

Southern Planning Committee

Agenda

Date: Wednesday, 1st March, 2017
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 - 16)

To approve the minutes of the meeting held on 1 February 2017.

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. **16/5371N Admiral Court, Electra Way, Crewe: The proposed construction of a 4 storey office building extending to 6,136 square metres and provision of 182 car parking spaces for Miss Isla Longmuir, Pochin Developments Ltd**
(Pages 17 - 30)

To consider the above planning application.

6. **16/5403N The Wig Centre, 166 Edleston Road, Crewe CW2 7EZ: Proposed change of use from ground floor shop and first floor residential use into a 8 Bedroom Sui Generis HMO property for Matthew Little, Aevum Investments Ltd**
(Pages 31 - 40)

To consider the above planning application.

7. **16/0285C Land East Of Elbourne Drive, Scholar Green: Outline application for residential development of the remaining land to the east of Elbourne Drive for Ms A Powell** (Pages 41 - 60)

To consider the above planning application.

8. **16/5473C Lawton Mere Nurseries, Cherry Lane, Church Lawton ST7 3QX: Demolition of existing glasshouses and construction of new residential development for up to three dwellings for Gary and Lorraine Barratt**
(Pages 61 - 72)

To consider the above planning application.

9. **16/6028N Land West Of New Road, Wrenbury: Outline planning application for the erection of up to 46 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from New Road. All matters reserved except for means of access for Gladman Developments** (Pages 73 - 92)

To consider the above planning application.

10. **16/5465N Old Dairy House Farm, Batherton Lane, Batherton CW5 7QH: Conversion of redundant agricultural buildings to three dwellings, erection of garages and associated works for Cheshire East Council, Cheshire Farms Service (Pages 93 - 104)**

To consider the above planning application.
11. **17/0083N Old Dairy House Farm, Batherton Lane, Batherton CW5 7QH: Listed Building Consent for proposed conversion of redundant agricultural buildings to residential for Cheshire Farms Service (Pages 105 - 110)**

To consider the above planning application.
12. **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 111 - 122)**

To consider the above planning application.
13. **16/4729N Land adjacent to Yew Tree Farm, Close Lane, Alsager: Reserved Matters Application for the erection of 40 dwellings comprising of 2, 3, 4 and 5 bedroom homes, open space and associated works for Mr Sutton (Pages 123 - 134)**

To consider the above planning application.
14. **16/5848C 35, Woodside Avenue, Alsager, Stoke-On-Trent, Cheshire ST7 2DL: Change of use of an existing double garage into a two bedroom dwelling house, including the provision of a new pitched roof for Mr Steve Mellor (Pages 135 - 142)**

To consider the above planning application.
15. **16/6202N Land Off Mill Lane, Bulkeley: Outline application for 13 dwellings with access off Mill Lane including 5 affordable homes: all matters reserved except access for Mr M Schofield (Pages 143 - 158)**

To consider the above planning application.
16. **16/4787N Land To Rear Of 21, Main Road, Shavington CW2 5DY: Construction of Three Detached Dwellings on Former Garden to rear of 21 Main Road, Shavington CW2 5DY for S Shaw (Pages 159 - 170)**

To consider the above planning application.
17. **16/3464N Land Adjacent To Chorlton Lane, Chorlton: Change of use of land from agricultural to part agricultural and part keeping of horses. Retention of existing septic tank, stable and field shelter, dog kennel, chicken house and associated hard standing (retrospective) for Ms Jones (Pages 171 - 178)**

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 1st February, 2017 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

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

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors I Faseyi, J Hammond, S Hogben, D Hough and A Moran

OFFICERS PRESENT

Patricia Evans (Senior Planning and Highways Lawyer)
Andrew Goligher (Principal Development Control Officer - Highways)
Peter Hooley (Planning & Enforcement Manager)
Nick Hulland (Senior Planning Officer)
Sue Orrell (Principal Planning Officer)
Gareth Taylerson (Principal Planning Officer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors D Bebbington

Apologies due to Council Business

Councillor J Clowes

101 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

With regard to application number 16/5562C, Councillor Rhoda Bailey declared that she had called in the application on behalf of local residents but that she had kept an open mind. She had declined an invitation to attend a meeting with the applicant and had not been in the room when the parish council had discussed the application.

Councillor G Merry declared that she had a family connection with respect to application 16/0754N, so she would vacate the Chair in favour of the Vice-Chair and not take part in the debate or vote.

With regard to application number 16/5609N, Councillors B Roberts and J Rhodes declared that they would be involved in a forthcoming public meeting regarding Bentley Motors Ltd.

All Members of the Committee declared that they had received email correspondence with regard to application number 16/0754N.

With regard to application number 16/5609N, Councillor B Walmsley declared that she was a Director of The Skills and Growth Company, which was involved with Bentley Motors Ltd, but that she was not personally involved.

With regard to application number 16/2732N, Councillor P Butterill declared that it was in her Ward. She had not discussed this application and had kept an open mind.

With regard to application number 16/0754N, 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 application.

With regard to application number 16/4792N, Councillor J Hammond, who was in attendance at the meeting, declared that he was a director of ANSA Environmental Services Ltd, which had been consulted on the application, but he had made no comment.

With regard to application number 16/5848C, 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 application.

With regard to application number 16/2732N, Councillor A Moran, who was in attendance at the meeting, declared that he had voiced opinions at a meeting of Nantwich Town Council.

102 **MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 21 December 2016 be approved as a correct record and signed by the Chairman.

103 **16/0754N 1, NESFIELD DRIVE, WINTERLEY CW11 4NT: NEW DORMER BUNGALOW, AMENDED DESIGN FROM 15/0349N - RESUBMISSION FOR MR NEVILLE CROSS**

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

Note: Councillor J Hammond (Ward Councillor), Mr K Rhodes (objector) and Mr N Cross (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 – That the application be DEFERRED for the following:

- Further information in relation to the proposed parking areas for both the existing and proposed property
- Accurate details concerning proposed garden sizes
- Accurate interface distances to be stipulated between the proposal and neighbours
- The rear extension of the existing property to be shown on the plans

104 **16/4792N LAND TO THE WEST OF CLOSE LANE, ALSAGER:
OUTLINE PLANNING APPLICATION FOR RESIDENTIAL
DEVELOPMENT AND ACCESS, ALL OTHER MATTERS RESERVED
FOR C R MULLER, MULLER PROPERTY GROUP**

Note: Councillor J Hammond (Ward Councillor), Councillor D Hough (Neighbouring Ward Councillor), Mrs S Helliwell (objector) and Mr M Wedderburn (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

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

The proposal will result in the loss of agricultural land within the open countryside. It is therefore contrary to Policy NE.2 (Open Countryside) and Policy RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan 2011 and PG5 (open Countryside) of the Cheshire East Local Development Strategy Consultation draft March 2016. The proposed site is also an unacceptable housing site by means of its lack of accessibility and to the closest bus stop on Close Lane, which has a limited service. The proposal will therefore result in a car reliant form of development. Accordingly, the adverse environmental impacts of granting planning permission would significantly and demonstrably outweigh the social and economic benefits of the proposal. 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 a sustainable form of 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.

- (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
 - Education contribution –
£1905 per dwelling - primary
£2432 per dwelling – secondary
£615 per dwelling - SEN
Total = £4952 per dwelling
 - Detailed open space scheme, maintenance scheme and management company and plan for the open space/children's play to be submitted and approved and implemented in perpetuity.

105 **16/5371N ADMIRAL COURT, ELECTRA WAY, CREWE: THE PROPOSED CONSTRUCTION OF A 4 STOREY OFFICE BUILDING EXTENDING TO 6,136 SQUARE METRES AND PROVISION OF 182 CAR PARKING SPACES FOR MISS ISLA LONGMUIR, POCHIN DEVELOPMENTS LTD**

Note: Mr J Suckley had registered his intention to address the Committee on behalf of the applicant but was not in attendance at the meeting.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED for more information regarding the occupation of the proposed development and the car parking provision on the site.

106 **16/4175N LAND AT FORMER CREWE L M R SPORTS CLUB, GODDARD STREET, CREWE: ERECTION OF 74 ONE, TWO AND THREE- BEDROOM DWELLINGS FOR GAYNOR MELLOR, WULVERN HOUSING LTD**

Note: Councillor I Faseyi (Ward Councillor) and Mr D Whitney (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, by virtue of its detailed design and density would result in the overdevelopment of the site, which in turn, would result in an unacceptable loss of amenity for the future occupiers of the development. The development would therefore be contrary to Local Plan Policies BE.1 (Amenity) and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan First Review 2011, Policy SE.1 (Design) of the emerging Cheshire East Local Plan Strategy and 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.
- (c) That, should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

107 **16/5609N BENTLEY MOTORS LTD, PYMS LANE, CREWE, CHESHIRE CW1 3PL: IT IS PROPOSED TO CONSTRUCT A LOGISTICS BUILDING ON EXISTING HARD STANDING TO THE EAST OF BENTLEY'S PYMS LANE PLANT. PART OF THE CAR PARK WILL BE RECONSTRUCTED TO FORM A DISPATCH AREA FOR MR JOHN LAYMAN, BENTLEY MOTORS**

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Standard time limit (3 years)
 2. Accordance with approved plans
 3. Materials to be submitted for approval prior to commencement
 4. Details of sustainable drainage scheme to be submitted
 5. Only foul drainage connected to foul sewer
 6. Surface water drainage strategy to be submitted
 7. Submission of a contaminated land survey

8. Details of external lighting to be submitted
 9. Dust control scheme to be submitted
 10. Piling method statement to be submitted
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That, should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

108 **16/2732N GREENBANK COTTAGE, WELSHMANS LANE, HENHULL, NANTWICH, CHESHIRE CW5 6AB: PLOT SUBSTITUTION [CHANGE OF HOUSE TYPE FROM THE PREVIOUS APPLICATION 13/4656N] FOR THE CREATION OF 19 DWELLINGS FOR MR SAM LEUTY-MILNER, TESNI PROPERTIES LIMITED**

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

Note: Councillor A Moran (Ward Councillor) and Mrs A Mathie and Ms L Foster (objectors) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

- (a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to a S106 Agreement to secure a contribution of £49,028 towards secondary education and the provision of 30% affordable housing

And the following conditions:

1. Commencement of development
2. Approved plans
3. Details of materials to be submitted
4. Retention of trees identified for retention within the site
5. Submission of tree protection measures
6. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays.

7. Provision of one electric vehicle charging point for each dwelling
8. Submission of details of foul and surface water drainage
9. Submission of details of hard and soft landscaping
10. Implementation of landscaping scheme
11. Protection for breeding birds
12. Incorporation of features for breeding birds
13. Submission of details of external lighting
14. No works to be undertaken to Tree T1, located within the garden of Plot 1 without written agreement of the LPA
15. Updated Badger survey to be submitted prior to commencement of development
16. Submission and implementation of footway works
17. No development shall commence on site until a pavement has been provided along the north-east side of Welshmans Lane, in accordance with details that have first been approved in writing by the Local Planning Authority, from
 - a) the southern point of the appeal site to the north-west side of the access to the development on the former Cottage Hospital site and
 - b) from the south-east side of the access to the development on the former Cottage Hospital site to a point that is opposite the pedestrian and cycle way on the south-west side of Welshmans Lane.

Informatives

- I. The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. Furthermore, any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping should be tested for contamination and suitability for use prior to importation to site. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.
 - II. The applicant will be required to enter into a Section 38 Agreement regarding the construction and future adoption of the internal road layout.
 - III. The applicant will be required to enter into section 278 agreement for the proposed footway works.
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of

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

- (c) That, should the application be subject to an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the following Heads of Terms for a S106 Agreement:
1. 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 School Education Contribution of £49,028.

109 **16/5848C 35, WOODSIDE AVENUE, ALSAGER, STOKE-ON-TRENT, CHESHIRE ST7 2DL: CHANGE OF USE OF AN EXISTING DOUBLE GARAGE INTO A TWO BEDROOM DWELLING HOUSE, INCLUDING THE PROVISION OF A NEW PITCHED ROOF FOR MR STEVE MELLOR**

Note: Town Councillor S Helliwell attended the meeting and addressed the Committee on behalf of Alsager Town Council.

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

RESOLVED – That the application be DEFERRED for consultation with HSE/the National Grid regarding the proximity of the proposed development to an existing sub-station and possible impacts on amenity.

110 **16/4408N LAND AT CHESTER ROAD, ALPRAHAM: OUTLINE APPLICATION FOR PROPOSED 2NO. RESIDENTIAL DWELLINGS FOR MR & MRS D EVANS**

Note: Mr R Lee attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

RESOLVED

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

1. 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

(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.

111 **16/5403N THE WIG CENTRE, 166 EDLESTON ROAD, CREWE, CW2 7EZ: PROPOSED CHANGE OF USE FROM GROUND FLOOR SHOP AND FIRST FLOOR RESIDENTIAL USE INTO A 8 BEDROOM SUI GENERIS HMO PROPERTY FOR MATTHEW LITTLE, AEVUM INVESTMENTS LTD**

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

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

RESOLVED – That the application be DEFERRED for information regarding the kitchen facilities, confirmation of the number of windows served by each room and a larger plan for ease of reference.

112 **16/5562C RECTORY FARM, OLD KNUTSFORD ROAD, CHURCH LAWTON ST7 3EQ: OUTLINE APPLICATION FOR THE ERECTION OF UP TO 5 RESIDENTIAL DWELLINGS, WITH PRIMARY ACCESS DEFINED UP TO 20 METRES, ANCILLARY FACILITIES AND ASSOCIATED INFRASTRUCTURE. ALL MATTERS RESERVED EXCEPT ACCESS FOR NORTH WEST HERITAGE LTD**

Councillor Rhoda Bailey reiterated her earlier declaration that she had kept an open mind. She had declined an invitation to attend a meeting with the applicant and had not been in the room when the parish council had discussed the application.

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

Note: Ms S Davies (Parish Clerk on behalf of Church Lawton Parish Council), Mr R Yates (objector) and Mr R Adams (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Mr F Byatt had registered his intention to address the Committee on behalf of the applicant but did not speak.

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 comprises inappropriate development in the Green Belt contrary to Policies PS6 and PS7 of the Congleton Borough Local Plan First review 2005 and Policy PG3 (Green Belt) of the Cheshire East Local Plan Strategy (Proposed Changes) July 2016 . In addition, the proposal by virtue of its size scale, location and relationship to built form is contrary to para 89 of 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.

113 **OUTLINE APPLICATION FOR THE ERECTION OF 29 DWELLINGS WITH ASSOCIATED WORKS (RE-SUBMISSION OF 15/2844N - LAND SOUTH OF HASSALL ROAD, WINTERLEY**

The Committee considered a report regarding planning application 16/3387N, which had been refused against officer recommendation by the Southern Planning Committee on 28 September 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 and a LEAP (5 pieces of equipment) to be maintained by a private management company
3. Secondary School Education Contribution of £65,370.76
4. A contribution of £33,750 towards traffic calming measures

The meeting commenced at 10.00 am and concluded at 3.30 pm

Councillor G Merry (Chairman)

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Application No: 16/5371N

Location: Admiral Court, ELECTRA WAY, CREWE

Proposal: The proposed construction of a 4 storey office building extending to 6,136 square metres and provision of 182 car parking spaces.

Applicant: Miss Isla Longmuir, Pochin Developments Ltd.

SUMMARY

The principle of employment development is supported within the NPPF and the statements made by the Planning Minister in relation to 'Planning for Growth' and a 'presumption in favour of sustainable development'. Furthermore employment development on this site is supported within the emerging Cheshire East Development Strategy and the site forms part of a long standing allocation within the Crewe and Nantwich Replacement Local Plan. Therefore the principle of development is considered to be acceptable.

The development would provide important economic benefits in terms of new jobs within Crewe and this weighs in favour of this application.

The development would not have a detrimental impact upon residential amenity, trees the highway network, flood risk/drainage, ecology or the wider landscape.

The design is considered to be acceptable in this location.

It is considered that the benefits outweigh any harm identified and as such the application is recommended for approval.

RECOMMENDATION

Approve with conditions subject to completion of a Unilateral Undertaking

REASON FOR DEFERRAL

This application was deferred at the Southern Planning Committee meeting on 1st February 2017 for the following reasons;

'Deferred for more information concerning the car parking provision on site and clarification on who will occupy the proposed development'

In response to this deferral the applicant has submitted a Supplementary Planning Note and Supplementary Highways Note which are discussed below.

PROPOSAL

This is a full application for the erection of a four storey office building, together with car parking (182 spaces) and landscaping.

The proposed development would take the form of an L-shaped block which would be sited to the north of the plot. The development would provide 6,136sq.m of office space.

The vehicular access to serve the site would be taken from Emperor Way to the west of the site.

The application includes the provision of 182 car parking spaces to the front of the building together with a small ancillary building housing a generator, substation and bin store.

SITE DESCRIPTION

The application site extends to 0.82 hectares and is an area undeveloped land located on the northern side of Electra Way to the east of Emperor Way. The site lies within the Crewe Settlement Boundary.

To the east of the site on the opposite side of Emperor Way is a flat roofed five storey hotel with a three storey office building to the rear. To the west of the site is a three storey office building with hipped roof. To the northern boundary of the site is an area of vegetation/landscaping and land levels drop down to an existing watercourse which is located to the north.

RELEVANT HISTORY

P07/1481 – Reserved Matters - Erection of New Office Development with Associated Parking Facilities and Landscaping, to include 2no. Two Storey Units and 1no. Three Storey Unit Providing a Flexible Mix of Office Spaces – Approved 9th January 2008

P06/0324 - Environmental Information for Part Full/Part Outline Application for the Erection of 7,910 sq m B1 Office Development and Full Application for Erection of 114 Bedroom Hotel with Associated Car Parking, Access, Servicing and Landscaping Arrangements -

P06/0313 - Part Full/Part Outline Application for the Erection of 7,910 sq m B1 Office Development – Approved 3rd July 2006

P99/1021 - Outline Application for Office Development and Associated Access and Landscaping – Approved 3rd February 2000

P99/0927 - Screening opinion for outline application for office development.

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

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

POLICIES

National Planning Policy

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

- 14 - Presumption in favour of sustainable development
- 17 – Core planning principles
- 18 – 22 Building a Strong Competitive Economy
- 28 – Supporting a Prosperous Local Economy
- 109-125 – Natural environment

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.2 – Open Countryside
- NE.5 – Nature Conservation and Habitats
- NE.9 – Protected Species
- NE.17 – Pollution Control
- NE.20 – Flood Prevention
- E.1.1 – Existing Employment Allocations
- TRAN.3 – Pedestrians
- TRAN.9 – Car Parking Standards
- TRAN.5 – Provision for Cyclists
- RT.9 – Footpaths and Bridleways

Cheshire East Local Plan Strategy – Submission Version

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

- PG6 – Spatial Distribution of Development
- SD1 - Sustainable Development in Cheshire East
- SD2 - Sustainable Development Principles
- SE1 - Design
- SE2 – Efficient use of Land
- SE3 – Biodiversity and Geodiversity
- SE4 – The Landscape
- SE5 – Trees, Hedgerows and Woodland
- SE6 – Infrastructure
- SE9 – Energy Efficient Development
- IN1 – Infrastructure
- IN2 – Developer Contributions

Other Considerations

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

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

CONSULTATIONS:

CEC Head of Strategic Infrastructure: No objection subject to a condition relating to a construction management plan and a s106 contribution will be required for the monitoring of the travel plan at a cost of £5k to cover a 5 year monitoring period. Furthermore a s106 contribution will be required for the traffic management works to mitigate the impact of parking, at a cost of £7.5k.

CEC Environmental Health: No objection – conditions suggested in relation to construction management plan, piling, electrical vehicle infrastructure, travel plan, dust control and contaminated land. Informatives suggested in relation to hours of operation and contaminated land.

CEC Flood Risk Manager: No objection. Conditions suggested.

United Utilities: No objection subject to the imposition of a planning condition.

VIEWS OF THE PARISH COUNCIL

Crewe Town Council: Welcome the application and the creation of jobs by a local company, but in view of existing parking problems on the Business Park which also impacts on nearby residential areas, we would request careful evaluation of the parking provision.

REPRESENTATIONS

A letter of support has been received from Cllr Brookfield raising the following points of observation;

- Welcome this planning application and the employment it brings to Crewe.
- It is requested that the Council work with employers, other organisations and local members to address the significant parking problems in this area
- Whilst it is noted that this application makes a very good effort in providing 182 parking spaces I would contest that this is still not adequate due to the number of potential employees. There is little public transport in terms of a bus service serving the Business Park and inevitably employees use private cars.
- 182 car parking spaces does not quite meet the National Planning Framework requirements in providing 1 parking space for 30sqm of floor space - it is significant when compared to other companies on the Business Park.

APPRAISAL

Principle of Development

The National Planning Policy includes a strong presumption in favour of economic growth in support of this application with Paragraph 19 stating 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'

Paragraph 20 of the NPPF then goes onto state that:

'To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century'

And at paragraph 21 the NPPF states that Local Planning Authorities should:

'set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth'

The proposed development relates to an office development which is defined as a *'main town centre use'* as part of the NPPF. As a result the proposed office use would usually require a sequential test and impact assessment as it is not located within an existing centre.

However in this case the application site is allocated for office use under Policy E.1 (Existing Employment Allocations) of the Crewe and Nantwich Local Plan. Specifically this policy identifies that on Crewe Business Park B1 (office) uses are allocated together with uses required by and associated with Manchester Metropolitan University. Therefore the proposed development would comply with Policy E.1.

The emerging Cheshire East Local Plan Policy EG1 (Economic Prosperity) supports the provision of employment development (including B1 uses) within the Principal Towns. Proposals for employment development on non-allocated employment sites (this site is not allocated within the emerging Local Plan) will be supported where they are in the right location and support the strategy, role and function of the town.

In this case, the proposed employment development has considerable support within the NPPF and the Crewe and Nantwich Replacement Local Plan. The principal of the development is considered to be acceptable and the sustainability of the development will need to be considered as part of the planning balance.

Future Occupants

Following the deferral the applicant has stated that the proposed end user of the development is Radius Payment Solutions (Radius).

Radius is a global company who offer a range of products and solutions to the fleet and logistics market with 21 offices around the world and approximately 945 employees. The Radius Group formation dates back to 1990 with the establishment of UK Fuels in Cheshire. Their products include fuel cards, vehicle tracking, vehicle hire and corporate Mastercards.

Radius has been based at two offices on Herald Drive in Crewe for 10 years. These current offices house 568 employees with 117 car parking spaces and 6 disabled spaces (20% provision).

The proposed new office building has been designed with a maximum capacity of 500 employees. However the initial plan is to transfer approximately 400 employees from the existing offices in Crewe to free up space within the existing accommodation to create a better working environment for their employees.

The existing office at Herald Drive will then become the global Head Office with the proposed office providing improved staff facilities (including cycle storage, gym and shower/changing facilities). Radius have stated that they are a growing business and anticipate that they will grow across the Herald Drive and Admiral Court sites to approximately 600-650 employees in Crewe by 2020.

The proposed development will comprise 182 car parking spaces which at peak occupation would result in 36% provision (together with 18 cycle parking spaces). This is higher in percentage terms than the current Radius offices and both sites have been chosen because of their sustainable and accessible locations. Finally Radius have stated that they experience no car parking problems at their current premises and many employees travel to work by public transport, cycle or by foot.

Highway Implications

The test contained within the NPPF is that:

'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'

The application site is located in an established location and business park with adequate footways, cycleways, sheltered bus stops (350m/5 minute walk) and Crewe Station (12 minute walk or 5 minute cycle) within a short walking distance from the site. Furthermore the bus network also provides a connection to Crewe Station.

The applicant has also stated that the proposed development also includes the following measures to encourage non-car trips;

- Site location conforming with accessibility criteria relating well to the town centre, local amenities and communities
- Above standard internal cycle parking provision (15.3 spaces required using CELPS and 18 spaces will be provided)
- Shower, locker and changing facilities to enable staff to cycle or walk to work
- On-site gym and café to reduce the need to travel (this will encourage car sharing as staff will not need to travel elsewhere to use other facilities)
- Commitment to introducing Travel Plan measures that accord with CEC Policy

A Travel Plan has also been submitted to promote sustainable modes of travel, and will be updated after occupation and monitored in liaison with CEC. This Travel Plan states that the following measures will be considered for adoption;

- Travel Plan coordinator
- Steering Group
- Staff Travel Pack
- Travel Noticeboard
- Local route maps
- 18 cycle parking spaces

- Showers, lockers and changing facilities
- Cycle to work scheme
- Interest free loan for public transport ticket purchase
- Flexible working times
- Car sharing scheme

The intended occupiers (Radius) employ 568 people at the two office buildings located on Herald Drive where there is a high proportion of staff and visitors who travel to the site using public transport. The location of this application site will enable this to continue.

Radius have confirmed that the existing premises do not have a travel plan but do provide cycle and showering facilities, with a number of staff already using car share. Radius also state that there are no car parking issues associated with the Herald Drive office accommodation with surveys showing 90% occupation.

The proposed access would be sited onto Emperor Way (a private road) to the west of the site which would enable the retention of the two lines of trees along the Electra Way frontage. The access would have adequate width. An established safe and suitable access to Emperor Way already exists from Electra Way.

The Councils parking standards for a B1 use are 1 space per 30sqm of GFA. CEC standards would equate to a requirement for 205 car parking spaces. The application proposes 182 parking spaces which is 23 spaces short.

The Transport Assessment (TA) has used data from standard trip generation software to determine the likely parking accumulation that would result from this size and type of development. Whilst the use of this method to justify a lower parking provision can be accepted, the detail of the method used in this situation can be questioned and the proposal could lead to additional off-site parking.

During the case officer site visit cars were seen to be parking within the grass verge along Electra Way and wheel tracks were seen along the footways outside the site and along Electra Way. This proposal could lead to further indiscriminate parking taking place and as such the Head of Strategic Infrastructure has suggested that the applicant should contribute £7,500 towards a traffic management scheme which would mitigate the impact of this additional parking. It is also suggested that a contribution of £5,000 will be required for Travel Plan monitoring in this location.

The proposal would generate around 100 to 130 two-way vehicle trips during the peak hour. The impact on the Electra Way/A534 Crewe Road junction was assessed using standard software and was found to be negligible.

Accordingly, the Head of Strategic Infrastructure has raised no objection in relation to this planning application.

Amenity

There are no residential uses within close proximity to the site. The nearest residential dwellings (excluding the nearby student accommodation) are approximately 200m from the site. The site is well screened and there are intervening buildings to the nearest residential dwellings. On this basis

it is not considered that the development would have a detrimental impact upon residential amenity.

Air Quality

An Air Quality Impact Assessment (AQIA) has been submitted as part of the application. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to local traffic flows. The report considers both the impacts from construction and operational phases of the premises to be not significant on local air quality, although it should be noted that Crewe does have three AQMA's within the town and any changes in traffic flow could impact these areas.

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

In order to ensure that sustainable vehicle technology is a real option for future members of staff a condition will be attached in relation to electric vehicle infrastructure.

Contaminated Land

A land contamination assessment has been submitted in support of the above application. It includes a recent summary of older reports (a Phase I preliminary risk assessment and a Phase II ground investigation). Although a low potential for land contamination was identified, further ground investigation for geotechnical purposes is proposed – which shall include some contamination assessment. This will be controlled through the imposition of a planning condition. The Contaminated Land team has no objection to this application.

Landscape

The site is located within an existing employment area and the trees around the boundaries of the site are to be retained (the impact upon trees is considered below). It is not considered that this development would have a detrimental impact upon the wider landscape in this urban area of Crewe.

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 application site is a vacant plot of land which is sited between existing office development and a hotel on the northern side of Electra Way. To the west of the site is an existing hotel (5 stories in height) with a 3 storey office building to the rear. These buildings are both flat

roofed and are a mix of render and grey cladding. To the east of the site is a 3-storey office building which is finished in red brick with a hipped roof.

This proposal relates to the provision of an L shaped office block which would be located to the northern boundary of the site with car-parking to the frontage of the site. The proposed building would be 4 stories in height and a sectional plan submitted with the application indicates that the proposal would be taller than the adjacent units to the west and east. The parapet wall of the proposed office would be approximately 18.6m in height with a louvered plant room sited on the roof (this would be set back from the parapet wall). Although the proposed building would be slightly taller than the hotel and office at either side the proposal would be set back into the site and any impact variation in height would not be conspicuous when viewed in the street scene. As a result the height of the proposed building is considered to be acceptable in this location.

In terms of the layout of the site the proposed development would be sited to the northern boundary of the site with car-parking to the south of the site. The two rows to the south of the site (one along the southern boundary and the other within the existing grass verge) would be retained as part of the proposed development.

Ideally the proposed car-parking would be sited to the rear of the building which could then be sited further south in line with the office building to the east and the hotel in the west. This would help to screen the proposed car-parking from the street scene. In response to this the applicant has stated that the building has been sited on the northern boundary of the site to take advantage of the views over the landscaped area to the north which includes trees, landscaping, a footpath and a stream. In addition the applicant has identified that the two rows of trees to the south would be retained and that a high quality scheme of landscaping scheme will be secured within the car park area. It should also be noted that the car-parking area for the adjacent hotel is also visible from within the street scene from both Electra Way and Emperor Way.

The detailed design of the building includes a flat roof with parapet wall (a recessed plant room would be sited on the roof of the building). The L shaped building includes a projecting entrance feature which would largely be glazed and would be 4 stories in height (but set slightly lower than the parapet wall). This glazed feature with the use of both hard and soft landscaping around the entrance of the site would make the entrance a prominent feature on the front elevation of the building.

The building has been designed to include a large number of openings which will be required to serve the proposed office use. The fenestration will be located in vertical rows along all elevations of the building this together with the use of cladding provides a horizontal emphasis and rhythm to the building.

The materials palette to be used on this building would be render, anodised metal cladding and a dark grey brick plinth. These proposed materials are considered to be appropriate in this modern employment area and would not appear out of character with the adjacent hotel and office development.

It is considered that the design and layout of the development is acceptable and that it would comply with policy BE.2 and the NPPF.

Trees

This application includes an Arboricultural Implications Assessment (AIA) and Method Statement (AMS).

The AIA indicates that a category C group of young trees (G1) would have to be removed from the site and a further Grade B group (G2) would have to be pruned back to allow for safe works distance. The report suggests that the loss of G1 would have low arboricultural impact. The group to be pruned (identified as mainly Hawthorn, Blackthorn and Field Maple) is described as relatively young and expected to respond well to the level of pruning proposed.

The AIA also identifies that there would be construction works including drainage and a part of a patio area encroaching into the root protection area of Group G2.

Protection measures are proposed for retained trees with works in root protection areas to be undertaken under arboricultural supervision with no dig construction for part of a patio.

The submitted tree protection plan shows a line of tree pruning and a tree protection fence beyond the site edge red boundary. The implications identified in the AIA confirm that it would be preferable to achieve greater separation to protect the vegetation in G2 and to allow sufficient space to construct the development without the need to resort to pruning and construction works in the root protection area.

In this case the harm is considered to be relatively limited and conditions will be attached to any approval.

Ecology

Great Crested Newts

A number of ponds are located within 250m of the proposed development. Great Crested Newts have been recorded as being present at three of these ponds. The application site however offers limited habitat for Great Crested Newts and does not support any features likely to be utilised by newts for shelter and protection and the proposed development would not result in the fragmentation or isolation of Great Crested Newt habitat.

The potential impacts of the proposed development are limited to the low risk of any newts that venture onto the site being killed or injured during the construction process and the loss of relatively low quality terrestrial habitat. In order to address the risk newts being harmed during the construction phase the applicant's ecological constant has recommended a suite of 'reasonable avoidance measures' be implemented.

The Councils Ecologist advises that provided these measures are implemented the proposed development would be unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

In order to compensate for the loss of terrestrial newt habitat the applicant is proposing the enhancement of a number of offsite ponds. These ponds are located on land within the ownership of Cheshire East Council. The Councils Ecologist advises that the enhancement of these ponds

would deliver significant benefits for the local Great Crested Newt population. These works will be secured through the imposition of a planning condition.

Japanese Knotweed

The applicant should be aware that Japanese Knotweed (*Fallopia japonica*) is present on the proposed development site. Under the terms of the Wildlife and Countryside act 1981 it is an offence to cause Japanese Knotweed to grow in the wild. Japanese knotweed may be spread simply by means of disturbance of its rhizome system, which extends for several meters around the visible parts of the plant and new growth can arise from even the smallest fragment of rhizome left in the soil as well as from cutting taken from the plant.

Disturbance of soil on the site may result in increased growth of Japanese Knotweed on the site. If the applicant intends to move any soil or waste off site, under the terms of the Environmental Protection Act 1990 any part of the plant or any material contaminated with Japanese Knotweed must be disposed of at a landfill site licensed to accept it and the operator should be made aware of the nature of the waste. An informative will be attached to the decision notice to remind the developer of their responsibilities in relation to this issue.

Bats

To avoid any impacts on foraging bats resulting from any lighting associated with the proposed development the Councils Ecologist recommends that if planning permission is granted a condition should be attached requiring any lighting proposed to be agreed with the LPA.

Other protected Species

No evidence of other protected species was recorded during the submitted survey. However, as the status of other protected species on a site can change within a short timescale the Councils Ecologist recommends that in the event planning consent is granted a condition should be attached requiring an updated survey to be submitted to the LPA prior to the commencement of development.

Nesting Birds

If planning consent is granted a condition can be attached to safeguard nesting birds.

Flood Risk/Drainage

In this case part of the site is located within Flood Zone 1 which has a low probability of flooding, although an area of Flood Zone 2 skirts around the northern boundary of the site.

The submitted Flood Risk Assessment (FRA) indicates that a surface water outlet for the site has been installed as part of the earlier Phase 1 development (the hotel and office to the west) and the surface water will continue to discharge from this outfall to Valley Brook at a rate of 26.5 l/s as established by that drainage system. An additional below ground cellular attenuation is to be installed beneath the car park of the Admiral Court Development to supplement that existing beneath the constructed Phase 1 development such that all storm events up to and including the 1 in 100 year plus climate change event are catered for.

The Councils Strategic Flood Risk Manager and United Utilities have considered the Flood Risk Assessment and have raised no objection subject to the imposition of a planning condition.

CIL Regulations

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

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

In this case there is a deficiency in parking provision on this site and there are existing on-street parking issues in this area. The Council has a scheme of Traffic Management Scheme for this area which would help to protect against inappropriate parking on the existing grass verges whilst the Travel Plan monitoring would also look at reducing the use of private vehicle to this development. The contributions are necessary, directly related to the development and fair and reasonable.

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

PLANNING BALANCE

The principle of employment development is supported within the NPPF and the statements made by the Planning Minister in relation to 'Planning for Growth' and a 'presumption in favour of sustainable development'. Furthermore employment development on this site is supported within the emerging Cheshire East Development Strategy and the site forms part of a long standing allocation within the Crewe and Nantwich Replacement Local Plan. Therefore the principle of development is considered to be acceptable.

The development would provide important economic benefits in terms of new jobs within Crewe and this weighs in favour of this application.

The development would not have a detrimental impact upon residential amenity, trees the highway network, flood risk/drainage, ecology or the wider landscape.

The design is considered to be acceptable in this location.

Whilst there is a minor shortfall in parking spaces provided on site, the mitigations offered by the Applicant, together with the benefits of the scheme to the economy and the commitment of the Applicant to reducing car reliance within this scheme are considered to be significant benefits which outweigh any harm identified and as such the application is recommended for approval.

RECOMMENDATIONS

APPROVE subject to the completion of a Unilateral Undertaking to secure the following;
- **A contribution of £7,500 towards a Traffic Management Scheme**

- **A contribution of £5,000 towards Travel Plan Monitoring**

And the following conditions;

- 1. Standard Time 3 years**
- 2. Approved Plans**
- 3. Prior to the use of any facing/roofing material details of materials to be submitted and agreed**
- 4. Prior to the use of any facing/roofing material details of boundary treatment to be submitted and agreed**
- 5. Details of Levels to be submitted and agreed**
- 6. Prior to the use of any facing/roofing material details of landscaping to be submitted and agreed**
- 7. Landscaping implementation**
- 8. Development to proceed in accordance with the GCN reasonable avoidance measures**
- 9. Method Statement for off-site habitat works to ponds including a timetable for implementation shall be submitted and agreed**
- 10. Nesting birds timing of works**
- 11. Prior to the use of any facing/roofing material details of external lighting to be submitted and agreed**
- 12. Prior to the commencement of development an updated survey for other protected species shall be submitted and agreed**
- 13. Piling Method Statement to be submitted and agreed**
- 14. Travel Plan to be submitted and agreed**
- 15. Contaminated Land**
- 16. Provision of electric vehicle charging points**
- 17. Construction Management Plan to be submitted and agreed**
- 18. Compliance with the submitted FRA**
- 19. Detailed design and associated management and maintenance plan of surface water drainage to be submitted and approved**
- 20. Implementation of the tree protection measures**
- 21. Addendum to the AMS to include details of the supervising arboriculturalist**
- 22. The provision of 18 cycle parking spaces to be made available in accordance with the submitted plans prior to first occupation and thereafter retained**
- 23. Car parking as shown on the submitted plans to be provided prior to first occupation**

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 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, the following Heads of Terms should be secured as part of any Unilateral Undertaking:

- **A contribution of £7,500 towards a Traffic Management Scheme**
- **A contribution of £5,000 towards Travel Plan Monitoring**



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Application No: 16/5403N

Location: The Wig Centre, 166 Edleston Road, Crewe, CW2 7EZ

Proposal: Proposed change of use from ground floor shop and first floor residential use into a 8 Bedroom Sui Generis HMO property.

Applicant: Matthew Little, Aevum Investments Ltd

Expiry Date: 02-Mar-2017

SUMMARY:

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

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, design and residential amenity satisfying the environmental sustainability role.

The proposal would satisfy the economic sustainability roles by providing employment in the locality.

In terms of the social role of sustainable development, the proposal would create additional residential accommodation in a sustainable location within close proximity to the Town Centre.

RECOMMENDATION:

Approve subject to conditions

REASON FOR DEFERRAL

The application was deferred at the Southern Planning Committee meeting on 1st February 2017 for further information regarding the kitchen facilities to be provided, to confirm the number of windows served by each room and request larger plan for ease of reference.

UPDATE SINCE LAST COMMITTEE

Amended plans have been received which confirm the location of the communal kitchen on the ground floor and the facilities to be provided within the kitchen area which include sink, cooker, microwave and dining table.

Further plans have been received at scale 1:50 showing the communal kitchen and TV room.

No further information has been provided regarding the number of windows to serve each room however it is clear from the plans provided that each room will have at least 1 window.

REASON FOR CALL IN

The application has been called in to Committee by Councillor Hogben. The reasons are as follows:

- Total absence of parking provision with resulting impact on surrounding area, where on-street parking leads already to congestion.
- Complete absence of provision within the application for waste storage and collection, with likely resulting impact on surrounding area which is already a fly tipping hot spot in Crewe
- Concerns about room sizes and the amenity of any future residents of the proposed HMO
- Proposed government reforms to HMO licensing which will be intended to tighten up requirements, and are currently subject to consultation
- Unacceptable increase to HMO density within the area, with policy implications for Cheshire East Council that should be addressed within any future Local Plan

PROPOSAL

The application is for the change of use from ground floor shop and first floor residential flat into an 8 Bedroom House in Multiple Occupation (HMO)

The ground floor would house x3 bedrooms, shared bathroom, bike store, utility room and a communal area. The first floor would house x3 bedrooms, TV room and shared bathroom and the 2nd floor would house x1 bedroom. There would be two accesses to the building, one on the front and the other to the rear however this would only be available to bedroom 4.

No external alterations are proposed.

SITE DESCRIPTION

The application site is located 265m south of the Crewe Town Centre Boundary and within the Crewe Settlement Boundary. The property is a mid terraced two-storey unit with a flat roof. At ground floor is a retail unit with flat above. At the rear is a small courtyard area.

The locality consists of mixed residential and commercial uses with residential to both sides and rear and public house to the front.

RELEVANT HISTORY

Various alterations and extensions to the existing shop however none are relevant to the current proposal. The most relevant applications as follows:

16/1109N – Prior approval for change of use from retail premises on the ground floor only to making the entire building residential (planning permission not required 26th April 2016)

16/1152N – Prior Approval for Change of Use of the ground floor from retail premises back to residential use, making the entire building residential (withdrawn)

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs 14 and 19.

Development Plan:

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

BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.18 - Shop Fronts and Advertisements
RES.9 – Houses in Multiple Occupation

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
EG1 Economic Prosperity

CONSULTATIONS:

Crewe Town Council: Object due to the lack of any parking for 7 accommodation units. If this application is approved it is important that compliance with HMO Licencing requirements are regularly checked and enforced

Highways: No objection

Environmental Protection: No objection subject to the following conditions/informative:

- 1) Scheme of glazing/Ventilation
- 2) Trickle vents
- 3) Working hours for construction
- 4) Contaminated land

Housing Standards & Adaptations: No objection

ANSA: No objection

REPRESENTATIONS:

None received at the time of writing the report

APPRAISAL

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

Principle of Development

The site lies in the Settlement Zone Line as designated in the adopted Crewe and Nantwich Local Plan First Review 2005, where there is the presumption in favour of sustainable development.

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

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

ENVIRONMENTAL SUSTAINABILITY

Crewe Town Centre

The proposal site is situated outside of the Town Centre Boundary as per the Crewe and Nantwich Replacement Local Plan 2011. As a result it is not considered that the loss of the existing retail use and replacement with housing would pose any threat to the overall vitality/viability of the town centre.

It could be argued that the replacement x8 bedrooms would in fact have a positive effect on the town centre given the spending power of the future occupants.

Highways

Car ownership data for rented apartments in this location indicates that for a development of this size around 3 or 4 cars will be owned by residents. The existing commercial and residential uses will have also generated vehicle trips and on-street parking demand, reducing the net impact of this proposal.

There are existing Traffic Regulation Orders outside the site on Edleston Road restricting on-street parking on this through route.

Vehicles would park on the adjacent residential streets but the impact of this proposal over the existing use will be minimal.

Shared cycle storage has also been proposed as part of this application.

Therefore the proposal is not considered to cause significant harm from a highway safety perspective.

Design

No external alterations are proposed therefore it is not considered that the proposal would cause any visual harm to the overall character/appearance of the area.

Amenity

Residential properties are sited to both sides and rear therefore the proposed use is a complimentary use. Furthermore, the Environmental Health department have raised no objections however, have requested specific conditions in relation to glazing/ventilation to deal with noise/fumes for future occupants, and this is considered to be reasonable given the siting facing the road and siting in an air quality management area.

The property does seek to provide some limited private amenity space to the rear and the location of the site also gives easy access to indoor and outdoor recreation facilities with the nearest park being located 450m to the south of the site (Westminster Street Park). Therefore it is considered that future occupants will be able to enjoy amenity space either on site or in the parks locally.

There is space available for cycle, refuse and domestic storage, communal kitchen and clothes drying. It is therefore considered that the proposed change of use is acceptable in terms of the impact to the surrounding residential properties and would provide suitable living conditions for future occupants.

Bin storage/waste collection

Bin storage would occur in the existing garage and would be wheeled out to the alley way to the rear on Lawton Street on bin collection day. ANSA have been consulted and have raised no objection on this basis.

Housing standards

The Housing Standards and Adaptions Team have been consulted and have confirmed that they have no objections to the proposal. They do however note that some of the rooms are too small to be granted double occupancy and will only be granted single occupancy. Double rooms will need to measure at least 10.23sqm and single rooms at least 6.52sqm. Actual room sizes are shown in the tale below:

These comments have been relayed to the applicant who confirms that the rooms will only be let on a single occupancy basis and in any case this would be dealt with at licensing stage which is not an issue for the determination of a planning application. It could also be argued that less people occupying the property would result in less demand for travel to and from the site and less waste creation etc.

Floor level	Room size
Ground floor	
Bedroom 1	11sqm
Bedroom 2	9.6sqm
Bedroom 3	9.6sqm
Bedroom 4	10sqm
1 st floor	
Bedroom 1	23.8sqm
Bedroom 2	10.5sqm
Bedroom 3	11sqm
2 nd floor	
Bedroom 1	13sqm

ECONOMIC SUSTAINABILITY

The proposal would create economic benefits from the spending power of the future occupants.

SOCIAL SUSTAINABILITY

The proposal would create additional residential accommodation in an accessible location close to the town centre.

Conclusion

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

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, design and residential amenity satisfying the environmental sustainability role.

The proposal would satisfy the economic sustainability roles by providing employment in the locality.

In terms of the social role of sustainable development, the proposal would create additional residential accommodation in a sustainable location within close proximity to the Town Centre.

RECOMMENDATION

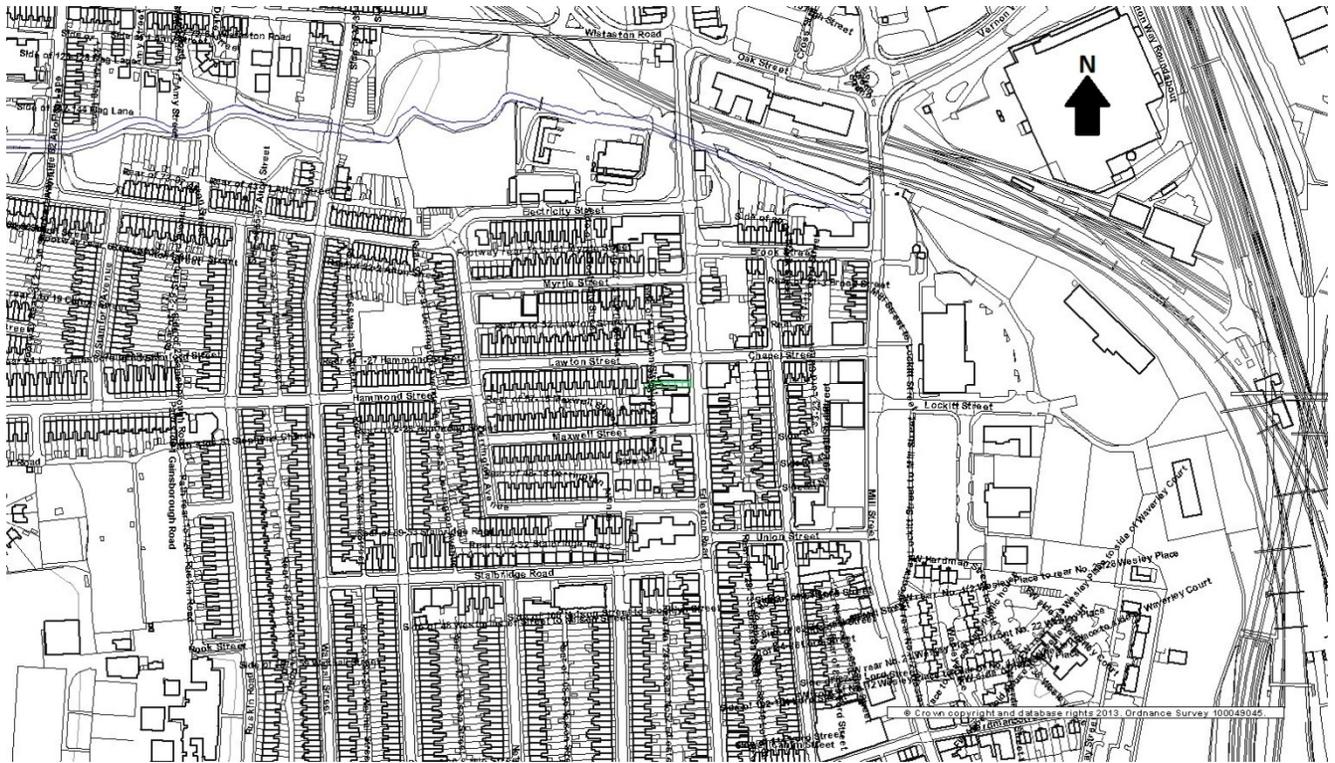
Approve subject to the following conditions:

- 1. 3 years commencement**
- 2. Compliance with approved plans**
- 3. Materials as specified**
- 4. Details of ventilation**
- 5. Details of glazing**
- 6. Details of acoustic trickle vents / wall ventilators**
- 7. Refuse and cycle storage to be provided as shown**

Approve subject to the following Informative:

- 1. Working hours for constructions**
- 2. 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 Head of Planning (Regulation), in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.



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Application No: 16/0285C

Location: Land East Of, ELBOURNE DRIVE, SCHOLAR GREEN

Proposal: Outline application for residential development of the remaining land to the east of Elbourne Drive

Applicant: Ms A Powell

Expiry Date: 19-Apr-2016

SUMMARY:

The site is within the Settlement Zone Line of Scholar Green, where there is a presumption in favour of sustainable development provided the proposal is appropriate in scale, character, appearance and scale and does not conflict with other plan policy.

The proposal would satisfy the economic and social sustainability roles by providing for much needed market and social housing within an existing settlement where there is existing infrastructure, amenities and where policy directs development.

The indicative site layout demonstrates satisfactorily that a housing layout can be accommodated in this site without being detrimental to the residential amenity of neighbours, by virtue of overshadowing, overlooking or loss of daylight, paying particular regard to the land level differences between the site and the neighbouring properties in Elbourne Drive

Subject to conditions there would be a neutral impact upon nature conservation, the setting of the Canal Conservation Area, drainage, trees and landscape, resident's amenity and design.

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

The dis-benefits of the scheme include the loss of areas of hedgerow and an open space which is not currently developed.

In this instance, it is considered that the dis-benefits of scheme do not significantly and demonstrably outweigh the benefits. As such, Para 14 of the NPPF is engaged and the application is recommended for approval.

RECOMMENDATION:

Approve subject to conditions and a s106 Agreement for 30% affordable housing, detailed management agreement for the future maintenance of all POS and incidental areas of open space a contribution to secondary education.

PROPOSAL

This is an outline proposal for residential development with means of access applied for at this stage. Indicatively 30 dwellings are shown on plan. This is a reduction in one unit from the scheme as originally indicated. It is proposed to access the majority of the development from Elbourne Drive and 3 of the residential units would be accessed from Little Moss Lane. A pedestrian access off Little Moss Lane has also been proposed.

SITE DESCRIPTION

The site is an enclosed field which covers an area of approximately 1 hectare and is bound to the west by Elbourne Drive and Portland Drive, to the east lies the Macclesfield Canal which, in this location lies within a deep cutting with open countryside beyond. To the south and west the site is bounded by residential development.

The site is on a relevantly level land form, however it is elevated above (circa 4m) above the recently built housing in Elbourne Drive. The houses to Elbourne Drive which sited approx. 4m below the land level in the application site. The site is retained by significant gabion stone walling to the shared boundary with the site which retains the application site from slipping into rear gardens of those recently built dwellings on Elbourne Drive

The Macclesfield Canal lies in a deep cutting below the eastern boundary of the site. Boundary treatment is generally made up of hedging with sporadic trees, (part within and part adjacent to the site boundary) which form a prominent landscape feature to the Canal Conservation Area boundary of the site.

The site abuts the boundary of the Macclesfield Canal Conservation Area.

RELEVANT HISTORY

The site itself has no relevant history, however, the existing residential development to Elbourne Drive is only recently completed

08/0712/FUL Demolition of dwelling & erection of new health care centre & residential development comprising 39no. open market units & 17no. affordable housing units with associated means of access, landscaping & alterations to Portland Drive, including parking bay & dedicated residents' car park (resubmission of 06/1146/FUL) - Amended Plans – Approved 07.10.2011 (Residential site adjoining proposed site)

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs:

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

Development Plan:

The relevant Saved Policies are: -

- PS5 Villages in Open Countryside and Inset in the Green Belt
- GR1 New Development
- GR2 Design
- GR3 Residential Development
- GR5 Landscaping
- GR6 Amenity and Health
- GR9 Accessibility, servicing and provision of parking
- GR14 Cycling Measures
- GR15 Pedestrian Measures
- GR17 Car parking
- GR18 Traffic Generation
- GR21 Flood Prevention
- GR 22 Open Space Provision
- BH9 Conservation Areas
- NR1 Trees and Woodland
- NR2 Statutory Sites (Wildlife and Nature Conservation)
- NR3 Habitats
- NR5 Habitats
- H2 Provision of New Housing Development
- H6 Residential Development in the Open countryside
- H13 Affordable Housing and Low Cost Housing

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

Cheshire East Local Plan Strategy 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
SE7 Historic Environment
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
SC 4 Residential Mix
SC 5 Affordable Homes
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
PG6 Spatial Distribution of Development
EG1 Economic Prosperity

CONSULTATIONS:

Highways: The Head of Strategic Infrastructure (HSI) is satisfied that the development proposals can be safely accommodated on the adjacent highway network; accordingly, the HSI has no objection to the planning application subject to conditions and an informative.

Environmental Protection: No objection subject to conditions and informatives relating to noise and disturbance, contaminated land and electric vehicle charging points.

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

Flood Risk Manager: No objection subject to conditions.

Canal and River Trust: No objection subject to conditions.

Education: The development of 31 dwellings is expected to generate:

6 primary children (31 x 0.19)
5 secondary children (31 x 0.15)
0 SEN children (31 x 0.51 x 0.023%)

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

The development is not forecast to impact primary school or SEN school provision.

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

5 x £17,959 x 0.91 = £81,713.45 (secondary)

Total education contribution: £81,713.45

Odd Rode Parish Council: No objection in principle but raise concern about the detailed layout, impact upon tree and the Canal Conservation Area and neighbour amenity. Wish to be involved in S106 negotiations with regard to open space and pre-application discussions

REPRESENTATIONS:

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

At the time of report writing a total of 36 objections from circa 30 addresses have been received which can be viewed in full on the Council website. The objections raise the following concerns:

- Highway safety
- Traffic congestion
- Car parking
- Impact on wildlife
- Lack of infrastructure – schools doctors etc
- Overlooking and loss of privacy
- Loss of daylight, do not accept Daylight Assessment
- 6ft fence and over grown hedge to Elbourne Boundary will effect light
- Overdevelopment
- Disruption during construction
- Impact upon Canal and conservation area
- Premature to emerging Local Plan Strategy
- Contrary to Neighbourhood Plan
- Disturbance during construction
- Land slip into the Canal
- Little Moss Lane can not cope with additional traffic

APPRAISAL

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

Principle of Development

The application site is located within the Scholar Green Settlement Boundary and is therefore subject to Policy PS5 (Villages) of the Local Plan. Within Policy PS5 it is advised that within settlement boundaries, there is a general presumption in favour of limited development as long as the use is appropriate to the character of its locality and other relevant Local Plan policies.

Policy H5 states that new dwellings in villages are considered to be acceptable where the following criteria is satisfied; the proposal is appropriate to the local character in terms of its; use, intensity, scale and appearance and adheres with all other relevant Local Plan policies, particularly Policies GR2 and GR3.

Policy H5 further states that in considering planning applications for housing in villages, regard should be given to; the availability of previously developed sites; the sustainability of the location, the impact upon local infrastructure and the physical and environmental constraints of the site, including stability and flood risk.

The application site is not a brownfield site. However, it does form a vacant area of scrubland within the Scholar Green Settlement Boundary. Furthermore, given the council's shortage in Housing Land Supply, it is considered that the site would be a suitable location for residential development (rather than in the Open Countryside or Green Belt), subject to its adherence with all other relevant policies.

As the site does fall within an existing settlement boundary, it has already been accepted in Policy PS5 that the village is a sustainable location for new development. However, it is accepted that the village offers limited public facilities and job opportunities although it is accessible to other areas via the bus service and is more accessible than open countryside.

The issue is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the presumption in favour of sustainable development.

LOCAL PLAN MAIN MODIFICATION / HOUSING LAND SUPPLY

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that *"no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions"*. This signals his agreement with central issues such as the 'Duty to Cooperate', the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council's approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

"seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations"

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be "appropriate, justified, effective, deliverable and soundly based." As a consequence there was no need to consider other possible development sites at this stage.

The Inspector's recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector's recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5

year supply. Following the Court of Appeal decision on the *Richborough* case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

ENVIRONMENTAL SUSTAINABILITY ROLE

TREES

There are numerous trees which form the boundary of the site and the Canal Conservation Area, some within the site and others outside on the Canal bank.

During the course of the application various arboricultural and layout revisions have been provided. The submission now includes sufficient information to inform assessment of the

potential impact on trees and assessment of the capacity of the site to accommodate the number of dwellings proposed in relation to trees.

It must be remembered that this is an outline application which seeks an in principle assessment of the proposed use of the site for residential purposes. Whilst the full impacts on trees would only be realised at reserved matters stage, the indicative masterplan building footprints located outside tree crown spreads and root protection areas.

However, it is likely that buildings/gardens in some of the indicative positions would be dominated by trees and management of levels across the site will present a challenge if trees are to be retained successfully. These issues would need to be addressed in a reserved matters application as would potential social proximity issues for future residents of those potential units.

A reserved matters application would need to be supported by a comprehensive package of arboricultural information in accordance with BS 5837:2012 to include a tree survey no more than 12 months old, an arboricultural impact assessment relating to the final layout and an arboricultural method statement. Details of levels and services would also need to be provided.

Hedgerow

A length of hedgerow within the site is identified for removal to accommodate the development. The information submitted indicates that when assessed under the criteria in the Hedgerow Regulations 1997, the hedgerows on the site do not qualify as ecologically important. Nevertheless, information from the Cheshire Archives and Local Studies indicates that there is evidence that the hedgerow may have formed an integral part of a field system pre-dating the Enclosure Acts; (a historic qualifying criteria).

Although the hedge to be removed is only part of a former longer length and the field pattern is now incomplete, following the guidance for the Regulations the hedge to be removed appears to meet the historic criteria in the Regulations. This is a material consideration to weigh in the planning balance.

Ecology

Grassland Habitats

The habitat survey was undertaken in January which is a very poor time of year to undertake botanical and habitat surveys. However the Councils Ecologist has visited the site and advises that, apart from the boundary features the habitats on site are of low nature conservation value.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Based upon the submitted layout plan the proposed development will result in the loss of section of hedgerow from the interior of the site. There are opportunities around the site to provide replacement hedgerows as compensation for those lost. However, the Councils Ecologist advises that the layout plan should aim to maximise the retention of the existing hedgerow vegetation and boundary trees. It must be ensured that any losses are adequately compensated for at the detailed Reserved Matters stage.

Bats

A Sycamore tree, on the site eastern boundary, has a number of bat boxes attached. Based upon the submitted illustrative layout plan it appears feasible for this tree to be retained as part of the proposed development.

The Councils Ecologist advises that provided the boundary trees and hedgerows are retained (or replaced) the proposed development is unlikely to have a significant impact upon foraging or commuting bats.

Other Protected Species

No conclusive evidence of other protected species was recorded on site during the submitted survey reports. Other Protected Species are however known to occur in this locality. As the status of other protected species on a site can change a condition should be attached requiring any future reserved matters application to be supported by an updated other protected species survey.

Provision for Nesting Birds

A condition is requested to ensure appropriate safeguarding of birds in the nesting season.

Impact upon the Setting of the Canal Conservation Area

The boundary of the site runs along the Canal Conservation Area boundary which also extends along part of the road to the south and encompasses the entire bridge structures. The bridge just to the north of the site is listed grade II and the bridge to the south, while not listed, is a non designated heritage asset by virtue of its date.

These two bridges are visible from each other and form an important association with significant views of the canal afforded from both. The listed bridge (Tram Bridge No 91) is the historical link from the hamlet to Scholar Green and its amenities. Between the site and the canal towpath is a bank of shrubs and mature trees. This bank drops several metres to the canal. The cutting creates a green peaceful character to the conservation area. To the North West end of the site this vegetation is less dense allowing views onto the site from the listed bridge and conservation area. To the south west end of the site there is an access gate and the vegetation also lessens allowing views onto the site from the road, conservation area and canal bridge. The character of the conservation area at this location is semi rural with pockets of development.

Levels are an important consideration on this site. The levels laid out on First Points survey 5736-02 show the following :

Bridge (South bridge No 92) 129m
Bank top 133m
Top of site at crest 136m
Ridge recent houses 136-140m

Therefore the recent development housing development in Elbourne Drive/ Portland Drive is fully screened from the heritage assets by the bank and levels on the proposed site. The same cannot

be said for the proposed outline development. It will be visible from both ends of the site and seasonally on the rest of the site. This does not preclude development but it is important that the reserved matters address this issue, if this is approved.

The impact on the heritage asset also includes setting. In this case the setting includes views into, out of and across the conservation area and listed structures as well as the approaches to the bridges, especially bridge 91. The NPPF clearly states that setting is part of the significance of a heritage asset. Setting is not limited to views but also includes the surroundings in which the heritage asset is experienced. There is therefore an area of influence at either end of the site, and to a lesser extent along the conservation area boundary. There are already existing properties in the area on 3 sides of the site and the proposal will infill the land between those. Development along the canal in this location is low density properties, set in their own plots. There is already some concern in the conservation area appraisal regarding domestic paraphilia at this location. If approved this would be the only part of this section of the canal between Kidsgrove and Congleton which is bounded on both sides by residential development. Any proposed scheme needs to respect that semi rural setting to the heritage asset.

The Conservation Officer has agreed revisions upon the (indicative scheme) which involves the use of dormer bungalows at key points on the boundary with the Canal Conservation Area

Subject to ensuring that any proposal is in keeping with the character of the area and respects the significance and character of the heritage assets the principle of some development of the site is acceptable. The details will need to be carefully assessed at reserved matters stage to ensure that the setting of the Conservation Area is adequately maintained.

Design & Layout

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

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

This application is submitted in outline form and the supporting documentation submitted with the application does not provide any detailed information the parameters of development. Neither is there information on sustainable design. This is not surprising as this is an outline application, with a masterplan that seeks to establish only broad development and design principles. However, it is suggested that a sustainable design strategy/plan be required (by condition). This should set out the approach to delivering sustainable design objectives including:

- passive environmental opportunities,
- performance of fabric and reduction in carbon production and water consumption,
- the use of renewable/low carbon energy,
- the scheme’s design response to climate change adaptation
- other soft environmental measures.

The proposals indicate a linear form of development sandwiched between the rear of properties which have recently been built on Elbourne Drive and the Macclesfield Canal. A possible layout of 30 units is shown, some of which are indicated to be bungalows although at this stage the mix/size of units is not known.

It is important to note that the indicative layout is just that; indicative; and there is no in principal acceptance of the site layout as submitted. It would be for the reserved matters to ensure the layout and density of development is appropriate and also complies with the Council's forthcoming design guide.

As is noted in other sections of this report, the elevated level of this site will need to be carefully factored into the overall assessment at reserved matters stage to ensure an urban design treatment that respects this sites constraints.

Highways

The Head of Strategic Infrastructure (HSI) has reviewed the highways report submitted by the applicant in support of the development proposals and finds the following:

The HSI considers the site to be in a sustainable location and is well positioned to encourage travel by modes of transport other than the private car.

A development of 30 dwellings would be expected to generate less than one vehicle every 2 minutes during each of the peak hours and trip generation is therefore considered minor. Capacity assessments have confirmed the impact on the road network capacity will be minimal.

The HSI is satisfied that the development proposals can be safely accommodated on the adjacent highway network; accordingly, the HSI has no objection to the planning application.

Air Quality

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

Modern Ultra Low Emission Vehicle Technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such, it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties. As such a condition should be imposed requiring electric vehicle charging points for each new dwelling.

Flood Risk

The Flood Risk Manager has assessed the application and has no objection in principle on flood risk grounds, subject to conditions relating to a drainage strategy and surface water run-off.

Overall Environmental Sustainability Conclusion

Subject to conditions and S106 mitigation the scheme would not create any significant issues in relation to; trees, highway safety and congestion, drainage or flooding and ecology, impact upon the setting of the Macclesfield Canal Conservation Area. On this basis the proposal is considered to be an environmentally sustainable form of development.

SOCIAL SUSTAINABILITY

The site is located within the Scholar Green Settlement Zone Line with all the facilities and services that are available there – school , medical centre, pubs, shops, bus service, children’s play facility. The development will help maintain population to maintain these existing services

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or less 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 3 dwellings or more or larger than 0.2 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a **minimum of 30%**, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a indicative development of 30 dwellings. In order to meet the Council’s Policy on Affordable Housing there is a requirement for 9 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in the Alsager Rural sub-area is for 1 bedroom dwellings. The majority of the demand on Cheshire Homechoice is split fairly equally between 1, 2, and 3 bedroom dwellings therefore some 1 bed units on this site would be acceptable. The SHMA also evidenced a clear need for 1 bedroom elder persons accommodation. Nine of the affordable units should be provided as Affordable rent and 3 unit as Intermediate tenure

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

Children and Young Persons Provision

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission in accordance with the submitted details there would be a surplus in the quantity of provision at the nearby Portland Drive play area has recently been enhanced.

Consequently there is no requirement for the provision of additional Children and Young Persons provision to meet the future needs arising from the development.

Amenity Greenspace

There would be a deficit of this type of provision in the event that planning permission is granted.

Having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, 30 new homes will generate a need for @ 744 sq m of new amenity greenspace. The site layout plan would appear to include areas of Public open space but these are not identified as such. The Agent has confirmed that area indicated as open space on the site contain pedestrian linkages to Little Moss Lane to the south and the Canal bridge to the north of the site that these areas are intended to be Amenity open space. On this basis the areas of Amenity Open Space within the site far exceed the policy requirement.

A narrow buffer is indicated to the rear of properties adjoining Elbourne Drive. This area has potential to be a 'no mans land'. Accordingly, it is considered that the open and incidental spaces within the site should be managed via a residents management agreement as part of a S106 Agreement

Subject to this control, adequate amenity greenspace is provided.

Residential Amenity

This is an indicative layout with a possible residential layout is submitted. No known positions are proposed for the siting of principal room windows. This is more appropriately assessed at reserved matters stage.

The Congleton Borough Council Supplementary Planning Document, Private Open Space in New Residential Developments, requires a distance of 21.3m between principal windows and 13.8m between a principal window and a flank elevation to maintain an adequate standard of privacy and amenity between residential properties.

The site is elevated above Elbourne drive, which sits circa 4m lower than the application site. Much objection has been raised from adjoining residents on grounds of overlooking/ loss of light by virtue of the indicative siting of the proposed (assumed to be 2 storey) dwellings.

The layout and design of the site are reserved matters. However, the indicative layout demonstrates that up to 30 dwellings could reasonably be accommodated on the site, whilst maintaining the minimum privacy distances required by the policy between existing the dwellings backing on to the site in Elbourne Drive and the proposed dwellings. The indicative proposal sites the proposed dwellings at 30 – 31 m away from the rear elevations of existing dwellings in Elbourne Drive. This exceeds the policy requirement by 10m and is considered to be more than sufficient to ameliorate the impact upon privacy/overlooking for those existing residents, having also taken into account the differences in land levels between the two sites.

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. The indicative layout indicates that this can be achieved.

Loss of Light/Sun to existing dwellings in Elbourne Drive

The houses in Elbourne Drive are set approximately 4m lower than the site. It appears that the site was formed from the spoil remaining from the housing development at Portland/Elbourne Drive. The proposed site is located to the east of the existing dwellings on Elbourne Drive. The joint boundary comprises a 4m tall gabion wall which forms the rear boundary of the houses in Elbourne Drive.

Numerous objections have been received from those residents on the basis of their perceived loss of daylight/sunlight to their rear.

A Daylight and Sunlight Assessment has therefore been provided in support of this application which has addressed the objections from adjoining residents in Elbourne Drive on grounds of loss of light and sunlight. The Assessment has been submitted at the request of Officers, given the objections from the adjoining residents.

It is considered that the Assessment has adequately demonstrated that the indicative siting of the proposed dwellings will not impinge the path of the sun at various times in the year enjoyed to the rear of the existing (east facing) dwellings in Elbourne Drive.

It should also be noted that given the due east facing nature of the houses on Elbourne Drive and the fact that they are enclosed by a 4m high stone gabion wall, the amount of direct sunlight and daylight to the rear of these houses will always be limited. In this regard some concern has been raised about the siting of the proposed rear boundary fence

Although the siting of the units is reserved, the indicative plan notes that gardens facing Elbourne Drive will have a 'minimum 20m deep rear garden'. This together with the existing depth of gardens in Elbourne Drive would satisfy the interface requirement of 21.3m for principal rooms backing on to another.

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, and noise.

Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

The required separation distances would be achieved between the existing and proposed dwellings, meaning that there would be no significant adverse impact on privacy. This can be considered further when a detailed layout is provided.

It is therefore concluded that the proposed development could be accommodated in amenity terms and would comply with the requirements of Policy GR1 and GR6 of the Local Plan.

Education

Not including the current planning application there are 8 further registered and undetermined planning applications in the catchment area generating an additional 140 primary children and 108 secondary children.

The development of 30 dwellings is expected to generate:

- 6 primary children (30 x 0.19)
- 5 secondary children (30 x 0.15)
- 0 SEN children (30 x 0.51 x 0.023%)

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

The development is not forecast to impact primary school or SEN school provision.

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

5 x £17,959 x 0.91 = £81,713.45 (secondary)

Total education contribution: £81,713.45

land East of Elbourne drive.					Number of Dwellings	31									
Planning App Number					16/0285C	Primary Yield	6								
Date Prepared						Secondary Yield	5								
						SEN Yield									
					PAN Sep 16	PAN Sep 17	NET CAP May-156	Any known changes	PUPIL FORECASTS based on October 2015 School Census						
									2016	2017	2018	2019	2020	Comments	
Primary Schools															
Rode Heath					30	30	210	210	209	208	208	206	208		
Scholar Green					30	30	180	210	177	166	160	157	153	extra classroom agreed	
Woodcocks well					15	15	105	105	109	101	100	99	98		
Developments with S106 funded and pupil yield included in the forecasts								0							
Developments pupil yield not included in the forecasts													0		
Pupil Yield expected from this development									Development				6		
OVERALL TOTAL					75	75	495	525	495	475	468	462	465		
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP									30	50	57	63	60		
PRIMARY CONCLUSION - NO CLAIM Sufficient surplus for forecastsing period															
					PAN Sep-16	PAN Sep-17	NET CAP May-16	NET CAP 2016	PUPIL FORECASTS based on October 2014 School Census						
									2016	2017	2018	2019	2020	2021	2022
Secondary Schools															
Alsager					235	235	1,125	1,125	1,117	1,174	1,239	1,278	1,263	1,251	1,246
Congleton (not in 3 miles but catchment)					200	200	900	900	946	1,025	1,066	1,076	1,099	1,100	1,108
									Please Note: All figures quoted exclude any allowance for 6th Form Pupils						
Developments with S106 funded and pupil yield included in the forecasts								28							
Developments pupil yield not included in the forecasts															41
Pupil Yield expected from this development															5
OVERALL TOTAL					435	435	2,025	2,053	2,063	2,199	2,305	2,354	2,362	2,351	2,400
OVERALL SURPLUS PLACES PROJECTIONS									-10	-146	-252	-301	-309	-298	-347
SECONDARY CONCLUSION - 100% Claim. Forecasts already showing an immedaite shortfall so any children add to the shortfall.															
PRIMARY CONCLUSION - NO CLAIM Sufficient surplus for forecastsing period															
SECONDARY CONCLUSION - 100% Claim. Forecasts already showing an immedaite shortfall so any children add to the shortfall.															
SEN CONCLUSION															

Overall Social Sustainability Conclusion

In terms of social sustainability, it is considered that negative impacts of the proposal can on the whole be mitigated by condition or by S106 contribution. It is considered that the social benefits of the scheme, through the provision of social and market housing in an existing settlement outweighs the harm in the planning balance. It is therefore concluded that the proposal would be socially sustainable.

ECONOMIC SUSTAINABILITY

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

Paragraph 19 states that:

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

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

This proposal will contribute to the economic arm of sustainability by providing jobs in construction and the industry supply chain and providing housing for people who will contribute to the local economy.

LEVY (CIL) REGULATIONS

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

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

As explained within the main report, the provision of affordable housing is required to address a planning policy, the maintenance of the open space on site is directly necessary and attributable to the development contributions to education are directly related to the development and fairly and reasonably related in scale and kind to the development.

Conclusion – The Planning Balance

The site is within the Settlement Zone Line of Scholar Green, where there is a presumption in favour of sustainable development unless the proposal does not comply with other planning policy which would outweigh that presumption .

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

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

RECOMMENDATION

Approve subject to the conditions listed below and the completion of a s106 Agreement for a contribution of and the provision of

- **30% affordable housing (9 of which 1 shall be a bungalow for the over 55's in a 65:35 split affordable rent: intermediate tenure);**
- **Management Scheme for the maintenance of the on site POS and incidental areas of the site not within gardens**
- **£81,713.45 secondary education contribution**

And the following conditions;

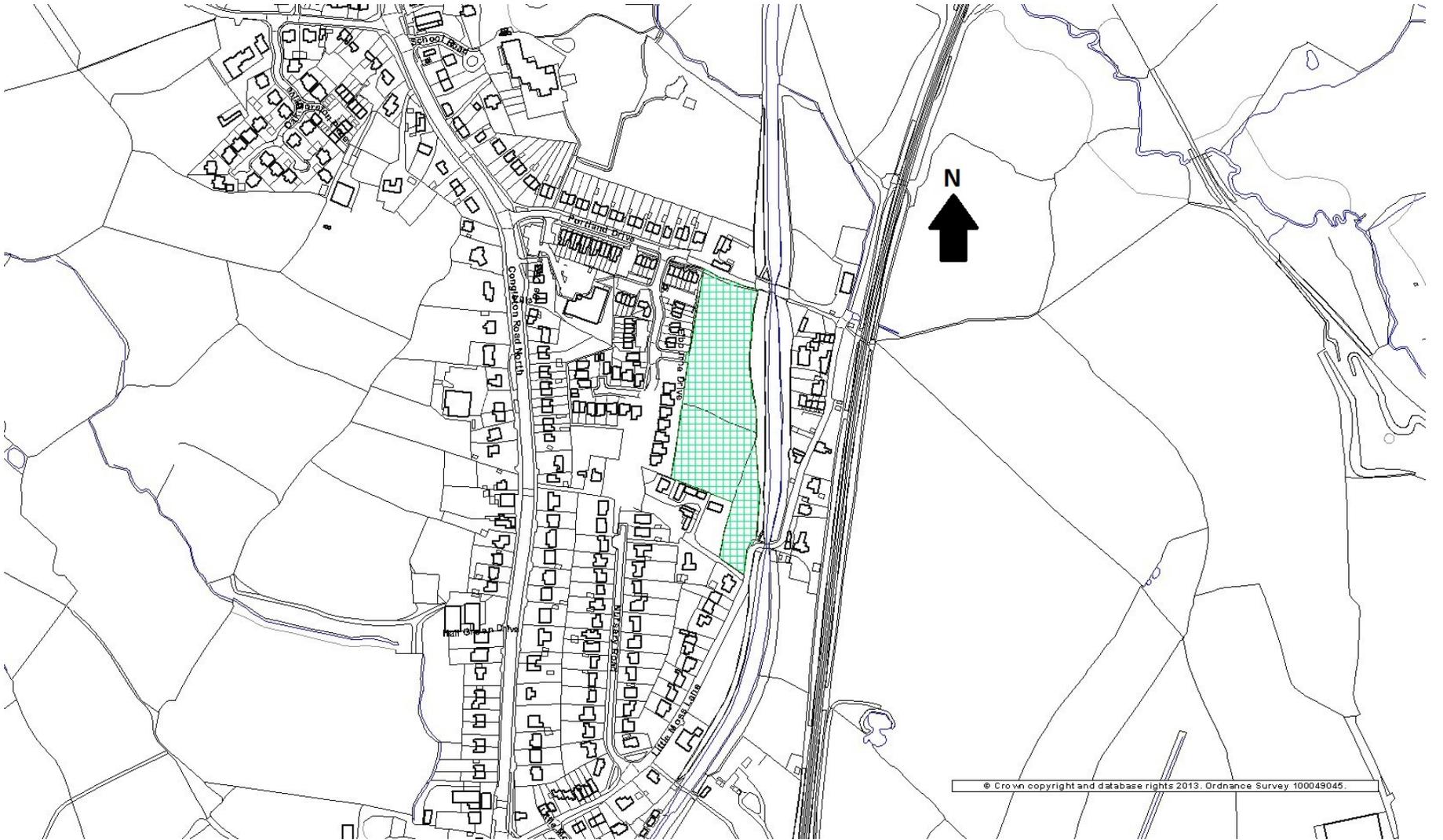
1. **Commencement outline**
2. **Submission of reserved matters**
3. **Approved Plans**
4. **Retention of trees identified for retention within the site**
5. **Submission of tree protection measures**
6. **Submission and approval of a Construction and environmental Management Plan including a construction compound within the site/dust mitigation etc**
7. **Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays.**
8. **Submission of a Phase II Contaminated Land Report**
9. **Provision of electric vehicle charging points for each dwelling**
10. **Submission of details of foul and surface water drainage**
11. **Submission of a detailed drainage scheme**
12. **sustainable drainage management and maintenance plan for the lifetime of the development**
13. **Updated bat survey**
14. **Land stability**
15. **Reserved matters to include boundary treatments inc Canal boundary**
16. **Lighting information adjoining canal**
17. **Existing and proposed levels to form part of reserved matters**
18. **Updated badger survey**
19. **Bird nesting season**
20. **Reserved matters to include existing and proposed levels/ including land adjacent**
21. **Reserved matters to include arboricultural information in accordance with BS 5837:2012 to include a tree survey no more than 12 months old, an arboricultural impact assessment relating to the final layout and an arboricultural method statement**
22. **Bat and bird boxes**

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

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

Should this application be the subject of an appeal, authority is approved to enter into a S106 Agreement with the following Heads of Terms;

- 30% affordable housing (9 of which 1 shall be a bungalow for the over 55's in a 65:35 split affordable rent: intermediate tenure);
- Management Scheme for the maintenance of the on site POS and incidental areas of the site not within gardens
- £81,713.45 secondary education contribution



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Application No: 16/5473C

Location: LAWTON MERE NURSERIES, CHERRY LANE, CHURCH LAWTON,
ST7 3QX

Proposal: Demolition of existing glasshouses and construction of new residential
development for up to three dwellings

Applicant: Gary and Lorraine Barratt

Expiry Date: 02-Mar-2017

SUMMARY

The principle of the development is considered to be acceptable in Green Belt terms as it would involve the re-development of a previously developed site with no greater impact on openness or conflict with the purpose of including land in the Green belt which accords with paragraph 89 of the NPPF.

The proposal would have a neutral impact in terms of trees, ecology, design, flood risk and amenity.

The proposal would bring positive planning benefits such as; the provision of market housing in a sustainable location.

Balanced against these benefits must be the dis-benefits which in this case relate to a minor impact upon the landscape.

As this impact is not considered to be significant and can be mitigated against with the use of planning conditions, it is considered that on balance the application proposal represents sustainable development.

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

RECOMMENDATION

APPROVE subject to conditions

REASON FOR DEFERRAL

The application has been called in to Southern Planning Committee by Cllr Rhoda Bailey on the following grounds:

"I have been approached by residents who consider that this application should be dealt with by the planning committee because of the serious implications of this proposal, as they consider it to

be inappropriate development within the Green Belt, its proximity to listed buildings, and the effect of increased traffic on Cherry Lane”.

PROPOSAL

The application proposes the demolition of existing glasshouse buildings and the construction of 3 new dwellings.

The application is in outline form with access, siting and scale included with matters of landscaping and appearance reserved.

SITE DESCRIPTION

The application relates to an existing employment site. It is situated on the northern side of Cherry Lane, which is within the South Cheshire Green Belt. To the south east of the site is the Grade II Listed Lawton Mere Cottage.

RELEVANT HISTORY

09/0028/FUL – Proposed new building to provide office accommodation and garage / stores at ground level and garden stores at first floor level above offices – Approved 14th May 2009

15/1583C Change of use of existing glasshouse to storage and distribution – Approved June 2015.

15/5280C – Demolition of an existing glasshouse building and the construction of six new dwellings – Refused 5th February 2016 for the following reasons;

- The applicant contested that they has implemented the approved storage and distribution use however the Council did not agree with this therefore the proposal was considered inappropriate development in the Green Belt

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 14, 79-92 and 47.

Development Plan:

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

The relevant Saved Polices are;

PS7 Green Belt

GR1 General Requirements

GR2 Design

GR6 Amenity
GR9 Access and Parking
H6 Residential development in the countryside
E.6 Employment Development in Green Belt
BH4 Listed Buildings
GR4 Landscaping
GR21 Flood Prevention
NR1 Trees and Woodlands
NR2 Wildlife and Nature Conservation – Statutory Sites
H1 Provision of New Housing Development

Cheshire East Local Plan Strategy – Submission Version (CELP)

MP1 - Presumption in favour of sustainable development
PG1 - Overall Development Strategy
PG3 – Green Belt
PG6 - Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
IN1 – Infrastructure
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
SE13 - Flood risk and water management
CO1 - Sustainable Travel and Transport

CONSULTATIONS:

Cheshire Brine Subsidence Board: Request a condition relating to brine subsidence on the site.

Environmental Protection: Request conditions/informatives relating to piling, dust, noise and land contamination.

Highways: No objection

Church Lawton Parish Council: Object on the grounds of development on Green Belt, not considered brownfield land, access and highway safety, absence of fall back position and sustainability (full comments available on the website).

REPRESENTATIONS:

At the time of report writing, 3 representations and a petition with 28 signatures have been received. These can be viewed in full on the Council's website. They express the following concerns:

- Inappropriate in the Green belt
- Not brownfield land
- Highways safety
- Ecology
- Impact on existing cattery
- Houses should be moved from site boundary
- Village is at capacity
- Loss of privacy
- Contamination
- Impact on Listed Building
- Properties should be bungalow not 2 storey

APPRAISAL

Principle of Development/Green Belt

The site is designated as being within the South Cheshire Green Belt where Policy PS7 states that development will not be permitted unless it is for the following:

- Agriculture and forestry;
- Essential facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of land included within it;
- New dwellings in accordance with Policy H6 and extensions and alterations to existing dwellings in accordance with Policy H16;
- Controlled infilling within those settlements identified in Policy PS7 in accordance with Policy H6;
- Limited affordable housing for local needs which comply with Policy H14;
- Development for employment purposes in accordance with Policy E6;
- The re-use of existing rural buildings in accordance with Policies BH15 and BH16.

The NPPF in paragraph 89 allows for *“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*

The NPPF defines previously developed land as *“land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”*

The supporting information submitted with the application considers that the approval for *“change of use of existing glasshouse to storage and distribution associated with the existing plant hire business.”* (15/1583C), means that the land is now classified as *‘previously developed’* as defined in the NPPF. The statement also advises the applicant has been using a large proportion of the

site for storage and distribution since approval in June 2015 and have been using the entirety of the site as such since February 2016. Receipts/invoices have also been provided for the items stored.

During the officer site visit a number of items were noted as being stored inside the main glasshouse suggesting that the site is no longer in use for horticultural purposes and that the storage and distribution use has been implemented. Therefore the site is now considered to constitute previously developed land as per the NPPF

As a result the proposal is considered redevelopment of a previously developed site which can an appropriate form of new development in the Green Belt provided that it does not have a greater impact on the openness of the Green Belt or conflict with the purposes of including land in the Green Belt.

Greater impact on openness

The proposal would involve removing all existing structures on site (except the office building to the north-eastern boundary), including the main large glass house and replacing this with 3 dwellings. The supporting statement advises that the proposal would see a reduction in footprint on the site by 1379m² and a reduction in volume by 4353m³ (see break down below). The height of the existing glass house has not been provided however having viewed the building on site it would appear between 3/4m high with the proposed plans stipulating that the bungalows would be no more than 4.4m high.

BUILDING	AREA / INDICATIVE AREA (m ²)	VOLUME / INDICATIVE VOLUME (m ³)
Total Existing Glasshouses	1843	5818
Proposed Dwelling 1	184	581
Proposed Dwelling 2	140	442
Proposed Dwelling 3	140	442
Total Proposed	464	1465
Difference	-1379	-4353

As a result it is clear that the proposal would result in a significant reduction in the footprint and volume that current exists on site which is would in fact result in an increase in the openness of the Green Belt.

The proposal would involve the re-development of a brownfield site with an overall reduction in built form, would be viewed in context of existing residential development to the east and the visual impact would be limited given the maximum height at single storey level (4.4m). As a result the proposal is not considered to result in unrestricted sprawl and would safeguard the countryside from encroachment. It is far enough away from neighbouring towns to prevent merging and would

not affect any special character of historic towns. Finally it would assist in the recycling of other urban land.

Fall back position

The applicant had highlighted in the supporting statement that the site could be further developed by the erection of additional buildings thus intensifying the commercial use of the site.

The fall back position is a material planning consideration which must be attributed some weight in the decision making process although it is for the decision maker to decide how much weight to attach to it.

Principle summary

As a result the proposal is considered redevelopment of a previously developed site which is an appropriate form of new development in the Green Belt and does not have a greater impact on the openness of the Green Belt or conflict with the purposes of including land in the Green Belt.

Housing Land Supply

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that *“no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”*. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing

supply problems. The Council **still cannot demonstrate a 5 year supply of housing at this time** but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the *Richborough* case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

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 application has not been accompanied with a Sustainability Statement that sets out the distances of the site to local services and facilities. However one was provided for the change of use application which is considered relevant as it relates to the same site. This is as follows:

Services & Facilities	Description	Distance from Application Site (Km)
Public Transport	Bus Stop	0.50
	Public Right of Way	0.20
	Railway Station	1.60
Services & Amenities	Convenience Store	0.45
	Supermarket	1.30
	Post Box	0.45
	Post Office	0.45
	Primary School	0.75
	Secondary School	1.70
	Medical Centre	1.50
	Local Meeting Place – Village Hall	0.60
	Public House	0.50

	Child Care Facility – Pre-School	0.75
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Sustainability has three 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

Landscape

There is an established hedgerow fronting Cherry Lane to the south, a line of Leylandii trees forming a hedge to the north, and existing development to the east. The western boundary is separated from agricultural land to the west by a post and rail fence.

Whilst a proposed site plan has been provided, the full landscape impacts would only become apparent at reserved matters stage. No landscape character or visual impact assessment has been provided.

As existing, the site and the glass houses are not prominent in the landscape. There are limited views into the site from Cherry Lane and the site is relatively well contained by the hedges to the north and south. Partial views of the site can be obtained from a public footpath to the east although there is some intervening vegetation and development. The northern line of Leylandii has limited lower cover allowing views out to the agricultural land beyond between the trunks. The open western boundary would leave any development exposed unless landscape treatment was provided. Whilst the design and access statements states that all existing trees and hedges on the site boundaries are to be retained, any impacts on the roadside hedge to achieve visibility splays could result in increased visibility in to the site from Cherry Lane. Development of any greater height/scale than existing could become intrusive in the landscape

It is considered that, should planning permission be granted, a reserved matters submission would need to be supported by comprehensive landscape and boundary treatment schemes.

Trees and Hedgerows

The site is well screened by existing trees and hedgerows and whilst the proposal is submitted in outline form an indicative layout has been submitted with the application. This shows a development of 3 bungalows within the site. The indicative layout shows that the boundary hedges and trees would be retained, meaning that the extensive, existing screening of the site would be maintained.

It is considered that, should planning permission be granted, a condition should be imposed relating to tree/hedgerow retention and protection.

Highways

The application has been assessed by the Council's Highways Engineer who has raised no objections to the proposal as he considers 3 residential units would not generate more than a few vehicle trips during the peak hour and when the vehicle trips of the existing use are removed the net impact would be negligible and the access would not be intensified.

The access is approximately 4.5m wide which is enough to allow for 2-way movement. The layout is indicative but shows that 2-way vehicle movement would be possible and there would be enough room for a refuse vehicle to enter and exit the site in a forward gear.

Therefore the proposal is not considered to pose any concerns from a highway safety perspective.

Ecology

The application was accompanied by a Great Crested Newt Scoping Survey. This survey has been assessed by the Council's Ecologist, who has concluded that there would be no adverse impact on Great Crested Newts from the development.

He has however suggested a condition requiring a nesting birds survey prior to demolition between 1st March and 31st August in any year.

As a result any impact to ecology can be suitably mitigated.

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 would involve some employment and economic benefits during construction. However it would lead to the loss of a small employment site within the borough.

SOCIAL SUSTAINABILITY

Affordable Housing

The size of development does not require any affordable housing contribution.

Heritage

There is a Grade II Listed building adjacent to the site.

A Heritage Assessment had been submitted which has been assessed by the Councils Conservation Officer who is satisfied that the proposal given the limitation on the heights at 4.4m high, would not significantly affect the setting of the Listed Building.

Amenity

Whilst the submitted layout plan is indicative only, it does demonstrate that 3 dwellings could be accommodated within the site and they would meet the minimum separation distances and be able to provide adequate private amenity space.

In order to protect the amenity of neighbouring properties, should permission be granted, a condition relating to piling operations should be imposed.

Therefore it is not considered that the proposal would cause significant harm to living conditions of the neighbouring properties.

Response to Observations

The representations of the members of the public have been given careful consideration in the assessment of this application including and the issues raised are addressed within the individual sections of the report including the impact on the green belt, amenity and privacy. The matter of disturbance to the neighbouring cattery is not something that could form a reason for refusal of the application. These issues have all been weighed in the planning balance.

Conclusion – The Planning Balance

The principle of the development is considered to be acceptable in Green Belt terms as it would involve the re-development of a previously developed site with no greater impact on openness or conflict with the purpose of including land in the Green belt which accords with paragraph 89 of the NPPF.

The proposal would have a neutral impact in terms of trees, ecology, design, flood risk and amenity.

The proposal would bring positive planning benefits such as; the provision of market housing in a sustainable location.

Balanced against these benefits must be the dis-benefits which in this case relate to a minor impact upon the landscape.

As this impact is not considered to be significant and can be mitigated against with the use of planning conditions, it is considered that on balance the application proposal represents sustainable development.

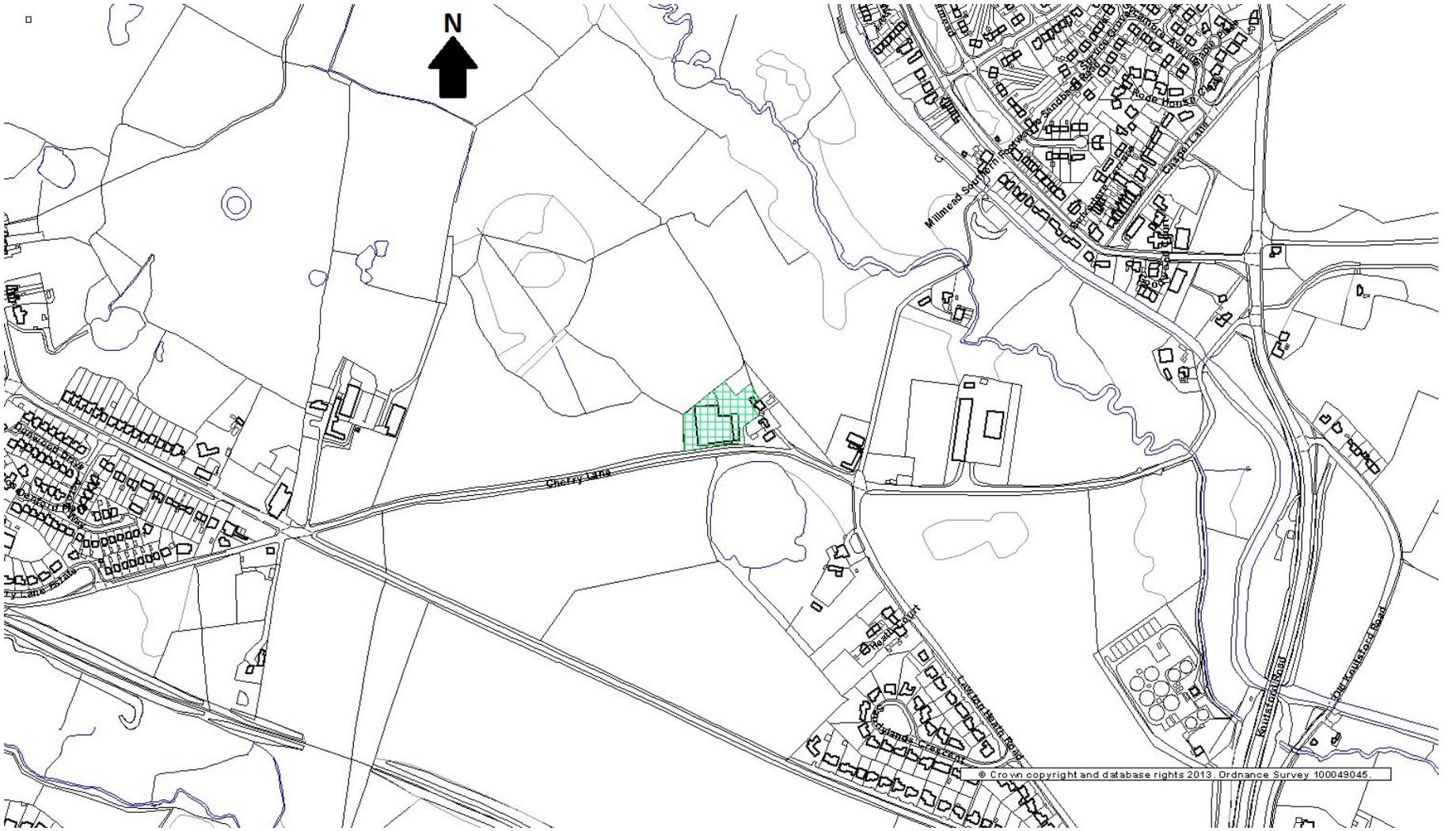
The application is therefore recommended for approval, subject to conditions.

RECOMMENDATION

APPROVE subject to 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) **Reserved matters application to include method statement for any piling**
- 7) **Submission / Approval of Information regarding Contaminated Land**
- 8) **Reserved matters application to include risk assessment for brine subsidence on the site**
- 9) **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**
- 10) **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**
- 11) **Nesting bird survey measures to be submitted and approved**
- 12) **The reserved matters application shall include a landscaping plan and boundary treatment plan for the site including a scheme to secure the retention and protection of the roadside hedge**
- 13) **Reserved matters application to include tree protection measures**

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



Application No: 16/6028N

Location: Land West Of, NEW ROAD, WRENBURY

Proposal: Outline planning application for the erection of up to 46 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from New Road. All matters reserved except for means of access.

Applicant: Mr Gladman Developments

Expiry Date: 20-Mar-2017

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 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 development would provide benefits in terms of affordable housing provision, delivery of housing, POS, a play area and economic benefits through the usual economic benefits during contraction and through the spending of future occupiers.

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

The adverse impacts of the development would be the loss of open countryside, the impact on the landscape, the loss of agricultural land and the lack of information regarding flooding.

As a result the development is clearly contrary to open countryside policies yet as it stands these are considered out of date. So the presumption in favour of sustainable development applies. However, with reference to the Richborough Court of Appeal weight can be given to those policies.

There is now a solution to the housing supply in hand through the forthcoming adoption of the Local Plan. As a consequence of the Inspectors most recent comments in December increased weight can be afforded to these policies. In addition given the progression of emerging policies towards adoption it is considered that greater weight can now be given to those emerging policies. A further factor that weighs against the scheme is the scale and location of the development which extends further away from the village settlement.

Therefore taking a balance of the overall benefits, the current policy position and the scale of harm it is considered that the presumption in favour is outweighed in this case and a recommendation of refusal is made.

RECOMMENDATION

REFUSE

PROPOSAL

The proposal seeks outline consent with all matters served except access for the erection of up to 46 dwellings

The proposed residential development would be sited on an area of 2.64 hectares which gives a density on the developable area of the site of 17 dwellings per hectare.

The proposed development includes a single access point onto New Road which would be located to the south-eastern boundary of the site.

The land level of the site to the north-west is predominantly flat however the levels fall significantly to the river to the south-west.

The indicative plans show that the site would include provision of an area of open space to the southern boundary.

The proposal would provide contributions to affordable housing and education, an area of public open space and a new footpath on New Road to the north of the site.

SITE DESCRIPTION

The site is located off New Road in Wrenbury. The site is within Open Countryside. To the south-western boundary of the site is the River Weaver with agricultural land beyond. To the north-east of the site is residential development which was approved under 14/5465N. Further agricultural land to the south-eastern boundary and land the north-western boundary is to serve a County Park approved as part of the 14/5465N application with the Llangollen Branch of the Shropshire Union Canal further beyond. The Wrenbury Conservation Area runs 136m to the north-east of the site.

The land is currently in agricultural. There are a number of trees and hedgerow to the boundaries of the site. Some of the trees to the north-western boundary are protected by a Tree Preservation Order (TPO).

Part of the application site is located within Flood Zone 3 as identified by the Environment Agency Flood Maps.

RELEVANT HISTORY

No relevant planning history on the site.

NATIONAL & LOCAL POLICY

National Policy

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan

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

The relevant Saved Policies are:

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.8 (Sites of Local Importance for Nature Conservation)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.7 (Conservation Areas)

BE.15 (Scheduled Ancient Monuments)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

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

RT.9 (Footpaths and Bridleways)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

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

Supplementary Planning Documents:

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

CONSULTATIONS

Environment Agency: Objection

United Utilities: No objection subject to drainage conditions suggested

CEC Flood Risk Manager: Objection

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

Strategic Highways Manager: No comments received at the time of writing the report.

Environmental Health: No objection subject to conditions regarding piling works, dust, construction environmental management plan, travel pack, electric vehicle charging and contaminated land. An informative is also suggested in relation to working hours for construction.

Ansa (Public Open Space): No objection

CEC Public Rights of Way: No objection as the development does not appear to affect a PROW however advisory notes offered to the applicant regarding the proposed footpath.

CEC Education: Contribution of £159,899 required for primary, secondary and SEN school provision.

VIEWS OF THE PARISH COUNCIL

Wrenbury Parish Council: Objection

New Road is a narrow county lane with no pavements or street lighting. It is not suitable for the traffic associated with an additional 46 houses. The junction with Nantwich Road is also unsuitable for the additional traffic that the site will create.

The development site is in designated open countryside and outside the settlement boundary as identified in the Crewe and Nantwich Local Plan, the emerging Cheshire East Local Plan and the emerging Wrenbury-cum-Frith Neighbourhood Plan. Since 2015, 110 houses have been approved within the village, which is a higher figure than previously identified in any local plan.

Whilst each application should be based on its merits, owing to the previous permissions granted over the past two years, any further development is unsustainable for the village services and amenities. This includes the sewerage system within the village, which regularly floods in inclement weather.

As the site is within the Mere and Mosses Nature Improvement Area, there is concern about the effect of the site on the adjacent watercourses. In accordance with the provisions of the National Planning Policy Framework, the applicant is required to identify how it has addressed the requirements of S11(117).

When 11/0041N was built, it was stated that this would not extend the village boundary and enable development along New Road. This development was afforded special circumstances as it was for the provision of affordable housing.

The Parish Council considers this application wholly unsuitable and urges that it is refused.

REPRESENTATIONS

Letters of objection have been received from 4 local households raising the following points:

- Loss of open countryside
- Located on Grade 3 agricultural land
- Outside settlement boundary
- Highway safety/traffic
- Drainage
- Out of character existing development
- Loss of trees/hedgerow
- Impact to ecology

- Village has already exceeded its capacity
- Unsustainable
- School capacity
- No demand for the properties proposed

APPRAISAL

Principle of Development

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

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

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

Housing Land Supply

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that “*no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions*”. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “*appropriate, justified, effective, deliverable and soundly based.*” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector's recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector's recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the Richborough case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy.

Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies. In addition given the progression of emerging policies towards adoption greater weight can now be given to those emerging policies. The scale of the development may also be a factor that should be weighed in the overall planning balance as to the degree of harm experienced.

Attention is also drawn to a recent appeal decision regarding a site in Cheshire East ref APP/R0660/W/16/3156959 where the inspector gave a view on the status of the Councils Merging Local Plan

“This plan is now at an advanced stage of preparation, with the consultation on the main modifications having started on 6 February 2017. It was indicated that apart from a minor modification to the wording of the supporting text, the Local Plan Inspector has not suggested any modifications to this policy. As such, it is proposed that it would be adopted in its current format. In the light of this, and in accordance with paragraph 216 of the National Planning Policy Framework (the Framework), I consider that substantial weight can be given to this policy”

SOCIAL SUSTAINABILITY

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of less than 3,000 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 10 dwellings or more or a combined housing floor space including garages larger than 1000sqm in size.

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

This is a proposed development of 46 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 14 dwellings to be provided as affordable dwellings.

The SHMA 2013 shows the majority of the demand in the Wrenbury area until 2018 is for 15 x two bedroom and 12 x four bedroom dwellings for General Needs per year. The SHMA also states the need of 2 x one bedroom Older Persons Dwellings per year again until 2018. The majority of the demand on Cheshire Homechoice is for 2 x one bedroom, 2 x two bedroom and 1 x three bedroom dwellings therefore the 6 x one bedroom and 8 x two bedroom shown in the Affordable Statement reflects the Housing Need in this area.

The Affordable Housing Statement proposes 9 Affordable rent and 5 Intermediate Tenure dwellings which has been considered to be acceptable by the Councils Housing Team.

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

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. The proposal seeks to provide up to 46 dwellings therefore the proposal requires 1,610sqm. The indicative plan shows that the developer will provide open space to the southern corner of the site.

In terms of children's play space, a LAP is proposed to the north of the open space to offer toddler and child play provision.

ANSA have been consulted regarding the proposal and have advised that they have no objections to the proposal as the quantity of public open space is being over provided in the form of a LAP play facility that should have a low level guard rail or planting to define the area.

An attenuation/balancing pond is located approximately 6m away from the LAP. Appropriate safety measures should be taken to ensure safety of the public especially small children who will be using the adjacent LAP.

Given that the proposal is submitted in outline, details requested by ANSA regarding location of fencing and buffer zones would be addressed at reserved matters stage.

Education

A development of 46 dwellings is forecast to generate 9 primary school children and 7 secondary school children and 1 Special Educational Needs (SEN) child.

The details of this forecast are contained within the table below:

Development	land west of New Road, Wrenbury				Number of Dwellings	46					
Planning App Number	16/6028N				Primary Yield	8		less 1 SEN			
Date Prepared	16.1.2017				Secondary Yield	7					
					SEN Yield	1					
Primary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any Known Changes	PUPIL FORECASTS based on October 2015 School Census						
					2016	2017	2018	2019	2020	Comments	
Wrenbury Primary School	20	20	140	140	117	122	129	128	128		
Developments with S106 funded and pupil yield included in the forecasts				0							
Developments pupil yield not included in the forecasts									2		
Pupil Yield expected from this development									8		
OVERALL TOTAL	20	20	140	140	117	122	129	128	138		
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP					23	18	11	12	2		
Secondary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any Known Changes	PUPIL FORECASTS based on October 2015 School Census						
					2016	2017	2018	2019	2020	2021	2022
Brine Leas School	215	215	1,050	1,050	1,118	1,149	1,168	1,190	1,197	1,200	1,212
				Please Note: All figures quoted exclude any allowance for 6th Form Pupils							
Developments with S106 funded and pupil yield included in the forecasts				20							
Developments pupil yield not included in the forecasts											19
Pupil Yield expected from this development											7
OVERALL TOTAL	215	215	1,050	1,070	1,118	1,149	1,168	1,190	1,197	1,200	1,238
OVERALL SURPLUS PLACES PROJECTIONS					-48	-79	-98	-120	-127	-130	-168

As such there is a requirement for a contribution from this development towards primary, secondary school and SEN and the sum of £159,899 will be secured as part of a S106 Agreement.

Health

Although no consultation response has been received from the NHS there is a medical centre within 0.2 miles of the site and according to the NHS choices website this practice is currently accepting patients indicating that they have capacity.

Location of the site

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

An assessment detailing the proximity of the site to the services within the tool kit has not been provided however a sustainability report has been provided which advises as follows

- Wrenbury is a successful and sustainable settlement. It has an active Parish Council and a number of community facilities including a well utilised village hall, recreation ground and sports pavilion. There are a number of activities taking place in the village that provide opportunities for residents to get involved.
- Wrenbury benefits from good public transport connections on the train and bus to Whitchurch and Nantwich, and on the train to destinations further afield including Crewe and

Shrewsbury. There are a number of Public Rights of Way connecting the village to the surrounding countryside.

- Wrenbury is well served with a pre-school, primary school and medical centre. It has a church, two village pubs, a convenience store and Post Office, and a sports and recreation grounds.
- Wrenbury has a skilled and educated workforce that makes a positive contribution to the local economy. Employment hosting sites are located both in the village and in a number of different surrounding settlements, including Nantwich and Whitchurch, and in other rural villages.
- In Wrenbury a high proportion of the housing stock is owner occupied. The village population has grown at a faster rate of growth than the average across Cheshire East. However, there has been particular growth in the population aged over 45 years.

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However, these are guidelines and are not part of the development plan. Owing to its position on the edge of Wrenbury, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development in Wrenbury from the application site. However, the majority of the services and amenities listed are accommodated within Nantwich and are accessible to the proposed development via a short bus or train journey. From the back of the site to the bus stop it is 439m which complies with the recommended maximum distance as per the above toolkit. The proposal also seeks to provide a new footpath from the north of the site onto New Road. This would stop 80m shy of the junction of New Road/Cholmondeley Road however users would be able to walk on the existing grass verge to reach the footpath on Cholmondeley Road.

It should also be noted that planning permission has been granted for residential development to the north-east of the site which was considered to be locationally sustainable. Given the close proximity of the site it would be difficult to argue that the current site is not sustainable.

Accordingly, it is considered that this small scale site is locationally sustainable.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

The main residential properties affected by this development are properties to the south-east (Brookside and South End), properties to the north-east on St Margarets Close and the future occupiers of the properties approved to the north of the site.

An illustrative masterplan has been provided which shows one possible way in which the site may be developed. Based on this layout the proposal complies with the required interface distances to prevent significant harm to living conditions of neighbouring properties. However it should be noted that the detailed layout will be determined at the reserved matters stage.

Air Quality

The proposed development is not close to any air quality management areas (AQMAs). A condition will be attached in terms of dust control from the construction phase of the development.

Contaminated Land

The application site is within 250m of a known landfill site and has a history of agricultural use and therefore the land may be contaminated. As the application is for new residential properties which are a sensitive end use and could be affected by any contamination present a contaminated land condition will be attached to any approval.

Public Rights of Way

There are no PROW located on the application site.

In response to the comments made by the Councils PROW Officer the pedestrian links onto Cholmondeley Road could be negotiated at the Reserved Matters stage and secured as part of a planning condition.

Highways

The proposal seeks to utilise an existing access of New Road, albeit amendments are required to increase the width to allow for 2 way traffic and to improve the visibility plays.

No comments have been received from the highway engineer at the time of writing the report. These will be provided in the update report or at the committee meeting.

However it would appear that adequate parking and turning areas could be provided.

Countryside/Landscape

The site is located to the south of Wrenbury Village in Open Countryside and lies to the west of New Road with the River Weaver to the south. It has no national landscape designation however it is considered to have more visual affinity with the appearance of the open countryside rather than the built form to the north-east given that it is bounded by countryside on 3 sides to the north-west, south-west and south-east.

It is agricultural land laid to grass with tree and hedge cover around the periphery. Further agricultural land lies to the east and the south beyond the river. To the north east there is a residential development and to the north west /west consent has been granted for residential development with a large area of associated POS. The site is readily visible from New Road with relatively level land to the north and levels sloping to the south / south west.

The application is supported by a Landscape and Visual Appraisal dated December 2016 which states that it is based on GLVIA 3 guidelines. The appraisal correctly identifies the site as being within National Character Area 61 Shropshire, Cheshire and Staffordshire Plain and within Landscape Character Type 7 East Lowland Plain, Ravensmoor Character Area in the Cheshire Landscape Assessment.

The appraisal affords the site and immediate landscape a medium landscape value with medium susceptibility to change.

Visual effects are assessed from a number of photographic viewpoints. The assessment suggests that potential visual impacts on residential receptors are considered small and limited to the immediate vicinity of the site. Limited views are identified from other viewpoints including the South Cheshire Way to the south. The open nature of the southern boundary due to contours and lack of tall vegetation is identified. Proposals are made for new landscape works and green infrastructure.

As the proposal seeks outline consent with only access included, the full landscape impacts could only be assessed at reserved matters stage. Nevertheless, notwithstanding the indicative landscape proposals, the introduction of residential development to this site, extending the built form of the village south into the agricultural landscape and open countryside would clearly alter the approach to the village from when approaching New Road from the south.

Whilst a landscape buffer is indicated along the River Weaver boundary to the south-west, the development is likely to be prominent to view particularly in the winter months when trees have shed their leaves. The site also slopes significantly to the River to the south-west which means that the majority of the site is highly visible when viewed from the wider setting to the south-west. As such the Councils Landscape Officer does not agree that the proposals would improve the approach to the village.

Therefore it is considered that the proposal would be visible from the wider setting and it is unlikely that the visual impacts could be adequately mitigated given the sloping nature of the site which increases the visual prominence meaning that the proposal would be viewed as a dominant feature on the landscape which extends away from the existing settlement to the north-east resulting physical encroachment in to the open countryside resulting in demonstrable harm to the character/appearance of this countryside setting.

It should be noted that the village boundary has already been extended to the south-west by the approval of application 14/5465N. This was approved as it was deemed to be a natural extension to the village and lined up with the existing development on New Road. This is unlike the current proposal which would not line up with existing development on New Road and would dramatically alter the character of this countryside setting and be viewed as visually dominant with an unacceptable visual encroachment into the countryside.

The proposal would also result in extensive hedge loss to accommodate the access, visibility splays and a footpath adjacent to New Road. The landscape report suggests that the hedge would be transplanted. However given the age and character of the hedge this is very unlikely to be successful and the site frontage would be open until a new hedge established which would further increase the visual impact of the site.

Trees

The site is an agricultural field laid to grass with tree and hedge cover around the periphery. Several trees on the western boundary are subject to TPO protection.

The application is supported by an Arboricultural Assessment dated December 2016 which incorporates a tree survey. The survey covers 11 individual trees, 5 groups of trees and 4 hedgerows. In the survey, trees are graded as follows: 1 individual tree Grade A, 5 individual trees and 2 groups Grade B , 4 individual trees 3 groups and 4 hedges Grade C.

As an outline application with only access included, the full implications of development would only be realised at reserved matters stage although the implications of the access need to be considered in detail. The capacity of the site to accommodate the scale of development proposed also needs to be considered.

On the basis of the Masterplan, the Arboricultural Impact Assessment indicates that the layout would retain most boundary trees but the access would require removal of a section of the roadside hedge and three roadside trees. The Assessment makes suggestions regarding site layout, protection and management of retained trees and additional planting.

The trees impacted by the proposed access works are all afforded Grade C and whilst prominent on the roadside are not outstanding. Impacts on retained trees would have to be assessed in more detail with a reserved matters application.

Hedgerows

The extent of hedge loss for the access and associated visibility splays and site frontage footpath is not entirely clear on the submitted plans but appears to impact on most of the established roadside hedge (more than 100 meters). The line of a proposed footpath is also indicated to continue to the north beyond the site edged red would impact on other lengths of hedge fronting properties in Margaret Close and beyond.

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. The Regulations require assessment on various criteria including ecological and historic value. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

The submission includes a Historic Hedgerow Assessment. Four hedgerows on the site boundaries meet Criterion 5a of the Archaeological and Historical Criteria and are therefore deemed to be 'Important ' hedgerow under the Hedgerow Regulations 1997. One of the four important hedgerows, on the New Road frontage, would be impacted by the proposed development through the proposed access point and associated visibility splays.

The applicant has also provided a method statement for hedge translocation and states that if this fails, replacement planting will be provided. Use of similar methodology on the development site off Cholmondeley Road is cited. However hedgerow has unique characteristics and the success of translocation cannot be guaranteed.

Given that Impact on an 'Important' hedge is a material consideration the uncertainty regarding the ability to translocate therefore weights against the proposal.

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 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.

Impact upon Built Heritage (Wrenbury Conservation Area and Listed Buildings)

The village of Wrenbury is centred on four distinct nodes: the canal crossing, the village green, the school and the railway station, separated by agricultural land.

Given the separation distances involved and the screening that would be provided by the intervening development to the north-east of the site it is considered that the development would have a limited impact upon the Wrenbury Conservation Area and the setting of the Listed Buildings within the village of Wrenbury including the Church of St Margaret (Grade II*) and Wrenbury Bridge (Grade II and a Scheduled Ancient Monument).

Ecology

Reptiles, Otters and Water Voles

Both Otters and Water Voles are known to occur on the River Weaver which forms the south western boundary of the application site.

No evidence of these two species was recorded during the submitted survey, the Water Vole survey was however undertaken outside the suitable survey season.

The Councils ecologist advises that both of these species may still possible occur on the River Weaver adjacent to the application site on at least on a transitory basis.

The submitted illustrative master plan includes a buffer zone of open space between the river and the proposed development. Provided this area is treated appropriately the ecologist considers that the proposed development would be unlikely to have a significant impact upon these two species if they were in fact present.

The unmanaged habitats adjacent to the river have also been identified as offering potential habitat for reptiles. The retention of these bankside habitats as part of the buffer zone adjacent to the river would also safeguard reptiles and this can be secured by condition.

Other Protected Species

Other protected species setts are known to be present on land adjacent to this site. The submitted habitat survey refers to a detailed other protected species survey report which is currently being considered by the Councils Ecologist.

An update will be provided either in the update report or the committee meeting.

Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. If planning consent is granted the ecologist has suggested that any reserved matters application be supported by proposals for the incorporation of gaps for hedgehogs to be incorporated into any garden or boundary fencing proposed. This can be secured by condition.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The development of this site is likely to result in the loss of a section of hedgerow to facilitate the access point.

If outline planning consent is granted it must be ensured that suitable native species hedgerow planting is provided as part of the detailed design to compensate for that lost. This could be secured by planning condition.

Nesting Birds

If planning permission is granted the ecologist recommends a condition to ensure some additional provision is made for nesting birds and roosting bats as part of the proposed development.

Bats

Whilst the application site offers limited opportunities for roosting bats, bats were recorded foraging and commuting around the boundary features on site.

To avoid any adverse impacts on bats resulting from any lighting associated with the development the ecologist recommends that if planning permission is granted a condition should be attached requiring the submission of a lighting strategy as part of the reserved matters application.

Ecology summary

As a result it is considered that any ecological concerns could be mitigated by the use of planning conditions.

Flood Risk

The site is bound to the south-west by the River Weaver (Main River) and is located partially within Flood Zones 2 and 3.

The Environment Agency has raised an objection due to lack of information as the submitted site plan is marked showing the extent of Flood Zone 3 not affecting the proposed residential areas. However, no evidence has been submitted to demonstrate this.

The Flood Risk Assessment (FRA) submitted with the planning application included a topographical survey and flood level data obtained from the Environment Agency. Marking the 100 year fluvial flood level on the topographical survey indicates that

However Flood Zone 3 extends into the site, affecting the proposed residential area. Therefore in order to determine whether Flood Zone 3 affects the proposed residential area, the proposed site layout needs be marked on the topographical survey and with the 100 year fluvial flood level clearly drawn.

The Councils Flood Risk Team have also raised an objection as the FRA does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the FRA fails to demonstrate that the proposed development will not increase the risk of fluvial flooding offsite.

The submitted 'Illustrative Master plan' suggests part of the proposed residential area affected by Flood Zone 3. The FRA explains that proposed dwellings are to be set above the design fluvial flood level, which would result in the loss of floodplain. However the FRA does not include how this loss of floodplain is to be mitigated, such that fluvial flood risk is not increased elsewhere.

This weighs against the proposal.

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 no Agricultural Land Assessment has been provided. As a result this issue needs to be considered as part of the planning balance.

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

CIL Regulations

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

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

As explained within the main report, POS and play equipment is a requirement of the Local Plan Policy RT.3. It is necessary to secure these works and a scheme of management for the open space and play equipment. This contribution is directly related to the development and is fair and reasonable.

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 schools which would support the proposed development, a contribution towards primary, secondary and SEN 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 Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However 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 development would provide benefits in terms of affordable housing provision, delivery of housing, POS, a play area and economic benefits through the usual economic benefits during contraction and through the spending of future occupiers.

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

The adverse impacts of the development would be the loss of open countryside, the impact on the landscape, the loss of agricultural land and the lack of information regarding flooding.

As a result the development is clearly contrary to open countryside policies yet as it stands these are considered out of date. So the presumption in favour of sustainable development applies. However, with reference to the Richborough Court of Appeal weight can be given to those policies.

There is now a solution to the housing supply in hand through the forthcoming adoption of the Local Plan. As a consequence of the Inspectors most recent comments in December increased weight can be afforded to these 'out of date' policies. In addition given the progression of emerging policies towards adoption it is considered that greater weight can now be given to those emerging policies. A further factor that weighs against the scheme is the scale and location of the development which extends further away from the village settlement.

Therefore taking a balance of the overall benefits, the current policy position and the scale of harm it is considered that the presumption in favour is outweighed in this case and a recommendation of refusal is made.

RECOMMENDATION:

REFUSE

1) **The proposed residential development is unsustainable because it is located within the Open Countryside would result in adverse impact on the landscape character of the area contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality), BE.2 (Design) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Local Plan, Policies PG5 (Open Countryside), SD1, SD2 & SE4 (Landscape) of the emerging Cheshire East Local Plan Strategy and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.**

2) **Insufficient information has been provided to fully assess the flood risks arising from the proposed development. In particular, the Flood Risk Assessment fails to demonstrate that the proposed development will not increase the risk of fluvial flooding offsite and does not include how the loss of the floodplain is to be mitigated, such that fluvial flood risk is not increased elsewhere. The proposal is therefore contrary to Crewe and Nantwich Local Plan Policies NE.20, BE.4, Policy SE.13 of the emerging Cheshire East Local Plan Strategy the NPPF**

3) **Insufficient information has been provided in which to assess the agricultural land quality of the site. The proposal is therefore contrary to Policy NE.12 of the Crewe**

and Nantwich Local Plan, Policy SD1 emerging Cheshire East Local Plan Strategy and the NPPF

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

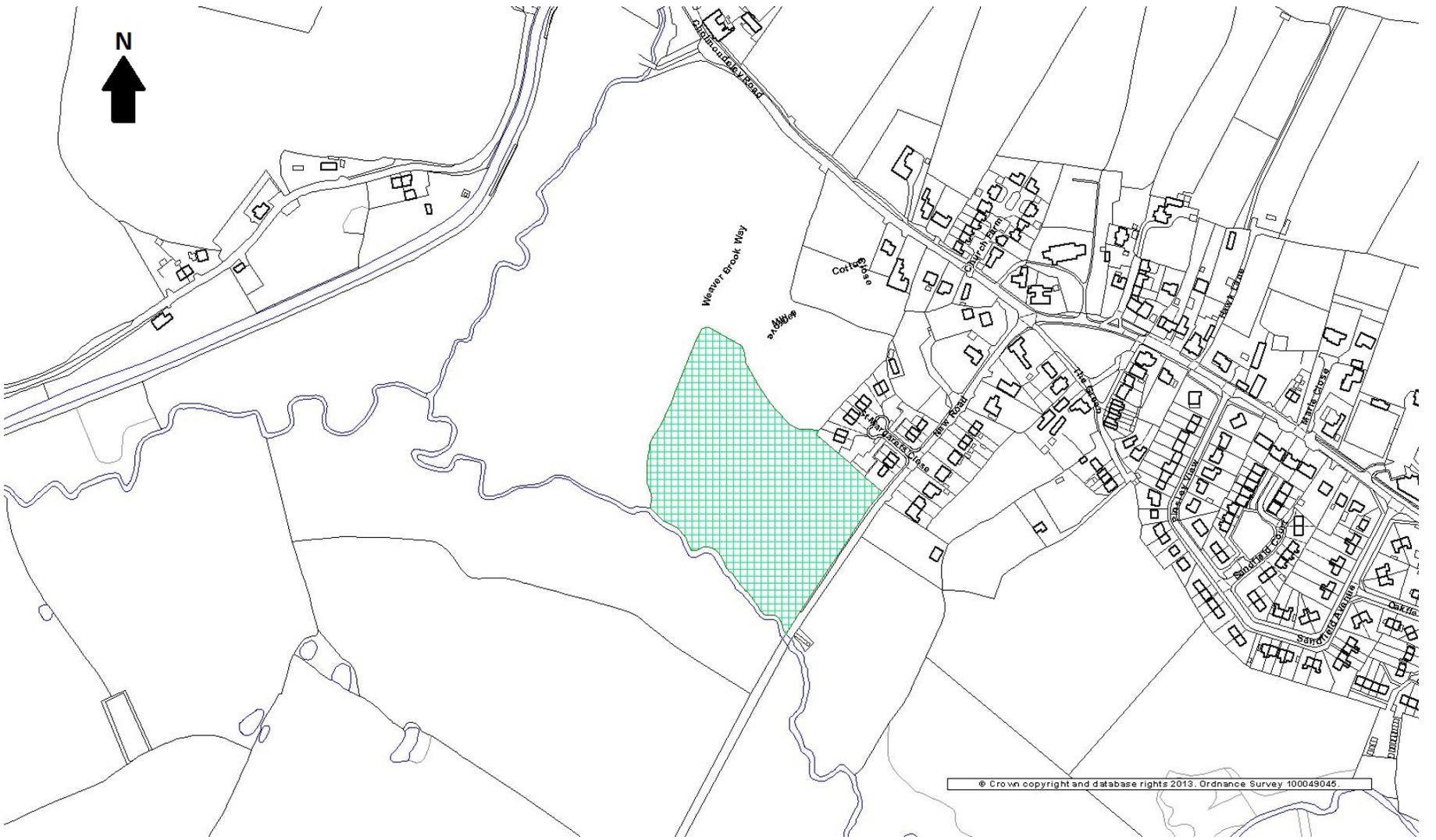
Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A 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 and LAP

3. Primary, Secondary and SEN School Education Contribution of £159,899



Application No: 16/5465N

Location: Old Dairy House Farm, BATHERTON LANE, BATHERTON, CW5 7QH

Proposal: Conversion of redundant agricultural buildings to three dwellings, erection of garages and associated works.

Applicant: Cheshire East Council, Cheshire Farms Service

Expiry Date: 06-Mar-2017

SUMMARY RECOMMENDATION:

The application seeks full planning permission for the conversion of existing barns to form three dwellings, together with the construction of garages and associated works.

The key site planning issues have been determined to be the impact on the character and setting of the listed building and the open countryside, residential amenity of adjoining property, drainage, flood risk, the impact on protected trees and highway safety. All of these issues are considered to be satisfactorily addressed.

It is concluded that the proposal is in general accordance with the relevant policies of the Development Plan. It is clearly demonstrated that the minor adverse impacts of the development do not outweigh the benefits. In accordance with guidance in the NPPF planning permission should be granted subject to the recommended conditions

RECOMMENDATION

APPROVE subject to the imposition of planning conditions

REASONS FOR REFERRAL

This application has been referred to Southern Planning Committee at the request of Cllr Martin for the following reasons;

1. *The application is technically inchoate, given the scope of additional information required the application should be either refused outright or called in.*
2. *The highway concerns are many:*
 - i. *Previous applications for additional residential development along Batherton lane have been refused and dismissed on appeal on highway grounds*

- ii. *The proposal is contrary to Policy BE3 of the Cree and Nantwich Local Plan, relating to the provision of safe access and egress arrangements*
 - iii. *The proposal is unacceptable in highway terms as it is contrary to the provisions of the NPPF particularly the substandard nature of the Audlem Road junction*
3. *Given the concerns in relation to the scale and design of the proposed development and highway safety concerns, it is deemed to fall foul of the tests laid out in the NPPF and therefore should be refused outright or called in.*

DETAILS OF PROPOSAL

The proposed development comprises the conversion of a redundant agricultural building to form 3 four-bedroom residential dwellings. In addition three double garages are proposed (in two blocks), and several utilitarian farm buildings are to be demolished.

DESCRIPTION OF SITE AND CONTEXT

The Old Dairy Farm farmhouse is situated at the end of Batherton Lane, a no-through road off Audlem Road (A529) 1km to the south of Nantwich. The late seventeenth century structure is a Grade II Listed Building and is also known as Batherton Dairy House.

The farmhouse faces adjacent sites in separate ownership, the New Dairy House Farm (also known as Batherton Farm) and the Barn (a residential conversion dating back to 1989). Together these form a small residential enclave, separated from the farm by a 1.8 metre-high close boarded fence.

The farmyard consists of two broad elements: modern cattle sheds positioned along a linear concrete yard, and a long two-storey brick range, a building of some substance and distinction. It is the latter building which is the subject of this planning application.

Planning History

17/0083N Listed building consent for conversion scheme – Application undetermined

16/1232N Proposed Change of Use of Redundant Agricultural Buildings to Six Residential Dwellings - Withdrawn March 2016

There have been refusals of planning permission on highway grounds for applications involving new development on Batherton Lane, notably P06/1219 for 1 dwelling at the northern end, appeal dismissed July 2006.

POLICIES

National Planning Policy Framework

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
28. Supporting a Prosperous Rural Economy

50. Wide choice of quality homes
56-68 Requiring good design
126-131 Conserving and Enhancing the Heritage Asset

Crewe and Nantwich Replacement Local Plan 2011

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

NE. 2 Open Countryside
NE.5 Nature Conservation and Habitats
NE.9 Protected Species
NE.16 Re-use of a Rural Building for Residential Use
BE.1 Amenity
BE.2 Design
BE.3 Access and Parking
BE.4 Drainage, Utilities and Resources
BE.5 Infrastructure
BE.9 Listed Buildings- alterations
BE10 Listed buildings- changes of use
TRAN.9 Parking Standards

Cheshire East Local Plan- Proposed Changes Version

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

PG 5 - Open Countryside
SD 2 - Sustainable Development
SE 1 – Design
SE7 - Historic Environment
EG2 - Rural economy

Stapeley and Batherton Neighbourhood Plan (Consultation Draft – Regulation 14 Stage)

GS6 Extensions and alterations
GS8 Re-use of agricultural buildings
GS11 Biodiversity
T1 General Transport considerations
T4 Footpaths, Cyclepaths and Bridleways
C4 Use of Rural Buildings
H1.4 Conversion of buildings to residential

Material Considerations

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

CONSULTATIONS (External to Planning)

Environmental Health: Recommend conditions and informatives regarding construction works and contamination

Head of Strategic Infrastructure: No objections subject to conditions

CEC Archaeology: Recommend a condition

Stapeley & District Parish Council: No comments received

REPRESENTATIONS

Objections have been received from the occupiers of three properties, the full representations are available to view on the application file. The objections can be summarised as follows:

- No assessment made of alternative uses under policy NE16
- The site cannot be accessed safely on foot or by car due to substandard layout on Batherton lane and the junction with Audlem Road.
- Adverse impact on highway safety
- Adverse impact on heritage assets and the setting of the listed building contrary to policy BE9.
- Adverse impact on nature conservation and protected species contrary to NE5.
- Adverse impact on residential, amenity through overlooking, noise and amenity impacts.
- Design does not reflect the character and form of the surroundings
- Scheme does not include drainage information and proposal would be contrary to policy BE5.
- Further information required to assess contamination of site.
- Over-development of site.
- Inadequate details of vehicle parking
- Proposal should be refused for highways, heritage, residential amenity, design and over-development grounds.

OFFICER APPRAISAL

Principle of Development

As the site falls within the Open Countryside, and is subject to Policy NE.2 of the Local Plan. Policy NE.2 advises 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.

As the residential conversion of a rural building is not referred to directly within this policy, it needs to be established whether the development would fall into 'other uses appropriate to a rural area'.

Residential conversion of rural buildings

Policy NE.16 of the Local Plan advises that planning permission will not be granted to re-use and adapt a rural building for residential purposes unless it meets a number of criteria.

Paragraph 215 of the NPPF advises that ‘...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework...’

As the policy requirements of Policy NE.16 regarding the residential re-use of rural buildings are not referred to in the NPPF, Policy NE.16 of the Local Plan is no longer directly relevant for the purposes of this assessment. The residential re-use of this building is therefore considered to be acceptable in principle subject to its impact upon the intrinsic character and beauty of the countryside, its design, impact upon local amenity, highway safety and impact upon protected species.

In this case it should be noted that the NPPF supports the conversion of rural buildings the core principles’ state that planning should *‘encourage the reuse of existing resources including the conversion of existing buildings’*.

The proposal is not in conflict with the draft Stapeley and Batherton Neighbourhood Plan, and it should be noted that the policies are in draft form only at this stage. In this case Policy H1.4 of the draft NP allows for the re-use, conversion and adaptation of permanent, structurally sound rural buildings of substantial construction, subject to the use being appropriate to the location, the conversion respecting the character of the buildings, and suitable access and car parking.

Open Countryside

Although the specific policy aspects of barn conversions are no longer referred to in the NPPF, the ‘intrinsic character and beauty of the countryside’ is. As such, the local plan Open Countryside policy is still considered to still be relevant with regards to visual amenity in this regard.

The proposed development would involve conversion of the existing rural building and the proposed residential curtilage would utilise existing yard area / natural boundary of the existing site, as such, these aspects of the proposal would not create any additional impact upon the character and appearance of the open countryside..

The proposal will not create any significant landscape issues. It will provide for the retention of the listed buildings in a viable use, and is therefore supported by policy BE.10 of the Crewe and Nantwich Local Plan.

Subject to details of boundary treatments and tree protection with appropriate new tree and hedge planting to be secured as part of a landscape scheme the appearance of the site would be considered acceptable.

As such, it is not considered that the proposed development would have a detrimental impact upon the character or openness of the countryside and would therefore adhere to Policy NE.2 of the Local Plan and the NPPF.

Design

The NPPF states that whilst LPAs should not impose particular architectural styles on developers, it is good practice to reinforce local distinctiveness. The proposed conversions as submitted did include a large number of rooflights and some changes in fenestration which were unnecessary. Following discussions with the agent, the scheme has been amended to retain as much original building fabric as possible especially the roofs which are generally in good condition. The buildings as a result of the proposals will still be able to be read as previously being traditional agricultural barns forming part of a wider traditional farmstead. Therefore the proposals accord with policy set out in the NPPF and guidance set out in the Historic England document: The Conversion of Traditional Farm Buildings: A guide to good practice.

The proposed landscaping scheme is sympathetic to the sensitive historic setting, and boundary treatments are suitable and will not have a detrimental impact on the character of the area.

Listed Building and heritage

Batherton Dairy House former farmhouse is a Grade II listed building and these traditional pre 1948 buildings lie within its curtilage.

Policy BE.9 sets out detailed requirements for alterations to listed buildings. Schemes must respect the scale, design and features of the listed building, and must not detract from its special character.

Policy BE10 allows for changes of use of listed buildings providing the special architectural or historic interest is retained.

Batherton Dairy House former farmhouse is a Grade II listed building and this traditional pre 1948 buildings lies within its curtilage.

There was an earlier application for the conversion of this building into six units together with works to construct 10 garages and insert a glazed link between the existing pig sty's and convert them to a further residential unit.

This scheme involves works to convert two storey brick barn to 3 residential units with 3 detached garages.

Whilst the proposed works to convert the two storey brick barn will retain the existing openings and much of the internal layout, the original proposal to replace the existing multi paned glazing bar pattern of its windows with a simple vertical paned style is not acceptable and a condition is proposed to cover this point, by agreement with the agent.

Revisions have been made to address issues regarding windows, rooflights, rainwater goods, roof trusses and ventilation.

It is appreciated that there are now far fewer garages than in the previous application, and whilst open fronted garages would minimize their massing/presence, they are considered to be acceptable.

The revised proposals are considered to be acceptable and justified in terms of policies BE 9 and BE10 of the Crewe and Nantwich Local Plan and policy SE7 of the emerging Cheshire East Local Plan. They also comply with paragraph 131 of the NPPF as they will secure the viable use of a designated heritage asset consistent with its conservation.

Archaeology

The main barn is thought to date from the early 19th century. Although the buildings have already seen some alteration, the proposed conversion will still have an impact on the historic character and appearance of the buildings, and also result in the loss of historic fabric. The Cheshire Archaeology Planning Advisory Service would therefore recommend that should planning permission be granted for this, or any similar scheme, that the buildings be the subject of an archaeological record and that such works be secured by means of a condition.

Ecology

Bats

Evidence of bat activity in the form of a minor roost of four bat species has been recorded within the barns at this site. Three of the species present are common and widespread whilst the fourth is less common. The usage of the building by bats is likely to be limited to small-medium numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have a medium impact upon on bats at the local level, due to the number of species present, and a low impact upon the conservation status of the individual species.

The submitted report recommends the installation of bat boxes on the nearby trees and a retained 'bat loft' as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- **the development is of overriding public interest,**
- **there are no suitable alternatives and**
- **the favourable conservation status of the species will be maintained.**

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive. They are that:

- (i) there is no satisfactory alternative
- (ii) the development is of overriding public interest.
- (iii) the favourable 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.

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

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range
- a specified reason such as imperative, overriding public interest.

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

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

Circular 6/2005 (dated 16 August 2005) advises LPAs that:

“It is essential that the presence of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”

Overriding Public Interest

The proposal would enable the retention of a listed range of buildings in a beneficial use which make a significant contribution to the heritage of the locality. The scheme would retain roosts for bats by mitigation measures. As such it is considered to be in the overriding public interest to facilitate its retention.

Alternatives

There is an alternative scenario that needs to be assessed. This is the retention of the buildings in their current state. The building could be altered as an agricultural building and become less and less suitable to support bats. Ultimately, this could result in the abandonment of the roost entirely.

Favourable Conservation Status

Appropriate mitigation should be secured if planning permission is granted. A comprehensive mitigation scheme has been proposed, in the form of a retaining the existing dwelling as a garage and store room, thereby avoiding unnecessary disturbance of the maternity roost. The Council’s Nature Conservation Officer is strongly supportive of this option.

If planning consent is granted a condition should be imposed requiring development to be carried out in accordance with the recommended bat mitigation proposals.

Barn owls

Evidence of past usage of the barns by barn owls has been recorded at this site. In the absence of mitigation the proposed development would result in the loss of an occasionally used roost. Occasionally used roosts can be important for this species. The applicant has proposed to install a barn owl box on site to compensate for the loss of the existing roost.

Conditions are required to ensure barn owls are appropriately safeguarded during the works and to ensure that an adequate level of compensatory roosting opportunities are provided.

Nesting Birds

If planning permission is granted a condition should be attached to safeguard nesting birds.

Amenity

The building adjoins an existing converted building with a predominantly blank elevation facing south-west. There would be no significant amenity issues arising from the development.

Noise

Noise from construction works can be addressed by means of planning conditions and informatives, as recommended by the Environmental Health officers.

Contamination

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

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site.

A site visit was undertaken with the agent during the previous application for the site (16/1232N), and it was noted that buildings and areas of hardstanding are present in areas of proposed residential gardens, and there is evidence of surface spillages of hydrocarbons in and adjacent to a shed on the south west of the site (possibly from vehicle/equipment storage and a possible former fuel tank). There was evidence of possible asbestos waste on the site, on the northern area, and there is also waste scattered in various places on the site. There may also have been a foot and mouth burial site in the vicinity.

Suitable conditions are required to safeguard public health in this regard.

Highways

Batherton Lane is a highway which can be used by all forms of traffic up to footpath 1 just east of the application site.

An application for 6 residential units was initially applied for via application 16/1232N but was objected to from Highways and subsequently withdrawn.

The concern with 16/1232N was the intensification of use of the vehicle access onto Audlem Road from Batherton Lane. This is a sub-standard access and the highway authority recommended to half the number of units. This application has followed on that recommendation. During its busiest hour the proposal for 3 units would generate just 2 or 3 two-way vehicle trips.

The proposal would not result in additional vehicle numbers using the Batherton Lane/Audlem Rd junction, and in addition would remove the large slowing moving agricultural vehicle movements from this junction.

It should be noted that minor safety improvements to the Batherton Lane/Audlem Road junction involving carriageway and junction markings are to be carried out as part of the development at 144 Audlem Road which is now under construction (13/1223N).

During this and the previous application, there have been comments on previous applications on Batherton Lane that have been refused due to inadequate access. These previous proposals on Batherton Lane have been for additional units which would result in additional vehicle trips. This proposal differs as it is for a change of use which will not have an impact as described above.

Vehicle passing areas have also been proposed, providing an additional benefit for existing and future users of Batherton Lane. However the submitted scheme is not considered to be sufficiently detailed, and does not address the issue of pedestrian safety. Therefore a condition requiring a more detailed scheme of improvements is required.

Overall it is considered that the proposal complies with policy BE3 of the Crewe and Nantwich Local Plan.

Drainage

The site is outside any known flood risk area and land is available for the provision of a private treatment scheme and soakaways. The applicant confirms that a suitable drainage scheme can be the subject of a planning condition.

CONCLUSIONS AND REASON(S) FOR THE DECISION

In conclusion it is considered that the scheme represents a viable alternative use for the redundant buildings and will retain their character as listed buildings. The proposal will not give rise to additional traffic movements over and above the previous agricultural use and would reduce heavy vehicle usage. The applicant has offered to provide passing bays along the lane within highway land, and a suitable scheme can be conditioned.

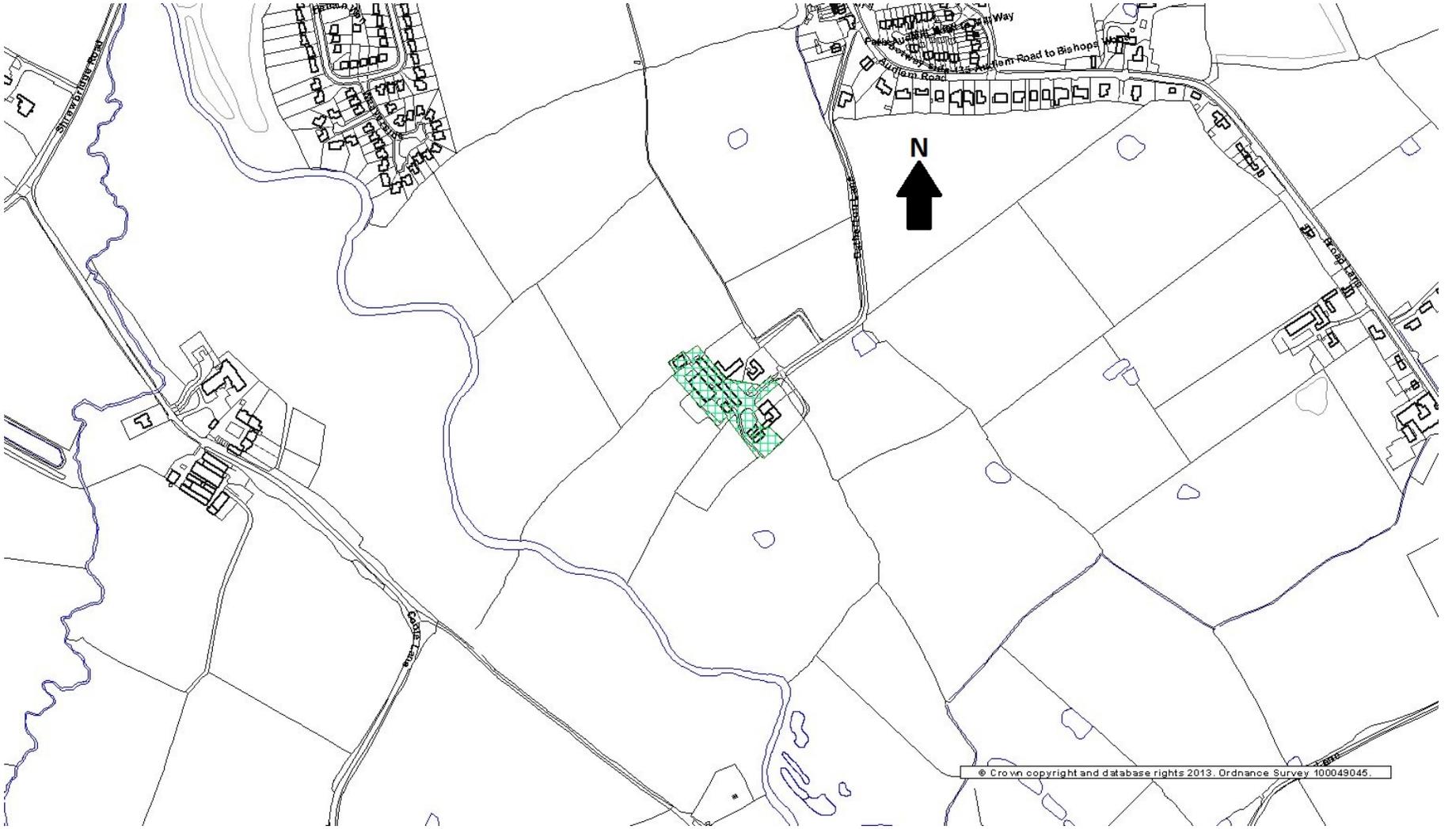
It is concluded that the proposal is in general accordance with the relevant policies of the Development Plan. It is clearly demonstrated that the minor adverse impacts of the development do not outweigh the benefits. In accordance with guidance in the NPPF planning permission should be granted subject to the recommended conditions

RECOMMENDATION

APPROVE subject to the following conditions:

1. Time (3 years)
2. Plans
3. Restoration and repair only
4. Materials – Prior submission of facing, roofing and fenestration details
5. New windows and doors to be timber with vertical boarding and with external metal braces
6. Barn windows to be multi paned square glazing bar pattern with double/secondary glazing close behind
6. Development to comply with Preliminary Ecological Appraisal dated 1st October 2015 prepared by Kingdom Ecology
7. Nesting birds mitigation to be submitted and approved
8. Breeding birds – timing of works
9. Barn owl compensation strategy
- 10 Further barn owl survey
10. Landscaping (details) to be submitted and approved
11. Landscaping (implementation)
12. Boundary treatment to be submitted and approved
13. Removal of PD
14. Contaminated Land 1 Preliminary Risk Assessment
15. Contaminated Land 2 Soil verification
16. Contaminated Land 3 Unidentified contamination
17. Scheme for provision of vehicular and pedestrian passing bays along Batherton lane. Passing bays to be provided prior to first occupation
18. Dust emissions scheme
19. Scheme of foul and surface water drainage
20. Archaeological record

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



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Application No: 17/0083N

Location: Old Dairy House Farm, BATHERTON LANE, BATHERTON, CW5 7QH

Proposal: Listed Building Consent for proposed conversion of redundant agricultural buildings to residential.

Applicant: Cheshire Farms Service

Expiry Date: 06-Mar-2017

SUMMARY RECOMMENDATION

The application is reported to committee with planning application 16/5465N.

The application is for listed building consent for conversion of barns to form 3 dwellings. The scheme is acceptable in terms of the effect on the character and appearance of the listed building, subject to suitable conditions. It complies with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and relevant planning policies.

APPROVE application for Listed Building Consent subject to the imposition of conditions

DETAILS OF PROPOSAL

The proposed development comprises the conversion of a redundant agricultural building to form 3 four-bedroom residential dwellings. In addition three double garages are proposed (in two blocks) and several utilitarian farm buildings are to be demolished.

DESCRIPTION OF SITE AND CONTEXT

The Old Dairy Farm farmhouse is situated at the end of Batherton Lane, a no-through road off Audlem Road (A529) 1km to the south of Nantwich. The late seventeenth century structure is Grade II a Listed Building (Historic England list reference 1138572) and is also known as Batherton Dairy House.

The farmhouse faces adjacent sites in separate ownership, the New Dairy House Farm (also known as Batherton Farm) and the Barn (a residential conversion dating back to 1989).

Together these form a small residential enclave, separated from the farm by a 1.8 metre-high close boarded fence.

The farmyard consists of two broad elements: modern cattle sheds positioned along a linear concrete yard, and a long two-storey brick range, a building of some substance and distinction. It is the latter building which is the subject of this planning application.

Planning History

16/5456N Conversion of buildings to 3 dwellings, garages and associated works – Application undetermined

16/1232N Proposed Change of Use of Redundant Agricultural Buildings to Six Residential Dwellings - Withdrawn March 2016

POLICIES

National Planning Policy Framework

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

56-68 Requiring good design

126-131 Conserving and Enhancing the Heritage Asset

Crewe and Nantwich Replacement Local Plan 2011

BE.2 Design

BE.9 Listed Buildings- alterations

BE10 Listed buildings- changes of use

Cheshire East Local Plan Strategy

SD 2 - Sustainable Development

SE 1 – Design

SE7 Historic Environment

Stapeley and Batherton Neighbourhood Plan (Consultation Draft – Regulation 14 stage)

GS6 Extensions and alterations

GS8 Re-use of agricultural buildings

GS11 Biodiversity

T1 General transport considerations

T4 Footpaths cyclepaths and bridleways

C4 Use of rural buildings

H1.4 Conversion of buildings to residential

Material Considerations

National Planning Policy Framework

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

CONSULTATIONS (External to Planning)

Stapeley & District Parish Council – No comments received

REPRESENTATION

Objections have been received from the occupiers of one property. The full representations are available to view on the application file. The objections that relate to the application for listed building consent can be summarised as follows:

- Adverse impact on heritage assets and the setting of the listed building contrary to policy BE9.
- Over-development of site.
- Proposal should be refused for heritage grounds.

OFFICER APPRAISAL

Principle of Development

As a proposal to alter a curtilage listed building the main issues relate to the impact on the historic character and appearance of the listed building.

Design

The NPPF states that whilst LPAs should not impose particular architectural styles on developers, it is good practice to reinforce local distinctiveness. The proposed conversions as submitted did include a large number of rooflights and some changes in fenestration which were unnecessary.

Following discussions with the agent, the scheme has been amended to retain as much original building fabric as possible especially the roofs which are generally in good condition. The buildings as a result of the proposals will still be able to be read as previously being traditional agricultural barns forming part of a wider traditional farmstead. Therefore the proposals accord with policy set out in the NPPF and guidance set out in the Historic England document: The Conversion of Traditional Farm Buildings: A guide to good practice.

The proposed landscaping scheme is sympathetic to the sensitive historic setting, and boundary treatments are suitable and will not have a detrimental impact on the character of the area or on the openness of the countryside.

Listed Building setting

Batherton Dairy House former farmhouse is a Grade II listed building and these traditional pre 1948 buildings lie within its curtilage.

Policy BE.9 sets out detailed requirements for alterations to listed buildings. Schemes must respect the scale, design and features of the listed building, and must not detract from its special character.

Policy BE10 allows for changes of use of listed buildings providing the special architectural or historic interest is retained.

Batherton Dairy House former farmhouse is a Grade II listed building and this traditional pre 1948 buildings lies within its curtilage.

There was an earlier application for the conversion of this building into six units together with works to construct 10 garages and insert a glazed link between the existing pig sty's and convert them to a further residential unit.

This scheme involves works to convert two storey brick barn to 3 residential units with 3 detached garages.

Whilst the proposed works to convert the two storey brick barn will retain the existing openings and much of the internal layout, the original proposal to replace the existing multi paned glazing bar pattern of its windows with a simple vertical paned style is not acceptable and a condition is proposed to cover this point, by agreement with the agent.

Revisions have been made to address issues regarding windows, rooflights, rainwater goods, roof trusses and ventilation.

It is appreciated that there are now far fewer garages than in the previous application, and whilst open fronted garages would minimize their massing/presence, they are considered to be acceptable.

The revised proposals are considered to be acceptable and justified in terms of policies BE 9 and BE10 of the Crewe and Nantwich Local Plan and policy SE7 of the emerging Cheshire East Local Plan. They also comply with paragraph 131 of the NPPF as they will secure the viable use of a designated heritage asset consistent with its conservation.

CONCLUSIONS AND REASON(S) FOR THE DECISION

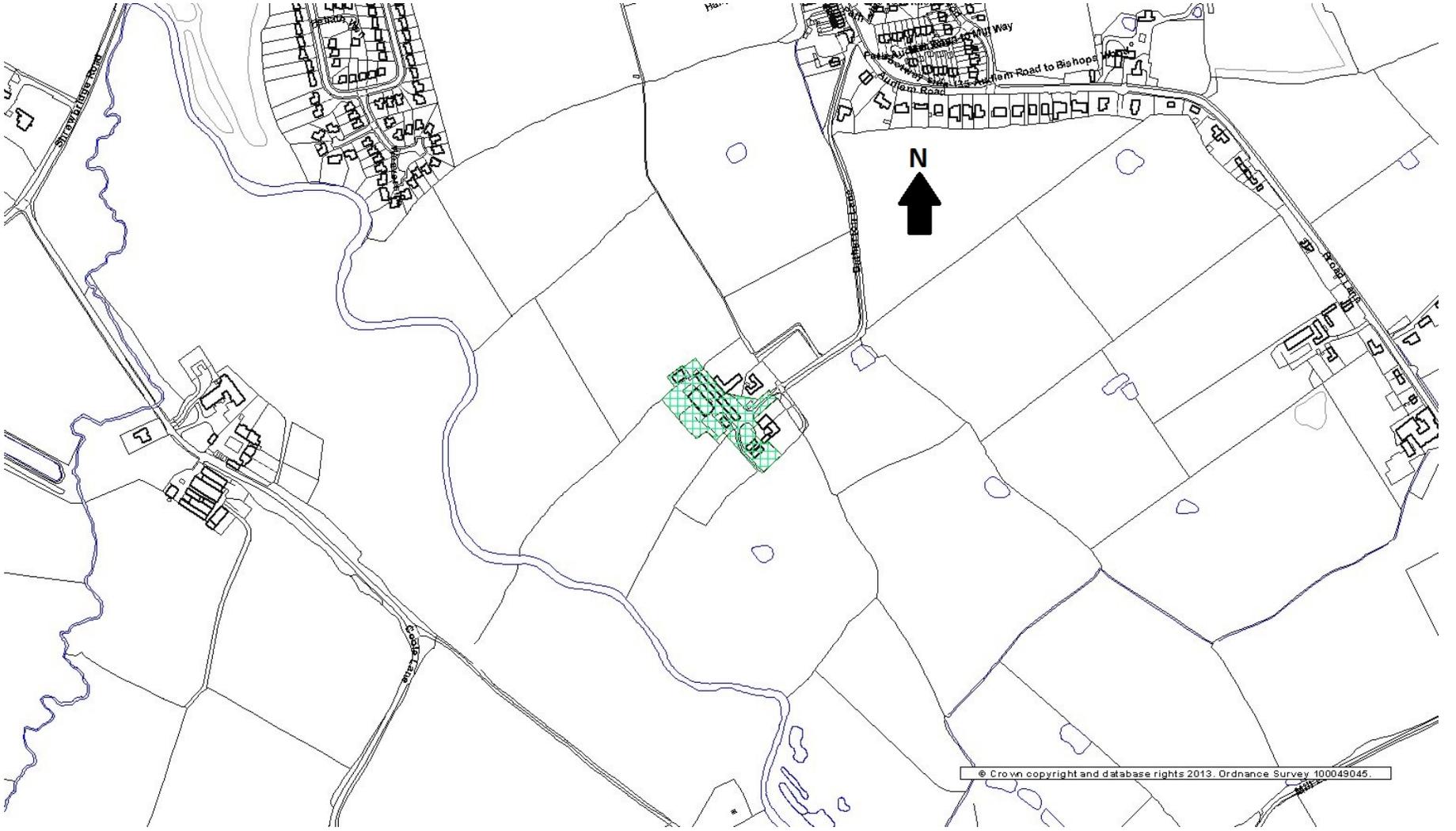
The scheme is acceptable in terms of the effect on the character and appearance of the listed building, subject to suitable conditions. It complies with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and relevant planning policies.

RECOMMENDATION

Grant Listed Building Consent subject to conditions

- 1. Time limit**
- 2. Plans**
- 3. Restoration and repair only**
- 4. Materials – Prior submission of facing, roofing, rainwater and fenestration details**
- 5. New windows and doors to be timber with vertical boarding and with external metal braces**
- 6. Barn windows to be multi paned square glazing bar pattern with double/secondary glazing close behind**

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



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Application No: 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 environmental matters, predominantly the loss of the non designated heritage asset. This harm is considered to be minimal.

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 DEFERRAL

The application was deferred at the Southern Planning Committee on the 21st December 2016 for the following reason;

“deferred to secure an alternative design/layout (dual frontage property at the junction with Holmes Chapel Road and the properties to be slightly angled at the junction).”

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 8.5 metres (m) in height to ridge and 4.8 m in height to eaves with an individual width of 6.5 m and a depth of 9.0 m. Parking for each unit would be located at the front of the dwellings with a garden to the rear.

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

National Policy

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

Of particular relevance are paragraphs:

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

Development Plan:

The 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

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.

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 70 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

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

On 13 December 2016 the Inspectorate published a note which sets out the views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms the previous endorsement for the core policies on the plan still stand and that *“no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”*. This signals an agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be *“appropriate, justified, effective, deliverable and soundly based.”* As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council **still cannot demonstrate a 5 year supply of housing at this time** but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the *Richborough* case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

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 the submitted, revised drawings.

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

The revised plans suggest that subject to the implementation of tree protection measures, the development could be accommodated without direct harm to significant retained trees. Some smaller trees and a section of hedge would be lost to accommodate the development. Trees will influence the gardens of the plots although there would be some usable garden space outside tree crown spreads.

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 principles 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 the development is considered to comply 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.

As a result the existing dwelling is a non designated heritage asset and in accordance with the NPPF a balanced judgement will be required having regard to its loss.

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.

Following on from the last application being deferred the design of the proposed units have been amended to incorporate a dual aspect dwelling on the corner of Holmes Chapel Road and Delamere Road as well as additional design detailing.

The two pairs of semi-detached dwellings would be of different designs. The pair to the north of the plot would have a pitched roof which is consistent with the dwellings further north along Delamere

Road. The detailed design includes a gable features at eaves level, bay window, canopy, brick banding and window header and sill detailing.

The pair of dwellings to the south would be sited at the junction of Delamere Road and Holmes Chapel Road. These units would have a hipped roof which is not out of character to the dwellings to the north (at Leamington Road and Delamere Road). Again the dwellings would have design features such as gable features at eaves level, bay window, canopy, brick banding and window header and sill detailing. To the side elevation the dwelling at the junction of Holmes Chapel Road/Delamere Road would have a projecting two-storey gable feature and a number of first floor windows, this helps to create a dual frontage to this prominent unit.

The proposed dwellings would of a standard two storey height. 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 of 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 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 (minimum of 120 m²).

The proposed dwellings would be positioned 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 side facing elevations would feature 2 windows. These windows would either serve bathrooms/toilets (and as such would be obscure glazed) or would be secondary windows serving stairways.

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 loss of the non designated heritage asset. This harm 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 to be submitted and approved**
4. **Tree retention (Oak tree)**
5. **Tree protection to be submitted and approved**
6. **Boundary treatment to be submitted and approved**
7. **Piling**
8. **Dust control to be submitted and approved**
9. **Noise mitigation to be submitted and approved**
10. **Electric vehicle charging point to be submitted and approved**
11. **Soil condition**
12. **Land contamination**
13. **Construction management plan to be submitted and approved**
14. **Foul water to be submitted and approved**
15. **Surface water to be submitted and approved**
16. **Sustainable drainage to be submitted and approved**

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



Application No: 16/4729N

Location: Land adjacent to Yew Tree Farm, Close Lane, Alsager

Proposal: Reserved Matters Application for the erection of 40 dwellings comprising of 2, 3, 4 and 5 bedroom homes, open space and associated works

Applicant: Mr Sutton

Expiry Date: 19-Jan-2017

SUMMARY

The principle of development has already been established in the approval of the associated outline permission. Numerous conditions concerning flood risk, ecology, land contamination, noise, bin storage, car charging for each plot, construction and environmental management were imposed upon the outline permission and are retained.

Following revisions the design, mix and layout of the scheme is considered to be acceptable and appropriate to the character and appearance of the phase 1 development, with sufficient landscaping and open space provided as part of the proposal.

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

Mitigation for education impacts was dealt with as part of the Outline approval, which sits in tandem with any reserved matters. The impact upon infrastructure would be neutral as it is mitigated.

In terms of the POS provision this is considered to be acceptable. A NEAP is provided on phase 1

Details of the proposed landscaping are considered to be acceptable.

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

The drainage/flood risk implications for this proposed development are considered to be acceptable. The Diversion of the PROW within the site is considered acceptable

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

The proposed access point via the existing Phase 1 development was determined to be acceptable at outline stage and the traffic impact as part of this development has already been

accepted. The internal design of the highway layout/parking provision is considered to be acceptable.

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

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

APPROVE subject to conditions

DESCRIPTION OF SITE AND CONTEXT

The application site is located to the west of Alsager, adjoining the existing settlement boundary of Alsager. The site however is located in the Haslington ward and is covered by the Crewe and Nantwich Borough Local Plan, the boundary of Alsager being Close Lane. However, it is considered that the site is most closely related to the Alsager settlement and that possible residents of the site would utilise services and facilities within the Alsager area.

The application site is a linear strip of grassland. Existing farm buildings lie towards the northern portion of the site.

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

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

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

The eastern side of Close Lane features mixed 1960's onwards bungalow and housing development of Alsager.

DETAILS OF PROPOSAL

The application seeks reserved matters approval for 40 no. dwellings, following approval of outline application 15/3651N.

30% of the dwellings are proposed to meet affordable housing criteria in accordance with policy requirements.

Access into the site would be via the existing phase 1 development. Public open space would be provided. The children's play area (NEAP) is within phase 1.

RELEVANT HISTORY

On this site

15/3651N—Outline application for residential development and access, all other matters reserved. - Allowed on appeal 6 June 2016 subject to S106 Agreement

On the adjoining site –

13/1305N – Outline planning application for a mixed residential scheme to provide affordable, open market and over 55s sheltered accommodation, open space and new access off Close Lane. Approved on appeal 29th July 2014 Subject to S106. This scheme indicated 76 family sized dwellings and 56 units for the over 55's and is being developed presently by Stewart Milne Homes This known as Phase 1

14/5114C - Reserved Matters (of 13/1305N) for 74 dwellings and associated works granted with conditions 09-Jul-2015 – This is being developed by Stewart Milne homes as phase 1

16/3310N – Variation of condition 14 (footpath link) on application 13/1305N – to be determined - Approved

16/2532N - Variation of condition 19 (renewable energy) on application 13/1305N – Approved

15/5654n Variation of Condition 27 (over 55's) on application 13/1305N – Refused 8 August 2016 – Currently under appeal – this is known as phase 1B

16/2740N - Full Planning Application for the proposal of 21 dwellings (Phase 2), a mixed residential scheme to provide affordable and open market dwellings on land to the west of Close Lane, Alsager – Withdrawn by the Applicant 20th September 2016 – this is on Phase 1B

16/4792N - Outline planning application for residential development and access, all other matters reserved – refused 1/2/2017

POLICIES

National Policy

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Borough of Crewe & Nantwich Local Plan 2011

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

The relevant Saved Policies are:

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)
NE.20 (Flood Prevention)
NE.21 (Land Fill Sites)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing in the Open Countryside)
RT.6 (Recreational Uses on the Open Countryside)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

Policy MP1 – Presumption in Favour of Sustainable Development
Policy PG 2 – Settlement Hierarchy
Policy PG 5 - Open Countryside
Policy SD 1 - Sustainable Development in Cheshire East
Policy SD 2 - Sustainable Development Principles
Policy IN 2 – Developer Contributions
Policy SC4 – Residential Mix
Policy SC5 – Affordable Homes
Policy SE 1 – Design
Policy SE2 – Efficient Use of Land
Policy SE3 – Biodiversity and Geodiversity
Policy SE4 – The Landscape
Policy SE5 – Trees, Hedgerows and Woodland
Policy CO4 – Travel Plans and Travel Assessments

CONSIDERATIONS (External to Planning)

Environmental Health: Note that conditions are imposed on the outline concerning noise and contamination which run with the land. No objection subject to conditions concerning updates to the Phase II Contaminated Land Survey submitted with the application

Strategic Housing Manager: No objection, the proposal provides for a mix of 1, 2, 3 bedroom units.

CEC Flood Risk Manager: No objections

United Utilities: No objection subject to the imposition of a drainage condition.

Highway Authority: No objection subject to conditions.

PROW Unit: No objection to the diversion proposed to the PROW. A Diversion Order will be required

Alsager Parish Council: Question pedestrian and road linkages through the site with the Phase 1 development in the interests of highway safety

Haslington Parish Council: No comments received.

Other Representations:

Two individual representations have been received making the following points:

Principle of development

- Cheshire east has failed to listed to residents
- Resident on phase 1 considers that they have been misled by the developer, expected to be adjoining a green field not a development

Highway Safety

- Close Lane is inadequate for additional traffic
- Increase in traffic – particularly at junction to Crewe Road
- Increase in danger to pedestrians

OFFICER APPRAISAL

Main Issues

The main issues in the consideration of this application are the design and layout of the scheme, residential amenity, access and car parking, trees, ecology and affordable housing.

Principle of Development

The principle of development has already been established following approval of outline application 15/3651N. The outline application granted approval for a maximum of 40 no. dwellings on the site with all matters reserved apart from access. This reserved matters application seeks approval of details of appearance, landscaping, layout and scale for 40 no. dwellings. It is these matters which must now be considered.

This application does not offer the opportunity to revisit matters concerning the principle of the developing the site for residential purposes.

Housing Mix

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

This proposal provides for the following mix:

- 2 x one bed flats (2 storey) – all affordable
- 7 x two bed semi/ terraced units - 4 affordable

6 x three bed semi detached units – all affordable
5 x three bed detached units
14 x four bed detached units
6 x five bed detached units

This residential mix is acceptable. The scheme has been revised to increase the numbers of smaller family homes and 1 bedroomed affordable units as part of the scheme. The mix of sizes, both for market sale and affordable units are considered acceptable.

Character and Appearance

Layout

The proposal is a continuation of the existing phase 1 development of the Stewart Milne site on Close Lane. Existing hedgerows and trees along the southern boundary would be retained, helping to act as a green buffer and softening the impact of the development on the scene.

Properties sited in the south western portion of the site would front the POS promoting natural surveillance of this area.

Parking provision would be achieved via private driveways located to the front and side of the properties as well as via integral and detached garages, helping to avoid the development from appearing heavily car dominated.

Haslington Footpath No. 48 is diverted around the northern boundary of the site. This would maintain connectivity for proposed residents to the Public Rights of Way network for leisure walking.

The reserved matters has provided bin storage and electric vehicle charging points for each dwelling/flat. The bin storage is located to the rear garden of each plot. Electric charging is located either within garages or within a wall close to a driveway for each plot.

Scale

The scale of development follows the indicative plans submitted at outline stage. It is of a similar scale as the phase 1 development. Sufficient garden sizes and off street parking is provided for each plot. The amenity green space to the south western boundary of the site links into the approved POS and NEAP.

Two-storey detached, semi-detached and terraced properties with garages are considered to be appropriate in the context of the existing two storey dwellings on phase 1.

Overall, the scale is in keeping and fits in relation to the size of the site and Phase 1 with sufficient on-site parking provision, private amenity space and public open space provided.

Appearance

The properties to the existing Phase 1 development adjoin this site. Features such as gabled roofs, dormers, porches and integral garages are considered to be appropriate in the context of existing surrounding properties.

The use of hard landscaping features such as block paving leading to private driveways and pathways leading to properties would help to clearly distinguish between the private and public spaces within the site as well as adding visual interest to the scheme.

The palette of materials will be an important consideration in this case. Bricks and concrete roof tiles of somewhat strident hues have been utilised on phase 1. These tones are not particularly in keeping with the semi rural location and should not be taken as a starting point for the materials palette on this site. However, subject to the use of complimentary and appropriate brick, render and roof tile hues, the appearance of the development will be satisfactory. This can be controlled by condition.

Landscaping

This has been amended during the application. The retention of existing trees along the north and south west boundaries of the site would provide a buffer between the adjacent fields and the PROW to be diverted.

Varying surface materials would help to distinguish between private and public space as well as creating visual interest throughout the scheme.

The Applicant has advised that the landscaping will follow the Phase 1 development adjacent. Tree planting and soft landscaping areas would be used throughout the scheme, particularly along front boundaries of properties which would help to soften frontages and break up hard landscaping areas.

Overall, subject to conditions, the scheme would sit comfortably within the site and the proposed design and layout is considered to be appropriate to the character and appearance of the locality, according with Policy BE.2 of the Borough of Crewe and Nantwich Local Plan 2011.

Residential Amenity

Principal windows on corner plots would create active frontages whilst providing natural surveillance over the access roads.

Adequate amenity space would be provided with each plot, accommodating all of the basic amenities required, as set out in the Extensions and Householder SPD.

Plot side and rear boundaries would be separated by 1.8m timber fencing, providing adequate screening between each plot and creating defensible boundaries.

Conditions to secure noise mitigation as set out within the submitted Noise Report would be attached to any grant of permission.

Adequate separation distances would be provided to the existing and approved residential development.

In the absence of any objection from the Council's Environmental Protection Unit, the proposed development would accord with Policy BE.1 of the Borough of Crewe and Nantwich Local Plan 2011.

Access and Car Parking

The access details and traffic impact issues have been discussed within the outline application. However, the submitted road layout is a standard format with a 5.5m carriageway with a footway on each side of the road. There are formal turning heads provided for refuse vehicles at the end of each cul-de-sac. The road widths proposed is suitable to serve the 40 dwellings and there are no objections on the design element of the road layout.

There is a mix of 1,2 bed, 3 bed and 4 bed units on the site. Car parking provision would be 200% for the 2 and 3 bed units, the 4 bed units would have 3 or more car parking spaces. This level of car parking would conform with current CEC standards and is acceptable. One space is provided for the 1 bed units.

Overall, the proposed scheme meets current highway standards and the Highway Authority raise no objections subject to conditions regarding the provision of a Construction Management Plan, provision of wheel wash and the proposed footway link to be constructed prior to occupation.

Inclusion of the public footpath within the public open space of the site is considered to be appropriate.

The proposal would accord with Policies BE.3 and TRAN.9 of the Borough of Crewe and Nantwich Local Plan 2011.

Public Rights of Way

The Definitive Public Rights of Way Map shows the location of Public Footpath Haslington No. 48. The path runs within the western portion of the POS and drops down to run outside the western boundary of the application site. The PROW would be subject to a Diversion Order. The Diversion Order would have to be made before any works detailed within this application were implemented. The PROW officer has advised that the proposals are acceptable and that she is anticipating the Diversion application prior to the determination of this application.

Affordable Housing

This is a proposed development of 40 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 12 dwellings to be provided as affordable dwellings. 8 dwellings are provided as Affordable rent and 4 dwellings as Intermediate tenure.

The SHMA 2013 evidenced a requirement for 54 new affordable units per annum in the Alsager area. There is a need for 38 x two bedroom, 15 x three bedroom, 2 x four bedroom dwellings for General Needs and 5 x one bedroom dwellings for older persons per year.

There are 249 applicants on the Cheshire Homechoice waiting list who have selected Alsager as their first choice for rehousing. They require 95 x one bedroom, 91 x two bedroom, 49 x three bedroom and 14 x four bedroom dwellings.

The rental mix as revised following discussion with the housing officer is 2 x one bed, 4 x two bed and 2 x three bed. The Strategic Housing manager is satisfied that this is an adequate reflection of local housing need.

The units are sufficiently pepper-potted and are tenure blind. This is acceptable and complies with the S106 Agreement attached to the outline permission.

Trees

The application is supported by an Arboricultural Impact Assessment which has been undertaken in accordance with the requirements of current best practice BS5837:2012. The impact Assessment was produced to support the outline application and its associated indicative layout and is not reflective of the layout (revised) submitted as part of this application.

The assessment has taken into consideration 14 individual trees, 2 have been identified as high value (Cat A) and 5 moderate value (Cat B) trees with the rest categorised as low value or unclassified; with the site characterised by individual trees set within hedgerows

The application identifies the loss of a single tree T6 to facilitate development; this is a moderate value specimen Category B which was omitted from the recently served Moss End Farm TPO on the site' the trees removal is not contested

The previously identified TPO protects three trees which are a material consideration in respect of this application and plots 15, 24, and 25. The property footprint associated with plot 15 stands on the RPA of T7 (TPO T1) whilst this allows construction to proceed without any direct impact, tree protection details will have to be modified to accommodate implementation erection of scaffolding, this can be addressed by ground protection. T7 stands to the south and west of the proposed property, and will restrict light attenuation to both the rear habitable rooms and parts of the garden, a limited amount of judicious pruning will be required, but this can be managed, the tree is defensible under the TPO.

The TPO under G1 protects both T2 and T3 which are associated with plot 24 and 25. There are no direct construction implications in terms of dwellings with both property footprints located outside the identified RPA's, but two parking bays are located within the RPA of T2. Construction can be managed under a 'no dig' method statement which can be addressed by condition, this accords with the requirements of current best practice BS5837:2012. Both trees will again restrict light to the adjacent properties but this can be managed by sympathetic pruning; the trees are again defensible

The proposed PROW diversion which extends down the western boundary of the site extends through the RPA of the three identified protected trees. Ground levels can accommodate a 'no dig' implementation but a detailed construction method statement will be required.

Overall, subject to tree protection conditions, the proposal will safeguard trees on site.

Ecology

Conditions were attached to the outline consent at this site in respect of the safeguarding of reptiles and nesting birds. These need not be repeated.

Ditch

A ditch is present to the south of the application site. The ditch has been assessed as having low potential to support water vole a legally protected species. No survey for this species has however been undertaken. The ditch could however also provide habitat for grass snake a protected species known to occur in this locality.

The submitted layout plan shows a 5m buffer being provided adjacent to this ditch. The ecologist advises that this is acceptable to safeguard the ditch habitats. A condition would be required to ensure that no development including the storage of materials takes place within this buffer and that the proposals for the fencing-off of this 5m buffer during the construction phase are submitted prior to commencement.

Flood Risk and Drainage

A condition is imposed upon the outline permission that requires compliance with the Flood Risk Assessment. A consultation response has been received from United Utilities who have raised no objection to the development subject to the imposition of a planning condition (it should be noted that this condition is attached to the outline consent so there is no need to attach the condition to the reserved matters application).

As such the development is considered to be acceptable in terms of the drainage/flood risk implications.

Planning Balance

The principle of development has already been established.

Social Sustainability

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

The impact upon education infrastructure has already been assessed at outline stage when the Unilateral Undertaken was accepted by the Planning Inspector. The impact would be mitigated and would thus be neutral.

In terms of the POS and children's play provision this is considered to be acceptable. The social housing is provided in accordance with the IPS and is acceptable

Environmental Sustainability

The layout of this residential development site, previously allowed on appeal is considered to be acceptable.

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

The drainage/flood risk implications for this proposed development are considered to be acceptable.

The development would not have any significant impact upon the trees on this site subject to conditions.

Economic Sustainability

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted. The internal design of the highway layout/parking provision is considered to be acceptable.

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

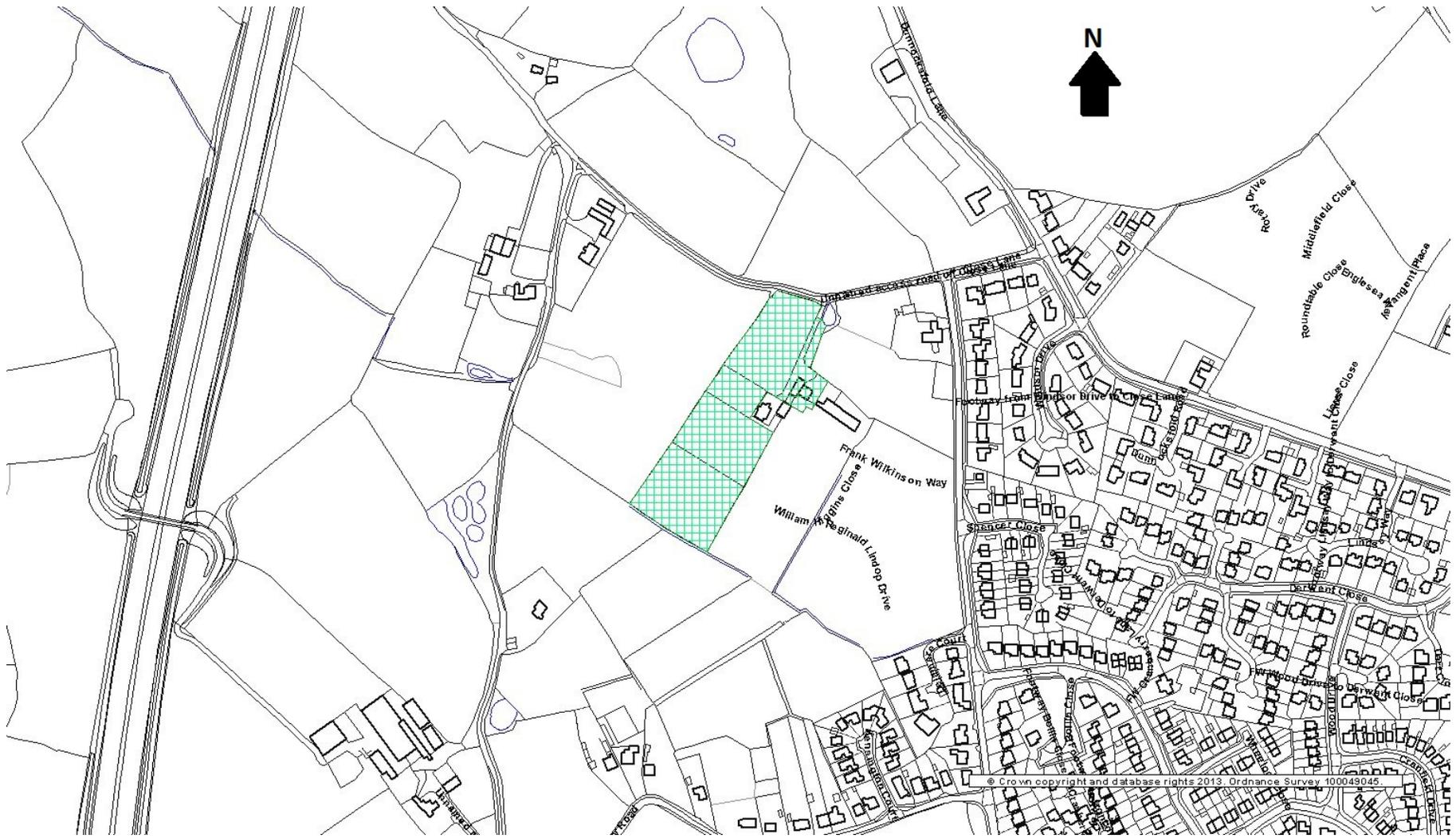
It is considered that the planning balance weighs in favour of this development.

RECOMMENDATIONS

APPROVE subject to the following conditions:

1. Plans
2. Notwithstanding details forming part of application materials to be submitted and approved
3. Landscaping scheme submission
4. Landscaping scheme implementation
5. Submission of boundary treatments
6. Levels
7. 'No dig' hard surface construction for the pedestrian link footpath and car parking bays to be submitted and approved
8. Tree Pruning/Felling Specification
9. Tree Protection
10. No materials to be stored with 5m of ditch/ ditch to be fenced off during construction
- 11 Removal of permitted development rights – smaller plots
12. Boundary treatment to be as per plans
- 13 Removal of permitted development for boundary walls forward of building line

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



Application No: 16/5848C

Location: 35, WOODSIDE AVENUE, ALSAGER, STOKE-ON-TRENT, CHESHIRE, ST7 2DL

Proposal: Change of use of an existing double garage into a two bedroom dwelling house, including the provision of a new pitched roof.

Applicant: Mr Steve Mellor

Expiry Date: 30-Jan-2017

Summary

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

From an economic sustainability perspective, the scheme will assist in the local building business and bring economic benefits to Alsager town centre.

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. It 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.

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

RECOMMENDATION:
Approve subject to Conditions

DEFERRAL

The application was deferred by Members in order to allow consultation with the Health and Safety Executive and National Grid regarding the proximity of the proposal to an existing sub station and possible impacts to amenity.

Responses from these consultees have not been received at the time of report writing and an update will be provided to members prior to the meeting.

CALL IN

The application has been called in to Committee by Cllr Martin Deakin on the following grounds:

1) It is contrary to section 6 paragraph 48 of the NPPF, "Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance of development should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should NOT include residential gardens". This application constitutes an example of such "garden grabbing" and was the principle factor in the Town Council's objection.

2) The proposed highway entrance is considered unacceptable and will result in highway safety concerns. The proposed development would include a shared access and it is also believed that the application will have an adverse environmental impact on the area's wildlife. This will result from the loss of the existing garden land which will harm the local wildlife habitat.

DESCRIPTION OF SITE AND CONTEXT

The site is located in Alsager in a wider area of established housing. The site is located within the rear garden of an existing two storey end terraced house (35) which has been converted to two, one bedroom self contained flats. To the east of the application site lies East Court Garage access road (un-adopted).

The site is within the Alsager Settlement Zone Line as designated in the adopted Congleton Borough Local Plan First Review (2005).

DETAILS OF PROPOSAL

This is a full planning application for the creation of a two bedroom dwelling in the rear garden of 35 Woodside Avenue, Alsager. The dwelling would be created from a disused garage on the site, which is falling into disrepair. A new pitched roof would be added to the building and it would be converted to a two bedroom dwelling.

RELEVANT HISTORY

16/1307C – Two semi-detached dwellings (Land rear of 31A Woodside Avenue) - Approved 11th May 2016

POLICIES

National Policy

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

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

Local Plan Policy

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping

GR9 - Accessibility, Servicing and Provision of Parking

H2 – Provision of New Housing Development

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,

PG6 - Spatial Distribution of Development,

SD1 - Sustainable Development in Cheshire East,

SD2 - Sustainable Development Principles,

SE1 – Design,

SE2 - Efficient use of land,

SE3 - Biodiversity and geodiversity,

SE4 - The Landscape,

SE9 - Energy Efficient Development,

SE12 - Pollution, Land contamination and land instability,

CONSULTATIONS (External to Planning)

Highways: No objection.

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

Alsager Town Council:

Objects to the proposal on the grounds of over-development, 'garden grabbing', highway safety and wildlife.

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 site is located within the Settlement Zone Line of Alsager, where there is a presumption in favour of development. It is surrounded by residential properties and has 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 take the form of a dormer bungalow, which is considered to be acceptable in its context. It would be constructed from traditional materials that are considered appropriate.

The dwelling would be sited within the rear garden of number 35 Woodside Avenue, to which the Town Council has objected. However, it should be noted that approval has been granted for two dwellings in the rear garden of 31A Woodside Avenue, which is next door but one to the site. As such it would be difficult to justify a reason for refusal on these grounds.

Landscape

The site is currently very over grown with vegetation and it is not an attractive feature in the local area. The proposal would result in the site being cleared and landscaping and boundary treatments can be controlled by condition and it is therefore considered that the appearance of the area would be improved..

Highways Implications

The parking provision is to standard and the residential access would be off an unadopted road. A number of properties off this track have previously been approved and the width of the track just off Moorhouse Ave is narrow, and should be widened to at least 4.25m for a length of at least 5m from the extent of highway (edge of footway). Visibility onto the adopted road of Moorhouse Avenue is adequate.

No objection is raised by the Head of Strategic Infrastructure with the condition that prior to occupation, the access track is widened as described above. This would be completed via a s184 Agreement.

Ecology

The Town Council and local Ward Member have raised the issue of the impact on wildlife from the development. Whilst the site is over grown it is not considered to contain any significant habitats. The Council's Principal Nature Conservation Officer has assessed the application and concluded that there would not be any significant ecological issues associated with the proposed development.

Environmental Role Conclusion

Subject to appropriate conditions the proposed development would not create any amenity, design, ecology 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

The proposal would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain.

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

SOCIAL ROLE

Housing

The proposed development would provide one open market dwelling within the established settlement boundary of Alsager which is a social benefit.

Amenity

The proposed dwelling would be 13.4m away from the rear extension at number 35 Woodside Avenue. Whilst this would not meet separation distances, given the fact that there are no windows proposed in the first floor level of the proposed dwelling, the fact that it would be set at a lower level than this property and the fact that boundary treatments could screen views between ground floor windows, it is not considered that a refusal on these grounds could be sustained.

With regards the residential amenity of future residents, adequate amenity space (65sqm) would be provided for future occupiers of the proposed dwelling.

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.

The rear garden would be over looked by windows on number 35 Woodside Avenue, however this is not considered to be significantly detrimental in amenity terms. In addition this is a marketing issue for the developer. Weighed into the balance this issue is also outweighed by the benefits of providing additional housing within the settlement boundary.

Environmental Protection have requested information relating to noise from the neighbouring electricity sub-station. Following a site visit it was noticed that this building did not appear to generate noticeable noise levels, as such it is considered that this can be controlled by condition.

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

PLANNING BALANCE

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

From an economic sustainability perspective, the scheme will assist in the local building business and bring economic benefits to Alsager town centre.

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. It 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.

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 to be submitted and approved**
- 6. Implementation of landscaping**
- 7. Submission of a noise assessment**
- 8. Provision of an electric vehicle charging point**
- 9. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.**

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: 16/6202N

Location: Land Off, MILL LANE, BULKELEY

Proposal: Outline application for 13 dwellings with access off Mill Lane including 5 affordable homes: all matters reserved except access.

Applicant: Mr M Schofield

Expiry Date: 24-Mar-2017

CONCLUSION:

The proposed development would be contrary to Policies NE.2 and RES.5 of the adopted local plan and Policy PG 5 of the Cheshire East Local Plan Strategy, which is afforded substantial weight as the development would result in a loss of open countryside.

In terms of landscape impact the proposal would be contrary to Policy NE.3 of the adopted local plan and Policy SE 4 of the Local Plan Strategy.

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

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

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

The identified benefits do not outweigh the concerns outlined above and it is therefore considered to be unsustainable development and accordingly is recommended for refusal.

RECOMMENDATION: REFUSE**PROPOSAL:**

The application seeks outline planning permission with all matters except access reserved, to erect 13 dwellings on land off Mill Lane, Bulkeley. Access would be taken from Mill Lane and the proposal includes the provision of 5 affordable homes.

SITE DESCRIPTION:

The site of the proposed development extends to 0.73 ha and is located to the western side of Mill Lane, Bulkeley. The site is within the Open Countryside and Area of Special County Value. The site is a flat rectangular field which is bound by hedgerows and trees to all sides with a wide grass verge to Mill Lane. To the south of the site are residential properties which front Mill Grove and Mill Lane. To the north of the site is a dwelling known as The Oaks and a nursery which includes a number of polytunnels.

The site includes 5 trees along the northern boundary and 2 trees to the south-east corner which are subject to TPO protection.

RELEVANT HISTORY:

16/2183N – Full planning application for 13 dwellings – Refused 4th August 2013
15/0275N – Full planning application to erect 14 dwellings – Refused 19th August 2015
14/0943N - Outline application for 26no. dwellings with access to Mill Lane including 10no. two bedroom and 16no. three bedroom houses – Withdrawn 23rd April 2014
P92/0850 - Detached house – Refused 20th November 1992
P92/0500 - Detailed application for a detached house – Withdrawn 12th June 1992
7/19786 - Detached dwelling – Withdrawn 5th June 1991
7/08254 - Residential development – Refused 20th August 1981. Refused for the following
7/08093 - Residential development – Withdrawn 3rd July 1987

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

Local Plan Policy

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which identifies that the site is within the Open Countryside

The relevant Saved Policies are:

- NE.2 (Open countryside)
- NE.3 (Areas of Special County Value)
- NE.5 (Nature Conservation and Habitats)
- NE.9: (Protected Species)
- NE.20 (Flood Prevention)
- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

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

RT.9 (Footpaths and Bridleways)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

Cheshire East Local Plan Strategy

PG 2 Settlement Hierarchy

PG 6 Spatial Distribution of Development

SC 4 Residential Mix

SC5 Affordable Homes

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

SE 1 Design

SE 2 Efficient Use of Land

SE 3 Biodiversity and Geodiversity

SE 4 The Landscape

SE 5 Trees, Hedgerows and Woodland

SE 6 Green Infrastructure

SE 9 Energy Efficient Development

SE 12 Pollution, Land Contamination and Land Instability

SE 13 Flood Risk and Water Management

IN1 Infrastructure

IN2 Developer Contributions

PG 1 Overall Development Strategy

PG 2 Settlement Hierarchy

EG1 Economic Prosperity

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Interim Planning Statement Affordable Housing

CONSULTATIONS:

Bulkeley and Ridley Parish Council: No comments received at the time of report writing.

Highways: No objection subject to conditions.

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

Public Rights of Way: The property is adjacent to public footpath Bulkeley FP 4 which abuts the site but doesn't run through it. The path is recorded as an 'island' route with no connections at either end; the PROW Team are not aware of any claims for additions to the Definitive Map to

link to what is recorded. It appears unlikely, therefore, that the proposal would affect the public right of way, although the PROW Unit would expect the planning department to add an advice note to any planning consent to ensure that developers are aware of their obligations.

Environmental Health: No objection subject to conditions/informatives relating to noise, disturbance, air quality and contaminated land.

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

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants and a site notice erected. At the time of report writing two representations have been received making the following points:

- Issues with the building line
- Highway safety/traffic generation
- Has been refused before
- Loss of outlook
- Noise, disturbance and pollution
- Lack of local infrastructure
- Property values

APPRAISAL:

Principle of Development

The site lies largely in the Open Countryside and Area of Special County Value 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.

Cheshire East Local Plan Position

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that “no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “*appropriate, justified, effective, deliverable and soundly based.*” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the Richborough case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy.

Social Sustainability

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population less than 3,000 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 10 dwellings or more or larger than 1000sqm’s in total housing floor space including annexes and garages. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market

Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 13 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 4 dwellings to be provided as affordable dwellings. 3 units should be provided as Affordable rent and 1 unit as Intermediate tenure. This application is providing 5 units as 3 Affordable/Social rent and 2 as Intermediate Tenure. Therefore the 5 x 2 bed units on this site would be acceptable.

The Design and Access statement mentions 3 Registered Providers that have expressed interest in the development. One of the Providers has expressed an interest in the scheme as presented.

The site falls within the Peckforton sub-area for the purposes of the Strategic Housing Market Update 2013. This identified a net requirement for 13 affordable units per annum for the period 2013/14 - 2017/18. Broken down there is a requirement for 5 x 1 bedroom, 4 x 2 bedroom, 3 x 3 bedroom general needs units and 1 x 1 bedroom older persons accommodation.

Cheshire Homechoice shows there are currently 2 applicants who have selected the Bulkeley lettings area as their first choice. These applicants require 1 x 2 bed and 1 x 3 bed units.

There has also been a recent Rural Housing Needs Survey carried out for the Parish of Bulkeley and Ridley in November 2013. This identified 9 households who required affordable housing.

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

Health

There are 2 medical practices just over 3 miles away from the site and according to the NHS choices website they are currently accepting patients indicating that they have capacity.

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek Public Open Space (POS) on site. In this case the development would be less than 20 dwellings. Therefore there is no requirement for POS on site.

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.

The development of 13 dwellings is expected to generate:

2 primary children (13 x 0.19)
 2 secondary children (13 x 0.15)
 0 SEN children (13 x 0.51 x 0.023%)

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

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

2 x £17,959 x 0.91 = £32,685 (secondary)
 Total education contribution: £32,685

Without a secured contribution of £32,685, Children's Services raise an objection to this application. This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 2 secondary children would not have a school place in Nantwich.

The table below sets out the reasoning behind this requirement.

Development	Land off Mill Lane Bulkeley				Number of Dwellings	13								
Planning App Number	16/6202N				Primary Yield	2								
Date Prepared	13.2.2017				Secondary Yield	2								
					SEN Yield	0								
Primary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any Known Changes	PUPIL FORECASTS based on October 2015 School Census					Comments				
					2016	2017	2018	2019	2020					
Bickerton Holy Trinity CofE Primary School	20	20	140	140	138	138	133	139	136					
Developments with S106 funded and pupil yield included in the forecasts				0										
Developments pupil yield not included in the forecasts									0					
Pupil Yield expected from this development									2					
OVERALL TOTAL				20	20	140	140	138	138	133	139	138		
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP					2	2	7	1	2					
Secondary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any Known Changes	PUPIL FORECASTS based on October 2015 School Census									
					2016	2017	2018	2019	2020	2021	2022			
Malbank School and Sixth Form College	210	210	1,050	1,050	907	985	1,016	1,066	1,086	1,122	1,159			
Developments with S106 funded and pupil yield included in the forecasts				71										
Developments pupil yield not included in the forecasts											100			
Pupil Yield expected from this development											2			
OVERALL TOTAL				210	210	1,050	1,121	907	985	1,016	1,066	1,086	1,122	1,261
OVERALL SURPLUS PLACES PROJECTIONS							214	136	105	55	35	-1	-140	

Environmental Sustainability

Landscape

This is an outline application for 13 dwellings on land off Mill Lane, Bulkeley. The application site is located to the north of the village of Bulkeley in what is currently agricultural land, adjacent to the A534.

As part of the application a Landscape and Visual Impact Assessment has been submitted, this identifies that the application site is located within the boundary of a Local Landscape Designation Area and refers to saved Policy NE3 - Areas of Special County Value. The application site is located within the boundary of the Beeston/Peckforton/Bolesworth/Bickerton Hills Local Landscape Designation Area (formerly ASCV). This is characterised by the dramatic wooded sandstone ridge that forms a distinctive landform from long distances and the surrounding landscape, creating rich texture and character. The wooded slopes of Bulkeley Hill are clearly visible to the north of the application site.

With regards to the landscape assessment; it is considered that this is a landscape which is of particular distinctive character, but the Council disagrees that it is not susceptible to, or likely to be harmed by the proposed development. It is considered that the landscape effect will be greater than identified in the assessment -moderate/not significant. Neither is it clear how, even if the landscape effect was defined as moderate, that the proposed development could be considered to make a positive landscape change to the village. The visual assessment identifies a number of viewpoints in proximity to the application area. It is considered that the significance of visual effect would also be greater for a number of these viewpoints than the assessment indicates.

It is not considered that the submitted assessment has considered the role that the application site plays as part of the rural setting for Bulkeley; it is also considered that both the landscape and visual significance of effect will be greater than identified in the submitted appraisal. The rural nature of the site, forming part of the wider agricultural landscape, combined with the alignment of Mill Lane at this location would mean that the introduction of this development would have an urbanising effect that would be harmful to the intrinsic character and beauty of this part of the countryside.

Policy NE.3 of the Crewe and Nantwich Replacement local Plan 2011 provides additional protection to areas which have been designated in order to preserve and enhance their special landscape quality. It is not clear how the proposed development will enhance or respect the landscape quality of the area, which lies within the boundary of the Local Landscape Designation Area (formerly ASCV).

Trees & Hedgerows

The site is a parcel of agricultural land bounded by hedgerows with hedgerow trees. There are also three early mature trees on the roadside verge. The Crewe and Nantwich Borough Council (Bulkeley) TPO 1973 covers a number of the trees in the vicinity, including five specimens on the northern boundary. The TPO shows two Elm trees on the eastern boundary however, these are no longer present.

The application is supported by a Peter Jackson Tree Survey dated October 2014 version 2. The submission is out of date relating to the previous planning application, and is considered to have no relevance to this application.

The proposals would involve the creation of a new access into the site, removing a section of hedge. Whilst the Council would normally advise that a full assessment be made under the Hedgerow Regulations, outside a planning application, the Regulations include an exemption to make provision for the creation of a new opening for access, provided the existing access is infilled with hedge within 8 months. It would appear this could be achieved on this site. Infill of the hedge would need to be secured by condition, should the application be approved.

None of the protected trees and those considered worthy of formal protection are directly or indirectly impacted by the proposed access; this absence of detrimental impact precludes any objection to the application from an Arboricultural perspective.

Should the application proceed to reserved matters a revised Arboricultural Impact Assessment (AIA) will be required. The final layout should seek to design out any potential problems and seek to maximise the probability of successful tree retention.

Ecology

Three trees on site have been identified as having potential to support roosting bats (these are shown as target notes TN8 TN13 and TN17) these trees are all located on the boundary of the application site and so it seems feasible that these trees would be retained as part of the proposed development. If planting consent is granted it is recommended that a condition be attached to secure the retention of these trees.

The northern and western boundaries of the application site have been identified as being of importance in the context of the site for foraging bats. The submitted ecological assessment identifies the need to retain these hedgerows within an appropriate buffer of semi-natural habitat. The submitted layout plan shows the provision of wildlife zone and additional screening planting along the northern boundary of the application site which would assist in part in achieving this objective.

If planning consent is granted it is recommended that a condition requiring habitat buffer zones and the provision of bat boxes is imposed.

To avoid any potential impact arising from excessive lighting it is recommended that if planning consent is granted a condition be attached requiring any lighting associated with the proposed development be submitted as part of any future reserved matters application. Any proposed lighting should be low level and directional and the design of the lighting scheme informed by the advice in *Bats and lighting in the UK- bats and the built environment series*, (Bat Conservation Trust, 2009).

Hedgerows are priority habitat and a material consideration. The proposed development is likely to result in the loss of a section of hedgerow to facilitate the proposed entrance to the site. It is recommended that if planting consent is granted detailed proposals for the provision of suitable replacement native species planting as part of a reserved matters application should be secured by means of a condition.

No evidence of other protected species activity was recorded during the submitted survey. It is therefore advised that the proposed development is not likely to have an adverse impact upon other protected species.

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. If planning consent is granted it is recommended that a condition be imposed to allow for gaps in boundary treatments.

Location of the site

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

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

- Bus Stop (500m) – 250m
- Public Right of Way (500m) – 20m
- Community Centre/Meeting Place (1000m) – 320m

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

- Public House (1000m) – 1280m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 12500m
- Convenience Store (500m) – 4500m
- Primary School (1000m) – 2500m
- Amenity Open Space (500m) – 4500m
- Pharmacy (1000m) – 5600m
- Post office (1000m) – 2500m
- Children’s Play Space (500m) – 4500m
- Secondary School (1000m) – 7400m
- Medical Centre (1000m) - 5790m
- Outdoor Sports Facility (500m) – 4500m
- Child Care Facility (nursery or crèche) (1000m) - 3800m

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. Owing to its position on the edge of Bulkeley, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing

dwellings which are more centrally positioned. Nevertheless this is not untypical and will be the same distances for the residential development in Bulkeley from the application site. However, the majority of the services and amenities listed are accommodated within Bunbury.

On this basis a previous application (14/3052N) was considered to be acceptable in locational sustainability at the time of determination as this view was considered to be consistent with two recent appeal decisions which were refused on sustainability grounds but allowed at appeal. They were at 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) and at land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C).

However, an appeal decision for a site known as "The Gables" at Peckforton, dismissed the appeal and the Inspector stated:

"The defects of this location and the dearth of facilities are matters of fact. A place that can boast of containing little more than a post box and a restaurant (transformed from an old public house beside the A49) can provide few of the day-to-day facilities that prospective occupants might need. Moreover, since there is barely a bus service to speak of, the means of reaching such facilities must mainly depend on using the private car. (Mr Augustine's ability to push his 2 children to Bunbury and back being the exception that proves the rule). True, there is a 'Brambley Hedge Nursery' amongst the 'farmsteads' a little way beyond the settlement, but everything else (a small Co-op, a butcher, a post office, a medical centre, the village hall, the primary school, 2 churches and 3 public houses) are at last 1.5km away in the village of Bunbury. No doubt prospective residents would make some use of those facilities, often travelling back and forth by car. But, the use of the car also presents immediate opportunities to travel further afield. And, the need to do so to reach facilities and services unavailable locally could well encourage such journeys. The contrary possibility that the appeal proposal might contribute to re-establishing the post office and shop, the police station, the primary school or the Methodist Chapel in Spurstow a quarter of a century or so since their demise is, I fear, little more than a 'pipe dream'."

On this basis the scheme is no longer considered to be acceptable in locational sustainability terms.

Access

The proposal is for 13 dwelling units with a new vehicle and pedestrian access off Mill Lane, and associated car parking provision. There have been previous applications on this site which have either been withdrawn or refused, but for each of them no highways objection has been raised.

The traffic impact of such a development of this scale would be negligible and visibility onto Mill Lane from the site would be sufficient.

There are no pedestrian footways from the existing site into the village of Bulkeley but footways have been proposed as shown on plan 'Proposed Site and Location Plan' dated April 2016.

Parking provision within the site does conform to current CEC standards and there is a turning facility provided at the head of the cul-de-sac. The internal layout reflects a previous application for which no highways objection was raised, and is therefore considered adequate.

No objection is raised by the Head of Strategic Infrastructure with the following conditions:

- The footway as shown on drawing 'Proposed Site and Location Plan' should be constructed prior to first occupation.
- Prior to commencement of development, a Construction Management Plan to be submitted and approved.

Amenity

The surrounding development comprises a nursery and caravan site to the north, open countryside to the east and west and an existing residential cul-de-sac (Mill Grove) to the south.

A development of 13 dwellings could be accommodated within the site and achieve the required separation distances and levels of private amenity space.

Design

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

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

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

The **indicative** layout shows a cul-de-sac with properties arranged around it, two properties fronting onto Mill Lane and car parking and six allotments to the rear. Notwithstanding the provision of allotments, the development would have an urbanising effect on what is currently a field. However as the layout and appearance are all reserved matters, a refusal on design grounds could not be sustained.

Noise

No noise concerns are raised with regard to impact on future occupiers from existing noise sources such as roads or rail lines. However, to protect the amenity of neighbouring occupiers from construction noise, a condition requiring a construction management plan would be required as well as an informative to limit the operating hours of the construction site.

Air Quality

This scheme is of a relatively small scale and as such would not require an air quality impact assessment. Given the rural location of the site and the distance from any Air Quality Management Areas it is not considered that the development would raise any air quality impacts. However to ensure that sustainable vehicle technology is a real option for future

occupants, a vehicle charging point should be provided for each dwelling. This could be secured by condition.

Contaminated Land

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The applicant has submitted a contaminated land assessment for the site. This assessment identified a low risk of contamination on the site. There is a nursery adjacent to the north of the site. There may be localised contamination on this site from fuel/oil tanks for example. If there are any tanks on the southern boundary of the nursery, any spillages may migrate onto the site and pose localised contamination issues. A watching brief during construction for any contamination should be employed. This could be secured by condition.

Flood Risk and Drainage

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 less than 1 hectare, a Flood Risk Assessment (FRA) is not required in support of this application.

The councils Strategic Flood Risk Manager was consulted on the previous application and had no objections in principle subject to drainage conditions.

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 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 applicant has provided supporting information which identifies that the site is Grade 2 agricultural land which is contrary to Policy NE.12 and the NPPF. A Soil Analysis has been submitted which talks about the '*neglected condition of the land of low quality*', it does not however state if this could be rectified.

S106 contributions:

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

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

In this case, the contribution to secondary education is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Affordable housing is included in the proposal and would be necessary in planning terms. The affordable housing offered is in excess of that required by policy.

PLANNING BALANCE AND CONCLUSION

The proposed development would be contrary to Policies NE.2 and RES.5 of the adopted local plan and Policy PG 5 of the Cheshire East Local Plan Strategy, which is afforded substantial weight as the development would result in a loss of open countryside.

In terms of landscape impact the proposal would be contrary to Policy NE.3 of the adopted local plan and Policy SE 4 of the Local Plan Strategy.

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

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

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

However, the identified benefits do not outweigh the concerns outlined above and it is therefore considered to be unsustainable development and accordingly is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

Whilst it is acknowledged that there is a presumption in favour of sustainable development in the planning balance, it is considered that the development is unsustainable because:

- 1. The unacceptable environmental impact of the scheme on the open countryside and character and appearance of the landscape, coupled with the unsustainable location, and the economic impact of loss of best and most versatile agricultural land significantly demonstrably outweighs the economic and social benefits in terms of its contribution to boosting housing land supply, including the contribution to affordable housing. As such, the proposal is contrary to Policy NE2, NE.3, and NE12, of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policy SE4 of the Cheshire East Local Plan Strategy Submission Version as well as the provisions of the National Planning Policy Framework.**

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

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

- 1. A scheme for the provision of affordable housing – 3 units to be provided as social rent/affordable rent with 2 unit as intermediate tenure. The scheme shall include:**
 - The numbers, type, tenure and location on the site of the affordable housing provision**
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**
- 2. A contribution of £32,685 towards secondary education.**



Application No: 16/4787N

Location: Land to Rear of, 21 , Main Road, SHAVINGTON, CW2 5DY

Proposal: Construction of Three Detached Dwellings on Former Garden to rear of 21 Main Road, Shavington CW2 5DY

Applicant: S Shaw

SUMMARY

The site is within the Open Countryside and Green Gap, where there is a presumption against residential development.

Policy NE.4 aims to prevent the erosion of the physical gaps between existing settlements. However, in this case, with regard to a nearby appeal decision, it is considered that as the application site is well screened and lies in a gap between existing development that the proposal will not lead to a loss of the physical gap between Shavington and Nantwich.

Subject to conditions the proposal is considered to be acceptable in terms of its impact upon residential amenity and the character of the area satisfying the environmental sustainability role.

The proposal would satisfy the economic sustainability roles by providing employment in the locality.

In terms of the social role of sustainable development, the proposal would create additional residential accommodation in a sustainable location on the edge of the existing Shavington Settlement Boundary.

RECOMMENDATION

Approve subject to conditions

REASON FOR REFERRAL

This application had been referred to the Southern Planning Committee at the request of Cllr Steven Edgar for the following reasons:

The Shavington Parish Council have requested that I call in this application on their behalf, reasons

Site is within the Green Gap

Access would be difficult for developer

Access difficult for emergency services

Access difficult for dustbin collection and would mean that bins are left on a narrow pavement for collection

PROPOSAL

Full planning permission is sought for the construction of three detached dwellings with detached garages within garden/paddock area to the rear of number 21 Main Road, Shavington.

SITE DESCRIPTION

The site comprises of a garden/paddock area and is found to the rear of 21 Main Road, Shavington within the Green Gap between Shavington and Crewe.

Existing linear residential development lies to the east of the site with Puseydale Farm to the north-west. To the south is a field and linear development along Newcastle Road, while to the north of the site garden of Puseydale Farm beyond which is farmland.

RELEVANT HISTORY

P07/1587 – Certificate of Lawful Existing Use for Change of Use of Area of Land to Garden – positive certificate issued.

NATIONAL & LOCAL POLICY

National Policy

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

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

Development Plan

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

The relevant saved policies are:

- BE.1 – Amenity
- BE.2 – Design
- BE.3 – Access and Parking
- BE.4 – Drainage, Utilities and Resources
- BE.5 – Infrastructure
- BE.6 – Development on Potentially Contaminated Land
- NE.2 – Open Countryside

NE.4 – Green Gap
NE.5 - Nature Conservation and Habitats
NE.9 – Protected Species
NE.17 – Pollution Control
RES.5 - Housing in the Open Countryside

Supplementary Planning Documents:

Development on Backland and Gardens

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
PG4a – Strategic Green Gaps
PG6 - Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
IN1 – Infrastructure
IN2 - Developer contribution
SC4 - Residential Mix
SC5 - Affordable Homes
SE1 – Design
SE2 - Efficient use of land
SE3 - Biodiversity and geodiversity
SE4 - The Landscape
SE5 - Trees, Hedgerows and Woodland
SE6 - Green Infrastructure
SE9 - Energy Efficient Development
SE12 - Pollution, Land contamination and land instability
SE13 - Flood risk and water management
CO1 - Sustainable Travel and Transport
CO4 - Travel plans and transport assessments

Shavington Neighbourhood Plan – Not yet reached Regulation 14 Stage

CONSULTATIONS

Environmental Protection – No objections subject to conditions relating to contaminated land.

Head of Strategic Infrastructure (HSI) - No objection.

Archaeology – No objection with recommended mitigation condition

United Utilities – No objection

Shavington Parish Council – Object for the following reasons:

- Three dwellings on the site is over-development in the local area.
- Visibility: Shared access will be dangerous in terms of highway safety; access is onto a busy road.
- The site will inhibit access for emergency vehicles.
- Refuse vehicles will also have difficulty accessing the site.
- Refuse bins on waste-collection day will be hazardous to pedestrians.
- This housing development is not needed. The parish already has more housing than is required by the emerging Cheshire East Local Plan (both built and planned). Moreover, the need, as identified through the emerging Neighbourhood Plan process, could show a need for more bungalows.
- The application will result in erosion of the Green Gap.
- Do the services currently available meet planning requirements? (eg, walking distance to schools, doctors.)
- If the Borough Council is minded to approve the application, it should be conditioned to require the retention of the hedges.

REPRESENTATIONS

One letter of representation has been received from the occupiers of a neighbouring property. This objects to the proposed development for the following reasons:

The proposed development would erode the green gap and potentially lead to further development on green gap around the village.

APPRAISAL

Principle of Development

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

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

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

Approval has been granted at appeal (Ref APP/R0660/A/14/2225255) for a single dwelling on a site on the opposite side of the access track to the application site. In reaching his decision

the Inspector concluded that the proposed dwelling would fill a gap between the farm house and the existing dwellings fronting on to Main Road. This can also be said of the site that is the subject of this application.

The Inspector further concluded that although small in nature, the proposal would generate some limited economic and social benefits and the utilisation of a small enclosed paddock area for the development would have little environmental impact.

With the application site being close to the appeal site, and of the same nature, it can be considered that the Inspector's conclusions also apply.

Policy NE.4 seeks to maintain the physical gap between existing settlements, in this case Shavington and Crewe.

With regard to the Green Gap the Inspector for the appeal site concluded that the site is well screened from most views from the surrounding open countryside and the proposed development would be seen against a backdrop of existing residential development. For this reason it was considered that the proposed development would not result in an erosion of the physical gap between existing settlements.

With the above in mind it is considered that the application also shares similar characteristics with the appeal site to the north. With the existing surrounding residential development the site is indented into the Green Gap and also well screened from most viewpoints from the surrounding open countryside. The application site forms a small parcel land which is contained by existing and approved development on three sides.

It is therefore considered therefore this proposal would not materially compromise or undermine the purpose of the green gap of maintaining the separation between existing communities or preventing settlements from merging.

Housing Land Supply

On 13 December 2016 Inspector Stephen Pratt published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that "no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions". This signals his agreement with central issues such as the 'Duty to Cooperate', the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council's approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

"seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations"

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “*appropriate, justified, effective, deliverable and soundly based.*” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector’s recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the Richborough case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular 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”

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

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

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

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

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

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

Economic and Social Role

It is accepted that the construction of a residential development of this size 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.

The provision of 3 additional dwellings to the housing land supply will contribute to the economic and social arms of sustainability. Access to the services and facilities of Shavington can be made on foot.

Environmental role

Protected Species

With regards to protected species there are a number of mature trees and hedgerows around the site as well as a pond to the north of the site. These have the potential to support breeding bird and bats, while the pond could provide a habitat for great crested newts.

Following the submission of an Arboricultural Report the Council's Ecologist is satisfied that the trees on the site have a very low potential to support bats. Further to this, a condition will be attached to any permission in respect of the protection of breeding birds.

The pond to the north of the site is stocked with fish, therefore there is negligible potential for Great Crested Newts.

With the above in mind it is considered that the proposed development will not have a harmful effect upon Protected Species.

Design

In terms of design Policy BE.2 of the Local Plan states that the proposal should be sympathetic to the character, appearance and form of the site and the surrounding area in terms of: The height, scale, form and grouping of the building, choice of materials and external design features. Policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version, largely reflect the Local Plan policy.

The surrounding development is characterised by two storey dwellings to the western side of Main Road with the large detached Puseydale Farm House and a complex of barn conversions to the north-west of the site.

The proposed dwellings will be two storey and detached with roof ridge heights of 8 metres. While the proposed detached garages will have a height of 4.6 metres.

In terms of design the proposed dwellings are of a typical traditional style similar to several in the immediate area. Therefore, it is considered that the design of the proposed dwellings are sympathetic to the character of the surrounding area.

As such, subject to the conditioning of the proposed materials, it is considered that the development would be of an acceptable design that would adhere with Policy BE.2 of the Local Plan and policies SE1 and SD2 of the Cheshire East Local Plan Strategy – Submission Version.

Trees and Landscape

The actual application site has been cleared of much of the previous vegetation with the boundary hedges and trees remaining.

There are two trees that are subject to Tree Preservation Orders, both are located on the northern boundary of the site.

These are a pair of mature Oaks identified as T1 and T5 within the arboricultural submission. Both trees are protected as part of the Borough of Crewe and Nantwich (Main Road, Shavington) Tree Preservation Order 1985 and identified as high value Category A specimens. However, the Council's Landscape Officer suggests that these could be downgraded to moderate value Category B in respect of T5, but the tree is still certainly worthy of retention.

The build footprints of all three plots respect the Root Protection Areas of the identified trees (RPA), but the access road which serves the dwellings extends through the RPA of both T1 and T5, with a 'no dig solution' proposed to prevent damage to the respective protected trees. Specific construction details will be required with the no dig surfacing over engineered to facilitate construction traffic onto the site; this can be resolved by condition.

The two protected Oaks stand on the northern edge of the proposed development plot with the majority of any restriction of light attenuation restrict to off site and Puseydale Farm. The off site large mature Lombardy Poplar (beyond the eastern boundary of the site) dominates plot 3 including the associated garden. The tree cannot be considered given its age for long term retention with the species prone to hollowing of the main stem at maturity.

An amount of lateral pruning of the southern canopy associated with T1 will be required in order to establish adequate working space, and improve the tree property relationship, this again can be dealt with by condition.

Tree protection has been included within the submitted Arboricultural detail, but given the need to possibly amend the ground protection this will be covered by condition should approval be granted.

On balance the openness of the majority of the sites southern aspect and the anticipated short term life expectancy of the Poplar the Landscape Officer is comfortable for the development to proceed from an Arboricultural perspective. The two TPO trees are defendable, should any post development application be received is considered excessive.

The site as a whole is well screened and contained, mostly by existing built development, from public viewpoints and in the wider context. Therefore, it is not considered that the proposed development would have a significantly harmful effect on the visual amenity of the surrounding Open Countryside.

With regard to the landscaping of the site the submitted information states that the existing boundary hedges will be restored with new post and rail and closed board fencing. No further details of the proposed boundary treatments or landscaping of the site have been given, therefore appropriate conditions will be attached should permission be granted.

Residential Amenity

In terms of neighbouring residential amenity there are existing residential properties to the east of the site. These dwellings lie 32 metres from the proposed dwellings when measured at the closest point.

The farmhouse of Puseydale farm is located to the north west of the site and lies 26 metres from the northern edge of the application site.

To the west of the site are a range of outbuildings, while to the south is an open field.

The proposed development will be served by an existing access point off the main drive.

With the above in the proposed development exceeds the recommended separation distance of 21 metres between principle windows as stated within the Supplementary Planning Document: Development on Backland and Gardens.

As a result of the above, it is considered that the proposed development would adhere with Policy BE.1 of the Local Plan.

Highway Safety

The proposed development would be accessed off an existing private track which itself is accessed from Main Rd.

The Strategic Highways and Transport Manager is satisfied that visibility onto Main Road is sufficient. For the proposed properties, refuse collection can continue as it does for the existing properties and a refuse collection point has been shown on the latest plan.

The private track is wide enough for 2-way car movement and off-road parking provision is sufficient.

With the above in mind it is considered that the proposed development will not have any significant traffic impacts.

As such, it is considered that the proposal adheres with Policy BE.3 of the Local Plan.

Archaeology

The application site has previously been the subject of some form of development, the Wybunbury Tithe map of 1839 depicts a structure within the proposed development area which is labelled 'house, garden & enclosure'. This structure had gone by the first edition OS survey of 1875 and the development area has remained vacant to this date.

Whilst no archaeological grounds have been identified for refusal of planning consent, the site does hold the potential to yield below ground archaeological remains which would be destroyed by the groundworks involved in the proposed development. Therefore Cheshire Archaeology Planning Advisory Service (APAS) would advise that a programme of archaeological mitigation be made as a condition of any planning permission that might be granted.

In this instance the mitigation would take the form of a strip, map and record exercise, whereby the footprint of the building (c.15m x 8m) identified on the tithe map would be stripped using a suitable machine under archaeological supervision and control, down to the first archaeological layer, after which excavation would proceed by hand. An agreed excavation and recording methodology would then be implemented to excavate and record those archaeological features/layers that survived. The results of the work would then be written up into a report at which point the relevant background documentary research would also be undertaken, to be submitted for inclusion in the Cheshire Historic Environment Record. The work may be secured by condition should the application gain approval.

Conclusion

The proposed development would be of an acceptable design that would not create any significant issues in relation to highway safety, drainage or flooding. As such, it is considered that the proposed development would be environmentally neutral.

Planning Balance

As the site is within the Open Countryside and the green gap, the proposed residential development is contrary to Policies NE.2, RES.5 and NE.4 of the Crewe and Nantwich Local Plan.

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

Whilst the emerging Local Plan Strategy is at advanced stage in the adoption process, the Council still cannot demonstrate a 5 year supply of housing at this time. Policies RES.5, NE.2 and NE.4 restrict the supply of housing and should not therefore be considered up-to-date. However the weight to be afforded to the conflict with these policies is a matter of judgement, having regard to the circumstances of the case.

Given the context of this site, and also the close similarity with the nearby site where residential development was granted on appeal, it is considered that the development would

not materially compromise the purpose of the green gap of maintaining the separation between existing communities or preventing settlements from merging.

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.

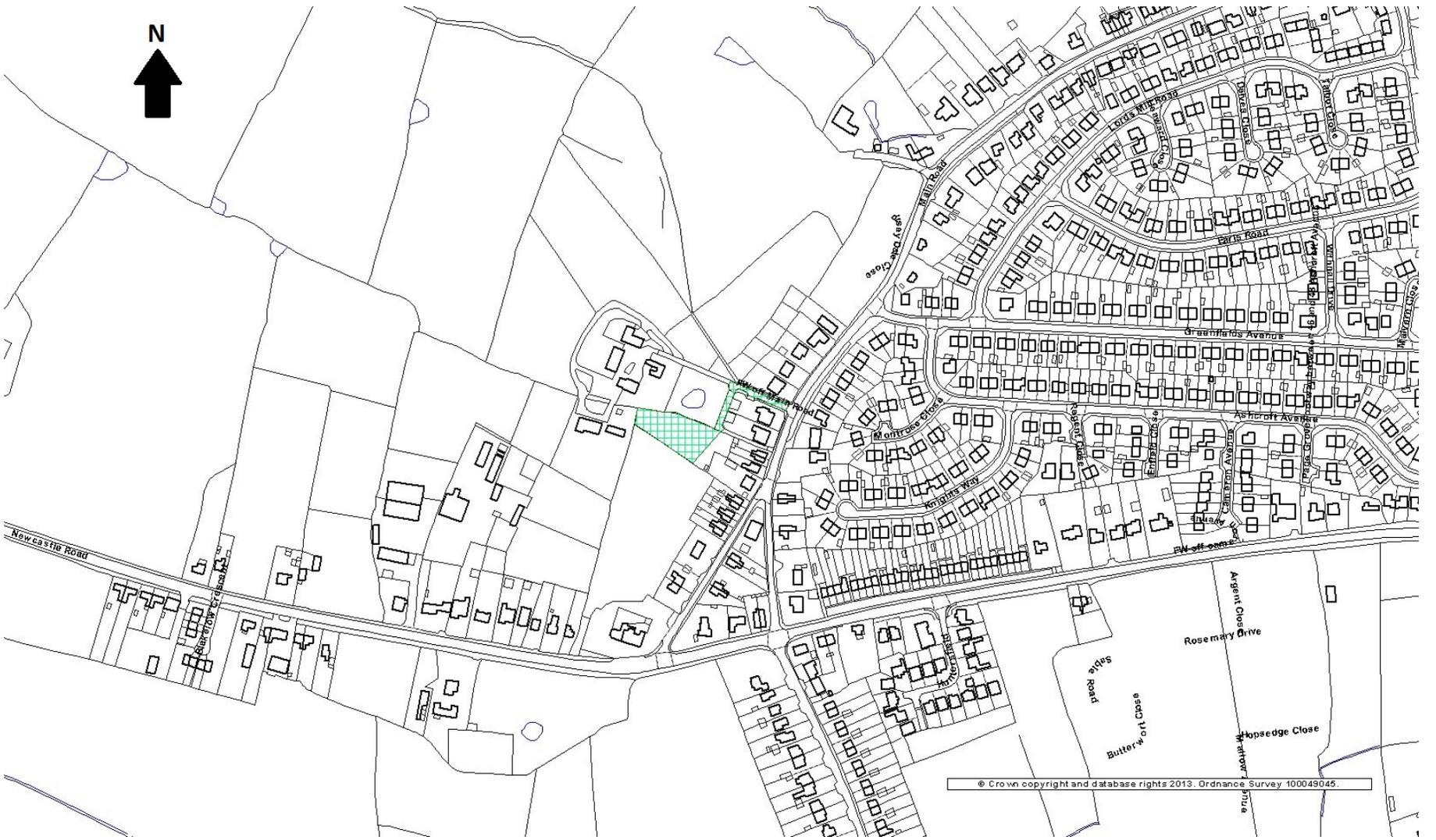
Applying the tests within paragraph 14 of the framework it is considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development constitutes sustainable development and should therefore be approved.

RECOMMENDATION

APPROVE subject to conditions

1. Time (3 years)
2. Plans
3. Materials as per application
4. Scheme of landscaping
5. Removal of PD rights A-E
6. Tree protection
7. Tree Pruning/Felling Specification
8. Engineer Designed no dig construction
9. Boundary treatments
10. Levels
11. Nesting birds
12. Drainage scheme
13. External lighting
14. Dust control
15. Piling
16. Contaminated land
17. Construction Management Plan
18. Programme of archaeological work

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



Application No: 16/3464N

Location: LAND ADJACENT TO CHORLTON LANE, CHORLTON

Proposal: Change of use of land from agricultural to part agricultural and part keeping of horses. Retention of existing septic tank, stable and field shelter, dog kennel, chicken house and associated hard standing (retrospective)

Applicant: Ms Jones

Expiry Date: 01-Mar-2017

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, Policy NE.2 advises that 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.

The proposal seeks to provide buildings/structures for mixed agricultural and private stabling which would be considered to be related to outdoor recreation therefore the use is considered to be acceptable in principle from a pure land use perspective.

The physical impacts of the proposal on the open countryside are considered to be limited as they are viewed against the backdrop of existing planting and their appearance is consistent with that of other buildings associated countryside.

RECOMMENDATION

APPROVE

REASON FOR DEFERRAL

Call in request from Cllr Clowes

DESCRIPTION OF SITE AND CONTEXT

- Parcel of land sited off Chorlton Lane to the south of the Methodist Chapel

- Countryside location consisting of scattered residential properties and agricultural uses
- Fairly flat site
- Consists of timber buildings, low level fencing and gravel access track
- Railway sited to the western boundary of the site
- Site is predominantly enclosed by planting to the boundaries

DETAILS OF PROPOSAL

The proposal seeks consent retrospectively for the change of use of land from agricultural to part agricultural and part keeping of horses. Retention of stables, dog kennel, chicken house, field shelter, septic tank and associated hard standing.

The proposal does not include the mess room/caravan and timber structure above the decking area.

RELEVANT HISTORY

14/4466N – Storage building for farm machinery and fodder, staff welfare area, incubation room and egg room – refused for the following reason:

The proposed agricultural development is not considered to meet the requirements of Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The land the subject of this application did not appear to be in active agricultural use as a trade or business at the time that the application was made and the site edged red appears to be under 5 hectares in area. The application forms provide insufficient information on the operation of an agricultural trade or business from this site and the size of the holding. Accordingly and on the basis of the information provided, full planning permission is required.

POLICIES

Crewe & Nantwich Borough Council Local Plan Policy

- NE.2 – Open Countryside
- NE.14 – Agricultural Buildings Requiring Planning Permission
- BE.1 – Amenity
- BE.3 – Access and Parking
- BE.4 – Drainage
- BE.2 – Design
- RT.6 – Recreational uses in the Open Countryside

National Planning Policy Framework

Cheshire East Local Plan Strategy – Submission Version are:

- Policy SD 1 Sustainable Development in Cheshire East
- Policy SD 2 Sustainable Development Principles
- Policy SE 1 Design
- Policy PG 5 Open Countryside

CONSULTATIONS

Cllr Clowes – objection on the following grounds (initial objection to original proposal):

- This site has only recently been vacated by an unlawful wood processing operation and no assessment has been made of what risk this material poses to grazing
- Mess room is being used for overnight accommodation
- Must not interfere with the Public Right of Way
- Fencing housing live stock should be in accordance with Network Rail guidelines
- Need to consider the impact on the HSE route
- Free access to the Network Rail footbridge must be maintained

Cllr Clowes call in at the request of Hough & Chorlton Parish Council on the following grounds (revised plans):

- a dog kennel and run: This is already constructed and its size equates with the situation 'on the ground'.
- a "chicken house": Parish Councillors and residents are concerned about this building. The plan submitted gives no detail of its actual size or construction. The plan suggests a substantial building far exceeding the usual scale of a 'hen house' and one that is more in keeping with a larger scale poultry business. Photographs provided (12.02.2017) show that currently several small wooden hen houses are located INSIDE a temporary scaffold structure. Further clarity is required regarding the construction, size and purpose of the building described on the site plans BEFORE this application is determined.
- There is no clarification in the application, nor evidence on site that appropriate livestock-proof fencing has been constructed as requested by network rail.
- Large mobile home: The revised plan application is for the change of land use from agricultural to part agricultural and part keeping of horses, retention of existing septic tank, stable and field shelter, dog kennel, chicken house and associated hard-standing (retrospective). Residential use of the caravan is not permitted on this site, nor does this revised application include its use and so for the avoidance of doubt, this mobile home should be removed away from the site as a condition of this planning application.

Public Rights of Way (Cheshire East)

No objection however advisory noted offered to the applicant regarding the Public Right of Way

HS2

No objection however applicant advised to follow the progress of the HS2 route

National Rail

No objection however advisory noted offered to the applicant regarding protective fencing for livestock given the proximity to the railway, proximity to HS2 and access to the footbridge must remain unrestricted

Mid Cheshire Foot Path Society

No objection however advisory noted offered to the applicant regarding their obligation to keep the footpath clear at all times

VIEWS OF THE PARISH / TOWN COUNCIL

Hough and Chorlton Parish Council

Following concerns raised:

- Overnight use of the mess room has occurred
- Further unauthorised works undertaken since the application was submitted
- Condition required to prevent overnight accommodation
- Further works on site should cease until the application has been considered

OTHER REPRESENTATIONS

5 letters received regarding the following (original plans):

- Question the need for the septic tank
- Harm to character/appearance of the area
- Highway safety concerns
- Pedestrian safety
- History of inappropriate uses
- Mess room has appearance of a holiday home
- Site is contaminated
- Covenant on the land restricts the proposed use
- Impact to HS2

1 letter received regarding the following (amended plans)

- Unclear if the caravan/mess room forms part of the proposal as it is still on site
- The chicken shed, field shelter and shed are sited in a different location than as shown on the plan
- Plans refer to proposed development yet the application is retrospective
- Hardstanding and septic tank not required if caravan/mess room is not part of the proposal

OFFICER 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:

“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”

The proposal seeks to provide buildings/structures for mixed agricultural and private stabling which would be considered to be related to outdoor recreation therefore the use is considered to be acceptable in principle from a pure land use perspective.

However the use is also dependent on satisfying a number of criteria within policy RT.6 which seek to protect the character/appearance of the countryside, nature, safe access/adequate parking and accessed by variety of transport modes. These are assessed below.

Recreational use within the Open Countryside and agricultural buildings

Policy RT.6 advises that development for recreational uses in the Open Countryside will be permitted provided that they do not harm the character or appearance of the countryside, do not create any additional highways issues and, in relation to new outbuildings, they should be positioned close to other existing buildings and should blend into the surrounding landscape.

Policy NE.14 advises that agricultural buildings will be allowed where it is ancillary to an agricultural purpose, satisfactory visual impact, adequate drainage, no traffic hazard is created, appropriate location, scale and type to not harm residential amenity and not of a design which makes it easy to convert to residential use.

In this instance the proposal seeks a mixed agricultural and recreational use. The agricultural element involves the keeping chickens with chicken shed measuring 6.4m by 9.5m and 2m high.

The recreational use involves the keeping of horses for private use and involves a stable measuring 3.6m by 12m and 3.2m high and field shelter measuring 5.3m by 4.1m and 3.1m high.

The buildings are sited close to an existing planting buffer which limits the visual prominence of the buildings when viewed from the wider setting and are therefore predominantly contained within the site. The proposals are visible from the road to the east, however they are viewed against the back drop of the existing planting which ensures that the visual impact upon the character or appearance of the landscape is limited.

Confirmation has also been received that the stables will be used for domestic use only and not in connection with any commercial use and this can be secured by condition. Therefore it is unlikely that the proposal for domestic use would result in any significant demand for travel to and from the site.

Given the limited area of the application site it is considered necessary to remove permitted development rights preventing the erection of further buildings/structure which would potentially result in a cramped visual appearance of this open countryside setting.

As a result, it is considered that the development would have only a limited impact upon the character and appearance of the open countryside due to the small scale level of development proposed and the screening provided by the boundary planting. The highway impacts would not be significant based on a non commercial use.

Design

The buildings predominantly consist of timber finishes which are considered appropriate to the rural setting and would blend in with the wider countryside setting.

As a result the proposal would not result in any significant visual harm to the character/appearance of the area.

Amenity

The nearest residential property is sited over 100m away to the south. This distance along with the boundary screening is considered significant to prevent any harm to living conditions.

The stables will not be used for any commercial purposes which can be secured by planning condition. Therefore the proposal is not considered to result in any significant harm through noise and disturbance.

Lighting can also be controlled by planning condition to prevent harm through light pollution.

As a result the proposal would not result in any significant harm to living conditions of the occupiers of neighbouring properties.

Other

Representations have been received from neighbouring properties claiming that the mess room/caravan is being used for overnight accommodation. However the mess room/caravan has been removed from the plans and no longer forms part of the application.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The development represents an appropriate use for the Open Countryside and would not impact upon its character and appearance. The proposal raises no concerns in relation to design, amenity, or highway safety. The proposal therefore complies with Policies NE.2 (Open Countryside), NE.14 (Agricultural Buildings Requiring Planning Permission), RT.6 (Recreational Uses in the Open Countryside), BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

RECOMMENDATION

APPROVE subject to the following conditions/Informatives:

Conditions

1. Commencement of development
2. Approved Plans
3. Materials
4. No lighting
5. Private use only
6. Removal of permitted development rights for further buildings/structures

Informatives

1. Protection of Public Right of Way
2. livestock proof fencing to be installed adjacent to the railway boundary to prevent livestock (horses) gaining access to the existing operational railway
3. Access to the Network Rail footbridge must remain open and unblocked
4. Contaminated land
5. Working hours for construction
6. Positive and proactive

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.

