

Southern Planning Committee

Agenda

Date: Wednesday, 29th 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 - 20)

To approve the minutes of the meeting held on 1 March 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. **17/0253C Land At Radnor Park Industrial Estate, Back Lane, Congleton: Residential development (Use Class C3) comprising 29 affordable dwellings incorporating 12 no. 3 bed houses, and 13 no. two bed houses and 4 no. one bed maisonettes with associated infrastructure and incidental open space including a new estate road and vehicular and pedestrian access off Back Lane for William Fulster, M.C.I.Developments Limited and Places for People Group (Pages 21 - 38)**

To consider the above planning application.

6. **16/6144C Land West Of Goldfinch Close, Congleton: Reserved Matters application (appearance, landscaping, layout & scale) following approved Outline application 13/3517C - Outline application for erection of up to 230 dwellings, access, open space and associated landscaping and infrastructure for Seddon Homes Ltd (Pages 39 - 52)**

To consider the above planning application.

7. **16/5926C 29, Woodside Avenue, Alsager ST7 2DL: Proposed development of 1 detached dwelling houses to the rear of 29 Woodside Avenue for Ms Shelagh Lowndes (Pages 53 - 60)**

To consider the above planning application.

8. **16/6224C Land West Of Crewe Road, Wheelock Heath, Sandbach: Proposed development of up to 60 no. dwellings, including the provision of 30% on-site affordable homes, a local convenience store, an area of open space and significant areas of landscaping with access reserved for Mulbury Homes Limited, Ms I Griffin, Ms K Griffin & Ms C Goodwin (Pages 61 - 84)**

To consider the above planning application.

9. **16/6058C Land Off Coppenhall Way, Sandbach: Development of 10 dwelling houses and estate road connected to Coppenhall Way for Thorngrove Developments Limited** (Pages 85 - 98)

To consider the above planning application.

10. **17/0295N Land at Shavington Villa, Rope Lane, Shavington CW2 5DT: Residential development of up to 29 No. dwellings and associated infrastructure with access to be taken from Rope Lane for Mr & Mrs Kirkham and Country and Coastal** (Pages 99 - 120)

To consider the above planning application.

11. **16/4526N Land To Rear Of 71, Main Road, Shavington: Full planning permission for 30 dwelling houses including the demolition of 71 Main Road, Shavington for Eleanor Ogilvie, Mulbury Homes (Shavington) Ltd** (Pages 121 - 142)

To consider the above planning application.

12. **16/0754N 1, Nesfield Drive, Winterley CW11 4NT: New dormer bungalow, amended design from 15/0349N - Resubmission for Mr Neville Cross** (Pages 143 - 152)

To consider the above planning application.

13. **17/0283N Car Park, Browning Street, Crewe CW1 3BB: Redevelopment for 8 dwellings and associated infrastructure, plus remodelling of remaining car park for A Frost, Engine of the North** (Pages 153 - 162)

To consider the above planning application.

14. **17/0388N Land adjacent to, 11 , Walthall Street, Crewe CW2 7JZ: Variation of Condition 2 on approved planning application 16/4784N, to facilitate the addition of two apartments to those already permitted, minor alterations, associated Parking, Bin Storage, Cycle Storage and Access Arrangements for D Fyles** (Pages 163 - 174)

To consider the above planning application.

15. **14/5801N Working Mens Club Bungalow, Hall O Shaw Street, Crewe CW1 4AD: Outline Application for Demolition of dwelling and erection of 9no. dwellings for K Kelly** (Pages 175 - 188)

To consider the above planning application.

16. **16/5015N Baroda, Annions Lane, Wybunbury CW5 7LP: Retrospective application for an importation of soil, filling of pond and levelling of land for Ronald Blackburn** (Pages 189 - 198)

To consider the above planning application.

17. **17/0066N Land Off Wrenbury Road, Aston: Outline planning application for Residential development and associated infrastructure for Grasscroft Homes and Property Ltd and JGV Developments Ltd** (Pages 199 - 220)

To consider the above planning application.

18. **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 221 - 230)

To consider the above planning application.

19. **17/0667N Sevenoaks, Hearn's Lane, Faddiley CW5 8JL: Dog welfare building to provide separate space for recovering dogs following birth of their litter for Mr Mark Wetton** (Pages 231 - 238)

To consider the above planning application.

20. **Outline planning application for the demolition of 1 bungalow and the erection of 15 dwellings, including associated access at land east of Bunbury Lane, Bunbury - 6 & Land rear of no.6 Bunbury Lane, Bunbury CW6 9QZ**
(Pages 239 - 242)

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

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 1st March, 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, S Gardiner (for
Cllr Clowes), A Kolker, J Rhodes, B Roberts and B Walmsley

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillor P Bates

OFFICERS PRESENT

Daniel Evans (Principal Planning Officer)
Patricia Evans (Senior Planning and Highways Lawyer)
Andrew Goligher (Principal Development Control Officer - Highways)
Richard Taylor (Principal Planning Officer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors D Bebbington

Apologies due to Council Business

Councillor J Clowes

114 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

With regard to application number 16/0285C, Councillor Rhoda Bailey declared that she knew the applicant's mother and had met the applicant once. She had not discussed the application and had kept an open mind.

With regard to application number 16/5371N, Councillor B Walmsley declared that she was a Director of The Skills and Growth Company. In addition, the applicant was based in Middlewich but she had not discussed the application.

With regard to application number 16/4787N, Councillor S Edgar declared that he has been asked by the Parish Council to call in the application on their behalf, but that he had kept an open mind.

With regard to application number 16/3464N, Councillor S Gardiner declared that he was substituting for Councillor J Clowes who had called in the application but that he had not discussed it with her.

115 **MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 1 February 2017 be approved as a correct record and signed by the Chairman.

116 **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 B Holmes and Mr J Suckley attended the meeting and addressed the Committee on behalf of the applicant.

Note: Councillor S Gardiner declared that he had in the past had dealings with Mr Suckley regarding sites in Knutsford.

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 completion of a Planning Obligation and/or S111 Agreement 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
- (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, the following Heads of Terms should be secured as part of any Planning Obligation and/or S111 Agreement:
- A contribution of £7,500 towards a Traffic Management Scheme
 - A contribution of £5,000 towards Travel Plan Monitoring.

117 **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: The Principal Planning Officer read a representation from Councillor S Hogben (Ward Councillor), who was unable to attend the meeting.

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. 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
8. Revised plans to show changes to the internal kitchen layout and provision of a window to the kitchen

Informatives:

1. Working hours for constructions
2. Contaminated land
3. The developer to be notified of the requirements for a licence (in terms of occupancy rates and communal rooms) and that tenancy agreements will be required

(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.

118 **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**

Note: Mr G Roberts (Parish Clerk on behalf of Odd Rode Parish Council), Ms P Wainwright (objector) and Mr M Pardoe (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Mr I Walker (objector) had not registered his intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Mr Walker to speak.

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

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to a S106 Agreement to secure:
- 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);
 - Public Open Space (provision of open space, transfer to a management company and maintenance in perpetuity);
 - £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 report by a suitably qualified engineer to be submitted as part of the first Reserved Matters application. Validation Report to be submitted following the completion of the development to confirm that there has been no impact
15. Reserved matters to include boundary treatments inc Canal boundary
16. Lighting information adjoining canal
17. Updated badger survey
18. Bird nesting season
19. Reserved matters to include existing and proposed levels/ including land adjacent
20. 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
21. Bat and bird boxes
22. RM for a maximum of 30 units on this site
23. Open Space provision as part of the RM to be no less than 744sqm
24. Sustainable Design Strategy to be submitted as part of the first RM application to include a mix of dwellings heights and sizes

Informative:

- No consent is given for the scheme as shown on the indicative plans
- (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% affordable housing (9 of which 1 shall be a bungalow for the over 55's in a 65:35 split affordable rent: intermediate tenure);
 - Public Open Space (provision of open space, transfer to a management company and maintenance in perpetuity);
 - £81,713.45 secondary education contribution

119 **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**

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

Note: Parish Councillor R Young (on behalf of Church Lawton Parish Council) and Mr I Pleasant (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 Local Planning Authority considers that insufficient information has been provided to satisfactorily demonstrate the loss of the employment uses on this site. As a result the development would not promote a strong rural economy and it has not been demonstrated that there would be no detrimental impact upon the supply of employment land or premises in the Borough. The proposed development would be contrary to Policy EG3 (Existing and Allocated Employment Sites) of the Cheshire East Local Plan Strategy and

Policies E6 (Employment Development in the Green Belt) and E10 (Re-use or Redevelopment of Existing Employment Sites) of the Borough of Congleton Local Plan 2005.

- (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.

120 **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**

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

Note: Parish Councillor J McEvoy attended the meeting and addressed the Committee on behalf of Wrenbury cum Frith Parish Council.

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 reasons:
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
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That, should the application be subject to an appeal, the following Heads of Terms 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; POS to include management company for maintenance in perpetuity
 3. Primary, Secondary and SEN School Education Contribution of £159,899
 4. TRO to extend the 30mph zone

Informative

The submitted indicative plan is not considered to be acceptable

121 **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**

Note: Councillor A Martin (Ward Councillor) had registered his intention to address the Committee but was not in attendance at the meeting.

Note: Mr C Grant (objector) and Mr I Stevens (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, for the reasons set out in the report, the application be APPROVED 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
7. Development to comply with Preliminary Ecological Appraisal dated 1st October 2015 prepared by Kingdom Ecology
8. Nesting birds mitigation, including Swallow boxes, to be submitted and approved
9. Breeding birds – timing of works
10. Barn owl compensation strategy
11. Further barn owl survey
12. Landscaping (details) to be submitted and approved
13. Landscaping (implementation)
14. Boundary treatment to be submitted and approved
15. Removal of PD, including removal of PD for new windows
16. Contaminated Land 1 Preliminary Risk Assessment
17. Contaminated Land 2 Soil verification
18. Contaminated Land 3 Unidentified contamination
19. Scheme for provision of vehicular and pedestrian passing bays along Batherton Lane. Passing bays to be provided prior to first occupation
20. Dust emissions scheme
21. Scheme of foul and surface water drainage
22. Archaeological record
23. Conservation Roof Lights
24. Metal Rainwater – red in colour

25. Scheme of treatment of the existing ventilation openings
- (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.

122 **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**

Note: Mr I Stevens 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 and an oral report of the site inspection.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following 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
 7. Conservation Roof Lights
 8. Metal Rainwater – red in colour
 9. Scheme of treatment of the existing ventilation openings
 10. Removal of PD for new windows
- (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.

123 **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**

Note: Councillor P Bates (Ward Councillor), Mr B Haywood (objector) and Mr N Collins (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Town Councillor A Martin had not registered her intention to address the Committee on behalf of Congleton Town Council. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Councillor Martin to speak.

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

RESOLVED

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

The proposed development is not sympathetic to the character, appearance and form of the site and the surrounding area and represents an overdevelopment of the site. The development is contrary to Policies GR2 (Design) of the Congleton Local Plan, SE1 (Design) of the CELP and guidance within the NPPF.

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

124 **16/4729N LAND ADJACENT TO YEW TREE FARM, CLOSE LANE,
ALSAGER: RESERVED MATTERS APPLICATION FOR THE
ERECTION OF 40 DWELLINGS COMPRISING OF 1 TO 5 BEDROOM
HOMES, OPEN SPACE AND ASSOCIATED WORKS FOR MR SUTTON**

Note: Councillor P Butterill left the meeting during consideration of this application.

Note: Mrs S Helliwell (objector) and Mr S Daintith (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED 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 within 5m of ditch/ ditch to be fenced off during construction
 11. Removal of permitted development rights – smaller plots (10-13, 21-29 and 30-31)
 12. Boundary treatment to be as per plans
 13. Removal of permitted development for boundary walls forward of building line
 14. Scheme of works for the diversion of the overhead cables 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.

125 **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.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to 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.
 10. Prior to commencement the developer shall undertake consultation with the HSE and National Grid to confirm that there are no objections to the siting of a dwelling adjacent to the sub-station
- (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.

126 **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**

Note: Mr C Bowen 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 REFUSED for the following reason:

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:

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.

- (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, 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.

Informative

The indicative plan is not approved as a layout plan

127 **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**

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

RESOLVED

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

128 **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**

Note: Ms S Davies (Parish Clerk on behalf of Hough & Chorlton Parish Council) and Mr S Williams (objector) attended the meeting and addressed the Committee on this matter.

The Principal Planning Officer referred to correspondence from Councillor J Clowes which had been sent to all members of the Planning Committee.

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

RESOLVED – That the application be DEFERRED for the following:

- a Committee Site Inspection;
- a response in relation to the enforcement issues on the site;
- to ensure that accurate plans are provided;
- to consult with Environmental Health in relation to animal husbandry issues on the site.

The meeting commenced at 10.00 am and concluded at 4.40 pm

Councillor G Merry (Chairman)

Application No: 17/0253C

Location: Land at Radnor Park Industrial Estate, BACK LANE, CONGLETON

Proposal: Residential development (Use Class C3) comprising 29 affordable dwellings incorporating 12 no. 3 bed houses, and 13 no. two bed houses and 4 no. one bed maisonettes with associated infrastructure and incidental open space including a new estate road and vehicular and pedestrian access off Back Lane.

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

Expiry Date: 18-Apr-2017

SUMMARY:

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

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

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

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

Furthermore, the amenity and parking issues which were previously an issue on the site creating a cramped and overdeveloped development have now been satisfactorily addressed.

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

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

Recommendation: Approve

REASON FOR REFERRAL

The application is a small scale major development for more than 20 dwellings.

PROPOSAL

This application seeks Full planning permission for the erection of 29 affordable dwellings incorporating 12 no. 3 bed houses, and 13 no. two bed houses and 4 no. one bed maisonettes with associated infrastructure and incidental open space including a new estate road and vehicular and pedestrian access off Back Lane.

This application is a resubmission of the previously refused scheme for 30 dwellings which was refused by Southern Planning committee in December 2016.

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

SITE DESCRIPTION

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

RELEVANT HISTORY:

16/3262C – Residential development (Use Class C3) comprising 30 no. new affordable dwellings incorporating 12 no. three bed houses, and 16 no. two bed houses and 2 no. one bed maisonettes with associated infrastructure and incidental open space including a new estate road and vehicular and pedestrian access off Back Lane – Refused 22nd December 2016

Reason for refusal - The proposed development represents an overdevelopment of the site due to the lack of car parking provision, insufficient internal separation distances and insufficient private amenity space. The proposed development is contrary to Policies GR1, GR2, GR6 and GR9 of the Borough of Congleton Local Plan and Policies SE1, SD1 and SD2 of the Cheshire East Local plan and the NPPF.

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

NATIONAL & LOCAL POLICY

National Policy:

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

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

Development Plan:

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

The relevant Saved Policies are: -

PS4	Towns
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR14	Cycling Measures
GR17	Car Parking
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
H2	Provision of New Housing Development
H4	Residential Development in Towns
H13	Affordable and Low Cost Housing
NR1	Trees & Woodland
NR2	Wildlife & Nature Conservation
NR3	Habitats
NR4	Non-Statutory Sites
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments

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

Cheshire East Local Plan Strategy

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

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

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)

CONSULTATIONS:

Environmental Health: Object on the grounds of noise impact on future residents from existing adjoining industrial operations. Contrary to this Directorates recommendation for Refusal on noise grounds; Outline Planning Approval 14/3747C was Granted on 14/09/2015: *Outline planning application for a residential scheme for up to 24 dwellings, open space and new access off Back Lane*. Consequently, the principle of residential development at this area of Back Lane, Congleton has been established. There has been no change to this application from a noise perspective to alter this services' view that the development cannot be made appropriate with respect to noise. The external amenity spaces will remain above acceptable noise limits and the future occupiers subject to unacceptable noise.

However as the outline application was approved, the LPA is advised that notwithstanding the above objection if they are mindful to approve the current application then the following conditions, should be attached relating to noise mitigation (acoustic fencing and glazing), Construction method statement and dust management plans implementation and contaminated land and contaminated soil, electric vehicles and travel pack.

Strategic Highways: No objections

Strategic Housing: No objections

Green Spaces (Ansa: Environmental Operations): Object, Open space is required on site however if the committee are minded to approve the current layout then enhancements will need to be made to existing open space at West Road which is within 500m of the application site. This will go towards mitigating the impact of the development in helping to cater for the extra demand placed on it by the new families.

Applying the standards and formulae in the 2008 Guidance the Council would need £9,164.12 to improve West Road open space. This would be spent on new play equipment and infrastructure. The Council would also need a commuted sum of £26,311.50 to maintain the upgraded facilities over 25 years.

Education: Object, subject to secured developer contribution of £130,449 for children's services.

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

Flood Risk Management Team: None received at time of writing this report.

PROW – No objections

VIEWS OF THE CONGLETON TOWN COUNCIL

Object – Overdevelopment of the site as this application is only one less dwelling than a previous application 16/3262C. The Section 106 Agreement of the previous applications should be reinstated.

REPRESENTATIONS:

Representations have been received from 3 addresses objecting to the proposal. The grounds for objection area as follows:

- Highway Safety/impact on existing highway network
- Loss of employment land
- The future expansion of the adjoining businesses will be jeopardised
- Proximity of residential development to the adjoining commercial uses
- Potential future complaints from residence of new dwellings
- Not acceptable unless for social housing
- Not needed for 5 year housing land supply
- New Industrial plots have recently been approved on Radnor Park therefore employment land required

OFFICER APPRAISAL

Principle of Development

This application is a full planning application and seeks approval for 29 affordable housing units. As a site within the settlement zone line for Congleton, the principle of residential development on the site is acceptable under local plan policy PS4 subject to other material considerations.

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

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

Further, the NPPF reiterates the requirement to maintain a 5 year rolling supply of housing in order to significantly boost the supply of housing. This proposal would help to deliver an additional 30 no. affordable dwellings in a sustainable location within the settlement boundary of one of the Key Service Centre's for the Borough. Further, the proposal would utilise 'previously developed land' which is supported by one of the core principles of the NPPF, which states that Local Planning Authorities 'encourage the effective use of land by reusing land that has been previously developed'.

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

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

Employment Land

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

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

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

Given the above, it is considered that the loss of the employment site is justifiable and furthermore, as this application is for social housing the benefits arising from the delivery of housing within a sustainable location during a period when the Council is trying to boost its housing land supply. Consequently, it is considered that a reason for refusal on grounds of employment land supply is likely to be difficult to sustain at appeal particularly when balanced

against the delivery of new housing on an accessible, previously developed site. The requirements of local plan policy E10 and EG3 have therefore been satisfied.

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. This development proposes that 100% of the dwellings are to be affordable.

Normally the Council would expect a ratio of 65%/35% of the affordable dwellings split between social rented and intermediate housing. This development proposes that 100% of the dwellings are to be sold as shared ownership, an intermediate housing product – with no rented dwellings being provided on site. Strategic Housing supports this mix on the basis that 100% affordable housing will be provided.

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

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

There are 563 applicants on the Cheshire Homechoice housing waiting list who have selected Congleton as their first choice area for rehousing. These applicants require 239 x 1 bed, 200 x 2 bed, 109 x 3 bed and 14 x 4 bed dwellings.

This development has been altered with an increase in the 1 bed dwellings by 2 units and a reduction in the 2 bed dwellings by 2 units. The developer now proposes 4 x 1 bed, 13 x 2 bed and 12 x 3 bed dwellings. The Strategic Housing Officer is happy that this revised mix meets the local housing need.

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

Design Considerations

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

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

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

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

The overall siting of the units and positioning of the car parking is much less over dominant than the previously refused development. It is therefore considered that the proposed development is acceptable and in keeping with the surrounding streetscene.

Trees and Landscape

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

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

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

As such, subject to conditions information for the submission of landscape scheme and implementation, implementation of the AMS and existing/proposed levels there are no landscape or tree issues.

Highways

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

This is a resubmission of a previous application but with 29 dwellings now proposed, these are 12 No. 3 bed, 13 No. 2 bed and 4 No. 1 bed units.

The reason for refusal on the previous application was partly due to the lack of off-street parking for the number of units proposed. The amended scheme now provides 54 car parking spaces and conforms with CEC parking standards.

As there were no other highway issues raised this application is now acceptable and no objections are raised.

Residential Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties via loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Supplementary Planning Guidance Note 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. It states that 21.3 metres should be maintained between 2 principal elevations and 13.8 metres should be allowed between a principal and flank elevation.

In respect of the residential amenities afforded to neighbouring properties, the closest of which is to the south (no. 58 Glyn House). The property on plot 29 will have a side elevation facing the side elevation of No.58 there will be a distance of at least 10m between the flank elevation of the proposed dwelling and the adjacent neighbours and it is considered that this is acceptable.

There is at the closest point a 27m separation distance between the existing dwellings on the opposite side of Back Lane and the proposed dwellings and also there is an existing boundary treatment and substation which will help to mitigate for any overlooking.

With regards to the internal amenity issues for the future occupiers, Plots 8 & 9 and 20 & 21 have a separation distance of around 20.5m which is very slightly below the standards however, as this is within the site it is considered that the proposal is acceptable. All other separations distances within the site meet the standards.

The SPG also suggests all new dwellings should have a private amenity space of 65m². The amended plans show all the properties have a private amenity space of 65m² and therefore now comply with the guidance in the SPG. It is therefore considered to be acceptable.

Noise

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

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

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

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

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

The applicants noise report (submitted by Echo Acoustics) states that, Boalloy Limited, the closest part of which is approximately 25m from the northern boundary of the site, manufactures and repairs commercial vehicle body-work and heavy goods vehicle trailers which necessitates the use of a wide range of equipment including scissor lifts, pneumatic hand tools, angle grinders, hammers and spraying equipment. Copeland & Craddock is a specialist precision engineering company who produce close-tolerance polished steel bars and tubes which necessitates the stockpiling of steel bars and sheets in external areas of the yards with loading, unloading and handling of the materials using fork lift trucks. Both Boalloy and Copeland & Craddock operate during the day time only.

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

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

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

The WA report recorded noise levels at the site's northern boundary, without any mitigation in place, of 58.4 dB LAeq. The closest residential façade will be a further 13 metres away;

adjusting the measured noise to allow for the additional noise level gives rise to a free-field noise level at the property façade, of 54.8 dB LAeq. An addition of 2.5 dB must be added to this to produce the façade noise level which takes account of noise reflected back off the building itself, giving a receptor noise level, with no mitigation, of 57.3 dB LAeq.

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

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

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

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

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

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

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

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

It is the Environmental Protection Officer's (EPO) view that residential development at this location will potentially create conflict with adjacent land uses by introducing noise sensitive

properties adjacent to an industrial development, whereby the housing will suffer noise as a consequence. However, this would be mainly for outdoors areas (i.e. private garden spaces of some properties) as the internal environment could be adequately protected from noise through the provision of high spec glazing and mechanical ventilation.

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

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

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

Ecology

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

Tree with bat roost potential

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

Great Crested Newts

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

Nesting Birds

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

Public Open Space Provision

The site is for 29 dwellings, 25 of which are considered to family dwellings, with 2 and 3 bedroom properties. The development site does not propose any open space provision. In accordance with the advice, standards and formulae contained in the CBC Interim Policy Note on "POS Provision for New Residential Development" 2008, I have assessed what POS would be needed to serve the proposals for up to 29 dwellings shown on the Proposed Site Layout

drawing no backLn/SK08 Rev H dated 10 February 2017 there would be a quantity deficiency of Amenity Green Space (AGS) and Children and Young Persons provision (CYPP).

The Policy Note provides for (1) amenity greenspace (AGS) and (2) children's play provision, other land typologies such as woodland, buffers, green corridors, wildlife/semi natural areas or incidental space/verges are not a standard requirement therefore these areas go beyond policy requirements and are not for Ansa to consider.

Amenity Green Space (AGS)

Taking into account the existing properties, 29 new homes will generate a need for 660 sqm of new AGS based on the housing schedule which should be centrally located within the site. Based on the proposed site layout there is no AGS provided.

Children and Young People Provision

As this development is under the 49 dwelling trigger for formal equipped play requirement on site is not required however a LAP with a minimum of 100 sqm located adjacent to the AGS and in accordance with FiT standards is required.

The previous application 16/3262C also required on site open space as there is already a deficit in the area and this development would add to that deficit.

Open space is preferred and required on site to directly serve the new residents however if the committee are minded to approve the current layout then enhancements will need to be made to existing open space at West Road which is within 500m of the application site. This will go towards mitigating the impact of the development in helping to cater for the extra demand placed on it by the new families.

Applying the standards and formulae in the 2008 Guidance the Council would need £9,164.12 to improve West Road open space. This would be spent on new play equipment and infrastructure. The Council would also need a commuted sum of £26,311.50 to maintain the upgraded facilities over 25 years.

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 29 dwellings is expected to generate:

- 6 primary children (29 x 0.19)
- 4 secondary children (29 x 0.15)
- 0 SEN children (29 x 0.51 x 0.023%)

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

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

$6 \times £11,919 \times 0.91 = £65,078$ (primary)
 $4 \times £17,959 \times 0.91 = £65,371$ (secondary)
Total education contribution: £119,602

Without a secured contribution of £119,602, 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, 5 primary children and 4 secondary children would not have a school place in Congleton. The objection would be withdrawn if the financial mitigation measure is agreed.

S106 contributions and Viability

Keppie Massie in conjunction with WYG (Surveys), were instructed to assess the applicants viability assessment. They assessed the likely costs and revenues associated with the proposed development. Based on the development proposals they consider that the revenues that are adopted within the Applicant's Assessment are reasonable for the purpose of assessing the financial viability of the proposed development.

They state that the proposed purchase price, the developers profit requirement (at 8.5% of construction costs exclusive of contingencies) and the proposed finance costs are reasonable for the purpose of assessing the financial viability of the proposed development.

Following consultation with the Applicant (and the receipt of further information from the Applicant that has included further explanation as to the Preliminary Costs, External Works and Abnormal Costs that will be incurred) WYG consider that the construction costs that have been adopted by the Applicant are reasonable.

Due to the sites position and previous use, there are a number of abnormal costs associated with the development site, these include, Acoustic Fencing and Wall, Tree Works, Removal of Hardstanding, Gas Protection measure, service diversions and foundations.

As detailed above the Applicant's Assessment has been formulated so as to identify a surplus output sum that is available towards the payment of planning policy obligations. The development costs including construction related costs, professional fees, finance costs, a developers profit requirement and acquisition costs are deducted from the GDV to provide the surplus sum.

In this instance the Applicant's Assessment provides a financial deficit. On this basis the proposed development cannot support the payment of any S106 monies.

However, a key planning obligation is for affordable housing, whereby 30% is expected from all developments. Therefore for this scheme to be providing 100% it is fully compliant with regard to this requirement. Therefore it is for this assessment to consider whether on balance the benefits outweigh the disadvantages of partial policy compliant scheme.

Planning Balance & Conclusions

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

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

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

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

Furthermore, the amenity and parking issues which were previously an issue on the site creating a cramped and overdeveloped development have now been satisfactorily addressed.

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

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

RECOMMENDATION

APPROVE with conditions:

- 1. Standard Time limit – 3 years**
- 2. Approved Plans**
- 3. Affordable housing provision**

4. **Hard and Soft Landscape Scheme**
5. **Landscape Implementation**
6. **Adherence with updated AMS Rev B**
7. **Existing and Proposed levels**
8. **Nesting Birds**
9. **Nesting Bird boxes**
10. **Foul and surface water drained separately**
11. **Sustainable drainage management and maintenance**
12. **Surface water drainage system**
13. **Acoustic Mitigation Scheme implemented in accordance with Technical Memorandum (Echo Acoustics Dated 17 June 2016) and acoustic mitigation scheme shall be maintained in perpetuity**
14. **Construction Method Statement and Dust Management Plan**
15. **Piling Foundations**
16. **Electric Vehicles**
17. **Travel Information Pack**
18. **Contaminated land – phase II**
19. **Importation of soil**
20. **Unexpected Contamination**
21. **Removal of PD**

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



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Application No: 16/6144C

Location: LAND WEST OF GOLDFINCH CLOSE, CONGLETON

Proposal: Reserved Matters application (appearance, landscaping, layout & scale) following approved Outline application 13/3517C - Outline application for erection of up to 230 dwellings, access, open space and associated landscaping and infrastructure.

Applicant: Seddon Homes Ltd

Expiry Date: 23-Mar-2017

SUMMARY

The principle of development has already been accepted as part of the outline approval on this site. The weighting of material planning issues within the planning balance is an exercise previously undertaken by the Inspector.

This assessment therefore considers the matters of detailed design, layout and landscaping previously reserved, however, the scheme is considered to contribute to the 3 strands of sustainability in the NPPF in the following ways:

Social Sustainability

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

The impact upon infrastructure would be neutral as the education department previously advised at outline stage that there was sufficient capacity in local schools to cater for this development as part of the outline scheme. The provision of public open space and the proposed play area is acceptable and complies with the parameters of the outline scheme.

Environmental Sustainability

The design, layout and landscaping of the scheme are considered to be of sufficient quality.

A total of 27 conditions are imposed on the outline permission which address environmental concerns such as ecology, drainage and flood risk issues, trees, amenity, off site highways/provision of bus stops on Canal road, external lighting, travel planning and electric vehicle infrastructure amongst others. The Inspector considered the impact to be acceptable subject to these conditions, which do not need to be repeated as part of reserved matters

The proposed access points are acceptable and the traffic impact as part of this development has already been accepted together with highway works via a S278 agreement pursuant to the Highways Act and contributions for off-site highway works by the Inspector at the outline stage.

The internal design of the highway layout/parking provision is acceptable to the Head of Strategic Infrastructure (Highways).

Economic Sustainability

The proposal will contribute to the local economy by virtue of the increased spending power of new residents and the construction supply chain.

RECOMMENDATIONS

Delegate to Planning Manager (Regulation) in consultation with the Chair of Southern Planning committee to APPROVE subject to no new material planning issues being raised in consultation to 3 contiguous neighbours on Tudor Way, not originally notified of this application.

PROPOSAL

Reserved matters approval is sought for the external appearance, layout, landscaping and scale for 120 dwellings at land to the west of Goldfinch Close, Congleton.

This scheme will result in an overall total of 198 dwellings within the Falcon Rise larger site, including the Moorings and land at Goldfinch/Kestrel Close. The larger site was the subject of outline scheme 13/3517C, granted on appeal for 'up to' 230 units. Both Goldfinch and the Moorings also have the benefit of separate reserved matters approvals. The Development at Goldfinch Drive has already commenced in connection with reserved matters 15/0001C.

Two accesses are provided via Kestrel Drive and Goldfinch Close, both of which were previously granted permission at the outline stage.

The development would consist of 1 to 5 bedroom units including some apartments. The entire development is proposed to be 2 storeys in height with the exception of 4 no semi detached bungalows.

The mix of housing is the following:

- 8 no. 1 bed flats (2 storey)
- 4 no. 2 bed bungalows
- 22 no. 2 bed semi/ terraced units
- 20 no. 3 bed semi units
- 14 no. 3 bed detached units
- 41 no. 4 bed detached units
- 11 no. 5 bed detached units

Public Open Space circumvents the application site with a LEAP comprising 5 pieces of located to the southern area of POS. Emergency vehicle access is provided via Howey Lane. A series of paths are provided linking the sit via the public open spaces to the PROW network and the town centre.

The outline permission requires the layout to follow the general parameters set in the Parameters Plan

SITE DESCRIPTION

The application site is situated to the west of the residential development on Goldfinch Close and Kestrel Close, Congleton.

The application site extends to Lamberts Lane (a Public Right of Way) to the south, recently built dwelling on Tudor Way and the cemetery to the north and west and by residential properties to the east, with Goldfinch Close and Chaffinch Close forming cul-de-sacs adjacent to the eastern boundary of the site. Both roads lead to Canal Road further to the east. Astbury Golf Club is located on the other side of Lamberts Lane.

The site has a network of existing hedgerows and trees and although it is agricultural land, it has not been managed for a period of time. The Congleton Borough Council (Canal Road, Congleton) Tree Preservation Order 1986 affords protection to a number of selected Oak and Sycamore trees within existing field hedgerow boundary enclosures.

RELEVANT HISTORY

12/3025C - Land off Goldfinch Close and Kestrel Drive - Erection of up to 40 dwellings, open space, associated landscaping, infrastructure and access – granted on appeal 4 February 2014

12/3028C - Land west of the Moorings - Erection of up to 40 dwellings, open space, associated landscaping, infrastructure and access – granted on appeal 4 February 2014.

15/0001C – Reserved Matters of 13/3025C – Erection of 38 dwellings on land to the west of Goldfinch Close - Approved with conditions December 2015. This development is implemented and is currently under construction

15/0505C- Reserved Matters following outline approval (12/3028C) for 38 dwellings, open space, associated landscaping, infrastructure, access and demolition of a portal shed at land off The Moorings. Congleton – approved 27 November 2015

13/3517C - Outline application for erection of up to 230 dwellings, access, open space and associated landscaping and infrastructure – allowed on appeal 20 December 2015. The red edge of the scheme also contained those parts of the site whre reserved matters have been approved under refs 15/001c and 15/0505c

14/4938C - Outline application for erection of up to 220 dwellings, access, open space and associated landscaping and infrastructure- resubmission of 13/3517C – Refused 31-Jul-2015

NATIONAL & LOCAL POLICY

National Policy

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

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

Development Plan

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005). The relevant Saved Policies are:

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
GR22 Open Space Provision
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

Cheshire East Local Plan Strategy

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

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 – Design
SE 2 - Efficient Use of Land

SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Other 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
Interim Planning Statement Affordable Housing

CONSULTATIONS

Head of Strategic Infrastructure (Highways): No objection - internal road layout is acceptable and the amount of parking provision complies with the Council's standard.

Strategic Housing Manager: No objection – the scheme complies with the outline S106 requirements

Environmental Protection: No objection subject to conditions as detailed in the outline permission.

PROW Team: No objection subject to conditions

Countryside Access Development Officer: No objection subject to condition – the development provides an opportunity to improve walking and cycling in accordance with the NPPF

REPRESENTATIONS

Congleton Town Council: Objection. Consider the details at appeal should be maintained and the numbers of units and the at appeal should be adhered to, the wildlife corridor should be maintained

Objections have been received from 25 different local addresses on the basis of the following:

- Does not comply with planning policy or Town Plan
- Increased traffic
- Unsuitable access and road infrastructure with excessive parking at its access
- Concern that the emergency access will become a bone fide access
- Lack of parking
- Over looking into bungalows on Tudor Way
- Loss of privacy for existing residents
- Disturbance from position of the LEAP
- Loss of hedgerows
- Local infrastructure cannot cope

- Impact on local wildlife
- Proposal does not comply with outline parameters plan

Astbury Golf Club requested revisions to a pathway located within part of the POS within the southern part of the site be re-routed to avoid potential golf ball strikes from errant balls at the golf course.

APPRAISAL

Principle of Development

Given that the principle of development has been established by the granting of outline planning permission this application does not represent an opportunity to re-examine the appropriateness of the site for residential development.

Access to the site via the 2 access points via Goldfinch and Kestrel Close was fully approved as part of the outline scheme for up to 40 units granted outline permission at appeal.

The key issues for Members to consider in determining this application therefore, are the acceptability of the design and appearance of the scheme (excluding those parts of the original larger outline site area which already have reserved matters approvals), the internal highway configuration, landscaping, layout and scale of the buildings, particularly in respect of residential amenity, their relationship to retained trees/hedgerows and the surrounding area.

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:

- 8 no. 1 bed flats (2 storey)
- 4 no. 2 bed bungalows
- 22 no. 2 bed semi/ terraced units
- 20 no. 3 bed semi units
- 14 no. 3 bed detached units
- 41 no. 4 bed detached units
- 11 no. 5 bed detached units

This residential mix is acceptable as it sits in accordance with the Parameters and Design Statement within the Original outline scheme determined to be acceptable by the Inspector.

The mix of sizes, both for market sale and affordable units are considered acceptable.

Affordable Housing

The S106 Agreement attached to the outline application details that an Affordable Housing Scheme shall include an affordable housing provision of 30% which will comprise 65% affordable/social rent and 35% as intermediate tenure.

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.

This is a proposed development of 120 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 36 dwellings to be provided as affordable dwellings. 23 units should be provided as Affordable rent and 13 units as Intermediate tenure. The applicant has submitted an Affordable Housing Scheme as required by the S106 Agreement attached to the outline permission which confirms that this site will provide the correct number and tenure split of affordable housing.

The SHMA 2013 identified a demand for 58 new affordable dwellings per annum until 2017/18. Broken down this evidenced a requirement for 27 x 1 bed, 10 x 3 bed, 46 x 4+ bed, 37 x 1 bed older person and 12 x 2 bed older person dwellings.

There are currently 594 households on the Cheshire Homechoice housing register who have selected Congleton as their first choice area for rehousing. They require 243 x 1 bed, 219 x 2 bed, 114 x 3 bed and 18 x 4 bed dwellings.

The applicant has proposed a development which includes 8 x 1 bed apartments (in two x 2 storey cottage style units that look like semi –detached houses), 18 x 2 bed and 10 x 3 bed affordable dwellings. The Strategic Housing Manager considers this to be acceptable and has noted that the applicant has worked closely with a local RP who is happy with this mix and the distribution of the affordable units through the site.

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

The layout has been revised to address a lack of pepper-potting, there are now clusters of affordable dwellings in 3 locations through the site, rather than one location as originally submitted. Clusters of circa. 10 affordable dwellings are deemed acceptable to the Strategic Housing Manager and she therefore raises no objection to this application.

Design Standards

The properties are exclusively 2 storey (approx. 7.6m) height set within individual landscaped plots with off street parking on driveways or within integral garages. The 2 storey apartment blocks comprise 4 one bed roomed flats and are designed to have the appearance of a standard modern mews or terraced house with covered porch. The revisions have split the apartments in to two separate areas of the site.

The layout is in keeping with the residential layout and vernacular in the existing Goldfinch/Kestrel Close estate and the wider modern housing estate. In this case it is considered that the proposed heights are acceptable.

The scheme complies with the Illustrative Masterplan submitted as part of the outline application in the development zones and road layout. The street arrangement follows through from the indicative blocks on the outline masterplan and comprises the inclusion of the feature landscape spaces. The housing zones site within landscaped areas that are set by the outline parameters, which were designed to retain as much hedgerows through the site as possible.

It is considered that the design of the units is appropriate and that the development would not appear out of character with the housing already approved at the Moorings and Goldfinch Close. A variety of house types are used through the street within the scheme which utilise the same palate of materials and are considered to add visual interest.

Details of the proposed boundary treatments are standard close boarded fencing. An open plan configuration is contained to front gardens, again in keeping with character of the existing estate.

The detailed design and layout has been amended to remove areas of frontage car parking to smaller units and increased pepper-potting of affordable units. The density of development is appropriate and in keeping with the recently approved schemes at the Mooring and Goldfinch Close.

There are a series of pathways throughout the site linking open spaces and the PROW network with the town centre via Howey Lane and the existing housing estate.

Overall, it is considered that the design of the scheme is appropriate and that it accords with Policy GR2 (Design) of the Congleton Borough Local Plan.

Landscape Impact and trees/hedgerows

The site is currently unused agricultural land located immediately adjacent to a residential area. There are well established hedgerows and tree belts to several of the boundaries. A number of mature hedgerows and trees are located around the periphery of the site. The land falls away from north to south.

There are no landscape designations on the application site. Within the Cheshire Landscape Character Assessment the application site is located on the boundary of the Lower Farms and Woods landscape, specifically the Brereton Heath Area.

Although the site displays some of the characteristics of the Brereton Heath Character Area, the character of the site is significantly influenced by the existing development of housing along the entire eastern boundary. The topography of the application site generally falls from east to west, towards The Howty, apart from a bund located along the north east boundary of the site.

The site has a network of existing hedgerows and trees and although is agricultural land, has clearly not been managed for a period of time, nevertheless the existing vegetation and trees provide an attractive setting and significant screen to the periphery of the site, particularly from Lamberts Lane. The site is strongly influenced by the existing boundary hedgerows and trees, so that visually the site is very well self contained with a Landscape Zone of Visual Influence that is limited to the existing surrounding boundaries and residential properties to the east of the site.

The Landscape Masterplan submitted indicates that the area to the east of the cemetery, currently a small valley will have a large belt of native shrubs composed of *Coryllus avellana* (Hazel), *Crataegus monogyna* (Hawthorn), *Ilex aquifolium* (Holly), *Prunus spinose* (Blackthorn) and *Viburnum opulus* (Guelder rose); there will be approximately 1034 shrubs along this boundary. In addition the masterplan shows that there will be 78 native heavy standard trees, including *Quercus* (Oak), *Malus sylvestris* (Crab Apple), *Prunus avium* (Wild Cherry) and *Tilia cordata* (Linden).

A second smaller belt of native shrubs –approximately 454 extend further to the south and then native heavy standard trees extend along the eastern boundary of the application site.

To the south, along Lambert's Lane are additional area of native shrub planting, with three separate blocks of 145, 471 and 239 plants, as well as a number of heavy standard native trees. Additional native shrubs are being planted along both sides of Bridleway 4 Congleton, which runs from the southern part of Howey Lane, and while the majority of hedgerows are shown on the Masterplan drawing, it is clear that some changes have been made from the Parameters Plan- the removal of a hedge in area W1 (near Howey lane) approximately 25m and the removal of a section of hedge in area W7, just to the south of the cemetery. This hedge would, if kept, have formed the joint rear boundary of approximately 12 dwellings, total length of this hedge is approximately 65m. The Landscape Officer accepts that overall, the landscaping proposals are in broad accordance with the parameters plan

The layout would allow for the retention of the majority of the peripheral hedgerows and important trees (other than to accommodate the main access points previously approved) and would allow for landscape and biodiversity enhancement measures to be realised.

The Council's Tree Officer has confirmed that the arboricultural impacts are acceptable and as such there is no objection in this regard.

Residential Amenity

The Congleton Borough Council Supplementary Planning Document, Private Open Space in New Residential Developments, requires a distance of 21 metres between principal windows and 13 metres between a principal window and a flank elevation to maintain an adequate standard of privacy and amenity between residential properties.

This scheme complies with that policy standard for relationships inside the site and outwith the site.

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. The layout shows that this will be achieved in the majority of cases. It is therefore concluded that the proposed development is acceptable in amenity terms and would comply with the requirements of Policy GR1 and GR6 of the Local Plan.

Highways

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

Vehicular access to the site is to be taken from Goldfinch Close and Kestrel Drive, precise details of which were granted on appeal. This assessment therefore addresses the internal layout.

The proposed internal road layout would comply with the parameters plan approved at outline phase. The Council's Head of Strategic Infrastructure (HSI – Highways) has confirmed that the proposed road layout does meet highway standards in regards to road width and pedestrian footways provided and as such are considered acceptable.

With reference to parking provision, the parking provision is 200% for the all of the units except for the 1 bed units, which have 1 space each. This provision accords with the current parking standards. As such, the internal road layout and the parking provision is considered to be acceptable and policy compliant.

The terms of the S106 attached to the Outline permission on this site require highways mitigation in lieu of the impact upon the A34, other matters such as pedestrian refuges on Canal Road and highway improvement scheme in the town centre are imposed upon the outline permission and need not be repeated

PROW AND COUNTRYSIDE IMPROVEMENT

Public Bridleway No. 4 (Howey Lane) runs through the site, retained as part of a link that runs through the POS from Lamberts Lane to Howey Lane. The site is also adjacent to Public Bridleway No. 1 (Lambert's Lane). These routes were previously considered by the Inspector when he determined to grant outline permission.

In terms of the Howey Lane bridleway, the route runs through the POS which was set at outline stage.

The 'Pedestrian/cycle & shared routes' plan depicts a number of pedestrian routes leading to the Public Bridleway which runs through the site and to the Public Bridleway which runs along the southern side of the site. The Public Bridleways can be used by pedestrians, cyclists and horse riders for both leisure and utility journeys. The proposed routes on this site which connect with either end of the Public Bridleways should be designed and constructed to best practice standards to accommodate both pedestrians and cyclists.

Public Bridleway No. 4 is a well-used rural track which connects Congleton town with the network of Public Rights of Way to the south of the urban area. The network in this area has been promoted as the Southern Fringe project, an area of countryside routes offering an accessible leisure resource for the people of Congleton.

An aspiration has been logged under the Council's statutory Rights of Way Improvement Plan (Ref. T174) for the improvement of this route for cycling. Given the increased usage arising as a result of any consented development on this site, the surface would indeed require improvement to accommodate this. Details of the proposed surfacing, widths, gradients, landscaping and structures for this Bridleway need to be agreed, through a condition, with the Public Rights of Way team.

Any development in the area must not exacerbate the drainage issues experienced at the northern end of Bridleway No. 4, and should aim to improve the condition of the drainage of the route in order to accommodate the increased usage that it could be anticipated to carry as a result of the proposed development. Likewise, there are existing issues of drainage on Public Bridleway No. 1 which should not be exacerbated as a result of any development.

Subject to conditions, this scheme is considered to have an acceptable impact upon the PROW network

Ecology

The application has been the subject of a number of surveys for European protected species and other protected species such as the badger. The surveys have been updated as part of the application consideration in accordance with the requirements of the Council's Nature Conservation Officer. The ecological conditions imposed on the outline scheme remain and do not need repeating in this application.

Discharge of Conditions attached to original outline permission 13/3517C

A number of conditions attached to the original outline permission required information to be submitted as part of the reserved matters. This application has addressed this requirement in respect of Condition 1 (replacement hedge planting, hard and soft landscaping and scheme for provision and management of buffer to watercourse); 6 (Phasing); Condition 18 (updated badger survey); Condition 19 (Bird Nesting) and Condition 25 (scheme of pedestrian and cycle provision).

The information submitted satisfactorily addresses the requirements of conditions 1, 6, 18 and 19. However, condition 25 has not been detailed with regard to signage for cyclists/pedestrians. This can be addressed by condition.

Planning Balance

The principle of development has already been accepted as part of the outline approval on this site. The weighting of material planning issues within the planning balance is an exercise previously undertaken by the Inspector.

This assessment therefore considers the matters of detailed design, layout and landscaping previously reserved, however, the scheme is considered to contribute to the 3 strands of sustainability in the NPPF in the following ways:

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 and provide a mix of affordable housing in an area of continuing need.

The impact upon infrastructure would be neutral as the education department previously advised at outline stage that there was sufficient capacity in local schools to cater for this development as part of the outline scheme. The provision of public open space and the proposed play area is acceptable.

The design, layout and landscaping of the scheme are considered to be of sufficient quality.

The ecological and arboricultural impacts are considered to be neutral as mitigation, which was conditioned as part of the outline permission follows through to this scheme. Drainage/flood risk issues are also conditioned by the outline approval.

The proposed access points are acceptable and the traffic impact as part of this development has already been accepted together with highway works via a S278 agreement pursuant to the Highways Act and contributions for off-site highway works by the Inspector at the outline stage.

The internal design of the highway layout/parking provision is acceptable to the Head of Strategic Infrastructure (Highways).

The proposal will contribute to the local economy by virtue of the increased spending power of new residents and the construction supply chain. Accordingly, the scheme is deemed to acceptable and is recommended for approval.

CONSULTATION

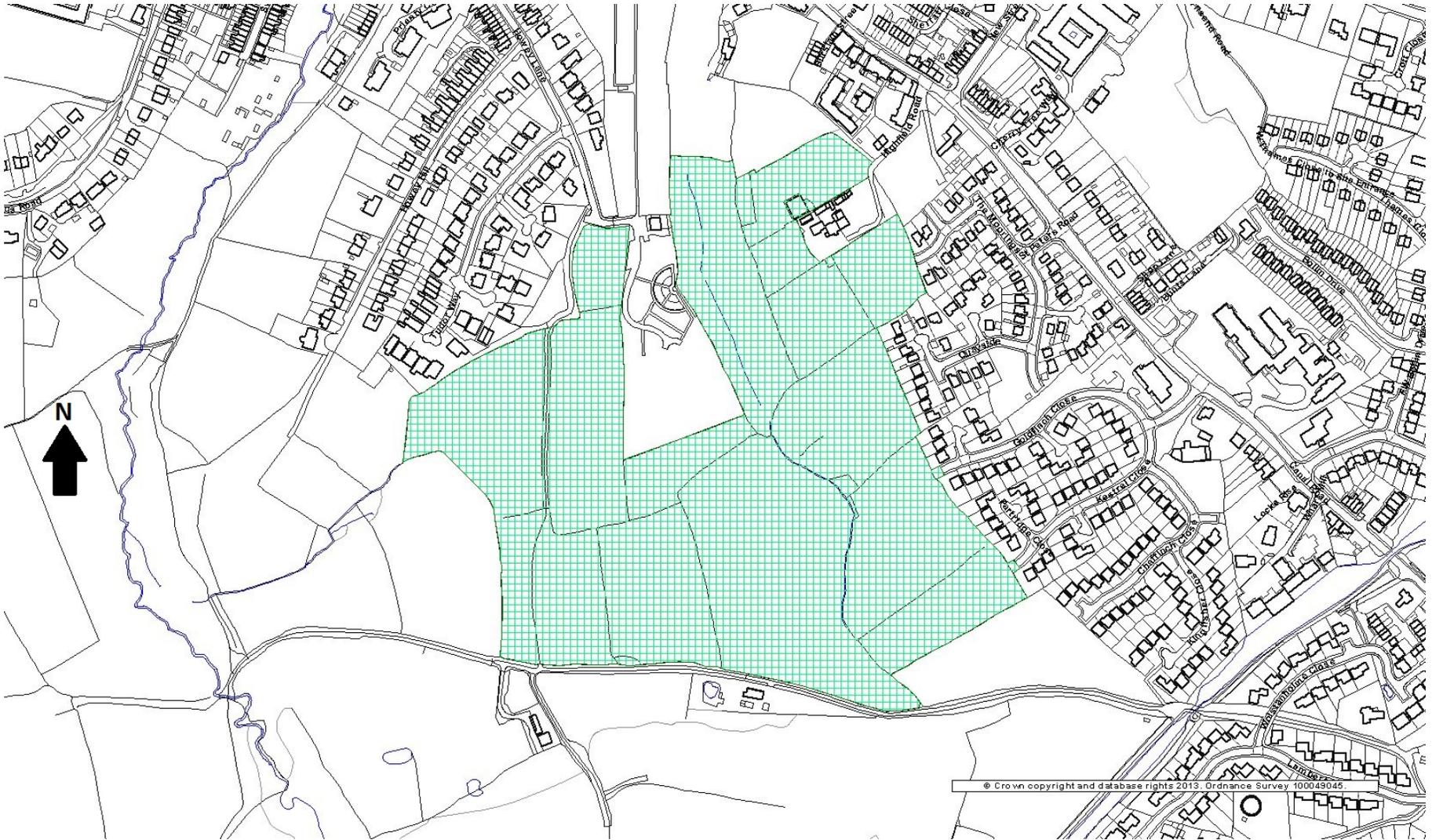
Three neighbours in Tudor Way have not been originally consulted. These neighbours are contiguous to an area of POS on site. Individual consultation notices have been issued. The consultation period ends on 3 April 2017.

RECOMMENDATION

Delegate to Planning Manager (Regulation) in consultation with the Chair of Southern Planning committee to APPROVE subject to no new material planning issues being raised in consultation to 3 contiguous neighbours in Tudor Way, not originally notified of this application, and subject to the following conditions

- 1. Development to be carried out in accordance with plans**
- 2. Accordance with details of boundary treatments**
- 3. Scheme of signage for pedestrians/cyclists**
- 4. Accordance with levels**
- 5. Notwithstanding any plan approved in condition 1, details of materials for parking spaces, shared surfaces and paths through POS to be submitted, approved and implemented**
- 6. Accordance with 5m buffer zone along watercourse**
- 7. Removal of permitted development rights classes A-E (extensions and outbuildings) for smaller units**
- 8. Materials to be submitted and approved**
- 9. Removal of permitted development rights for walls and other means of enclosure forward of front building line**
- 10 Public Rights of Way scheme of management 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 Principal Planning Manager , in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board, 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: 16/5926C

Location: 29, WOODSIDE AVENUE, ALSAGER, ST7 2DL

Proposal: Proposed development of 1 detached dwelling houses to the rear of 29 Woodside Avenue

Applicant: Ms Shelagh Lowndes

Expiry Date: 03-Mar-2017

SUMMARY:

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

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

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

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

Balanced against these benefits must be the dis-benefits (the impact on the character of the area which is negligible) and which in this case can be mitigated against with the use of planning conditions.

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

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

RECOMMENDATION

APPROVE subject to conditions.

REASON FOR REFERRAL

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

"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."

SITE DESCRIPTION

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, semi detached house (No. 29). 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).

PROPOSAL

Full Planning Permission is sought for the erection of one detached dwelling to the rear of 29, Woodside Avenue.

The original submission sought approval for two dwellings. This was reduced to one dwelling following on from planning officer concerns relating to amenity and over development.

RELEVANT HISTORY ON SITE

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

LOCAL & NATIONAL POLICY

Development Plan:

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

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

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:

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

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

CONSULTATIONS:

None received.

VIEWS OF THE TOWN COUNCIL:

Alsager Town Council – Object to the application for the following reasons;

- over development of the site
- impact on amenity
- highway safety
- principle of development

REPRESENTATIONS:

None received at the time of report writing.

APPRAISAL

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

Principle of Development

The site is designated as being within the Settlement Zone Line of Alsager where Policy PS4 (Towns) states that there is a presumption in favour of development provided it is in keeping with the local character and scale and does not conflict with other policies of the local plan.

Consequently this site, which is located within the settlement boundary, is considered to be suitable in principle for residential development provided it is in keeping with the town's scale and character and does not conflict with the other policies of the local plan.

As detailed below it is considered that the development is in keeping with the character of the area and the pattern of the surrounding development. As such the principle of new residential development in this location is considered to be acceptable.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

ENVIRONMENTAL ROLE

Locational Sustainability

The site is classified as being within the Alsager Settlement Zone Line and is located approximately 1.8 km from Alsager town centre. As such it is considered that the location of the development is sustainable.

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 two storey dwelling which is considered to be acceptable in its context. The dwelling would include some engaging design features such as lintels and a bay window. It would be constructed from materials to match the surrounding properties and this is considered appropriate.

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

Due to the fact that the proposed development is in keeping with the character of the area, it is not considered that there would be any significant negative impact on the street scene.

The dwelling would be sited within the rear garden of No. 29 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 to the site. As such it would be difficult to justify a reason for refusal on these grounds.

Landscape

The site is currently under utilised and is characterised by a concrete boundary treatment and scrub land and it is not considered 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 and Access

No comments received at the time of writing the report.

It is noted that the No. 29 retains sufficient space for 3 cars to park. The proposed parking provision for the new dwelling is sufficient (2 spaces) and would be located to the side/rear of the dwelling.

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 new dwelling would bring the usual economic benefits to the closest public facilities in the closest amenities for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

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

Social Role

The proposal will provide a new market dwelling which in itself would be a social benefit.

Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties via loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. It states that 21.3 metres should be maintained between 2 principal elevations and 13.7 metres should be allowed between a principal and flank elevation. The SPD recommends a minimum amenity space of 65 m² and the proposed amenity space is more than sufficient (approximately 100 m²). The proposed amenity space retained by No. 29 is approximately 125 m².

The proposed dwelling would be positioned so as not to directly face any neighbouring dwelling. The proposed rear elevation would face the side elevation of No. 31A, Woodside Avenue with a separation distance of 15 m at its minimum. One of the side elevations of the proposed dwelling would face the side elevation of the proposed dwelling as approved under approval 16/1307C. It is noted that this planning permission has not yet been implemented. In any event there are no windows located in the side elevation of the proposed dwellings as approved under approval 16/1307C. No windows are proposed in the side facing elevation of the dwelling as proposed. One window is proposed in the north facing side elevation (at ground floor) and this would serve a bathroom and would be obscure glazed.

The proposal meets the guidance and it is not considered that there would be any significant impact on the amenity afforded to the occupiers of any surrounding 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.

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 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 proposed development is 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.

APPROVE subject to the following conditions:

And the following conditions:

- 1. Standard time 3 years**
- 2. Approved plans**
- 3. Materials as per application**
- 4. Landscaping details including boundary treatment to be submitted and approved**
- 5. Implementation of landscaping**
- 6. Dust control**
- 7. Pile foundations**
- 8. Levels**

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



Application No: 16/6224C

Location: LAND WEST OF CREWE ROAD, WHEELLOCK HEATH, SANDBACH

Proposal: Proposed development of up to 60 no. dwellings, including the provision of 30% on-site affordable homes, a local convenience store, an area of open space and significant areas of landscaping with access reserved

Applicant: Mulbury Homes Limited, Ms I Griffin, Ms K Griffin & Ms C Goodwin

Expiry Date: 31-Mar-2017

SUMMARY

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

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

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

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

Policies PS8 and H6 of the Congleton Borough Local Plan First Review and Policy PC3 of the Sandbach Neighbourhood Plan are considered consistent with the aims of the Framework. Policy PC3 of the Sandbach NP has been prepared within the context of the NPPF and independently tested against its criteria by the Inspector who considered whether the Neighbourhood Plan was consistent with the Framework.

The relevant policies of the development plan are therefore considered consistent with the Framework and should be afforded due weight, with the conclusions drawn in PC3 based on up to date and recent evidence. In this case, the SNP presents a policy approach which supports sustainable development on the basis of recent and up to date housing evidence that advocates a strategic approach. The undermining of this

approach would represent a significant and adverse impact in Para 14 terms that would outweigh the benefits of the proposal.

Neighbourhood planning provides a powerful set of tools for local people to ensure they get the right kind of development for their community. Whilst the weight afforded to those policies that restrict the supply of housing land may be limited due to the lack of a five year housing land supply, the harm done by approving a proposal which does not comply with the Development Plan and housing policies contained in the Sandbach Neighbourhood Plan is significant and directly conflicts with the overall aims of the framework to deliver sustainable development, through a plan led system which seeks to ensure that proposals contrary to an adopted neighbourhood plan should not normally be granted permission.

It is accepted that the development would provide positive planning benefits such as the provision of a market and affordable dwellings, the minor economic benefits created predominantly during the construction phase of the scheme and the limited social benefits.

Balanced against these benefits, however, must be the adverse impacts, which in this case would be the loss of Open Countryside, the unsustainable location of the site, and the harm caused to the plan led system by virtue of the proposal's non compliance with policies with in the made Sandbach NP.

In this instance, it is considered that the dis-benefits of the scheme, outweigh the benefits and that the proposal does not comprise sustainable development .

RECOMMENDATION: REFUSE

REASON FOR REFERRAL

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

PROPOSAL

This application seeks outline planning permission to erect up to 60 dwellings, including the provision of 30% on-site affordable homes, a local convenience store, an area of open space and areas of landscaping. Approval is sought for the means of access into the site.

Approval of layout, scale, appearance and landscaping are not sought at this stage and as reserved for subsequent approval.

As such, this application shall consider the principle of the development only.

SITE DESCRIPTION

The application site comprises of a former agricultural field of around 2.024 hectares and is situated off Elton Lane to northwest of Wheelock Heath. The site lies within the Open Countryside as defined by the Congleton Borough Local Plan First Review 2005. The site is generally level with and is enclosed by tall hedgerows.

The field is bound by Elton Lane to the south, the A534 extending northwards and Crewe Road to the East. To the southeast of the site is Western Park caravan park and other residential properties beyond; and to the north east are 2No. residential properties known as 'Astley House' and 'Hill View'.

RELEVANT HISTORY

14/2625C - Retrospective application for change of land use from Agricultural to recreational and siting of two storage containers on the field. Only the use of the field for Archery is requested plus the siting of the 2 storage containers for Archery equipment storage. Approved 21 July 2014.

11/2750C - Retrospective change of use of land from agricultural to archery use and siting of two storage containers and shed – Approved 21 September 2011

LOCAL & NATIONAL POLICY

Sandbach Neighbourhood Plan (SNP)

The Sandbach Neighbourhood Plan has been made on 12th April 2016 under 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 and now forms part of the Development Plan for Cheshire East. The relevant Policies in the Neighbourhood Plan are:

PC2 (Landscape Charter),
PC3 (Policy Boundary for Sandbach),
H1 (Housing growth),
H2 (Design and Layout),
H3 (Housing mix and type),
H4 (Housing and an Ageing Population)
H5 (Preferred Locations)

Congleton Borough Local Plan

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

The relevant Saved Policies are;

PS8 – Open Countryside,
H6 - Residential development in the Open Countryside and the Green Belt,
GR2 – Design,
GR5 – Landscape,
GR6 - Amenity and Health,

GR7 - Amenity and Health,
GR9 - Accessibility, Servicing And Parking Provision - New Development,
GR10 - Accessibility, Servicing And Parking Provision - New Development,
GR18 – Traffic Generation
GR19 - Infrastructure
GR20 – Public Utilities,
GR22 – Open Space Provision,
NR1 – Trees and Woodlands,
NR2 - Wildlife And Nature Conservation Statutory Sites,
NR3 – Habitats

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
SD 1 Sustainable Development in Cheshire East,
SD 2 Sustainable Development Principles,
SE 1 Design,
SE 2 Efficient Use of Land,
SE 4 The Landscape,
SE 5 Trees, Hedgerows and Woodland,
SE 9 Energy Efficient Development,
IN 1 Infrastructure,
IN 2 Developer Contributions,
PG 1 Overall Development Strategy,
PG 2 Settlement Hierarchy,
PG 5 Open Countryside
PG6 Spatial Distribution of Development
SC 4 Residential Mix
SC5 Affordable Homes

National Policy

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

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

Supplementary Planning Documents:

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

CONSULTATIONS

Strategic Infrastructure Manager (SIM) – No objection. This matter is dealt within in detail later in the report.

Environmental Protection – No objections, subject to a number of conditions including; the prior submission of a piling method statement; the prior submission/approval of a Construction Phase Environmental Management Plan; the prior submission/approval of lighting details; the implementation of the noise mitigation measures proposed; the provision of electric vehicle infrastructure; the prior submission/approval of a dust mitigation scheme; prior submission/approval of a Phase I and if required, Phase II contaminated Land report; The prior submission/approval of verification information that the imported soils are free of contamination and works should stop if contamination identified.

Housing (Cheshire East Council) – No objections, as the policy required 30% on-site affordable housing provision requirement is agreed by the applicant.

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

Natural England - No objection.

ANSA Greenspace – No comment received at the time of writing the report

Education – No objection on the basis a financial contribution is agreed for school places in the area. This matter is considered in detail later in the report.

Flood Risk Manager – No objection. Conditions relating to submission of surface water details and levels details. Informatives have also been requested.

Countryside and Rights of Way - No objection.

Sandbach Town Council – Object to the proposal for the following reasons;

- *Contravention of policy PC3 of Sandbach Neighbourhood Plan as the need for housing does not outweigh the loss of, and harm to, open countryside.*
- *Exacerbated flood risk in an area with frequent flooding, thus contravening Local Plan Saved Policy GR21 and CEC Local Plan Strategy (Submitted Version) policy SE 13.*
- *Application does not meet requirements of emerging local plan policy SC 4 (Housing Mix)*
- *Sandbach Neighbourhood Plan Policy PC 1 requires maintenance and enhancement of open countryside between settlements; this development proposes to reduce this open space and therefore contravenes the policy requirements.*
- *The location is unsustainable, with no nearby amenities, infrastructure improvements, suitable walk or cycle ways.*
- *This application, when taken cumulatively with other approved developments within the area, will exceed the spatial distribution for Winterley; further housing in Winterley is no longer considered to be sustainable. As a result the proposed development would be contrary to Policies PG2 and PG6 of the Cheshire East Local Plan Strategy - Submission Version.*

Haslington Parish Council – Made the following comments;

- *Contravention of policy PC3 of Sandbach Neighbourhood Plan as the need for housing does not outweigh the loss of, and harm to, open countryside.*
- *Exacerbated flood risk in an area with frequent flooding, thus contravening Local Plan Saved Policy GR21 and CEC Local Plan Strategy (Submitted Version) policy SE 13.*
- *Application does not meet requirements of emerging local plan policy SC 4 (Housing Mix)*
- *Sandbach Neighbourhood Plan Policy PC 1 requires maintenance and enhancement of open countryside between settlements; this development proposes to reduce this open space and therefore contravenes the policy requirements.*
- *This application, when taken cumulatively with other approved developments within the area, will exceed the spatial distribution for Winterley; further housing in Winterley is no longer considered to be sustainable. As a result the proposed development would be contrary to Policies PG2 and PG6 of the Cheshire East Local Plan Strategy - Submission Version.*
- *The residents of Winterley are suffering from many developments well above the proposed number for our service centre as proposed in the local plan.*
- *The residents and Parish council feel that the infrastructure will not be able to facilitate such a build on a green gap as there is insufficient amenities and the location is unsustainable, lacking in suitable walk or cycle ways.*

REPRESENTATIONS

16/6224C – 86 Letters of objection, raising the following concerns;

- Too much development in the area.
- Loss of Green space.
- No infrastructure.
- Leighton Hospital will struggle.
- Loss of countryside.
- Loss of habitat for wild animals
- Flood risk zone.
- Increased traffic and danger to pedestrians.
- Increased pollution.
- Housing market saturated.
- Inadequate drainage and impact on existing field drainage.
- Disproportionate additions to village.
- Will reduce the countryside between settlements.
- Loss of privacy for the mobile homes adjacent to the site.
- Loss of light to existing dwellings.
- Insufficient services in the area.
- Loss of agricultural land.
- Unsustainable location.
- Uncharacteristic development.
- Contrary to Sandbach Neighbourhood Plan.
- Loss of scenery.
- Noise pollution.

APPRAISAL

The key issues are:

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

Principle of Development

The NPPG advises that where the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites, decision makers may still give weight to relevant policies in neighbourhood plans, even though these policies should not be considered up-to-date.

The site lies in Open Countryside, outside the settlement boundaries for Sandbach and Winterley, as shown on:

- the Proposals Map of the Congleton Borough Local Plan First Review (2005) and is subject to 'saved' Policies PS5 and PS8, relating to 'Open Countryside';
- The Sandbach Neighbourhood Plan (SNP) ('made' in April 2016) and is subject to Policy PC3;
- The Cheshire East Local Plan Strategy, and is subject to Policy PG5.

The proposal is contrary to all of the above open countryside policies.

The Cheshire East Local Plan Strategy is at an advanced stage. The 'Inspector's Views on Further Modifications needed to the Local Plan Strategy (Proposed Changes)' (RH D009), dated 13 December 2016 sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy and he has expressed support for the Council's approach to the allocation of development sites and of addressing housing supply.

Cheshire East Council commenced public consultation on Main Modifications to the Local Plan Strategy for six weeks, on 6 February until 20 March 2017.

It is not considered that the need for housing within Cheshire East would outweigh the loss of open countryside and harm to Policy PC3 of the SNP and the 'saved' Policy PS8 of the Congleton Borough Local Plan First Review.

Cheshire East Local Plan Strategy

Of the full Objectively Assessed Need of 36,000 homes for Cheshire East it is proposed, as set out in Policy PG6, that 2,750 homes be accommodated in Sandbach, over the Plan period. To ensure this number of homes is built the Local Plan Strategy allocates sites for some 2,950 new homes. This figure comfortably meets the "proportionate" distribution of development based on existing population. The town is therefore taking its 'fair share' of residential development.

The site subject of this application lies outside the settlement boundaries for Sandbach and Winterley, in open countryside and is subject to Policy PG5 of the Local Plan Strategy. This Policy lists the type of development that will be permitted in the open countryside which does not include development of this scale; the proposal is therefore contrary to Policy PG5 of the Local Plan Strategy.

The Cheshire East Local Plan Strategy Examination hearings concluded on 20 October 2016. The 'Inspector's Views on Further Modifications needed to the Local Plan Strategy (Proposed Changes)' (RH D009), dated 13 December 2016 sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy.

The Inspector confirmed that his previous endorsement for the core policies on the plan is still valid 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.

A recent appeal decision (APP/R0660/W/16/3147420) for a site at Main Road, Shavington. In this decision that was issued in February 2017 the Inspector places significant weight of the contents of the December 2016 interim letter because it includes the Local Plan Inspector's views on housing land supply and the acceptance of the Council's approach. The appeal site is not required to assist the Council in achieving a 5 year supply of housing and is shown to remain as Open Countryside. In this appeal the inspector gave 'substantial' weight to the emerging Local Plan given the relevant policies are unlikely to be materially changed.

The proposals are therefore contrary to the Policies PS8 and H6 relating to development within the open countryside and there is a presumption against the proposal. The issue in question is whether the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection and these are considered below.

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 the context of the SNP, paragraph 198 of the NPPF states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted. However, this potentially conflicts with the clear advice in the NPPG which states that where a five year supply cannot be demonstrated then the policy is ‘out of date’ and the presumption in favour of sustainable development requires the granting of planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in

the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

In this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning.

This includes paragraph 198 which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

It is therefore a matter for the decision maker to balance these issues to reach a conclusion on whether permission should be granted or conclude that the development should be refused as being contrary to the PC3 of Sandbach Neighbourhood Plan.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

The issue in question is whether the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a

sufficient material consideration to outweigh the policy objection. These are considered below.

Environmental role

Locational Sustainability

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. The standards set out in the toolkit are also referred to in the justification of emerging Policy SD2. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The National Planning Policy Framework definition of sustainable development is:

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

The performance against these measures in the toolkit and Policy SD2 are 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:

- Public house (1000m) - 482m
- Bus stop (500m) – 6m
- Public right of way (500m) – 498m
- Post Box (500m) – 480m
- Local meeting place (1000m) – 482m

The following amenities/facilities fail the standard:

- Amenity open space (500m) – 1609m
- Children’s Play space (500m) – 2730m
- Pharmacy (1000m) – 3057m
- Supermarket (1000m) – 6115m
- Railway station (2000m) – 5310m
- Any transport node – 5471m
- Primary School (1000m) – 1931m
- Outdoor Sports Facility – (1000m) – 2253m
- Child care facility (1000m) – 3057m

- Bank or Cash Machine (1000m) – 2574m
- Post Office (500m) – 3057m
- Convenience Store (500m) – 2574m
- Medical Centre (1000m) – 3055m
- Leisure Facilities (Leisure Centre or Library) (1000m) – 4667m
- Secondary School (1000m) – 4988m

The site fails to meet the majority of the criteria above. However the access to local bus services does mitigate against this to a limited extent. Overall it is considered that the site is not a sustainable location when taking the above into account. This is because the site clearly fails to meet the clear majority of the criteria.

A convenience store is included as part of the proposals and whilst this would be an acceptable part of the scheme and assist in improving the sustainability of the site it does raise some issues. No information has been provided regarding potential operators of the store or that a store of the size proposed is viable to be located on the site.

Landscape Impact

The submitted application includes a Landscape and Visual Impact Appraisal. This indicates that it has been based on the Guidelines for Landscape and Visual Impact Assessment (GLVIA) 3rd Edition 2013.

The application site is identified as Open Countryside in the Congleton Borough Local Plan, there are no landscape designations on the application site and within the Cheshire Landscape Character Assessment the application site is located on the boundary of the Lower Farms and Woods landscape Type, specifically Character Area LFW7 Barthomley, although it is also in close proximity to The East Lowland Plain character Type ELP5 Wimboldsley to the north.

The submitted landscape appraisal indicates that the landscape value is Moderate and that the sensitivity of the landscape as being low-medium and that it is the proposals would have a moderate landscape effect on the study area and a slight or negligible effect on the wider area, reducing to slight-moderate on the study area and negligible on the wider area after fifteen years when mitigation has become established. The visual assessment identifies 6 receptors, residential, pedestrian and vehicular, and offers a sensitivity for each.

In terms of the landscape assessment, it is agreed the assessment of quality and value, as well as the moderate effect at year 1, however, the reduction indicated at year 15 will largely depend on the quality of mitigation provided.

The appraisal offers a number of points to help mitigate and help ensure that the landscape and visual impacts are addressed, namely, to retain and enhance existing hedgerow, to retain existing large mature trees, to provide large native trees, to provide internal structural tree planting and to consider the existing adjoining residents when undertaking the design layout. It is considered that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals. This could be ensured through the reserved matters and appropriate conditions.

Trees and Hedgerows

The application is supported by a Tree Survey Report and Tree Retention/Removal Plan. The trees within the site are currently not protected by a Tree Preservation Order or lie within a designated Conservation Area.

The Report identifies two Moderate (B) category Oak trees (T7 and T8), one probably located offsite, five low (C) category groups of trees and two Hedgerow (H1 and H3). Both Oak are to be located within the indicative open space provision and are therefore unaffected by the development proposal.

A section of Hedgerow H3 will require removal to accommodate the proposed site access. As hedgerows are a priority habitat, replacement planting shall be secured as part of any landscape scheme at reserved matters stage and if the application is approved this can be included as a condition on the decision notice.

Ecology

The application is supported by an Ecological appraisal prepared following surveys of the site.

Statutory Designated Sites

The application site falls within Natural England's SSSI impact risk zones for developments of over 50 houses. Natural England has been consulted and no objections have been raised to the development of the site.

Habitats

The submitted habitat survey was undertaken at a poor time of year. With the exception of the hedgerows the habitats on site however appear to be of relatively limited nature conservation value. There is however a small area of marshy grassland that would be lost as a result of the proposed development. It is recommended that the loss of this habitat be compensated for through the creation of a new area of marsh/pond habitat within the open space of the development. If planning permission is granted this matter could be dealt with by means of a condition.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development is likely to result in the loss of a section of hedgerow to facilitate the site entrance. If outline planning permission is granted it must be ensured that suitable replacement planting is included as part of a landscape scheme submitted at the reserved matters stage.

The proposal is therefore considered that subject to the above conditions, the proposal would adhere to Policy NE.9 of the Local Plan.

Flood Risk and Drainage

The application proposal is supported by a Flood Risk and Drainage Strategy.

The site is located in flood zone 1, however there are some significant areas of surface water risk on the site. On this basis that the design suggests that these surface water risk areas are reserved for open space and contain no residential buildings. No objections have been raised to this approach.

Before construction starts the developer should be made aware that, in line with Part H of the Building Regulations, the surface water drainage options should be considered in the following order:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

Subject to the inclusion of conditions relating to details of the surface water drainage scheme and levels details across the site the proposals are considered acceptable in terms of flooding and drainage.

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

Design

The indicative layout shows the provision of up to 60 new dwellings within the site and indicates a mixture of house. It proposes that the site be accessed via a new access point onto Crewe Road with the existing access on Elton Lane being closed.

Policy H2 of the SNP refers to design and layout. The policy advises that all new developments will be expected to, amongst other considerations; be in keeping with the character and countryside setting of the local area; contribute to the local distinctiveness in terms of scale, height, density, layout and appearance; make efficient use of land while respecting the density, character, landscape and biodiversity of the surrounding area; create environments addressing crime prevention and community safety; use respectful materials and create secure and safe layouts.

Matters of layout, scale and appearance are also reserved for subsequent approval and as such, are not a strict consideration of this application. However, Policy H3 of the SNP advises that new housing developments should be designed to provide a mix of houses to meet identified need and lists examples such as; affordable housing, starter homes and provision for housing for an ageing population.

SNP Policy H4 states that development will be supported that meets the needs of an ageing population and suggests a mixture of tenures including; private, housing association, self-builds, co-housing and affordable housing.

The indicative plan suggests that such a mix would be provided which would represent a planning benefit in line with the neighbourhood plan.

The indicative design of the development for the purposes of the outline application is therefore considered to comply with SNP Policies H2, H3 and H4 and Policy GR2 the Local Plan.

Highways and Access

The applicant has submitted a Transport Statement in support of the application and has assessed the likely traffic impact arising from the proposal and the level of development would produce relatively low levels of peak hour generation some 35 trips in total. There is an indicative local convenience store indicated on the layout plan although there no traffic generation figures provided for this use. Given the indicative size of the building being relatively small this would not likely generate high levels of trips and in addition the retail use is not predominately peak based.

There have been a considerable number of developments approved in Winterley and Haslington and it is recognised that traffic levels are increasing on Crewe Road and on other routes although the amount of additional generation once distributed does not have a significant additional impact that would warrant a refusal on grounds of capacity.

There is an existing footway on the frontage of the site and pedestrian connectivity to the site can be achieved. There is an existing bus stop located on Crewe Road at the south east corner of the site and there is a bus stop a little further away on the southbound side of Crewe Road but are within walking distance of the site. To improve facilities for pedestrians and users of public transport the frontage footway should be improved to 2m wide and also a bus shelter provided at the stop on the development side of Crewe Road.

The proposed access submitted is a simply priority junction with a ghost island right lane on Crewe Road, the visibility provision is in accordance with the measured 85%ile speeds on the approaches to the junction. The proposed access is of a sufficient standard to serve the level of development proposed. Although there is a layout submitted, this is only indicative and no comments are being provided on this internal scheme.

The proposed level of development is relatively modest in highway terms and does not produce high levels of traffic generation, it is recognised that there have been a number of developments approved locally that will increase traffic levels but this application has a minor traffic impact and does not result a severe impact which is the policy test. In addition, road improvements to the strategic road network at the congestion points locally to the site is being provided and a new revised junction at Crewe Green roundabout is to be constructed in 2018.

Conditions are requested for the following;

1. Prior to occupation details of a frontage footway and bus shelter should be submitted and approved by the LPA, the footway and shelter should be also constructed prior to any occupation.

2.Design details of the ghost right turn lane including site access to be submitted and approved prior to occupation.

3.Construction Management Statement

Subject to the inclusion of these conditions the proposals are considered acceptable in highway terms.

Environmental Conclusion

The proposal would result in the loss of a parcel of Open Countryside, which in itself is an environmental dis-benefit and when considered against the sustainability criteria above it is clear that the site is not in a sustainable location.

The proposal would not create any significant concerns with regards to; landscape, trees and hedgerows, ecology, flooding and drainage and highways safety, subject to conditions.

The provision of a mix of house types in line with the SNP would be a planning benefit.

However, as a result of the loss of the Open Countryside and the unsustainable nature of the site, it is not considered that the proposed development would be environmentally sustainable.

Economic Role

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

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

Social Role

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

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 larger than 1000sqm's total floor space including annexes and garages 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 application is situated on the border of the Wards of Haslington (2011) and Sandbach Ettiley Heath and Wheelock. The Parishes of Haslington PC, Sandbach Town PC as such for the purposes of these comments I am combining the Parishes and Wards to give a valid housing need comment.

This is a proposed development of 60 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 18 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Haslington, Englesea and Sandbach is for 19x 1 bedroom, 44x 2 bedroom, 37x 3 bedroom and 19x 4 bedroom for General Needs per year between 2013/14 – 2017/18.. The SHMA 2013 also show the need for 12x 1 bedroom and 6x 2 bedroom Older Persons dwellings per year between 2013/14 – 2017/18.

The majority of the demand on Cheshire Homechoice is for 119x 1 bedroom, 122x 2 bedroom, 75x 3 bedroom, 21x 4 bedroom and 1x 5 bedroom dwellings therefore 1, 2 and 3 bed units on this site would be acceptable. As the need for Older Persons accommodation is shown to be needed we would welcome the bungalows mentioned in the planning statement or cottage style flats with easy access on the site. 12 units should be provided as Affordable rent and 6 units as Intermediate tenure.

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

The affordable housing provision will be secured by way of a S106 agreement, which: -

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

Public Open Space (POS)

In accordance with the advice, standards and formulae contained in the CBC Interim Policy Note on "POS Provision for New Residential Development" 2008 , the public open space needed to serve the outline proposals for up to 60 (144 persons) dwellings based on 2.4 persons per dwelling shown on the proposed Landscape Layout, Drawing no 103, dated 16.12.16, there would be a deficiency in quantity of both Amenity Green Space and Children

and Young Persons provision, having regard to the adopted local standards set out in the Council's Open Space Study.

The Policy Note provides for (1) amenity greenspace (AGS) and (2) children and young persons play provision (CYPP), other land typologies such as woodland, buffers, green corridors, verges, wildlife or semi natural areas are not a standard requirement therefore these areas go beyond policy requirements.

Amenity Greenspace (AGS)

Having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, 60 new homes will require a minimum of 1,440sq.m on site AGS. This figure will change and need to be revised on production of the housing schedule. The only AGS provision is located at Wheelock playing fields within 800m of the site however this is insufficient for the existing population and in CIL terms the Haslington By Pass is considered a major busy barrier to cross for access. The Planning Statement 5.21 states "the proposals will involve the delivery of a significant area of public open space" this will need to be clarified in terms of quantity and quality. Please note paragraph two - policy requires AGS and CYPP.

Based on the current number of dwellings using 2.4 per dwelling, applying the standards and formulae in the 2008 Guidance the Council would need a commuted sum of £17,028 to maintain the AGS over 25 years. Upon submission of the housing schedule and detailed open space layout, these figures will need to be recalculated.

Children and Young Persons Provision (CYPP)

Having calculated the existing amount of accessible Children and Young Persons Provision within 800m of the site and the existing number of houses which use it, new homes will generate a need for a new LEAP play facility as there are no play facilities within 800m.

The Interim Policy Note September 2008 updated the legacy Borough's SPG1, however the legacy SPG1 remains relevant in the absence of a new Cheshire East Borough wide SPD. Therefore when developments of 50+ dwellings are proposed, a LEAP (Local Equipped Area for Play) standard play facility is required and is acceptable due to the size of the development and should be suitable primary school age. This should be of a minimum of 400sq.m and is in addition to the AGS.

The Cheshire East 2012 Open Spaces Review summary report for Sandbach states 'Sandbach has 3.56ha of children and teenager play space. This gives 0.2ha of space for every 1,000 residents, which is below the 0.6ha Fields in Trust minimum standard. This leaves a shortfall of 0.4ha for every 1,000 residents. It has been noted that this proposed development sits on the edge of Sandbach Heath adjacent to Winterley however Winterley does not have AGS or CYPP in close proximity to support this application.

The Landscape Layout shows wildflower planting and a trim trail facility located within it along the south-western buffer/green corridor continuing through into the AGS. The trim trail should not be located within the wildflower planting as this habitat should be left to grow and will not withstand foot traffic. Wildflower areas also require specific management and maintenance standards. The trim trail also has its own maintenance requirements and I do not consider

that the two are compatible. Whilst the trim trail can be in addition to or part of a LEAP facility in the correct location it does not equate to at LEAP on its own.

The AGS would normally need to be provided centrally however it is accepted in this instance that it has been laid out to retain the existing green infrastructure and to protect existing resident views. Ansa request the orientation of the dwellings is maximized to offer the best possible natural surveillance from the new dwellings over the open space.

The LEAP play facility should include at least 6 items/activities incorporating DDA inclusive equipment. Ansa request that the final layout and choice of play equipment is agreed with CEC, it should be to EN and Fields in Trust standards. Full plans showing the designs must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works. A buffer zone of a least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

Due to the complex management required for play facilities and in line with current policy, Ansa considers the Council has the best competencies required to carry out effective maintenance to protect these community facilities. The new children's play facility should be secured for public use and transferred to the Council together with a 25 years commuted maintenance sum of £42,984. Upon submission of the housing schedule new figures will need to be calculated. The surrounding AGS should also be considered along with the calculated commuted sum for maintenance.

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 60 dwellings is expected to generate:

10 primary children (60×0.19) – 1 SEN

9 secondary children (60×0.15)

1 SEN children ($60 \times 0.51 \times 0.023\%$)

The development is expected to impact on both SEN school places and 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.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Service acknowledges that this is an existing concern, however the 1 child expected from The Land West of Crewe Road application will exacerbate the shortfall. The 1 SEN child who is thought to be of mainstream education age has been removed from the calculations above to avoid double counting.

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

9 x £17,959 x 0.91 = £147,084 (secondary)

1 x £50,000 x 0.91 = £45,500 (SEN)

Total education contribution: £192,584

Without a secured contribution of £192,584, 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, 9 secondary children and 1 SEN child would not have a school place in Sandbach.

Amenity

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

The closest neighbouring properties to the application site would be the occupiers of properties on Crewe Road, Millcroft and within the mobile properties in Western Park to the south of the site.

As layout is not sought for approval as part of this application, consideration as to whether the application site could accommodate 60 dwellings without creating any significant amenity concerns. The separation distances between the mobile homes and the houses on the indicative layout are sub-standard in places. However this plan is indicative and the site is of a sufficient size to ensure that no amenity impacts will occur.

With regards to the future occupiers of the proposed dwellings, it is considered that sufficient private amenity space could be afforded to each of the proposed dwellings and sufficient separation distances can be achieved between the dwellings.

The Council's Environmental Protection Team have reviewed the submission and advised that they have no objections, subject to a number of conditions including; the prior submission of a piling method statement; the prior submission/approval of a Construction Phase Environmental Management Plan; the prior submission/approval of lighting details; the implementation of the noise mitigation measures proposed; the provision of electric vehicle infrastructure; the prior submission/approval of a dust mitigation scheme.

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

Social Conclusion

As a result of the provision of market housing, affordable housing and the likely provision of allotments, mitigation in the form of commuted sums in respect to education and open space, it is considered that the proposed development would be socially sustainable.

Levy (CIL) Regulations

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

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

The requirement for the provision of on site Public Open Space and/or onsite allotments and their associated management is necessary, fair and reasonable, as the proposed development will provide up to 60 dwellings of different sizes, the occupiers of which will be using these on site facilities.

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

The proposal is of a scale that hits the trigger for affordable housing for which there is a recognised need.

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

Planning Balance

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

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

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

It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph

14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

Policies PS8 and H6 of the Congleton Borough Local Plan First Review and Policy PC3 of the Sandbach Neighbourhood Plan are considered consistent with the aims of the Framework. Policy PC3 of the Sandbach NP has been prepared within the context of the NPPF and independently tested against its criteria by the Inspector who considered whether the Neighbourhood Plan was consistent with the Framework.

The relevant policies of the development plan are therefore considered consistent with the Framework and should be afforded due weight, with the conclusions drawn in PC3 based on up to date and recent evidence. In this case, the SNP presents a policy approach which supports sustainable development on the basis of recent and up to date housing evidence that advocates a strategic approach. The undermining of this approach would represent a significant and adverse impact in Para 14 terms that would outweigh the benefits of the proposal.

Neighbourhood planning provides a powerful set of tools for local people to ensure they get the right kind of development for their community. Whilst the weight afforded to those policies that restrict the supply of housing land may be limited due to the lack of a five year housing land supply, the harm done by approving a proposal which does not comply with the Development Plan and housing policies contained in the Sandbach Neighbourhood Plan is significant and directly conflicts with the overall aims of the framework to deliver sustainable development, through a plan led system which seeks to ensure that proposals contrary to an adopted neighbourhood plan should not normally be granted permission.

It is accepted that the development would provide positive planning benefits such as the provision of a market and affordable dwellings, the minor economic benefits created predominantly during the construction phase of the scheme and social benefits such as open space/allotment provision and design features that are sought with the Neighbourhood Plan.

Balanced against these benefits, however, must be the adverse impacts, which in this case would be the loss of Open Countryside, the loss of Best and Most Versatile agricultural land, and the harm caused to the plan led system by virtue of the proposal's non compliance with policies within the made Sandbach NP.

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

Accordingly it is recommended for refusal.

RECOMMENDATION

REFUSE

1. The proposed residential development is unacceptable because it is an unsustainable site located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policies SD2 and PG5 of the Cheshire East Local Plan Strategy – Consultation Draft March 2016 and the principles of the

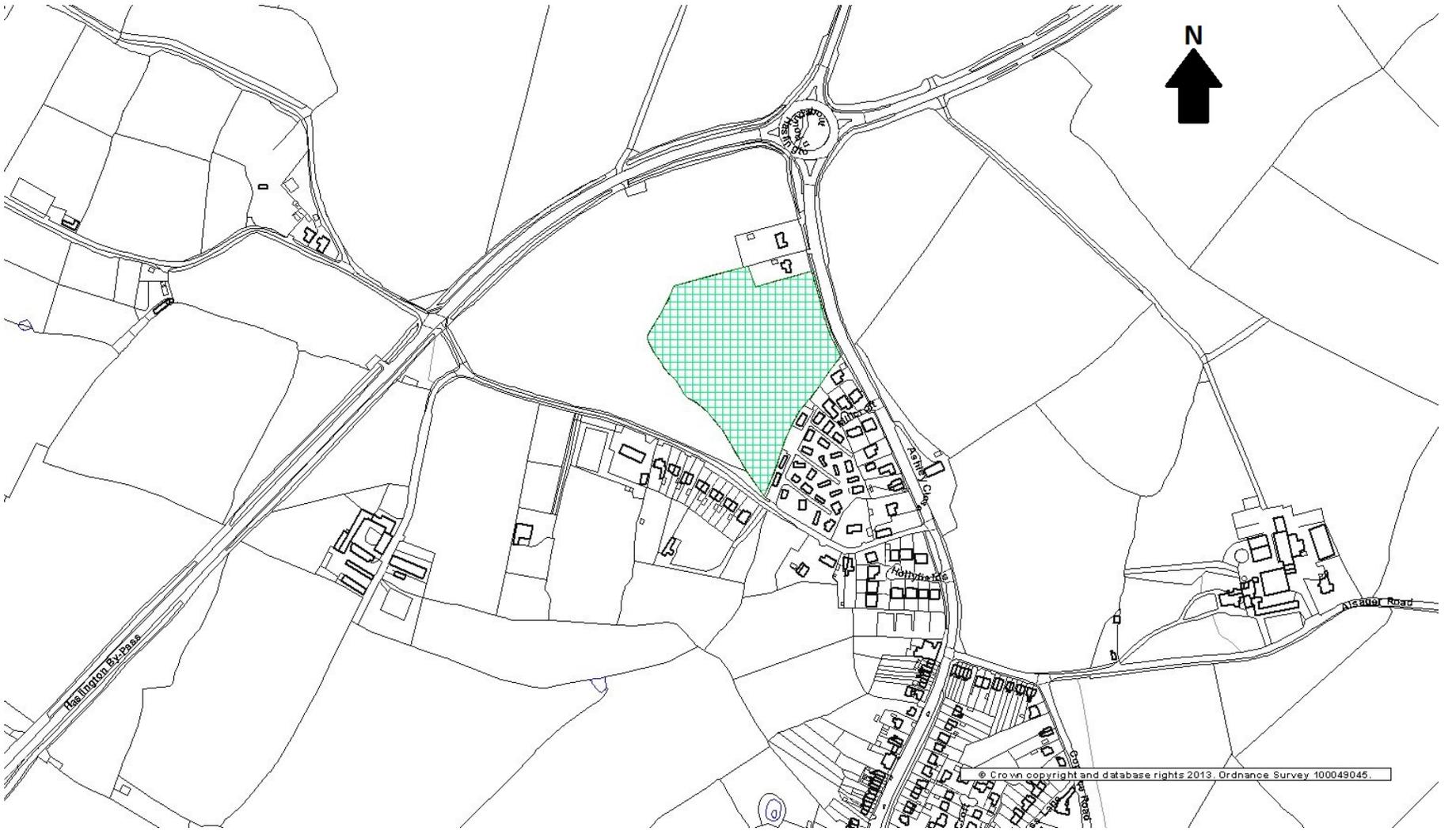
National Planning Policy Framework and create harm to interests of acknowledged importance. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

2. The proposal results in a development which will compromise the Spatial Vision for the future development of the rural areas within the Borough, contrary to Policies PG2 and PG6 of the Cheshire East Local Plan Strategy – Consultation Draft March 2016 and guidance within the NPPF.

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

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

1. £60,012 contribution to maintain the amenity greenspace and LEAP.
2. 30% on-site affordable housing provision in a 65:35 split affordable rent: intermediate
3. Education contribution of £192,584



Application No: 16/6058C

Location: Land Off, COPPENHALL WAY, SANDBACH

Proposal: Development of 10 dwelling houses and estate road connected to Coppenhall Way.

Applicant: Thorngrove Developments Limited

Expiry Date: 31-Mar-2017

SUMMARY

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

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

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location at a time when the Council cannot demonstrate a 5-year housing land supply. Furthermore, the development would generate the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

Balanced against these benefits would be the dis-benefits, which in this instance, relate to the smaller garden sizes proposed than policy guidance.

In this instance, it is not considered that this dis-benefit significantly and demonstrably outweigh the benefits.

The application is therefore recommended for approval subject to a S106 Agreement to secure the off-site open space contribution, and conditions.

RECOMMENDATION

APPROVE subject to S106 Agreement

REASON FOR REFERRAL

This application is referred to Southern Planning Committee as it has been 'called in' by Councillor Barry Moran for the following reasons;

'This high profile application raises a number of significant planning issues, that will need careful consideration and will be subject to scrutiny by members of the public and Sandbach Councillors.

Key matters such as potential over intensive/density site development, the built form to open space ratio, neighbours' boundary treatment, detrimental impact on neighbours through visual intrusion, the visual impact of the dwellings' height and scale and the highways access arrangements, should be publicly tested for conflict/harm against appropriate policies in the Local Plans and the Sandbach Neighbourhood Development Plan. A report to the Southern Planning Committee will provide a public forum for debate to the appropriate decision makers.

Additionally, construction vehicles' site access and waiting arrangements will need careful consideration, in terms of the perceived adverse impact on residents with properties in a cul-de-sac environment'

PROPOSAL

This application seeks full planning permission to erect 10 semi-detached dwellings.

Revised plans have been received during the application process amending the layout from blocks of terraces to semi-detached units only. A re-consultation was undertaken.

SITE DESCRIPTION

The site relates to a rectangular shaped parcel of scrubland to the west of Coppenhall Way, Sandbach, within the Sandbach Settlement Boundary. The site measures 0.19 hectares in size and is relatively level.

There are no planning designations affecting the site.

RELEVANT HISTORY

15/4611C - 8no 2.5 storey 4 bedroom semi-detached houses together with associated access, car-parking and private gardens – Declared invalid

19372/3 - Employees Car Park – Approved 29th March 1988

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

Congleton Borough Local Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS4, as within the settlement boundary.

The relevant Saved Policies are;

PS4 (Towns), H1 (Provision of new housing development), H4 (Residential Development in Towns), GR1 (New Development – General Criteria), GR2 (Design), GR4 (Landscaping), GR6 (Amenity), GR9 (Accessibility, Servicing and Parking Provision), GR19 (Infrastructure), GR20 (Public Services), GR21 (Flooding), NR1 (Trees and Woodlands) and NR2 (Protected Species).

Emerging Cheshire East Local Plan Strategy

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

PG1 – Overall Development Strategy, SC4 – Residential Mix, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SE1 – Design, SE2 – Efficient use of land, SE3 – Biodiversity and Geodiversity, SE4 – The Landscape and SE5 – Trees, Hedgerows and Woodland

Sandbach Neighbourhood Plan (SNP)

The Sandbach Neighbourhood Plan has been 'made' on 12th April 2016 under 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 and now forms part of the Development Plan for Cheshire East. The relevant Policies in the Neighbourhood Plan are:

PC3 (Policy Boundary for Sandbach), PC4 (Biodiversity and Geodiversity), PC5 (Footpaths and Cycleways), HC2 (Protection and Enhancement of the Town Centre), H1 (Housing growth), H2 (Design & Layout), H3 (Housing mix and type), H4 (Housing and an Ageing Population) and H5 (Preferred Locations), IFT1 (Sustainable Transport, Safety and Accessibility), IFT (Parking), IFC1 (Community Infrastructure Levy), CW1 (Amenity, Play, Recreation and Outdoor Sports Facilities), CW3 (Health) and CC1 (Adapting to Climate Change)

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections, subject to the following conditions; the prior submission/approval of a Construction Management Plan and the prior submission/approval of wheel wash measures

Environmental Protection – No objections, subject to a number of conditions including; the prior submission/approval of a piling method statement, the prior submission/approval of a dust mitigation scheme; the provision of electric vehicle infrastructure; the prior submission/approval of a Phase 1 Contaminated Land Report (and Phase 2 if necessary); the prior submission/approval of soil verification report and that works should stop if contamination identified. In addition, informatives in relation to hours of construction and contaminated land are also sought

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

ANSA Open Space – No objections, subject to the provision of a commuted sum of £16,834.50 towards off-site upgrading and maintenance (£4,332 upgrade and £12,502.50 for maintenance)

Flood Risk Manager – No objections, subject to the prior submission/approval of a surface water drainage scheme

Sandbach Town Council – Object to the proposal for the following reasons;

- Contravenes Neighbourhood Plan Policy IFT2 - loss of parking spaces
- Contravenes Neighbourhood Plan Policy H2 - Gardens are not of sufficient sizes

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and an advert placed in the local newspaper. Furthermore, a re-consultation exercise was undertaken in respect of a revised layout plan. To date, 11 letters of representation have been received. The main objections raised include;

- Principle of further housing in Sandbach
- Inappropriate use of site
- Highway safety – Access safety particularly during construction, parking concerns, volume of traffic, muddy/dusty roads during construction, impact upon access for emergency vehicles
- Ecology – Loss of wildlife/habitat, impact
- Design - Scale of bulk of development, layout not in character, over-development of site (density), position of bin storage, dwellings too tall
- Amenity – overlooking, loss of privacy, loss of light and visual intrusions, safety during construction, hours of operation
- Landscaping - lack of soft landscaping

APPRAISAL

The key issues are:

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

Principle of Development

Policy PS4 of the Local Plan advises that within the settlement boundary lines, there is a general presumption in favour of development providing that it is in keeping with the town's scale and character and does not conflict with other policies in the local plan. Policies PC3 and HC2 of the Sandbach NP also support the principle of residential development in this location.

Policy H1 of the Sandbach NP refers to housing growth. More specifically, it advises that development for housing will be met either through existing commitments in the Local Plan or through windfalls. It is considered that the application site is classified as a windfall site and as such, would adhere with this Policy also.

Policy H4 of the Local Plan refers to residential development in towns. Policy H4 states that new housing in such locations will be permitted where the following criteria is satisfied; the proposal does not utilise a site which is allocated or committed for any other purpose in the Local Plan; the proposal adheres with design policies; the proposal adheres with all other relevant local plan policies and the development would not have a detrimental impact upon housing land supply totals.

In response, the site is not allocated for any other purpose in the Local Plan and the proposed development would assist the Council's housing land supply shortage (as expanded upon below).

The adherence of the development with all other relevant Local Plan policies is considered within the sustainability section of this report.

Local Plan / Housing Land Supply Update

On 13 December 2016 the Local Plan Inspector 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 NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

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

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

Environmental role

Landscape Impact

The application site is located within the Sandbach town centre enclosed on all sides by existing development be that either dwellings (and their associated curtilages), or car parks. As such, the proposal would not have a detrimental impact upon the wider landscape.

In consideration of the landscaping within the site itself, the application was originally supported by a landscape strategy. The layout of the proposed development has been amended since the production of this document and a soft landscaping plan submitted.

The soft landscaping plan proposes trees within the streetscene which is a welcome addition to the site.

Trees and Hedgerows

The application is supported by an Arboricultural Impact Assessment and Method Statement.

The application identifies the removal of eight individual trees and one group (T5, 6, 7, 8, 10, 11, 12, 14, & G9) all of which have been categorised as low value Category C specimens.

The Council's Tree Officer advises that this categorisation is accepted and no objection is raised to their loss.

Outside the site edged red on the western boundary of the site stand four early mature Sycamores and a mature Holly hedge. Both T1 and T2 appear to have established as coppiced re-growth, with multiple stems now forming the basis of their respective crowns.

Plot 6 establishes an incursion within the Root Protection Area of T1 with the tree also presenting a less than desirable social proximity to the gable elevation; the Council's Tree Officer has advised that the tree's long term retention is unsustainable within the present layout. Excavation to facilitate the adjacent properties foundations will directly impact the trees root system. The position of T2 in relation to the front elevation of Plot 6 is again prohibitive to long term retention given the predicted growth potential of the tree.

Both trees have been categorised as Moderate value specimens (Category B), this is not contested by the Council's Tree Officer who further states that as a result of the previous management the multi-stemmed formation does raise concerns in respect of their long term structural integrity.

The Council's Tree Officer advises that the orientation of the plots 7 to 10 establishes a more preferable relationship with the adjacent off site trees (T3 & T4). T3 is a poor low value Category C specimen with T4 categorised as being of Moderate value (B); these valuations are considered accurate. T4 does encroach over the rear garden aspect of Plot 10 but this can be managed by lateral pruning.

The Council's Tree Officer advises that none of the four identified trees are significant category A specimens considered worthy of formal protection under a Tree Preservation Order, the retention of the hedge is considered more preferable than the trees; this is particularly applicable in respect of T1 and T2

To conclude, the Council's Tree Officer has recommended that should the application be approved, conditions in relation to tree protection and tree pruning and felling should be incorporated to reflect the possible removal of T1 and T2.

Ecology

The application is not supported by an Ecology Report. However, the Council's Nature Conservation Officer has advised that he does not anticipate there being any significant ecological issues associated with the proposed development, subject to a nesting birds condition.

Design

Policy H2 of the Sandbach NP expects all new developments to be of a high standard that is in keeping with the character of the area, is sympathetic in terms of scale, density, layout, scale and appearance amongst other considerations.

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

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

The revised layout plan proposes 3 pairs of semi-detached dwellings (6 units) on the southern portion of the site fronting in a northern direction fronting onto an extension to Copenhall Way.

A further 2 pairs of semi-detached units are proposed at a 90 degree angle to the other units towards the centre/north of the site fronting in an easterly direction onto a turning head.

This cul-de-sac design would respect the layout of the existing housing estate to which it would be linked into and as such, is considered to be acceptable.

All of the dwellings proposed are semi-detached dwellings. This would continue the pattern of form of the existing dwellings on Copenhall Way and would therefore be acceptable.

In relation to scale, the dwellings would have a footprint of approximately 48.5 square metres and would have a maximum ridge height of 9.7 metres. In comparison to the closest associated dwellings on Copenhall Way both the footprints and the maximum heights of the dwellings would be similar.

To ensure that the heights are secured, a proposed ground-floor levels condition is proposed should the application be approved.

Following negotiations, the appearance of the proposed dwellings would also closely reflect those of Copenhall Way. These will include a ground-floor bay window, centralised dual-pitched roofed dormer windows and stone cills and lintels.

Within the Council's emerging Design Guide, pages 40 and 41 refer to Sandbach. The examples of the vernacular and form for the area include gable features, ground-floor bays windows and stone decoration, all of which are provided.

Subject to the prior approval of materials, it is considered that the appearance of the dwellings would respect the local prevailing character.

As a result of the above reasons, it is considered to adhere with Policy H2 of the SNP, Policy GR2 of the Local Plan and Policies SE1 and SD2 of the emerging Cheshire East Local Plan Strategy.

Access

The proposal would be accessed via a continuation of Coppenhall Way into the site.

The Council's Head of Strategic Infrastructure (HSI) has reviewed the proposals and advised that the existing standard of infrastructure of Coppenhall Way is sufficient to accommodate the additional 10 units proposed; the internal roads within the site are a shared surface arrangement.

The applicant has submitted swept paths to indicate refuse vehicles can turn within the site.

Parking provision has been provided in accordance with Council standards within Appendix 2 of the emerging Cheshire East Local Plan, and there are 3 additional visitor spaces provided.

As a result of the above reasons, no highway objections to the application are raised subject to the following conditions; the prior submission/approval of a Construction Management Plan and the prior submission/approval of wheel wash facility details.

Flood Risk and Drainage

The application site does not fall within a Flood Zone 2 or 3 and is not of a scale which requires the submission of a Flood Risk Assessment (FRA).

The Council's Flood Risk Officer has reviewed the application and advised that he has no objections, subject to the prior submission/approval of a surface water drainage scheme.

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

Environmental Conclusion

The proposed development would not create any significant landscape, tree or hedgerow issues, nature conservation, access, design flooding or drainage concerns subject to conditions.

As such, it is considered that the proposed development can be considered to be environmentally sustainable.

Economic Role

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

Social Role

The provision of market dwellings itself would be a social benefit. The scheme is not of a scale that triggers policy required contributions/provision towards education or affordable housing.

Residential Amenity

According to Policy GR6 of the Local Plan advises 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 closest neighbouring properties to the application site include; No's 5-9 Coppenhall Way to the east and No's 22 and 24 Platt Avenue to the north.

The rear elevations of the properties on Platt Avenue have rear gardens of 20 metres in length and are over the recommended minimum separation standards referred to above from the proposed development. As such it is not considered that the occupiers of these Platt Avenue properties would be detrimentally impacted by the proposed development in terms of loss of; privacy, light or visual intrusion.

The side elevation of No.9 Coppenhall Way would be 20.1 metres away from the front elevations of the dwellings proposed on plots 8 and 9, comfortably adhering with the 13.8 metre standard.

The rear elevations of No's 6-8 Coppenhall Way, originally would have been approximately 12.9 metres away from the side elevation of the dwelling proposed on plot 1. This was below the 13.8 metre standard. The applicant has subsequently amended the layout so this distance is increased to 13.8 metres, and adhering with the policy standard.

As a result of this re-design, the proposal would not create any significant amenity issues for the occupiers of No's 6-8 Coppenhall Way with regards to loss of light or visual intrusion. The windows proposed within the relevant side elevation of plot 1 would be conditioned to be obscurely glazed to prevent a loss of privacy.

There are no other neighbours within close proximity of the development that would be directly impacted in terms of loss of privacy, light or visual intrusion.

In terms of the amenity of the future occupiers of the proposed dwellings, the proposed dwellings would largely adhere with the recommended minimum separation standards.

In relation to the proposed gardens, paragraph 3.2 of SPG2 advises that *'in general, the overall rear garden area should not be less than 65 square metres.'*

All of the rear gardens proposed range between 40 and 55 square metres. Although this is below the recommended standard, it is still considered that these spaces would be large enough for the future occupiers to carry out their normal functions such as; drying washing, sitting out etc.

With regards to Environmental disturbance, the Council's Environmental Protection Team have advised that they have no objections, subject to a number of conditions including; the prior submission/approval of a piling method statement, the prior submission/approval of a dust mitigation scheme; the provision of electric vehicle infrastructure; the prior submission/approval of a Phase 1 Contaminated Land Report (and Phase 2 if necessary); the prior submission/approval of soil verification report and that works should stop if contamination identified. In addition, informatives in relation to hours of construction and contaminated land are also sought.

Although the proposed gardens sizes would be below the recommended minimum size, it is still considered that they are large enough for purpose as detailed above. For the above reasons, subject to obscure glazing conditions and the conditions proposed by the Council's Environmental Protection Officer, the application is considered to adhere with amenity policies GR1 and GR6 of the Local Plan.

Public Open Space (POS)

As the application proposal is for 10 dwellings, it triggers a POS requirement. The trigger for this requirement is 7 units as detailed within the *Revised Supplementary Planning Guidance Note 1: Provision of Public Open Space in New Residential Developments 2003*.

The applicant, within their Design and Access Statement has advised that;

'The site is small and there is not adequate room available to provide useful public open space alongside the housing, so the Applicant prefers to deal with the matter by way of a financial contribution, calculated in accordance with the formula in Supplementary Planning Guidance Note 1, and subject to the overarching consideration of development viability, which is being examined now that the development context is fixed.'

In accordance with the advice, standards and formulae contained in the Congleton Borough Council Interim Policy Note on "POS Provision for New Residential Development" 2008, the Council's Open Space Officer has assessed what POS would be needed to serve the proposals for up to x10 No 3 bed dwellings shown on the submitted proposed revised site plan dated January 2016, there would be a need to increase the capacity to absorb the impact of this development.

Sandbach Park which is within 430 metres of the site has been identified to be enhanced by the upgrading of paths in the upper section of the park and providing new mini goal sets and associated ground works.

Applying the standards and formulae in the 2008 Guidance the Council would need £4,332.00 towards the upgrading. The Council would also need a commuted sum of £12,502.50 to maintain the upgraded facilities over 25 years.

The above would be secured via a S106 Agreement.

Social Conclusion

Social benefits in the form of the provision of market dwellings in the settlement boundary in light of the Council's lack of housing land supply. In addition, no significant neighbouring amenity concerns would be created.

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

Planning Balance

The application site lies within the Sandbach settlement boundary where Policy PS4 of the Local Plan advises that within settlement boundaries, there is a general presumption in favour of development provided it is in keeping with the towns scale and character and does not conflict with other policies of the Local Plan. Policy H4 of the Local Plan generally permits housing in settlement boundaries provided that such a development adhere with all other local plan policies.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location at a time when the Council cannot demonstrate a 5-year housing land supply. Furthermore, the development would generate the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

Balanced against these benefits would be the dis-benefits, which in this instance, relate to the smaller garden sizes proposed than policy guidance.

In this instance, it is not considered that this dis-benefit significantly and demonstrably outweigh the benefits.

The application is therefore recommended for approval subject to a S106 Agreement to secure the off-site open space contribution, and conditions.

RECOMMENDATION

APPROVE Subject to S106 Agreement to secure;

- 1. Off-Site Open Space enhancements (£4,332) and maintenance (£12,502.50)**

And conditions;

- 1. Time (3 years)**
- 2. Plans**
- 3. Prior submission/approval of materials**
- 4. Landscape Plan - Implementation**

5. Prior submission/approval of tree protection plan
6. Prior submission/approval of nesting bird survey
7. Prior submission/approval of ground-floor levels
8. Prior submission/approval of a Construction Management Plan
9. Prior submission/approval of wheel wash facility details
10. Prior submission/approval of a surface water drainage scheme
11. Foul and surface water to be drained on separate systems
12. Prior submission/approval of a sustainable drainage management and maintenance plan
13. Obscure glazing requirements - First-floor side windows (all plots)
14. Prior submission/approval of a piling method statement
15. Prior submission/approval of a dust mitigation scheme
16. Prior submission/approval of electric vehicle infrastructure
17. Prior submission/approval of a Phase 1 Contaminated Land Report (and Phase 2 if necessary)
18. Prior submission/approval of soil verification report
19. Works should stop if contamination identified
20. Prior submission/approval boundary treatment
21. Removal of PD Rights – Part 1 Classes A-E

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

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

1. Off-Site Open Space enhancements (£4,332) and maintenance (£12,502.50)



Application No: 17/0295N

Location: Land at Shavington Villa, Rope Lane, Shavington, CW2 5DT

Proposal: Residential development of up to 29 No. dwellings and associated infrastructure with access to be taken from Rope Lane.

Applicant: Mr & Mrs Kirkham and Country and Coastal

Expiry Date: 20-Apr-2017

SUMMARY

The proposed development sought on the majority of the site would be contrary to Policy NE.4 and NE.2 and the development would result in a loss of Green Gap and Open Countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites then the presumption in favour of sustainable development applies at paragraph 14. LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

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

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

The adverse impacts of the development would be the loss of green gap and open countryside and the associated adverse impact upon the landscape, the loss of Best and Most Versatile agricultural land and a lack of information to demonstrate that the site can effectively drain surface water to acceptable levels.

In this case, it is considered that the adverse impacts of the development significantly and demonstrably outweigh the benefits.

RECOMMENDATION

REFUSE

REASON FOR REFERRAL

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

PROPOSAL

Outline planning permission is sought for up to 29 dwellings, including matters of Access.

Matters of; Appearance, Landscaping, Layout and Scale are not sought for permission as part of this application.

SITE DESCRIPTION

The application site is located to the west of Rope Lane and the north of Main Road, Shavington, Cheshire to the rear of existing properties. The site is predominantly rectangular in shape and comprises of a mixture of green field and domestic curtilage, extending 1.33 hectares.

The site predominantly falls within the Green Gap, but partly within the Shavington Settlement Boundary (the Shavington Villa plot).

RELEVANT HISTORY

None

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 Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011. The relevant Saved Policies are:

NE.2 (Open countryside), NE.4 (Green Gap), 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)

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

Emerging Cheshire East Local Plan Strategy (CELPS)

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

MP1 (Presumption in Favour of Sustainable Development), PG2 (Settlement Hierarchy), PG4a (Strategic Green Gaps), 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), SE1 (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) and IN2 (Developer Contributions)

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objection, subject to a condition for the prior submission/approval of a Construction Management Plan (CMP) and an informative that the applicant will be required to enter into a Section 38 Agreement regarding the construction and future adoption of the internal road layout.

Environmental Protection – No objection, subject to a number of conditions including; the prior submission/approval of a piling method statement, the prior submission/approval of an environmental management plan, the submission of a travel information pack, the prior submission/approval of electric vehicle charging infrastructure, the prior submission/approval of a dust mitigation scheme, the prior submission of a contaminated land report, the prior submission/approval of a soil verification report and that works should stop if contamination is identified

PROW Officer – No objection, subject to the inclusion of an informative to remind the applicant of their responsibilities

Housing (Cheshire East Council) – Object due to the proposed affordable housing bedroom mix proposed not meeting local requirements.

Education (Cheshire East Council) – No objection, sufficient school capacity within catchment

ANSA (Open Space) - No objection, subject to the inclusion of 1015sqm of on-site POS and either a management company to maintain or a further commuted sum (to be agreed) for the Council to maintain. In addition, a commuted sum of £21,000 for the upgrade of children's play facilities on Vine Tree Street, Shavington

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

Flood Risk Manager – Object to the proposed development due to lack of information

Ramblers Association - No comments received at time of report

Mid-Cheshire Footpath Society - No comments received at time of report

Shavington Parish Council – Object to the proposal on the following grounds;

- The applicant has retained a large garden area for Rope Villa a consequence of which has been to increase the housing density to a greater degree than appears on the application.
- The line of sight is inadequate in terms of access and egress and will cause highway safety issues.
- It is the main access to the only grocery shop in the village centre.
- Road safety issues:
 - The development abuts the Santune development
 - The route is a school walking route. It is also the bus route to South Cheshire College
 - The line of sight is inadequate in terms of access and egress
 - The Wain Homes' development (130 dwellings) is in close proximity
 - Rope Lane is a relatively narrow road.
- Part of the development is outside the settlement boundary.
- Emergency vehicles and refuse collection vehicles will have difficulty accessing the site.
- There are power reductions in the evening for both gas and electric and the development will worsen the situation.
- Water pressure is already inadequate and the development will also worsen this situation.
- Inadequate infra-structure, viz: schools/doctors' surgery and there is no Post Office.
- Affordable housing should be 'pepper-potted' throughout the site.
- Erosion of green gap which is in conflict with the Crewe & Nantwich Replacement Local Plan 2011.
- Over-crowding on the site.
- This housing development is not needed. The parish has more housing than is required by the Local Plan and this application should be rejected on the grounds that the parish has now reached almost saturation level in respect of new housing.
- The Parish Council requests the Inspector to visit all the application sites both past and future to assess the cumulative effect.

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. To date, approximately, letters of representation have been received from approximately 22 residences. The main objections raised include;

- Loss of Open Countryside/Green Gap
- No further requirement for housing in Shavington
- Loss of agricultural land
- Impact upon the landscape
- Impact upon local facilities e.g. – medical centre, hospital, local schools
- Limited bus service / public transport
- Lack of affordable dwellings and housing for the aged
- Drainage and flooding - How will existing infrastructure cope
- Highway safety - Increase in traffic, suitability of road to cope with further traffic, pedestrian safety, safety of access, impact upon existing infrastructure, combined impact with other recently approved development upon the highway, limited access for emergency vehicles

- Amenity – noise pollution during construction contamination, Loss of privacy/overlooking, loss of light
- Design – Layout - position of affordable housing, too many dwellings (density) resulting impact upon local character
- Impact upon ecology/protected species - Birds, bats, newts, sparrow hawks, buzzards, rabbits, foxes, squirrels, pheasants, badgers and herons. Also impact upon flora and fauna.
- Loss of hedgerows
- Procedural matters - Inaccuracies on the submitted plans (neighbouring dwellings not shown correctly) and statements, not directly consulted on the proposal

Other issues have also been raised which are not material planning considerations such as loss of views, ownership and impact upon house values.

OFFICER APPRAISAL

The key issues are:

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

Principle of Development

Part of the application site (Shavington Villa plot - 0.345 hectares) falls within the Shavington Settlement Boundary where Policy RES.2 of the Local Plan advises that residential development will be permitted so long as the proposal adheres with the general planning policies in relation to; amenity (BE.1), design (BE.2), highway safety (BE.3), drainage, utilities and resources (BE.4) and infrastructure (BE.5).

These matters are considered further within the report.

Notwithstanding the above, the site predominantly lies within the Green Gap which is also subject to Open Countryside policies, as designated by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Policy NE.4 states that in such areas, approval will not be given for the construction of new buildings which would;

- Result in the erosion of the physical gaps between built up areas and;
- Adversely affect the visual character of the landscape.

In response, the location of the development would extend the built form closer to the Crewe Settlement Boundary, more specifically the Willaston suburb of Crewe.

Landscape Impact

The application site is approximately 1.3 hectares in size and is made up of two parcels of land. The application site is partly formed by the garden of 13 Rope Lane and partly by an existing paddock.

The site is bound to the northwest by an existing hedgerow with a number of hedgerow trees; the north-eastern is formed by vegetation associated with a garden boundary and timber fencing. The south eastern and south western boundaries are formed by the rear boundaries of properties along Rope Lane and Main Road and are formed of a number of assorted boundary treatments. The application site is bound on three sides by residential development, but has a rural edge character that relates to the wider rural landscape to the north and North West, which like to application site, forms part of the Green Gap between Shavington and Crewe to the north.

As part of the application, a Landscape and Visual Appraisal has been submitted, this states that it has been carried out with reference to the guidance found within the 'Guidelines for Landscape and Visual Assessment' Third Edition, 2013 (GLVIA). This appraisal identifies the baseline landscape of the application site and surrounding area, these are the National Character Areas as identified by Natural England, and the Lower Farms and Woods, Barthomley Character Area (LFW7), as identified in the Cheshire Landscape Character Assessment 2008.

The submitted landscape appraisal identifies that the impact of the proposed development will cause long term effects on the landscape fabric through the removal of the existing field paddock and that the degree of change is considered to be major due to the obvious change to the fabric and cover of the landscape and by the introduction of housing and associated infrastructure. The appraisal identifies that on the physical fabric of the site, especially for the paddock part of the site, the magnitude of change will be major due to the introduction of the built form, and that the change will be permanent. The appraisal notes that potential effects on the landscape setting of the site will be to erode the quantum of open countryside and the extent of the Green Gap. For the broader landscape, the appraisal identifies that the proposals will not have any adverse effect on the broader landscape character.

The Council's Principal Landscape Officer has advised that whilst he would generally agree with the landscape appraisal, it should be noted that the appraisal has been based on the retention and enhancement of the north western boundary, along with the other existing hedges and vegetation associated with the site – along with robust planting. Since this is an outline application the detail remains unknown and so the effects could therefore be more adverse than the appraisal identifies.

The visual assessment a Zone of Theoretical Visibility and identifies 9 receptors. This identifies that residential properties located in the immediate vicinity of the application site along Rope Lane and Main Road, will experience a major change from the existing views to the rear of the properties and that the proposed development will advance the western settlement edge of Shavington. The appraisal also identifies the visual impact on nearby footpath – viewpoints 4, 5 and 6 (FP3 Rope) and indicates that the proposed development will visually advance the settlement edge of Shavington and that it will lead to moderate to major effects. The appraisal also identifies effects on nearby travelling receptors, identifying them as being minor to imperceptible. The visual appraisal is also based on the retention of existing vegetation, along with new planting; changes to the proposed strategy would almost certainly result in different impacts than those identified.

The Council's Landscape Officer has advised that he broadly agrees with the landscape and visual appraisal that has been submitted, which identifies that there would be a major magnitude of change on the physical character of the site due to the replacement of paddock with residential dwellings, that the development will erode the quantum of open countryside and the extent of the Green Gap and that for a number of visual residential receptors the proposed development would result in a major change and that for recreational users of FP3 Rope there will also be major effects.

The appraisal does identify that these will reduce - and with the retention and enhancement of existing vegetation this would be the case. However, it is clear from the appraisal that there will be some adverse effects, and as such, the Council's Principal Landscape Officer has advised that the proposals do appear to be contrary to Local Plan Policy NE.4. Green Gap policy was considered and supported in an interim letter issued by the Local Plan Strategy Inspector, and subsequently in appeal decision Appeal Ref: APP/R0660/W/16/3147420, relating to a site approximately 60m to the west of the application site.

As such, it is also considered that the proposal would adversely affect the visual character of the landscape, as advised by the submission documents. As such, the development would fail to adhere with the second bullet of Policy NE.4 of the Local Plan.

Erosion of the physical gaps between built up areas

Policy NE.4 (Green Gaps) states that approval will not be granted for the construction of new buildings which result in the erosion of the physical gaps between the built up areas.

A development of the scale proposed will clearly erode the physical gap between Crewe and Shavington. In dismissing the appeal within close proximity of this site the Inspector concluded that;

'It seems clear to me that most built development of any substance would result in a degree of erosion and would thus conflict with policy NE.4 regardless of its visual impact. It is clearly not the case that a proposal would be acceptable in GG policy terms unless it were to result in actual coalescence. The policy is concerned with erosion, which is the process that eventually results in coalescence. However, in my opinion it is still necessary to consider the extent to which the erosion caused by the particular proposal in question would be harmful to the objective of maintaining the separation of settlements'

And that

'However, views across the gap are only one factor in the consideration of whether a proposal would result in unacceptable erosion. The fact of the matter is that each proposal would impact on the GG differently and in the case of the appeal development I judge that whilst there would be harm from erosion, the degree of that harm would be relatively small'

It is considered that the same comments could apply to this proposed development and the impact upon the Green Gap will need to be considered as part of the planning balance.

Open Countryside

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; this is considered as part of the assessment below.

Local Plan / 5-year Housing Land Supply Update

On 13 December 2016 the Local Plan Inspector 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 NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

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

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

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

Environmental role

Locational Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

On Rope Lane, the same road where the proposed development lies, planning permission was granted in April 2012 for 80 dwellings, allowed at appeal (ref: APP/R0660/A/12/2173294).

As part of this application the LPA considered that this nearby proposal was sustainably located close to shops, schools and other services in Shavington.

There is no reason why the same conclusion would not be made for the application proposal. =The proposal is therefore considered to be locationally sustainable.

Agricultural Land Classification

Paragraph 26 of the Natural Environment NPPG advises that Local Planning Authorities should seek to use areas of poorer quality land in preference of higher quality land for development.

The Agricultural Land Classification system classifies land into five grades, with Grade 3 subdivided into Sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a and is the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non food crops for future generations.

Policy NE12 (Agricultural Land) of the Local Plan advises that development on such land quality shall 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 or, other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

Within the submitted Planning Statement, para's 7.32 to 7.36 refers to Agricultural Land Quality. Within these paragraphs, it is advised that the land is classified as Grade 3A. As such, the land on which the development is proposed is 'Best and Most Versatile' agricultural land.

Despite this, the applicant considers that the proposal still adheres with Local Plan Policy NE.12 as they advise that the sustainability considerations of the scheme suggest that the use of higher quality land is preferable to the use of poorer quality land, with specific regards to the weight to be afforded to the Council's housing need.

This is a matter which shall be considered in the planning balance.

Trees and Hedgerows

The application is supported by an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan.

The Council's Tree Officer has reviewed the proposals and advised that in order to facilitate the proposed access off Rope Lane, the submitted detail identifies the removal of 6 individual trees and groups, this includes T11 within the report which is protected as part of G2 of an existing Tree Preservation Order. The tree has been identified as a 'moderate value' specimen. With this designation, the Council's Tree Officer has advised that it's removal in terms of the road frontage is not considered significant. The Tree Officer further states that none of the remaining trees identified for removal are considered worthy of formal protection.

All the remaining protected trees on the site are not directly affected by the access detail and can be protected in accordance with current best practice BS 5837 2012.

However, the Council's Tree Officer does have some concerns should this layout come forward at Reserved Matters stage in respect of the plot located adjacent to T36-T39. The build of this closest dwelling would transgresses adjacent to the Root Protection Area presenting an unsustainable relationship with high category A trees. The Tree Officer advises that this needs to be designed out should the application proceed.

Given that the layout is indicative, it is considered that at reserved matters stage a revised layout could overcome this issue.

As such, subject to this revision and the submission of a revised package of arboricultural information to reflect this revision, no objection of tree grounds are raised and it is considered that the proposed development would adhere with Policy NE.5 of the Local Plan.

Ecology

The application is supported by a Phase 1 Habitat Survey.

The Council's Nature Conservation Officer has advised that this survey was undertaken at a poor time of year. However, he advises that the grassland habitats which occupy the majority of the site are unlikely to be of significant nature conservation value so the timing of the survey is not a significant constraint on the reliability of the submitted report.

Hedgerows are a priority habitat and hence a material consideration. The proposed internal access road will result in the loss of a section of hedgerow from the interior of the site. The Council's Nature Conservation Officer advises that if outline planning permission is granted, it must be ensured that suitable compensatory planting is provided to compensate for this loss at the detailed design stage.

A full Great Crested Newt survey of a pond within 250m of the proposed development has not been completed. However, based on the available evidence the Council's Nature Conservation Officer advises that this species is not reasonable likely to be present and affected by the proposed development.

If planning consent is granted, the Council's Nature Conservation Officer recommends conditions that; any future application be supported by details suitable for the use of breeding birds (including house sparrow) and bats and any future application should be supported by boundary treatment which incorporate gaps for hedgehogs (between 10cm and 15cm at least every 5 metres).

It is also recommended that a landscaping condition which includes the provision of new native species hedgerows is also required should the application be approved.

Subject to the above, no issues with regards ecology are raised and the development would adhere to Policy NE.9 of the Local Plan.

Design

Outline planning permission is sought with matters of access only. As such, the matters under consideration in relation to design are whether the site is large enough to accommodate 29 dwellings of an appropriate layout, scale and appearance.

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

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

The development site would have a density of 22 dwellings per hectare. This is considered to be reasonable on this site.

In this case an indicative layout has been provided in support of this application. This layout shows that the site can accommodate the number of dwellings proposed whilst providing open space. It is considered that an acceptable design/layout that would comply with Policy BE.1 (Design), the Policies within the emerging Local Plan and the NPPF. The detail would be considered/negotiated at the reserved matters stage.

Access

The application site comprises undeveloped land for the most part, with a single dwelling, and has little traffic movement associated with it. There is an existing access onto Rope Lane.

The application is in outline for 29 dwelling units with only access to be determined at this stage. A new access onto Rope Lane is proposed, just south of the existing.

Transport Statement

The Council's Head of Strategic Infrastructure (HSI) advises that sufficient access visibility is achievable as shown on the highways technical note. The proposed access dimensions are to the Council's adoptable standards, at 5.5 metre width and 6 metre radii, and it has been shown that a refuse vehicle could safely enter and exit.

The Council's HSI advises that the footway widths south of the site approaching Main Road are narrow, but there are no existing safety concerns and the proposal will result in a small number of pedestrian movements, a proportion of which will travel north where footways are wider. The Council's HSI advises that footway access from the site to local destinations is considered adequate, including to nearby bus stops.

The HSI advises that the Rope Lane carriageway widths in the vicinity of the site are relatively narrow and in places x2 HGVs approaching each other would find it difficult to pass. This is a matter raised by a number of objectors. Although not ideal, the Council's HSI advises that this is an existing issue which will not be worsened if the application were approved.

For the most part, the HSI advises that the development would generate car trips and Rope Lane widths are capable of accommodating this alongside existing car or HGV movements.

The proposal will generate around 20 vehicle trips during each of the peak hours, the highway impact of which will be negligible, according to the Council's HSI.

Conclusion

The Council's HSI concludes that safe and suitable access to and from the site will be available and the impact of the development on the local highway network will be minimal. As such, no highways objections are raised, subject to a condition seeking the prior submission/approval of a Construction Management Plan (CMP) and an informative that the applicant will be required to enter into a Section 38 Agreement regarding the construction and future adoption of the internal road layout.

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

Flood Risk and Drainage

The application is supported by a Flood Risk Assessment and Drainage Management Strategy.

As Lead Local Flood Authority (LLFA) the Council would have an interest in any new development which may potentially result in an increase in runoff and adversely affect local flooding and/or flood risk.

The Council's Flood Risk Officer has advised that it is likely that flows from this site will need to be attenuated to greenfield equivalents to mimic exiting run-off characteristics.

The Council's Flood Risk Officer advises that there is a currently a lack of information to demonstrate that the post development run off rates would mimic pre-development rates.

It is noted that the proposed surface water strategy proposed by the applicant would be to discharge part/full surface water via infiltration. The submitted strategy states that *'Post development, surface water-runoff is to discharge to the public combined sewer system (225mm dia between manhole ref: 7701 to 8801) at a rate of 5l/s, which is typically required by United Utilities.'*

However, United Utilities would not accept a connection of surface water to a combined system; therefore it would not be a viable solution to drain surface water from this site.

The only potential viable surface water drainage option proposed in this FRA is solely infiltration and the developer/consultant must satisfy the LLFA that this option will be acceptable in principle.

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

Environmental Conclusion

The proposal would result in the loss of a parcel of countryside and Green Gap and would have an adverse impact upon the visual character of the area. There would also be a loss of Best and Most

Versatile (BMV) agricultural land and insufficient information has been received on order to demonstrate that the proposed development would not creating surface water flood risk concerns.

Other environmental considerations such as; protected species, highway safety, design flooding and drainage are considered to be acceptable or neutral subject to conditions / mitigation. The application site is considered to be sustainably location.

However, it is considered that the environmental impacts created would result in the development being environmentally un-sustainable.

Economic Role

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest facilities in Shavington 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 marginally economically sustainable, predominantly during the construction phase.

Social Role

The proposed development would provide open market housing which in itself, would be a social benefit given the Council's 5-year housing land supply position.

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states that in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 29 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 9 dwellings to be provided as affordable dwellings. 6 units should be provided as Affordable rent and 3 units as Intermediate tenure.

The SHMA 2013 evidenced a requirement in the sub-area of Wybunbury & Shavington for 54 additional affordable dwellings per annum until 2017/18. Broken down the SHMA evidenced a need for 8 x 1 bed, 20 x 2 bed, 7 x 3 bed, 12 x 4 bed, 1 x 1 bed older person and 7 x 2 bed older person dwellings.

There are currently 62 households on Cheshire Homechoice who have selected Shavington as their first choice area for rehousing. They require 10 x 1 bed, 25 x 2 bed, 23 x 3 bed and 4 x 4 bed dwellings.

The applicant has proposed to provide 8 x one bed and 1 x three bed affordable dwellings on this site. This mix does not meet local housing need and for this reason, the Council's Housing Officer objects to the proposed development.

The Council's Housing Officer has advised that the affordable mix should also include a number of 2 bed or older person dwellings which should come at the expense of the 1 bed units, of which there are currently far too many for a site of this size.

However, as layout, scale and appearance is not sought for approval at this stage, such matters would be considered as reserved matters stage. Furthermore, the mix can be specified within any subsequent S106 Agreement should the application be approved.

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

The affordable housing should meet the HCA's housing quality indicator (HQI) standards.

The affordable housing should be secured by way of a S106 agreement, which: -

- Are of an appropriate mix of bedrooms and/or older person properties to reflect local need
- requires them to transfer any rented affordable units to a Registered Provider
- Provide details of when the affordable housing is required
- Include provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Council's allocations policy.
- Include the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

Amenity

Policy BE.1 of the Local Plan advises that development shall only be permitted when the proposal would not have a detrimental impact upon neighbouring amenity in terms of overlooking, overshadowing, visual intrusion or environmental disturbance.

According to the submitted indicative layout plan, the closest neighbouring properties to the application site would be the occupiers of the properties on the north-eastern, eastern, south-eastern, southern and southwestern boundaries which include properties on Lime Tree Mews, Rope Lane, Main Road and The Hollies.

The Development on Backland and Gardens SPD states within paragraph 3.9 that as a general indication, there should ideally be a distance of 21m between principal elevations and 13.5m between a principal elevation with windows to habitable rooms and blank elevations.

It is advised that if these standards are adhered to, there should be sufficient space to ensure that the privacy and amenity of neighbouring properties are not detrimentally affected.

The Council's Environmental Protection Team have advised that they have no objections, subject to a number of conditions including; the prior submission/approval of a piling method statement, the prior submission/approval of an environmental management plan, the submission of a travel information pack, the prior submission/approval of electric vehicle charging infrastructure, the prior submission/approval of a dust mitigation scheme, the prior submission of a contaminated land report, the prior submission/approval of a soil verification report and that works should stop if contamination is identified

With regards to the amenities of the future occupiers of the proposed dwellings, the dwellings would adhere to the separation standards between themselves on all occasions apart from at the southern end of the site where the gap between the proposed affordable dwellings and the dwelling proposed on plot 22 would be breached by 2.5 metres.

However, as the layout is not sought for approval in this instance, it is considered that the scheme could be amended at reserved matters stage to overcome this issue.

Sufficient private amenity space could be provided for each dwelling.

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

Education

The proposed trigger for consideration of whether a proposal would have an impact upon the capacity of local primary, secondary and special education need schools is over 10 dwellings. As the proposal seeks up to 29 dwellings, this requirement is triggered.

However, the Council's Education Officer has advised that there is no claim sought in this instance due to the development picking up a number of schools in Crewe that when assessed collectively, show that the children will be able to be accommodated within these existing schools in the catchment.

Open Space

Public Open Space is shown as being provided shown on the revised indicative layout 110 Rev B dated November 2016.

Policy RT3 of the Local plan requires a combined area of shared recreational open space and shared children's play space of 35sqm per dwelling equating this development to a minimum of 1015sqm. However, paragraph 7.77 within the Planning Statement states that 2000sqm is being provided. Details of the open space including layout are to be secured at a later stage.

Policy RT3 also allows for contributions for smaller developments rather than insisting on equipped play onsite. Vine Tree Avenue is less than 220 metres away from the development which capacity could be increased to mitigate the impact from the development. To upgrade the facilities at Vine Tree Avenue, the Council would need £21,000.

The Open Space Officer advises that maintenance of this space could be done by the Council. Costs for this would be determined at a later date once further landscaping details are available.

This provision would be secured via a S106 Agreement.

Public Right of Way (PROW)

The application proposal would be adjacent to Public Footpath No.3 as recorded on the Definitive Map and Statement.

However, the Council's Public Rights of Way Officer has advised that the proposal would unlikely affect the PROW.

As such, no objections are raised, subject to the applicant being informed for their responsibilities via an informative.

Social Conclusion

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

Levy (CIL) Regulations

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

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

The applicant has indicated that on-site open space to the policy required standard, based on the number of dwellings proposed of 1015sqm can be accommodated on site to cope with the demand of the proposed new occupiers of the site. A maintenance plan for this could be secured either via a management company or by the council for a fee. In addition, a contribution of £21,000 is sought of the enhancement of a nearby play facility, also to cope with the additional demand of the development.

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

Planning Balance

The proposed development sought on the majority of the site would be contrary to Policy NE.4 and NE.2 and the development would result in a loss of Green Gap and Open Countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites then the presumption in favour of sustainable development applies at paragraph 14. LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh

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

The benefits in this case are:

- The development would provide benefits in terms of needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- On-site POS provision and a financial contribution for off-site children's play space enhancement would both provide a facility for future residents and other residents in this part of Shavington and upgrade nearby facilities for all future users.
- The development would provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Shavington.

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

- The impact upon education infrastructure would be neutral as there is sufficient capacity within existing schools within the catchment to accommodate the additional demand
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.

The adverse impacts of the development would be:

- The loss of Green Gap and Open Countryside resulting in an associated adverse impact upon the landscape
- The loss of 'Best and Most Versatile' agricultural land
- Insufficient information to demonstrate that an acceptable surface water strategy can be achieved on site.

The development is contrary to both the Borough of Crewe and Nantwich Local Plan and the emerging Cheshire East Local Plan Strategy with regards to Green Gap and Open Countryside policies. However, these policies are considered to be out of date, a presumption in favour 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 impact upon the landscape which is intrinsically linked to green gap policy, the loss of BMV agricultural land and the lack of information provided to demonstrate that the site can effectively drain surface water to acceptable levels.

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 for the following reasons;

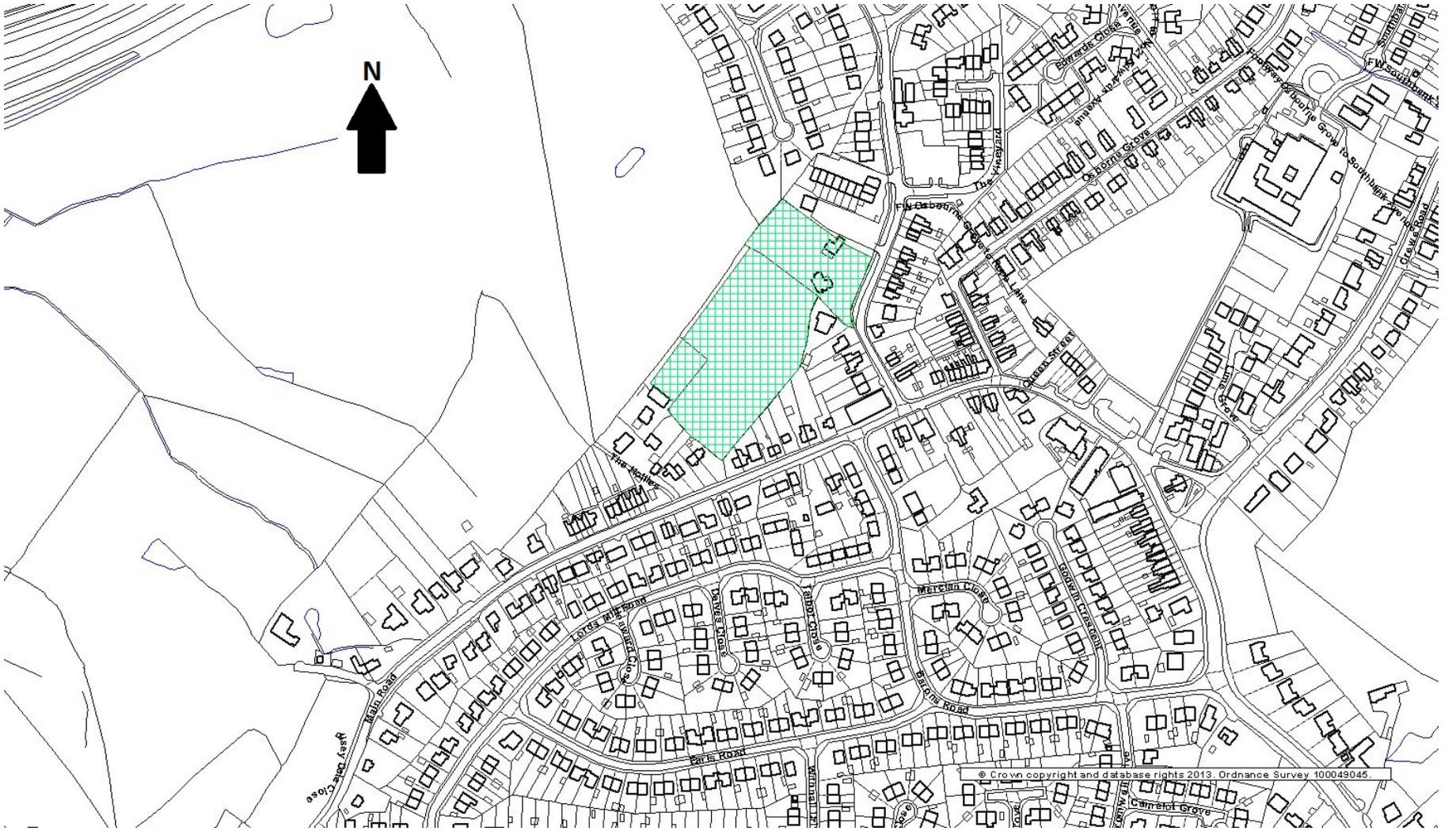
1. The proposed residential development is unacceptable because it is located within the Green Gap and Open Countryside, contrary to Policies; NE.2 (Open Countryside), NE.4 (Green Gap) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011; Policy PG5 (Open Countryside) PG4a (Strategic Green Gaps) and of the emerging Cheshire East Local Plan Strategy Submission Version - 2016 and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.
2. The proposed development would result in the loss of BMV Agricultural Land and have an adverse impact on the landscape character of the area. It is considered that the development is unsustainable because of the unacceptable environmental impact of the scheme in terms of loss of best and most versatile agricultural land and the adverse impact upon the landscape character. These factors significantly and demonstrably outweigh the economic and social benefits in terms of its contribution to boosting housing land supply, including the provision of affordable housing and Public Open Space. As such the proposal is contrary to Policies NE.2 (Open Countryside), NE4 (Green Gap) and RES.5 (Housing in Open Countryside) of the adopted Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and Policies PG5 (Open Countryside), PG4a (Strategic Green Gaps and SE2 (Efficient Use of Land) of the emerging Cheshire East Local Plan Strategy Version - 2016, and the provisions of the NPPF.
3. Insufficient information has been provided to demonstrate that the proposal would not create any surface water flooding. The development is therefore considered to be contrary to Policy NE.20 (Flood Prevention) of the adopted Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011, Policy SE13 (Flood Risk and Water Management) of the emerging Cheshire East Local Plan Strategy Version - 2016 and the NPPF.

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

Should 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:
 - Dwellings of an appropriate mix of bedrooms and/or older person properties to reflect local need

- A requirement for the applicant/developer to transfer any rented affordable units to a Registered Provider
 - Details of when the affordable housing is required
 - Provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
 - The requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.
2. Provision of 1015 square metres of on-site Public Open Space (POS) to be maintained by a private management company in perpetuity
 3. Commuted sum of £21,000 for the enhancement of children's play facilities on Vine Tree Avenue, Shavington



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Application No: 16/4526N

Location: LAND TO REAR OF, 71, MAIN ROAD, SHAVINGTON

Proposal: Full planning permission for 30 dwelling houses including the demolition of 71 Main Road, Shavington

Applicant: Eleanor Ogilvie, Mulbury Homes (Shavington) Ltd

Expiry Date: 03-Apr-2017

SUMMARY:

The proposed development would be contrary to Policies NE.2, RES.5 and NE.4. The development would result in a loss of open countryside and the erosion of the Green Gap.

However as the Council cannot currently demonstrate a 5 year supply of deliverable housing sites then the presumption in favour of sustainable development applies at paragraph 14. LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

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

The development would have a neutral impact upon highways, education, protected species/ecology, drainage, trees and residential amenity.

The adverse impacts of the development would be:

- Erosion and of the green gap. Effects that would be all the more marked in the locality given the conclusions of the Landscape Officer
- The loss of open countryside
- The loss of BMV agricultural land

A solution to the housing supply is in hand through the forthcoming adoption of the Local Plan. As a consequence of the Inspectors most recent comments in December increased weight can now be afforded to existing local plan policies, and greater weight can now be given to emerging policies.

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 the proposal

represents unsustainable development contrary to the development plan. Accordingly the application is recommended for refusal.

Recommendation: REFUSE

PROPOSAL

The application seeks full planning permission for 30 dwellings. The site would have vehicular access from Main Road where No.71 would be demolished to facilitate this.

The development would comprise of a mix of two, three and four bedroom properties with public open space at the northern end of the site.

The applicants have stated that the accommodation would include the provision of 30% affordable housing which equates to 9 affordable homes.

A previous outline application (14/2147N) for up to 43 was refused and an Appeal (APP/R0660/W/16/3147420) was subsequently dismissed on 10 February 2017.

SITE DESCRIPTION

The application site is 1.3 hectares in size and comprises the house (71 Main Road), garden, outbuildings and a paddock.

The site is bound by hedgerows and mature trees and the existing dwellings on Main Road. There is a line of mature conifers that bisect the site. The land slopes down towards the gardens of 69 and 67 Main Road.

The site is designated as being partially within the Settlement Boundary of Shavington. However, the majority of the land proposed for development is designated as being within the Open Countryside and Green Gap.

RELEVANT HISTORY

14/1669N Outline application for 44 dwellings – Withdrawn.

15/2147N Outline planning permission for the development of up to 43 dwellings of mixed type and tenure with 30% affordable housing provision - Resubmission of 14/1669N - Appeal dismissed 17 February 2017.

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs 14 and 47.

Development Plan:

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

The relevant Saved Policies are: -

BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.5 – Infrastructure
BE.6 – Development on Potentially Contaminated Land
NE.2 – Open Countryside
NE.4 – Green Gaps
NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.12 – Agricultural land Quality
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.7 – Affordable Housing
RES.3 – Housing Densities
RT.3 – Provision of Recreational Open Space and Children’s Playspace in New Housing Developments

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

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

Other Considerations:

North West Sustainability Checklist
The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Development on Backland and Gardens SPD (July 2008)

CONSULTATIONS:

Highways: Raise no objection subject to a condition relating to visibility splays.

Environmental Protection: Recommend conditions/informatives relating to noise mitigation, construction management plan, lighting, waste, dust air quality and contaminated land.

Education: No objection

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

Flood Risk Manager: No objection subject to conditions relating to drainage of the site.

Shavington Parish Council: Object on the following grounds;

- Erosion of green gap
- Over-crowding on the site.
- 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.
- Cumulative effect of development
- The land is the best and most versatile agricultural land.

Public Rights of Way: No objection subject to;

- Careful consideration of pedestrian / cycle access routes particularly on the new/improved junctions.
- Properties should have adequate and best practice cycle storage facilities
- The developer to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted.
- facilities for walking and cycling, including routes, destination signage and information materials, are completed and available for use prior to the first occupation of any property
- The legal status, maintenance and specification of the proposed paths in the public open space of the site would need the agreement of the Council as the Highway Authority. If the routes are not adopted as public highway or Public Right of Way with the provision of a commuted maintenance sum, the route would need to be maintained for use under the arrangements for the management of the open space of the site.
- The proposed link path from the site to the adjacent Public Footpath would increase the permeability of the site to pedestrians.
- Recommend inclusion of standard informative relating to the protection of the right of way and its users during the construction process.

REPRESENTATIONS:

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

26 representations have been received which can be viewed in full on the Council website. These included an objection from the Edward Timpson MP, 24 objections in total and 2 representations in support of the application. The objections include the following concerns:

- Objections still stand to the original scheme which was refused (and subsequently dismissed on appeal).
- Application is contrary to the Local Plan and emerging policies of the Local Plan Strategy.
- Erosion of the green gap between Shavington, Willaston and Crewe and contrary to policy NE.4
- Loss of open countryside
- Loss of best and most versatile agricultural land.
- Adverse impact on visual character of the landscape
- There are alternative sites available to meet housing supply
- More development is not needed in Shavington as too much already approved
- Cumulative effect of developments approved in Shavington
- Shavington will become a continuation of Crewe and no longer a village
- Development out of character with village
- Local infrastructure cannot cope with doctors and /schools oversubscribed)
- Exacerbate existing highway safety problems
- Dangerous access
- Increase in traffic
- Existing traffic chaos/gridlock on Main Road
- Main Road, busy, narrow, lacks pavements and subject to on-street parking
- Loss of privacy
- Loss of amenity to neighbouring properties including outlook
- Light and noise pollution
- Inadequate drainage and flood risk
- Loss of wildlife
- Impact on trees
- Inaccurate technical reports
- Loss of property values

Those in support of the application make the following points:

- A good manageable size of development
- Provision of affordable housing
- Not visible from the street scene
- Good starter homes for young people

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

The site is also subject to Policy NE.4 (Green Gaps) and this policy states that approval will not be granted for the construction of new buildings which result in the erosion of the physical gaps between the built up areas or adversely affect the visual character of the landscape.

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

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

Housing Land Supply

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 stands 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.

In respect of the appeal (3147420) which was dismissed on 10 February 2017 for residential development on this site, the Inspector importantly states;

“The emerging LPS is at an advanced stage in the adoption process. The December 2016 interim letter is of considerable importance because it includes the examining Inspector's views on housing land supply and the Green Gap. It takes account of the public consultation on modifications relating to these matters and concludes that the means by which the council intends to meet its objectively assessed housing need, including over the next 5 years, is soundly based. The appeal site is not required for this purpose and for the present time is shown to remain within the Green Gap. The policy relating to that designation has also been supported by the LPS Inspector. Even though the LPS will be subject to a further round of public consultation and there are legal issues to resolve, it seems reasonable to surmise that the matters on which this appeal decision turns are unlikely to materially change before the plan is adopted. In the circumstances I consider that substantial weight should be afforded to the conflict with the emerging LPS and the relevant draft policies therein. “

This position is considered to equally apply to this application. Therefore substantial weight can be given to the conflict with the emerging local plan strategy which clearly shows that this site will remain as open countryside within the Green Gap.

Green Gap

In this case, the application site is within the Green Gap. Therefore, as well as being contrary to Policy NE2 (Open Countryside) it is also contrary to Policy NE.4 (Green Gaps) of the Local Plan which states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would:

- result in erosion of the physical gaps between built up areas;
- adversely affect the visual character of the landscape.

A development of the scale proposed will clearly erode the physical gap between Shavington and Willaston.

Policy NE.4 goes on to state that exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available. It is considered that there are many other sites within Cheshire East which, although designated as Open Countryside, are not subject to Green Gap policy and can be used to address the Council's housing land supply shortfall and which would not contravene policy NE4.

Turning to the question of whether, in the light of the lack of a 5 year supply, Policy NE4 should be considered to be a housing land supply policy and / or out of date, Green Gap policy has a specific planning purpose – to avoid settlements merging. This is not a housing supply policy purpose. Whilst Open Countryside areas also have specific roles (including the protection of the Countryside for its own sake, in accordance with NPPF paragraph 17.(v)) open countryside policy does not have the special, additional function of ensuring that two settlements remain separate (that is the function of Green Gaps). Hence Green Gaps are not a function of Open Countryside policy; rather Green Gaps have their own specific function.

It is therefore concluded that contravening the Green Gap policy renders the proposed development unsustainable and consequently, it does not benefit from the presumption in favour under Paragraph 14 of the NPPF.

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”

Locational Sustainability

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The checklist has been specifically designed for this region and relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

The checklist can be used to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

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

The toolkit sets maximum distances between the development and local amenities.

These comprise of:

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

An assessment was submitted by the applicant in support of the previous proposal on this site as follows:

• Post box	Not specified but within 500m
• Local shop	482m
• Playground / amenity area	Not specified
• Post office	321m
• Pharmacy	804m
• Primary school	965m
• Medical centre	804m
• Leisure facilities	1287m
• Local meeting place/community centre	965m
• Public house	482m
• Public park	Not specified
• Child care facility	Not specified
• Bus stop	46m
• Railway station	3219m
• Secondary school	1287m
• Public right of way	Immediately adjacent
• Children's playground	Not specified

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

considered that as the site lies adjacent to existing residential development in Shavington, and within easy walking distance of facilities within the village centre. Accordingly, it is considered that this is a locationally sustainable site.

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

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

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

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

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

ENVIRONMENTAL SUSTAINABILITY

The site is designated as being within open countryside and is not the first priority for development. It is however adjacent to existing residential development and is within walking distance of services and facilities in Shavington.

Landscape

This is a full application for a residential development of 30 dwellings including the demolition of 71 Main Road. As part of the application a Landscape and Visual Impact Assessment has been submitted, this indicates that it is based on the principles described in 'Guidelines for Landscape and Visual Impact Assessment' 3rd Edition. This assessment identifies the baseline landscape of the application site and surrounding area, these are the National Character Areas as identified by Natural England, and the Lower Farms and Woods, LFW7 Barthomley character area, as identified in the Cheshire Landscape Character Assessment 2008.

The application site is located to the South of Crewe at Shavington, in an area designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011 as Green Gap. It covers an area of 1.3 hectares of agricultural land, currently used as grassland. The field boundaries include established hedgerows but with some gaps with a number of hedgerow trees, with a Public Right of Way - Footpath 3 Rope, following a route just beyond the eastern site boundary. The site is located in what is currently an area of agricultural land that extends between Shavington and Crewe. The appeal site forms a roughly rectangular shape, with the part of the application site on which 71 Main Road is currently located, forming an extension that serves to

link the wider site to Main Road. The topography of the site falls from east to west, with an AOD of approximately 61.01m AOD at the far eastern extent and a level of approximately 55.70m AOD at the westernmost extent of the application site. The western part of the site is partly separated from the rest of the site by a line of conifers and there are a number of additional conifers and derelict structures towards the western part of the application site. The Curtilage of 71 Main Road lies outside the Green Gap boundary.

As part of the submitted LVIA, the landscape assessment indicates that the site value is low, that it has medium susceptibility and a low-medium sensitivity. The assessment identifies that the proposals would have a low change on the wider Barthomley LCA, resulting in a moderate adverse effect during construction and a minor adverse effect after 15 years. The visual assessment indicates that the worst visual effects, along Footpath 3 Rope, adjoining the site, will be temporary high adverse during construction, reducing to moderate-minor adverse after 15 years. Private residents overlooking the site are considered to have temporary high adverse effects during construction, reducing to moderate-minor adverse after 15 years, and for vehicular users effects are identified as temporary moderate adverse during construction, reducing to minor adverse after 15 years.

While the Council's Landscape Officer would agree with the submitted assessment's comments regarding the effect on the wider Barthomley character area, it is considered that the landscape effects will be far more adverse on the site itself. It is considered that the landscape sensitivity of the site and the surrounding area to this type of development will be medium-high, that the magnitude of direct landscape impacts (for the site) will be high, that the magnitude of indirect landscape impacts from areas will vary with distance, but will generally be within the range of medium-high. The landscape impacts for the landscape will be of Moderate-substantial adverse on both the site and immediate setting of the site. The Landscape Officer's assessment identifies that the landscape effects will be localised, a point considered not to be fully appreciated in the Appeal Inspectors decision (ref. APP/R0660/W/16/3147420), and fully concurs with the Inspector's comments as follows;

'Whilst the change would be a permanent one and result in an adverse landscape impact, this would be localised in terms of the wider landscape area and the GG and a whole'(20). While the inspector also noted that sufficient attention was not paid to mitigation planting to reduce the impacts over time (26), The Landscape Officer's assessment of landscape effects would apply to both the construction and completion phases of the proposed development and that these effects would also continue beyond a period of 15 years. The proposed development would completely change the character and appearance of the landscape permanently, and as the Inspector noted

'there is no doubt that the appeal proposal would result in a substantial change to the site itself. This large open piece of land would be replaced by a small housing estate'(20). The landscape Officer considers that the submitted proposals and mitigation identified on the Strategic Landscape Masterplan (Drwg: 10310/P09) would be effective even after a period of 15 years.

Visually it is considered that the sensitivity of both the site and the surrounding Landscape Character Area with visual connectivity to the site, to this type of development will be high. The magnitude of visual impacts from areas with visibility of the site varies, but for the majority of receptors within close proximity of the site it will be major and that visual impacts will be of substantial-moderate for the majority of receptors in close proximity of the site and that even after 15 years, it would cause a noticeable difference to the visual character and quality of the landscape. The Landscape Officer's assessment noted the localised nature of the visual

impacts and 6 of the 8 viewpoints which were provided are in close proximity to the site. The Appeal inspector noted that;

'the development would result in a substantial change in the view of those using this footpath (FP13 Rope) on the left had side for about 135m (21), and that;

'Those living in the houses adjoining the site would experience considerable change'(25), concluding that ' The appeal proposal would result in an adverse effect on the visual character of the landscape'(33).

It is concluded that the proposed development would result in adverse landscape and visual effects, and while the proposed landscape masterplan identifies some mitigation proposals, these will not reduce the impacts even after a period of 15 years. The assessment identifies that the application site is located within the boundary of the Green Gap (Policy NE.4) of the Borough of Crewe and Nantwich replacement Local Plan 2011. Since there will be adverse effects, the proposals are contrary to Policy NE.4 Green Gap, a policy that was considered and supported in an interim letter issued by the LPS Inspector.

Trees and Hedgerows

The submitted Arboricultural Impact Assessment identifies 3 groups of Scots Pine, 3 groups of Spruce, 2 Groups of Cypress and one Cherry group or removal to accommodate the development. The groups vary in age between young and semi mature and provide some boundary screening and wildlife value to the site and have been assessed as moderate (B) and Low (C) category within the defined categories of *BS5837:2012*. Whilst part of these groups can be seen as glimpses between properties along Main Road, none are considered significant in terms of their wider contribution to the amenity of the area it is agreed that in terms of their future growth potential, their relationship and social proximity to existing development is indefensible.

The Tree officer considers that the proposed layout adequately retains the mature protected Oak trees to the north and whilst there will be a loss of a number of lower category groups of Pine and Norway Spruce to the south of the site, this can be offset by compensatory planting.

There is minor intrusion into Root Protection Areas (RPA's) as a consequence of the position of the proposed turning head and access to Plot 11, however the Tree Officer is satisfied that this can be adequately addressed by a suitable method statement.

The Tree Officer recommends that conditions should be attached in respect of tree retention, a scheme for tree protection and a method statement/construction specification.

Ecology

The Council's Ecologist considers that the applications supported by an acceptable ecological assessment

The grassland habitats on site are unlikely to be of significant ecological value. A number of ponds are located within 250m of the proposed development site. The applicant has submitted an acceptable Great Crested Newt assessment. The Council's ecologist considers that the proposed

development is unlikely to significantly affect Great Crested Newts. No further action is required in respect of this species.

No evidence of roosting bats has been recorded on site. The mature trees and hedgerows around the site provide potential roosting and commuting habitat for bats and it is considered that any loss of foraging habitat for bats, resulting from the loss of existing vegetation, would be at compensated for through the provision of the landscape buffer along the northern boundary. The submitted report however recommends that tree works be undertaken in the winter when bats are unlikely to be present and this should be secured a condition.

A condition is also recommended requiring the approval of a lighting strategy for the site. If planning consent is granted standard conditions will also be required to safeguard breeding birds.

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.”

It is considered that development is of a scale and design which reflects the character of the locality, which comprises a wide range of properties of varying architectural styles, house types and sizes.

The development will combine two storey detached, semi-detached and terraced units within a cohesive layout. The proposed house types will incorporate architectural elements features including frontage gables, mock Tudor panelling, porches, stone cills and brick headers which are common features of the area. A materials palette of red brickwork and grey roof tiles will also be in keeping with this edge of village location.

The scheme comprises two, three, four and five bed properties. and this overall mix of sizes for both market sale and affordable units is considered acceptable. The density of the scheme and proposed plot sites is comparable with the adjacent residential area.

Proposed properties will front onto public open space located alongside the northern boundary of the site, promoting good natural surveillance of this area. A footway will run through this landscaped area and link with existing public footpath which runs between Main Road and Rope Lane to the north, providing connectivity for new residents to the public rights of way network.

The development ensures private gardens of appropriate size and off street parking is providing for each plot. Parking provision would be achieved via private driveways located to the front and side of the properties, as well as garaging, helping to avoid the development from appearing heavily car dominated.

It is therefore considered that the development is of acceptable layout, and in terms of its scale and design would reflect the character of built form in the locality, in accordance with the requirements of Policy BE.2 (Design Standards) .

Amenity

It is also considered that the layout of the development, has ensured that dwellings have been positioned to avoid overlooking or over-domination of both new and existing properties. The 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.

Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided. This equates to a total requirement of 1050 sqm in this case. The site layout shows approximately 1500 sqm of open space being provided which exceeds the policy requirement. The Greenspaces Officer requires the provision to include an equipped children's play area and the public open space would be required to be maintained by a management company, which can be secured through the Section 106 Agreement

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

As a result of the above reasons the proposal is considered to be acceptable in terms of residential amenity and in compliance with Policy BE.1 (Amenity) of the Local Plan.

Highways

This is a full application with the internal layout to be determined as well as access. The highway impacts arising from 43 units were assessed in the previous application (15/2147N) and it was concluded that the additional traffic would not result in a severe impact on the road network. As this application has reduced the number of units by 13, the traffic impact will be reduced.

The internal roads are of standard carriageway widths and there are adequate turning areas provided for refuse vehicles. Each of the units will have 2 car parking spaces each and this level of parking accords with CEC standards.

In summary, this application is a reduction in numbers compared with the previous application and the level of traffic generated by this proposal will not result in an adverse highway impact.

The Head of Strategic Infrastructure raises no objections to the application.

Subject to condition requiring Visibility Splays (2.4m x 43m) at the site access on to Main Road, and the approval of a Construction Management Statement prior to the commencement of development.

Flood Risk/Drainage

The site is located in flood zone 1 and Environment Agency surface water flood maps indicate very low risk of surface water flooding at the existing site.

The discharge of surface water from the proposed development should mimic that which discharges from the existing site. If a single rate of discharge is proposed, this is to be the mean annual run-off (Q_{bar}) from the existing undeveloped greenfield site. For discharges above the allowable rate, attenuation will be required for up to the 1 in 100 annual probability event, including a 30% allowance for climate change. The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). It is noted from the submitted flood risk assessment that it is proposed to discharge surface water from the developed site into the ordinary watercourse to the north - agreement with adjacent landowners may therefore be required. In addition, if the construction of an outfall has the potential to alter the flow of the watercourse in any way, consent will be required under the Land Drainage Act 1991 from Cheshire East Council as Lead Local Flood Authority.

Conditions should be imposed requiring details of surface water drainage.

United Utilities have also raised no objections to the application, subject to a condition being imposed requiring the proposed development to be implemented in accordance with the submitted Flood Risk Assessment Dated September 2016. and no surface water to drain into the public sewer.

ECONOMIC SUSTAINABILITY

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

Paragraph 19 states that:

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

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

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

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

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

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

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

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

Agricultural Land

An Agricultural Land Classification Report was submitted with the application. This gives the results of research and tests carried out on site. The conclusions were that the land is predominantly Grade 3a, with a corner of the land to the north being Grade 2.

As the report has identified the land as being the 'Best and Most Versatile' agricultural land, Policy NE.12 needs to be given consideration. This policy states that development will not be permitted on agricultural land of Grades 1, 2 and 3a.

The loss of the agricultural land makes the scheme less sustainable and the proposal is therefore contrary to policy NE12 of the adopted Local Plan, policy SE2 of the emerging local plan and the provisions of the NPPF in respect of loss of agricultural land. This weighs against the proposal in the overall planning balance.

SOCIAL SUSTAINABILITY

Housing

The Interim Planning Statement: Affordable Housing (IPS) and Policy SC5 in the emerging Local Plan states that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing.

The site falls within the Wybunbury and Shavington sub-area for the purposes of the SHMA update 2013. This identified a net requirement for 54 affordable homes per annum for the period 2013/14 – 2017/18. This equates to a need for 8 x 1bd, 20 x 2bd, 7 x 3bd and 12 x 4+bd general needs units and 1 x 1bd and 7 x 2bd older persons accommodation. Information taken from Cheshire Homechoice shows there are currently 50 applicants who have selected the Shavington lettings area as their first choice. These applicants require 9 x 1bed, 24 x 2bed, 14 x 3 bed and 3 x 4+bed units.

This is a proposed development of 30 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 9 dwellings to be provided as affordable dwellings. 6 dwellings should be provided as Affordable rent and 3 units as Intermediate tenure. The applicant has advised that the site will provide a policy compliant number and split of affordable housing. However, further details are awaited from the applicant specifying which of the dwellings within the scheme are to be affordable.

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.

Education

Whilst the concerns raised by local residents are understood, following assessment by the Council's Education Team of the proposals and local education provision, it has been determined that a financial contribution is not required towards additional primary or secondary school places in this case. 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.

Development	Land Rear of 71 Main Road, Shavington				Number of Dwellings		44							
Planning App Number	15/2147N				Primary Yield		8							
Date Prepared	27.7.2016				Secondary Yield		7							
					PUPIL FORECASTS based on October 2015 School Census									
Primary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any known Changes	2016	2017	2018	2019	2020					
Wistaston Church Lane	60	60	420	420	418	417	413	410	407					
Gainsborough Primary	60	60	420	420	415	415	409	406	405					
Pebble Brook	45	45	315	315	279	292	297	298	304					
Shavington	30	30	210	210	247	310	344	368	392					
ST Mary's	90	90	630	630	601	582	559	537	534					
Vine Tree	30	30	210	210	207	209	206	204	202					
Willaston	30	30	210	210	207	223	231	237	240					
The Berkeley	60	60	420	420	400	405	405	403	400					
Wyburnbury Delves	30	30	209	209	194	196	197	195	193					
Developments with S106 funded and pupil yield included in the forecasts				196										
Developments pupil yield not included in the forecasts										0				
Pupil Yield expected from this development										8				
OVERALL TOTAL				435	435	3,044	3,240	2,968	3,049	3,061	3,058	3,085		
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP								272	191	179	182	155		
					PUPIL FORECASTS based on October 2015 School Census									
Secondary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any known Changes	2016	2017	2018	2019	2020	2021	2022			
Brine Leas	215	215	1,050	1,050	1,118	1,149	1,168	1,190	1,197	1,200	1,212			
The Oaks Academy	156	156	780	780	496	490	502	560	559	604	623			
Shavington	170	170	850	850	626	715	733	791	829	808	819			
St Thomas More	128	128	642	642	657	664	679	697	698	701	694			
Ruskin	140	140	666	666	516	543	558	569	581	552	557			
Please Note: All figures quoted exclude any allowance for 6th Form Pupils														
Developments with S106 funded and pupil yield included in the forecasts				22										
Developments pupil yield not included in the forecasts											0			
Pupil Yield expected from this development											7			
OVERALL TOTAL				809	809	3,988	4,010	3,413	3,561	3,640	3,807	3,864	3,865	3,912
OVERALL SURPLUS PLACES PROJECTIONS								597	449	370	203	146	145	98

Health

There are nine GP surgeries within 3 miles of the site which are all accepting patients and therefore not at capacity. No contributions will be required for health provision.

Response to Objections

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. In particular loss of open countryside, highway safety, traffic management, flooding, ecology and residential amenity, have been assessed by Officers and found to be acceptable.

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 children's play space 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 children's play space. This contribution is directly related to the development and is fair and reasonable.

The provision of 30% affordable housing is a planning policy requirement as set out in the main report.

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

CONCLUSION – THE PLANNING BALANCE

The proposed development would be contrary to Policies NE.2, RES.5, NE.4 and NE.12. The development would result in a loss of open countryside and the erosion of the green gap. However as Cheshire East cannot currently demonstrate a 5 year supply of deliverable housing sites then the presumption in favour of sustainable development applies at paragraph 14. LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would be on a site that is considered to be a sustainable location and provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.

The development would have a neutral impact upon the following;

- Highway safety and traffic congestion subject to conditions
- Education infrastructure as the development would not result in a shortfall of school places.
- The impact upon protected species/ecology and trees is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The impact upon residential amenity noise/air quality could be mitigated through the imposition of planning conditions.

The adverse impacts of the development would be:

- Erosion of the green gap. Effects that would be all the more marked in the locality given the conclusions of the Landscape Officer.
- The loss of open countryside
- The loss of BMV agricultural land

The development is contrary to open countryside policies, but they are considered out of date. So the presumption in favour applies. However, with reference to the *Richborough* Court of Appeal decision, 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.

Furthermore in dismissing the previous appeal with reference to of the adverse impacts set out above, The Appeal Inspector stated that;

"In this case I consider that the conflict with the emerging development plan and the environmental harm that I have identified are considerations of substantial weight and importance and would significantly and demonstrably outweigh the positive aspects of the scheme. The Framework makes clear that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. My conclusion overall is that this would not happen in this case and that material considerations do not indicate that the decision should be made other than in accordance with the development plan. The appeal proposal would not be a sustainable form of development and the presumption in its favour would not apply." (38)

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 for the following reasons

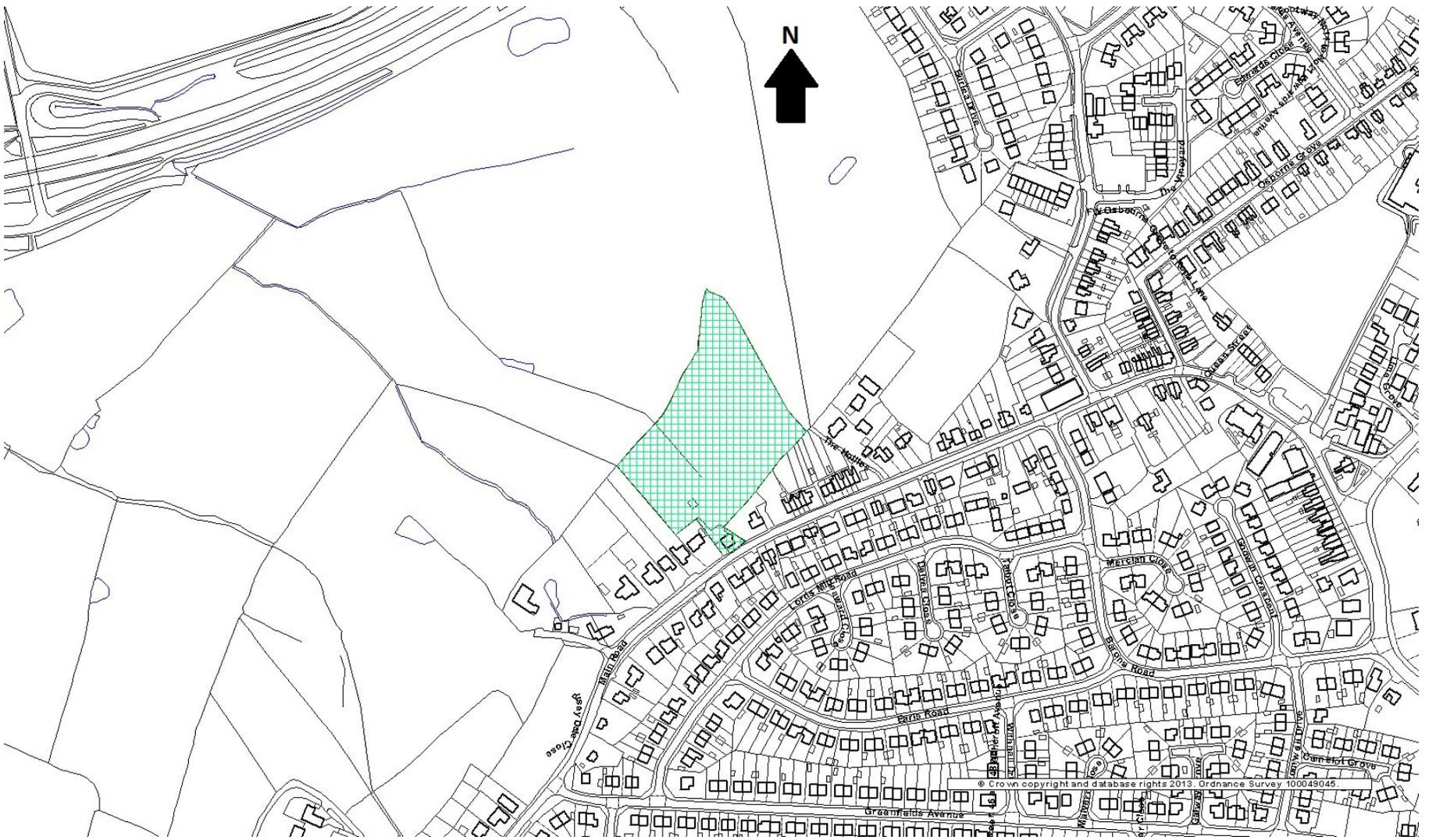
1. The proposed residential development is unacceptable because it is located within the Open Countryside and would result in the loss of the best and most versatile agricultural land, contrary to Policies NE.2 (Open Countryside) RES.5 (Housing in Open Countryside) and NE.12 (Agricultural Land Quality) of the Borough of Crewe and Nantwich Replacement Local Plan, Policies PG 5 and SE 2 of the Cheshire East Local Plan Strategy Submission Version - 2016, and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

2. In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Shavington, Willaston and Crewe and would adversely affect the visual character of the landscape which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.

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 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 POS and a LEAP and a scheme of management
3. Private residents management company to maintain all on-site open space, including footpaths



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Application No: 16/0754N
Location: 1, NESFIELD DRIVE, WINTERLEY, CW11 4NT
Proposal: New dormer bungalow, amended design from 15/0349N - Resubmission
Applicant: Mr Neville Cross
Expiry Date: 31-Mar-2017

SUMMARY:

The site is within the village settlement zone line of Winterley where policy RES.4 advises that the development of land for housing on a scale commensurate with the character of the village will be permitted provided it is in accordance with policies BE.1 – BE.5.

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 within the Winterley Settlement Boundary.

RECOMMENDATION:

Approve subject to conditions

REASON FOR DEFERRAL

The application was visited by members was deferred at Southern Planning Committee on 1st February 2017 for the following reason:

“Deferred for further clarification required regarding the proposed parking areas for both the existing and proposed property, accurate details concerning proposed garden sizes and for accurate interface distances to be stipulated between proposal and neighbours. The rear extension of the existing property also needs to be shown on the plans”

A revised plan has been received detailing the parking areas for both existing and proposed properties and showing the interface distances. The garden areas for both the existing and

proposed dwellings are detailed in the amenity section of this report. It is noted that there is no rear extension on the existing dwelling.

DETAILS OF PROPOSAL

The proposal is for the construction of a two bed detached dormer bungalow. The proposed development would utilise the existing access and driveway.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises part of the rear garden of No. 1 Nestfield Drive, fronting on to Newtons Crescent within the village settlement boundary of Winterley. The site is currently in use as amenity space (garden) and includes a detached garage which is accessed off Newtons Crescent.

RELEVANT HISTORY ON SITE

7/10515 – Double garage and access – Approved 08 December 1983

7/19727 – Detached bungalow and garage – Refused 26 July 1991

P96/0051 – Two Storey Extension – Approved 26 March 1996

P00/0312 – Two Storey Extension – Approved 30 May 2000

15/0349N - New dormer bungalow – Refused 10th March 2015

LOCAL & NATIONAL POLICY

Development Plan:

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

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)

TRAN.9 (Car Parking Standards)

NE.9 (Protected Species)

RES.4 (Housing in Villages with Settlement Boundaries)

Other Material Considerations

Supplementary Planning Document on 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:

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

SE 1 Design
SE 2 Efficient Use of Land
SE 5 Trees, Hedgerows and Woodland
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
EG1 Economic Prosperity

National Policy:

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

CONSULTATIONS:

Strategic Highways– no objection.

Environmental Health – no objection to original application subject to conditions relating to piling, dust suppression and a Phase II contaminated land report and an Informative relating to hours of work.

VIEWS OF THE TOWN COUNCIL:

None received.

REPRESENTATIONS:

Six letter of representation have been received from local residents and the issues raised are summarised below:

- Impact on amenity
- High safety
- Potential for ground contamination
- Parking
- Over development of the site

SUPPORTING INFORMATION:

Supporting Statement.

APPRAISAL

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

APPRAISAL

Principle of Development

The site is within the village settlement zone line of Winterley where policy RES.4 advises that the development of land for housing on a scale commensurate with the character of the village

will be permitted provided it is in accordance with policies BE.1 – BE.5. The National Planning Policy Framework states that one of its core principles is that planning should:

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

The development of an infill site within the settlement zone is considered to be acceptable in principle.

Reason for Previous Refusal

The previous application was refused with one reason for refusal:

It is considered that the proposed residential development would be detrimental to the residential amenity of the future occupiers of the proposed new residential accommodation by way of a deficiency of usable amenity space. The proposed development is therefore contrary to saved Policy BE.1 of the Crew and Nantwich Local Plan 2011.

The layout of the previously refused application did not show an acceptable level of amenity space and it was considered that this would have an unacceptable impact upon the living conditions of the future residents of the proposal. The Supplementary Planning Document on Development on Backland and Gardens (The SPD) sets out that the dwelling should have no less than 50 m² of private amenity space and the original layout did not meet this standard. It is noted that the previous refusal was on amenity grounds only. The revised drawings as submitted now show a planning policy compliant 55 m² amount of amenity space as detailed in the amenity section of this report. This addresses the sole reason for the previous refusal. The existing dwelling will also retain a significant amount of private amenity space.

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

It is noted that the facilities and local amenities in Winterley are relatively limited however the site is classified as being within the settlement zone line for Winterley where policy RES.4 advises that the development of land for housing on a scale commensurate with the character of the village will be permitted provided it is in accordance with policies BE.1 – BE.5.

Design Standards

Policy BE.2 of the Local Plan advises that new development will only be permitted so long as; it would achieve a high standard of design, would respect the pattern, character and form of the surroundings and would not adversely affect the streetscene in terms of scale, height, proportions and materials used.

It is noted that the immediate area is characterised by a mix of house types, including two storey dwellings, one and a half storey dwellings and bungalows. Newtons Crescent is characterised by bungalows and two storey dwellings. Nesfield Drive is characterised by two and one and half storey dwellings. The design of the proposed dwelling, as a dormer bungalow is generally considered to be in keeping the neighbouring house types and is relatively simplistic and is considered to be acceptable and reflective of the character of the area. The layout of the proposed dwelling meets the separation standards as outlined in the amenity section.

It is considered that the proposed dormer bungalow is appropriately sited in the plot. The existing site comprises a garage building which measures 4.5 m in height at its maximum, 5.8 m wide and 9.2 m in length. The dwelling which would replace the garage would measure 6.0 m in height at its maximum, 6.5 m wide and 10 m in length. It is considered that this increase in size is not significant in terms of the scale and massing. The proposed dwelling would be located on a similar footprint/location within the site as the garage. The replacement building would measure 2.0 m taller than the existing building and this is not considered to be out of character with the surrounding development and that there would not be any significant impact on the streetscene which is residential in character by virtue of the proposal.

The call in request identifies that the submitted plans do not show the full extent of the existing development of the application site and that this would leave very little private garden space for

either property on the site. As identified in the amenity section of this report the amenity space proposed for the new dwelling meets the recommended standards and the private amenity space retained by No. 1, Nesfield Drive is well in excess of the recommendations. The proposed dwelling would not project beyond the existing building line and the layout and design is considered acceptable.

As a result of the above reasons, it is considered that the proposed design of the scheme is acceptable. As such, it is considered that the proposed design would adhere with Policy BE.2 (Design Standards) of the Local Plan.

Access

The Council's Strategic Highways Manager has advised that the proposed access arrangement and parking is acceptable. The proposal will utilise an existing access off Newtons Crescent.

As such, the development is considered to be acceptable and would adhere with Policy BE.3 (Access and Parking) of the Local Plan.

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 new dwelling would bring the usual economic benefits to the closest public facilities in the closest villages for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

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

Social Role

The proposal will provide a new market dwelling which in itself would be a social benefit.

Residential Amenity

Policy BE.1 (Amenity) of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking, visual intrusion or noise and disturbance. Furthermore, the level of private amenity space and the separation distances are a material consideration as detailed within the SPD.

The SPD states that there should ideally be a distance of 21m between principal elevations and 13.5 m between a principal elevation with windows to habitable rooms and blank elevation.

The proposed dwelling would face part of No. 6, Newtons Crescent with a separation distance of 23 m. The side elevation facing the neighbour to the north would not contain any windows. The side elevation of the neighbour to the north does not contain any windows and there is a single storey lean to garage separating the existing and proposed dwellings. The side elevation facing No. 1, Nesfield Drive would face the rear elevation of No. 1 with a separation distance of 18 m. One first floor window is proposed in the side facing elevation of the dwelling and this would serve a bedroom. The drawings show this window to be obscure glazed and this would avoid any issue of overlooking. The rear elevation would feature one dormer window that would serve the bathroom and it is considered reasonable to impose an obscure glazing condition on this window to avoid any issue of overlooking.

The SPD sets out that the dwelling should have no less than 50 m² of private amenity space and the proposal conforms with this, with a useable amenity area of 55 m² to the rear and side of the proposed dwelling.

No. 1, Nesfield Drive would retain 150 m² of private amenity space which is sufficient and complies with planning policy.

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

Planning Balance

The proposal is in accordance with relevant policies of the development plan. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should therefore be granted unless material considerations indicate otherwise. The objections in respect of amenity issues, design and highway safety have been considered but there is not considered to be a significant and demonstrable impact that would justify a refusal of planning permission.

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

The proposal is in within the settlement zone line for Winterley and an established residential area and is in accordance with development plan policy therefore there is a presumption in favour of development.

The proposed development would be of an acceptable design that would not have a detrimental impact upon neighbouring amenity or highway safety. Therefore the proposed development would adhere with the policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure) and RES.4 (Housing in Villages with Settlement Boundaries) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The proposal would also adhere with the NPPF.

RECOMMENDATION:

APPROVE subject to conditions

1. Time (Standard)

2. Plans
3. Materials for submission
4. Boundary treatment
5. Piling
6. Dust suppression
7. Phase II land contamination
8. Remove PD rights (a-e) including windows in 1st floor gable
9. Obscure glaze bathroom window Landscape scheme details
10. Landscape scheme implementation

INFORMATIVES

1. NPPF
2. Hours of use

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: 17/0283N

Location: Car Park, BROWNING STREET, CREWE, CW1 3BB

Proposal: Redevelopment for 8 dwellings and associated infrastructure, plus remodelling of remaining car park.

Applicant: A Frost, Engine of the North

Expiry Date: 29-Mar-2017

Summary

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

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

From an environmental and social perspective the proposal is considered to be acceptable in the impact upon local amenities, parking, highway safety, bin storage provision, and traffic generation terms. 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

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an existing public car park situated to the south of Browning Street, Crewe.

It is a brownfield site, approximately 0.3 hectares in size on the north-west edge of Crewe town centre and is currently used as a free car park (76 spaces), owned and managed by Cheshire East Council.

The site is within the Crewe Settlement Boundary as defined by the Borough of Crewe and Nantwich Replacement Local Plan.

DETAILS OF PROPOSAL

This is a full planning application for the redevelopment of part of the car park, including the erection of 8 dwellings and associated infrastructure and the remodelling of the remaining car park.

The dwellings would be two-storey terraced properties with a block of 5 facing onto Richard Moon Street and a block of 3 facing onto Browning Street.

The existing car park provides 76 spaces and with the remodelling the car park would provide 61 spaces.

RELEVANT HISTORY

No relevant planning history relating to this site.

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

56-68 - Requiring good design

Local Plan Policy

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

BE.6 – Development on Potentially Contaminated Land

NE.5 – Nature Conservation

NE.17 – Pollution Control

NE.20 – Flood Prevention

RES.7 – Affordable Housing

RES.2 – Unallocated Housing Sites

RES.3 – Housing Densities

TRAN.9 – Car Parking Standards

Supplementary Planning Document – Development on Backland and Gardens

Cheshire East Local Plan Strategy

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

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

CONSULTATIONS (External to Planning)

United Utilities: No objection subject to conditions.

Highways: No objection.

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

Housing: No objection

Crewe Town Council: Object on the grounds of loss of parking.

OTHER REPRESENTATIONS

At the time of report writing 6 representations have been received relating to this application. These can be viewed in full on the Council website and express the following concerns:

- Loss of parking
- Congestion
- How the car park will be policed
- Noise and disturbance during development
- Yellow lines outside the existing houses should be removed
- Loss of disabled access

SUSTAINABILITY

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn

our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

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

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

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

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

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

ENVIRONMENTAL ROLE

Principal of Development

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

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

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

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

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

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

The site is surrounded by residential and commercial properties with very 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 proposed dwellings would be of a tradition terraced design in keeping with the local vernacular and the materials would be traditional brick and tile, which should be controlled by condition.

The proposals would also retain the existing build lines and would be no higher than existing properties.

Subject to the proposed conditions, the development is considered to be in compliance with Policy BE.2 (Design) of the adopted local plan.

Highways Implications

The proposal is for 8 residential units within the Browning Street car park and a re-modelling of the remaining car park including extending it eastwards towards to recently approved apartments within the now disused Limelight club off Hightown.

The northern access off Browning Street would be moved eastwards slightly and the southern access off Flag Lane would remain.

The existing car park has 76 parking spaces and the proposed 8 units will have 1 space each. With this and the gain in spaces by extending it eastwards, there will be a net loss of 23 spaces.

There will also be an additional demand for spaces from the approved apartments. Car ownership data for the area indicates this will be for around 10 to 15 spaces although this is likely to be less during the daytime when parking demand is at its peak.

A parking survey of the car park and of Browning Street was carried out which showed a combined spare capacity for approximately 15 vehicles.

It is likely there will be a displacement of vehicles from the Browning Street car park to other nearby car parks. Additional on-street parking capacity could be made available by amending a Traffic Regulation Order and removing some of the parking restrictions on Richard Moon Street on one side of the road between Flag Lane and Holt Street. This would create an additional day time parking capacity for approximately 10 cars.

Given this, and as the proposal is in a sustainable town centre location where there are a number of near-by car parks within a short walking distance this proposal is considered acceptable in highway safety and parking terms.

No objection is raised by the Head of Strategic Infrastructure subject to conditions and informatives set out at the end of this report.

Ecology

The application site is located within Natural England's SSSI impact risk zone for Sandbach Flashes. The proposed development is not however of a type that Natural England consider to pose a risk to the SSSI. No further action is therefore required in respect of designated sites.

If planning consent is granted conditions are required to safeguard nesting birds.

Environmental Role Conclusion

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

ECONOMIC ROLE

It is accepted that the construction of 8 dwellings would bring an economic benefit to shops in centre of Crewe both in the short term for the duration of the construction and the long term by bringing additional residents within Crewe town centre. The proposal would also potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain.

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

SOCIAL ROLE

Housing

This scheme is a mix of market housing and Starter Homes. There is no planning requirement for affordable housing on this site as it will only provide 8 new residential units in total.

The Housing and Planning Act 2016 includes Starter Homes within the definition of affordable housing. The Government's recent White Paper on Planning and Housing specifies that amendments will be made to the NPPF to introduce Starter Homes into planning policy and to ensure they are restricted to first time buyers households earning less than £80,000. Discount on Starter Homes is a

minimum of 20%.

The scheme will provide 4 houses for sale on the open market and 4 Starter Homes. There are currently over 1500 people on the Council's waiting list for Crewe, these applicants have applied for social rented housing but this is an indicator of the level of housing need in Crewe and a variety of tenures and type of accommodation is required to meet this need

Education

The proposals are for apartment for 8 dwellings which does not require a contribution towards education provision.

Amenity

Having regard to the five dwellings facing onto Richard Moon Street. The existing adjacent dwellings have no windows in the side elevation, meaning there would be no adverse impact on the privacy of or light to these dwelling.

Having regard to the impact on the neighbouring property on Browning Street, again there are no windows in the side elevation of this property and the side window on the proposed new dwellings would serve a bathroom and can therefore be obscure glazed. This can be secured by condition. The property on Browning Street is enclosed to the rear by a garage undertaking servicing and repairs in a building that backs onto the yard of this property. The proposed new dwellings would project further back than the rear elevation of this property. However the projection would not contravene the '45 degree rule' in terms of windows on the rear elevation of the property on Browning Street.

With regards the residential amenity of future residents, the proposals would provide a level of private amenity space commensurate with that of surrounding development. Occupiers would be able to sit out, hang washing and store bins and cycles. The SPD 'Development on Backland and Gardens' recommends an area of 50sqm of private amenity space to new dwellings and the proposed dwellings do not meet this requirement. However, given that there would be adequate space for general day-to-day household activities and that the proposed gardens would be of a very similar size to those existing in the vicinity, which is an area characterised by traditional terraced properties with small yard areas, this is considered to be acceptable.

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

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

PLANNING BALANCE

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

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

From an environmental and social perspective the proposal is considered to be acceptable in the impact upon local amenities, parking, highway safety, ecology, 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 treatments**
- 6. Implementation of landscaping**
- 7. Standard Contaminated Land Condition**
- 8. Construction Management Plan**
- 9. Submission and approval of details of foul and surface water drainage**
- 10. Submission and approval of existing and proposed levels**
- 11. Parking spaces shall be provided prior to first occupation of the dwellings and retained thereafter**
- 12. Provision of electric vehicle charging points to the dwellings**
- 13. Protection of breeding birds**
- 14. Provision of features suitable for breeding Swifts**
- 15. Obscure glazing to first floor side windows.**

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



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Application No: 17/0388N

Location: Land adjacent to, 11 , Walthall Street, Crewe, CW2 7JZ

Proposal: Variation of Condition 2 on approved planning application 16/4784N, to facilitate the addition of two apartments to those already permitted, minor alterations, associated Parking, Bin Storage, Cycle Storage and Access Arrangements.

Applicant: D Fyles

Expiry Date: 25-Apr-2017

Summary

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

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

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

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

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

RECOMMENDATION:

Approve subject to Conditions

CALL IN

The application has been called in by Cllr Suzanne Brookfield on the following grounds:

“This area is already developed and has received considerable development recently - it is in my opinion an already congested area. The subject application is increasing a block of 12 apartments to 14 and there are existing apartment blocks to the side and rear surrounded by high density terraced housing - a number of which are likely to be unregistered HMOs.

The parking provision continues to be inadequate. The area suffers from a lack of parking provision due to the density of accommodation and adding extra pressure with more new development with insufficient parking is unacceptable.”

DESCRIPTION OF SITE AND CONTEXT

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

DETAILS OF PROPOSAL

This planning application seeks to vary condition 2 on approved application 16/4784N which gave consent for 12 apartments in a three storey block. This application seeks to amend this approval to allow for 14 apartments.

A previous application for 14 apartments was refused in 2016 (16/2153N)

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

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

RELEVANT HISTORY

16/4784N - Resubmission of proposed construction of apartments and associated parking, bin storage, cycle storage and access arrangements – Approved 22nd December 2016

16/2158N – Proposed construction of 14 apartments – Refused 30th September 2016 for the following reason:

“The proposals are of a layout and design which would represent an overdevelopment of the site, and fail to achieve a high standard of design or acceptable level of amenity for existing and future occupants of the scheme, including the provision of inadequate outdoor amenity space and habitable rooms within apartments within the roof space only served by roof lights. The proposals are therefore

in conflict with the provisions of Policies BE.1 and BE.2 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.”

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

POLICIES

National Policy

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

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

Local Plan Policy

BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.5 – Infrastructure
BE.6 – Development on Potentially Contaminated Land
NE.5 – Nature Conservation
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.7 – Affordable Housing
RES.2 – Unallocated Housing Sites
RES.3 – Housing Densities
TRAN.9 – Car Parking Standards

Supplementary Planning Document – Development on Backland and Gardens

Cheshire East Local Plan Strategy

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

SE9 - Energy Efficient Development,
SE12 - Pollution, Land contamination and land instability,
SE13 - Flood risk and water management,

CONSULTATIONS (External to Planning)

United Utilities: None received at the time of report writing, however there were no objections to the previous applications.

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

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

Highways: No objection.

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

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

Crewe Town Council: None received at the time of report writing.

OTHER REPRESENTATIONS

None received at the time of report writing.

APPRAISAL

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

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

ENVIRONMENTAL ROLE

Principal of Development

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

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

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

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

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

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

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

Design

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

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

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

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

Trees and Landscape

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

No detailed landscape proposals are provided within the application.

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

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

Highways Implications

The proposal is for 2 additional apartments within the approved scheme with 2 additional car parking spaces and cycle stands.

With additional parking being provided the highways impact of the proposal will be negligible.

No objection is raised by the head of Strategic Infrastructure, with the same highways conditions as with the previous application; that the parking spaces remain unallocated, and that they are marked out with white lining.

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

Bin Storage

The proposals show the provision of an enclosed building, with provision for storage 'euro' (1100L) bins, which is proposed to be shared between the two blocks of flats. Consultation with the Councils Waste Services on the previous application for 14 apartments confirmed that the provision of bins for the site would be adequate and this application proposes the same level of provision. In addition, there is space for further provision within the building should there prove to be additional need in the future.

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

Ecology

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

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

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

Flood Risk/Drainage

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

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

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

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

Environmental Role Conclusion

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

ECONOMIC ROLE

It is accepted that the construction of 14 apartments would bring economic benefits to the closest shops in centre of Crewe both in the short term for the duration of the construction and the long term by bringing additional residential use in close proximity to Crewe town centre. The proposal would also potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain.

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

SOCIAL ROLE

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

Housing

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

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

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

Education

The proposals are for apartment for 12 one bed units

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

Open Space

On the previous applications the Councils Green Space Manager confirmed that they would not require a contribution for the proposals, due to the scale of development.

Amenity

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

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

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

Members in refusing the previous scheme had concerns about the living conditions of occupiers of the 2 bed units within the roof space, especially being served by just rooflights. These units are now proposed to be served by dormer and casement windows as well as roof lights.

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

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

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

PLANNING BALANCE

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

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

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

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

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

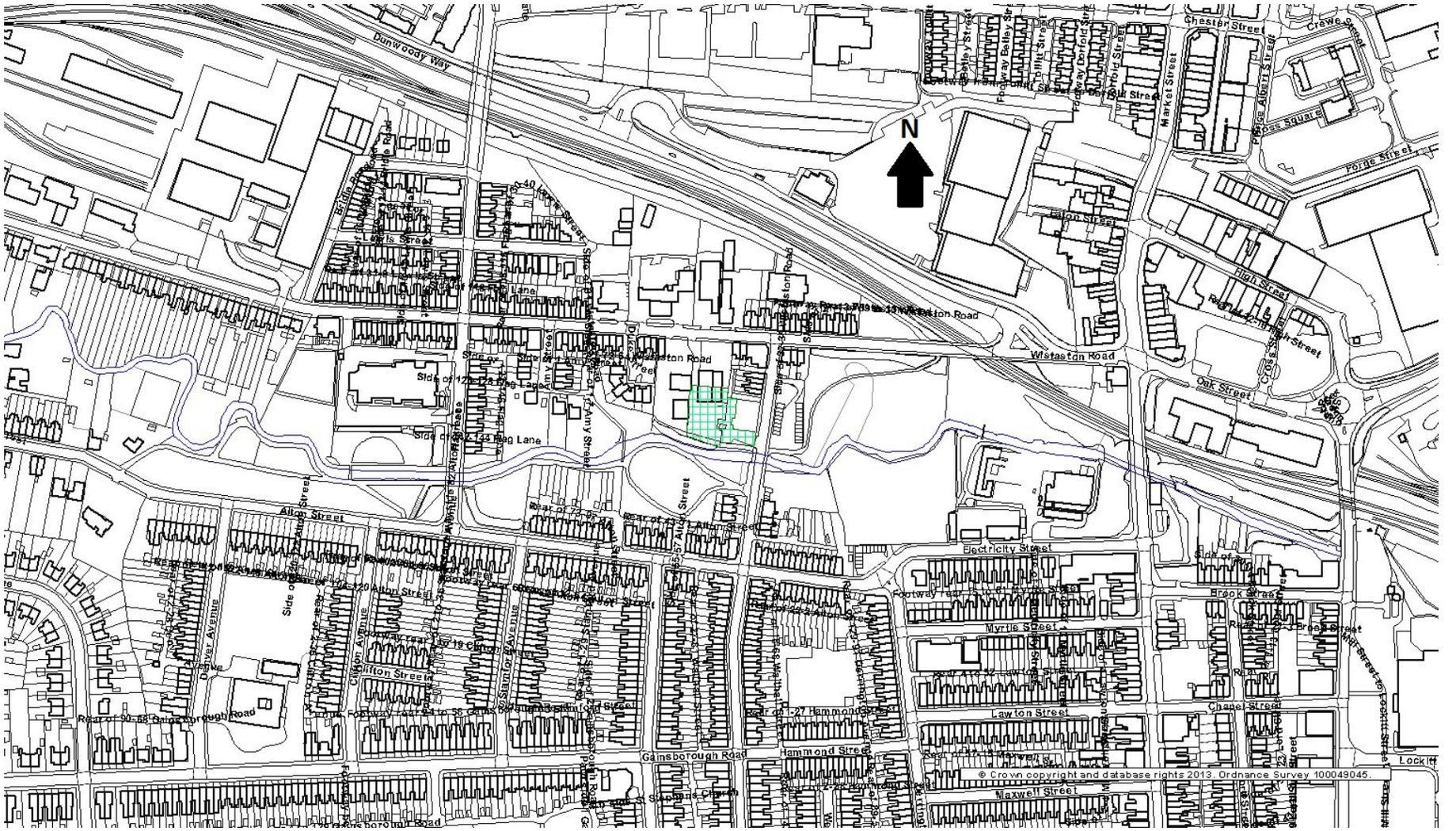
RECOMMENDATIONS

APPROVE subject to the following conditions:

And the following conditions:

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

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



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Application No: 14/5801N

Location: WORKING MENS CLUB BUNGALOW, HALL O SHAW STREET,
CREWE, CW1 4AD

Proposal: Outline Application for Demolition of dwelling and erection of 9no.
dwellings

Applicant: K Kelly

Expiry Date: 13-Feb-2017

SUMMARY

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

The site also falls on a parcel of Protected Open Space. A needs assessment has clarified that there is no longer the need for this bowling green and a financial contribution has been offered to offset the loss.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area. Furthermore, a now untidy site would be cleared up. No highway safety, amenity, design, drainage or flooding concerns would be created.

The dis-benefits of the scheme would be the loss of the bowling green.

In this instance, given the outcome of the needs assessment demonstrating that there is no longer the need and the financial contribution to offset the loss, it is considered that the benefits of the scheme outweigh the dis-benefits.

As such, the proposed application is recommended for approval.

RECOMMENDATION

APPROVE subject to S106 Agreement

BACKGROUND

Southern Planning Committee resolved to approve this application, subject to a S106 Agreement to secure off-site public open space contribution (£8,000) and conditions on the 6th January 2016.

Since this determination, there have been on-going issues with the S106 Agreement, largely due to ownership matters. As a result, a narrow strip of land (approximately 1 metre in depth), on the far western end of the site, has now been removed from the scheme. As a result, the whole development has been moved 1 metre further back into the site (to the east).

A re-consultation of this change was undertaken for 21 days between 23rd January 2017 and the 13th February 2017.

The main considerations as a result of this change are the impacts upon neighbouring amenity and to ensure suitable off-site parking is still secured.

PROPOSAL

Outline Planning Permission is sought for the erection of 9 dwellings.

The application seeks outline planning permission and permission for; Access, Layout, Appearance and Scale.

The only other matter not sought for consideration as part of this application is; Landscaping.

SITE DESCRIPTION

This application site relates to a former bowling green, located to the rear of Hall O Shaw Street, Crewe, within the Crewe Settlement Boundary.

The site is enclosed by residential development on all 4 sides. It is currently overgrown and has been subject to extensive fly tipping. The application site is an area of Protected Open Space as designated by the Borough of Crewe and Nantwich Adopted Local Plan 2011.

RELEVANT HISTORY

16/1021N - Prior approval of proposed demolition - Approval not required 18th March 2016

14/0540N - Demolition of existing dwelling and erection of 3 detached dwellings – Refused 29th April 2014

10/4489N - Development of Land at Hall O'Shaw Street to Provide 14 Dwellings of Mixed Type – Refused 3rd February 2011

P08/1290 - Demolition of Existing Club Premises and Redevelopment of Site to Provide Five Two Storey Dwellings – Approved 13th January 2009

P08/0179 - Twelve Dwellings with Associated Parking and Improvements to Railway View Properties Phase 1 – Refused 2nd May 2008

P07/0752 - Two Smoking Shelters – Approved 19th July 2007

7/05977 - Additional toilet facilities – Approved 11th October 1979

NATIONAL & LOCAL POLICY

National Policy

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

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

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011. The relevant Saved Policies are;

RES.2 - Unallocated Housing Sites, RES.3 - Housing Densities, RT.1 - Protection of Open Spaces with Recreational or Amenity Value, BE.1 – Amenity, BE.2 - Design Standards, BE.3 - Access and Parking, BE.4 - Drainage, Utilities and Resources, BE.5 – Infrastructure and BE.6 - Development on Potentially Contaminated Land

Emerging Cheshire East Local Plan Strategy

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

SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), SE1 (Design), SE2 (Efficient Use of Land), SE4 (The Landscape), SE5 (Trees, Hedgerows and Woodland), IN1 (Infrastructure) and IN2 (Developer Contributions)

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objection

Environmental Protection (Cheshire East Council) – No objections, subject to a number of conditions including; the prior submission/approval of a piling method statement, prior submission/approval of lighting details, prior submission/approval of a noise mitigation scheme, the prior submission/approval of electric vehicle charging infrastructure, prior submission/approval of an environmental management plan, the prior submission/approval of a dust mitigation scheme, the prior submission/approval of a Phase 1 contaminated land report and a contaminated land and hours of construction informative

United Utilities – No objections, subject to a number of conditions including; the prior submission/approval of a foul drainage scheme and that foul shall be drained on a separate system and the prior submission/approval of a surface water drainage scheme;

Network Rail – *'No comments'*

Sport England – Original comments - No objections

Crewe Town Council – No comments provided on the revised plans.

Original comments;

No objections

REPRESENTATIONS

Letters were sent to the occupiers of the properties adjacent to the application site. In addition, a site notice was erected.

In response to the original proposals, 2 neighbouring letters of objection / concern have been received. The main areas of concern raised include;

- Design – General layout, over-development of site
- Amenity – Noise, light and air pollution
- Highway safety – Access arrangements

No further comments were received as part of the re-consultation.

APPRAISAL

The key issues are:

- The principle of the development
- Sustainability of proposal
- CIL regulations
- Planning balance

Principle of Development

New Housing

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

As such the principle of housing within Crewe is accepted, subject to its adherence with other relevant Local Plan Policies

Local Plan Update / Housing Land Supply

On 13 December 2016 the emerging Cheshire East Local Plan Planning Inspector 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.

Protection of Open Space

The application site where the 9 dwellings are proposed is protected under Policy RT.1 (Protection of Open Spaces with Recreational or Amenity Value) of the Borough of Crewe and Nantwich Replacement Local Plan. The lawful use of the site is as a Bowling Green although it is no longer used for such purposes and has fallen into disrepair.

The main issue in this case is whether the development is compliant with Policy RT.1. Policy RT.1 states ‘Development will not be permitted which would result in the loss of open space (which includes school playing fields) shown on the proposals map, which has recreational or amenity value.’ It is stated that *‘An exception may be made where:*

- *A carefully quantified and documented assessment of current and future needs has demonstrated that there is an excess of playing field or open space provision in the catchment and the site has no special significance; or:*

- *The proposed development is ancillary to the principal use of the site as a playing field or open space and does not affect the quantity or quality of pitches or adversely affect their use.*
- *The proposed development affects only land incapable of forming part of a playing pitch and does not result in the loss of or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area or any playing pitch, or the loss of any other sporting / ancillary facility on the site.*
- *The playing field or open space which would be lost as a result of the development would be replaced by a playing field or open space of equivalent or greater quality in a suitable location and subject to equivalent or better management arrangements prior to the commencement of the development.*
- *The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or open space.'*

In response, the applicant has commissioned a 'Needs Assessment'. This assessment comprised of a questionnaire that was sent to all the bowling clubs in the area (Crewe, Haslington, Winsford, Congleton and Macclesfield). 20 responses were received and the summary of the findings included;

- Most Bowling Clubs reported static or decreasing membership
- Players spread themselves amongst available clubs
- The number of members in each club significantly over represents the total number of players in the district as members often play for more than 1 club
- Clubs appear to rely on attracting players who already play for another club rather than seeking new players – Some expressed concerns about losing members to a new club
- No clubs have a membership waiting list. Anyone interested in joining a club as a player can do so immediately
- There are not sufficient players for clubs to fulfil playing commitments
- Concerns were raised that a new club would mean the loss of further players from their club

It can be concluded from this assessment that there does not appear to be a future need for this bowling green in this district.

Sport England raised no objections to the loss of this bowling green.

The second relevant aspect of Policy RT.1 is that development which would result in the loss of a playing field would be replaced by a playing field or open space of equivalent or greater quality in a sustainable location.

In response, the 'needs assessment' concluded that there was not the need to replace the existing bowling green due to the capacity of existing bowling greens and the general static / decline in membership of bowling clubs in the area. As such, the applicant proposes to provide a financial contribution to off-set the loss. More specifically, after conducting a viability appraisal the applicant proposes a contribution of £8,000.

It is proposed this contribution be used to upgrade the closest available public space / facilities to the existing bowling green in need of development or upgrade.

This money would be secured via a S106 Agreement and would satisfy this aspect of Policy RT.1.

As a result of the above reasons, it is considered that the proposed development would adhere with Policy RT.1 of the Local Plan and would be acceptable in principle.

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 Role

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

Social Role

Residential Amenity

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

With reference to the indicative layout plan, the closest residential properties to the proposed dwellings would be; No's 91a to 95a Hall O Shaw Street to the west, No's 1 to 19 Chestnut Grove to the north, No's 10 to 14 Railway View to the east and No's 1 to 27 Surrey Street to the south.

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

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

The revised layout plan shows that the erection of 9 dwellings within this plot would adhere with the majority of these standards in respect to all of the abovementioned properties with the exception to those within Railway View to the rear (east), where the distance would be 20 metres between the built form.

Although this recommended standard is not met, it is only a recommendation and given that the prevailing character within this part of Crewe is of terraced properties with close relationships to each other, it is not considered that this relationship would be uncharacteristic. For example, on Chestnut Grove just to the north, the distance between facing properties is 13.2 metres. On Hall O Shaw Street, the separation is 17 metres. As such, even at 20 metres, the distance between properties is greater than those in the surrounding area. As such, it is not considered that the development would create any significant amenity concerns for these neighbours with regards to loss of privacy, light or visual intrusion.

The private garden space of the properties proposed would adhere with the 50 metres squared minimum standard detailed within the Development on Backlands and Gardens Supplementary Planning Document.

In terms of the impact of environmental disturbance, this is assessed by the Council's Environmental Protection Team who have raised no objections, subject to a number of conditions including; the prior submission/approval of a piling method statement, prior submission/approval of lighting details, prior submission/approval of a noise mitigation scheme, the prior submission/approval of electric vehicle charging infrastructure, prior submission/approval of an environmental management plan, the prior submission/approval of a dust mitigation scheme, the prior submission/approval of a Phase 1 contaminated land report and a contaminated land and hours of construction informative. As a result, subject to the inclusion of the above conditions, it is considered that the proposal would adhere to Policy BE.1 of the Local Plan.

Environmental Role

Design

Policy BE.2 of the Local Plan advises that new development should respect the pattern, character and form of the surroundings and not adversely affect the streetscene by reason of scale, height, proportions or materials used. Policies SD2 and SE1 of the emerging Cheshire East Local Plan Strategy, largely support this local plan policy.

The application proposes to erect 9 terraced properties, in banks of 3 to the rear (west) of the properties on Hall O Shaw Street, Crewe. A bungalow on Hall O Shaw Street has been demolished (ref: 16/1021N) to allow access to the site.

The proposed dwellings would all lie parallel with each other front in a westerly direction, and align with the orientation of existing properties on Hall O Shaw Street.

The dwellings would have a simple rectangular shape with dual-pitched roofs and a mono-pitched roofed porch on the frontage. They would have a maximum ridge height of 8 metres. This scale and simple design would respect the local character.

As a result, the design of the proposal is considered to be acceptable and would adhere with Policy BE.2 of the Local Plan and Policies SD2 and SE1 of the emerging Local Plan.

Highway Safety

The layout plan shows that the proposed development site would be accessed via an existing access point off Hall O Shaw Street.

A transport report commissioned by Highway Planning Services has been submitted in support of the application.

In response to this report and the proposed original layout, the Council's Head of Strategic Infrastructure (HSI) reviewed the proposed submission and advised that; sufficient parking is proposed (14 spaces), bin storage is provided in a suitable location for collection from the highway and the layout will allow emergency vehicles to adequately reach all properties.

The HSI however also advised that *'The proposed level of development exceeds that normally permitted off a private drive, which the access to the proposal will be as it does not meet adoptable standards.'*

As such, the HSI recommends a condition that the applicant appoint a management company to maintain it. With regards to future adoption, there are mechanisms in place for the Council to challenge this if the road isn't up to standard.

In response to the revised layout, due to a change in dimensions, the proposed original position of the parking provision would not have been acceptable as manoeuvrability would be too tight. As such, the applicant agreed to re-site 2 of the parking spaces at the entrance to the end of the proposed private highway.

This was to the satisfaction of the Council's HSI.

As such, considered that the proposed development would adhere with Policy BE.3 of the Local Plan, subject to a management company condition.

Nature Conservation / Ecology

The Council's Nature Conservation Officer has advised that he does not anticipate there being any significant ecological issues associated with the proposed development.

As such, it is considered that the proposed development would adhere with Policy NE.9 of the Local Plan and Policy SE3 of the emerging Cheshire East Local Plan Strategy.

Flood Risk and Drainage

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

United Utilities (UU) were consulted with regards to drainage. UU have subsequently advised that they have no objections to the scheme, subject to a number of conditions including; the prior submission/approval of a foul drainage scheme and that foul shall be drained on a separate system and the prior submission/approval of a surface water drainage scheme.

Landscape and Trees

There are no trees on site or within close proximity. Furthermore, Landscape is not sought for approval as part of this submission.

Environmental Conclusion

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

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

Other matters

The scale of the proposed development does not trigger the requirements for affordable housing, further open space provision or education provision.

Planning Balance

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

The site also falls on a parcel of Protected Open Space. A needs assessment has clarified that there is no longer the need for this bowling green and a financial contribution has been offered to offset the loss.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area. Furthermore, a now untidy site would be cleared up. No highway safety, amenity, design, drainage or flooding concerns would be created.

The dis-benefits of the scheme would be the loss of the bowling green.

In this instance, given the outcome of the needs assessment demonstrating that there is no longer the need and the financial contribution to offset the loss, it is considered that the benefits of the scheme outweigh the dis-benefits.

As such, the proposed application is recommended for approval.

RECOMMENDATION

APPROVE subject to a S106 Agreement to secure;

1. £8,000 towards the upgrading of nearby Public Open Space / facilities

And conditions;

- 1. Time – 3 years of within 2 of last Reserved Matter approval**
- 2. Reserved Matters within 3 years**
- 3. Landscaping Matters to be submitted and approved**
- 4. Plans**
- 5. Materials – Prior submission/approval**
- 6. Hours of piling**
- 7. Prior submission/approval of a piling method statement**
- 8. Prior submission/approval of lighting details**
- 9. Prior submission/approval of a noise mitigation scheme**
- 10. Prior submission/approval of electric vehicle charging infrastructure**
- 11. Prior submission/approval of an Environmental Management Plan**
- 12. Prior submission/approval of a dust mitigation scheme**
- 13. Prior submission/approval of a Phase 1 contaminated land report**
- 14. Prior submission/approval of a foul drainage scheme and that foul shall be drained on a separate system**
- 15. Prior submission/approval of a surface water drainage scheme**
- 16. Prior submission/approval of a Highways Management Plan**

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

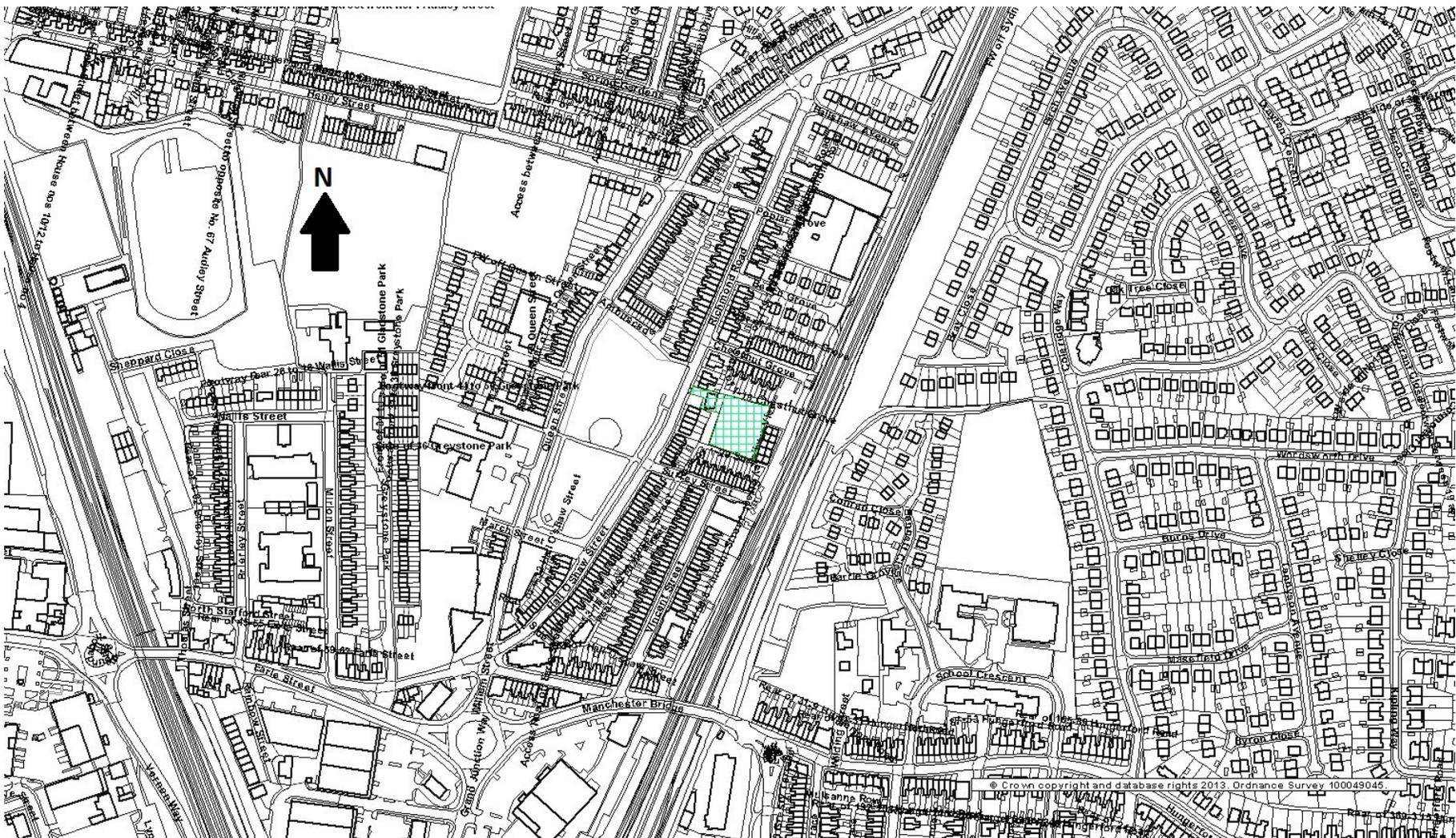
Should this application be the subject of an appeal, authority is approved to enter into a S106 Agreement with the following Heads of Terms;

- £8,000 towards the upgrading of nearby Public Open Space / facilities

Application for Outline Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development
2. Time limit for submission of reserved matters
3. Submission of reserved matters
4. Development in accord with approved plans
5. Details of materials to be submitted
6. Hours of piling
7. Piling
8. Lighting
9. Noise mitigation
10. Electric vehicle charging points
11. Dust mitigation
12. Dust suppression
13. Contaminated Land
14. Construction Method Statement
15. Rev Plan
16. NPPF



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Application No: 16/5015N

Location: Baroda, ANNIONS LANE, WYBUNBURY, CW5 7LP

Proposal: Retrospective application for an importation of soil, filling of pond and levelling of land.

Applicant: Ronald Blackburn

SUMMARY

The application proposes the infilling of a hollow in the land with inert construction and demolition waste. Policy 1 of the Cheshire Replacement Waste Local Plan (CRWLP) requires that proposals to maximise opportunities for waste to be managed in accordance with the waste hierarchy of reduction, re-use, recycling and composting and using waste as a source of energy. In the case of this proposal the waste would be used to bring an area of land back to a condition that would allow its use as a garden, as such it is considered to be acceptable in principle.

It is not considered that the development will have a detrimental visual effect upon the surrounding open countryside as the land will be levelled.

The development will not have a detrimental impact of the amenity of neighbouring residential dwellings.

The proposal would have a neutral economic and social sustainability role due to the retrospective nature of the application.

RECOMMENDATION

Approve subject to conditions

REASON FOR REFERRAL

This application had been referred to the Southern Planning Committee by Cllr Janet Clowes for the following reasons:

- 1) Inadequate detail of drainage and flood mitigation. The planning statement refers to manhole covers, land drains and a proposed SUDs system but there are NO details of any of these in the planning documents. It is suggested that this is an area of historic hard-standing for a previous coal yard. In fact this area has always been a green field / garden area with the historic coal yard and other brown field uses situated to the rear of the property behind the in0-filled site.

- (2) Confusion regarding location - The Planning Statement refers to road names that don't exist in Wybunbury (See 2.3 which refers to an access off 'Kidderminster Road'. The only access in and out of this site is off Annions Lane.
- (3) Further detail is required regarding landscaping of the in-fill site and ecological mitigation. The loss of a significantly sized pond will always involve a loss in terms of ecological value and impact. The retrospective nature of this application requires that a suitable and reasonable degree of mitigation is included in the landscaping and other conditions to be imposed on this site.
- (4) Hydrology concerns regarding impact on other properties and ponds on property adjacent to this site.
- (5) Clarification required regarding the significant damage to the highway (Annions Lane) that was caused by HGVs accessing and exiting the Baroda site during the in-fill process. (See highways reports).
- (6) Clarification that the infill materials are suitable, inert materials that will not cause future subsidence, contamination or other local negative impacts.

PROPOSAL

This application seeks retrospective planning permission for the importing of soiling, filling of pond and levelling of land.

SITE DESCRIPTION

The application site is within the open countryside and found in between two dwellings off Annions Lane, Wybunbury. As it now stands the actual site area of the former pond has been levelled and seeded bringing it back into use as a garden for Baroda

To the south and north of the site are open fields, with residential dwellings to the east and west and some sort of yard/storage area to the south east. Mature hedges bordered the site and a copse of mature trees lies just to the north west.

The site area is now levelled and seeded with grass and is generally flat.

RELEVANT HISTORY

No history for the actual site but adjacent:

7/1857 – Dwellinghouse and double garage – approved 1976

P93/0376 – Certificate of Lawful Use for use as a single residential unit with coal storage/delivery yard – positive certificate 2004

NATIONAL & LOCAL POLICY

National Policy

NPPF

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.5 - Nature Conservation and Habitats
NE.9 – Protected Species
NE.17 – Pollution Control

The Cheshire Replacement Waste Local Plan

Policy 1: Sustainable Waste Management
Policy 12: Impact of Development Proposals
Policy 14: Landscape
Policy 17: Natural Environment
Policy 19: Agricultural Land Quality
Policy 29: Hours of Operation
Policy 32: Reclamation

National Planning Policy for Waste

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, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, IN1 – Infrastructure,, SE1 – Design, SE2 - Efficient use of land, SE3 - Biodiversity and geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 - Green Infrastructure, SE9 - Energy Efficient Development, SE12 - Pollution, Land contamination and land instability, SE13 - Flood risk and water management.

CONSULTATIONS

Environment Agency – No comments received at time of writing, comments will be presented as an update.

Flood Risk - Further response awaited at time of writing the report. This will be provided either in an update report or at the committee meeting

Ecology – No objection. The retrospective application to infill the pond has prevented ecological appraisal of the nature conservation value of the pond and its potential to support legally protected species. However as the pond was relatively new, and given its large size and location, its former value would have been expected to be limited.

Wybunbury Parish Council – Object for the following reasons:

- Inadequate drainage and flood mitigation
- Confusing location, named roads aren't in Wybunbury
- Ecological mitigation
- Hydrology and impact on other properties
- Damage to highway caused during works
- Clarification of materials used for infilling

REPRESENTATIONS

Several letters of representation have been received which object to the proposal for the following reasons:

- Material used
- Intrusion into the open countryside
- Work started without permission
- Noise and disturbance caused by the works
- Loss of ecology

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.

This application is retrospective with the issues being the effect on the open countryside, drainage and flooding and the type of material used to fill the former pond.

Historically clay has been removed from the site to make bricks, this left a depression in the field which was excavated further during the 1980s creating a pond to help with the drainage of the site.

The pond has recently been filled in and the site levelled. The general principle of this operation is acceptable taking into consideration the effect on the open countryside, drainage/flooding and the types of materials used.

The application proposes the infilling of a hollow in the land with inert construction and demolition waste. Policy 1 of the Cheshire Replacement Waste Local Plan (CRWLP) requires that proposals

to maximise opportunities for waste to be managed in accordance with the waste hierarchy of reduction, re-use, recycling and composting and using waste as a source of energy. In the case of this proposal the waste would be used to bring an area of land back to a condition that would allow its use as garden/paddock, as such it is considered to be acceptable in principle.

Materials to be imported

The application states that the materials imported on to the site were inert and comprise sub soils, clay and stone. The definition of inert waste at regulation 7(4) of the Landfill Regulations states that inert waste:

- Will not undergo significant physical, chemical or biological transformations;
- Will not dissolve;
- Will not burn;
- Will not physically or chemically react;
- Will not biodegrade;
- Will not adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health;
- Has insignificant total leachability and pollutant content;
- Produces a leachate with an ecotoxicity that is insignificant (if it produces a leachate)

The control of the processes or emissions is regulated by the Environment Agency and the two systems should complement, but not duplicate each other.

It is considered that there would not be significant adverse impacts caused by the inert waste importation, on the ecology and the visual amenity of the area.

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

As the application is retrospective and the works have been carried out, it is considered that there will be a neutral effect in this instance.

Environmental role

Drainage and Flooding

The Cheshire East Flood Risk Team has been consulted as part of the application process. As part of the works consent would have been required for the pumping away of the water within the former pond, this does not appear to have been sought. However, consents are not issues retrospectively.

The applicant has submitted a plan to show the drainage layout of the site, further comments from the flood Risk team are awaited and will be presented as an update.

Importing of Waste

In order to fill the former pond quantities of waste have been imported on to the site. The submitted documentation and waste transfer notes show that inert waste has been used to fill the pond, this waste consists of clay, sub soils and stone.

The importation of waste is regularised by the Environment Agency through a waste exemption certificate and as such the material used in the infilled activities is considered by the Environment Agency to be acceptable for use.

The National Planning Policy for Waste makes it clear that planning authorities should focus on the use of the land and whether this is appropriate and should assume the relevant pollution control regimes regulated by the Environment Agency are properly applied and enforced.

As such, it is considered that the importation of inert subsoils for the infilling of the land is appropriate in this instance and would not generate any adverse impacts in relation to pollution of groundwater or surface water.

The Waste Hierarchy

The National Planning Policy for Waste states that when dealing with waste:

- **Prevention** - the most effective environmental solution to reduce the generation of waste, including the re-use of products.
- **Preparing for re-use** – products that have become waste can be checked, cleaned or repaired so that they can be re-used.
- **Recycling** – waste materials can be reprocessed into products, materials, or substances.
- **Disposal** – the least desirable solution where none of the above options is appropriate.

This is a retrospective application and whilst it would be preferable that a planning application was submitted prior to the development being carried out, it has been demonstrated that the materials used it will not have an adverse environmental impact.

Protected Species

The site has mature trees to the north west which have not been affected by the development.

With regards to protected species the Council's Ecologist does not offer any objection to the application as the works that have been undertaken have prevented the appraisal of the ecological and conservation value of the pond in terms of its potential to support protected species.

However, as the pond was relatively new and with its location and relative large size the Ecologist considers that its ecological value would have likely been low.

With the above in mind, it is considered that the proposed development will not have a significantly detrimental effect upon Protected Species or ecology in the wider context.

Design and Open Countryside

The application site lies within the open countryside therefore any development has to minimise the potential impact on this.

The site formerly comprised of a pond within a garden/paddock area between two residential dwellings. Following the infilling of the pond the site has been levelled and returned to grass. As such, there has been no actual built development and it is considered that there has been no detrimental visual harm to the openness of the surrounding open countryside.

Trees and Landscape

There is a copse of mature trees to the north west corner of the site, however these do not appear to have been or will be affected by the development.

Once the infilling of the former pond was complete, the land was levelled, seeded with grass and restored to its previous state. This is considered appropriate to the site and the former use.

The surrounding area is generally relatively flat as is the application site, with this in mind it is not considered that there is a conflict between the two.

In terms of landscape impact, the infilling of the pond has not lead to a detrimental impact on the landscape or character of the application site.

Residential Amenity

In terms of neighbouring residential amenity it is accepted that the traffic and noise generated during the works would have had an impact on the amenity of neighbouring residential properties. However, this has happened and cannot be considered as part of the determination of this application. Furthermore, issues such as traffic and noise can be controlled by other agencies.

With regards to the actual application only the potential impact from the development can be considered. In this case it is not considered that the site and the infilled pond as it now stands will have any future detrimental impact on the amenity of neighbouring dwellings.

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

In terms of highways safety and the overall impact on the road network, the traffic and vehicles movements associated with the works have already occurred and now finished.

With regards to this application it is not considered that there will be any further highways issues raised.

As such, it is considered that the proposal adheres with Policy BE.3 of the Local Plan.

Conclusion

In conclusion, the materials that have been deposited on the site are inert and have been considered to be acceptable by the Environment Agency, therefore the proposal would be highly unlikely cause contamination to the land. The appropriate restoration of the land has not caused harm to the visual amenities of the area.

Furthermore, the development will not raise any neighbouring residential amenity concerns.

Therefore, the application is recommended for approval.

Planning Balance

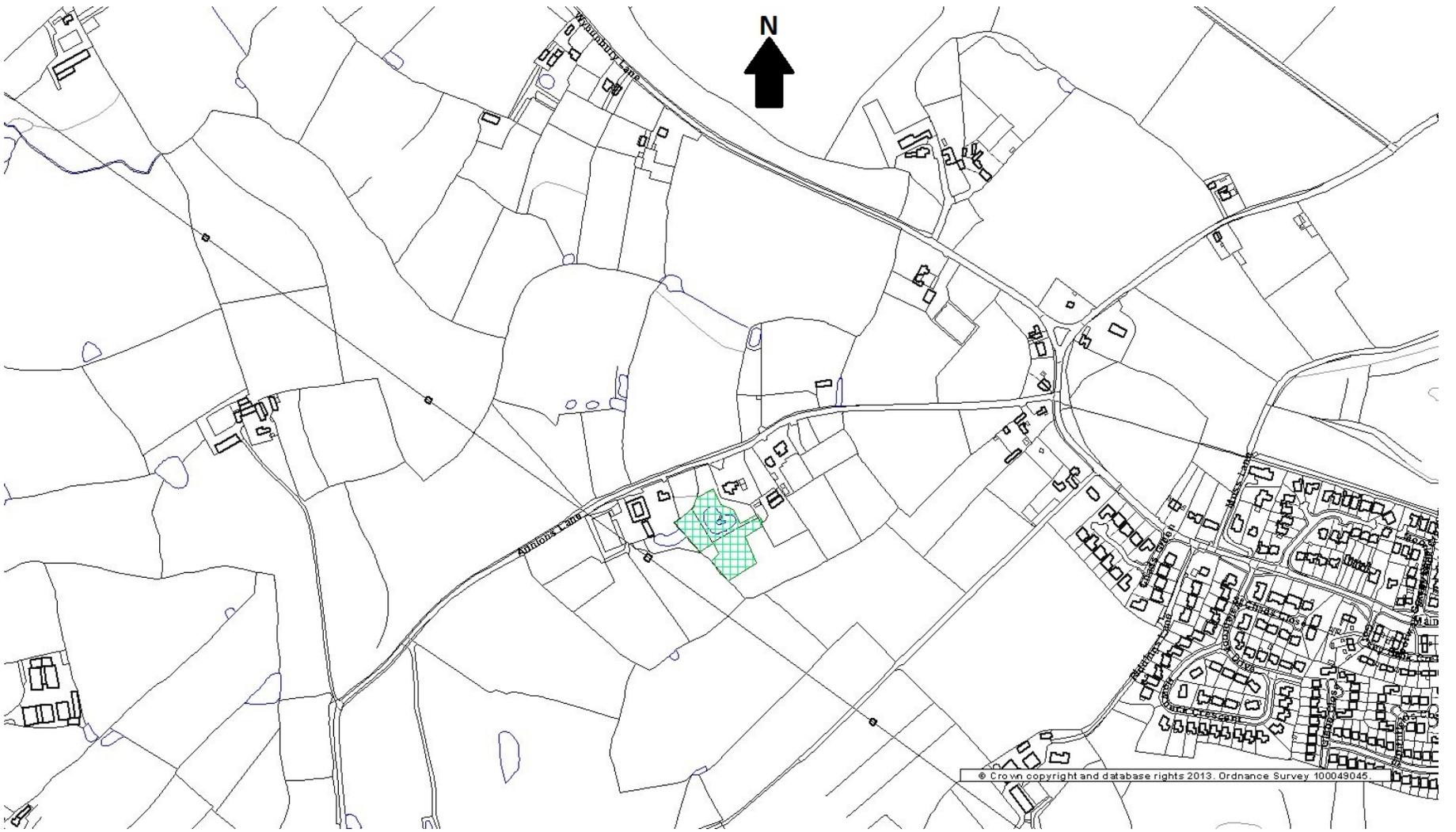
The waste used for the infilling of the former pond is considered to be acceptable by the Environment Agency. Furthermore, it is considered that the restoration of the site is compatible with the surrounding area and will not raise any landscape concerns or cause any visual harm to the surrounding open countryside.

RECOMMENDATION

APPROVE without condition

Informatives:

- 1. NPPF**



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Application No: 17/0066N

Location: Land Off, WRENBURY ROAD, ASTON

Proposal: Outline planning application for Residential development and associated infrastructure.

Applicant: ., Grasscroft Homes and Property Ltd and JG

Expiry Date: 06-Apr-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 construction and through the spending of future occupiers.

The development would have a neutral impact upon education, protected species/ecology, flooding, highways, trees, historic environment & contaminated land.

The adverse impacts of the development would be the loss of open countryside, the impact on the landscape, the loss of agricultural land, the harm to the living conditions of the neighbouring properties and the harm to the overall character/appearance of the area by not respecting the existing pattern of built form/urban grain.

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 decision 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

PROPOSAL

The proposal seeks outline consent with all matters reserved except access for the erection of residential development. The number of dwellings has not been confirmed in the application forms however the planning statement and the illustrative plan advises that 39 dwellings are to be provided. As a result the application has been assessed on this basis.

The proposed residential development would be sited on an area of 1.43 hectares which gives a density on the developable area of the site of 28 dwellings per hectare.

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

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

The proposal would provide contributions to affordable housing and education, an area of public open space.

SITE DESCRIPTION

The site comprises 1.43 hectares of open agricultural land and is wholly located within the Open Countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The site is predominantly flat with mixed 1m high fencing and 2/3m high planting to the northern boundary, 1m high fence to the eastern boundary, mixed trees planting 2-5m high to the southern boundary and 2-3m high planting to the western boundary.

Residential properties are sited to the north-eastern, eastern and southern boundaries and open land to the western boundary.

Aston Conservation area lies to the north of the site.

Significant trees are noted to the west and south of the site.

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

RELEVANT HISTORY

7/11169 – Erection of general store/post office – refused 19-Jul-1984 (highway safety, open countryside & inappropriate to pattern of the village)

7/12113 – Construction to form/accommodate general store with 3 bedroom living accommodation – refused 28-Aug-2014 (highway safety, open countryside & inappropriate to pattern of the village)

7/12691 – Detached house and shop – refused 27-Feb-1986 (highway safety, open countryside & inappropriate to pattern of the village)

7/18812 – One detached dwelling – approved 27-Sep-1990

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.5 (Infrastructure)
BE.6 (Development on Potentially Contaminated Land)
BE.7 (Conservation Areas)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.9 (Parking Standards)

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 and other relevant material:

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
Development on Backland and Gardens

CONSULTATIONS

United Utilities: No objection subject to drainage conditions

CEC Flood Risk Manager: No comments received at the time of writing the report

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

Strategic Highways Manager: No objections subject to conditions requiring footway works and signage, Construction Management Plan and 278 & 38 Agreements

Environmental Health: No objection subject to conditions regarding piling works, dust, 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 subject to open space contribution of £20,000

CEC Education: No objection subject to contribution of £98,056 for secondary school provision

VIEWS OF THE PARISH COUNCIL

Wrenbury Parish Council: Objection

Object to the application, for the following reasons:

- The current infrastructure of the Parish will not stand further development
- The proposed development does not fall within the Settlement Boundary and is open countryside
- The Parish adjoins other settlements where the increase in dwellings is also large, and this means that both the Schools and the Health Care facilities are already at the point where they cannot take any further development.
- Newhall has seen approx. 88 new houses approved since 2010, which is approx. 25% of the existing dwellings. The Parish Council feel that any more are not sustainable nor applicable in the quota of allocation.
- Local Transport facilities are poor
- The A530 is a very busy and dangerous road, and further development will make this situation worse. The access to the proposed development is unacceptably close to a very bad junction, which sees queuing traffic in all directions on a regular basis and would mean the junction would be completely overloaded and a major accident waiting to happen.
- There is concern over the draining and flooding issues, which are currently experienced at the entrance to this site, and in the village, and this application will only add to the surface water problems, and would significantly affect the water table.

REPRESENTATIONS

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

- Impact of local infrastructure
- School and doctors capacity
- Highways safety
- Flooding
- Noise
- Village at capacity
- Harm to character of village by loss of green space
- Harm to wildlife
- Loss of Green Belt/open countryside

- Out of context with built form of the village
- More weight to the local plan

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 39 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 with the above 65/35 split.

The supporting statement advises that the affordable units could comprise two bedroom dwellings to meet an identified local need as identified in the Affordable Housing Report prepared by Bailey Venning.

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

Public Open Space

With regards to CNLP, policy RT3 requires a combined area of shared recreational open space and shared children's play space of 35sqm per dwelling equating this development to a minimum of 1365sqm. This area should be of a size that it will form a viable attractive and functional area of play space which can be easily maintained.

The majority of the public open space is being provided in the south-western corner of the site. Existing trees are being retained and the addition of a swale/pond to accommodate SUDS.

The nearest equipped play facility is approximately 1,900m away therefore informal on site play is required. As this is a relatively small development a large combined LAP/Local Landscaped Area for Play of approximately 1,000sq.m is required laid out to Fields in Trust standards rather than equipped formal play at this stage. This area should contain minimal planting to ensure a flat free space for informal games such as a kick about, tag, rounders' etc. It will need to have a defined perimeter with a low level guard rail or planting to provide a mix of scent, colour and texture. A sign indicating that the area is for children's play and that dogs are not welcome should be installed along with seating. Care should be taken in relation to the properties adjacent to ensure a buffer zone of 5m minimum depth should separate the activity zone and the forward-most part of the nearest dwelling that faces the LAP. Gable end or other exposed walls should be protected from use for ball games by a dense strip of planting of 1m depth. Careful consideration of planting is required so to aid natural surveillance whilst offering residents protection from any potential nuisance.

A swale/pond is proposed within the POS. Appropriate safety measures should be taken to ensure safety of the public especially small children who will be using the adjacent LAP/LLAP.

Policy RT3 states "in small residential developments likely to be occupied by less than 50 people, contributions will be required towards the provision of children's play equipment and casual recreational open space which is reasonably related to the nature of the development proposed, provided that such contributions would secure provision in an easily accessible location and where it would directly benefit the occupiers of the new development."

In lieu of requesting an offsite contribution with the closest equipped play provision being nearly 1,900sq.m away a sum of £20,000 should be set aside until the development has been fully occupied for 2 years and a community established. Consultation should then be carried out with the new local residents as to their aspirations/requirements. In line with the Local Landscaped Area for Play this may take the form of a low level trim trail, hard and soft landscaping for imaginative and interactive play and/or be in the form of local art to make the area bespoke and give the new residents ownership and a sense of place. Further triggers, such as commissioning the work or pay back if not used should be detailed within the S.106 agreement.

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 39 dwellings is forecast to generate 7 primary school children and 6 secondary school children and 0 Special Educational Needs (SEN) child.

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

Development	land off Wrenbury road, Aston				Number of Dwellings	39					
Planning App Number	17/0066N				Primary Yield	7					
Date Prepared	16.1.2017				Secondary Yield	6					
					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						
					2016	2017	2018	2019	2020	Comments	
Sound and District Primary School	19	19	133	133	116	114	112	111	104		
Wrenbury Primary School	20	20	140	140	117	122	129	128	128		
Developments with S106 funded and pupil yield included in the forecasts				3							
Developments pupil yield not included in the forecasts									2		
Pupil Yield expected from this development									7		
OVERALL TOTAL	39	39	273	276	233	236	241	239	241		
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP					43	40	35	37	35		
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
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											6
OVERALL TOTAL	215	215	1,050	1,070	1,118	1,149	1,168	1,190	1,197	1,200	1,237
OVERALL SURPLUS PLACES PROJECTIONS					-48	-79	-98	-120	-127	-130	-167

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

6 x £17,959 x 0.91 = £98,056 (secondary)

Total education contribution: £98,056

As such there is a requirement for a contribution from this development towards secondary school and the sum of £98,056 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 at Wrenbury within 1 mile 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:

Aston has regular bus links to the nearby towns of Whitchurch and Nantwich and Wrenbury train station provides regular access to further away towns and cities including, Cardiff, Crewe, Shrewsbury and Manchester. Wrenbury train station is 1 mile to the north of the application site accessed directly from Wrenbury Road.

Wrenbury provides access to local facilities and amenities including a primary school, village store, post office and sports club. The application site is adjacent two bus stops with regular bus services to Nantwich, Wrenbury and Whitchurch.

The principal bus service passing through the junction is the service 72. This operates 6 services per day from Nantwich and 4/5 services per day from Whitchurch, Marbury and Wrenbury. There is a service linking the crossroads and is 2 hourly during the day.

A school bus service does operate for children to go to the secondary school. Whilst most services are in Wrenbury, the next village over, the bus service does serve the site and therefore in location terms this site must be regarded as being generally sustainable.

It should also be noted that planning permission has been granted for residential development to the north-east and south-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 north (White Lodge), north-east & south-east (Wrenbury Road/Whitchurch Road), south (The Beeches) 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.

Whilst it is accepted that detailed layout will be determined at the reserved matters stage, based on this layout the proposal does not comply with separation standards in the SPD and fails to demonstrate that the dwellings could be provided on site without causing significant harm to the living conditions of neighbouring properties.

The illustrative plan shows that a cluster of properties would be provided to the side and rear garden area of White Lodge. The closest properties to the south of White Lodge are a block of 2 dwellings and these would be sited just 6m to the side elevation serving a secondary living room and kitchen (with dining table) windows and side windows of rear conservatory. Whilst at this stage it is not know

what property types will be provided (i.e. bungalow, 2 storey etc) the close proximity to the shared boundary is likely to result in significant harm through overbearing impact and overshadowing to White Lodge, particularly if 2 storey properties were proposed.

There are also 2 blocks of 4 properties sited further along the side and rear boundaries which could overlook the garden area of White Lodge if rear facing windows are proposed which would result in harm through overlooking/loss of privacy to the majority of the rear garden area.

Whilst no detail has been provided regarding property type, room numbers or layout, given the limited width of these plots at just 4.2m wide, it is considered unlikely that more than 1 bedroom could be accommodated in a single storey property of this size without resulting in substandard living conditions. It is therefore considered reasonable to assume that these plots will be 2 storey properties.

Again no details have been provided regarding the proposed room layout/window positioning, however it is unlikely that main facing habitable room windows could be accommodated on the side elevations as the middle properties share a party wall. Therefore it is considered reasonable to assume that habitable room windows would be sited on the rear elevations which would cause harm through overlooking/loss of privacy to the rear garden area of White Lodge (given the strong likelihood that the properties would be 2 storey)

Similarly the illustrative plans also show plots sited in close proximity to the side boundary of The Beeches. In particular the 2 detached properties that would sit in line with the side elevation of The Beeches would be sited just 8.6m to the side boundary which would not be sufficient to prevent harm through overbearing/oppressive impact and would result in direct overlooking of the rear garden area. As noted above whilst no detail has been provided regarding property types, room/window layouts, it is considered reasonable to assume that the properties would be 2 storey with rear facing windows.

Whilst it is noted that there are a further 2 plots sited in close proximity to the side boundary to White Lodge these properties would only impact on the end of the rear garden which is already impacted to some degree by existing buildings and it is considered that the plots have potential to site facing windows away from this boundary.

It is considered that adequate separation distances can be achieved to properties to the north-east (Wrenbury Road) and south-east (Whitchurch Road) to prevent significant harm to living conditions.

As a result it is not considered that the illustrative plans provided demonstrate how the site could be acceptably developed. Therefore the proposed development by reason of its siting to the northern boundary would result in overlooking of the rear garden area of the residential property known as White Lodge which would cause significant harm to the living conditions of the occupiers of the neighbouring property through loss of privacy. The proposal is therefore contrary to Policy BE.1 of the Crewe and Nantwich Local Plan and the NPPF in particular paragraph 17.

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

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.

Highways

- Sustainable access

Currently, there is no footway access from the site to any destination. A new footway has been proposed from the site access to the existing footway on Whitchurch Rd, allowing for safe pedestrian access to the bus stops.

The bus stops on Whitchurch Rd are unmarked. To help encourage the use of the services physical bus stop poles should be installed as part of the development.

- Safe and suitable access

The proposed access, as shown on plan '1596-F01 rev D', are to CEC adoptable standards. The access will be approximately 30m west of the Whitchurch Rd/Wrenbury Rd junction; a distance which is sufficient and which will not affect the safe movement of vehicles.

The additional footways proposed will not hinder the movement of existing HGVs as demonstrated with swept paths submitted with the application.

Visibility from the site access onto Wrenbury Road is adequate.

An informal crossing point, in the form of dropped kerbs and tactile paving, across Whitchurch Rd has also been proposed. This is considered suitable for this location, given the small size of the development and the visibility along Whitchurch Road that would be available to pedestrians.

Over the previous 3 years there have been two slight personal injury accidents at the Wrenbury Road/Whitchurch Road junction and none in the year of 2016, indicating that there is no fundamental safety concern associated with this junction.

- Network Capacity

Although a footway to bus stops is being proposed, the majority of trips to/from the site will be by private car. A residential development of this size would only generate around 25 to 30 two-way vehicle trips during the peak hour.

- Conclusion

The proposal would provide a safe and suitable access and the impact upon the highway would therefore be minimal. Therefore no harm to the highway network subject to conditions requiring footway works and signage, Construction Management Plan, 278 & 38 Agreements

Landscape

This is an outline application for up to 39 dwellings on land off Wrenbury Road, Aston. The application site is an agricultural field, with a hedgerows and hedgerow trees forming the southern boundary, a

hedgerow forming the western boundary and the northern boundary formed by a hedgerow and timber fencing with the boundary of White Lodge, located immediately to the north of the application site; beyond the northern, western and southern boundary of the site is the wider open agricultural landscape with a small number of isolated properties, namely The Beeches to the south and White Lodge to the north. The eastern boundary is formed by Whitchurch Road to the south and Wrenbury Road to the north, the southern part of the boundary is formed by a timber and stock proof fence, with a number of trees along the boundary; the northern part is formed by Cheshire railings and also has a number of trees along the boundary. The alignment of the roads along the eastern boundary and relative openness of the site along this boundary allow extensive views into the site and contributes greatly to the rural setting of this part of Aston.

As part of the application a Landscape and Visual Appraisal has been submitted with reference to the guidance found within 'Guidelines for landscape and Visual Impact Assessment' 3rd Edition, this correctly identifies the baseline landscape of the application site and surrounding area, it also identifies a number of visual receptors in the surrounding area as well as identifying a ZTVI. The Landscape Appraisal also identifies the National Landscape Character Area and the Cheshire Landscape Character Assessment, which identifies that the application site is located with the East Lowland Plain character Type, and specifically within the ELP1 Ravensmoor Character Area.

The appraisal offers an assessment based on the built form (LCA 1 Small Village Settlements) and the farmland area (LCA 2 Mixed Farmland). The value and sensitivity of these are assessed as being moderate and low- medium (LCA 1) and good and medium (LCA 2); with a slight adverse effect after 1 year and remaining slight adverse for LCA 1, and a moderate adverse effect, reducing to slight-moderate for LCA 2. The visual appraisal identifies that initially there would be a substantial visual effect for one receptor VP3, moderate-substantial effect for one, a moderate adverse effect for eight receptors and slight to slight-moderate for the remaining three, and that all would reduce after 15 years.

The Councils Landscape Officer has considered the proposal and does not consider that the submitted appraisal has considered the role that the application site plays as part of the rural setting for Aston. He also considers 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 to the west of Aston, combined with the alignment of Whitchurch Road and Wrenbury Road 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 and contrary to Local Plan Policy NE.2.

Therefore it is considered that the proposal would be visible from the wider setting given the reasonably flat local topography and it is unlikely that the visual impacts could be adequately mitigated 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 and south-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 north-east and south-east. These developments appear to have been approved as they were deemed to be natural extensions to the village that either filled existing gaps or were considered to be viewed in the context of the existing built form to the east of Whitchurch Road. This is unlike the current proposal which would be sited on the western side of Whitchurch Road and would be viewed as an isolated

development which extends further to the west which is considered to have more visual affinity with the open countryside to the rear rather than the built form to the east. It is also considered that Whitchurch Road acts as a natural buffer separating the built form to the open countryside. As a result the proposal would dramatically alter the character of this countryside setting and be viewed as visually dominant with an unacceptable visual encroachment into the countryside.

It is also considered worth noting that the site immediately to the north of the site was refused planning permission and dismissed at appeal for the erection of new housing. The appeal was dismissed as it was considered the flat nature of the site allowed viewing from the wider setting and would have an urbanising effect that was considered be harmful to the intrinsic character and beauty of this part of the countryside. See below for the main comments of the planning inspector:

“The appeal site is located between two residential properties on the western side of Westbury Lane. The width of the site is reasonably substantial such that the space between these neighbouring properties could not be said to be a ‘small gap’ in the terms of Local Plan Policy NE.2. Moreover, the scale of development proposed is substantially greater than is envisaged by this aspect of the Policy. In short the appeal scheme would result in the building of some 31 homes on a greenfield site in the countryside.

The site is partly screened by planting along its boundaries, principally in the form of field hedges, and this could be supplemented by additional planting. Nonetheless, due in part to the reasonably flat local topography, development of the scale and type proposed would be readily apparent from beyond the site. For instance, the proposed dwellings would be visible from Wrenbury Road and from the A530 a little to south, as well as from more distant views, such as from rights of way that run to the south and west of the site.

I recognise that the appeal site is located on the fringes of the settlement close to existing dwellings that would be broadly comparable to the development proposed, and that the detail of the appeal scheme could be carefully considered at the reserved matters stage. Nonetheless, the introduction of the development to this greenfield site would have an urbanising effect that would be harmful to the intrinsic character and beauty of this part of the countryside. This effect would be readily perceived from the surrounding public domain due to the reasons outlines above.

For these reasons, therefore, the proposed development would have a harmful effect on the character and appearance of the area. Consequently, in this regard, it would conflict with Local Plan Policies NE.2 and RES.5. This weighs against the appeal scheme”

Given that the current application site is sited immediately to the south and shares a boundary with the above noted appeal, it is considered appropriate to have regard to this decision when considering the current application.

The current application site is considered very similar in nature and character to the above appeal site, being that it is flat and is visible from the wider setting. Therefore given the similarities it is only logical that a similar conclusion is reached as the proposal like the appeal site is also considered would have an urbanising effect that is considered harmful to the intrinsic character and beauty of this part of the countryside.

Trees

The site is located at the junction of Wrenbury Road and Whitchurch Road. It is agricultural land and has hedging and trees on sections of the boundary with two mature trees within the site.

The submission is supported by a Tree Report dated September 2016. The survey covers 24 trees including individual trees, tree groups and hedgerows. The trees are predominant afforded Grades B (11 trees) and C (12 trees). One tree is assessed as being unsuitable for retention.

As an outline application with only access to be determined, the full implications for trees would only be realised at reserved matters stage. Nevertheless for this application the implications of the access need to be assessed in relation to trees as does the capacity of the site to accommodate the scale of development proposed.

There is currently insufficient information to inform an assessment of the impact on trees. The tree survey plan shows tree trunk positions and tree crown spreads but does not provide an indication of the root protection areas. Whilst the survey report provides a trunk diameter and a root protection area for each tree, this information needs to be translated onto the tree survey plan, taking account of any existing constraints to root development, for example roads. The constraints then need to be reflected on both a version of the access plan (including the proposed roadside footway shown on Croft Transport Solutions plan 1596-F01A) and also the Illustrative Masterplan and then be assessed through an Arboricultural Impact Assessment. Should conflicts be identified, the submission should demonstrate how these might be addressed, through the medium of an Arboricultural Method Statement.

As a result of the comments from the Councils Arborist, an Arboricultural Impact Assessment and tree retention plan have been provided. These are currently being considered and a response will be provided either via an update report or at the committee meeting.

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.”

An indicative plan has been submitted to show one possible way in which the site could be developed. This shows property widths ranging between 4.2m-8m but with over half of the properties being shown as measuring the smaller 4.2m width. This is not considered to reflect the predominant property widths in the locality which range between 10m-25m. The plot ratios and garden areas are also considered to be much smaller than those noted locally. For example the plot width of the smallest properties being proposed measures 4.2m wide however the average plot width in the locality is approximately 11m.

As a result it has not been demonstrated that the 39 dwellings proposed could be accommodated on site without causing significant harm to the existing urban grain and pattern of built form.

Impact upon Built Heritage (Aston Conservation Area)

Given the separation distances involved (100m) it is considered that the development would have a limited impact upon the Conservation Area.

Ecology

- Habitats

The Councils Ecologist advises that with the exception of the existing hedgerows and mature trees, the habitats on this site are of limited nature conservation value. Based on the submitted layout plan it appears feasible to retain the existing hedgerows and trees as part of the development of the site.

- Lighting and bats

Whilst the application site offers limited opportunities for roosting bats, bats are likely to commute and forage around the site to some extent. To avoid any adverse impacts on bats resulting from any lighting associated with the development the Councils Ecologist recommends that if planning permission is granted a condition should be attached requiring any additional lighting proposed as part of the reserved matters application to be agreed with the LPA.

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).

- Bat and Bird boxes

To secure an enhancement of nature conservation in accordance with the NPPF the Councils Ecologist recommends that the following condition be attached in the event that planning permission is granted;

Any future reserved matters application to be supported by detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house sparrow and roosting bats. The approved features shall be permanently installed prior to the first occupation of the development hereby permitted and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

- Ecology summary

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

Flood Risk

A Flood Risk Assessment (FRA) prepared by BWB has been submitted with the planning application. The FRA confirms the site is considered at 'Low Risk' of fluvial flooding and the Environment Agency's (EA) online Flood Zone Map shows it as being in Flood Zone 1 and represents 'Low Risk' of flooding with an annual probability of flooding less than 0.1% (1 in 1000).

There is an existing combined sewer located in Wrenbury Road. The sewer flows from north to south, along Wrenbury Road and then in a north-easterly direction along Whitchurch Road away from the site. Although the site is located in the vicinity of a combined sewer the site is at low risk of combined

sewer flooding as the site is at the head of the sewer run. If the sewer were to be exceeded then flows would run down Whitchurch Road in a north-easterly direction away from the site.

There are no existing surface water sewers in the vicinity of the site and therefore the site will not be at risk of surface water sewer flooding. The overall risk posed by the sewer source is considered to be low.

United Utilities have been consulted and have not raised any objections to the proposal. It is therefore considered that drainage details could be secured by condition to prevent local flooding. No comments have been received from the Council Flood Risk Team at the time of writing the report, these will be provided either in the update report or at the planning committee.

As a result it is considered that the proposal could be accommodated without causing significant harm through drainage/flooding, subject to the suggested conditions by United Utilities.

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.

A survey has been undertaken of 1.4 ha of land off Whitchurch Road, Aston, Cheshire. The land comprises a single grassland field. The soils at the site were found to be sandy, with land quality limited to subgrade 3a by droughtiness.

As a result the proposal would result in the loss of grade 3a land. 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 secondary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

The proposal would result in a requirement for the provision of 12 affordable units which would be split on a social rented/intermediate basis. 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 construction and through the spending of future occupiers.

The development would have a neutral impact upon education, protected species/ecology, flooding, highways, historic environment & contaminated land.

The adverse impacts of the development would be the loss of open countryside, the impact on the landscape, the loss of agricultural land, the harm to the living conditions of the neighbouring properties and the harm to the overall character/appearance of the area by not respecting the existing pattern of built form/urban grain.

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 and would result in the loss of the best and most versatile agricultural land which would be 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 & SE2, 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) **It has not been demonstrated in the illustrative plans provided that the proposed development could be accommodated without causing significant harm to the living conditions of the neighbouring properties White Lodge and The Beeches through overlooking/loss of privacy/overbearing impact and overshadowing. The proposal is therefore contrary to policy BE.1 of the Crewe and Nantwich Local Plan, Development on Backlands and Gardens SPD and the NPPF**
- 3) **It has not been demonstrated in the illustrative plans provided that the proposed development could be accommodated without causing significant harm to the overall character/appearance of the area by not respecting the pattern, character and form of the surroundings. The proposal is therefore contrary to policy BE.2 & RES.5 of the Crewe and Nantwich Local Plan, Development on Backlands and Gardens SPD, Emerging Local Plan Core Strategy Policies MP1, PG5, SD1, SD2, SE1 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. Secondary School Education Contribution of £98,056



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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: 02-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 principal 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 back drop 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 – additional comments:

Much of this application is for retrospective permission to actions already commenced on site (Indeed some have already been curtailed due to on-going enforcement activity by CEC).

In principle, the Parish Council have no issue with the request to use the land for appropriate agricultural/ equestrian purposes however this is the third application on this site for retrospective work (applications have repeatedly lagged behind work actually being enacted on the site).

The plans that you are looking at today are still incomplete and lacking in material detail (despite on-going liaison between the applicant (tenant) the landowner, planning officers and enforcement officers). I share the concerns of residents that you are being asked to approve an application that does not accurately reflect buildings / structures / activities already being carried out on site.

I would ask you to compare (for example) the diagram of the chicken shed included in your plans and on the CEC Planning website with that of the photographs taken 16 days ago.

Please ask yourselves; Are you approving a retrospective flimsy scaffold for netting (as per the photo) or a future substantial building for a poultry business? There is no detail to confirm what is being requested (the same is true of the dog kennel)

There is already a legal condition on this site prohibiting the use of the site for any 'residential purposes' (This has been substantiated by the CE Enforcement Officer, Mr Craig Wilshaw and the CE legal Team) - yet there remains a substantial mobile home that is inappropriate in scale and function to the agricultural/equestrian purposes identified in this application.

Please note the comments of the Parish Council in the 2nd call-in document. There is no issue with the land being used for equestrian/agricultural purposes but lack of any clear planning documents and failure to remove the mobile home will simply enable the continued abuse of this site, associated enforcement activity on the site and PROW (with the costs for CEC) and on-going loss of amenity for residents at Jubilee Farm and along Chorlton Lane and walkers on the PROW. (The livestock fence requested by Network rail has still not been constructed).

Therefore in the interests of clarity and consistency, I would ask that you defer your decision today until you have had the opportunity to conduct a site visit where you will be able to see first-hand the inconsistencies between this retrospective application and the 'actual' situation on site.

Hough & Chorlton Parish Council – object 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.

Concerns have also been raised regarding previous unauthorised works on site. However the determination of the current application should be assessed on its own individual merits.

Officers also consider that the plans provided detail what is being proposed along with the material and appearance.

Finally, any fencing requested by Network Rail is not relevant to the determination of a planning application and would be dealt with under legislation separate from planning.

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:

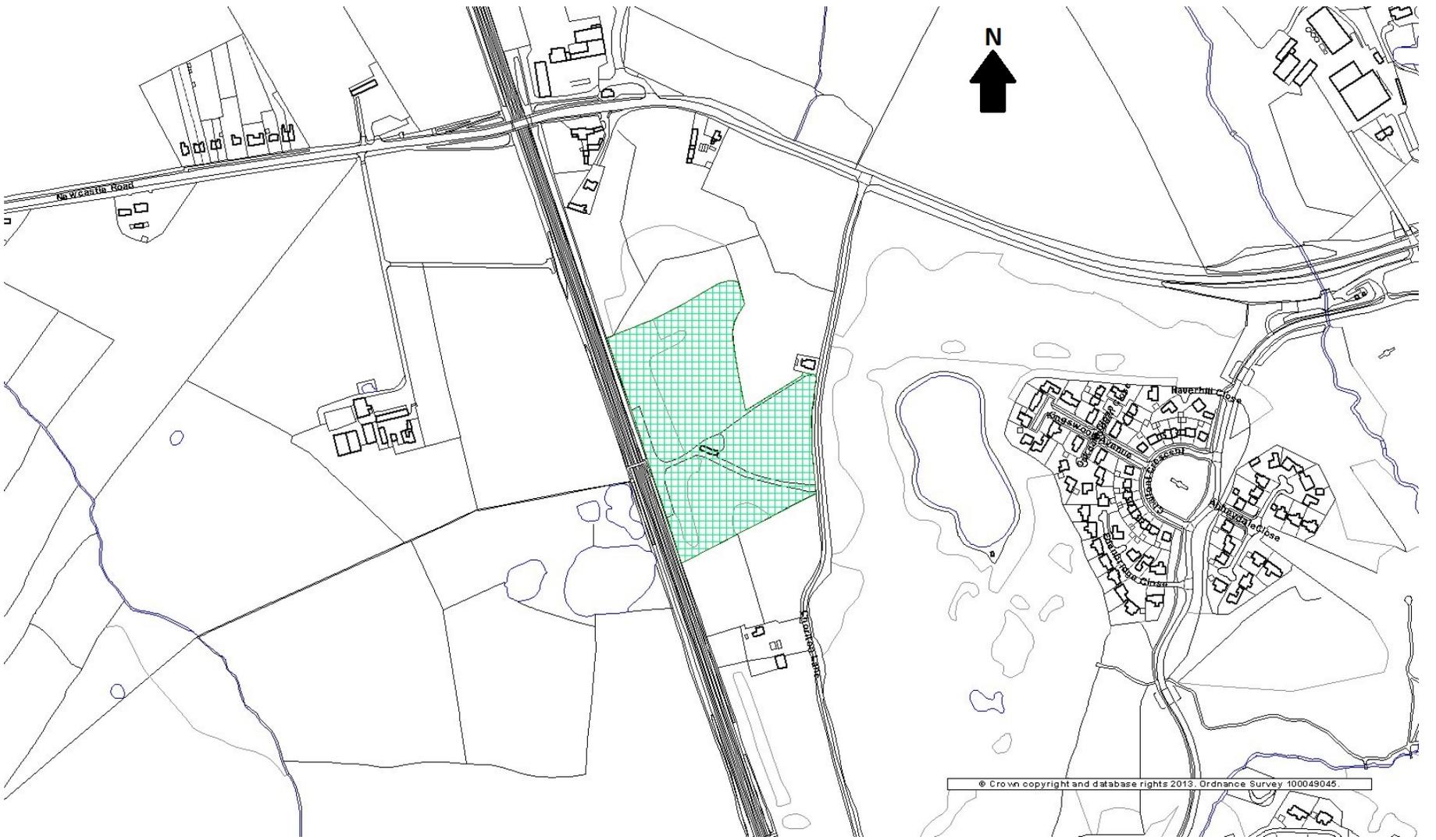
Conditions

- 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.



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Application No: 17/0667N

Location: Sevenoaks, HEARNS LANE, FADDILEY, CW5 8JL

Proposal: Dog welfare building to provide separate space for recovering dogs following birth of their litter

Applicant: Mr Mark Wetton

Expiry Date: 03-Apr-2017

SUMMARY

The proposed development is considered to be acceptable in environmental terms, and the specific use is acceptable subject to the recommended conditions

The development would provide benefits in terms of providing employment in the area.

The development would have a neutral impact upon the open countryside.

The adverse impacts of the development would be some increased noise and disturbance to local residents, but this is capable of control through planning conditions relating to the specific nature of the business.

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

RECOMMENDATION

APPROVE subject to the imposition of planning conditions

Reason for Referral

The application has been referred to Southern Planning Committee at the request of Councillor Davies for the following reasons;

'A building this size is out of place in the open countryside where it is sited. The occupier has already had retrospective planning for a building less than 12 months ago'

PROPOSAL

This is a full application for the construction of a single storey building on the north side of the existing dog breeding compound, measuring 16 metres wide and 6 metres deep, 2.9 metres to the ridge. The building would be clad with timber on a concrete base with profile steel roofing, to match the existing buildings. The application will not increase the numbers of dogs kept at the site (limited to a maximum of 31 dogs by the recent planning permission 16/5627N).

SITE DESCRIPTION

The application site is located to the north of Hearn's Lane at a property known as "Sevenoaks". The proposed building would be sited to the north of the residential curtilage of Sevenoaks. The site measures 0.46 hectares and comprises kennel buildings, dog exercise areas, an access drive, car parking and a yard area. The site's shape is roughly rectangular with boundaries delineated by hedgerows and timber fencing.

Vehicular and pedestrian access to the site is via the existing access drive to Sevenoaks, off Hearn's Lane. There is a separate vehicular access track to the kennels building off the Sevenoaks access, car parking and a separate pedestrian access point.

Sevenoaks forms part of a small hamlet within an area that is generally rural in character. The immediate site frontage is characterised by an existing mature hedgerow.

The site of the dog breeding business is located to the rear of Sevenoaks house. It is screened from the public domain (Hearn's Lane) by trees and hedgerows. To the south west lies Oak Tree Farm and more distant residential properties fronting onto Hearn's Lane. To the north is open countryside. To the east and south there are further residential properties spread out along Hearn's Lane.

RELEVANT HISTORY

7/09777 – Extension - Granted 17/3/1983

7/14995 – Extension - Granted 3/3/1988

7/17797 - Agricultural utility building and store - Granted 31/10/1989

7/18413 - Farm wash house - Granted 8/5/1990

7/19340 - Two storey extension - Granted 19/2/1991

P00/0841 - Change of Use of Farm Buildings and Land for Stables and Equestrian Use - Granted 6/12/2000

P02/0166 - Extension to House, Alterations to Outbuildings and Change of Use of Land to Domestic Curtilage and Access - Granted 4/4/2002

16/5627N - Erection of kennels, access track and exercise areas for dog breeding business (retrospective) - Granted 24/1/2017

17/1082N - Single and two storey house extensions (retrospective) – Application Undetermined

NATIONAL & LOCAL POLICY

POLICIES

Crewe and Nantwich Local Plan

The site is located within the open countryside

- NE.2 (Open Countryside)
- NE.5 (Nature Conservation and Habitats)
- NE.9 (Protected Species)
- NE.13 Rural diversification
- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- BE.5 (Infrastructure)
- E.6 Employment in the open countryside
- TRAN.9 (Car Parking Standards)

Cheshire East Local Plan Strategy

SD 1 Sustainable Development

SD 2 Sustainable Development principles

SE1 Design

SE 2 Efficient use of land

PG 5 Open Countryside

EG 2 Rural economy

Other Considerations

NPPF

PPG

CONSULTATIONS (External to Planning)

Environmental Health: no objections subject to conditions

Public Rights of Way: General comments regarding footpath 8

VIEWS OF THE PARISH COUNCIL

Brindley and Faddiley PC:

1. The planning application notice has not been advertised.
2. The buildings can be seen from the footpath at the rear of the property.
3. Several residents have raised the issue of the noise.

The council would respectfully suggest that the committee, consider these items when discussing this application.

OTHER REPRESENTATIONS

None received

APPRAISAL

Principle of development

The development is outside the curtilage of the dwelling and within the open countryside.

Policy E6 states that employment development in the open countryside will be restricted to appropriate small industries, commercial business enterprises, including small scale business developments and the development of small scale workshop units within or adjacent to existing farm buildings or other existing employment areas, (in accordance with policies BE.1 – BE.5).

A dog breeding business of this scale is considered to be appropriate as it is more suited to a rural location. The proposed building is within the red line area of the previous permission 16/5627N and is part of the compound enclosed by fencing.

Impact on character and appearance of the streetscene/locality and open countryside

The site is located within the open countryside and therefore consideration has to be given to whether the proposed development is appropriately design and sited so as to not result in unacceptable harm on the character and appearance of the open countryside.

The site is behind existing buildings and is screened by trees and hedges within the site and along the northern boundary. The existing buildings are less than 3 metres to the ridge and are not unduly conspicuous in the countryside, and resemble stable buildings.

Public footpath 8 runs along the western side of the site and the proposed building is approximately 25 metres away. There is a conifer hedge to this boundary with the tennis court/exercise area. It is considered that the buildings themselves do not detract from visual amenity, and this additional building would be seen as part of the group of buildings. As a result the development would not cause harm to the character and appearance of the open countryside.

Impact on the amenity of neighbouring properties

The Environmental protection service advises that site visits have been made to view the kennels and the dogs / puppies and to discuss the management of the dogs / puppies with the owner. There was no noise from barking on arrival or when departing the site. Some dogs/puppies were vocal when entry was made inside the building and caused the dogs / puppies to be 'disturbed'.

Residential neighbouring properties are in the vicinity of the application site – albeit with a significant separation distance to the kennels and exercise areas. The Environmental Protection Service recognises that persistent barking from dogs can result in noise nuisance / loss of residential amenity and hence the reason for the site visit.

The activity of breeding dogs on the site has been ongoing for approximately 15 months – during which time, the Council has not received a formal complaint as regards noise nuisance.

It is generally recognised that noise arising from breeding dogs is far less than, for example, noise from a dog boarding kennel establishment, as breeding dogs tend settle to the routine of their environment. However, it is expected that at certain times such as feeding / exercise sessions / presence of unknown visitors, dogs in general can become excitable and bark.

The proposal is for dog welfare building to provide separate space for recovering dogs following birth of their litter and is located in a rural hamlet.

The applicant has submitted a Noise Management Plan prepared by Richard Lee Project Planning dated 6th February 2017 in support of the application.

The plan details measures designed to ensure that occupants of nearby properties are not adversely affected by noise from the dog breeding business. The measures are:

1. Insulation of buildings

Acoustic insulation is being fitted to all walls and ceilings in each building. 100mm Multi Acoustic Roll is lightweight, flexible roll of mineral wool, designed to be used as an acoustic absorbent layer in timber and metal stud partitions and in separating walls and floors in accordance with Part E (England and Wales) acoustic requirements.

2. Management of dog exercise areas

Exercise of the dogs will be managed, during hours of 9.00 a.m. - 3.00 p.m. every day. Not all dogs will be exercised in the tennis court area nor the paddock at the same time. Not more than 8 no. dogs will be let out onto the tennis court exercise area at any one time. Similarly, not more than 8 no. dogs will be let out onto the paddock exercise area at any one time. The dogs will always be supervised whilst in the exercise areas to ensure they are interacting whilst exercising/playing, i.e. they will not just be left to bark, unattended.

3. Visitor times and management

Hours of opening to the public will be restricted to 10.00 a.m - 4.00 p.m. by appointment only. The address of the business is deliberately not provided on its website. Customers arrive strictly by appointment only. When appointments are made, clearer information regarding the location of the business and directions will be provided, including by email. When customers arrive, they will not be permitted to approach the kennels nor the exercise area. Customers will be directed to the house and the dogs are brought in for them to meet.

As such the Councils Environmental Health Officer has raised no objection to this development, and in accordance with the Noise Management Plan, conditions are necessary in order for this application to be approved and the development would comply with Policy BE.1.

Impact on Highway Safety

Access to the site is controlled and by invitation only, and there is no evidence of any significant traffic issues arising from the use.

Other issues

Animal welfare is covered by other legislation and the licencing procedure.

The application was advertised by a site notice displayed on 13/2/2017 and adjoining neighbours have been notified.

CONCLUSIONS AND REASON(S) FOR THE DECISION

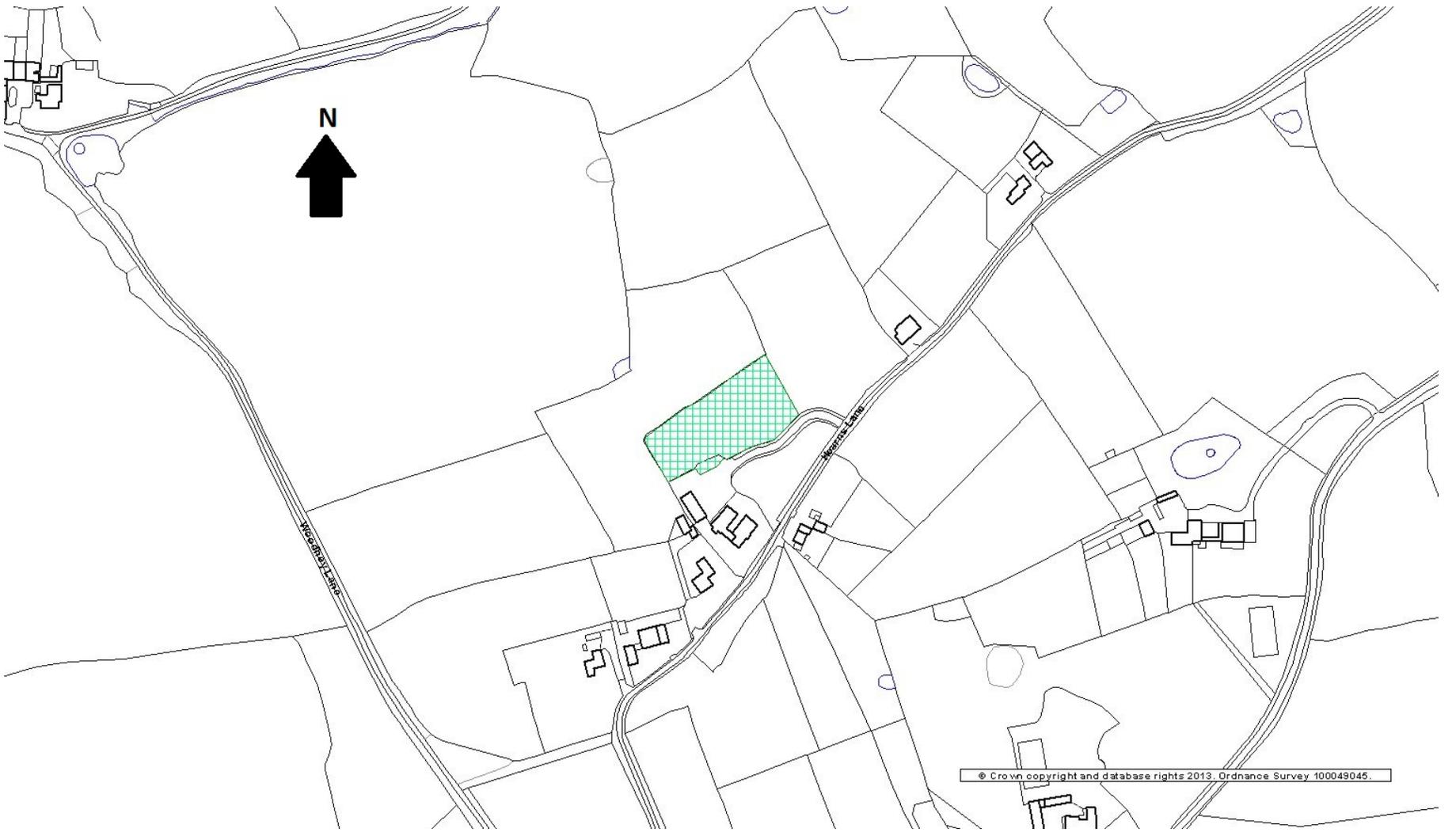
It is considered that the buildings are acceptable in environmental terms, and the specific use is acceptable subject to the recommended conditions

RECOMMENDATION:

APPROVE subject to the following conditions:

1. Time limit
2. Approved plans
3. This permission relates to the use of the land and buildings as a dog breeding business for a maximum of 31 dogs.
4. The hours of visiting to the kennels by members of the public shall be limited to 10:00am to 16:00pm on Monday to Sunday.
5. Prior to its installation details of any additional external lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
6. The use of the welfare building hereby approved shall be exercised solely by the applicant Mr Mark Wetton only.
7. The development shall be carried out in accordance with the Noise Management Plan Rev.1 submitted with the agent's email dated 22/2/2017. The use shall be operated at all times in accordance with the Noise Management Plan as approved.
8. The approved development shall not be occupied until space has been laid out within the site for the parking of 4 cars in accordance with drawing P002. Parking so provided, including the approved number of spaces for disabled persons (if applicable), shall be retained at all times thereafter, unless otherwise approved by the Local Planning Authority.

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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CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE REPORT

Date:	29 th March 2017
Report of:	David Malcolm - Head of Planning (Regulation)
Title:	Outline planning application for the demolition of 1 bungalow and the erection of 15 dwellings, including associated access at land east of Bunbury Lane, Bunbury
Site:	6 & Land rear of no.6 Bunbury Lane, Bunbury CW6 9QZ

1.0 Purpose of Report

- 1.1 To agree Heads of Terms for the legal agreement at the forthcoming appeal.

2.0 Decision Required

- 2.1 To agree Heads of Terms for the legal agreement at the forthcoming appeal submitted following the refusal of application 16/0646N.

3.0 Background

- 3.1 The site is located on the eastern side of Bunbury Lane, to the rear of existing bungalows. It is located towards the southern part of Bunbury and covers an area of approximately 1.3 hectares.
- 3.2 The application site is currently a field used for pasture, with a bungalow (no.6 Bunbury Lane) located on the western part of the application site. The application site has managed hedgerows along the northern and southern boundaries; the southern boundary contains a number of hedgerow trees. Part of the western boundary is marked by the rear garden boundaries of properties along Bunbury Lane. The eastern boundary is formed by a mature hedgerow. Footpath 16 Bunbury runs along a north to south alignment across the site. To the north of the application site are a number of paddocks and beyond these are the properties along Hill Close and Queen Street. To the south and east is the wider rural landscape.
- 3.3 To the south of the site, some distance away is the Grade II Listed Building known as Rowan Cottage.
- 3.4 The site lies partly within the settlement boundary of Bunbury but largely within Open Countryside as designated in the adopted local plan.

- 3.5 Planning application 16/0646N is an outline planning application for the erection of 15 dwellings. Access is to be determined at this stage with all other matters reserved.
- 3.6 The proposed development includes a single access point onto Bunbury Lane which would be located to the west of the site. The access would involve the demolition of a dwelling at 6 Bunbury Lane.
- 3.7 On 31st August 2016 Southern Planning Committee resolved to refuse application 16/0646N against the recommendation for the following reason;

1 The proposal by virtue of the co-location of the housing development of this site with the approved scheme 15/5783N at Hill Close will be contrary to Policy H2 of the Bunbury Neighbourhood Plan and the NPPF.

- 3.8 **As part of that report, reference was made to the proposed heads of terms for the legal agreement which stated:**

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

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 an area for Ecological Enhancements to be maintained by a private management company

3. Secondary Education Contribution of £32,685.38

- 3.9 The above Heads of Terms were not carried over onto the committee resolution/minutes to refuse the application. In this case the Council has received an appeal and there will be a requirement to enter into a S106 Agreement.

5 Officer Comment

- 5.1 In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 5.2 As explained within the main report, the area of open space would provide a scheme of ecological enhancements which is identified on the submitted plans. It is necessary to secure these works and a scheme of management. This is directly related to the development and is fair and reasonable.
- 5.3 The development would result in increased demand for secondary school places in the area and there is very limited spare capacity. In order to increase capacity of the secondary schools which would support the proposed development, a contribution towards secondary education is required. This is considered to be necessary and fair and reasonable in relation to the development.
- 5.4 On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

6 Conclusion

- 6.1 On the basis of the above, it is considered that the Southern Planning Committee should accept the Head of Terms on the basis that they are comply with the CIL Regulations.

7 Recommendation

- 7.1 To agree to the Heads of Terms for the legal agreement at the forthcoming appeal at no.6 & Land rear of no.6 Bunbury Lane, Bunbury as follows;

RESOLVE to enter into a Section 106 to secure the following:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision

- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing

- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved

- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2. *Provision of an area for Ecological Enhancements to be maintained by a private management company*
3. *Secondary Education Contribution of £32,685.38*

8 Financial Implications

- 8.1 There are no financial implications.

9 Legal Implications

- 9.1 The Borough Solicitor has been consulted on the proposals and raised no objections.

10 Risk Assessment

- 10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

- 2.1 To agree Heads of Terms for the legal agreement at the forthcoming appeal at no. 6 & Land rear of no.6 Bunbury Lane, Bunbury CW6 9QZ.

For further information:

Portfolio Holder: Councillor Ainsley Arnold
Officer: Daniel Evans (Principal Planning Officer)
Tel No: 01270 686751
Email: Daniel.evans@cheshireeast.gov.uk

Background Documents:

- *Application 16/0646N*