number of ponds within 250m of the proposed development. The proposed development poses the risk of killing or injuring any newts present within the works footprint when the development is implemented.

The habitat affected by the proposals is however of relatively low quality in respect of amphibians.

In order to mitigate the risks of great crested newts being killed or injured during the construction phase the applicant is proposing to remove and exclude great crested newts from the footprint of the development using stand best practice methodologies under the terms of a Natural England license.

The loss of terrestrial habitat associated with the development is to be compensated for through the creation of rough grassland habitats and log piles to provide additional opportunities for shelter and hibernation.

The Council's NCO has advised that these proposals are broadly acceptable, however the applicant should provide a plan showing the details of the areas to be set aside as great crested newt habitat. This could possibly be shown on the landscape master plan.

Mitigation proposals should include a strategy for fencing off the identified GCN breeding ponds to restrict public access. This could be dealt with through the habitat management plan prepared for the site which should be secured by condition if planning permission is granted.

Habitats Regulations

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since European Protected Species have been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) that the development is of overriding public interest, and (iii) the favorable conservation status of the species will be maintained. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

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

Alternatives

The office building to be demolished is no longer suitable for the use it was originally intended for. It has reached its useful economic life. It is likely that for any viable re-development of the site to take place, the building would need to be amended / removed. Consequently, there are no known alternatives.

Overriding public Interest

Restoring the Grade II* listed heritage asset is considered to be of overriding public interest. The proposed development will allow for the costly restoration of the hall to take place.

Mitigation

The submitted reports recommend the provision of a bat barn as a means of compensating for the loss of the roosts 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. Further, the tree specimen that was shown to support roosting bats in a previous survey carried out in 2008 will be retained. Conditions relating to the development being carried out with the proposed mitigation measures, and the submission of details of any lighting are recommended.

The nature conservation officer advises that if planning consent is granted the proposed mitigation/compensation is broadly acceptable and is likely to maintain the favourable conservation status of the species concerned.

In order to address the risk of great crested newts being killed or injured during the construction phase the applicant is proposing to remove and exclude amphibians from the footprint of the proposed development using standard best practice methodologies under the terms of a Natural England license.

On the basis of the above it is considered that requirements of the Habitats Directive would be met.

Highways

The Head of Strategic Infrastructure (HSI) has commented that the site has three existing vehicle accesses off Chelford Road which is subject to the national speed limit. Due to constraints owing to the geometry of the road in the vicinity of the site, vehicle speeds are likely to be considerably lower than 60mph.

A TRICS assessment has been carried out to compare the trips that would be generated by the existing land use and by the proposal. This assessment shows that the proposal will result in less vehicle trips being generated compared to what is already there. The proposal will therefore not impact detrimentally on the local highway network.

Access visibility splays onto Chelford Road have not been shown but given that the proposal will generate fewer trips than what the existing site could potentially have generated in the past or could do so in the future, and that there have been no accidents indicating no existing safety concerns, the accesses are considered acceptable.

Swept paths have been provided which show that refuge vehicles can manoeuvre within the site. Car parking provision is sufficient.

No objection is raised by the HSI subject to a condition that a construction management plan be submitted and approved which details construction and contractor vehicle parking locations, material loading/unloading locations, and wheel wash facilities. No highway safety issues are therefore raised and the proposal complies with policy GR9 of the Local Plan.

Design and Conservation Matters (Impact on Heritage Assets)

The proposals involve the refurbishment and conversion of the hall to provide 3 dwellings, each with its own independent entrance and situated across 3 floors. The dwellings will all have 4 or 5 bedrooms situated on the upper floors with a lounge and kitchen/dining room situated on the ground floor. Each dwelling will have a separate garage together with dedicated parking spaces. The units will have private gardens.

The new build proposals involve the construction of 14 new dwellings arranged in terraces around a central courtyard. The dwellings will be a mix of two-storey 4 bed units and 2.5 storey 5 bed units. There will also be a block of 3 terraced houses constructed immediately to the west of the main hall. The dwellings will be two-storeys and be either 3 or 4 bed. Elsewhere in the immediate vicinity of the hall there will be a further 3 detached dwellings which will be either 4 or 5 bed. Each of the dwellings will have a garage. Situated above the main two storey garage block a 2 bed room flat will also be created.

The development proposals also involve the creation of a 5 bedroom bungalow formed around the northern wall of the walled garden, which will benefit from having the walled garden as its private garden. Immediately to the south of the walled garden on the former tennis courts there will be a 1.5 storey, 5 bed detached house. These two dwellings will be of a more contemporary design. The final part of the proposals is the construction of a new 2 storey 3 bed detached house on the site of the former stables at the southern entrance to the site.

The proposed new build units themselves have been designed to introduce a hierarchy of building types 'derived from an historic estate', in an attempt to reflect staff housing/lodges and agricultural buildings. The majority of the units are clustered around a courtyard arrangement. This has resulted in a proposal which reflects development that can be found at country estates and is considered to be acceptable in this rural location owing to the poor 20th Century development that it would replace.

The proposed garage blocks for the various units are of modest scale and take the form of simple agricultural sheds and the smaller dwelling units have been designed with reference to estate and farm workers' cottages. The walled garden unit has been designed with a simple contemporary aesthetic which would respect the historic garden wall and the second unit removed so as to allow the walled garden to remain open reducing pressure to subdivide it and lose its character and integrity.

Following negotiations with the applicant, the scheme has been amended to reduce the overall number of units following concerns regarding the quantum of development and its likely impact on the setting of the hall and the wider landscape. This has resulted in a less regimented layout and has shifted the closest units a bit further from the western side of the hall so that it can maintain its dominance as approaching from the formal drive. The proposed

new build dwellings will be accommodated to the west and north-west of the hall where the majority of built form is currently located. This will allow the views to the east and west of the hall to remain uninterrupted.

Whilst there remain a high number of units on the site, which will still result in a domesticated setting of the hall, the quantum of development has been shown to be required to help fund the restoration of the hall. The existing 20th Century additions to the hall are not ideal and have caused significant harm to the setting of the hall. Considering that these large scale unsightly additions to the western side of the hall would be removed as part of the proposals, on balance, it is considered that the harm to the heritage asset and its setting would be 'less than substantial' as confirmed by the Council's Conservation Officer (para 134 NPPF).

This harm needs to be balanced against the public benefits of the scheme as required by paragraph 134. As already stated, there are benefits to the Hall as a result of the scheme, via removing the harmful 20th century additions and restoring the hall. Further, the proposal to convert and subdivide the hall into 3 dwellings would assist in securing a viable use for the building thereby safeguarding the future of the heritage asset. Careful attention will need to be given to providing as successful conversion.

With respect to the conversion specifically, there are a number of conditions around materials which will need to be addressed. Phasing of works to ensure archaeology is addressed and also repairs secured to the Hall as soon as possible. Following negotiations with the applicant, it has been agreed that the works to the hall must be completed by 50% occupation of the new build units. Further conditions requiring a structural survey with a schedule of works to ensure and conditions to secure high quality materials that are in keeping with the setting these dwellings will sit within and landscaping materials.

Residential Amenity

The nearest neighbouring dwelling is Dairyhouse Farm, on the opposite side of Chelford Road. Distances in excess of 35m will be maintained to both of these dwellings. The latter is also screened by the dense planting along the road frontage. It is not considered therefore that there will be any adverse impact on light or privacy to any existing neighbouring dwellings.

With regard to the scheme itself, the recommended minimum distance of 21.3m between principal elevations and 13.7m between principal and flank elevations, as set out in the Council's SPD, will be maintained between the proposed dwellings. Similar distances will be achieved between the proposed dwellings and the original hall. Garden areas, in excess of the recommended 65 square metres will be created for all the new dwellings and consequently they will benefit from an adequate standard of amenity. No further amenity issues are therefore raised.

Air Quality

Having regard to the relative scale of the proposal and the existing lawful use of the site, no significant air quality concerns are raised. Environmental Protection have recommended a condition for electric car charging points to be provided, in the interests of air quality and to

encourage the uptake of sustainable transport options for future occupants of modern housing.

ECONOMIC SUSTAINABILITY

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

PLANNING BALANCE

Whilst the site is located within the Open Countryside as designed in the Development Plan, the site is presently host to some large vacant office / commercial buildings and therefore the proposal would make good use of a brownfield site in the countryside which is supported by the NPPF. The Council cannot at present demonstrate a 5 year supply of housing land and therefore provided that any adverse effects of the scheme do not significantly and demonstrably outweigh the benefits, the scheme would comprise of sustainable development.

The benefits in this case are:

- The development would provide benefits in terms of much needed housing provision in a relatively sustainable location. This is a social benefit of the proposal.
- The proposal would help in the Councils delivery of 5 year housing land supply, which cannot currently be identified.
- The development would provide sufficient public open space facilities for proposed residents.
- The development would make effective use of a brownfield previously developed site.
- The proposal would remove the existing unsightly 20th C additions to the Grade II* Listed Hall and would thereby enhance the heritage asset.
- The proposal would secure the costly restoration of the heritage asset and provide it with a viable future use.
- The development would improve the appearance of the site which has been vacant since 2011 and has fallen into disrepair.
- The development as a whole adopts a design approach that relates well to the site and the heritage asset and will make a positive contribution to it.

The development would have a neutral impact upon the following subject to mitigation:

- The impact on employment land would be neutral as the site is no longer suitable for employment purposes.
- The impact upon education infrastructure would be neutral as there is sufficient school provision in the area to support the proposals.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions
- There is not considered to be any significant drainage implications raised by this development.

- The impact upon trees is considered to be neutral.
- The impact upon the residential amenity, noise, air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development

The adverse impacts of the development would be:

- The harm to the landscape by introducing a spread of development in the countryside
- 'Minor' impact on the Jodrell Bank Radio Telescope

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 the application is recommended for approval.

SUMMARY RECOMMENDATION

Approve subject to conditions and no objection being raised by Natural England and refer to University of Manchester to notify them of the Council's intended decision.

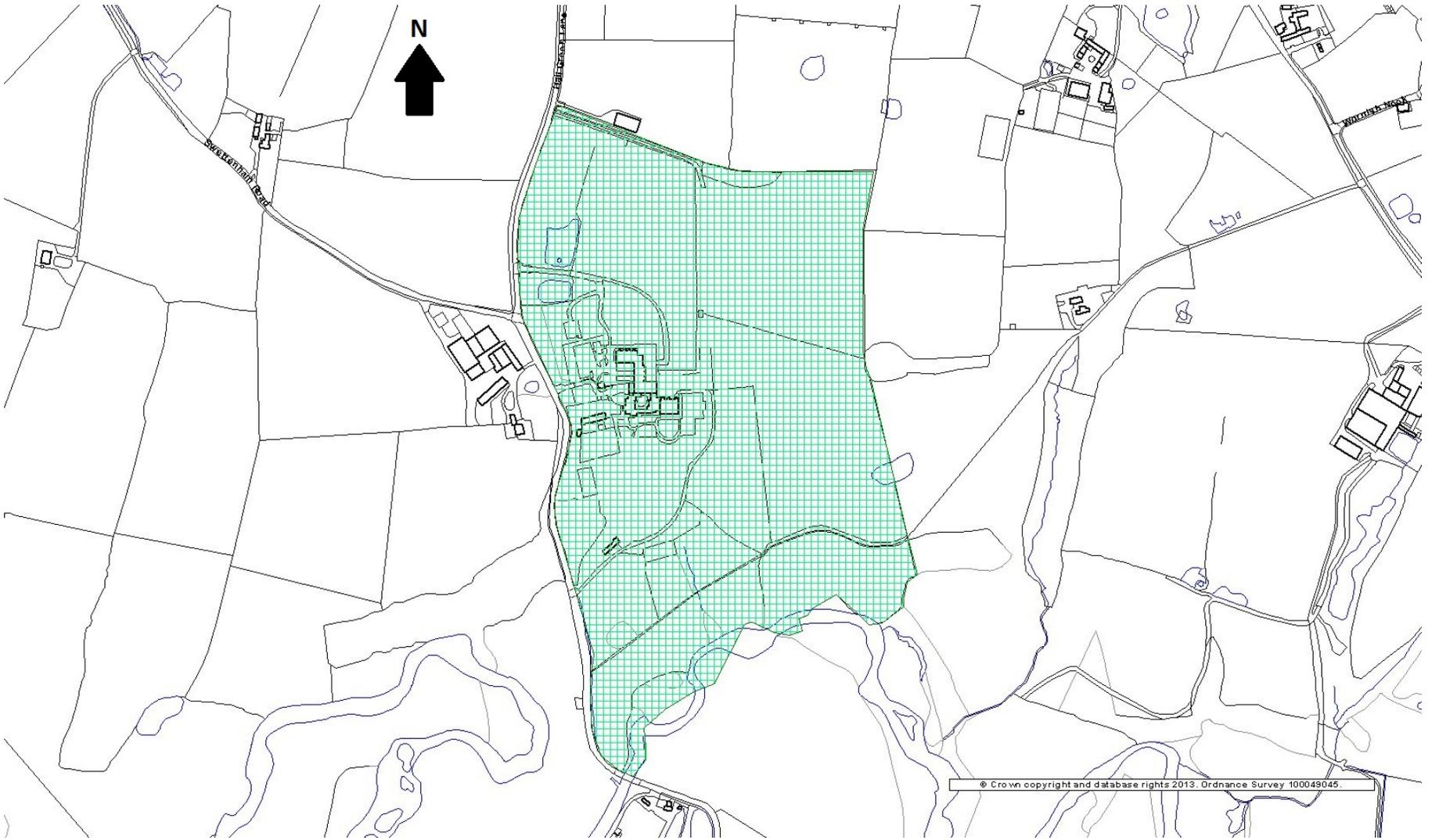
RECOMMENDATION

Approve subject to the following conditions:

- 1. Standard Time Limit (3 Years)**
- 2. Accordance with approved and amended plans**
- 3. Submission of materials**
- 4. No alterations to original roof structure**
- 5. Rainwater goods to be cast metal**
- 6. Sample panel of lime render to be submitted**
- 7. Detailed drawings of windows and doors**
- 8. Doors and windows to be timber and painted**
- 9. Any decorative treatment of rendered surfaces of the Hall shall be agreed with the LPA before works commence**
- 10. Any repairs to garden wall to be agreed prior to works commencing**
- 11. Detailed schedule of works to listed building to be submitted**
- 12. Programme of archaeological work to be submitted**
- 13. Detailed scheme / schedule of works to the listed hall**
- 14. Structural survey to be submitted**
- 15. Rooflights to be conservation style**
- 16. Removal of permitted development rights for gates, walls, fences, extensions and outbuildings**
- 17. Full restoration of the hall to be carried out before first occupation of 50% of the proposed dwellings**
- 18. The proposed development to proceed in accordance with the recommendations made within submitted ecological assessments including bat mitigation and great crested newt mitigation**
- 19. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is to be undertaken for nesting birds**

20. Detailed proposals for the incorporation of features into the scheme suitably for use by breeding birds including house sparrow.
21. Updated badger survey to be submitted
22. Habitat Management and Landscape Management Plan to be submitted including long-term design objectives, management responsibilities and maintenance schedules for all areas that are not within residential curtilages. To include removal of Rhododendron
23. Tree protection
24. Implementation of Tree protection
25. Updated Arboricultural Method Statement to be submitted for removal of existing hard standing
26. Landscaping scheme to be submitted
27. Implementation of landscaping
28. Details of boundary treatments to be submitted
29. Specification details for any areas of hard surfacing within tree root protection zones (to be no dig construction).
30. Accordance with submitted flood risk assessment
31. Details of levels to be submitted
32. Scheme of electromagnetic screening measures to be incorporated into new build dwellings
33. Scheme of Public Open Space to be submitted including the provision of 1100 square metres of Amenity Greenspace (AGS) and the provision of a Local Area for Play (LAP)
34. Site to be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
35. Contaminated land report to be submitted
36. Scheme for pile foundations to be submitted (if required)
37. Scheme for dust control during demolition / construction to be submitted
38. Construction Management Plan to be submitted
39. Electric vehicle infrastructure to be installed in each new build property

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



Application No: 15/1437N
Location: Holly Cottage, Gauntons Bank, Norbury, SY13 4HP
Proposal: Proposed construction of one dwelling on land adjacent to Holly Cottage.
Applicant: R LEWIS
Expiry Date: 20-May-2015

SUMMARY

It is acknowledged that the Council is unable to robustly demonstrate a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should favorably consider suitable planning applications for housing that can demonstrate that they comply.

It is considered that the proposal is compliant to Open Countryside policy NE.2 which states paragraph 4.14 that:

'Within the open countryside there are numerous small settlements, some of which are no more than a group of dwellings. These do not justify the drawing of settlement boundaries, as there is little prospect of further development. It is recognised, however, that within the existing limits of some of these settlements there remain genuine opportunities for infilling.'

Additionally, RES.5 states that housing will in the open countryside will be acceptable subject to meeting the criteria for infilling contained within Local Plan Policy NE.2, which this proposal is considered to adhere to as above.

Furthermore, such a proposal would adhere with the emerging Local Plan Policy PG5.

As such, on balance, it is considered that the benefits of this development would weigh in favour of this proposal.

RECOMMENDATION

APPROVE subject to conditions

REASON FOR REFERRAL

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

'Over domination. Not in keeping with the street scene. Overlooking a Listed Building'

The application was deferred when taken to committee on 6th January 2016. This was in order to give Members' the opportunity to conduct a site visit. The item then returned to committee and was further deferred for the design of the house to be altered to appear more 'cottage like'

The plans were revised and re-submitted on the 16th November 2016 and as such, is now returning to committee on the 21st December.

PROPOSAL

The proposal seeks to construct one dwelling on land adjacent to Holly Cottage.

The original submission sought 2 detached dwellings on the corner plot between Gauntons Bank and Frith Lane. This was altered to one dwelling during the application process due to concerns that this would represent an over-development of the site. This amendment was then subject to a further period of consultation.

SITE DESCRIPTION

The site lies on a corner plot of land between Gauntons Bank and Frith Lane. The proposed site is located within the open countryside, outside the settlement boundary.

RELEVANT HISTORY

14/0411N- Proposed rear two storey extension, single storey side extension and extension to existing garage – Approved with conditions- 17-March 2014.

NATIONAL & LOCAL POLICY

National Policy

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

14 - Presumption in favour of sustainable development, 47-50 - Wide choice of quality homes, 53- Inappropriate development of gardens, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011, which allocates the site, under Policy 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, NE.5 Nature Conservation and Habitats and RES.5 Housing in the Open Countryside.

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

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

CONSULTATIONS

Marbury and District Parish Council: With reference to the above Application Marbury and District Parish Council wish to confirm that previous objections to plans related to the proposed development are still relevant. The Amended Plans do not answer any of the objections put forward previously- the proposed building/s is/are totally inappropriate on this site when Policies BE 1 and 2 are considered especially if NPPF, Paragraph 55 is also taken into account.

The Parish Council fully supports the objections of local residents who are obviously aware of the negative impact this proposed development would have on this site - some members questioned if a site visit by the Planning Department had taken place, if it has it should be obvious how inappropriate the development would be?

Head of Strategic Infrastructure: No comment or objection in relation to the revised layout. Section 184 Agreement informative advised.

Environmental Health: No objections however hours of construction informative advised. A method statement, dust control and contaminated land conditions are all advised.

Landscape: No objection, a condition to ensure the retention and protection of the boundary hedge is recommended, together with a landscaping scheme are advised.

Ecology: Commented on the application on the 16/12/15 and stated that he does not anticipate any significant ecological issues with the proposed development. It is not considered that any circumstances have reason to alter this.

REPRESENTATIONS

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

There have been 10 letters of objection based on the most recent revisions to the scheme which can summarised below:

- The proposal is against National Planning Policy paragraph. 53.

- Not in keeping with the character of the area.
- Loss of amenity by way of visual intrusion on the corner.
- Noise pollution.
- Vehicular access is dangerous and falls short of highways standards, location and visibility.
- Will alter the openness and character of the area and create a built up appearance when viewed from the road and adjacent properties.
- The corner plot should be reinstated to be an asset to the community.
- National planning does not expect every bit of green land to be built upon.
- No soil testing has been done in terms of contamination.
- Newts in the area, applicant hasn't undertaken any surveys to do with Newts.
- Totally inappropriate build in an open rural.
- House will be in the garden of an already extended house; over development of the site.
- Building line will be lost.
- Not an area designated for residential development which is adequately catered for in Wrenbury.
- Overlook a listed building.
- Covers more of the plot than the original application.
- Higher and larger than the adjacent bungalow.
- Only 2 miles from a new housing development which is being started.
- Loss of building line.
- No newt survey; omission.

APPRAISAL

The key issues are:

- The principle of the development
- Housing Land Supply
- Open Countryside
- Emerging Local Plan policy
- Amenity
- Design

Housing Land Supply

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications.

Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply. Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council's position at the examination hearings was that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council's position, this cannot be given material weight in application decision-making.

The Council's ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiates it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports. However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged.

Open Countryside Policy

In the absence of a 5-year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside.

Policy NE.2 states that within open countryside *'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'*. It is considered that the proposal is compliant with this which then goes onto state in Paragraph 4.14 *'within the open countryside there are numerous small settlements, some of which are no more than a group of dwellings. These do not justify the drawing of settlement boundaries, as there is little prospect of further development. It is recognised, however, that within the existing limits of some of these settlements there remain genuine opportunities for infilling.'*

Therefore, the proposal remains compliant to NE.2 Open Countryside Policy, thus not sustaining a reason for refusal.

Additionally it has been highlighted within various objections the concern that the proposal fails to adhere to Paragraph 53 of the NPPF. It is not considered that this is the case, as Paragraph 53 of the NPPF states the need to resist inappropriate development of residential gardens where development would cause harm to the area. As the proposal is compliant with NE.2 of the Local Plan, it is not considered that this is the case.

Emerging Local Plan Policy

Policy PG5 (Open Countryside) of the emerging Cheshire East Local Plan (Emerging LP) indicates that an exception may be made to the Open Countryside policy with regards to residential development. This includes where there is an opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage (i).

Given that the proposal would infill a small gap within a built up frontage, it is considered that the proposal would adhere with this emerging Local Plan policy.

However, although this document has been subject to formal examination, it has not yet been adopted and this limits the weight that can be attributed to this policy.

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

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

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

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

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

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to

support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

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

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

Design

In regard to the form of the existing properties in the immediate area of Gauntons Bank, these comprise of predominantly detached, two-storey properties. There is also a detached bungalow adjacent to the site (known as Sunnyside).

As such, it is considered that the form of the dwelling will not look incongruous within its setting as a two storey detached dwelling, due to the variety of dwellings in the area.

The applicant has taken into account advice received at pre-application stage in that the scheme now includes the proposal of one dwelling as opposed to the original proposal for two. This is considered to be more suitable for the site without appearing as an over-development. The dwelling has been amended to sit further back from the highway and follow the curvature of the road fronting directly onto Gauntons Bank junction to avoid a prominent appearance amongst the landscape.

The size of the proposed dwelling is considered to be similar in footprint to those dwellings in the immediate area. The materials of the dwelling would consist of a natural blue grey slate roof, red Cheshire brick walls and white uPVC fenestration. These are considered to be in keeping with the surrounding area.

It is not considered that the design of the dwelling would impact upon the landscape and Open Countryside significantly. The existing boundary hawthorn hedge is proposed to be retained with soft landscaping to be agreed through the submission of a Landscaping Scheme to the Local Planning Authority. Furthermore, such a proposal would adhere with the emerging Local Plan Policy PG5.

Amenity

The proposal lies on a corner plot between Gauntons Bank and Frith Lane. There are two properties either side of the dwelling; Holly Cottage and Sunnyside.

In terms of the relationship between the proposed dwelling and Sunnyside, the only windows facing Sunnyside would be two secondary ground floor windows serving a garage and toilet and would be obscure glazed. The side elevation of Sunnyside facing the proposed site is a blank elevation and alleviates any concerns of potential amenity issues through loss of privacy or outlook.

The other adjacent property is Holly Cottage. Due to the offset relationship that the two properties would have due to the angling of the proposal in line with the building line, it is not considered that there are any issues of overlooking from the proposed dwelling. There are two narrow windows secondary sitting room windows at ground floor level which are not considered to incur any detrimental issues of amenity on the neighbouring property of Holly Cottage. The distance between Holly Cottage and the proposed dwelling at the two closest points of built form at the rear corners, measures approximately 11.7 metres. This is considered to be acceptable due to the offset nature of the dwellings.

The Cottage is measured approximately over 35 metres away from the proposal and it is therefore not considered to be affected by any detrimental issues of amenity.

Taking this into account, it is recognised that the proposal therefore complies with Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

Impact upon the setting of the Listed Building

There is a Grade II listed building to the east of the site known as Brook Farm. This property is located to the opposite side of the modern bungalow known as Sunnyside. Due to the scale of the proposed development and the intervening dwelling it is not considered that the development would have a detrimental impact upon the setting of this listed building.

Highways

The proposed development would include a widened access with the existing dwelling at Holly Cottage. This widened access would be shared by Holly Cottage and the proposed development. In this case the highways officer has considered the application and raised no objection to the proposed development.

Other Matters

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

RECOMMENDATION

The application site lies entirely within the Open Countryside as determined by the Crewe and Nantwich Replacement 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. The proposed development does fall within the listed categories as it would constitute in-fill development within an otherwise built up frontage and as such the development would comply with Policy NE.2.

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

However, the planning dis-benefits are that development would not be located in a sustainable location.

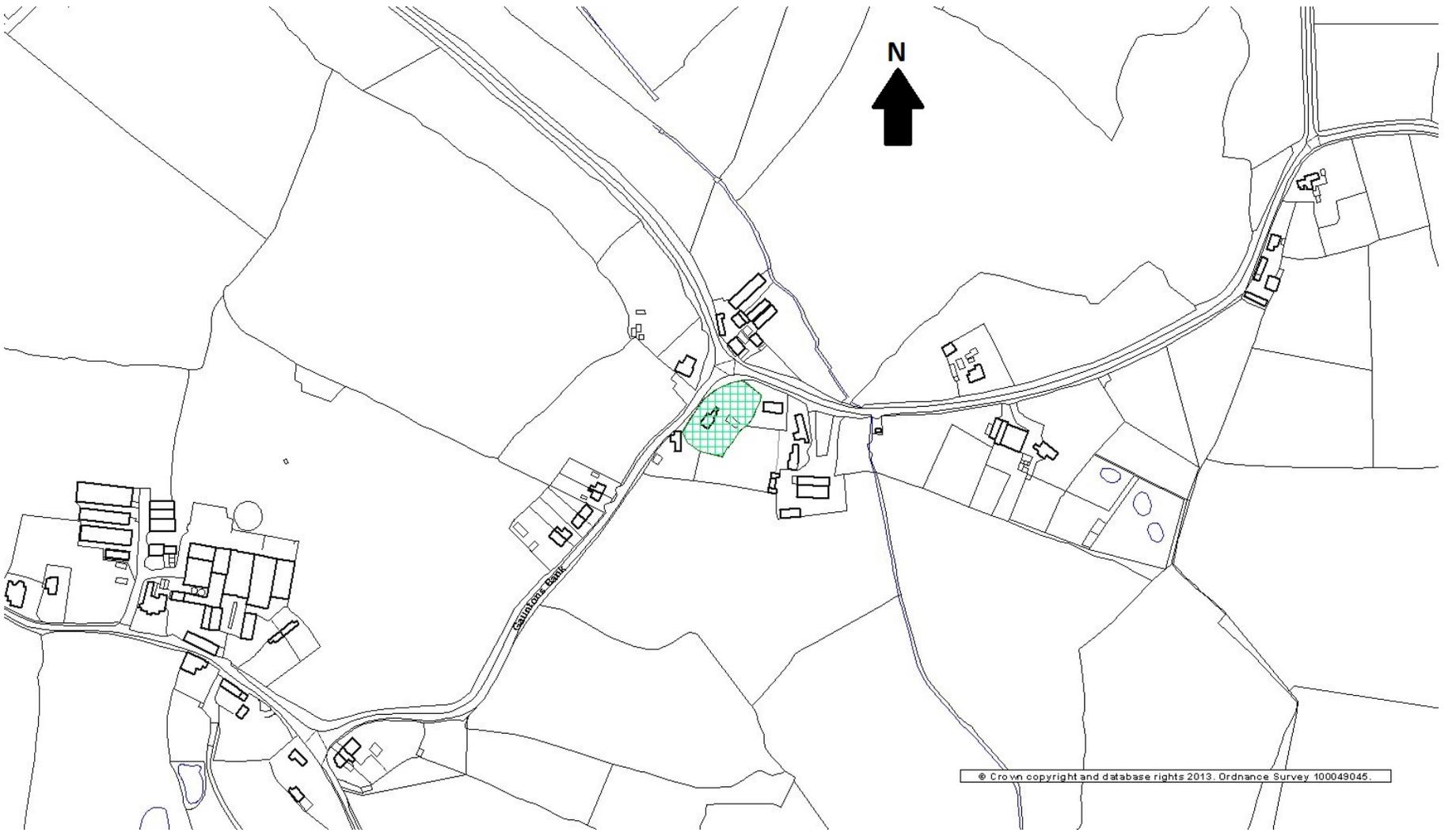
Given that the site is enclosed on all sides by built form, it is not considered that the impact upon the landscape, and Open Countryside would be significant in this instance. Furthermore, such a proposal would adhere with the emerging Local Plan Policy PG5.

As such, on balance, it is considered that the development constitutes sustainable as per paragraph 14 of the NPPF and should therefore be approved.

APPROVE subject to the following conditions

1. **Time 3 years**
2. **Compliance with the approved plans**
3. **Materials to be submitted and approved**
4. **Retention of boundary treatment**
5. **Contaminated land report to be submitted and approved**
6. **Landscaping Scheme**
7. **Landscaping implementation**
8. **Construction Method Statement**
9. **Dust Control Report**
10. **Contaminated Land**

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



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Application No: 16/3262C

Location: Land at Radnor Park Trading Estate, Back Lane, Congleton

Proposal: Residential development (Use Class C3) comprising 30 no. new affordable dwellings incorporating 12 no. three bed houses, and 16 no. two bed houses and 2 no. one bed maisonettes with associated infrastructure and incidental open space including a new estate road and vehicular and pedestrian access off Back Lane

Applicant: William Fulster, M.C.I.Developments Limited and Places fo

Expiry Date: 11-Oct-2016

SUMMARY:

The proposed development seeks to utilise a previously developed site within the settlement zone line for Congleton and therefore benefits from a presumption in favour of development under local plan policy PS4. This is further supported by para 14 of the NPPF which aims to deliver sustainable development. Whilst the proposals would result in the loss of an employment site, it has been demonstrated that the site is no longer suitable for economic use in its present form.

In terms of sustainability, this proposal would satisfy the economic and social roles by providing for much needed affordable housing adjoining to an existing settlement where there is existing infrastructure and amenities.

With regards to the environmental role, the issues identified regarding noise impacts from adjoining industrial uses can be satisfactorily mitigated. The previous approval on the site supported this interpretation.

The proposal will not have a detrimental impact on the landscape character of the area and will continue an arm of existing residential development.

Whilst it is acknowledged that the lack of parking provision, education and POS contributions are negative impacts of the development, the boost to housing supply in the context of 100% affordable units is considered to be an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release. Furthermore the provision of units on the site is a very important benefit within the planning balance.

It is therefore considered that the development complies with the relevant local plan policy requirements and accordingly is recommended for approval subject to the imposition of appropriate conditions.

RECOMMENDATION:**APPROVE subject to conditions**

PROPOSAL

Full planning permission is sought for the erection of 30 affordable dwellings incorporating 12 no. three bed houses, and 16 no. two bed houses and 2 no. one bed maisonettes with associated infrastructure and incidental open space including a new estate road and vehicular and pedestrian access off Back Lane.

The application is submitted by Places for People who are a Registered Social Housing Provider.

SITE DESCRIPTION

The application site forms part of the Radnor Park Trading Estate positioned on the eastern side of Back Lane in Congleton. The site measures approximately 0.73 hectares in size, is irregular in shape and comprises of an area of concrete hard standing surrounded by a steel palisade fence. There are a number of trees around the periphery including a prominent line of Leylandii to the west /south planted on a bund, and several mature deciduous trees to the east. There is residential development to the south and west, separated by Back Lane and industrial land to the north and east. The site is within the Congleton Settlement Zone Line as designated in the Congleton Borough Local Plan First Review (2005) and is not allocated for any other purpose within the Local Plan.

RELEVANT HISTORY:

14/3747C - Outline planning application for a residential scheme for up to 24 dwellings, open space and new access off Back Lane – approve with conditions and subject to 106 Agreement 14th September 2015

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 7, 14, 17, 32, 34, 47, 49, 55, 132 and 173.

Development Plan:

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

The relevant Saved Policies are: -

- PS4 Towns
- GR1 New Development
- GR2 Design
- GR3 Residential Developments of More than 10 Dwellings
- GR4 Landscaping

GR6&7 Amenity & Health
GR9 Accessibility, servicing and parking provision
GR10 Managing Travel Needs
GR14 Cycling Measures
GR17 Car Parking
GR18 Traffic Generation
GR19 Infrastructure
GR20 Public Utilities
GR21 Flood Prevention
GR22 Open Space Provision
H2 Provision of New Housing Development
H4 Residential Development in Towns
H13 Affordable and Low Cost Housing
NR1 Trees & Woodland
NR2 Wildlife & Nature Conservation
NR3 Habitats
NR4 Non-Statutory Sites
SPG1 Provision of Public Open Space in New Residential Developments
SPG2 Provision of Private Open Space in New Residential Developments

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

Cheshire East Local Plan Strategy

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

Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy SE 1 Design
Policy SE 3 Biodiversity and Geodiversity
Policy SE 5 Trees, Hedgerows and Woodland
Policy SE 9 Energy Efficient Development
Policy IN 1 Infrastructure
Policy IN 2 Developer Contributions
Policy PG 1 Overall Development Strategy
Policy PG 2 Settlement Hierarchy
Policy SC 4 Residential Mix

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)

CONSULTATIONS:

Environmental Health: Object on the grounds of noise impact on future residents from existing adjoining industrial operations. If approved conditions relating to noise mitigation (acoustic fencing and glazing), Construction method statement and dust management plans implementation and contaminated land and contaminated soil.

Strategic Highways: There is one main access point proposed to serve the development, there are no capacity or design concerns regarding the access design. In regards to the traffic impact of the development, it is considered that this site would not have a traffic impact on the local highway network and the development of this site does not increase traffic levels beyond that previously generated by the former use.

The levels of parking provision on the site are below acceptable levels and the applicant should be asked to address this issue. Therefore, currently the application is not acceptable and I would have to object that sufficient parking is not provided.

Strategic Housing: No objections

Green Spaces (Ansa: Environmental Operations): No comments received at time of writing this report.

Education: Object, subject to secured developer contribution of £54,231.45 for children's services.

United Utilities: No objection, subject to conditions for foul water, surface water, and a management and maintenance of sustainable drainage systems

Flood Risk Management Team: No objections, subject to conditions

VIEWS OF THE CONGLETON TOWN COUNCIL

Object - Refer back to the original application and associated conditions.

REPRESENTATIONS:

Representations have been received from 2 addresses, 2 objecting to the proposal. The grounds for objection area as follows:

- Highway Safety/impact on existing highway network
- Loss of employment land
- The future expansion of the adjoining businesses will be jeopardised
- Proximity of residential development to the adjoining commercial uses
- Potential future complaints from residence of new dwellings

OFFICER APPRAISAL

Principle of Development

This application is a full planning application and seeks approval for 30 affordable housing units. As a site within the settlement zone line for Congleton, the principle of residential development on the site is acceptable under local plan policy PS4 subject to other material considerations.

The proposals seek to utilise previously developed land, inside the settlement zone line and in good proximity to Congleton Town Centre which offers a good range of shops and services and transport links.

On that basis, the application performs well in terms of locational sustainability and adheres with para 14 of the National Planning Policy Framework (NPPF), which states that at the heart of the framework there is *'a presumption in favour of sustainable development'*. It goes on to state that proposals that accord with relevant policy should be approved without delay *'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'*.

Further, 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 30 affordable dwellings in a sustainable location within the settlement boundary of one of the Key Service Centre's 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'*.

There is an extant outline planning permission for 24 dwellings on the site and therefore the principle of residential development has already been accepted on this site.

Therefore, subject to compliance with other material planning considerations, the principle of the development is considered to be acceptable.

Employment Land

The general thrust of Local Plan Policy E10 and Policy EG 3 of the emerging Local Plan is to protect the boroughs employment sites and land supply. However, the policy allows for two exceptions where the site is either no longer suitable for employment uses or that its redevelopment would offer substantial planning benefit.

The previous application on the site for residential use (14/3747C) concluded that the lack of buildings on the site reduced its potential for employment uses, and was more akin to a storage/distribution site. The site was actively marketed over a period of 3 years in various employment uses but occupier for the site was found.

It was considered that the development of the application site for residential purposes would not intrude or eat into the valuable employment area attributed to Radnor Park Trading Estate. The fact that the application site has stood vacant for a number of years and there is limited appetite to design and build purpose built units on the site is indicative that this site is not viable for employment uses. The impact therefore on the employment floorspace in the area would not be negative in this case.

Given the above, it is considered that the loss of the employment site is justifiable and furthermore, as this application is for social housing the benefits arising from the delivery of housing within a sustainable location during a period when the Council is trying to boost its housing land supply. Consequently, it is considered that a reason for refusal on grounds of employment land supply is likely to be difficult to sustain at appeal particularly when balanced against the delivery of new housing on an accessible, previously developed site. The requirements of local plan policy E10 and EG3 have therefore been satisfied.

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. This development proposes that 100% of the dwellings are to be affordable.

Normally the Council would expect a ratio of 65% / 35% of the affordable dwellings split between social rented and intermediate housing. This development proposes that 100% of the dwellings are to be sold as shared ownership, an intermediate housing product – with no rented dwellings being provided on site. The reason given for this approach is that the development will be funded by the Homes and Community Agency (HCA) and, following the announcement of the most recent funding programme, funding for new affordable/social rented dwellings is no longer available.

The applicant has submitted information to Strategic Housing which supports this approach and also evidences that there is a need for this type of accommodation in Congleton, therefore no objection is raised to the proposed tenure split.

The SHMA 2013 shows that there is a requirement for 119 new affordable dwellings per annum in Congleton. This can be broken down as follows; 27 x 1 bed, 10 x 3 bed, 46 x 4 bed and 37 x 1 bed older person dwellings. There was an evidenced oversupply of 2 bed accommodation.

There are 651 applicants on the Cheshire Homechoice housing waiting list who have selected Congleton as their first choice area for rehousing. These applicants require 297 x 1 bed, 227 x 2 bed, 111 x 3 bed and 16 x 4 bed dwellings.

This development proposes 2 x 1 bed, 16 x 2 bed and 12 x 3 bed dwellings, and the Strategic Housing Officer has confirmed they are happy that this mix broadly meets the local housing need.

It has been accepted by both the applicant and Strategic Housing Officer that the affordable housing provision can be conditioned.

Design Considerations

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

The site layout shows a main spinal road utilising the proposed access directly off Back Lane. The internal road would pass through the site and would have 3 private drives spanning off to account for the irregular shape of the site.

The proposed units would comprise of semi-detached dwellings, mews properties and a maisonette unit, and therefore there is good mix of house types within the site. The proposed units at the front of the site would achieve frontage onto Back Lane and would achieve opportunities for active frontage. The layout shows that views within the site would terminate on active frontages with suitable separation.

The proposed dwellings will be constructed in brick with a tiled roof, porch details and window lintels help to break up the elevations and create a dwellinghouse which is keeping with the surrounding streetscene.

Amendments to the proposal have included reducing the level of hardstanding in parking areas and the front of dwellings, and the current plans show a less car dominated development, than the originally submitted plans.

It is therefore considered that the proposed development is acceptable and in keeping with the surrounding streetscene.

Trees and Landscape

The site forms part of an employment site and comprises an area of concrete hard standing surrounded by a steel palisade fence. There are a number of trees around the periphery including a prominent line of conifers to the west/south planted on a bund, and several mature deciduous trees to the east. There is residential development to the south and west, separated by Back Lane and industrial land to the north and east.

The proposed development would result in the loss of vegetation to the south west of the site. Whilst no detailed landscape proposals are provided, the layout shows indicative tree planting in this vicinity. Mature trees to the eastern boundary are shown retained. The Council's Landscape officer considers the loss of the south western vegetation is acceptable in the context of a residential development.

The amended plans allow for sufficient garden space to the rear of the plots 21-30 to ensure the existing trees are not oppressive on the future occupiers of the site or create a pressure for future felling of the trees.

As such, subject to conditions information for the submission of landscape scheme and implementation, submission of updated tree protection measures and AMS to reflect approved layout unless provided prior to determination, and existing/proposed levels there are no landscape or tree issues.

Highways

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

This is a full planning application for 30 residential dwellings with a mix of house types proposed. The site is located just south of the Radnor Industrial estate on land that was a former employment site.

Access Arrangements

There is one main access to the site taken from Back Lane, this would have a carriageway width of 5.5m and 2.0m footway on the north side of the access road. The road design submitted meets technical standards to serve the level of development proposed and there are no design concerns raised on the proposal. The site access can achieve the necessary amount of visibility in both directions required for the 30mph speed limit.

There is an existing footway on the site frontage although it is not continuous to Greenfield Road to the south, there is a continuous footway provision on the western side of Back Lane that can be used to access the site.

Parking

The proposed housing mix is 16 No. 2 bed houses, 12 no. 3 bed houses and 2 No. 1 bed maisonettes, there is a under provision in parking for the 2 bed units current CEC standards require 200% parking for two bed units. The Strategic Housing Officer considered that is important that sufficient parking is provided in this out of town location and further parking is necessary.

Traffic Impact

Although a Transport Statement has been submitted with the application, the number of units proposed does not require a detailed traffic assessment to be undertaken. The traffic generation from 30 units is low at 16 two way trips, although there will not be a net traffic increase as the use of the site as a former Industrial use needs to be considered in the assessment.

Summary and Conclusion

There is one main access point proposed to serve the development, there is no capacity or design concerns regarding the access design. With regards to the traffic impact of the development, it is considered that this site would not have a traffic impact on the local highway network and the development of this site does not increase traffic levels beyond that previously generated by the former use.

Although there is a lower provision of parking than usually considered appropriate for a development on this site the applicants are proposing over 150% parking for an affordable housing scheme where car ownership is likely to lower than a market housing development. Furthermore the site has good links to public transport and is within walking distance of several every day amenities.

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 Guidance Note 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.

In respect of the residential amenities afforded to neighbouring properties, the closest of which is to the south (no. 58 Glyn House). The property on plot 30 will have a side elevation facing the side elevation of No.58 there will be a distance of at least 10m between the flank elevation of the proposed dwelling and the adjacent neighbours and it is considered that this is acceptable.

There is a 30m separation distance between the existing dwellings on Back Lane and the proposed dwellings and also there is an existing boundary treatment and substation which will help to mitigate for any overlooking.

With regards to the internal amenity issues for the future occupiers, Plots 9 & 10 and 19 & 20 have a separation distance of around 18m which is slightly below the standards. However, as this is within the site it is considered that the proposal is acceptable. All other separations distances within the site meet the separation requirements.

The SPG also suggests all new dwellings should have a private amenity space of 65m². The amended plans show that 12 of the properties have garden spaces lower than the suggested size, however other than 2 dwellings all the private amenity spaces are over 50m² which is a generally accepted amenity space. Plots 5 and 8 have a private amenity space of 44m² and 40m² respectively, the plots do include some open amenity space to the frontages. It is therefore considered to be acceptable.

The trees on the eastern boundary of the site will have some impact on the useable amenity space to units 20- 30, however it is considered that the amended plans have improved this position and it is now not considered that the retained trees will have a significantly detrimental impact on the future occupiers amenity.

Noise

The proposed development will be sited adjacent to commercial / industrial uses, consideration also needs to be given to the potential impact on the future amenity of the occupants from noise. The application is supported by a noise survey and mitigation scheme which has been assessed by the Council's Environmental Protection Unit.

Paragraph 123 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should aim to:

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*

The NPPF states that the planning system should "*prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability*".

Another requirement of Paragraph 123 of the NPPF is that "*existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established*". Therefore, the proposed new residential development must not impact on the current and future operation of the nearby commercial premises.

The applicants noise report (submitted by Echo Acoustics) states that, Boalloy Limited, the closest part of which is approximately 25m from the northern boundary of the site, manufactures and repairs commercial vehicle body-work and heavy goods vehicle trailers which necessitates the use of a wide range of equipment including scissor lifts, pneumatic hand tools, angle grinders, hammers and spraying equipment. Copeland & Craddock is a specialist precision engineering company who

produce close-tolerance polished steel bars and tubes which necessitates the stockpiling of steel bars and sheets in external areas of the yards with loading, unloading and handling of the materials using fork lift trucks. Both Boalloy and Copeland & Craddock operate during the day time only.

The site was previously granted Outline planning permission (planning reference: 14/3747C), the application being accompanied by a noise assessment report prepared by Wardell Armstrong (WA) (reference: "*Land off Back Lane, Radnor Park, Congleton: Noise Assessment report*", dated July 2014). This report suggested a 3.5m noise mitigation fence which was conditioned.

The current mitigation report is submitted by Echo Acoustics who have considered the WA report, and re-examined the mitigation measures. The WA assessment of noise from Boalloy assumed that the noise generated from the facility emanated from the open roller-shutter doors. This is partially correct, for activities occurring within the building, but a site visit was undertaken by Echo Acoustics on 8 June 2016; it was noted that the roller shutter doors were generally only partly open and that many of the audibly noisier activities (audible at the site boundary) occurred at the entrance or immediately outside the building. From this it was concluded that a 3.5 metre-high barrier was probably not necessary.

Further detailed barrier calculations were conducted by Echo Acoustics and it was calculated that a 3.5 metre-high barrier provide only 1.3 dB more sound attenuation than a 2.5 metre-high barrier and that, even assuming a source height of 3.5 metre for the noise, at the façade of the nearest property (approximately 13 metres from the northern site boundary), a 2.5 metre-high barrier would obstruct direct line of sight for a person standing (receptor height 1.5 metres).

The WA report recorded noise levels at the site's northern boundary, without any mitigation in place, of 58.4 dB LAeq. The closest residential façade will be a further 13 metres away; adjusting the measured noise to allow for the additional noise level gives rise to a free-field noise level at the property façade, of 54.8 dB LAeq. An addition of 2.5 dB must be added to this to produce the façade noise level which takes account of noise reflected back off the building itself, giving a receptor noise level, with no mitigation, of 57.3 dB LAeq.

It was calculated that, for a noise source height of 3.5 metres, a 2.5 metre-high barrier would provide 5.5 dB of sound attenuation giving an external noise level of 51.8 dB LAeq. This is a suitable noise level for external areas during the day time.

The WA report identified a shot-blasting activity near the front of the Boalloy operation; this has now been relocated away from the proposed development site and was not present or audible on the site visit of 8 June 2016.

The WA report recommended that, due to the character of the noise from the commercial uses, up-rated glazing and ventilation should be provided to habitable rooms on facades directly facing the uses. This would seem a sensible precaution and Echo Acoustics would concur with this recommendation; Echo Acoustics suggest that glazing achieving sound insulation of at least 35 dB should be provided to living rooms and bedrooms in the northern facades of Units 1 to 3 and 12 to 18, as applicable. Dining rooms on these facades will be suitably protected with standard thermal double-glazing.

This should be accompanied by means of ventilation achieving a similar performance to negate the requirement for the opening of windows for background ventilation; this would apply to all habitable rooms on the northern facades of these Units, i.e. including dining areas.

Echo Acoustics conclude that, based on the assessment undertaken by Wardell Armstrong in 2014, the site can be suitably developed for residential use with the provision of the following sound attenuation measures:

- A solid, 2.5 metre-high close-boarded fence along the site's northern and eastern boundaries. This should be well constructed and properly fitted, with no loose panels or knot holes and with a minimum surface density of 12 kg/m².
- Glazing achieving 35 dB of sound attenuation for living rooms and bedrooms in the northern facades of Units 1 to 3 and 12 to 18, as applicable.
- Alternative means of background ventilation, achieving a similar performance to that provided by the windows, for all habitable rooms on the northern facades of Units 1 to 3 and 12 to 18. i.e. including dining areas

The Environmental Protection department have raised concerns with the proposal, as they did for the former outline application (14/3747C) on the grounds of significant adverse impact due to noise from the adjacent industrial park. It is also noted that existing businesses have objected to this, and the previous application.

There has been no change to this application from a noise perspective to alter this services' view that the development cannot be made appropriate with respect to noise. The external amenity spaces will remain above acceptable noise limits and the future occupiers subject to unacceptable noise.

It is the Environmental Protection Officer's (EPO) view that residential development at this location will potentially create conflict with adjacent land uses by introducing noise sensitive properties adjacent to an industrial development, whereby the housing will suffer noise as a consequence. However, this would be mainly for outdoors areas (i.e. private garden spaces of some properties) as the internal environment could be adequately protected from noise through the provision of high spec glazing and mechanical ventilation.

Whilst the view of the EPO is noted, it should be noted that the concern relates to garden space, not internal noise which EPO advise can be mitigated. The Applicant's own noise consultant has provided reports that in their opinion demonstrate that the proposal's noise impacts accords with World Health Organisation Guidelines. The outdoors areas can be mitigated with appropriate boundary treatments, which in context of the adjoining uses would not appear unsightly and that are screened by the built form. Similar conclusions were drawn by an Inspector when he considered a scheme for residential development nearby at Forge Lane. He stated that:

"I have concluded that living conditions at the proposed dwellings would be satisfactory, and this is relevant to the question of whether complaints are likely. Moreover, the nearest of the proposed dwellings would be located a similar distance from the key sources of industrial noise as existing dwellings and, while the Council has shown some record of complaints from existing dwellings, those attributable to noise are not excessive in number. Accordingly, I am not persuaded that the dwellings proposed would add significantly to local pressure to curtail or restrict the activities of the existing businesses, and I find no conflict with the Framework as a result of this consideration".

Consequently, it is not considered that refusal could be sustained on noise grounds, this is due to the extant outline permission on the site for residential and the adjacent site 14/5111C.

Ecology

The application is supported by an ecological assessment; the council's ecologist has considered the report and made the following comments.

Tree with bat roost potential

A tree has been identified on site that has the potential to support a bat roost. Based on the submitted plans this tree would be retained as part of the proposed development.

Great Crested Newts

The council's ecologist advises that this protected species is unlikely to be present or affected by the proposed development.

Nesting Birds

If planning consent is granted, conditions will be required to safeguard nesting birds.

Public Open Space Provision

The site is for 30 dwellings, 28 of which are considered to family dwellings, with 2 and 3 bedroom properties. The development site does not propose any open space provision. At the time of writing this report the Greenspaces comments are still outstanding and will be reported to the Committee by update.

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 Land at Radnor Park Trading Estate (16/3262C), there are 12 further registered and undetermined planning applications in Congleton generating an additional 240 primary children and 190 secondary children.

The development of 28 dwellings (2bed+) 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 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.

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

$$5 \times £11,919 \times 0.91 = £54,231.45 \text{ (primary)}$$

Total education contribution: £54,231.45

Without a secured contribution of £54,231.45, Children's Services raise an objection to this application.

S106 contributions and Viability

As part of the proposals a confidential viability assessment was submitted. This concluded that due to the nature of the scheme, being a 100% affordable housing scheme, it could not bear the costs of any financial planning obligations and could therefore not be fully policy compliant.

This was independently tested through an external viability specialist. The report did conclude that the scheme would not be able to bear any financial cost of planning obligations. However, a key planning obligation is for affordable housing, whereby 30% is expected from all developments. Therefore for this scheme to be providing 100% it is fully compliant with regard to this requirement. Therefore it is for this assessment to consider whether on balance the benefits outweigh the disadvantages of partial policy compliant scheme.

Planning Balance & Conclusions

The proposed development seeks to utilise a previously developed site within the settlement zone line for Congleton and therefore benefits from a presumption in favour of development under local plan policy PS4. This is further supported by para 14 of the NPPF which aims to deliver sustainable development. Whilst the proposals would result in the loss of an employment site, it has been demonstrated that the site is no longer suitable for economic use in its present form.

In terms of sustainability, this proposal would satisfy the economic and social roles by providing for much needed affordable housing adjoining to an existing settlement where there is existing infrastructure and amenities.

With regards to the environmental role, the issues identified regarding noise impacts from adjoining industrial uses can be satisfactorily mitigated. The previous approval on the site supported this interpretation.

The proposal will not have a detrimental impact on the landscape character of the area and will continue an arm of existing residential development.

Whilst it is acknowledged that the lack of parking provision, education and POS contributions are negative impacts of the development, the boost to housing supply in the context of 100% affordable units is considered to be an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release. Furthermore the provision of affordable housing units on the site is a very important benefit within the planning balance.

It is therefore considered that the development complies with the relevant local plan policy requirements and accordingly is recommended for approval subject to the imposition of appropriate conditions.

RECOMMENDATION

APPROVE with conditions:

1. **Standard Time limit – 3 years**
2. **Approved Plans**
3. **Affordable housing provision**
4. **Landscape Scheme**
5. **Landscape Implementation**
6. **Updated Tree Protection Measures**
7. **Updates AMS**
8. **Existing and Proposed levels**
9. **Nesting Birds**
10. **Nesting Bird boxes**
11. **Foul and surface water drained separately**
12. **Sustainable drainage management and maintenance**
13. **Surface water drainage system**
14. **Acoustic Mitigation Scheme implemented in accordance with Technical Memorandum (Echo Acoustics Dated 17 June 2016) and acoustic mitigation scheme shall be maintained in perpetuity**
15. **Construction Method Statement and Dust Management Plan**
16. **Contaminated land – phase II**
17. **Importation of soil**
18. **Unexpected Contamination**
19. **Removal of PD**
20. **Accordance with approved access and constructed prior to first occupation**

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) 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: 16/3286C

Location: 130, HOLMES CHAPEL ROAD, CONGLETON, CW12 4NY

Proposal: Demolition of existing dilapidated bungalow and garage and erection of 4 no. dwellings

Applicant: Mr David Denton

Expiry Date: 05-Sep-2016

SUMMARY:

The application site lies entirely within the Congleton 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, design 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 associated 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 which is not considered to be significant.

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. Hayes due to the significant local interest relating to highways, trees and the impact on the character of the area due to the demolition of the existing bungalow.

PROPOSAL

Full Planning Permission is sought for the demolition of the existing bungalow (No. 130 otherwise known as Pegasus) and garage and the erection of 4 dwellings. The original description of development was for the demolition of the existing bungalow/garage and the erection of 5 dwellings. The number of units has been reduced due to planning officer concerns relating to the overdevelopment of the site.

The dwellings would be semi-detached and would measure approximately 8.6 metres (m) in height to ridge and 5.2 m in height to eaves with an individual width of approximately 5.7 m and a depth of 8.1 m. Parking for each unit would be located at the front of the dwellings with a garden to the rear.

Limited information has been provided regarding the proposed materials.

SITE DESCRIPTION

This application relates to the bungalow and associated garden at 130, Holmes Chapel Road, Congleton within the Congleton Settlement Zone Line. To the immediate north and west are residential dwellings. The site is bounded by Holmes Chapel Road to the south and Delamere Road to the east and is located within a residential area.

The application site comprises a single-storey house with rendered elevations and a shallow butterfly roof incorporating a low stone chimneystack. A section of random-rubble stonework exists to the front (south-east) elevation adjacent to the main entrance. A sun room exists to the south corner with wrap-around glazing, and the south-west side elevation incorporates an acutely angled flat-roofed bay-window projection. Two windows to the right of the main entrance, which light bedrooms, have a shared modern retractable awning above. All the building's windows, including the glazing to the sun room, have been replaced with uPVC versions. A detached single garage with a flat roof and integral canopy exists to the north-east of the house and is aligned north-west to south-east.

The application site is generally flat and is accessed from Delamere Road.

RELEVANT HISTORY ON SITE

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

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 and GR3 - Design
GR6 - Amenity and Health
GR9 - Accessibility, Servicing and Parking Provision
NR1 – Trees and Woodland
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 subject to conditions relating to a Construction Management Plan, the boundary treatment with Delamere Road and an Informative relating to a S184 licence.

Environmental Protection – No objection subject to a piling condition and Informative, construction hours of operation Informative, a dust control condition, a noise mitigation condition, an electric vehicle charging point condition, an importation of soil condition a land contamination condition and a building regulations Informative.

United Utilities – No objection subject to a foul water condition, a surface water condition and a sustainable drainage systems condition.

Heritage and Design (Forestry) – No objection subject to a tree protection condition.

Ecology – No objection.

Congleton History Society – Supports the listing of the building and the heritage of the existing building.

Twentieth Century Society - The proposal for the demolition of the bungalow would result in the loss of a non-designated heritage asset which makes a positive contribution to the local townscape. It is noted that whilst the current application describes the building as dilapidated, the building does not appear to be in any state of disrepair, and there are no reports contained in the application that can substantiate this claim.

VIEWS OF THE TOWN COUNCIL:

Congleton Town Council – Object to the application due to the significance of the design of the existing building and that the proposed development is not in keeping with the area, highway safety and tree preservation.

REPRESENTATIONS:

Approximately 60 letters of representation have been received from local residents, including a letter from Fiona Bruce (MP). The main concerns include;

- Size and scale of the proposed development is out of character with the area
- Impact on surrounding amenity
- Highway safety
- Impact on local facilities including schools
- Design of the dwellings are not in keeping with the area
- The dwelling is not 'dilapidated'
- Impact on trees
- Overdevelopment of the site
- Outstanding design of the existing bungalow

SUPPORTING INFORMATION:

Planning Statement
Ecology Survey
Tree Survey

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 Congleton 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. 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 that outweigh the dis-benefits.

Housing Land Supply

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications.

Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply. Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council's position at the examination hearings was that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council's position, this cannot be given material weight in application decision-making.

The Council's ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiates it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports. However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged.

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 Congleton Settlement Zone Line and is located approximately 1.8 km from Congleton town centre with access to a wide range of local facilities. Approximately 0.9 km from the application site are a number of shops and facilities (located between Sandbach Road and Holmes Chapel Road). 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 Number 130. The surrounding area is characterised by a variety of house types and the area is residential in character. As such it is not considered that there would be any significant impact on the landscape character of the area.

Highways and Access

Concerns were raised regarding the proposal’s impact on visibility on exiting onto Holmes Chapel Road, the ownership of the grass verge, and the proximity of the new accesses to the

junction with Holmes Chapel Road. As a result, the number of units being proposed has been reduced to 4 units as shown on plan RESI-02 - Rev B.

The proposal would result in only a few additional vehicle trips during a peak hour and other than a minor rear shunt, there have been no recorded accidents at the Delamere Road/Holmes Chapel Road junction over the past 5 years.

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 subject to conditions and Informatives.

Ecology

As the development comprises the demolition of the existing dwelling an Ecology report was requested by the Local Planning Authority. The submitted protected species report is acceptable and it is considered that roosting bats are not reasonably likely to be present in the existing dwelling. An oak tree on site was however identified as potentially supporting a bat roost. The submitted protected species report states that this tree would be retained and as such the development is considered acceptable in Ecology terms.

Trees and Hedgerows

There is a protected tree within the site and the application is supported by a Tree Survey and the Forestry Officer has advised that there are no arboricultural implications subject to a tree protection condition.

Layout

The proposal is for four semi-detached dwellings. The proposed dwellings would have a similar building line to Number 1, Delamere Road (the neighbouring property to the north). The immediate neighbouring properties are either detached or semi-detached and the area is characterised by a mix of garden/plot sizes. Delamere Road comprises detached and semi-detached, two storey dwellings. Directly opposite to the east (fronting Holmes Chapel Road) is characterised by bungalows (two plots on the corner) which then change to large, detached dwellings set in relatively large plots. To the rear of these dwellings on Leamington Road are a mix of two storey and single storey dwellings located in smaller plots.

It is recognised that the application site is located within the Congleton 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 Delamere Road and Holmes Chapel 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 have any significant impact upon the surrounding area by virtue of its location and siting.

It is considered that the layout of the proposal respects the pattern of the surrounding area as the development would comprise four dwellings with a smaller footprint (when compared to the surrounding dwellings to the north) set in an appropriate curtilage, which is 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 dwellings 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).

Design of the Existing Dwelling and the Proposed Dwellings

During the Planning Application procedure a request was made for the existing bungalow to be listed at both a national and local level. The national listing request was refused and then subsequently refused at Appeal. There is no provision for the listing of a building at a local level whilst there is a live planning application relating to the site. In any event it is not considered that the building is a listable quality.

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.

The proposed dwellings would be of a standard two storey design. It is recognised that there is a mix of house types in the area and it is not considered that the proposed dwellings would be out of character with the area or within the street scene and it is considered that the proposal would be in keeping with the character and appearance of the locality. It is considered that a condition relating to the submission of materials for local authority approval is required so that the materials are in keeping with the surrounding area.

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

The location, siting and design of the dwellings are in keeping with the form of the surrounding development. Due to the orientation of the dwellings and the fact that the application site is located in a residential area it is not considered that there would be any significant negative impact on the street scene.

The proposed dwellings are considered to be of appropriate design and it is not considered that it will have a detrimental impact on the streetscene. It is considered that the proposal would not be harmful to its overall character and appearance of the streetscene and therefore complies with the policy requirements of Policy 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 four new market dwellings 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 for each dwelling is more than sufficient (approximately 130 m²).

The proposed dwellings would be positioned approximately 26 m to the east of No. 23, Chatsworth Drive (the neighbouring property to the west) at its closest point. The side elevation of the closest dwelling to No. 1, Delamere Road (the neighbouring property to the north) would face the side elevation of No. 1. The front elevation would face No. 128, Holmes Chapel Road with a separation distance of 27 m.

The proposed development meets the separation guidance and it is not considered that there would be any significant impact on the amenity afforded to the occupiers of any nearby residential dwelling.

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 Congleton 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 which is considered to be minimal.

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 conditions

- 1. Time (3 years)**
- 2. Plans**
- 3. Materials for submission**

4. Tree retention (Oak tree)
5. Tree protection
6. Boundary treatment
7. Piling
8. Dust control
9. Noise mitigation
10. Electric vehicle charging point
11. Soil condition
12. Land contamination
13. Construction management plan
14. Foul water
15. Surface water
16. Sustainable drainage

Informative(s):

1. NPPF
2. Pile foundations
3. Hours of operation
4. Building control
5. S184

Application No: 16/3974N

Location: Land East Of, WHITCHURCH ROAD, ASTON

Proposal: Outline application for the development of up to 24 dwellings with all matters reserved except access

Applicant: Cranford Estates

Expiry Date: 14-Nov-2016

SUMMARY

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

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 development would provide benefits in terms of affordable 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 Aston/Wrenbury.

The development would have a neutral impact upon education, protected species/ecology, highways/accessibility, drainage, trees, residential amenity, air quality, contaminated land and landscaping could be secured at the reserved matters stage.

The adverse impacts of the development would be the loss of open countryside, and the loss a relatively small parcel of agricultural land

The benefits of approving this development and would significantly and demonstrably outweigh the adverse impacts of the development. As such the application is recommended for approval.

RECOMMENDATION

APPROVE Subject to S106 Agreement and conditions

DESCRIPTION OF SITE AND CONTEXT

The site of the proposed development extends to 1.7ha and is located to the south of the village of Aston. The site is a field in agricultural use and lies within Open Countryside.

The northern boundary of the site is formed by the properties that front onto Sheppenhall Lane, the western boundary by the A530, Whitchurch Road, and the southern boundary forms the boundary with a residential dwellings and the eastern boundary is with a recent housing development known as The Oaks. To the north east, the application site wraps around a large square of land that forms an extended garden area.

The village of Aston has seen various phases of growth over many years, with the result that it has properties of a variety of ages and designs. It includes modern bungalows and houses as well as the older, original properties of the settlement. The village stands on the junction of the A530, Whitchurch Road, and Sheppenhall Lane/Wrenbury Road, although the majority of the village lies to the south of Whitchurch Road, including the more recent development on Sheppenhall Grove.

DETAILS OF PROPOSAL

This is an outline planning application for the erection of 24 dwellings. Access is to be determined at this stage with all other matters reserved.

The proposed development includes a single access point to Whitchurch Road (A530).

RELEVANT HISTORY

None of relevance

POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

Cheshire East Development Strategy

Cheshire East SHLAA

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE3 – Biodiversity and Geodiversity

SE5 – Trees, Hedgerows and Woodland

SE 1 - Design

SE 2 - Efficient Use of Land

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 3 - Biodiversity and Geodiversity

SE 13 - Flood Risk and Water Management

SE 6 – Green Infrastructure

IN1 – Infrastructure

IN2 – Developer Contributions

CONSULTATIONS (External to Planning)

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

Head of Strategic Infrastructure: No objection subject to the imposition of planning conditions

CEC Environmental Health: Conditions suggested in relation to a method statement for piling foundations, dust travel plan, electric vehicle infrastructure and contaminated land. Informatives are also suggested in relation to contaminated land and hours of operation.

CEC Strategic Housing Manager: No objection following applicant's agreement to amend Affordable housing provision to meet housing need.

CEC Flood Risk Manager: No objection subject to the imposition of planning conditions following submission of revised FRA.

CEC Education: A secondary school education contribution of £65,370.76 is required. There is no requirement for a primary school education contribution.

Natural England: No objection

VIEWS OF THE PARISH COUNCIL

Newall Parish Council: Objects on the following grounds;-

- The current infrastructure of the Parish will not stand further development
- The Parish adjoins other settlements where the increase in dwellings is also large, and this means that both the Schools and the Health Care facilities are already at the point where they cannot take any further development.
- Newhall has seen approx. 88 new houses approved since 2010, which is approx. 25% of the existing dwellings. The Parish Council feels that any more are neither sustainable nor applicable in the quota of allocation.
- Local Transport facilities are poor. The A530 is a very busy and dangerous road, and further development will make this situation worse.
- There is concern over the drainage and flooding issues, which are currently experienced in the village, and this will only add to the surface water problems.
- The site is adjacent to the village but there is no safe pedestrian access to Aston; the only way is along the A530 which, as above, is so dangerous, and there are no footpath facilities to allow any potential residents to safely get into the village

OTHER REPRESENTATIONS

Letters of objection have been received from 6 local households raising the following points:

Principle of development

- Substantial amounts of new housing have been provided in Aston, Newhall and Wrenbury cum Frith since 2010, and prior to the adoption of Cheshire East Local Plan.
- Loss of open space and open countryside in a rural village increase in population putting pressures on local services i.e. schools, doctors etc.
- lack of public transport and local facilities

Highways

- Increased traffic generation at dangerous junction of Sheppenhall Lane with Whitchurch Road
- Increased traffic within already dangerous road area
- No pavements for pedestrians

Infrastructure

- Impact on drainage and other infrastructure
- Local infrastructure cannot cope with additional housing

The full content of the objections is available to view on the Councils Website.

APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Design and Access Statement
- Planning Statement
- Statement of Community Involvement
- Transport Statement
- Flood Risk Assessment
- Ecology Appraisal
- Ground Investigations report
- Landscape and Visual Assessment
- Tree Survey

These documents are available to view on the application file.

APPRAISAL

The key issues are:

- Loss of open countryside
- Impact upon nature conservation interests
- Design and impact upon character of the area
- Landscape Impact
- Amenity of neighbouring property
- Highway safety
- Impact upon local infrastructure

Principle of Development

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

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

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

Housing Land Supply

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications. Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply.

Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council's position at the examination hearings was that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council's position, this cannot be given material weight in application decision-making.

The Council's ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiates it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports. However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged

Sustainability

The National Planning Policy Framework definition of sustainable development is:

"Sustainable means ensuring that better lives for us 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.

SOCIAL SUSTAINABILITY

Affordable Housing

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

This is a proposed development of 24 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 7 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in the Audlem Area up to is for 4 x 1 bedroom, 16 x 3 bedroom and 4 x 4 bedroom dwellings for General Needs and 3 x 2 bedroom dwellings for Older Persons per year. The demand on Cheshire Homechoice is for 3 x 1 bedroom, 8 x 2 bedroom and 6 x 3 bedroom dwellings. Therefore 1, 2 and 3 on this site would be acceptable, with 5 units provided as Affordable rent and 2 units as Intermediate tenure.

The Affordable Housing Interim Planning Statement (IPS) states that on all sites of 3 units or over in settlements with a population of 3,000 or less will be required to provide 30% of the total units as affordable housing on the site with the tenure split as 65% social or affordable rent and 35% intermediate tenure.

The applicant has confirmed that 7 affordable dwellings will be provided, equivalent to 30% of the total number of dwellings as part of the development. 5 x 1/2 bed dwellings will be for affordable rent and 2 x 3 bedroom dwellings for intermediate tenure. As the required level of affordable housing will be provided the Strategic Housing Manager has confirmed that this is acceptable.

The exact details of the affordable housing will be provided at reserved matters stage. This will be secured as part of a S106 Agreement.

Public Open Space

Policy RT.3 of the Replacement Local Plan says that in new housing developments with more than 20 dwellings the provision of a minimum of 15sqm of shared recreational open space per

dwelling will be sought. It goes on to say that where the development includes family dwellings an additional 20sqm of shared children's play space per family dwelling will be required as a minimum for the development as a whole, subject to various requirements.

In accordance with Policy RT 3 the indicative plans show areas of POS and children's play area within the site, and which would be overlooked by dwellings, aiding surveillance. The equipped play area will need to cater for younger children and include 5 pieces of equipment. (LEAP)

A scheme of management for the POS and LEAP will need to be secured as part of a S106 Agreement if permission were to be granted.

Education

The development of 24 dwellings is expected to generate 5 primary aged and 4 secondary aged children.

There are 2 primary schools within a 2 mile radius of the site – Sound & District Primary and Wrenbury Primary, and the catchment secondary schools are in Nantwich. The Education Department have confirmed that whilst there is sufficient capacity within the primary sector, to address forecasted capacity pressures a contribution will be required for secondary school places ($4 \times 17959 \times 0.91 = \text{£}65,371$).

This contribution will be secured via a S106 Agreement should the application be approved.

Health

The Parish Council and letters of objection have raised concerns about the impact on health care facilities in this area. However a search of the NHS Choices website shows that there are 2 GP practices (Audlem and Wrenbury) within 3 miles of the application site and both are accepting patients, indicating that there is capacity to serve the development.

Location of Site

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. In order to access services, it is unlikely that future residents and travel movement will be minimised and due to its location, the use of sustainable transport modes maximised.

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside.

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 toolkit sets maximum distances between the development and local amenities. These comprise of:

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

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

- post box - 204m Wrenbury Road
- bus stop 130m
- Bhurt pore Inn Wrenbury Rd Aston (965m)
- Local meeting place Church 1km Wrenbury Road
- Amenity Open Space (500m) – Provided on site

A failure to meet minimum standard (with a significant failure being greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m) exists in respect of the following:

- primary school – Wrenbury 1.9km
- playground / amenity area - 1.93 km Wrenbury Recreation Ground
- post office / bank / cash point - 1.9 km Wrenbury Rd
- pharmacy - 1.9 km Wrenbury
- Wrenbury railway Station 2092m
- shop – 1.9km Wrenbury Rd
- medical centre – 1.93km Wrenbury
- leisure facilities – 1.93 km Wrenbury Recreation Ground
- public park – 8.3 km Nantwich

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Clearly, existing residents in the area would have to travel the same distance to most everyday services.

The nearest bus stops to the site are located to the north of the site on Whitchurch Road, with an approximate walking distance of 210 metres from the centre of the site. The principal bus service passing through the Whitchurch Road/Wrenbury Road junction is the service 72. This provides up to 1 service in peak periods to Whitchurch, Wrenbury and Nantwich. Services operate through the day from 0745 hours in the morning and run until 1813 hours.

A school bus service operates for children to go to the secondary school.

Whilst most services are in Wrenbury, the next village over, the bus service does serve the site and therefore in locational terms this site must be regarded as being generally sustainable. This view is considered to be consistent with a recent appeal decision (September 2015) which allowed development on a nearby site for 33 dwellings (14/03053n) at the Woodlands, Whitchurch Road, Aston. The Inspector concluded that;

I note the concerns of a number of third parties that existing local amenities within Aston are somewhat limited and that the appeal site is not locationally sustainable. However, I also note that the main parties agree that in locational terms the site is generally sustainable with accessible local services. I see no reason to take an alternative view in this respect. Furthermore, given that most services and facilities are available in Wrenbury, which is only a short distance away, and that the site is served by a bus service which serves a number of local destinations, it seems to me that the proposal would help to support services in the nearby village in accordance with the advice at paragraph 55 of the Framework that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

A key consideration of the development would be the impact it would have on neighbouring amenity in terms of privacy and overlooking. The Site is bound by residential development to the north, south and east. The indicative layout suggests that the amenities of neighbours opposite can be adequately safeguarded, in line with the interface standards in the Local Plan.

Air Quality

The proposed development is of a relatively small scale and an air quality assessment was not deemed necessary. However to mitigate the cumulative impact of scheme with other developments in the area, conditions in relation to dust control and electric vehicle infrastructure will be attached to any permission.

Public Rights of Way

There is no PROW located on the application site.

Highways

Policy BE3 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe

provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Paragraph 32 of the National Planning Policy framework states that:-

'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that any plans or decisions should take into account the following;

The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;

- Safe and suitable access to the site can be achieved for all people; and*
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.*
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."*

This is an outline application with only access to be determined. A single access point is proposed to serve the development from Whitchurch Road.

This application was initially objected to by Highways due to inadequate access and visibility being demonstrated. Clarity was sought on the method of calculation used, and this has now been agreed upon. In addition, since the initial objection the proposed visibility has been improved to that shown on plan 1488-F01 rev D, and now reflects that required for the design speeds indicated by the speed surveys.

Off-Site Impact

The Transport Statement quotes typical trip rates for a residential development in this location, which would be equivalent to between approximately 16 vehicles entering or leaving the site in the peak hours.

In the absence of significant capacity issues at junctions in the vicinity of the site, levels of traffic generated by the site are unlikely to have a significant adverse impact on off-site highway capacity.

Given the low levels of traffic generated by the development, the Strategic Highway Manager has not raised objections on the grounds of traffic management or highway safety along Whitchurch Road or at its crossroads junction with Sheppenhall Lane and Wrenbury Lane.

Accessibility by Sustainable Modes

The Transport Statement provides evidence of existing local services within a reasonable walking distance of the site, in addition to existing public transport services. However, pedestrian footways in the immediate vicinity of the site are presently limited.

As part of the proposals a new 1.8 metre pedestrian footway is to be provided on the eastern side of the A530 Whitchurch Road carriageway. This pedestrian footway will link the site access with the existing pedestrian infrastructure located at the A530 Whitchurch Road/Wrenbury

Road/Sheppenhall Lane crossroads 400m to the north, providing footway access to the wider area.

In summary the Strategic Highways Manager has no objection to the application subject to planning conditions securing the construction of the footway as shown on the submitted plan which should be completed prior to first occupation of the development, the provision of the visibility splays and a Construction Management Plan.

Landscape

The site is a flat field enclosed by native hedgerows principally along Whitchurch Road with some mature trees on and around the boundaries. The site lies behind existing residential properties and the A49 which forms the western boundary. The majority of existing trees and the hedgerow alongside Whitchurch Road will be retained as part of the development limiting wider views of the site.

The Council's Landscape Officer agrees with the overall findings of the submitted Landscape and Visual Assessment. It is considered that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals. Conditions are recommended to protect/ and enhance the landscape of the site.

On this basis it is considered that a layout can be accommodated on this site without adverse impact upon the landscape.

Trees/Hedgerows

The application is supported by a Tree Survey and Constraints Plan and its content broadly accords with the requirements of current best practice in respect of BS5837:2012 Trees in Relation to Design Demolition and Construction – Recommendations.

The proposed access off Whitchurch Road will utilise a section of the road frontage devoid of any significant high value trees or hedgerow planting. It is considered that both the point of access and its associated visibility splays can be implemented without a detrimental impact on any trees or the existing hedgerow.

The internal service road shown on the indicative layout utilises the open field aspect of the site, with no trees directly or indirectly impacted by the indicative internal arrangements for the site. Consequently the site can be developed without adversely affecting moderately high and high value trees.

From an Arboricultural perspective the Councils Tree Officer has no objections to the outline application subject to a condition requiring the reserved matters application to be accompanied by a detailed Arboricultural Impact Assessment.

Design

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

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

In this case the density of the site at circa 15 dwellings per hectare is appropriate and will achieve an acceptable relationship with adjacent development, as well as ensuring a landscaped frontage to the scheme alongside Whitchurch Road.

In this case an indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved and that the areas of open space and all highways would be well overlooked. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

Ecology

In this case Natural England advises that the proposed development is not likely to have an adverse impact upon the features for which the site was designated and they advise that an Appropriate Assessment under the Habitat Regulations is not required.

Other Protected Species

The Councils Ecologist has reviewed the submitted Ecological Appraisal report and concurs with its conclusion that risk to protected species as low.

The Ecological Appraisal sets out Reasonable Avoidance Measures (RAMS) during the course of the development in relation to amphibians, reptiles and breeding birds. The Councils Ecologist has advised that the proposed RAMs reduce any risk to negligible levels, along with compensatory measures including the erection of bat and bird boxes. A condition is recommended to ensure that the development is undertaken in accordance with the mitigation measures.

Bats

The Councils Ecologist considers that the proposed development is unlikely to have a significant adverse impact upon roosting bats. However, if planning consent is granted a condition is required to ensure the provision of bat and bird boxes and the mitigation measures set out in the Ecological appraisal.

Great Crested Newts

No ponds will be affected by the proposed development, and the loss of 1.7ha of distant terrestrial habitat is not considered to have a significant effect on GCN.

The Councils Ecologist does not consider that this species is unlikely to be present or affected by the proposed development.

Breeding Birds

The application site is likely to support a number of species of breeding birds including the more widespread priority species which are a material consideration for planning. The mitigation measures set out in the Ecological Appraisal are considered sufficient to safeguard breeding birds.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is more than 1 hectare, a Flood Risk Assessment (FRA) has been submitted in support of the application.

The Council's Flood Risk Manager considered that as originally submitted FRA failed to include satisfactory details of the effects of surface water run off from the development and provide an indicative drainage layout. However, the Council's Flood Risk Manager has advised that the amended FRA has addressed these issues, and the objection has been withdrawn.

United Utilities have been consulted as part of this application and has raised no objection to the proposed development subject to the imposition of planning conditions. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

ECONOMIC SUSTAINABILITY

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

Agricultural Land Quality

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (Grades 1, 2 and 3A) will not be permitted unless:

- The need for the development is supported by the Local Plan
- It can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non-agricultural land
- Other sustainability considerations suggest that the use of higher quality land is preferable

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this case the applicants Agricultural Land Classification Report concludes that the site comprises of Grade 2 Agricultural Land (Very Good)

However, the submitted agricultural land assessment states that the proposed development site has a gross farmable area of just 1.6 hectares. The loss of such a small and awkwardly shaped parcel, which is enclosed on all side by residential properties and Whitchurch Road, is considered to be acceptable.

As a result this issue needs to be considered as part of the planning balance.

LEVY (CIL) REGULATIONS

For the purposes of any appeal that may be submitted in the event this application is refused and in order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is now necessary for planning applications/appeals with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

As explained within the main report, POS and children's play space is a requirement of the Interim Planning Policy and Local Plan Policy RT.3. A scheme of management is required and is directly related to the development and is fair and reasonable.

The development would result in increased demand for secondary school places in the Nantwich catchment. In order to increase capacity of Secondary schools which would support the proposed development, a contribution towards secondary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

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

PLANNING BALANCE

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

the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the POS and play space provision the proposals are considered to be acceptable.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Aston/Wrenbury.

- Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.
- 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.
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Although there would be a change in the appearance of the site. The landscape impact is considered to be neutral subject to mitigation
- It is considered that a safe and suitable access to the site can be achieved and the highways impact of the development is considered to be acceptable.

The adverse impacts of the development would be:

- The loss of open countryside
- The loss of agricultural land, albeit a small parcel enclosed on all sides by existing properties and Whitchurch Road

Applying the tests within Paragraph 14, it is considered that the benefits demonstrably outweigh the adverse impacts. As such, on balance, it is considered that the development constitutes sustainable development and is recommended for approval.

RECOMMENDATION:

APPROVE subject to the completion of S106 Legal Agreement to secure the following:

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- 2. Provision of POS and 5 piece LEAP and a scheme of management.**

3. Commuted Sum payment in lieu of secondary education provision £65,371

And the following conditions;

- 1. Standard Outline**
- 2. Submission of Reserved Matters Time limit for submission of reserved matters**
- 3. Scale, Appearance, Layout and Landscaping Matters to be submitted and approved**
- 4. Approved Plans**
- 5. Any subsequent reserved matters application which shall include an Arboricultural Impact Assessment**
- 6. Implement Reasonable Avoidance Measures for amphibians, reptiles and breeding birds in accordance with the Ecological Appraisal '**
- 7. Provision of bat and bird boxes**
- 8. Implementation of mitigation within Flood Risk Assessment**
- 9. All foul and surface water shall be drained on separate systems**
- 10 Surface Water Drainage Scheme to be submitted for approval in writing**
- 11. Scheme of SuDS to be submitted for approval in writing**
- 12. Prior submission/approval of a piling method statement**
- 13. The provision of electric vehicle infrastructure**
- 14. Prior submission of a dust mitigation scheme**
- 15. Works to stop if contamination identified**
- 16. Any Reserved Matters to include details of existing and proposed land levels**
- 17. Prior to the occupation of the development the pedestrian footway to be constructed**
- 18. Construction of access and visibility splays**
- 19. Construction Management Plan**

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.

Should the application be subject to an appeal, Committee authority is sought to secure the following Heads of Terms as part of any S106 Agreement:

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
 - The numbers, type, tenure and location on the site of the affordable housing provision**
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**

2. **Provision of POS and 5 piece LEAP and a scheme of management.**
3. **Commuted Sum payment in lieu of secondary education provision £65,371**

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Application No: 16/4408N
Location: Land At, CHESTER ROAD, ALPRAHAM
Proposal: Outline application for proposed 2no. residential dwellings
Applicant: Mr & Mrs D Evans
Expiry Date: 08-Dec-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 2 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.

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 would cause limited visual harm to the open countryside.

However the proposal would bring positive planning benefits such as the 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, the wide area the bus serves and the frequency of this service.

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 with all matters except access for the erection of 2 detached dwellings

SITE DESCRIPTION

The application site comprises an open field in this open countryside location. The area consists of predominantly residential properties in a row of ribbon development.

The nearest residential properties are sited to the north, south and west of the site. Land level drops from the road into the site and also drops to the east

There is no existing access. The boundary treatment consists 1m high planting to Chester Road to the north, 1.6m high hedge to the boundary shared with Jasmine Cottage to the west, 1m high post and rail fence to the east and trees/planting to the southern boundary.

No significant trees are located on the site.

RELEVANT HISTORY

No relevant planning history

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

Highways (Cheshire East Council)

No objection

Environmental Protection (Cheshire East Council)

No objection subject to the following conditions:

- 1) Dust control measures
- 2) Contaminated land
- 3) Working hours for construction

United Utilities

No objection subject to the following conditions:

- 1) Foul and surface water drainage

2) Sustainable Drainage System

Alpraham Parish Council

The application would require an additional access point onto the already busy A51. We note the original plan of the applicant was to use a single access for both properties and this was advised against at pre-application. This would, in our opinion, have been a more appropriate solution to minimise access onto this busy main road. The Parish Council has ongoing concerns regarding the sewage disposal in this area and the management of soakaway systems into surrounding drainage has been an issue for some years. These properties would appear to contribute to this issue and would have a negative effect on surrounding properties and the general sanitation and drainage in the area.

REPRESENTATIONS

3 letters of objection have been received raising the following points:

- Inadequate neighbour consultation
- Request an extension of time for neighbour comments
- Drainage concerns
- Traffic and parking concerns
- Loss of privacy
- Loss of outlook
- Overbearing impact
- Noise and disturbance
- Not considered to constitute an in-fill development
- No need for houses of this type
- Impact to wildlife

APPRAISAL

The key issues are:

- The principle of the development
- Open Countryside
- Amenity
- 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. The issue of whether or not the proposal is sited within an otherwise built up frontage is finely balanced as it has properties sited to the north, west and south with open land to the east and south-west. On balance given the absence of building to the east and south-west of the site, it is not considered to be sited in 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

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications.

Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply. Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council's position at the examination hearings was that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council's position, this cannot be given material weight in application decision-making.

The Council's ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiates it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports. However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged.

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

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.

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

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

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

- Post Box (500m) – 500m
- Amenity Open Space (500m) – 300m
- Children’s Play Space (500m) – 300m
- Outdoor Sports Facilities – bowling green 200m
- Public House (1000m) – 200m & 500m
- Bus Stop (500m) – x3 No. bus stops either side of the road all within 200m
- Public Right of Way (500m) (Bridleway BR13 – 125m and Public Right of Way Alpraham Footpath FP4 – 300m)

It demonstrated that the proposal failed to meet the minimum standard for the following facilities;

- Post Office (2.1 miles)
- Primary School (1000m) site within Calveley Primary Academy – 2.8 miles
- Secondary school (1000m) Site with catchment area of Tarporley High School and 6th Form – 2.3 miles

Not provided

- Leisure Facilities (Leisure Centre or Library) (1000m)
- Child Care Facility (nursery or crèche) (1000m) Pharmacy (1000m)
- Railway station (2000m where geographically possible)
- Bank or cash machine (1000m)
- Supermarket (1000m)
- Secondary School (1000m)
- Medical Centre (1000m)
- Convenience Store (500m)
- Local meeting place (1000m)

Based on the above figures the proposal meets 7 out of the 20 elements appraised. This assessment identifies that the site would not be located near to a number of key services including child care, schools, or medical centre, which are located in Bunbury village.

However on the other hand the site is in close proximity to Alraham Village (12m outside settlement boundary) and facilities including play area, sports facilities and public house. The number 84 bus route also passes the site and this has a service to Chester, Tarporley, Crewe and Nantwich every hour Monday to Saturday but with a slightly reduced service on Sunday until approx. 5pm. The bus stop is located 20m to the east of the site which is assessable by footpath. As a result many of the services in these centres would be readily available without the need for car travel.

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 its close proximity to Alraham Village and regular bus service to the nearby large service centres of Crewe, Nantwich and Chester, that the site would represent a sustainable location, albeit at a marginal level, and as such would adhere to the NPPF.

It is noted that an appeal decision for a site in Alraham (ref 15/2514N), concluded that particular site was not sustainable. However that site was further away from both the settlement boundary and the application boundary by some way (700m away to the west from the current application site) and the bus route was not assessable by public footpath. The current proposal is much closer to the settlement boundary and to bus stop is located 20m from the site via footpath. In this case therefore it is considered that a different conclusion is justified and this has been supported by a number of planning decisions which have been approved by Southern Planning Committee.

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

The proposal would result in the loss of land forming part of the open countryside as per the Crewe and Nantwich Local Plan.

However it is considered that the proposal would be viewed as forming a natural extension to the village settlement boundary to the north which would limit the actual visual impact.

However notwithstanding the actual visual impact, the proposal would result in the loss of open countryside which has limited weight against the proposal.

Landscape

Based on the layout and indicative property designs and potential for additional planting, the landscape and visual appraisal concludes to the effect that the site has the capacity to absorb the proposed changes without any significant effects on the surrounding landscape or on the visual amenity of adjacent receptors.

Whilst the anticipated effects appear to be localised, adverse visual effects have been identified for users of Nantwich Road and Bunbury Road together with a number of residential properties

close to the site. The effects are all categorised as negligible in the report. Development of the site would alter the character of the site removing an open area of agricultural land from the street scene.

Should the proposals be deemed acceptable, a reserved matters application would need to provide comprehensive details of proposed levels, (supported by sections showing existing and proposed). The height of buildings would need to be considered carefully at reserved matters stage.

In order to assess screening, a detailed landscape proposal should also be submitted with a final layout design which again can be assessed at reserved matters stage.

Finally it is considered necessary to attach a condition to any planning approval requiring the retention and protection of the roadside hedge (apart from the access points).

Trees

Policy NE.5 advises that the LPA will protect, conserve and enhance the natural conservation resource.

There are no trees on the site, therefore it is not considered to pose any threat to existing trees on site. However the proposal is considered an opportunity to provide some additional planting to soften the visual impact of the development which can be addressed at reserved matters stage.

Design

An illustrative site plan has been provided which attempts to show one possible way in which the site may be developed. The plan indicates that the properties could be accommodated on site in a way which respect the existing property build lines and therefore would not be overly prominent in the street scene.

No details have been provided indicating the type of properties, the height or appearance. These issues would be addressed at reserved matters stage.

The locality contains a mixture of property style, types, sizes and design therefore it is considered that the site could accommodate either 2 storey or bungalow properties in the street scene without causing significant harm to the existing pattern of built form.

The illustrative plan demonstrates that the properties could be accommodated on site whilst respecting the existing urban grain and with property width and plot fills which would be comparable with other properties in the locality.

The material pallet of the area is mixed Cheshire brick/render walls & slate/tiled roofs. It is therefore considered that a continuation of these materials would be appropriate to the setting, however again this would be addressed at reserved matters stage.

As a result it is not considered that the proposal would cause significant harm to the 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.

The proposal has been assessed by the Councils Highways Engineer who is satisfied that the proposed access could safely be accommodated, with adequate space within each plot for off-street parking provision to be in accordance with CEC minimum standards and for all vehicles to enter and exit each plot in a forward gear.

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 not raised any objection subject to conditions regarding foul and surface water drainage and sustainable drainage systems.

Subject to the above conditions it is not considered that the proposal would result in any concerns from a flood risk perspective.

Ecology

A supporting Phase 1 Habitats Report has been provided which has been assessed by the Councils Ecologist who advises that he is satisfied with the survey and ecological assessment of the site and risk to protected species. The Councils Ecologist is satisfied that the risk to protected species is negligible, however he recommends a condition pertaining to breeding birds, should the Council be minded to approve the application.

Therefore subject to the above conditions it is not considered that the proposal would pose any significant concerns from an ecology perspective.

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.

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 proposed dwellings are shown as being sited 28m to properties at Vine Tree Farm to the north and 35m to the nearest facing windows of the nearest property to the south Amberlee. These separation distances comply with Council separation policy of 21m (main face to main face) and are not therefore considered to cause any significant harm to living conditions. Whilst representations have been received regarding loss of view/outlook it should be noted that the properties are shown as being sited 10m to the boundary shared with Amberlee and 19m to the boundary shared with Vive Tree Farm, these distances are significant to prevent any significant harm through loss of outlook/overbearing impact.

The proposed dwellings are shown as being sited 15.5m to the windowless side elevation of Jasmine Cottage to the west. This separation distance comply with Council separation policy of 13.5m (main face to side elevations) and is not therefore considered to cause any significant harm to living conditions.

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

Loss of a view is not a consideration relevant to the determination of a planning application.

Issues of noise and disturbance during construction can be dealt with by an informative which limits working hours. It is not considered that residential use of the property would result in any significant harm through noise and disturbance.

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 2 dwellings it 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 would cause limited visual harm to the open countryside.

However the proposal would bring positive planning benefits such as the provision of market housing, a minor boost to the local economy and on balance is considered to be locationally sustainable given the proximity to the bus stop, the wide area the bus serves and the frequency of this service.

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. Standard outline 1**
- 2. Standard outline 2**
- 3. Standard outline 3**
- 4. Approved Plans**
- 5. Reserved matters application to include dust control measures**
- 6. Submission / Approval of Information regarding Contaminated Land**
- 7. Reserved Matters application to include details of the existing and proposed land levels. No levels should be raised on site that may result in the flooding offsite.**
- 8. No development should commence on site until such time as detailed proposals foul and surface water drainage have been submitted to and agreed in writing**
- 9. Nesting bird survey measures to be submitted and approved**
- 10. The reserved matters application shall include a landscaping plan for the site including a scheme to secure the retention and protection of the roadside hedge**

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.



Application No: 16/4784N

Location: Land to the rear of, Valley House, 11, Walthall Street, Crewe, Cheshire, CW2 7JZ

Proposal: Resubmission of proposed construction of apartments and associated parking, bin storage, cycle storage and access arrangements.

Applicant: D Fyles

Expiry Date: 30-Dec-2016

Summary

The site is within the Crewe Settlement Boundary and the principle of residential development is considered to be acceptable and the development would be appropriate in this location.

From an economic sustainability perspective, the scheme will assist in the local building business and bring economic benefits to Crewe town centre from additional residential uses.

From an environmental and social perspective the proposal is considered to be acceptable in the impact upon local amenities, parking, highway safety, bin storage provision, and traffic generation terms. Nor would it have any impact upon archaeological interests and would be of an acceptable design that would have a minimal impact upon the amenities of neighbouring properties or future residents.

The proposals are considered to be a sustainable form of development which would comply with the relevant local plan policies and would not compromise key sustainability principles as set out in national planning policy.

Amendments have been made to address the concerns of Members of the Southern Planning Committee identified in the reason for refusal on the previous application.

Therefore there is a presumption in favour of the development and accordingly it is recommended for approval.

RECOMMENDATION:
Approve subject to Conditions

REASON FOR REFERRAL

A previous application was refused by Southern Planning Committee on the following grounds:

- 1. The proposals are of a layout and design which would represent an overdevelopment of the site, and fail 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.*

DESCRIPTION OF SITE AND CONTEXT

The application site is located to the western side of Walthall Street within the Crewe Settlement Boundary as defined by the Borough of Crewe and Nantwich Replacement Local Plan. The site comprises a brownfield site behind that of existing apartment block approved under allocation no. 13/5139N to the west of Walthall Street and adjacent to the Valley Brook. The site is mainly hard standing with some vegetation on the southern boundary with the brook. Levels fall from north to south and from east to west with the main body of the site at a lower level than Walthall Street. The area contains a mixture of residential and commercial properties.

DETAILS OF PROPOSAL

This is a full planning application for the erection of 12 apartments in one 3 storey building. The apartments would comprise 12 one bed units.

The proposals incorporate and shared access, bin storage, parking and amenity with neighbouring apartment block.

The building would be of traditional construction with a brick and render finish with stone window headers and a pitched, tiled roof. Twelve parking spaces are proposed within the site in addition to a secure cycle storage facility. There would be an outdoor sitting area and enclosed bin storage which would be shared with existing block of apartments.

RELEVANT HISTORY

16/2158N – Proposed construction of 14 apartments – Refused 30th September 2016

13/5139N – Construction of 12no. Apartments approved 13 February 2014

POLICIES

National Policy

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

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

Local Plan Policy

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.5 – Nature Conservation
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.7 – Affordable Housing
RES.2 – Unallocated Housing Sites
RES.3 – Housing Densities
TRAN.9 – Car Parking Standards

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:

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

CONSULTATIONS (External to Planning)

United Utilities: No objection subject to conditions.

Flood Risk Manager: None received at the time of report writing; however there were no objections to the previous application.

Education: None received at the time of report writing; however there was no objection or requirement for a contribution on the previous application.

Highways: No objection.

Environmental Health: No objection subject to conditions/informatives relating to piling, hours of construction, contaminated land and air quality.

Environment Agency: None received at the time of report writing; however there was no objection to the previous application.

Housing: No objection

Archaeology: No objection

Crewe Town Council: *“The Town Council has no objection to this application and welcomes the inclusion of an amenity area, covered bin store and improved car parking ratio. If this application is to be approved, strict conditions must be applied and enforced to ensure that it is satisfactorily completed in accordance with the approved plans.”*

OTHER REPRESENTATIONS

None received at the time of report writing.

SUSTAINABILITY

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

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

ENVIRONMENTAL ROLE

Principal of Development

The National Planning Policy Framework (NPPF) states at paragraph 47 that there is a requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government's overall ambitions for affordability.

Policy change is constantly occurring with new advice, evidence and case law emerging all the time. However, the Council has a duty to consider applications on the basis of the information that is pertinent at any given time.

In this case the site is located within the Crewe Settlement Boundary and Policy RES.2 of the Adopted Local Plan allows for residential development on unallocated sites in Crewe.

The applicant has reduced the amount of units, to reduce the height of the building and reconfigured the outside space to ensure adequate amenity, parking, cycle storage and bin storage.

The site is surrounded by residential and commercial properties and good access to services and facilities. Therefore it is considered that the principle of the development is acceptable and the development would be appropriate in this location.

Design

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

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

The building would be three storeys in height, have a traditional brick and render finish, with a tiled roof. It is considered that the use of these materials and the set back location of the building off the main street frontage mean that it would be in keeping with the character and appearance of the area and nearby developments.

As has been demonstrated within submitted cross section dwg no. N/33/9/re sub, the proposed building would be no higher than the neighbouring apartments which front the highway to Walthall Street. It is therefore considered that the scale and height of the proposed building would be in keeping with adjacent development and built form and is considered acceptable in terms of design, scale and massing.

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

Trees and Landscape

The site comprises a brownfield site to the west of Walthall Street and adjacent to the tree lined Valley Brook. Recently constructed apartments stand to the east and there is ongoing building work to the north. The site is mainly hard standing with tree canopies dominating the southern section. The site and the Valley Brook boundary in particular is an area in need of enhancement. Levels fall from north to south.

No detailed landscape proposals are provided within the application.

Subject to the provision of adequate landscaping and boundary treatment, remedial works that there would not be any significant landscape concerns in respect of redevelopment of the site.

The application is supported by a revised site plan showing the general location of trees along the southern boundary of Valley Brook and protection measures in form of barrier. Subject to a condition requiring implementation of the proposed mitigation measures, there would likely be no harm to trees on or adjacent to the site.

It is therefore considered that subject to the submission of a comprehensive landscape, boundary treatment and remediation scheme and adherence with proposed tree protection measures that there would not be any significant landscape or trees impacts as a result of the proposals.

Highways Implications

The proposed shared parking facilities with adjacent apartment development provides for 24 parking spaces for 24 units across the two developments.

Consultation with the Head of Strategic Infrastructure confirmed that the parking provision whilst below the Councils Standards is considered adequate given the sustainability and car ownership levels of this location. Cycle parking provision is also adequate. It was also commented that having unallocated spaces and white lining would also increase the efficiency of the provision and also allow for visitor parking, reducing the likelihood of on-street parking.

As such, subject to conditions requiring provision of the parking and cycle storage, it is considered that the proposal would not result in any adverse highways impacts and would provide adequate parking provision in accordance with Policies BE.3 and TRAN.9 of the adopted local plan.

Bin Storage

The proposals show the provision of an enclosed building, with provision for storage 'euro' (1100L) bins, which is proposed to be shared with the two blocks of flats. Consultation with the Councils Waste Services has confirmed that the provision of bins for the site would be adequate. In addition, there is space for further provision within the building should there prove to be additional need in the future.

It is considered that the new bin storage building, to be shared by both blocks of apartments will be acceptable for the new block but will also help to resolve issues that have occurred at the existing block. Therefore the proposal will lead to improvements in these terms.

Ecology

The site lies adjacent to Valley Brook which runs along its southern boundary of the site in addition there are also trees and features with potential to support protected species.

Consultation with the Council's Ecologist confirms that the proposals would present only a small risk to protected species and raises no objection to the proposal.

It is therefore considered that the proposals would not result in any significant harm to protected species and would accord with Policy NE.5 (Nature Conservation) of the adopted local plan.

Flood Risk/Drainage

The site lies adjacent to Valley Brook which runs along its southern boundary.

Consultation with the Council's Flood Risk Manager confirms that no objections are raised flood risk grounds.

In addition consultation with the Environment Agency does not raise any objection in principle to the proposals but does identify that the Valley Brook is classified as a main river, as stated 'Under the Environmental Permitting (England & Wales) Regulations 2010, a permit may be required from the Environment Agency for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the brook'.

Accordingly, it is considered that the proposals would not result in any significant impacts to drainage or flood risks and as such would accord with Policy BE.4 of the adopted local plan.

Environmental Role Conclusion

Subject to appropriate conditions the proposed development would not create any significant tree, design, land stability or highway safety issues. It is considered that the proposal's impact upon the streetscene and the amenity of neighbours in general would be acceptable. On this basis, the proposal can be considered to be environmentally sustainable.

ECONOMIC ROLE

It is accepted that the construction of 12 apartments would bring the economic benefit to the closest shops in centre of Crewe both in the short term for the duration of the construction and the long term by bringing additional residential use in close proximity to Crewe town centre. The proposal would also potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain.

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

SOCIAL ROLE

Concern has been previously raised about piecemeal development of this site and surrounding sites hindering the area and preventing planning gains normally seen within larger developments. Each application has to be treated on its own merits and there is no policy framework that allows for retrospective consideration of financial contribution requirement thresholds. It is also noted that the two other developments previously developed, have different applicants and landowners. Accordingly, this is reflected in the Housing, Education and Open Space assessments below.

Housing

The proposed development would provide open market housing within the established settlement boundary of Crewe which is a social benefit.

With regards the provision of affordable housing, the Interim Planning Statement: Affordable Housing states in section 3.2 that there is a requirement for affordable housing to be provided in settlements with a population of over 3,000 on any windfall sites with more than 15 dwellings or that exceed 0.4ha.

Consultation with the councils Housing Strategy raised no objection to the proposals and confirmed that as the proposal is for 14 apartments and the site is 0.13 hectares in size that there is no requirement for the provision of affordable housing

Education

The proposals are for apartment for 12 one bed units

Previous consultation with the Councils Education Department on the 14 unit scheme, confirmed that they would not require a contribution for the proposals.

Open Space

On the previous scheme the Council's Green Space Manager confirmed that they would not require a contribution for the proposals, due to the scale of development.

Amenity

There are residential properties to the east and north of the proposed building. Located to the north of the proposed building is a site with permission for a block of apartments which would have an elevated rear elevation facing the development with a separation of approximately 21m. Due to the set down in levels and location of facing windows it is considered any loss of amenity in respect this development would be considered acceptable.

The property to the North West of the site (9 Walthall Street) would lie at right angles to the proposed apartments and as such would not be directly overlooked.

The property to the east is an apartment block with facing side elevation containing principal bedroom windows, approximately 14 metres from nearest elevation of the proposed. Whilst this is not within the recommended spacing standards for principal windows outlined within the Crewe and Nantwich SPD, it is considered that the windows would not oppose each other and as such create any direct views. On this basis it is considered that the impact upon residential amenity is acceptable in this case.

Members in refusing the previous scheme had concerns about the living conditions of occupiers of the 2 bed units within the roof space, especially being served by just rooflights. These units have now been removed in order to address these concerns.

With regards the residential amenity of future residents, the proposals show the provision of a re-configured shared outdoor seating area giving more space for residents to address the previous concerns of Members. In addition the site is located nearby to public open space facilities in the form of 'Valley Park'.

Subject to conditions the proposals would not result any significant loss of residential amenity of neighbouring properties and would provide adequate amenity provision for future residents, and accords with Policy BE.1 (Amenity) of the Local Plan.

As such it is considered that the development would be socially sustainable.

PLANNING BALANCE

The site is within the Crewe Settlement Boundary and the principle of residential development is considered to be acceptable and the development would be appropriate in this location.

From an economic sustainability perspective, the scheme will assist in the local building business and bring economic benefits to Crewe town centre from additional residential uses.

From an environmental and social perspective the proposal is considered to be acceptable in the impact upon local amenities, parking, highway safety, bin storage provision, and traffic generation terms. Nor would it have any impact upon archaeological interests and would be of an acceptable design that would have a minimal impact upon the amenities of neighbouring properties or future residents.

The proposals are considered to be a sustainable form of development which would comply with the relevant local plan policies and would not compromise key sustainability principles as set out in national planning policy.

Amendments have been made to address the concerns of Members of the Southern Planning Committee identified in the reason for refusal on the previous application.

Therefore there is a presumption in favour of the development and accordingly it is recommended for approval.

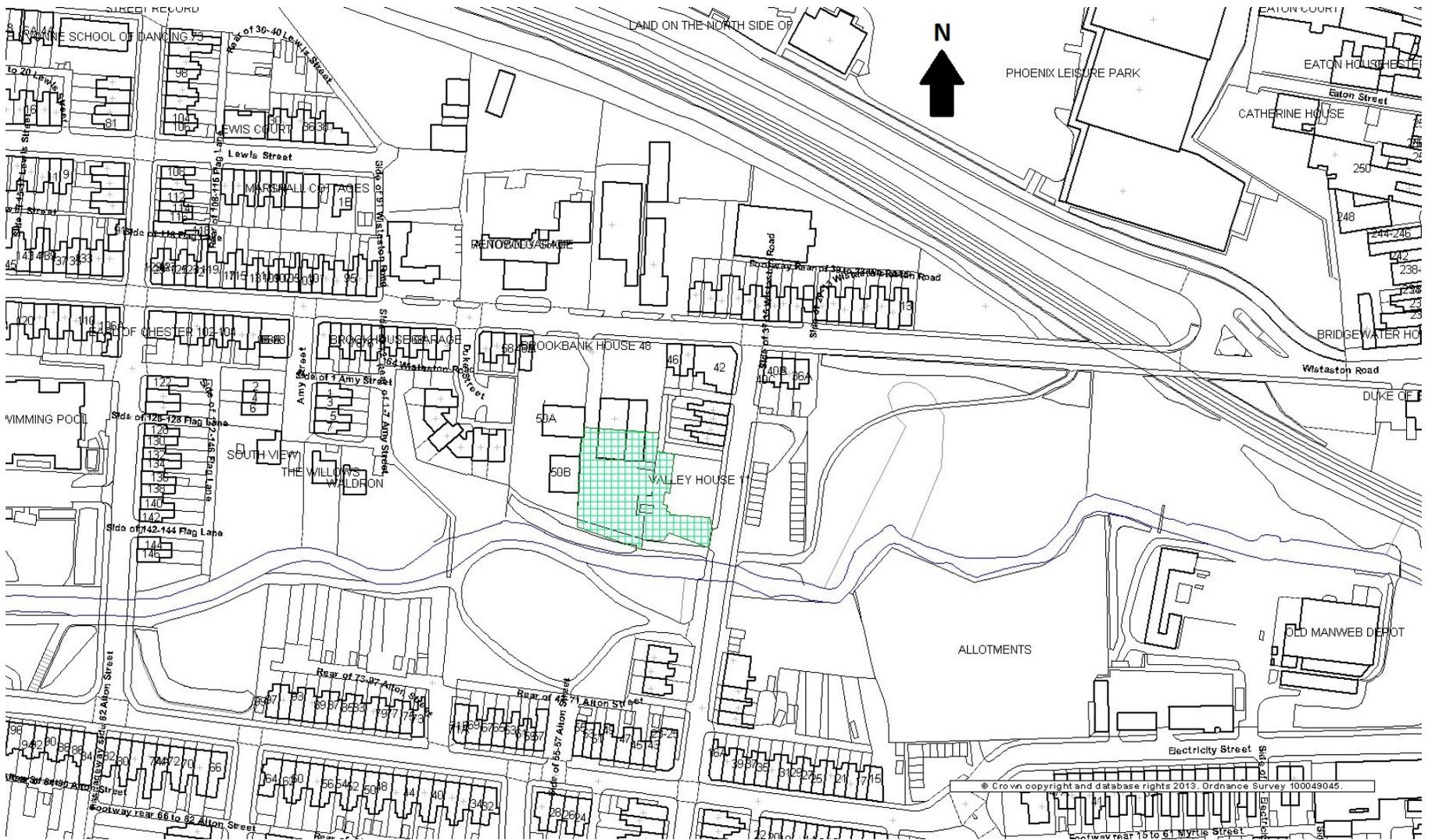
RECOMMENDATIONS

APPROVE subject to the following conditions:

And the following conditions:

- 1. Standard time 3 years**
- 2. Approved Plans**
- 3. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**
- 4. Submission and approval of details of materials**
- 5. Landscaping details including boundary treatment of car parking area to be submitted and approved**
- 6. Implementation of landscaping**
- 7. Implementation of tree protection measures**
- 8. Gas Protection Measures**
- 9. Standard Contaminated Land Condition**
- 10. Construction Management Plan**
- 11. Parking to be provided prior to occupation**
- 12. Bins shall be only be stored within “Bin Store Area” except on collection day**
- 13. Parking spaces shall be provided prior to 1st occupation and retained thereafter**
- 14. Provision of an electric vehicle charging point**

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 Planning and Place Shaping Manager 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: 16/4926N
Location: Woodlands House, 61B, LONDON ROAD, STAPELEY, CW5 7JL
Proposal: Single dwelling
Applicant: Mr & Mrs Clarke
Expiry Date: 06-Dec-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. 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).

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release. While subject to appropriate conditions the proposal would be acceptable in terms of impact upon amenity and design.

The single reason for refusal on highway safety has now been addressed and therefore it is considered that the proposal is acceptable and is in accordance with Local and National Planning Policy and therefore has been recommended for approval accordingly.

RECOMMENDATION

APPROVE Subject to conditions

This size of development would usually be decided under delegated powers however Cllr Peter Groves has called this application in for the following reasons.

1.1. Main Road Access

The junction of London Road/ Wybunbury Lane/ Holly Cottage is already a difficult junction for vehicles, pedestrians and cyclists (Figure 3). Adding another property and the increase in vehicular movement will only make it worse.

I therefor object due to intensification of use and overall public safety

1.2. Proposed access route to Property

The proposed route to the property runs DIRECTLY alongside my boundary fence/The Woodlands Development.

The following points are of most concern;

1. Inches away from an area used daily by children under 5 for child minding activities;

2. Very narrow (<2m) at the points along the proposed route;

I. Unhindered and fast access for emergency vehicles, in particular, a FIRE ENGINE, if needed to attend in a timely manner;

II. Safe access and passage for cars, delivery vans, septic tank emptying;

III. Safe delivery and movement of building materials;

3. Noise as it is close to our conservatory which is used as an office on a daily basis;

We have experienced noise and disturbance problems for the past year with deliveries before 8:00am, work on Sundays and even scaffolders erecting scaffold at 6:30am!

I therefore object on the grounds of loss of amenity, Policy BE. 1, BE.3 and public safety.

SITE DESCRIPTION

The site relates to a parcel of land which is located to the rear of a detached dwelling which is currently under construction/almost completed. The application site lies predominantly within the Open Countryside as defined by the Local Plan Policies Map. However a small part of the site is located within the settlement boundary of development along London Road, Stapeley. The site is surrounded on all sides by built development of residential and commercial nature. The site is excluded from the Green Gap.

PROPOSAL

This application seeks planning permission for the construction of one detached dwelling. The plans show that the proposed dwelling would be two storey with a single storey projection on the rear. A detached garage is also proposed. The dwelling would be accessed via an access from London Road which serves the dwelling under construction/almost complete to the front of the site.

This application is the resubmission of a previously refused application 16/2016N.

RELEVANT SITE HISTORY

16/2016N - Single dwelling – Refused 1st August 2016

Reason for refusal

1. The proposed development would be accessed via an existing point of access on the junction of London Road and Wybunbury Lane. The alignment of the junction, relationship with adjoining driveways and poor visibility amounts to a substandard point of access. The intensification of this substandard access would fail to provide safe access and egress arrangements and as such result in an adverse impact on highway safety. The proposed development would therefore be contrary to Policy BE.3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.

No other relevant planning history relating to the application site itself – however planning history relating to construction of dwelling to front

LOCAL & NATIONAL POLICY

Stapeley & Batherton Neighbourhood Plan (Draft – Regulation 14)

Policy GS 3 – Landscape Quality, Countryside and Open Views
Policy GS4 – Important Views and Vistas
Policy GS5 – Woodland, Trees, Hedgerows, Walls, Boundary Treatment and Paving
Policy GS7 – Environmental Sustainability of buildings
Policy T1 – General Transport Considerations
Policy T2 – Walkable Neighbourhoods
Policy T3 – Pedestrian and Cycle routes
Policy T4 – Footpaths, Cycleways and Bridleways
Policy T5 – Cycle Parking
Policy T6 – Bus Services
Policy C5 – Scale, Design and Amenity
Policy H1 – Scale of Housing Development
Policy H3 – Tenure Mix
Policy H4 – Design
Policy H6 – Housing Development
Policy H8 – Adapting to climate change

Borough of Crewe and Nantwich Replacement Local Plan 2011

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

Cheshire East Local Plan 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

National Planning Policy Framework (NPPF)

The National Planning Practice Guidance (NPPG)

Supplementary Planning Documents:

North West Sustainability Checklist

CONSULTATIONS

CEC Highways – No objections, subject to informative for a S184 licence for the amended vehicle crossing

Environmental Protection – No objection, informatives requested for Piling Hours, construction hours and contaminated land

Forestry – No objection

Untied Utilities – No objections

Stapeley Parish Council

The Parish Council has considered the above application and objects on the following grounds:

- Highway safety – road access in view of additional vehicles which would be using the entrance.
- Loss of privacy.
- The plot is designated as open countryside.
- Conflicts with Neighbourhood Plan which has now reached Regulation 15 stage and states that this type of dwelling does not comply in terms of housing mix, tenure and location.
- The parking provision in the Neighbourhood Plan is based on one parking space per bedroom. (Policy H7 of the Draft Plan).

REPRESENTATIONS

10 letters of objection received from nearby residents, the salient points being:

- Concerns raised regarding intensification of use of dangerous junction,
- Intensification of use by additional traffic will have an adverse impact on highway safety,
- Highway report carried out at mid-afternoon at the quietest part of the day
- Contrary to the Neighbourhood plan
- Impact on character of area
- Impact on neighbouring amenity
- Impact on Protected Species (bats, newts)
- Backland development
- Land wet – flooding issues
- Drainage issues – odour/emptying
- Impact on property values
- No levels plans submitted / current dwelling is built on higher ground than the true ground level of the site
- Contrary to local plan policy NE.2 (open countryside)
- Loss of trees
- Insufficient access for emergency vehicles
- Proposal beyond building line of London Road
- Noise and pollution from access drive
- Development out of keeping
- No street lights on the stretch of road
- Plans are not accurate

APPRAISAL

Principle of Development

The site, predominantly, 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. In accordance with NE.2 and RES.5 housing development is acceptable where it represents infilling of a small gap in an otherwise built up frontage. Policy PG5 of the emerging Cheshire

East Local Plan Strategy identifies that housing development will only be acceptable where it is the subject of a number of criteria. The proposed development does not represent an opportunity for infilling or any of the other categories set out in Policies NE.2 or RES.5 of the Local Plan. As a result, the proposed development constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

Policy H1 of the Neighbourhood Plan states, that ‘new development will be supported in principle provided that it is small scale, and in character with Stapeley and Batherton and delivered over the period of the Plan. The policy goes on to identify where housing development is acceptable, Infilling Development, Rural Exception Sites, Brownfield within the Parish, Redundant Buildings and Greenfield Development. As a result, the proposed development 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

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications.

Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply. Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council’s position at the examination hearings was that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council’s position, this cannot be given material weight in application decision-making.

The Council’s ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiates it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports.

However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged.

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, the application site lies immediately adjacent to the settlement boundary for Stapeley (which is acknowledged as being a sustainable location by its very nature). The surrounding area has seen significant residential development recently. The bus route runs along the A51 and there are bus stops less than 200m from the site. A range of services and facilities are located along Peter Destapleigh Way which are within reasonable walking distance from the site. It is considered, on balance, that the site can be considered to be locationally sustainable.

Landscape Impact

The site is well contained visually, by existing residential and agricultural/commercial development. The construction of the site will read as being part of the cluster of buildings. The nature of the land provides no significant landscape impacts.

Trees

There are no significant Arboricultural restrictions associated with the proposed development and the site edged red.

The site is devoid of any meaningful tree cover apart from a mature fruit tree located close to the North West boundary of the site. The tree is not visible from any public vantage points outside the site. Hedges are present on a number of boundaries; these are not considered to be a protectable feature under the 1997 hedgerow regulations forming part of a domestic garden curtilage.

The Tree Officer considered that with the inclusion of tree protection conditions, which include the trees located on the road frontage and either side of the approved driveway which serves both properties, shall remain in place for the whole of the construction period, not just the dwelling presently being built.

Ecology

There are no significant buildings on site and based on the tree officers comments it does not appear that any significant trees would be lost, so considering the scale of the development, the Council's Ecologist does not feel that the proposals would be likely to have an adverse impact upon bats and consequently a detailed survey for this species is not required.

There is a pond located about 57m to the west of the site the site offers some opportunities for amphibians, The site however is not well connected to the pond in terms of its habitat linkages, therefore considering the scale of the proposed development, the Council's

ecologist advised that great crested newts are not reasonable likely to be affected by the proposed works.

Design

The application proposes the construction of a detached two storey dwelling on land which would be sited to the rear of existing dwellings which front London Road and Wybunbury Lane. While London Road and Wybunbury Lane are generally characterised by road frontage development the application site is surrounded on all sides by development, with the sites setting therefore representing a cluster of buildings. The construction of a building on this plot is therefore not considered to be against the grain of development within the immediate setting.

It is considered that the footprint of the proposed development is acceptable and as such would not represent an overdevelopment of the site.

In terms of the scale of the proposed dwelling, is considered to be in keeping within the immediate area which are generally of a two storey nature and the proposals are considered to be acceptable in this respect.

The surrounding area includes dwellings of varying styles and designs. Given the lack of uniformity of dwellings within the immediate area it is considered that the design and appearance of the proposed dwelling is acceptable.

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'

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 Stapeley and south Nantwich. The proposal, although small, will generate economic benefits to the area.

Social Role

The proposed development would provide one open market dwelling 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 dwelling would be two storey with a height to ridge of 6.9m. The dwelling would be approximately 3.5m from the side boundary with No.59. The dwelling would be sited towards the rear of the garden and given its proximity and orientation it is unlikely to result in significant amenity issues. The proposed elevations show that there will be no principal windows on the side elevation facing towards the garden areas of the Woodlands Development.

The proposal would be 1m from the boundary with Holly Cottage which is defined by vegetation, beyond which is a linear structure. The proximity of the development to the boundary is mitigated by the presence of existing structures within the curtilage of that property, along with the large extent of land associated with that dwelling. No significant amenity issues would arise.

The proposed development includes principal windows within the front and rear elevations. The first floor opening would be 8m from the shared boundary and over 21m from the principal openings of the dwelling under construction to the front. The spacing is sufficient to protect the amenity of future occupants of both properties. The rear boundary is also well vegetated, while the proximity to this boundary is of sufficient spacing.

The proposed garage is single storey and would not amount to any significant overbearing or overshadowing impact, notwithstanding its close proximity to the boundary.

Concern has been raised with regard to land levels, however the revised block plan shows that the levels will be similar to those at the adjacent dwelling and this can be conditioned.

Furthermore, concerns have been raised that the increase in vehicle movements adjacent to the neighbour's boundary will have an adverse impact on neighbouring amenity. However, it is considered that a single driveway is unlikely to cause a significant impact in terms of amenity impact.

Access

Policy BE.3 of the Local Plan confirms that development will be permitted provided that safe vehicular access and egress arrangements are provided.

The proposal is for a single dwelling with off road parking, utilising an existing vehicle access off London Rd. The existing access visibility is below standard and improvements have been sought. An updated access plan has been submitted that shows a kerb build out, with dropped kerbs, to connect existing kerblines on London Rd and Wybunbury Lane, as shown on plans WLH-JCT003 and WLH-JCT004.

This improvement will increase access visibility considerably and to standard. Southbound vehicles on London Rd turning into Wybunbury Lane currently do so at speed and these proposed works will have the added benefit of reducing these speeds.

It is therefore considered that the proposed amendments have overcome the reason for refusal on the previous application and is therefore considered to be acceptable in Highway Safety terms.

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. 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).

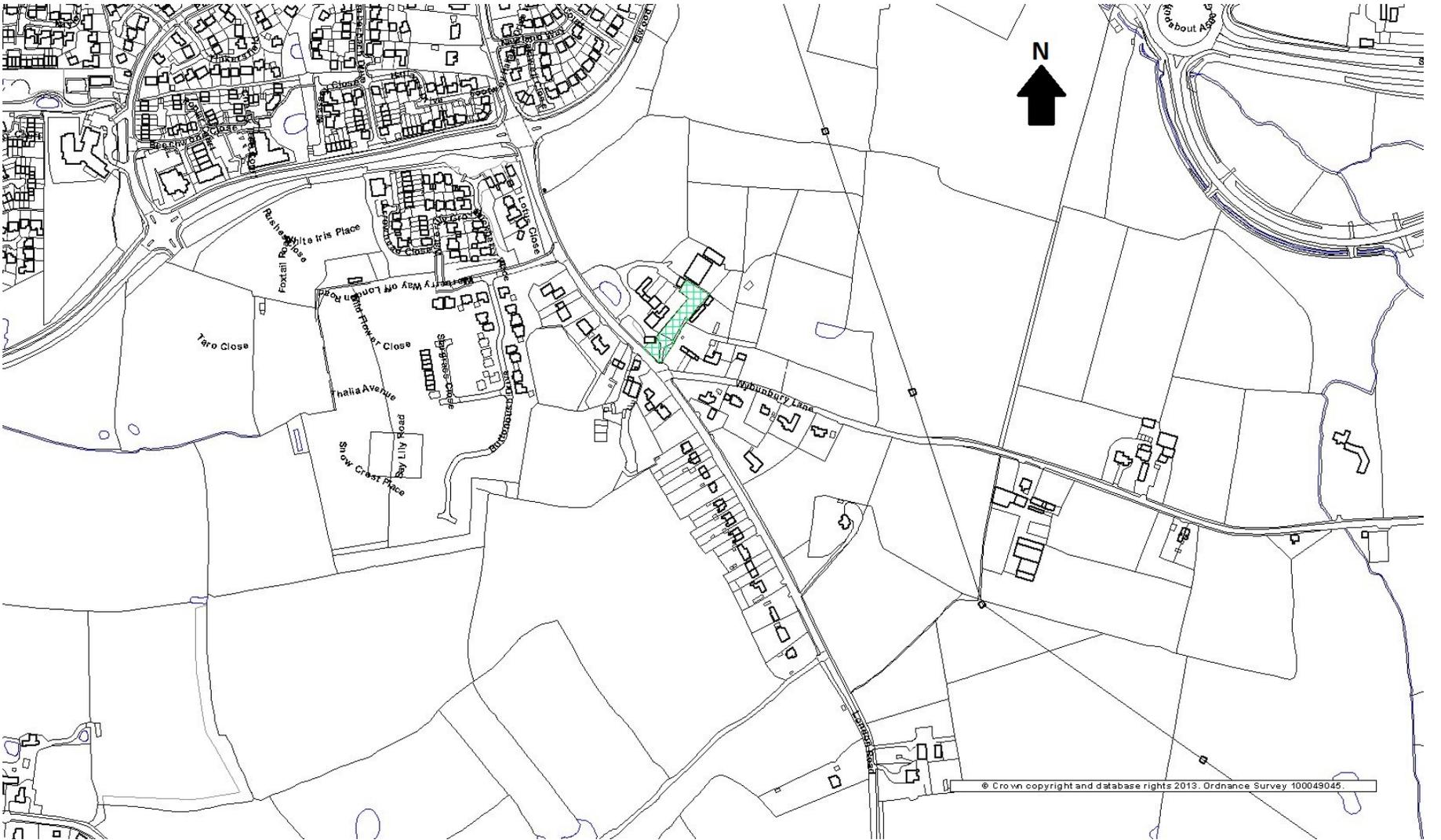
The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release. While subject to appropriate conditions the proposal would be acceptable in terms of impact upon amenity and design.

The single reason for refusal on highway safety has now been addressed and therefore it is considered that the proposal is acceptable and is in accordance with Local and National Planning Policy and therefore has been recommended for approval accordingly.

RECOMMENDATION

Approve with conditions

1. Standard Time
2. Approved plans
3. Materials
4. Surfacing materials
5. Levels as stated
6. Piling Foundations
7. Tree Protection
8. Removal of PD (including window on side elevations)
9. Landscaping plan
10. Landscaping implantation
11. Boundary treatment



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CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE REPORT

Date:	21 st December 2016
Report of:	David Malcolm - Head of Planning (Regulation)
Title:	Variation of Condition 27 on application 13/1305N
Site:	Land to the west of Close Lane, Alsager

1.0 Purpose of Report

- 1.1 To agree Heads of Terms for the legal agreement at the forthcoming appeal.

2.0 Decision Required

- 1.2 To agree Heads of Terms for the legal agreement at the forthcoming appeal at the Stewart Milne housing development at Close Lane Alsager.

3.0 Background

- 3.1 On 3rd August 2016 Southern Planning Committee resolved to refuse application 15/5654N against the recommendation for the following reason;

'The proposal will, by virtue of the loss of dwellings for the over 55's, from the 56 units within a mixed residential scheme granted permission under 13/1305n to 6 units would comprise a unsustainable form of development without reasonable justification to the change in the housing mix, contrary to policy SC4 of the Cheshire East Local Plan Strategy Proposed changes (consultation draft) March 2016 and policies contained within the NPPF'

- 3.2 As part of that report, reference was made to the proposed heads of terms for the legal agreement which stated:

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

- 30% of the dwellings to be affordable.

- 6 x bungalows for over 55's 4 x 1 bed; 2 x 2 bed (65:35 split affordable rent: intermediate)
- Commuted sum of £ 32,539 in lieu of primary education
- Commuted sum of £ 49,028 in lieu of secondary education

3.3 The above Heads of Terms were not carried over onto the committee resolution/minutes to refuse the application and the S106 for this appeal needs to be completed by 7th February 2017.

5 Officer Comment

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

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

5.2 As explained within the main report, condition 27 attached to 13/1305N requires 56 units to be provided for the over 55's. This would allow changes in house types and plans submitted informally during the consideration of the application indicated that the applicant intending to introduce 6 no bungalows for the over 55's and 20 family sized dwellings was submitted. This would have a knock on effect for education locally.

5.3 This is directly related to the development and is fair and reasonable. As the appeal scheme is capable of being a stand alone planning permission, it is also necessary to append the appeal proposal to the original S106 attached to 13/1305N by way of a Deed of Variation. The resolution therefore needs to be amended to refer to the fact that the S106 for the appeal needs to be a Deed of Variation to the S106 attached to 13/1305N

5.4 The development would result in increased demand for school places in the area and there is very limited spare capacity. In order to increase capacity of the both primary and secondary schools which would support the proposed development, a contribution towards primary and secondary education is required. This is considered to be necessary and fair and reasonable in relation to the development.

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

6 Conclusion

- 6.1 On the basis of the above, it is considered that the Southern Planning Committee should accept the Head of Terms on the basis that they are comply with the CIL Regulations.

7 Recommendation

- 7.1 To agree to the Heads of Terms for the legal agreement at the forthcoming appeal at Land to the west of Close Lane, Alsager as follows;

RESOLVE to enter into a Deed of Variation of the S106 attached to application 13/1305N to secure the following:

- 30% of the dwellings to be affordable.
- 6 x bungalows for over 55's 4 x 1 bed; 2 x 2 bed (65:35 split affordable rent: intermediate)
- Commuted sum of £32,539 in lieu of primary education
- Commuted sum of £49,028 in lieu of secondary education

8 Financial Implications

- 8.1 There are no financial implications.

9 Legal Implications

- 9.1 The Borough Solicitor has been consulted on the proposals and raised no objections.

10 Risk Assessment

- 10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

- 1.3 To agree Heads of Terms for the legal agreement at the forthcoming appeal at Land at Close Lane Alsager.

For further information:

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Background Documents:

- Application 15/5654N

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