

Southern Planning Committee

Agenda

Date:	Wednesday, 1st November, 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 - 14)

To approve the minutes of the meeting held on 4 October 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. **17/0560N Land Off Sydney Road, Crewe: Full planning permission for the proposed development of 40 affordable dwellings, comprising of 17 two-bed and 23 three-bed dwellings, the creation of a new vehicle and pedestrian access from Sydney Road, internal shared surface roads, car parking, landscaping and public open space for Galliford Try Partnerships (Pages 15 - 36)**

To consider the above planning application.

6. **17/3545N Redsands Centre, Crewe Road, Willaston CW5 6NE: Demolition of existing buildings and erection of a care home for the elderly (C2 Use Class) and associated works for Richmond Villages Ltd (Pages 37 - 50)**

To consider the above planning application.

7. **17/2484N Elephant And Castle Inn, 289, Newcastle Road, Shavington CW2 5DZ: New access to car park, reconfigured car park, new garage (including access) and bin store , new garden area, paths and boundary treatment for Mr Lee Dawkin, Renew Land Developments, Punch Taverns, MCI Developments (Pages 51 - 62)**

To consider the above planning application.

8. **17/2483N Elephant And Castle Inn, 289, Newcastle Road, Shavington CW2 5DZ: Affordable Housing Development Comprising 45 no. dwellings & Ancilliary Works for Mr Lee Dawkin, Renew Land Developments, Punch Taverns, MCI Developments and Magenta Living (Pages 63 - 86)**

To consider the above planning application.

9. **17/3272N 41, Mablins Lane, Crewe CW1 3RF: Proposed demolition of Sunnyside Farm & 41 Mablins Lane and erection of 20 dwellings (4 x 2 bedroom and 16 x 3 bedroom), new access road, car parking and landscaping for Mrs Holly Leese, Adactus Housing Association Ltd (Pages 87 - 102)**

To consider the above planning application.

10. **17/3126N Land Off, Crewe Road, Haslington, Cheshire CW1 5RT: Variation of condition 8 on application 16/1046N - Reserved matters application for the erection of 245 dwellings, highways, public open space, play facility and associated works following approved outline application (13/4301N) APP/R0660/A/14/2213304 for Mr Christopher Conlon, Bovis Homes Ltd (Pages 103 - 112)**

To consider the above planning application.

11. **Planning Appeals (Pages 113 - 126)**

To consider a report regarding the outcome of Planning Appeals decided between 1 April 2017 and 30 September 2017.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 4th October, 2017 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor J Wray (Chairman)
Councillor M J Weatherill (Vice-Chairman)

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

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillor S Hogben

OFFICERS PRESENT

Daniel Evans (Principal Planning Officer)
James Felton (Planning Lawyer)
Chris Glover (Development Officer, Strategic Housing)
Andrew Goligher (Principal Development Control Officer - Highways)
Emma Hood (Arboricultural Officer)
Susan Orrell (Principal Planning Officer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillor Rhoda Bailey

44 DECLARATIONS OF INTEREST/PRE DETERMINATION

With regard to application numbers 17/0205N, 17/0947N and 17/0950N,
Councillors P Butterill and S Edgar declared that they knew Melanie
Henniker, who had registered to address the Committee on behalf of the
applicant, but had not discussed the application.

45 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 6 September 2017
be approved as a correct record and signed by the Chairman.

46 **16/5350N-RESIDENTIAL DEVELOPMENT (USE CLASS C3)
CONSISTING OF 67 NO. NEW AFFORDABLE DWELLINGS
COMPRISING 6 NO. FOUR BED HOUSES, 21 NO. THREE BED
HOUSES, 38 NO. TWO BED HOUSES AND 2 NO. ONE BED
MAISONETTES WITH ASSOCIATED INFRASTRUCTURE, LAND WEST
OF, BROUGHTON ROAD, CREWE FOR MR ANDREW GARNETT, MCI
DEVELOPMENTS LIMITED AND WULVERN HOUSING**

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

Note: Daniel Whitney and Gaynor Mellor attended the meeting and addressed the Committee on behalf of the applicant.

The Principal Planning Officer reported comments that had been received from Ansa regarding open space and the provision of a children's play area.

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. Commencement of development (3 years)
 2. Development in accordance with approved plans,
 3. Materials
 4. Surfacing materials
 5. Delivery of affordable housing
 6. Grampian condition to secure mitigation for lesser silver diving beetle
 7. Nesting bird survey to be submitted
 8. Provision of features for breeding birds
 9. Development undertaken in accordance with Reptile method statement
 10. Submission of landscape scheme, including details of hedgerow retention
 11. Implementation of landscaping
 12. Provision of children's play area
 13. Details of surface water drainage scheme
 14. Contamination - Phase II investigation to be submitted
 15. Contamination - Importation of soil
 16. Remediation of unexpected contamination
 17. Arboricultural method statement and tree protection measures
 18. Boundary treatment
 19. Details of parking layout on land adjacent 129 Broughton Road
 20. Dust Management
 21. Noise mitigation scheme
 22. Details of construction management plan

23. Electric vehicle charging points to be provided for dwellings
 24. Residents Travel Information Pack to be submitted
 25. Cycle storage details
 26. Bin Storage details
 27. No development of phase 3 (plots 50-67) until confirmation that Safeguarded Area is not required for the purpose of the HS2 rail project
 28. Over 55's to be prioritised for the ground floor apartments
- (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 his 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.

47 17/2710N-REDEVELOPMENT OF SCHOOL TO PROVIDE 14 NO.2 BED AND 14 NO. 1 BED APARTMENTS, INCLUDING ON SITE PARKING INVOLVING PARTIAL DEMOLITION AND CONVERSION OF EXISTING BUILDING AND NEW BUILD ELEMENTS (AMENDED DESCRIPTION OF DEVELOPMENT, FORMER EDLESTON ROAD PRIMARY SCHOOL, EDLESTON ROAD, CREWE FOR SCPC LTD

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

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

RESOLVED

- (a) That authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman of Southern Planning Committee, to APPROVE the application for the reasons set out in the report and the written update, pending the completion of the formal consultation of the corrected description of development and subject to the following conditions:
- 1 Standard Outline
 - 2 Time limit for reserved matters
 - 3 Reserved matters
 - 4 Plans
 - 5 Method statements for demolition/ conversion works/ propping up of original building/ compliance with methodology
 - 6 Materials for extensions
 - 7 Drainage design for the whole site
 - 8 Details of extension windows to be submitted and approved, including the design of internal floor plates for extensions and existing building/ existing windows in school building to be retained

- 9 Car parking scheme of allocation to be submitted and approved
- 10 All rainwater goods to be black cast metal - details to be submitted and approved
- 11 Construction and Environmental Management Plan
- 12 Contaminated land risk assessment
- 13 Contaminated land - soil analysis
- 14 Unforeseen contamination
- 15 Boundary Treatment to be submitted and approved – including a scheme for the retention of the existing walls/railings
- 16 Scheme to be submitted for outdoor private amenity area for residents
- 17 Scheme for outdoor clothes drying
- 18 Birds and bats nesting survey in demolition during nesting season
- 19 Scheme for swifts nest
- 20 Scheme for Two fast (7kV) EVPs with cabling provided for another two units
- 21 Residents travel packs
- 22 Management scheme for open space
- 23 Notwithstanding submitted plans detailed design of enclosed bin/bike store (28 cycles) to be submitted/ implemented

- (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 his 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.

48 16/5584N-CHANGE OF USE FROM DWELLING (C4) TO SUI GENERIS HOUSE IN MULTIPLE OCCUPATION FOR 7 PEOPLE, 84, EDLESTON ROAD, CREWE FOR BEN MORRIS, HOPSCOTCH INVESTMENTS LTD

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

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

The Principal Planning Officer reported updated comments from Crewe Town Council.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED to allow consultation with Building Control regarding the staircase, re-consultation on the amended plans, and the correct plans to be included in the key plans pack for Committee Members.

49 17/3331C-CONSTRUCTION OF 2NO.NEW DWELLINGS, REAR OF 108, LONDON ROAD, HOLMES CHAPEL FOR MILL CROFT, C/O AGENT

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

Note: Parish Councillor Brian Bath (on behalf of Holmes Chapel Parish Council) and Jay Ashall (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. Time
2. Plans
3. Materials - Prior submission/approval of details
4. Prior submission/approval of acoustic glazing details
5. Prior submission/approval of trickle vent/wall ventilation details
6. Prior submission/approval of electric vehicle charging infrastructure
7. Prior submission/approval of a Phase 1 contaminated land report
8. Prior submission/approval of a soil verification report
9. Works should stop if contamination is identified
10. Prior submission/approval of surface water drainage scheme
11. Prior submission/approval of levels
12. Prior submission/approval of tree protection measures
13. Prior submission/approval – landscaping
14. Landscaping – Implementation
15. Prior submission/approval of boundary treatment
16. Prior submission/approval of electromagnetic screening measures
17. No second floor/mezzanine accommodation within the roof space without the submission and approval of a separate planning application

Informatives:

1. NPPF
2. Hours of construction
3. Contaminated land

(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 his 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.

50 **17/3356C-CHANGE OF USE TO B2/B8 USE AND LIMITED DEMOLITION AND EXTENSION TO PREMISES FOR ANCILLARY OFFICE USE, CONGLETON PLASTICS, VAREY ROAD, CONGLETON FOR LEE MAR ESTATES**

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

Note: James Berggren attended the meeting and addressed the Committee on behalf of the applicant.

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

RESOLVED

- (a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to the following conditions:
 - 1. Standard (3 years)
 - 2. Plans
 - 3. Materials as per application
 - 4. Approved extension shall be drained into the existing surface water drainage system.
 - 5. Deliveries to and from the site shall be restricted to Monday to Saturday 07.00 hours to 20.00 hours' – with no deliveries on Sundays
 - 6. Implementation of noise mitigation scheme
 - 7. Prior submission/approval of a dust management plan
 - 8. Prior submission/approval of staff travel plan
 - 9. Prior submission/approval of a scaled plan of the proposed acoustic fence detailing that it would be constructed within the confines of the existing site on existing hardstanding
 - 10. Prior submission/approval of a construction method statement of the proposed acoustic fence
 - 11. Prior submission/approval of a tree pruning/felling specification
- (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 his 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.

**51 17/3231N-BRICK BUILDING DAY ROOM, NEW START PARK,
WETTENHALL ROAD, REASEHEATH FOR MR T HAMILTON**

Note: Endaf Roberts (objector) and Mr Hamilton (applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

- (a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to the following conditions:
 - 1. Temporary period in line with 15/4060N
 - 2. No over night use
 - 3. This consent does not give approval for any additional pitches
 - 4. When use ceases the building shall be removed within 6 months
 - 5. Materials to be approved
 - 6. Approved 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.

**52 17/0205N-ERECTION OF 4 SPONSORSHIP SIGNS ON THE
ROUNDAABOUT. ONE FACING EACH ENTRY POINT ONTO THE
ROUNDAABOUT. (EXCLUDING TOMMY'S LANE), NANTWICH ROAD
ROUNDAABOUT, CREWE FOR RICHARD BRAMHALL, ANSA
ENVIRONMENTAL SERVICES LTD**

Note: Councillor S Davies left the meeting prior to consideration of this application.

Note: Melanie Henniker attended the meeting and addressed the Committee on behalf of the applicant.

Note: Ralph Kemp 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.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. 1-6 standard advertisement conditions
 2. Signs to be non-illuminated
 3. Posts to be painted black
 4. In accordance with approved plan
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in his 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.

53 17/0947N-ERECTION OF 5 SPONSORSHIP SIGNS ON THE ROUNDABOUT. ONE FACING EACH ENTRY POINT ONTO THE ROUNDABOUT, ROUNDABOUT: A530 / A51 (NANTWICH BYPASS) / MIDDLEWICH RD (ALVASTON ROUNDABOUT), NANTWICH FOR RICHARD BRAMHALL, ANSA ENVIRONMENTAL SERVICES LTD

Note: Melanie Henniker and Ralph Kemp had registered their intention to address the Committee on behalf of the applicant but did not speak.

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. 1-6 standard advertisement conditions
 2. Signs to be non-illuminated
 3. Posts to be painted black
 4. In accordance with approved plan
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in his 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.

54 **17/0950N-ERECTION OF 5 SPONSORSHIP SIGNS ON THE
ROUNABOUT, LAND AT, ROUNABOUT A500 CHEERBROOK,
WILLASTON FOR MR RICHARD BRAMHALL, ANSA
ENVIRONMENTAL SERVICES LTD**

Note: Melanie Henniker and Ralph Kemp had registered their intention to address the Committee on behalf of the applicant but did not speak.

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. 1-6 standard advertisement conditions
 - 2. Signs to be non-illuminated
 - 3. Posts to be painted black
 - 4. In accordance with approved plan
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in his 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.

55 **CHESHIRE EAST BOROUGH COUNCIL (HASLINGTON - WINTERLEY,
LAND TO THE NORTH OF POOL LANE) TREE PRESERVATION
ORDER 2017**

Note: The Arboricultural Officer read a representation from Councillor J Hammond (Ward Councillor), who was unable to attend the meeting.

The Arboricultural Officer reported that there was an error in the report, and that the second paragraph under the heading 'Consultations' should read as follows:

'The Order was served on the owner/occupiers of the land and their Agents on 22nd May 2017. Copies of the Order were also sent to adjoining landowners who are immediately affected by the Order, Haslington Parish Council and the Ward Members.'

The Committee considered a report regarding the above tree preservation order.

RESOLVED – That, for the reasons set out in the report, the Cheshire East Borough Council (Haslington - Winterley, Land to the North of Pool Lane) Tree Preservation Order 2017 be confirmed without modification.

The meeting commenced at 10.00 am and concluded at 3.30 pm

Councillor J Wray (Chairman)

Application No: 17/0560N

Location: Land Off, SYDNEY ROAD, CREWE

Proposal: Full planning permission for the proposed development of 40 affordable dwellings, comprising of 17 two-bed and 23 three-bed dwellings, the creation of a new vehicle and pedestrian access from Sydney Road, internal shared surface roads, car parking, landscaping and public open space.

Applicant: Galliford Try Partnerships

Expiry Date: 10-May-2017

SUMMARY

The site is within the Open Countryside where, under policy PG6 of the Adopted Local Plan Strategy, there is a presumption against new residential development. The proposed development although affordable has not been put forward as a Rural Exception Site and therefore would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. The issue in question is whether there are other material considerations associated with this proposal, which are sufficient material considerations in this case to outweigh the policy objection

The development would provide significant social benefits in terms of much needed affordable housing through the provision of a 100% affordable housing scheme. It would provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses. Due to its landscape designation, it is not considered that the proposal will have a significant landscape impact.

Balanced against this are the adverse impacts of the development including the limited loss of open countryside and the lack of planning obligations for infrastructure which play a vital role in ensuring the social wellbeing of the community. However the contribution of affordable housing is also considered an important and overriding consideration, constituting a significant social benefit.

It is therefore considered that the benefits arising from proposed scheme of 40 Affordable Dwellings on this site weighs significantly in the planning balance, and would outweigh the disadvantages of the scheme, and justify a departure from the Development Plan.

SUMMARY RECOMMENDATION

Approval subject to conditions

PROPOSAL

The application seeks full planning permission for 40, two storeys, affordable dwellings which will all be in shared ownership. The Scheme will be delivered in partnership the Regenda Group, a Registered Provider. The development comprises of 17 two-bedroom dwellings, and 23 three bedrooms and will all be in shared ownership.

Access into the site will be gained from Sydney Road to the west, using a currently undeveloped strip of land between existing dwellings (No 72 and 74) which front onto the Sydney Road.

The dwellings have been arranged to face on the new adoptable access road which will serve the site from Sydney Road.

The layout has been subject to some design changes over the course of the application process, however the mix and broad location of the units has remained the same.

SITE DESCRIPTION

The site is located on the north-eastern edge of Crewe and lies within Open Countryside as identified by the Development Plan, and covers an area of 1.03 hectare. It is a triangular parcel of land comprising a single field on the northern side of Sydney Road. The site is pasture land, but is not in agricultural use, nor is it accessible to the public.

The rear garden boundaries of dwellings fronting Sydney Road (Nos.56-84 even) form the western edge of the Site. The residential curtilage of a detached property (No.54 Sydney Road) adjoins the northern boundary of the site.

The Manchester to Crewe railway line runs north/south alongside the eastern site boundary. An electricity pylon is also located within open land adjacent to the eastern boundary of the Site, but no powerlines pass directly over the site.

RELEVANT HISTORY

7/16274 - Residential Development - Refused 19th January 1989

7/07282 - 4 detached dwellings - Refused 30th October 1980

POLICY

Cheshire East Local Plan Strategy – Adopted Version (CELP)

The following are considered relevant material considerations as indications of the Adopted Local Plan Core Strategy:

PG2 – Settlement Hierarchy

PG6 - Open Countryside

PG7 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SC6 - Rural Exceptions Housing for Local Needs
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 3 - Biodiversity and geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE9 - Energy Efficient Development
SE12 - Pollution, Land contamination and land instability
SE13 - Flood risk and water management
CO1 - Sustainable Travel and Transport
CO4 - Travel plans and transport assessments
IN1 - Infrastructure
IN2 - Developer Contributions

The Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There is however policies within the legacy Local Plan that still apply and have not yet been replaced. These policies are set out below.

NE.5 (Nature Conservation and Habitats)
NE.8 (Sites of Local Importance for Nature Conservation)
NE.9 (Protected Species)
NE.17 (Pollution control)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.6 (Development on Potentially Contaminated Land)
RES.5 (Housing in the Open Countryside)
TRAN.3 (Pedestrians)
RT.3 (Provision of recreational open space and children's play space in new housing developments)

Other Material Considerations

National Planning Policy Framework (2012)
National Planning Practice Guidance

Supplementary Planning Documents:

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

Development on Backland and Gardens
Cheshire East Design Guide

CONSULTATIONS

Environmental Health – No objection subject to conditions regarding the implementation of the Noise Mitigation Scheme, provision of Environmental Management Plan, charging for electric vehicles, travel information pack, dust control and remediation of contamination. An Informative relating to hours of construction is recommended.

Highways Officer - No objection subject to conditions requiring a Construction Management Plan and pedestrian crossing point/refuge on Sydney Road. Also the relevant highway permits will be required to enable timings of construction.

Education - No objection subject to an education contribution of £86,770.

Public Rights of Way Officer – No objection

United Utilities – No objections subject to conditions requiring surface and foul drainage to be being carried out in accordance with the submitted Flood Risk Assessment, and the submission of a drainage management plan.

Flood Risk – No objections subject to conditions requiring that the development is carried out in accordance with the approved Flood Risk Assessment and for the approval of the detailed design, associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods

Network Rail: No objection. Subject to conditions requiring details of boundary fencing, provision of acoustic mitigation, details of foul and surface water drainage and details of levels. Also detailed informatives are recommended to be attached hatched the decision notice regarding construction work and development adjacent to the railway.

Cheshire Brine Subsidence Compensation Board - No objection subject to a condition being imposed requiring details of foundation design

VIEWS OF THE TOWN COUNCIL

Crewe Town Council - Commented as follows;

“The Town Council has no objection in principle to residential development on this site and welcomes the provision of affordable housing. However, the proposed layout is very high density. This is likely to be family housing and there is no play provision within the site. The public open space is not of any real benefit, located under a pylon and not laid out for children’s play. Some houses are close to the railway where noise is a concern. The noise report submitted with the application identifies that certain properties would experience unacceptable internal noise levels if the windows are open. The proposed mitigation is additional trickle ventilation. It is not acceptable for family housing that windows cannot be opened. Further consideration needs to be given to the means of mitigating unacceptable

noise impacts. The Town Council objects to the currently proposed layout for the reasons stated above”.

OTHER REPRESENTATIONS

Representations have been received from the residents of 9 neighbouring properties raising the following points:

- Overdevelopment of the site. Number of properties should be reduced
- Inappropriate site and no need for development
- Cumulative effects of development in the immediate area
- Increased pressure on community facilities and infrastructure including Doctor's surgeries, schools, dentists and hospitals
- Development out of character.
- Houses along this part of Sydney Road are 3/4 bedroom link detached and planning application is for Affordable housing of 2 and 3 bed homes.
- Proposed access serving the site is very narrow and of inadequate width.
- Adverse impact on highway safety due to inadequate highway visibility along Sydney Road and proximity to Sydney Road Bridge
- Increase traffic congestion on Sydney Road, which is a busy road especially at peak periods and operates at maximum capacity
- Reinstatement of two-way traffic flow across Sydney Road Bridge will exacerbate problems of joining the flow of traffic on to this busy stretch of road and a dangerous place for pedestrians to cross
- insufficient on site parking
- Reduction in quality of life
- loss of privacy
- Adverse impact on security as no boundary treatment for existing rear gardens adjoining the site
- Unfavourable ground conditions due to brine subsidence;
- Increased in heavy railway traffic has caused vibration and subsidence
- Will exacerbate drainage problems
- Increased noise from traffic using site access.
- Adverse impact of construction work
- Removal of trees and greenspace
- Loss of wildlife habitat and adverse impact on nesting birds
- Health, noise and safety issues due to proximity of site to railway line and electricity pylon
- Poor provision of public open space within the development
- Impact of Landfill Gas originating from Maw Green
- Reduction of property values

Comments received from Cllr Suzanne Brookfield;

Proximity to Railway Line. This is a busy railway line and there are a number of dwellings that are too close to the line. It should be unacceptable in this day and age for residents to be unable to open their windows.

Lack of Play Area - This appears to be a development aimed at young families. Yet again we see an affordable housing site being constructed without regard for the children residing there. As the ward councillor I had to think hard where the nearest playground areas are -

these are Lime Tree Avenue and Lansdowne Road - both a considerable walk away and both with the need to cross busy highways both with no provision for pedestrian crossing. A recent development at Mayfair Drive (albeit not affordable) has seen requests from residents for children's play areas 8/10 years after first construction.

Green Space- The green space is welcomed but sits under a pylon - is this really acceptable?

Cheshire Brine - I sit on the Cheshire Brine Compensation Board and I note the requirements for the increased provision of raft foundations by Cheshire Brine. As such I would question whether this is the right area for construction. I would also urge for the Planning Committee to ensure that the recommendation from Cheshire Brine is adhered to.

Highways - Sydney Road is a major thoroughfare in the town and experiences high levels of traffic at all times but particularly at peak times. This development once completed will add to this traffic. I however have serious concerns about the timing of this construction with all the planned highway works that are scheduled for this corridor;- Crewe Green roundabout, Sydney Road Bridge, Maw Lane and Cross Keys/Remer St roundabout. Consideration needs to be given to the residents living along this corridor.

APPRAISAL

Principle of development

The site lies within the Open Countryside. Policy PG6 of the Adopted Local Plan Strategy states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development is restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development although affordable has not been put forward as a Rural Exception Site and therefore 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".

Policy SC6 (Rural Exceptions Housing for Local Needs) of the CELPS only applies to developments which adjoin a Local Service Centre or Other Settlement and are for small schemes (10 dwellings or fewer). As a result the proposed development does not comply with this Policy.

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

Paragraph 49 on the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development. 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.

The Inspector's Report published on 20 June 2017 signalled the Inspector's agreement to the plans and policies of the Local Plan Strategy, subject to the modifications consulted on during the spring of 2016 and 2017. On adoption, all of these sites and policies will form part of the Statutory Development Plan. In particular sites that were previously within the green belt are removed from that protective designation and will be available for development. Other sites also benefit from the certainty that allocation in the development plan affords.

In the light of these new sources of housing supply, The Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"

Given this conclusion from the examining Inspector, the Council now takes the position that it can demonstrate a 5 year supply of housing land.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and These roles should not be undertaken in isolation, because they are mutually dependent.

SOCIAL SUSTAINABILITY

Affordable Housing

This application proposes 40 affordable dwellings, comprising Three bedroom houses 23 no. two bedroom houses 17 no. The proposed development is to comprise 100% affordable housing and be delivered under a joint venture 'partnership' arrangement between the private sector (Galliford Try Partnerships) and The Regenda Group, a Registered Provider of affordable housing. Once completed by Galliford Try Partnerships, the Registered Provider will acquire the completed housing units.

The Councils Housing Officer has advised that the SHMA 2013 evidenced a requirement for 217 new affordable dwellings per annum in Crewe until 2017/18. Broken down this evidenced a requirement for 50 x 1 bed, 149 x 3 bed, 37 x 4 bed, 12 x 1 bed older person and 20 x 2 bed older person dwellings.

There are currently 1510 households on the Cheshire Homechoice housing waiting list who have selected Crewe as their first choice area for rehousing. They require 468 x 1 bed, 635 x 2 bed, 340 x 3 bed, 62 x 4 bed and 5 x 5 bed dwellings.

There is a pressing need for affordable housing of all tenures. The application proposes 100% of the dwellings on this site to be affordable, with all of them being provided by way of Intermediate tenure. Whilst some rented dwellings would normally be expected on a site like this, Strategic Housing are aware that the scheme is being funded by grant from the HCA, which at the time was available only for shared ownership and as such no objection is raised to this application on the tenure split.

The applicant proposes to deliver 17 x 2 bed and 23 x 3 bed dwellings on this site. The proposed housing mix is considered acceptable by the Housing Officer given that Regenda's experience has been that 1 bed shared ownership dwellings are not attractive to buyers.

The Local Plan Strategy's annual affordable housing target for the borough is 7,100 across the Plan period (average of 355 per year). Affordable housing completions since 2010 are reflected in the table below taken from the Councils Annual monitoring report (AMR).

	10/11	11/12	12/13	13/14	14/15	15/16
Affordable housing	170	214	184	131	638	448

Given the rates of completion, a key action of the AMR in relation to planning for housing in Cheshire East is to;

- Make sure that affordable houses are being provided on appropriate site

The proposal is strongly supported by Housing officers within Cheshire East Council Therefore the proposal makes a significant contribution to the community in its own right and therefore is socially very sustainable.

Development proposals for housing can traditionally contribute to social sustainable development through the provision of some community benefit, this is often brought about through contributions (financial or otherwise). A main community benefit is itself the provision of affordable housing. However, alongside this, for large developments, other benefits are required to make the development acceptable in planning terms, and to ensure that it does not have a detrimental impact on the community it is to serve.

Education

Following consultation with children's services a financial contribution is required as the development of 40 dwellings comprising 23 Three bedroom and 17 two bedroom houses is expected to generate:

The development of 40 dwellings is expected to generate:

- 8 primary children (40 x 0.19)
- 6 secondary children (40 x 0.15)
- 0 SEN children (40 x 0.51 x 0.023%)

The development is forecast to increase an existing shortfall for primary provision (8 pupils) in the immediate locality as set out in the table below.

Primary Schools	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any Known Changes	PUPIL FORECASTS based on October 2015 School Census					Comments	
					2016	2017	2018	2019	2020		
Beechwood Primary School and Nursery	45	45	315	315	343	358	362	362	363		
Brierley	30	30	210	210	207	212	210	208	208		
Edleston Primary School	30	30	210	210	207	207	205	202	200		
Gainsborough Primary and Nursery School	60	60	420	420	415	415	409	406	405		
Hungerford Primary Academy	60	30	420	420	429	437	439	444	448		
Leighton Academy	60	60	420	480	484	495	504	517	534		
Mablins Lane Community Primary School	75	30	525	525	531	560	555	560	566		
Monks Coppenhall Academy	60	30	420	420	422	455	475	483	503		
Pebble Brook Primary School	45	45	315	315	279	292	297	296	304		
St Michael's Community Academy	60	60	420	420	400	413	410	407	406		
Underwood West Primary School	60	60	432	432	445	456	464	475	486		
Haslington Primary School	45	45	315	315	260	263	267	262	259		
The Dingle Primary School	50	50	350	350	332	360	368	362	370		
Developments with S106 funded and pupil yield included in the forecasts				194							
Developments pupil yield not included in the forecasts									52		
Pupil Yield expected from this development									8		
OVERALL TOTAL	680	755	4,772	5,026	4,760	4,923	4,965	4,990	5,118		
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP					266	103	61	36	-92		

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

8 x £11,919 x 0.91 = £86,770.00 (primary)
Total education contribution: £86,770.00

Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS and play space on site. In this case, given the constraints of the site, a designated area of public open space incorporating play space is not provided. Policy RT3 further states that if located more than 400m from an easily accessible equipped playground a contribution should be made towards off site provision of play equipment.

However as set out below, an alternative approach to the provision of formally designated public open space has been followed within the amended site layout through the provision of squares and shared surfaces which can be successfully be used by residents for purposes including public one space and informal play space.

In addition, it is also the case that an equipped play area is within easy walking distance of the site. This is located off Greendale Avenue/ Queens Drive about 370m to the south of the site beyond Sydney Road. A pedestrian route running north/south between Sydney Road and Queens Drive also provides a reasonably direct access to the play area.

Viability

A Financial Viability Statement in respect of the delivery of the proposed scheme has been prepared by Rees Straw Chartered Surveyors in support of the application. A redacted version of the report is can be viewed on the Councils website.

In this case the proposal to develop a scheme of 100% affordable housing is a critical consideration in the context of the scheme's viability. The Viability Statement concludes that due to the nature of the scheme, being a 100% affordable housing scheme, it could not bear the costs of any financial planning obligations and could therefore not be fully policy compliant.

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.

Social Sustainability Conclusion

It is considered that, although the proposal will not make contributions to education or fund off-site works it will make a very significant contribution to the provision of affordable housing, especially in an area where it is needed. On balance this contribution alone does provide significant community benefit, and it is unfortunate that the scheme is unable to provide a financial educational and off site play space contributions however given the nature of this scheme, the viability appraisal demonstrates that this contribution cannot be afforded. It is not considered that the education can be a showstopper, as an affordable housing scheme such as this, developed by a registered provider will be under significant financial pressure, as demonstrated by the viability report. Although it is finely balanced this proposal will be sustainable socially by providing much needed affordable housing.

ECONOMIC SUSTAINABILITY

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

Agricultural Land

Policy SE2 of the Local Plan Strategy sets out that development should safeguard natural resources including high quality agricultural land (grades 1, 2, and 3a), whilst recognising that some reduction of agricultural land is inevitable if new development is to proceed.

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

In this the site comprises of Grade 3 Agricultural Land. However, the loss of such a small and constrained parcel, which is enclosed on by residential properties and the railway line is considered to be acceptable. As a result this issue needs to be considered as part of the planning balance.

Economic sustainability conclusion

It is considered that the proposals represent sustainable development in terms of the economic sustainability of the scheme which will provide benefits to the local area through the construction process and the use by residents of local businesses.

ENVIRONMENTAL SUSTAINABILITY

Site location

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 application site is located on the edge of Crewe, which is a main service centre. The site is close to a variety of amenities and services, with public transport available along Sydney Road. The site location therefore performs well against the desired distances to local facilities which developments should aspire to achieve as set out within the toolkit of the checklist. The site is therefore considered to be locationally sustainable.

There are, however, three dimensions to sustainable development: economic, social and environmental. Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be approved without delay.

Landscape Impact

Whilst the Site lies within the open countryside, it is effectively contained by existing residential development and the west coast main line with very limited views into the site from public vantage points. In addition, land beyond the railway to the west is allocated for residential development and as a result this small parcel of land will become entirely isolated from the surrounding countryside. Therefore although the site itself would remain open, its surroundings would not.

In principle, the development of this site would not have not had unacceptable impact on the character or appearance of the locality, nor on the wider rural landscape.

Impact on Trees

A supporting Arboricultural Statement has been submitted and assessed by the Council's Tree Officer. This identifies the removal of two groups Sycamore/Hawthorn located within the southern boundary section of the site and a group of Hawthorn/Crab Apple (an overgrown hedge) adjacent to the central eastern site boundary.

The Council's Tree Officer considers that these trees present a low to medium contribution to visual amenity within the immediate surrounding area, but are not considered to be significant in terms of their contribution to the wider public realm.

The Tree Officer originally raised concerns as regards the impact of the scheme on an Oak (T4) located alongside the eastern boundary. However a subsequent inspection of this tree revealed that there is extensive damage to the base of the stem. Furthermore there are overhead high voltage cable that run within a couple of metres of the trees crown and the basis of these factors the tree officer has confirmed that this tree is worthy of long term protection.

To address the reservations of the Tree Officer, as regards the impact on trees to be retained, within and adjacent to the site, conditions are recommended for the implementation of tree protection measures and updated Arboriculture Method Statement to fully take into account the amended layout.

Ecology

The proposals and the supporting Ecological Appraisal have been assessed by the Council's Ecologist. Although the habitat survey undertaken as part of the submitted ecological appraisal was undertaken in January, the Council's Ecologist considers that given the nature of the habitats present on site, this is not a significant constraint on the accuracy of the submitted survey.

Reptiles

Reptile species are known to occur to the north of the application site. The habitats on site are potentially suitable for reptiles, but the site is relatively isolated from the known populations. The Council's Ecologist considers that the risk posed by the proposed development to reptiles is relatively low, and be mitigated through the implementation of 'reasonable avoidance measures'

during the construction phase. A condition is therefore recommended requiring the submission of a method statement of Reptile Reasonable Avoidance Measures prior to the commencement of development.

Hedgerows

Native species hedgerows are a priority species and hence a material consideration. There is an existing hedgerow located on the eastern boundary of the site and the amended plan shows the hedgerow being retained as part of the proposed development.

Trees with bat roost potential

A single tree has been identified on site as having moderate potential to support roosting bats. This tree is to be retained as part of the proposed development.

To avoid any adverse impacts on bats resulting from any lighting associated with the development a condition should be attached requiring details of external lighting. 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).

Great Crested Newts

The Council's Ecologist has advised that this species is unlikely to be affected by the proposed development and no further action is required in respect of GCN.

Hedgehogs

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. A condition is recommended requiring a scheme to be implemented to ensure the incorporation of gaps for hedgehogs into garden or boundary fencing.

Nesting Birds

Standard conditions are recommended to safeguard nesting birds.

Residual impacts on biodiversity

The Council's Ecologist has advised that habitats on site are of low value and do not present a significant constraint upon development. Nevertheless the proposals may still result in an overall loss of biodiversity and it is recommended a financial contribution is made to 'offset' the impacts of the development and fund habitat creation/enhancement works locally.

However given that there are no opportunities in the locality of the site to secure such habitat creation, it is considered that the requirement for such a financial contribution in these circumstances would not accord with national planning guidance, as it would not be reasonably related to the development. It is considered that ecological issues can be addressed through suitably worded conditions. Therefore it is considered that the proposal accords with policy NE.9 of the Crewe and Nantwich Local Plan.

Flood Risk

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

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

Contaminated Land

Environmental Health has been consulted with regard to contamination and the Contaminated Land team has raised no objections. This is however subject to conditions being imposed requiring an updated Phase II ground investigation be undertaken in order to further investigate the potential contamination risks at the site.

Air Quality

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

Crewe has three Air Quality Management Areas and as such the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

Modern Ultra Low Emission Vehicle Technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such, it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern, sustainable developments. The Council's Environmental Health Officer recommends conditions to mitigate the impact on air quality including the provision of ELV infrastructure and a Residents' Travel Information Pack incorporating local information on sustainable transport.

Noise Impact

The proposed development is located next to the West Coast Main Line and noise from this would have the potential to adversely impact upon any residential properties.

An acoustic report has been submitted in support of the application. The Council's Environmental Health Officer has advised that the impact of the noise from the west Coast Main Line on the proposed development has been satisfactorily assessed.

It is considered that the acoustic report's recommended noise mitigation measures will ensure that occupants of the properties are not adversely affected by noise from the trains on the

West Coast Main Line. This relates to the provision of double glazing and through-frame window mounted trickle ventilators for habitable rooms.

As the elevations of several dwellings will face the railway line, the report recommends that measures are needed to control internal noise levels. It is proposed that a through-frame window mounted trickle ventilator is incorporated into the glazing unit of windows serving habitable rooms. This simply provides residents with an alternative to opening these windows in order to provide background ventilation. All windows will remain opening.

It is therefore considered that the proposed development will not have a detrimental impact on the amenity of future residents by virtue of excessive noise or vibration.

Neighbour Amenity

Care has been taken to ensure that the amended layout of the proposed development does not create issues with overlooking, loss of privacy or loss of light to existing properties (Sydney Road) due to the juxtaposition of the proposed dwellings and the provision of adequate separation distances.

The proposed dwellings of the scheme will have areas of outdoor private amenity space, which will not be subject to unacceptable overlooking, loss of light, or loss of privacy within the scheme. A planning condition is recommended to ensure the provision of satisfactory boundary treatment with adjoining properties.

It is considered that the proposed development accords with policy BE1 of the Crewe and Nantwich Local Plan.

Design

The importance of securing high quality design is specified within the Framework. 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 local area is characterised by 1960s-80s semi-detached and detached housing. The site is also contained and consequently not prominent from public vantage points other than from the vehicular access into the site.

Following discussions with the Councils Design Officer the proposal has been amended during the application process and various improvements have been made to the layout to create a greater sense of place and a more sustainable environment for the future residents of the site.

The amendments have achieved a greater cohesiveness of the grouping of buildings particular around squares and focal points. The Buildings enclose spaces well, and additional detailing on house types has providing increased visual interest.

The amended layout has included the removal of some car parking from frontages, and significantly reduced its visual impact within the street scene. Improvements have been made to the road layout with a hierarchy of surfaces and road widths. The highways design has been agreed with the Highways Officer and is designed to an adoptable standard.

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. The scheme does not include a formally dedicated area of open recreational space. A small area of public open space was originally proposed within the development, but this was unattractive and poorly located alongside the railway and demonstrated by the electricity pylon.

However, given the small scale of development, which occupies a particularly constrained site, an alternative approach has been adopted in this case following the principles of the Cheshire Design Guide, through the provision of squares set into the street layout. These are designed as shared surfaces which whilst provided vehicular access, can successfully be used by residents for purposes including public one space and informal play space.

Given the site location and character of development, these proposals are of density (40 dwellings per hectare) which would not adversely affect the landscape and townscape of the surrounding area, therefore representing an efficient use of land in compliance with Policy SE.2 of the Local Plan Strategy.

Following the amendments to the scheme it is now considered that an acceptable design/layout has been achieved, and it does include an area of open space to the front of the site. It is considered that the proposed development accords with the principles of the Cheshire East Design Guide and Policy SE.1 of the Adopted Local Plan Strategy.

Highways

There have been objections raised by neighbouring properties in relation to highways and the impact on the surrounding road network. However the Council's Highway Officer does not raise specific objections to the proposals. A Transport Statement has accompanied the application and the Strategic infrastructure Manager concurs with its findings.

The existing access onto the access road would be upgraded to CEC adoptable standards and the internal carriageway of the amended layout and off-road parking provision meet to CEC requirements.

The Highway Officer confirms that access onto Sydney Road has sufficient visibility and there have been no accidents associated with it over the last 5 years. The proposal would generate around 25 two-way vehicle trips during the peak hour, the impact of which would be negligible.

Safety concerns have been raised by local residents as regards the use of proposed access onto Sydney Road following the reinstatement of two-way traffic flow across the new Sydney

Road railway bridge for which planning approval (17/1980N) was granted by Southern Planning Committee on 5th July 2017. However the Highway Officer has confirmed that visibility of oncoming traffic of the site access onto Sydney Road is acceptable and the reinstatement of two-way traffic flow will not make it unsafe.

The site would provide footways from the site access to the existing footways on Sydney Road assisting in the provision of access to the wider area and to near-by bus stops. There are currently no pedestrian crossing points across Sydney Road within the vicinity of the site. A signalised or zebra crossing cannot be justified due to the small size of the development but given the width of Sydney Rd (approximately 9m at this location), a pedestrian refuge island can be justified. This would aid the pedestrian desire line from the site to the nearby school; play area and wider Crewe area.

Whilst, the applicant's viability appraisal demonstrates that the scheme will not be able to sustain any off site improvements, such a refuge island will be provided as part of the approved Sydney Road bridge scheme being located around 45m south of the access to development from Sydney Road. Construction work associated with the new railway bridge is anticipated to begin in late 2019/early 2020.

It is considered that a pedestrian refuge should be in place to serve the bulk of the proposed development once it is occupied. It is therefore recommended that a condition should be imposed which sets out that no more than 10 units of the approved scheme should be occupied prior to the pedestrian refuge being provided and available for use.

The Highway Officer further recommends that a condition should be imposed requiring the submission and approval of a Construction Management Plan given the need for vehicle movements associated with construction activities to take account of local highway improvement works.

Summary

The Highway Officer has confirmed that a safe and suitable access can be achieved, at this time, and following the completion of the new Sydney Road railway bridge. It is considered that the development would have a minimal impact upon the highway given the modest levels of traffic movements which it would be expected generate.

Any development, whether for this proposal or that associated with Sydney Road bridge would need the relevant highway permits, and consequently Network Management have the ability to manage the timings of construction activity.

Electric Infrastructure - pylon

The site layout ensures that dwellings are not located within 20m of the existing pylon. The National Grid has published guidelines in two documents which are considered most relevant:

- Development Near Overhead Lines (July 2008)
- A sense of Place: Design guidelines for development near high Voltage overhead lines.

Electric and Magnetic Fields (EMFs) - Both documents cover this subject in detail and outline the current legislation on building close to overhead lines. Page 15 of National Grids Publication 'Development Near Overhead Lines' states that 'in the UK at present, there are no restrictions on EMF grounds on building close to overhead lines.' and concludes that 'Neither the UK Government nor the National Radiological Protection Board (NRPB) has recommended any special precautions for the development of homes near power lines on EMF grounds'.

Brine Subsidence

The Brine Board has stated that the site is within an area that has previously been affected by brine subsidence and future residual movements cannot be completely discounted. The Board requires the foundations of the development to be of strengthened beyond the specification proposed to satisfactorily mitigate the effects of minor residual brine pumping movements.

The following Informative will be attached to advise the applicants of these comments, as details concerning foundation design are matters ordinarily addressed by the Building Regulations;

Upon the submission of a ground dissolution/brine extraction related risk assessment and proposals regarding suitable foundations designed to overcome the potential effects of brine pumping related subsidence, the Board would be willing to discuss alternative design options.

Representations

Objections to the proposal have been received from neighbouring properties to the proposed development on various grounds which have been considered and are addressed in the main body of the report.

PLANNING BALANCE

The site is within the Open Countryside, where new development for housing is restricted to agricultural, forestry, limited infilling and affordable housing through Rural Exception Sites. However a significant benefit of the development that constitutes is for a 100% affordable housing scheme, which is needed within Cheshire East. It is also considered that that the loss of this small parcel of land would not be harmful to the character or appearance of the open countryside given that it is effectively contained by existing residential development, the railway line and Sydney Road Bridge.

Although it is regrettable that the scheme cannot contribute to a full package of community benefits, it is considered on balance that the benefits of the scheme weigh significantly in the planning balance and outweigh the disadvantages of the scheme.

Through the assessment as to whether the scheme represents sustainable development, it is considered that it does achieve this in terms of social, environmental and economic sustainability. Therefore the proposal aligns with the presumption in favour of sustainable development set out in the NPPF, and should be approved without delay.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Council's 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 design of the proposed development has been improved to adopt some key urban design principles.
- The proposal will not have an adverse landscape impact.

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

- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any significant drainage implications raised by this development
- The impact upon trees is considered to be neutral as this can be addressed through mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development.

The adverse impacts of the development would be:

- The loss of open countryside
- The impact upon education infrastructure as this cannot be mitigated through the provision of an education contribution for the reasons set out by the viability statement.
- A financial contribution cannot be made to mitigate the impact arising from equipped children's play space/POS not being provided within the scheme for the reasons set out in the viability report.
- Loss of a small parcel of agricultural land albeit a small and constrained site

The scheme is therefore recommended for approval.

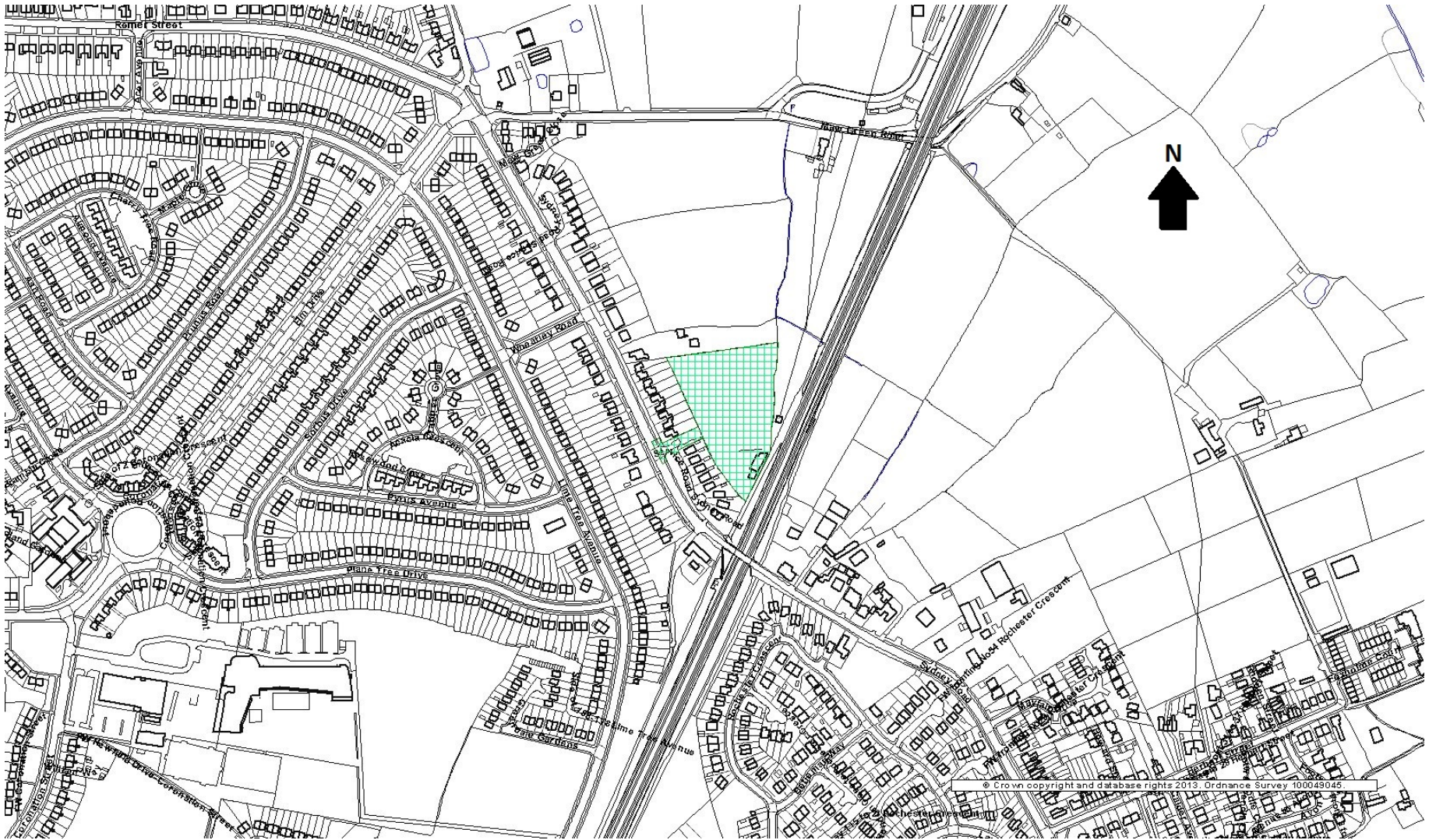
RECOMMENDATION

Approve subject to the following conditions:

1. Commencement of development (3 years)
2. Development in accordance with approved plans,
3. Materials
4. Surfacing materials
5. Delivery of affordable housing
6. Levels
7. Nesting bird survey to be submitted
8. Provision of features for breeding birds
9. Method statement of Reptile Reasonable Avoidance Measures
10. Hedgehog mitigation

11. Details of external lighting
12. Submission of landscape scheme
13. Implementation of landscaping
14. Development in accordance with Flood Risk Assessment
15. Details of surface water drainage scheme
16. Contamination - Phase II investigation to be submitted
17. Contamination - Importation of soil
18. Remediation of unexpected contamination
19. Tree Retention
20. Tree Protection
21. Updated Arboricultural Method Statement
22. Boundary treatment
23. Dust Management
24. Noise mitigation scheme
25. Provision of pedestrian refuge on Sydney Road
26. Details of Construction Management Plan
27. Electric vehicle charging points to be provided for dwellings
28. Residents Travel Information Pack to be submitted
29. Cycle storage details
30. Bin Storage details

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



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Application No: 17/3545N

Location: Redsands Centre, CREWE ROAD, WILLASTON, CW5 6NE

Proposal: Demolition of existing buildings and erection of a care home for the elderly (C2 Use Class) and associated works.

Applicant: Richmond Villages Ltd

Expiry Date: 07-Nov-2017

SUMMARY

On 27th July the Council adopted the Cheshire East Local Plan Strategy therefore the Council have demonstrated that they have a 5 year supply of deliverable housing sites.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The National Planning Policy Framework, which is the Secretary of State’s guidance, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means “approving development proposals that accord with the development plan without delay”

Although the site lies in the Green Gap between Willaston and Nantwich, and is in open countryside, it is not considered there is any policy conflict as the proposal is to replace an existing building of similar size on a very similar footpath. The proposed development is not materially different from the existing.

Additional planting (over and above that shown on the submitted landscaping plans) to replace trees lost is required and will need to be conditioned.

The benefits of the proposal would be the provision of supported housing for the elderly to meet an identified need, redevelop a vacant site, bring into management a wooded site which is part of the local landscape character and bring forward economic benefits through the building process and through the spending of future occupiers.

The development would have a neutral impact upon protected species/ecology, flooding, living conditions, landscape, trees, design and contaminated land.

The proposal is considered to comply with the relevant development plan policies and as such the application is recommended for approval.

RECOMMENDATION

APPROVE SUBJECT TO CONDITIONS

PROPOSAL

This is a full application for the demolition of existing buildings and erection of a care home for the elderly (C2 Use Class) and associated works, including new parking areas, a secure garden area adjacent to the proposed building, and more open landscaped areas to the road frontages with permissive public access.

The proposal is for a dementia care facility that has 71 bedrooms.

Whilst a number of trees would be removed, the majority of trees would be retained on site, and the public footpath on the eastern boundary retained.

The proposal includes a cluster of buildings in a similar form to the existing, but with three courtyards, two enclosed and one open at the site entrance. The building would be a mix of one and two storeys, and whilst it has a flat roof, it incorporates a number of gable features to break up the horizontal form of the building.

Vehicular access would be taken from the existing access on the A534 Crewe Road.

SITE DESCRIPTION

The site consists of the former Redsands Children's Centre, on the western side of Willaston at the junction of the A534 Crewe Road, and the A51 which runs north south past the site. The road junction forms a roundabout in the south western corner of the site.

The current buildings are concentrated on the north eastern side of the site, and consist of largely one and two storey buildings surrounded by a very substantial metal security fence. The buildings are currently unoccupied, and somewhat run down in appearance.

The extensive grounds extend to the road frontages on the A51 and A534 and are heavily wooded in character, but with a few clearings. Whilst the roads adjacent to the site are heavily trafficked the planting gives the site a secluded feel.

To the north and east of the site is open land, farmland to the north and playing fields and an area of woodland to the east.

A public footpath runs along the eastern boundary of the site, and also gives pedestrian access to the playing fields.

RELEVANT HISTORY

There are a number of applications relating to the site for alterations/additions from the 1970's & 1980's but the most recent applications are as follows:

P93/0998 - External play area and link extension. Approved with conditions / 17-Jan-1994

P02/0145 - Security Fencing (County Consultation) Not decided / 04-Apr-2002

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy – Adopted Version (CELP)

The following are considered relevant material considerations as indications of the Adopted Local Plan Core Strategy:

PG2 – Settlement Hierarchy
PG5 – Strategic Green Gaps
PG6 - Open Countryside
PG7 – 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

The Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy Crewe & Nantwich Local Plan that still apply and have not yet been replaced. These policies are set out below.

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.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.6 (Development on Potentially Contaminated Land)
RES.5 (Housing in the Open Countryside)

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

Willaston Neighbourhood Plan

The Willaston Neighbourhood plan is at Regulation 17 – Examination stage and as such can be given weight in the planning decision making process. Relevant policies include:

GG1 - Green Gap

H1 – Scale of Housing Development

H4 – Settlement Boundary

D1 - Existing buildings in the open countryside

D2 - Environmental Sustainability of buildings and adapting to climate change

D4 - Design of new Housing

LE2 - Landscape Quality, Countryside and Open Views

LE4 - Woodland, Trees, Hedgerows, Walls, Boundary Treatment and Paving

TP1 - Footpaths, Cycleways and Public Rights of Way

TP2 - Traffic Congestion

TP3 - Improving Air Quality

C1 - Services for the elderly, disabled and for mental health

Supplementary Planning Documents:

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

Development on Backland and Gardens

Cheshire East Design Guide

CONSULTATIONS

CEC Highways: No objection subject to a condition requiring the approval of a Construction Management Statement.

CEC Flood Risk Manager: They have no objections, but request conditions are attached requiring a detailed drainage strategy and detailed calculations to demonstrate support for the chosen method of surface water drainage.

CEC Environmental Health: No objection subject to conditions/informatives regarding working hours, travel plans, electric vehicle charging points, dust control and contaminated land.

CEC Housing: This is an application to provide C2 classed Housing only. As such no Affordable Housing is required to be provided.

CEC Public Rights of Way (PROW): Initially objected to the application because of concerns about the proposals for the PROW but following amended plans is now satisfied that their concerns have been met.

VIEWS OF WILLASTON PARISH COUNCIL

The Parish Council supports the planning application which they consider will provide much needed accommodation for elderly residents in need of care.

REPRESENTATIONS

None received

APPRAISAL

Principle of Development/Open Countryside/Green Gap

The site lies in the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions however include:

“ iii. for the replacement of existing buildings (including dwellings) by new buildings not materially larger than the buildings they replace;”

In addition the site lies in the Strategic Green Gap between Willaston and Nantwich where policy PG5 seeks to:

*“ i. Provide long-term protection against coalescence;
ii. Protect the setting and separate identity of settlements; and
iii. Retain the existing settlement pattern by maintaining the openness of land.”*

The policy goes on to state:

*“In addition, planning permission will not be granted for the construction of new buildings or the change of use of existing buildings of land which would:
i. Result in erosion of a physical gap between any of the settlements named in this policy; or
ii. Adversely affect the visual character of the landscape; or
iii. Significantly affect the undeveloped character of the Green Gap, or lead to the coalescence between existing settlements.”*

The Willaston Neighbourhood Plan reinforces this policy.

Whilst this application does propose a new building, and is therefore caught by both policies, the proposed replacement building is on a very similar footprint to the existing building, and being a mixture of one and two storey elements with a flat roof to keep the overall height and bulk of the building down,

it is not considered to be materially larger or to cause any additional harm to the Green Gap over and above the existing building in situ. Redevelopment of brownfield sites is of course fully supported by policies in the adopted Local Plan and the NPPF.

The proposals therefore are not considered to be in conflict with either PG5 or PG6 and as such the principle of the development is acceptable.

Housing Land Supply

Paragraph 49 on the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development. 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.

The Inspector's Report published on 20 June 2017 signalled the Inspector's agreement to the plans and policies of the Local Plan Strategy, subject to the modifications consulted on during the spring of 2016 and 2017. On adoption, all of these sites and policies will form part of the Statutory Development plan. In particular sites that were previously within the green belt are removed from that protective designation and will be available for development. Other sites also benefit from the certainty that allocation in the development plan affords.

In the light of these new sources of housing supply, The Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"

Given this conclusion from the examining Inspector, the Council now takes the position that it can demonstrate a 5 year supply of housing land. C2 uses make up an element of this supply that needs to be met, and given that this is a brownfield site there are no objections to this windfall development on housing supply grounds.

SOCIAL SUSTAINABILITY

Affordable Housing

Housing have confirmed that as the proposal is for a C2 use for elderly care no affordable housing is required.

Public Open Space

There is no requirement for public open space as part of a development for sheltered housing. That said this is a large site with extensive grounds, and whilst some will be private and secured for the residents, the outlying areas will be open for permissive public access. This can be considered a benefit of the proposals.

Education

No contribution for education is required for a development of this nature. It is however considered necessary to attach a condition to any planning approval restricting the occupancy.

Location of the site/Accessibility

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.

In this instance no such assessment has been provided with the application. The site is located outside of both Willaston and Nantwich, and although there are a limited range of facilities in Willaston they are a reasonable distance from the site which means accessibility by foot would be limited. That said the majority of residents are by the nature of the use unlikely to walk to facilities and as such there are no objections on accessibility grounds.

Need for older persons housing

The Government's formally adopted National Planning Practice Guidance (NPPG) states under Housing and Economic Development Needs Assessments paragraph 21:
'Housing for older people, advises as follows:

"The need to provide housing for older people is critical given the projected increase in the number of households aged 65 and over accounts for over half of the new households (Department for Communities and Local Government Household Projections 2013). The age profile of the population can be drawn from Census data. Projection of population and households by age group should also be used. Plan makers will need to consider the size, location and quality of dwellings needed in the future for older people in order to allow them to live independently and safely in their own home for as long as possible, or to move to more suitable accommodation if they so wish"

This type of accommodation is in demand to meet the care needs of some older residents. The proposed development will contribute to the provision of such a choice and therefore falls within the spectrum of accommodation cited in the NPPG and will meet a need for specialised accommodation for older people which weight in favour of the proposal.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

The site sits within its own grounds, and there are no adjoining properties, the nearest property being the Willaston House Business Centre on the far side of the A51 roundabout. As such there are not considered to be any amenity issues associated with the proposals.

Environmental Protection have raised no objections subject to conditions regarding working hours, travel plans, electric vehicle charging points, dust control during development and contaminated land which can be attached to any decision notice.

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 the decision notice of any approval.

Public Rights of Way (PROW)

The proposed development would have a direct and significant effect on the Public Right of Way, which constitutes “a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered” (Defra Rights of Way Circular (1/09), Guidance for Local Authorities, Version 2, October 2009, para 7.2).

The public rights of way team initially objected to the application on the grounds of concerns the path was not plotted correctly on the plans, and was to be enclosed within high fencing raising concerns about natural surveillance and safety.

The applicant was asked to clarify:

- a) The correct designation of the path as a Public Footpath, not a permissive path
- b) The correct alignment of the Public Footpath as shown on the Definitive Map
- c) The removal of the proposed asphalt surface with timber edging
- d) The removal of the kissing gate proposed at Crewe Road to leave a gap
- e) The removal of the 1.8m high closeboard fence between the Public Footpath and the site boundary
- f) Confirmation of the width afforded to the Public Footpath throughout the site.

Amended plans/details have been subsequently submitted and the PROW officer now advises:

“The fencing now proposed alongside the Public Footpath is 1.8m high vertical bar fencing. This will enable light and air to pass through to the footpath and for some natural surveillance to be offered. As previously agreed, provided the fencing is installed on the same alignment as the existing security fence, so as not to obstruct the width of the footpath, we have no objection.”

Highways

The location of the access remains as existing and there are two car parks having 58 spaces in total, the visitor car park consisting of 29 spaces. The current CEC car parking standards require 24 spaces for visitors and 20 spaces for staff based upon the information supplied in that 40 non residential staff would be on site at any one time, bringing the total to 44 spaces. It is considered that the 58 spaces provided is an acceptable level of parking provision for the site.

In regards to traffic impact of the scheme, almost all trips to the site are made by either visitors or staff. A care home use is not a traditional peak hour generator and although some trips will be made in the AM and PM peak hours, these are not to such an extent that would be considered to have a capacity impact particularly at the Peacock Roundabout.

In summary, there are no highway objections to the application.

Trees

The application is supported by a detailed Arboricultural Impact Assessment.

The AIA identifies the removal of 14 individual trees, 6 groups, and parts of two tree groups, this totals approximately 50 trees; none are considered to be high value category A specimens, only 8 individual and groups of trees (T7, T10, T13, T23, T24, T25, G11, & part of G2) are moderate category B specimens, with the remaining trees categorised as low category C and unclassified U.

The tree cover associated with the site appears to have been planted as part of a landscape scheme probable attached as a condition of the original Redsands Centre planning approval. A lot of the tree stock is of poor individual quality which has received little or no formative maintenance since planting inception, this has resulted in trees establishing close to the existing building and in close proximity to each other; a removal and thinning regime should have been established over the preceding years. None of the trees either individually or collectively are considered worthy of formal protection. A limited amount of tree pruning is also proposed in respect of G2, G9, and T1, the pruning accords with the requirements of current best practice BS 3998:2010.

In terms of tree removals reducing the screening potential to the site, there are two areas of possible concern, these relate to the north west corner of the site, and the area of extended car parking along the eastern boundary. Additional planting can be incorporated along the edge of the garden area attached to the care home and the boundary with the A51, this will filter views of the building from the adjacent road when travelling south. The revised car parking layout seeks to retain some trees within and adjacent to the car parking bays. There is a direct conflict in terms of a root plate incursion in respect of 5 individual trees and a single group located on the eastern boundary. The root plate incursion in some instances clearly exceeds the 20% of unsurfaced ground covered by new permanent hard surfacing (BS5837:2012 7.4.2.3). Car park implementation is proposed under an Arboricultural Method Statement, whilst this type of installation using a 'no dig' system is considered acceptable in some situation, feasibility of implementation has not been demonstrated. In order to ensure should the identified trees not survive in the long term provision should be made for some additional specimen planting will be required on the road frontage within the south eastern corner of the site.

Should the application be approved conditions will be required to ensure all works are carried out in accordance with the submitted TEP Arboricultural Impact Assessment, and details of an Engineer designed Arboricultural Method Statement for the identified no dig surface construction areas where there is an incursion within the identified Root Protection Areas.

Landscape

The site comprises a former children's centre set in landscaped grounds which include significant tree cover, areas of lawn and hard surfacing. Filtered views into the site can be obtained from Crewe Road to the south and the A51 to the west. A public footpath runs just inside the eastern boundary of the site, linking Crewe road and Colleys Lane.

The site is within open countryside and a Green Gap.

The development proposals would result in some tree loss and have the potential to reduce the existing level of screening of the site.

The submission is supported by a Landscape Management and Maintenance plan and by both hard and soft landscape proposals'

The development provides an opportunity to bring this large site back into management and the retention of a permissive public access area is welcomed.

The applicant's agent has been asked to introduce some additional planting to the northwest and south east of the site, to compensate for tree losses on the site. As these amended plans are not anticipated in advance of Committee the matter will need to be the subject of a condition.

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."

Whilst this site is set within its own grounds, and some distance from other properties, the site, as discussed above, does fall in the open countryside, and strategic green gap, and therefore there is a requirement of policy to ensure it has no more visual impact than the existing Redsands development. As such the footprint, height and massing of the development is restricted resulting in a development that by its nature will be linear/horizontal in form and flat roofed if two storeys are required.

To avoid a bland building the architect has tried hard to introduce various elements into the proposed design to break up the form of the development. They include projecting elements on different planes, design features such as gable fronted elements and slight variations in the roof line to add visual interest. The windows will be recessed within the walls to avoid a flat frontage to elevations.

Overall the design is considered acceptable and will certainly be an improvement on the existing building which it will replace.

Ecology

The application is supported by an ecological assessment which has raised the following matters:

Enhancement for Bats

Bats are either known to occur in this locality or the habitat is very suitable for them. Therefore in order to enhance the value of the development site for bats, and hence lead to a biodiversity gain from this development as required by the NPPF, artificial bat roosts should be incorporated into the design of any new buildings. Acceptable details of these have been submitted and should be conditioned as part of any approval.

Breeding birds

To safeguard nesting habitats if planning consent is granted, a condition restricting removal of any vegetation or the demolition or conversion of buildings between 1st March and 31st August is recommended.

As a result the proposal will not result in any significant harm from an ecological perspective.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. The applicant has submitted a Flood Risk assessment and the Flood risk Team comment:

“As mentioned within the submitted flood risk assessment infiltration testing should be conducted before deciding on which method of drainage to use for the site. We would like to ask the applicant when designing the drainage system for the site to consider storing all surface water sub-surface during a 1 in 100 year rainfall event plus 40% allowance for climate change due to the vulnerability of the future occupants of the building.”

Conditions requiring a detailed drainage strategy and detailed calculations to demonstrate support for the chosen method of surface water drainage are suggested.

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 for the elderly as well as bringing direct and indirect economic benefits to Willaston including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

CONCLUSIONS

On 27th July the Council adopted the Cheshire East Local Plan Strategy therefore the Council have demonstrated that they have a 5 year supply of deliverable housing sites.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The National Planning Policy Framework, which is the Secretary of State’s guidance, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means “approving development proposals that accord with the development plan without delay”

Although the site lies in the Green Gap between Willaston and Nantwich, and is in open countryside, it is not considered there is any policy conflict as the proposal is to replace an existing building of similar size on a very similar footprint. The proposed development is not materially different from the existing.

Additional planting (over and above that shown on the submitted landscaping plans) to replace trees lost is required and will need to be conditioned.

The benefits of the proposal would be the provision of supported housing for the elderly to meet an identified need, redevelop a vacant site, bring into management a wooded site which is part of the local landscape character and bring forward economic benefits through the building process and through the spending of future occupiers.

The development would have a neutral impact upon protected species/ecology, flooding, living conditions, landscape, trees, design and contaminated land.

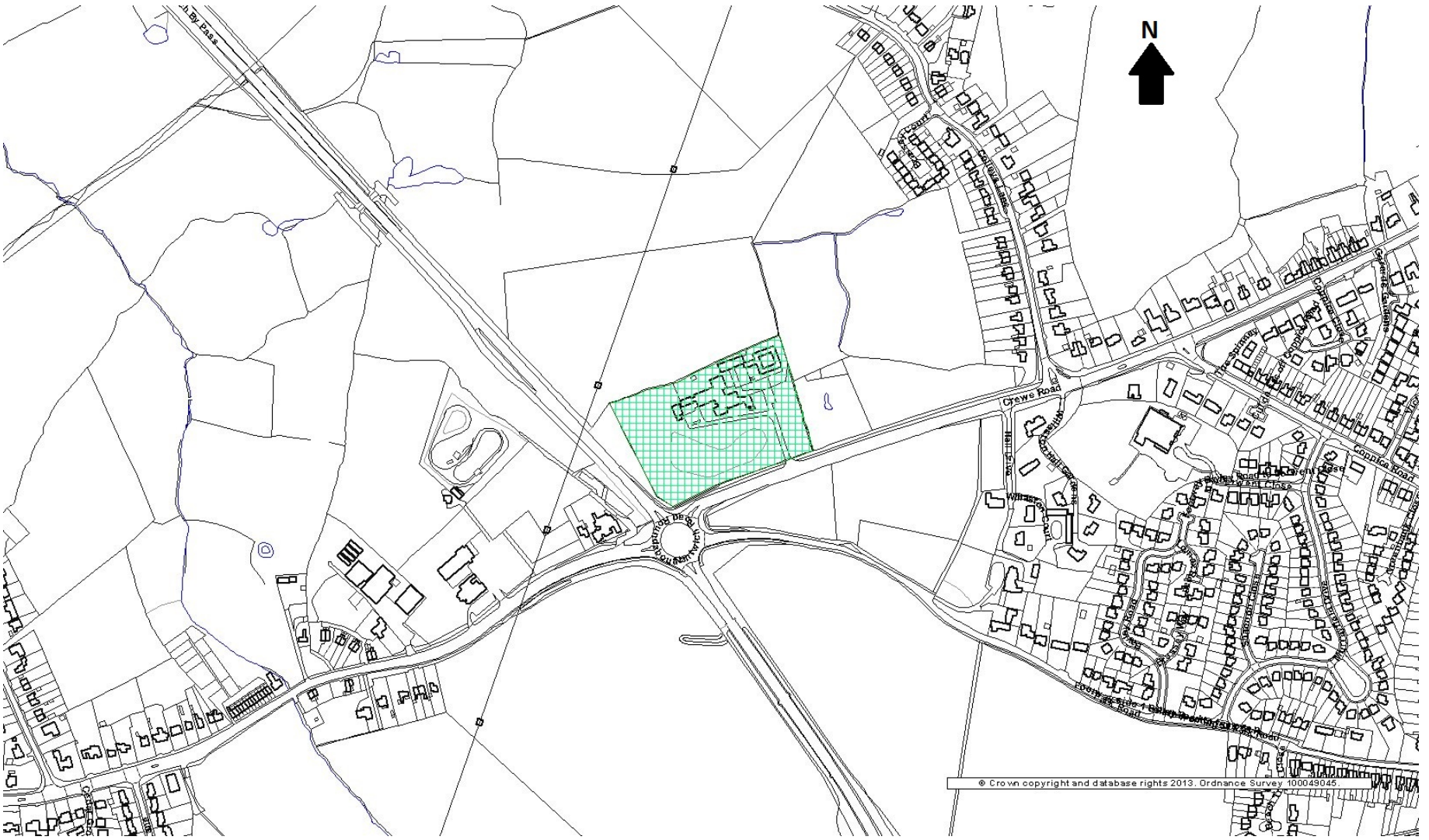
The proposal is considered to comply with the relevant development plan policies and as such the application is recommended for approval.

RECOMMENDATION:

APPROVE subject to conditions

1. Standard 3 year consent
2. Approved Plans
3. Materials
4. Landscaping to include additional planting to NW & SE of the site
5. Implementation of landscaping
6. Tree/Hedgerow Protection Measures
7. Travel Plan
8. Electric Vehicle Infrastructure
9. Dust Control during the demolition/construction phase
10. Submission of a post demolition Contaminated Land Phase II investigation.
11. Contaminated Land Verification Report
12. Control over imported soils
13. Requirement to inform LPA if unexpected contamination found
14. Submission of Construction and Environmental Management Plan
15. Safeguarding of nesting birds
16. Implementation of bird/bat boxes as per submitted plans
17. Arboricultural works to be carried out in accordance with the Arboricultural Impact Assessment.
18. No dig surface construction areas where there is an incursion within the identified Root Protection Areas
19. Submission of a Public Rights of Way Management Scheme
20. Submission of a full detailed drainage strategy
21. Calculations to support the chosen method of surface water drainage
22. Finished floor levels
23. C2 use limitation

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 Head of Planning (Regulation), in consultation with the Chair of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.



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Application No: 17/2484N

Location: ELEPHANT AND CASTLE INN, 289, NEWCASTLE ROAD, SHAVINGTON, CW2 5DZ

Proposal: New access to car park, reconfigured car park, new garage (including access) and bin store , new garden area, paths and boundary treatment.

Applicant: Mr Lee Dawkin, Renew Land Developments, Punch Taverns, MCI Developments

Expiry Date: 30-Sep-2017

SUMMARY:

The site is a working public house within the Settlement Zone Line of Shavington, where there is a presumption in favour of sustainable development.

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

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

In terms of the social role of sustainable development, the proposal would rationalise land uses within the pub grounds allowing for an adequate level of outdoor space to the main road frontage for patrons. Conditions can be imposed to compensate for the removal of boundary planting to the boundary with the adjacent residential property on Newcastle Road removed to facilitate the replacement car parking.

RECOMMENDATION:

Approve subject to conditions

PROPOSAL

This is a proposal to undertake works or re-organisation and rationalisation of the pub grounds to allow for replacement car parking following on from the creation of a shared access road from Main Road proposed to be utilised by this and the adjacent housing development, a dedicated new access for the pub and new garage following the demolition of a brick built building adjoining the existing public house which is in the position of the proposed access road for the adjacent residential development.

Revised plans have been received that incorporate 47 no car parking spaces for the use of the public house.

Whilst this proposal is linked to 17/2483N (the housing development reported separately) it is also capable of being implemented independently from the proposed housing scheme and needs to be assessed on this basis

SITE DESCRIPTION

The site is the existing Elephant public house, located at the junction of Main Road and Newcastle Road Shavington. To the western boundary lies the Blakelow Business Park, to the southern boundary are dwellings on Newcastle Road.

The site is presently accessed via Main Road. The access point is close to the junction with Newcastle Road. The site contains various areas of car parking (45 spaces) on existing hardstanding that surrounds the public house building. To the rear is a mown field which is the subject of an application for residential development, reported elsewhere on this Agenda

RELEVANT HISTORY

P98/0017 - Extensions to public house, car park extension and new vehicular access - Permission granted 28 May 1998

17/2483N - Affordable Housing Development Comprising 45 no. dwellings & Ancillary Works - (to be determined elsewhere on this agenda)

POLICY

Cheshire East Local Plan Strategy – Adopted Version (CELP)

The following are considered relevant material considerations as indications of the Adopted Local Plan Core Strategy:

- PG1 - Overall Development Strategy
- PG2 – Settlement Hierarchy
- SD1 - Sustainable Development in Cheshire East
- SD2 - Sustainable Development Principles
- SE 1 - Design
- SE 3 - Biodiversity and geodiversity
- SE 4 - The Landscape
- SE 5 - Trees, Hedgerows and Woodland
- SE13 - Flood risk and water management

The Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There is however policies within the legacy Local Plan that still apply and have not yet been replaced. These policies are set out below.

- NE.5 (Nature Conservation and Habitats)
- NE.9 (Protected Species)
- NE17 (Pollution control)
- NE.20 (Flood Prevention)

BE.1 (Amenity)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.6 (Development on Potentially Contaminated Land)
TRAN.3 (Pedestrians)

Shavington Neighbourhood Plan - This Plan is yet to reach regulation 14 stage. Accordingly no weight can be attached to any policy within it at this stage

Wymbunbury Combined Neighbourhood Plan - This Plan is yet to reach regulation 14 stage. Accordingly no weight can be attached to any policy within it at this stage

Other Material Considerations

National Planning Policy Framework (2012)
National Planning Practice Guidance
The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

CONSULTATIONS

Environmental Health – No objections subject to conditions regarding remediation of contamination, piling information, construction waste environmental management plan, including dust/burning control. An Informative relating to hours of construction is recommended.

Highways Officer - No objection subject to conditions

Flood Risk – No objections subject to conditions requiring approval of the detailed design, associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods and details of ground and finished floor levels

VIEWS OF THE PARISHCOUNCIL

Shavington Parish Council – Object for the following reasons:

Application 17/2483N will impact 17/2484N and for this reason, the objections are combined.

1. There is no requirement in the parish for an additional 47 houses. Moreover, there is no requirement for additional affordable homes. This is unnecessary as there are 400 in the Shavington/Wynbunbury area, and this figure is above the Cheshire East average.
2. Access and egress problems will be exacerbated, especially at close of business.
3. There is no bus service.

4. The social infrastructure is inadequate, e.g. local school will be unable to accommodate additional pupils; there is no GP practice in the parish; no Post Office; and the application provides for an inadequate play area.
5. The physical infrastructure will be unable to cope with the development, in particular, there will be a damaging effect on sewers/drains/Broadband.
6. The development proposed is outside the settlement boundary.
7. The development will result in erosion of the Green Gap.
8. Footways are too narrow.

Wybunbury Parish Council - Object for the following reasons:

- It would open up another entrance for traffic to the Newcastle Road close to three existing road accesses and two bus stops.
- In the past 25 years there have been several accidents between this proposed access and properties on Main Road.
- This new access will also be on the bend in Newcastle Road prior to the junction of Newcastle Road and Main Rd.
- The applicant also fails to advise people in its application that the reason for this application is to remove the Elephant PH traffic away from the new housing development traffic which will be using the current Elephant PH access.

OTHER REPRESENTATIONS

Representations from 30 individual properties received raising the following objections:

- Access is dangerous for pedestrians and vehicles
- Too many houses
- Building another road to change the access and parking layout is dangerous
- Main road is dangerous
- Increase traffic congestion
- Loss of shrubs/tree to adjoining boundary to create new car park hardstanding
- There are 2 fewer car parking spaces overall
- Ownership of ditch running to western boundary
- The housing is an accident waiting to happen
- Should be considered cumulatively with the proposed housing development
- New road will lead to new development of houses which will be dangerous
- Making the triangle area one way will not help the situation as it will just increase traffic down the slightly wider side.
- The one way system will stop me from obstructing the road with my van and inconveniencing others and make life more difficult for me
- Site access has inadequate visibility
- Proposed one way system is dangerous
- Shavington has had its share of new housing
- on Street parking proliferation due to housing scheme will be dangerous and should be factored into the assessment of the pub re-configuration

- Increase in traffic will exacerbate highway safety problems along Main Road which is a busy, narrow lane with on street parking
- Cumulative impact on highways from all other development planned in this area
- Access is being brought closer to dangerous junction
- Exacerbate existing parking problems for residents
- Ownership of the ditch to the western boundary

APPRAISAL

Principle of development

The site lies within the settlement boundary for Shavington, where there is a presumption in favour of new development, subject to compliance with other local plan policies.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and These roles should not be undertaken in isolation, because they are mutually dependent.

SOCIAL SUSTAINABILITY

The proposal is relatively minor in its own right involving the removal of a non listed building which is used as a store to create a shared access, dedicated access to the pub, new garage and store and reconfiguration/extension of the car park to replace the existing 49 no car parking spaces and the creation small areas of landscaping to the Newcastle Road frontage. There is no evidence to suggest that the public house is struggling to survive or is considered to be a community asset. The application is not submitted on the basis that these works would help sustain the enterprise. On this basis the proposal is considered neutral in social sustainability terms.

ENVIRONMENTAL SUSTAINABILITY

Landscape Impact

The site is urban in context and mostly laid out to tarmac parking spaces and circulation space. Mature shrubs screen the boundary with the neighbouring dwelling to 283 Newcastle Road. To facilitate the formation of the replacement car parking area adjacent to 283 Newcastle Road, existing shrubs and a tree are to be removed and replacement screen planting is proposed to be provided to maintain the screen between the car parking area and the adjacent property. This can be controlled by condition. Given the urban context of this site and the provision of replacement planting to the shared boundary, the proposal will not have a significant landscape or visual impact for the neighbour.

Impact on Trees

An Arboricultural Impact Assessment (AIA) method statement submitted in support of the amended proposals.

The application identifies the loss and removal of six individual trees. These have been categorised five un-classified specimens with only one tree is noted as a category C low value and whilst the tree (T9) is a prominent specimen the tree on close inspection presents numerous significant areas of decay associated with historic poor pruning practices and previous branch failures, retention is not a viable option, the tree is not considered worthy of formal protection.

The retained trees, which are insignificant in number can be protected in accordance with current best practice, significant post development issues are not anticipated.

A detailed hedgerow assessment has been undertaken by CES Ecology; the conclusions identify the hedgerow (H2) which extends through the central aspect of the site as being important in relation to the ecological criteria of The Hedgerow Regulations 1997, hedgerow 2 also qualifies as a BAP priority habitat. A section of the hedgerow requires removal to facilitate the spine access road and access to the field located to the west, whilst the intention is to retain the remaining sections of H2 and the other hedgerows once a hedge forms part of a domestic garden curtilage, they cannot be considered important under the hedgerow regulation, and could be removed at a latter date, the planning balance prevails

Ecology

Bats

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the surveyed building. This building is to be demolished to facilitate the (shared) access to this development. The usage of the building by bats is likely to be limited to small-medium numbers of animals using the building for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the building surveyed on this site in the absence of mitigation is likely to have a medium impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

The submitted report recommends the installation of 2 bat boxes on the new dwellings as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

Important

It should be noted that since evidence of a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species licence under the Habitat Regulations. The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

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

EC Habitats Directive

Conservation of Habitats and Species Regulations 2010

ODPM Circular 06/2005

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities to have regard to the directive's requirements.

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

Overriding Public Interest

The provision of mitigation would assist with the continued presence of bats in the area

Alternatives

There is an alternative scenario that needs to be assessed, this are:

- No development on the site

Without any development, specialist mitigation for bats and protection would not be provided which would be of benefit to the species.

The Council's Nature Conservation Officer has advised that if planning consent is granted the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned. As such, the implementation of such mitigation shall be conditioned if the application is approved.

On this basis, it is considered that Natural England would be likely to grant a licence in this case.

Design of garage/ creation of service yard to rear of public house

The proposed single storey garage is accessed via the proposed new road and is therefore sited to the rear of the public house. The re-configuration of the yard allows for the creation of bin sores and other stores for the internal public house yard area.

It is considered that the scheme is of an acceptable design/layout and accords with the principles of the Cheshire East Design Guide and Policy SE.1 of the Adopted Local Plan Strategy .

Highways

This proposal is capable of standing alone as a development as well as being undertaken in conjunction with the proposed housing development.

The proposed development incorporates the existing access via Main road is widened with a new road provided (to adoptable standards). A two storey ancillary building (non residential) is demolished to provide the space for the proposed road.

A new driveway to the proposed garage is proposed from the road. Sufficient turning area is provided for drivers to enter and exit in a forward gear from the new private pub driveway. A dedicated access to the public house car park is proposed to the north of the site. In effect the public house main access point is relocated further into the site away from Main Road.

The proposal also includes a reorganisation and reconfiguration of the car park as a result of the highways alterations.

The current car park is dispersed throughout the site and comprises 47 spaces, including that part of the site which would be utilised as part of the proposed residential development (17/2483N refers). Hardstanding wraps around the existing public house and cars presently drive around the building in a one way direction in accordance with the permission granted and implemented under P98/0017.

This proposal reconfigures and rationalises car parking in the site, reducing the area under parking to the east (to allow for the adjacent access road for the proposed housing development); extending the area of car parking to the western boundary adjacent to no 283 Newcastle Road to create 49 no car parking spaces with a turning area. The existing hardstanding to the front is removed and landscaped. Cars will no longer be able to drive around the building to the exit.

There have numerous objections raised in relation to highway issues and the impact on the surrounding road network, however, these specifically identify the housing proposal rather than this proposal for the car park redevelopment.

The Strategic Highways Manager has assessed this application as both a stand alone application, capable of being independently implemented and as a cumulative development with the housing proposal. Subject to conditions concerning construction management and phasing of development to ensure there is no displacement of car parking on the Main Road, there is no objection to this application. Should the housing application (17/2483N) be approved, this application would need to be implemented immediately before any housing development occurred.

Flooding & drainage

The Council's Flood Risk Manager has reviewed the proposals and advised that he has no objections, subject to the drainage from the proposed new store building/garage being drained into the existing surface water drainage system.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development jobs in construction and economic benefits to the construction industry supply chain during the limited development.

CONCLUSIONS

The proposed reconfiguration of the pub house car park and grounds is compatible with the surrounding development and the design, scale and form of the associated garage building is acceptable. There is no objection to the demolition of the store building. Subject to conditions, the impact on neighbouring residential amenity, ecology, trees and drainage would not be significant. Satisfactory access and replacement parking provision at the same level as the current car park has been provided

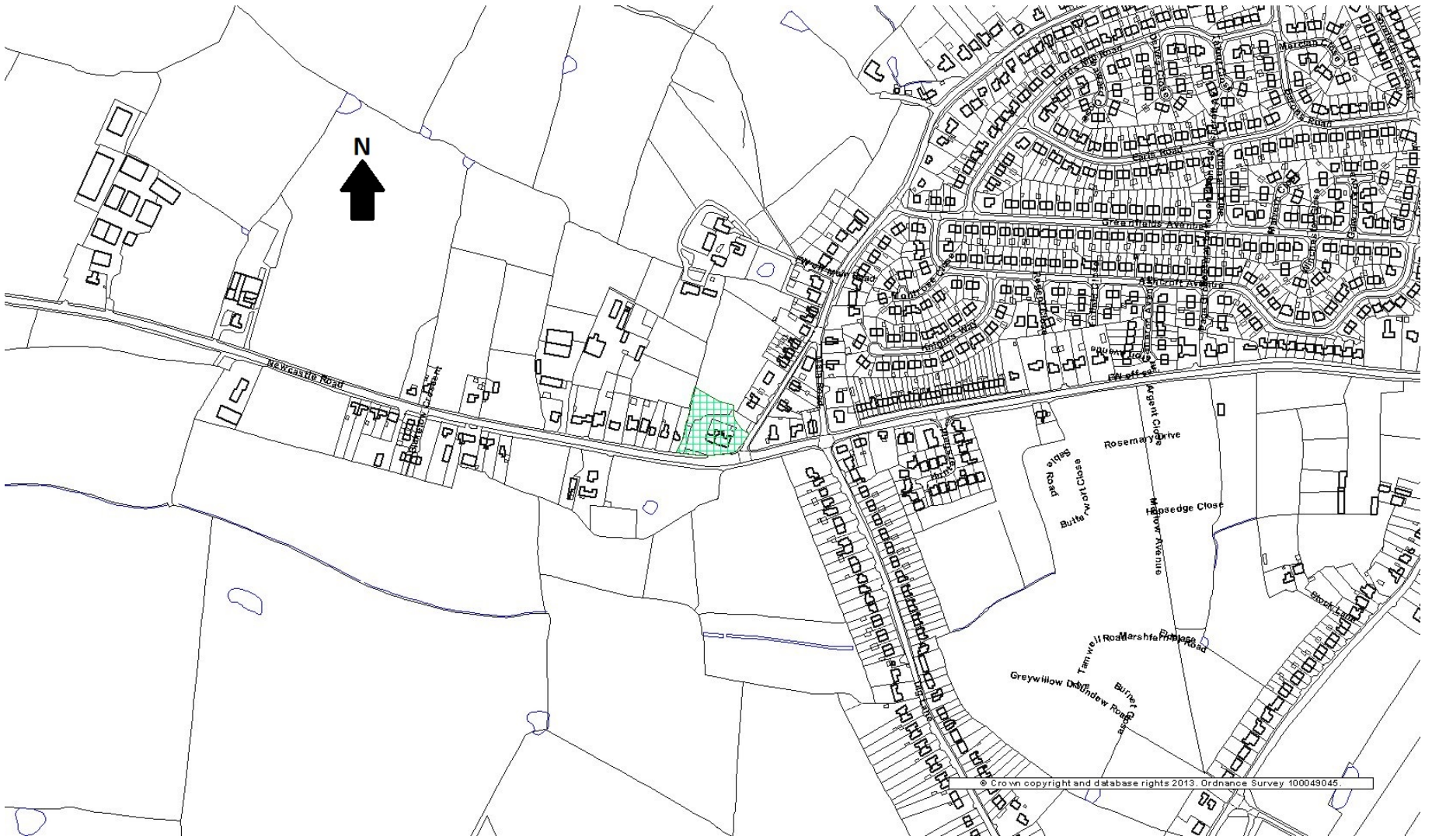
The application is therefore considered to constitute a sustainable form of development and is recommended for approval.

RECOMMENDATIONS

APPROVE subject to the following conditions

1. Standard (3 years)
2. Plans
3. Materials of garage
4. The hard surfaces of the car parking shall be drained into the existing surface water drainage system.
5. Nesting bird survey to be submitted
6. Levels of car parking, particularly adj 283 Newcastle Road - existing and proposed
7. Submission of landscape scheme, including hard landscaping /surfacing materials and replacement planting
8. Implementation of landscaping
- 9.All Arboriculture works in accordance with Tree Care Consultancy Arboricultural Implication Assessment (Ref AIA1-CSE-SW) dated 11th May 2016
- 11.Details of construction and highways management plan, inc on site parking for contractors during development
12. Compliance with bat report/ bat boxes to be provided

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



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Application No: 17/2483N

Location: ELEPHANT AND CASTLE INN, 289, NEWCASTLE ROAD, SHAVINGTON, CW2 5DZ

Proposal: Affordable Housing Development Comprising 45 no. dwellings & Ancillary Works

Applicant: Mr Lee Dawkin, Renew Land Developments, Punch Taverns, MCI Developments and Magenta Living

Expiry Date: 30-Nov-2017

SUMMARY

The site is within the Strategic Green Gap where, under policy PG5 of the Local Plan applies and is also within the Open Countryside where policy PG6 applies. Within PG6 there is a presumption against new residential development with some exceptions.

The proposed development although 100% affordable with a Registered Social Landlord with HCA funding involved, can not be classed as a Rural Exception Site as defined in Policy SC6 because it exceeds the 10 no units defined as being a small scheme. Accordingly the proposal does not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. The issue in question is whether there are other material considerations associated with this proposal, which are sufficient material considerations to outweigh the policy objection.

The Housing Need Survey for Shavington and Wynbunbury for the period 2013 -2018 notes a Affordable Housing Need of 275 units (55 units to be provided per annum). Notwithstanding schemes such as the Shavington Triangle locally being developed, there has been a significant under-provision in affordable housing locally. This scheme comprising 100% affordable tenure will help to redress the shortfall which the market has failed to address.

The development would therefore provide significant social benefits in terms of much needed affordable housing through the provision of a 100% affordable housing scheme. It would provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses. Due to its landscape designation and the fact that it is surrounded by housing and industrial development to 3 sides, it is not considered that the proposal will have a significant landscape impact.

A viability appraisal has been submitted and reviewed by an Independent consultant appointed by the Council which has reached a negotiated mitigation to education of £80,000. This is approximately half the mitigation required in terms of the education impact of the proposal.

The Developer proposes to fund the Traffic Regulation Orders (£12,000) to provide for Main Road to become a one way street and to provide pavement widening on Main Road

Balanced against this are the adverse impacts of the development including the limited loss of open countryside and the lack of full mitigation for education infrastructure which is a limited social cost of the development. However the contribution of 100% affordable housing is also considered an important and overriding consideration, constituting a significant social benefit.

It is therefore considered that the benefits arising from proposed scheme of 45 Affordable Dwellings on this site weighs significantly in the planning balance, and would outweigh the disadvantages of the scheme, and justify a departure from the Development Plan.

SUMMARY RECOMMENDATION

Approval subject to a Unilateral Agreement under S106 and conditions

PROPOSAL

The application seeks full planning permission for 45 affordable dwellings. The access road is created over part the existing public house car park and would be to adoptable standards. This new road also forms part of the proposed re-configured car park access. A sister application for the works to the public house is elsewhere on the agenda (17/2484N refers).

The scheme comprises a mix of 6 x four bed dwellings, 18 x three bed dwellings, 15 x two bed dwellings/ 2 x two bed bungalows and 4 x one bed maisonettes. The tenure mix 23 units (51%) made available for shared ownership and 22 units (49%) will be affordable rented units.

The layout has been subject to some design changes over the course of the application process, and the number of units has been reduced from 47 to 45. Public open space is provided in the form of a square with a LEAP. A further area of POS is located to the main entrance and adjoining a proposed underground pumping station

SITE DESCRIPTION

The site is an open field to the rear of the existing Elephant public house, located at the junction of Main Road and Newcastle Road Shavington. To the western boundary lies the Blakelow Business Park, to the southern boundary are dwellings on Newcastle Road and the Elephant public house. To the eastern boundary are dwellings on Main Road. To the northern boundary is Puseydale Farm and a site with extant planning permission for 3 dwellings (16/4767n).

The field is relatively level and is regularly mown. The public house landlord has rented out the field for car boot sales for the last 3 years or so (April to September) and a bi-annual dog show and an annual car show have been temporary uses organised by the publican to generate additional income for the public house. Such uses are temporary and form no part of the lawful planning history of the site. The field is private land and the publican does not allow dog walkers or children to use it. It is therefore not a community asset in land use terms.

The site is located within the Open Countryside as identified by the Development Plan and covers an area of 1.23 ha.

RELEVANT HISTORY

17/2484N - New access to car park, reconfigured car park, new garage (including access) and bin store , new garden area, paths and boundary treatment - sister application to be determined separately on the Agenda

POLICY

Cheshire East Local Plan Strategy – Adopted Version (CELP)

The following are considered relevant material considerations as indications of the Adopted Local Plan Core Strategy:

PG1 - Overall Development Strategy
PG2 – Settlement Hierarchy
PG5 - Strategic Green Gap
PG6 - Open Countryside
PG7 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SC6 - Rural Exceptions Housing for Local Needs
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 3 - Biodiversity and geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE9 - Energy Efficient Development
SE12 - Pollution, Land contamination and land instability
SE13 - Flood risk and water management
CO1 - Sustainable Travel and Transport
CO4 - Travel plans and transport assessments
IN1 – Infrastructure
IN2 – Developer Contributions

The Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There is however policies within the legacy Local Plan that still apply and have not yet been replaced. These policies are set out below.

NE.5 (Nature Conservation and Habitats)
NE.8 (Sites of Local Importance for Nature Conservation)
NE.9 (Protected Species)
NE17 (Pollution control)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)

BE.6 (Development on Potentially Contaminated Land)

RES.5 (Housing in the Open Countryside)

TRAN.3 (Pedestrians)

RT.3 (Provision of recreational open space and children's play space in new housing developments)

Shavington Neighbourhood Plan - This Plan is at Regulation 7 Stage, Accordingly no weight can be attached to any policy within it at this stage

Other Material Considerations

National Planning Policy Framework (2012)

National Planning Practice Guidance

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

Cheshire East Design Guide

CONSULTATIONS

Environmental Health – No objections subject to conditions regarding the implementation of the Noise Mitigation measures, charging for electric vehicles, travel information pack, remediation of contamination, piling information, construction waste environmental management plan, including dust/burning control. An Informative relating to hours of construction is recommended.

Highways Officer - No objection subject to conditions for the creation of one way system to Main Road to be fully operational prior to 1st occupation of development (TRO required funded by the Applicant) and construction management

Education - Objection without a Total education contribution of £159,899 towards Secondary School(£114,399) and Special Educational Need (SEN) (£45,500).

Flood Risk – No objections subject to conditions requiring approval of the detailed design, associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods and details of ground and finished floor levels

VIEWS OF THE PARISHCOUNCIL

Shavington Parish Council – Object for the following reasons:

- There is no requirement in the parish for an additional 45 houses. Moreover, there is no requirement for additional affordable homes. This is unnecessary as there are more than 400 affordable homes approved in the Shavington/Wybunbury area which is more than 5 years supply given the current Cheshire East requirements

- Access and egress problems will be exacerbated, especially at close of business.
- The one-way system proposed on Main Road and the widening of the footway (pavement) will cause problems, particularly in respect of the manoeuvrability for heavy commercial vehicles. There will also be a dangerous situation created by vehicles exiting the development turning right towards Newcastle Road when the traffic coming from Newcastle Road is entering a one-way system.
- The proposed increase of the footpath will decrease the road width and cause a dangerous situation when vehicles are parked in the road. If local residents park on the footpath to reduce the potential danger they will block the footpath and negate the suggested widening.
- The bus service is inadequate.
- The social infrastructure is inadequate, e.g. local school will be unable to accommodate additional pupils; there is no GP practice in the parish; no Post Office; and the application provides for an inadequate play area.
- The Parish Council requests that no construction commences until the adoption of the one-way system
- The physical infrastructure will be unable to cope with the development, in particular, there will be a damaging effect on sewers/drains/broadband particularly on Main Road as the sewer is continuously being overwhelmed, damaged and repaired.
- The development proposed is outside the settlement boundary.
- The development will result in erosion of the Green Gap.
- The proposals generally produce a more dangerous highway situation particularly at the intersections of Main Road/Dig Lane/Newcastle Road.
- This development is not included in the recently adopted Local Plan.

If the Borough Council is minded to approve the application, the Parish Council recommends that it be conditioned as follows:

- There should be no building commenced until the required physical infrastructure is in place.
- There shall be no development activities on site until the one-way system is in place.

Wybunbury Parish Council - Consider the application should be refused on the following grounds

- There is an adequate supply of affordable housing within current planning approved sites in the Shavington area
- Site is outside the village envelope in open countryside
- The road that the entrance to the development is proposed is Main Rd Shavington which is very narrow. Consider this short section should become one way

OTHER REPRESENTATIONS

Representations from 53 individual properties received to both rounds of neighbour consultation raising the following points:

- Loss of open countryside
- Development should utilise brownfield land

- Existing permissions have provided sufficient affordable houses and no more is needed
- Design out of keeping with existing homes which are older style properties
- 400 affordable houses either built or being built within the village do we really need anymore?
- Too much traffic
- Main road is dangerous
- Making the triangle area one way will not help the situation as it will just increase traffic down the slightly wider side.
- The one way system will stop me from obstructing the road with my van and inconveniencing others and make life more difficult for me
- Increased pressures on local schools, doctors, hospitals and community infrastructure.
- Lack of on site amenity space/ play areas
- Site access has inadequate visibility
- Increase in traffic will exacerbate highway safety problems along Main Road which is a busy, narrow lane with on street parking
- Cumulative impact on highways from all other development planned in this area
- In the last 3 years nearly 1400 houses given permission in the parish, this application needs to be seen in that context
- Bad Internet connection will be made worse
- Exacerbate existing parking problems for residents
- The car boots/dog show/car show is a community benefit during the summer
- No capacity on local road network to accommodate increase in traffic and exacerbating traffic congestion
- Main road is a poor walking environment
- Proposed one way system is dangerous
- Light pollution
- Increased noise and disturbance
- Loss of light
- Education mitigation inadequate
- Shavington can cope with no more housing
- Housing scheme should not be permitted until the consultation on making Main road one way is complete
- Contrary to recently adopted Plan and outside settlement boundary
- Ownership of the ditch to the western boundary
- The field has historic field furrows

APPRAISAL

Principle of development

Policy PG1 of the CELPS requires that for a period from 2010 to 2030 a minimum of 36000 homes shall be delivered in the Borough. This is to be delivered at an average of 1800 homes per annum.

The site lies, however, within the Open Countryside. Policy PG6 of the Adopted Local Plan Strategy states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development is restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development although affordable has not been put forward as a Rural Exception Site and therefore 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”.

Policy SC6 (Rural Exceptions Housing for Local Needs) of the CELPS only applies to developments which adjoin a Local Service Centre or Other Settlement and are for small schemes (10 dwellings or fewer). As a result the proposed development does not comply with this Policy.

The issue in question is whether there are other material considerations associated with this proposal which is 100% affordable, which are sufficient enough to outweigh the planning policy objection to the proposal.

Housing Land Supply

Paragraph 49 on the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development. 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.

The Inspector's Report published on 20 June 2017 signalled the Inspector's agreement to the plans and policies of the Local Plan Strategy, subject to the modifications consulted on during the spring of 2016 and 2017. On adoption, all of these sites and policies will form part of the Statutory Development Plan. In particular sites that were previously within the green belt are removed from that protective designation and will be available for development. Other sites also benefit from the certainty that allocation in the development plan affords.

In the light of these new sources of housing supply, The Inspector has now confirmed that on adoption, the Council will be able to demonstrate a 5 year supply of housing land. In his Report he concludes:

“I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years”

Given this conclusion from the examining Inspector, the Council now takes the position that it can demonstrate a 5 year supply of housing land.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us.

Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

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

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

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

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and These roles should not be undertaken in isolation, because they are mutually dependent.

SOCIAL SUSTAINABILITY

Affordable Housing

The application proposes 45 affordable dwellings, to be provided by a registered provider. Magenta Living will fund the scheme with the aid of grant funding from the Homes and Communities Agency (HCA). The Applicant advises that development would commence early in 2018 and be complete in 2020.

Given the highways issues surrounding this development, considered below, this time frame is somewhat optimistic but it is possible that development could commence in the middle part of 2018.

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

The Local Plan Strategy's annual affordable housing target for the borough is 7,100 across the Plan period (average of 355 per year). Affordable housing completions since 2010 are reflected in the table below taken from the Councils Annual Monitoring Report (AMR).

	10/11	11/12	12/13	13/14	14/15	15/16
Affordable housing	170	214	184	131	638	448

Given the rates of the completion a Key Action of the AMR in, relation to planning for housing in Cheshire East is to;

- Make sure that affordable houses are being provided on appropriate sites

The SHMA 2013 shows the majority of the demand in Wymbunbury and Shavington PER YEAR until 2018 is for 8x 1 bedroom, 20x 2 bedroom, 7x 3 bedroom, 12x 4 bedroom dwellings for general needs.

The SHMA is also showing an annual need for 1x 1 bedroom and 7x 2 bedroom dwellings for Older Persons.

The Cheshire Homechoice Register is currently showing 104 applicants that have Shavington and Wymbunbury as their first choice. This can be broken down to 13x 1 bedroom, 51x 2 bedroom, 35x 3 bedroom and 5x 4+ bedroom dwellings.

Therefore a mix of 1, 2, 3 and 4 bedroom dwellings including a provision for 1 and 2 bedroom Older Persons units on this site would be acceptable. 29 units should be provided as Affordable rent and 16 units as Intermediate tenure.

The proposal seeks 23 units are to be for shared Ownership and 22 are to be Affordable Rent due to viability reasons and that the Shared Ownership dwellings generate a higher capital receipt to fund the Affordable Rent.

The Mix is to be 1, 2, 3 and 4 bedroom dwellings including bungalows on the site. This is meeting the identified housing need.

The Total Affordable dwellings that have planning permission is 317 units

The current completion figures for the Affordable housing in Shavington and Wymbunbury are as follows:

13/14	16 (16 at Stapeley Water Gardens (SWG))
14/15	7 (7 at SWG)
15/16	24 (9 at SWG)
16/17	72 (24 at SWG)
17/18	23 (5 at SWG)
Total	142 (61 at SWG)

Projection for the remainder of 17/18 is **29** (5 at SWG).

Therefore giving potentially **166** units completed against the target of **270** (54 units/year x 5 years) over the 5 year period

Accordingly, notwithstanding the developments that have been approved locally such as the Triangle site (at 30% affordable provision as a proportion of a market led development), in the light of this evidence there has been a significant under-provision of affordable housing, both historically and cumulatively in this area. In no year has the affordable housing target been met.

There remains therefore a pressing need for affordable housing of all tenures to meet the existing shortfall in **delivery** of affordable housing in the area. This application will include 23 units which will be made available for shared ownership and 22 units will be affordable rented units and is a 100% affordable housing scheme, with HCA funding agreed. The scheme if approved is earmarked to commence in 2018, thereby, will be available to make a meaningful contribution to the shortfall in the current Affordable Housing Need Survey, as well as future requirements.

The proposal is strongly supported by the Strategic Housing manager, and the percentage split in one, two, three and four bedroom and bungalow units has been negotiated by the Housing Manager to meet the local need. Therefore the proposal makes a significant contribution to the community in its own right and therefore is socially sustainable and is a matter to which considerable weight is given in the planning balance.

Development proposals for housing can traditionally contribute to social sustainable development through the provision of some community benefit; this is often brought about through contributions (financial or otherwise). A main community benefit is in itself the provision of affordable housing. However, alongside this, for large developments, other benefits are required to make the development acceptable in planning terms, and to ensure that it does not have a detrimental impact on the community it is to serve.

The Viability report submitted by the Applicant has been peer reviewed by the Council and the revue undertaken also considered the development in the light of the 49%:51 % tenure split offered together with other S106 requirements would make the proposal unviable. The review undertaken by the Council's appointed Consultant has confirmed that if the tenure split required by the IPS were imposed then the development would be unviable. It therefore follows, in the light of the advice contained within the NPPF and the IPS, that this scheme cannot sustain the 65%:35% tenure split in terms of affordable housing.

The Strategic Housing Manager has confirmed that in the light of the viability evidence that there is no objection to the proposal's tenure split.

Education

The education impact is another element of the social sustainability of the scheme to be assessed within the overall planning balance.

The development is forecast to increase an existing shortfall for secondary provision (7 Pupils) in the immediate locality and SEN (1 Pupil) provision as set out in the table below ;

Development	Elephant & Inn				Number of Dwellings		47			
Planning App Number	17/2483N				Primary Yield		9		Minus 1 SEN	
Date Prepared	20.6.2017				Secondary Yield		7			
					SEN Yield		1			
	PUPIL FORECASTS based on October 2015 School Census									
	PAN Sep 16	PAN Sep 17	NET CAP May-16	Any Known Change s	2016	2017	2018	2019	2020	Comments
Shavington Primary School	30	30	210	210	247	310	344	368	392	
The Berkeley Academy	60	60	420	420	400	405	405	403	400	
Wybunbury Delves CofE Primary School	30	30	209	209	194	196	197	195	193	
Pebble Brook Primary School	45	45	315	315	279	292	297	296	304	
St Mary's Catholic Primary School	90	90	630	630	601	582	559	537	534	
Vine Tree Primary School	30	30	210	210	207	209	206	204	202	
Wistton Church Lane Academy	60	60	420	420	418	417	413	410	407	
Pear Tree Primary School	30	30	210	210	214	213	209	204	200	
Stapeley Broad Lane CofE Primary School	30	30	206	206	214	215	217	215	217	
Willaston Primary Academy	30	30	210	210	207	223	231	237	240	
Developments with S106 funded and pupil yield included in the forecasts				197						
Developments pupil yield not included in the forecasts								53		
Pupil Yield expected from this development								9		
OVERALL TOTAL	435	435	3,040	3,237	2,981	3,062	3,078	3,069	3,151	
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP					256	175	159	168	86	

[illegible]

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

$$7 \times £17,959 \times 0.91 = £114,399 \text{ (secondary)}$$

$$1 \times £50,000 \times 0.91 = £45,500 \text{ (SEN)}$$

Total education contribution: £159,899

Without the mitigation requested the Education Department object to the proposal. 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 £159,899 mitigation requested, 7 secondary children and 1 SEN child would not have a school place in Shavington.

Viability

As part of this application a viability report has been submitted by the applicant. The Viability Statement concludes that due to the nature of the scheme, being a 100% affordable housing

scheme, it could not bear the full costs of financial planning obligations and could therefore not be fully policy compliant.

The NPPF, when considering viability as a material planning issue, states as follows:

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

The Report states that this scheme can afford a £30,000 financial contribution, in this case, to secondary education, based on the submitted affordable housing tenure mix.

The Council’s appointed consultant has considered the findings of the Applicant’s Viability Appraisal and advised that in her opinion a financial contribution of £80,000 to education is appropriate in this case and would not adversely affect the viability of this scheme. This has been accepted by the Applicant.

Accordingly, a financial contribution of £80,000 to education is now provided. This is all that can be sustained in the context of this 100 % affordable housing scheme. This is therefore a circa 50% contribution to the education mitigation as required by the Education Department. On this basis, almost 4 secondary school places are provided.

It is important to note that unless the full financial contribution to education and full compliance with the tenure split requirements of the IPS affordable housing are foregone, this scheme is not viable and any benefits from developing the affordable housing scheme, including the significant benefits to the social arm of sustainable development which is much needed in this area, will not be achieved.

In this case, given the unviable nature of the development, the full education contribution as requested cannot be fully secured.

Accordingly, whilst the provision of the dwellings contributes significantly to social sustainability, that contribution is diminished by the fact that the education contribution is half what is the true cost of the impact of the development. This will need to be assessed within the overall planning balance.

Social Sustainability Conclusion

It is considered that, although the proposal will not make a full education contribution, that contribution has been significantly increased due to the independent revue undertaken as part of this application.

The scheme makes a very significant contribution to the provision of affordable housing to meet a significant need which the Housing Need Survey demonstrates is not being delivered in this area. On balance, this contribution in the form of the affordable housing alone is considered to provide significant community benefit, and it is unfortunate that the scheme is unable to provide a full financial educational contribution however this has been robustly tested through a viability

appraisal which shows that £80,000 can be afforded by the scheme. This is a significant improvement achieved during the planning application assessment process.

Although it is finely balanced, this proposal will be socially highly sustainable by providing for the delivery of much needed affordable housing and whilst the full education contribution is proven to be unobtainable in viability terms, it is considered that the need for the additional social housing outweighs the harm in terms of the reduced education contribution achievable.

ENVIRONMENTAL SUSTAINABILITY

Archaeology

The County Archaeologist has assessed the site against the Cheshire Historic Environment Record (CHER) and advises historic mapping did not show anything of interest within the field which is the subject of this application. She has also assessed this site against the Historic Landscape Characterisation report (HLC), produced by Cheshire County Council in consultation with English Heritage in November 2007. The HLC identifies the proposed development area as containing some degraded remnants of an earlier field system (most likely post-medieval), which has been subject to re-organisation and remodelling during the 20th century. Given the disturbance which will have been caused by modern farming techniques it is unlikely that the proposed development would disturb any significant below ground archaeological remains and as such the County Archaeologist advises that no archaeological mitigation is required at this site.

Amenity of existing and future residents

Environmental Health have advised that they have no objections subject to the implementation of a number of conditions. These include hours of piling, the prior submission of a piling method statement, the prior submission of details of an environmental management plan, EV charging, residents travel pack and the inclusion of contaminated land conditions.

For housing proposals, saved Policy BE1 requires consideration to be given to the occupiers of both neighbouring properties and the future occupants of the site with regards to privacy, loss of light, visual intrusion and pollution. Interface distance standards for neighbours is adhered to

The standard amount of space required for dwellings within the Crewe and Nantwich Area is 50 square metres as detailed by the Borough of Crewe and Nantwich Development on Backland and Gardens SPD. This scheme complies with that standard. Likewise the proposal meets the interface standards where it adjoins existing dwellings

Open Space

Saved Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. There is therefore a requirement for open space as part of the proposal. The layout indicates 3 areas of open space within the site. A LEAP comprising 5 pieces of equipment are provided to the Central area of POS which is well overlooked. Conditions can control the design/siting. Overall the areas of POS through the site are acceptable and comply with the standards in RT. 3.

Site Location

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).

With regard to environmental sustainability, it is considered that the proposals are sustainable the proposed development is adjacent to the Shavington service boundary which is a local service centre with a variety of amenities and services and is within close proximity to public transport connection, there is a footpath along Main Road. The site location therefore performs well against the desired distances to local facilities which developments should aspire to achieve as set out within the toolkit of the checklist. The site is accessible to a bus route (12 and 12E) which operates 7 days a week. The site is therefore considered to be locationally sustainable.

Landscape Impact

Whilst the site is designated as Open Countryside, the quality of the landscape is however strongly influenced by the residential and industrial surrounding development. There are boundary hedgerows and a number of trees on and adjacent to the site. Although development would result in the loss of several existing trees and lengths of hedge, given the context of this site, the proposal will not have a significant landscape or visual impact.

Impact on Trees

An Arboricultural Impact Assessment (AIA) method statement submitted in support of the amended proposals.

The application identifies the loss and removal of six individual trees. These have been categorised five un-classified specimens with only one tree is noted as a category C low value and whilst the tree (T9) is a prominent specimen the tree on close inspection presents numerous significant areas of decay associated with historic poor pruning practices and previous branch failures, retention is not a viable option, the tree is not considered worthy of formal protection.

The retained trees, which are insignificant in number can be protected in accordance with current best practice, significant post development issues are not anticipated.

A detailed hedgerow assessment has been undertaken by CES Ecology; the conclusions identify the hedgerow (H2) which extends through the central aspect of the site as being important in relation to the ecological criteria of The Hedgerow Regulations 1997, hedgerow 2 also qualifies as a BAP priority habitat. A section of the hedgerow requires removal to facilitate the spine access road and access to the field located to the west, whilst the intention is to retain the remaining sections of H2 and the other hedgerows once a hedge forms part of a domestic garden curtilage, they cannot be considered important under the hedgerow regulation, and could be removed at a latter date, the planning balance prevails

Ecology

Bats

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the surveyed building. This building is to be demolished to facilitate the (shared) access to this development. The usage of the building by bats is likely to be limited to small-medium numbers of animals using the building for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the building surveyed on this site in the absence of mitigation is likely to have a medium impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

The submitted report recommends the installation of 2 bat boxes on the new dwellings as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

Important

It should be noted that since evidence of a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

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

EC Habitats Directive

Conservation of Habitats and Species Regulations 2010

ODPM Circular 06/2005

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("Ipas") to have regard to the directive's requirements.

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

Overriding Public Interest

The provision of mitigation would assist with the continued presence of bats

Alternatives

There is an alternative scenario that needs to be assessed, this are:

- No development on the site

Without any development, specialist mitigation for bats, protection would not be provided which would be of benefit to the species.

The Council's Nature Conservation Officer has advised that if planning consent is granted the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned. As such, the implementation of such mitigation shall be conditioned if the application is approved.

Great Crested Newts (GCN)

The Council's Nature Conservation Officer has advised that there is a considered low risk that the proposed development may have an adverse impact upon GCN's which may occur in the surrounding habitat. The Council's Nature Conservation Officer is satisfied that the risks will be adequately mitigated against by the implementation of the reasonable avoidance measures detailed within the provided *Amphibian Reasonable Avoidance Measures Method Statement (RAMMS)* report dated September 2017. Should the application be approved, it has been recommended that these measures be implemented.

Flood Risk

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

The Councils Flood Risk Team have been consulted as part of this application and have raised no objection to the proposed development subject to the imposition of a planning condition to require compliance with the recommendations of the FRA. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Contaminated Land

The Environment Agency and Environmental Health have been consulted with regard to contamination, the Contaminated Land team has risen no objections however the Phase I report recommends a Phase II ground investigation be undertaken in order to further investigate the potential contamination risks at the site.

The Phase II report has now been submitted and is currently under review by Environmental Health.

Air Quality

Following consultation with Environmental Health it is clear that the cumulative impact of a number of developments in the area, (regardless of their individual scale) has the potential to significantly increase traffic emissions, and as such adversely affect local air quality for existing residents by virtue of additional road traffic emissions.

The NPPF requires that development be in accordance with the Council's Air Quality Action Plan.

Modern Ultra Low Emission Vehicle Technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such, it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern, sustainable developments. Conditions in relation to air quality have been recommended.

Noise Impact

The Council's Environmental Health Officer has considered the noise report submitted in support of the application and is satisfied that the amenities of future residents can be safeguarded. Conditions are suggested

Design

The importance of securing high quality design is specified within the Framework. 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 local area comprise a variety of house types including modern semi-detached and detached housing, and Victorian terraced dwellings which back onto the site. The site is contained within the landscape, and other than the access points into the site and distant views from the Bradfield Road railway bridge to the south, it would not be prominent from public vantage points.

Following discussions with the Council's Design Officer, the proposals have been amended during the application process and various improvements have been made to the layout to create a greater sense of place and a more sustainable environment for the future residents of the site.

The amendments have achieved a greater cohesiveness of the grouping of buildings particular around the main square and focal point buildings. Building heights are no more than 2 storey, in keeping with the wider area. The amended layout has included the removal of some car parking from frontages and the creation of some driveways, and improvements in the road layout with a hierarchy of surfaces and road widths reduced within the inner part of the site

The highways design, including the shared surfaces has been agreed with the Highways Officer and is designed to an adoptable standard.

It is considered that the amended scheme is of an acceptable design/layout has been achieved it is considered that the proposed development accords with the principles of the Cheshire East Design Guide and Policy SE.1 of the Adopted Local Plan Strategy .

Highways

There have many been objections raised by neighbouring properties in relation to highway issues and the impact on the surrounding road network as a consequence of this application in isolation and in conjunction with the application for the associated works at the public house (reported elsewhere on this Agenda).

As part of the determination of this application, a proposal to make Main Road a one way system and selective pavement widening has been negotiated. This will need to be the subject of a S278 Agreement under the Highways Act.

Proposed One-way Traffic Regulation Order (TRO)

The wider Shavington area is to the north of the site, including local destinations such as the Co-op, and primary and secondary schools. The pedestrian desire line from the site to these destinations follows along Main Road. The footway width along Main Rd is sub-standard at no more than 1m on its eastern side and less so along the western side.

Given the existing constraints along Main Road the applicant has proposed a one-way system in order to reduce the carriageway width to allow for footway widening. It has been proposed to begin the one-way just north of the site access to allow for customers of the pub or for residents of the new development to exit onto Newcastle Road if need be.

The width of Main Road varies but is approximately 4.7m and reduces further at the northern end. The proposal would reduce the carriageway width to between 3.1m and 3.5m, and provide a footway along the western side with a width between 1.6m and 2m. There would be a build-out at the northern junction to slow vehicles down on approach to the give-way and to enable right turning. The one-way would be in place along Main Road for an approximate length of 120m.

The footway widening would be a significant improvement on the existing situation and would be a safety benefit for the current community. Currently some pedestrians from existing dwellings or from the PH would have to walk along the road. The new footway will be wide enough for 2 adults with a pram to walk alongside each other or a wheelchair user to pass an adult.

The proposal one way system still provides sufficient width for HGVs or emergency vehicles to pass down the road.

As this section of Main Road would be one-way in a northbound direction, it could be assumed that the existing southbound drivers along it would instead use the other section of Main Road which also exits onto Newcastle Road approximately 90m to the east. From peak hour traffic

surveys this proposal would therefore result in an additional 50 vehicles using this road during the AM peak and an additional 20 during the PM peak. Spread over an hour the impact would be minimal.

The Strategic Highways Manager confirms that the proposed TRO is a necessity in this case and as such a Grampian planning condition would be required to provide the highway alterations in the TRO prior to any development on this site commencing and delivery of the highways matters in the TRO prior to any residential occupation of the site.

A safe and suitable access can be provided for all users and a development of this type and size would generate approximately 20 vehicle trips in the peak hour.

The additional development, subject to the delivery of the one way system to Main Road (TRO matter) in the view of the Strategic Highways Manager will not have a material traffic impact that warrants an objection to the application. The internal road, in conjunction with the access to the public house (as detailed in application 17/2484N) technically meets standards.

Overall, notwithstanding the widespread objections to the proposal on highway grounds, the Strategic Highways Engineer advises that the proposal will, subject to the suggested TRO and conditions not be detrimental to highway conditions.

ECONOMIC SUSTAINABILITY

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

Agricultural Land

It is considered that the lawful use of the site is likely to comprise lawful grazing land. Policy SE2 of the Local Plan Strategy sets out that development should safeguard natural resources including high quality agricultural land (grades 1, 2, and 3a), whilst recognising that some reduction of agricultural land is inevitable if new development is to proceed.

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

In this case, the site is small and constrained by built/ approved housing and development to all boundaries. Whilst the land as grazing land may be categorised as being agricultural land, it is divorced from other farm premises with no common boundary, and is owned by Punch Taverns, the Grade is unknown and is used for occasional activities by the publican. On this basis, the importance of the land in agricultural terms is significantly diminished and of very limited weight in the planning balance.

Economic sustainability conclusion

It is considered that the proposals represent sustainable development in terms of the economic sustainability of the scheme which will provide benefits to the local area through the construction process and the use by residents of local businesses and the economic activity of future residents.

Representations

Objections to the proposal have been received from neighbouring properties and the wider area to the proposed development on various grounds which have been considered and are addressed in the main body of the report.

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 already submitted a draft Unilateral Undertaking which is being considered by the Head of Legal Services.

The education contribution is necessary having regard to the oversubscription of secondary schools and SEN places and the demand that this proposal would add to the local provision. This is considered to be necessary, fair and reasonable in relation to the development.

The highways contribution is necessary to fund the necessary works and consultation under the Highways Act to mitigate for the impact of the development on the local highway network and in that regard is fair and reasonable.

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan; the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

The National Planning Policy Framework includes a presumption in favour of sustainable development. Paragraph 12 of the Framework states that *'the National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place'*

The site is within the Open Countryside, where new development for housing is restricted to agricultural, forestry, limited infilling and affordable housing through Rural Exception Sites. The proposed development although affordable has not been put forward as a Rural Exception Site therefore would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside.

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

The benefits in this case are:

- The development would provide significant social benefits in terms of much needed affordable housing provision to meet a significant shortfall proven to exist in this area which is deliverable within the SHLAA period
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.
- The design of the proposed development has been improved to adopt some key urban design principles and complies with the recently adopted Design Guide.
- The proposal will not have an adverse landscape impact.

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

- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any significant drainage implications raised by this development.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be mitigated by the TRO required as a Grampian condition. The widening of Main Road pavement would provide a safety benefit.

The adverse impacts of the development would be:

- A limited loss of open countryside (given the location of the site between existing and housing development with planning permission yet to be implemented). The impact is therefore to open countryside policy rather than the character of the area.
- The full impact upon education infrastructure as this cannot be fully mitigated through the provision of an education contribution of £80000 as demonstrated by the viability assessment. Circa 50% of the requested education mitigation has to be foregone in this case to deliver this scheme
- There is some limited adverse impact upon social rented affordable housing accommodation itself by virtue of the non compliance with the 65% social rented : 35% shared ownership tenure

as usually required by the IPS. This schemes split is 49%:51%. This is however outweighed by the fact that the scheme is 100% affordable.

Although it is regrettable that the scheme cannot contribute the full education contribution, it is considered that the benefits of the scheme in the form of 100% affordable housing outweigh the disadvantages of the scheme in terms of the reduced education contribution

The Strategic Highways Manager is satisfied that subject to the provision of pavement widening on Main Road and the creation of a One Way System will mitigate for the highways impact of the proposal

RECOMMENDATION

Approve subject to a S106 / Unilateral Undertaking to deliver the following Heads of terms

£80,000 to secondary school education

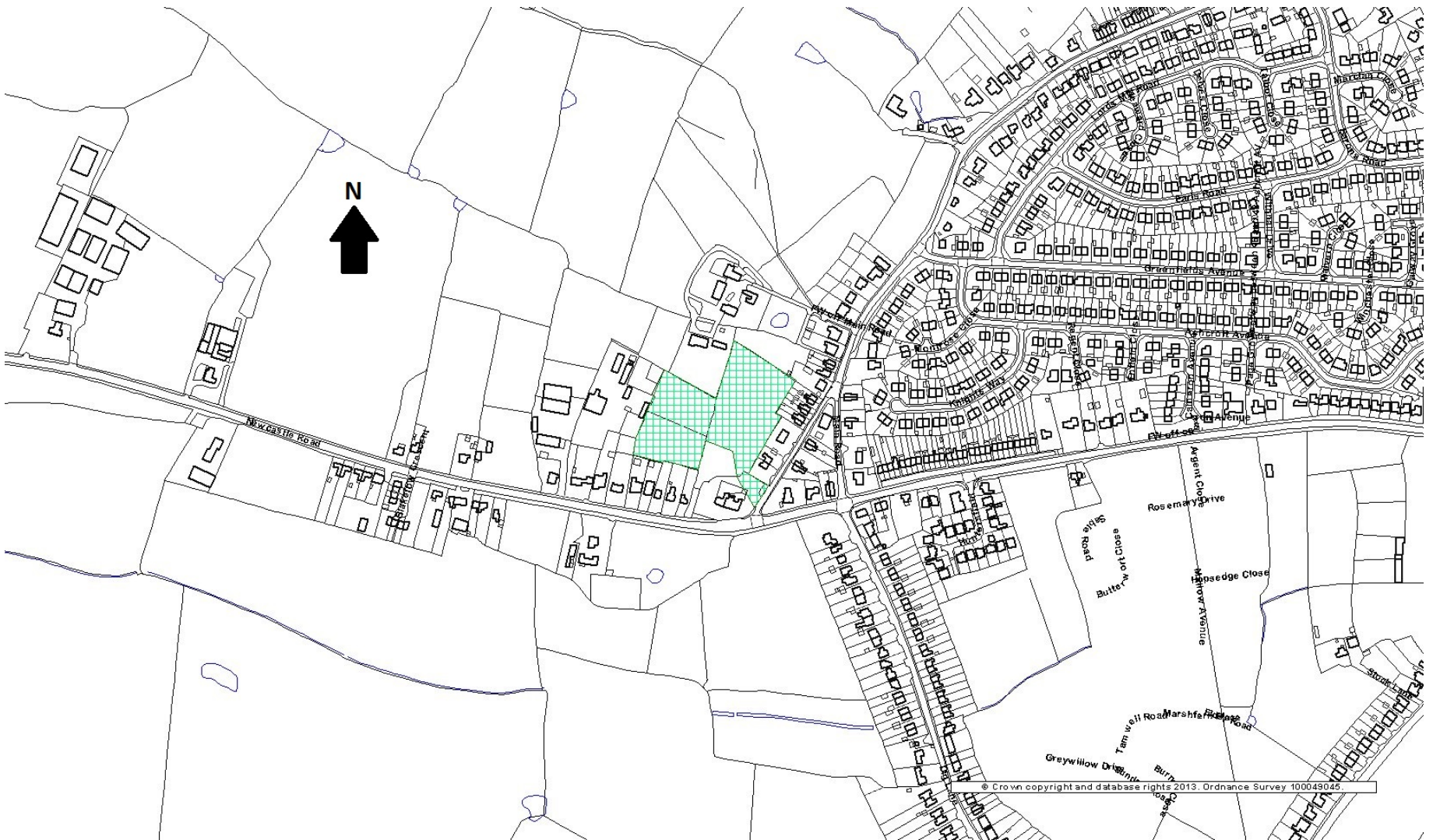
£12,000 to fund S278 for work to Main Road

and the following conditions:

- 1. Commencement of development (3 years)**
- 2. Development in accordance with approved plans,**
- 3. Materials as application**
- 4. Surfacing materials**
- 5. 100% affordable housing**
- 6. Removal of permitted development rights for extensions classes A- E and means of enclosure/ boundary treatments forward of building line**
- 7. Nesting bird survey to be submitted**
- 8. Provision of features for breeding birds**
- 9. Compliance with Flood Risk Assessment (FRA) (ref: ES/16365/FRA Prepared by SCP) dated August 2016**
- 10. Submission of landscape scheme, including hard landscaping /surfacing materials**
- 11. Implementation of landscaping**
- 12. LEAP (min 5 pieces of equipment) children's play area /pos in accordance with details to be submitted /approved**
- 13. Contamination - Phase II investigation to be submitted**
- 14. Contamination - Importation of soil**
- 15. Remediation of unexpected contamination**
- 16. All Arboriculture works in accordance with Tree Care Consultancy Arboricultural Implication Assessment (Ref AIA1-CSE-SW) dated 11th May 2016**
- 17. Boundary treatments (inc 1.8m high close boarded to rear gardens adj in accordance with Noise Report recommendations)**
- 18. Levels, existing and proposed**
- 19. Noise mitigation scheme compliance with recommendations of report**
- 20. Details of construction and highways management plan, inc on site parking for contractors/storage during development**
- 21. Electric vehicle charging points to be provided for dwellings**

- 22. Residents Travel Information Pack
- 23. Cycle storage details
- 24. Bin Storage details
- 25. Grampian condition for provision of one way system/pavement widening to Main road (TRO)
- 26. Drainage strategy detailing on and off site drainage work
- 27 detailed calculations to support the chosen method of surface water drainage to be submitted
- 28. Grampian condition for the one-way system to Main Road be fully implemented/ construction of the footways to Main Road and build-outs on Newcastle Rd should be complete prior to any occupation of the site
- 28. Compliance with bat report
- 29. Updated badger survey
- 30. Submission and implementation of a scheme for the future management and maintenance of all communal open space
- 31. Bungalow/single storey accommodation - priority of occupation for over 55's/ persons reliant upon wheelchair
- 32. Details of garden sheds to be submitted prior to development

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 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.



Application No: 17/3272N

Location: 41, MABLINS LANE, CREWE, CW1 3RF

Proposal: Proposed demolition of Sunnyside Farm & 41 Mablins Lane and erection of 20 dwellings (4 x 2 bedroom and 16 x 3 bedroom), new access road, car parking and landscaping

Applicant: Mrs Holly Leese, Adactus Housing Association Ltd

Expiry Date: 03-Nov-2017

SUMMARY

The application site lies within the Crewe settlement boundary where Policy RES.2 of the Local Plan advises that new housing within settlement boundaries will be permitted in accordance with Policies BE.1 to BE.5 of the Local Plan.

The scheme is also aligned with housing delivery policies; PG1, PG2 and PG7 of the CELPS.

The proposal would bring significant planning benefits through the provision of much needed affordable housing in the area.

The dis-benefits of the scheme would be the lack of a full financial contribution to offset the impact of the scheme upon education and open space.

The weight afforded to the provision of 20 affordable dwellings is considered to be significant. It is considered that the weight afforded to this provision is sufficient to outweigh the lack of provision in relation to open space and the impacts upon the local primary school capacity to which a policy triggered financial contribution has been demonstrated to not be fully viable in this instance.

It is considered that the development would be of an acceptable design that would not create any significant concerns with regards to loss of amenity, highway safety, landscape, trees and hedgerows, ecology, flooding and drainage, subject to conditions where deemed necessary.

For the above reasons, on balance, the application is recommended for approval.

RECOMMENDATION

APPROVE subject to a S106 agreement for £7,365 to be split equally between primary education and off-site open space upgrades, to secure 100% affordable housing provision and conditions

PROPOSAL

Full planning permission is sought for the erection of 20 affordable dwellings comprising of;

- X4 - 2 bed properties and;
- X16 - 3 bed properties

Revised plans were reived during the application process due to design and highway safety concerns with the original proposals. A re-consultation was undertaken to reflect the revised plans which expired on the 13th October 2017.

SITE DESCRIPTION

The site measures approximately 0.38 hectares in size and comprises of; Sunny Side Farm (No.35 Mabllins Lane) and its ancillary outbuildings and No.41 Mabllins Lane on the adjacent site, both of which are located on the western side of Mabllins Lane, Crewe within the Crewe Settlement Zone Line.

The site is enclosed by residential development to the north, south and west, Mabllins Lane to the east and further residential development on the opposite side of the road.

The site is relatively flat in nature.

RELEVANT HISTORY

15/0149N - Outline application for the demolition of existing properties 35 & 41 Mabllins Lane and Erect 17 Dwellings – Approved 25th July 2016

ADOPTED PLANNING POLICY

Development Plan

Cheshire East Local Plan Strategy (CELPS)

PG1 - Overall Development Strategy, PG2 – Settlement Hierarchy, PG7 - Spatial Distribution of Development, EG3 – Existing and Allocated Employment Sites, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, IN1 – Infrastructure, IN2 - Developer contributions, SE1 – Design, SE2 - Efficient use of land, SE3 - Biodiversity and geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 - Green Infrastructure, SE9 - Energy Efficient Development, SE12 - Pollution, Land contamination and land instability, SE13 - Flood risk and water management, CO1 - Sustainable Travel and Transport, CO2 – Enabling Business Growth Through Transport Infrastructure

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy local plan that still apply and have not yet been replaced. These policies are set out below.

Borough of Crewe and Nantwich Replacement Local Plan 2011;

NE.5 - Nature Conservation and Habitats, NE.9 - Protected Species, NE.20 - Flood Prevention, BE.1 – Amenity, BE.3 - Access and Parking, BE.4 - Drainage, Utilities and Resources, BE.6 – Development on Potentially Contaminated Land, RES.2 – Unallocated Employment Sites and RT.3 – Provision of Recreational Open Space and Children’s Playspace in new Housing Developments

Other Material considerations

The National Planning Policy Framework (“The Framework”)

Of particular relevance are paragraphs:

17 – Core planning principles, 47-50 - Wide choice of quality homes and 56-68 - Requiring good design

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections

Environmental Protection – No objections, subject to a number of conditions including; a restriction over the hours of piling and the prior submission of a piling method statement, the prior submission of electric vehicle infrastructure, the prior submission/approval of a dust mitigation scheme, the prior submission/approval of a phase II contaminated land condition, the prior submission/approval of a soil verification report and that works should stop if contamination is identified. Informatives regarding hours of construction and contaminated land are also suggested.

Strategic Housing Officer (Cheshire East Council) – No objections, need is identified

ANSA (Cheshire East Council) – No objections, subject to the provision of £60,000 towards the upgrade of existing open space facilities

Flood Risk Manager (Cheshire East Council) – No objections, subject to conditions including; prior submission of a detailed drainage strategy detailing on and off site drainage works along with flood water exceedance routes and the prior submission/approval of detailed calculations showing the effects of a 1 in 100 year rainfall event plus 30% allowance for climate change to support the chosen method of surface water drainage

United Utilities - No objections subject to a number of conditions including; that foul and surface water be drained on separate systems; prior submission/approval of a surface water

drainage scheme and the prior submission/approval of a sustainable drainage management and maintenance plan

Education (Cheshire East Council) – Forecasts show that the development will have an impact upon Primary, but not Secondary school education. As such, should the application be approved, a contribution of £43,385.00 is required to offset the impact.

Minshull Vernon Parish Council – Are concerned that the number of dwellings sought represent an overdevelopment of the site

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and the scheme was advertised in a local newspaper. In response, 4 letters of representation were received. The main concerns raised to date include;

- Principle of housing on the site
- No elderly people provision
- Amenity – noise during construction
- Highway safety – Increased traffic volume, insufficient parking, pedestrian safety
- Design – Too many dwellings (density) / overdevelopment, no front gardens (not in character), scale of dwellings (height), no bin storage details

Following a re-consultation exercise in response to the receipt of revised plans, no further letters of correspondence were received.

APPRAISAL

Principle of Development

Policy RES.2 of the Local Plan advises that new housing within settlement boundaries will be permitted in accordance with Policies BE.1 to BE.5 of the Local Plan. The scheme is also aligned with housing delivery policies; PG1, PG2 and PG7 of the CELPS. As such, the principle of erecting dwellings in this location is acceptable subject to the scheme's adherence with other relevant local plan policies. These are considered below.

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.'

This scheme is considered to work well in context of the site and its surroundings and the design has taken its influences from these matters

The site is largely rectangular in shape and is enclosed by residential development to all sides other than to the east where it fronts Mabllins Lane, the other side of which is further residential development. As a result the development of this site for residential purposes would integrate into the existing settlement and land uses.

The proposed layout shows that the majority of the development would comprise of linear development fronting the highway. However, a small cul-de-sac is proposed to the rear with both highway and pedestrian access towards the middle of the site onto Mabllins Lane. Access to the highway and footpath would be available for all future residents. The site would utilise existing road and footpath connections to local public facilities.

With regards to form and scale, the plans indicate that the applicant seeks to erect 20 semi-detached 2-storey properties. The maximum height of these would be 7.9 metres and that is regular throughout the scheme, subject to them being constructed on the same ground floor levels. Should the application be approved, a levels of condition is recommended.

There are numerous examples of all of this form and scale within the area and as such should not appear incongruous within their setting. Planning history searches demonstrate that the approximate heights of the nearby properties are; 7.8 metres (No.43A Mabllins Lane), 7 metres (No.17 Mabllins Lane), 7.5 metres (No.36 Kestrel Drive).

The dwellings would comprise of standard rectangular footprints, would be two-storey and comprise of dual-pitched roofs. On the principal elevations, a front door with a canopy above is proposed to one side and a ground-floor window and 2 first-floor windows are sought. These appearances are handed on the adjoining units. On the rear elevations are further symmetrical openings.

The properties proposed on the site frontage would be in-set within their plots from the highway by approximately 6 to 7 metres. Within these 'front gardens' there would be a mixture of hard and soft landscaping. The majority would comprise of mostly hardstanding with a smaller element of soft landscaping. However, plot 15 would comprise of 100% soft landscaping.

In comparison to the surrounding prevailing character, the Mabllins Lane properties are characterised by linear development which is inset from the highway. The front gardens of these surrounding properties comprise of a mixture of hard and soft landscaping. The majority of these front gardens are clearly defined by boundary treatments between each plot. Should the application be approved, it is recommended a boundary treatment plan be conditioned so appropriate treatments between plots can be agreed.

There were originally concerns about the extent of hardstanding proposed within the cul-de-sac with little or no soft landscaping. An updated arrangement of the cul-de-sac has been received to largely rectify this concern and more soft landscaping has been now incorporated to an acceptable level. Furthermore, the proposed pedestrian footpath has been replaced with a shared surface in line with recommendations with the Cheshire East Design Guide.

Either side of the proposed new access road at the juncture with Mabllins Lane, the pedestrian footpath would turn into the new road. However, on the southern side, this will halt and a strip of soft landscaping is proposed along the side elevation of the dwelling proposed on plot 6. This feature helps to break up the hard landscaping.

The side elevations of plots 6 and 15 would flank the access to the rear of the site. These flank elevations comprise of two-storey gable with small openings at both ground and first-floor level. It was recommended that bays be added to the side elevations of these plots, however, the applicant was reluctant due to their creation possibly causing pedestrian obstruction.

Due to the presence of these openings and because the houses are set-back within the streetscene and because of the incorporation of further soft landscaping it is considered that the design turns corners effectively.

The revised plans updated the appearance of the dwellings fronting Mabllins Lane to include exposed brick at ground-floor and render at first-floor to reflect the character of other properties on Mabllins Lane.

Following amendments to the layout the majority of the development clearly defines public and private areas with the use of shared surfacing materials, walls and hedgerows.

As such, the proposal is considered to adhere to the Design Guide SPD and therefore Policy SE1 of the CELPS.

Highway Safety / Access / Parking

In regard to parking provision, CEC standards require 200% parking for both 2 bed and 3 bed units and this would total 40 car parking spaces in total, with the development proposal providing 40 spaces. As such, the proposal adheres with the Council's parking standards.

The small cul-de-sac proposed is to be designed to an adoptable standard and swept paths have been provided to indicate the turning capability within the site for refuse vehicles. The Council's Head of Strategic Infrastructure (HSI) has advised this is of an acceptable design.

The Head of Strategic Infrastructure has advised that in relation to traffic impact the peak generations will not result in capacity problems in the vicinity of the site as the 14 peak hour trips will be generated.

For the above reasons no objections in relation to highway safety is raised and the proposal is considered to adhere with Policy BE.3 of the Borough of Crewe and Nantwich Adopted Local Plan 2011.

Landscape

The application site is largely rectangular in shape and occupies an area of approximately 0.38 hectares in size and lies between No.17 Mabllins Lane to the south and No.43 Mabllins Lane to the north.

It is bound to the east by Mabllins Lane itself and to the west lay the rear gardens and elevations of the properties on Kestrel Drive.

The application site includes Sunnyside Farm, No.35 Mabllins Lane and its ancillary farm buildings. In addition, No.41 Mabllins Lane (and its associated outbuildings) also falls within the application site. The application seeks to demolish these units.

As the site falls within a residential area of Crewe, within the Crewe Settlement Boundary, and given that the application site is relatively flat in nature, it is not considered that the development would create any significant landscape concerns.

Furthermore, the Council's Landscape Officer has confirmed these conclusions. It is however, recommended that the detail of landscaping be conditioned for prior approval and subsequent implementation.

Trees and Hedgerows

The Council's Forestry Officer has reviewed the proposal and advised that there are no significant arboricultural implications associated with the application.

The site contains only two trees of limited amenity value; a heavily pruned Hawthorn and an early mature Cedar which the Forestry Officer advises is clearly inappropriate for its location, and will never be allowed to reach full maturity.

The application proposal is therefore considered to adhere with Policy SE5 of the CELPS.

Ecology

The application is supported by an ecology assessment.

Semi-improved, neutral grassland

The Council's Nature Conservation Officer has advised that having assessed the submitted information, the loss of the areas of semi-improved grassland do not require any conditions in relation to nature conservation.

Bats

The submitted bat surveys confirm that the buildings are not being used by roosting bats. As such, no further surveys are required. However, the Council's Nature Conservation Officer has advised that if works are delayed by over a year from the time of survey, an update may be required to confirm continued non-use. This matter can be dealt with by condition.

Breeding Birds

The Council's Nature Conservation Officer has advised that should the application be approved, a condition to protect nesting/breeding birds and a condition to provide features within the development for swallows, should be imposed.

Ecology conclusion

Subject to the above recommended conditions, it is considered that the proposal would adhere with Policy NE9 of the Borough of Crewe and Nantwich Adopted Local Plan 2011 and Policy SE3 of the CELPS.

Flood Risk and Drainage

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

The Council's Flood Risk Officer has reviewed the application and advised that whilst there are no objections subject to the following conditions; prior submission of a detailed drainage strategy detailing on and off site drainage works along with flood water exceedance routes and the prior submission/approval of detailed calculations showing the effects of a 1 in 100 year rainfall event plus 30% allowance for climate change to support the chosen method of surface water drainage.

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

As such, subject to these conditions, it is considered that the proposed development would adhere with Policy BE4 of the Crewe and Nantwich Local Plan and Policy SE13 of the CELPS.

Affordable Housing

The SHMA 2013 shows that the demand in Crewe is for 50 x 1 bed, 149 x 3 beds, 37 x 4 beds, 12 x 1 bed older person and 20 x 2 bed older persons. The demand on Cheshire Homechoice is for 535 x 1 bed, 663 x 2 beds, 381 x 3 beds and 70 x 4 beds. Therefore, the Council's Housing Officer has advised that, on this site a mixture of 2 and 3 bed units would be acceptable. This demonstrates a high need for affordable housing in Crewe.

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

The Council's Strategic Housing Officer supports this application on the basis that 100% affordable housing will be provided and supports the mix of 2 and 3 bedroom houses. In his opinion this meets the identified housing need in this area.

Residential Amenity

Policy BE.1 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 provided is a material consideration as detailed within the Supplementary Planning Document on Development on Backland and Gardens.

The closest neighbouring properties to the application site include; No.43a Mablings Lane to the north of the site, the properties on the opposite site of Mablings Lane, No.17 Mabins Lane to the south and the properties which back onto the site from Kestrel and Falcon Drive.

Within the relevant side elevation of No.43a Mablings Lane to the north of the site, the only opening present is a first-floor bathroom window. As this is not a sole window to a principal

habitable room, it is not considered that the occupiers of the dwelling itself would be detrimentally impacted by the proposed development in terms of loss of privacy, light and visual intrusion.

With regards to overlooking into this neighbouring gardens private amenity space, the positioning of the proposed dwellings do not create any significant concerns as they would either be offset or sufficiently set back away from this neighbour. No side windows are proposed within the closest proposed dwelling to this side.

The properties on the opposite side of Mabllins Lane would be over 25 metres away from the proposed development. It is considered that this distance is large enough to ensure that the scheme does not create any significant amenity concerns for these neighbours with regards to privacy, light or visual intrusion.

Within the relevant side elevation of No.17 Mabllins Lane to the south of the application site, there are no openings, eliminating any issues relating to privacy, light or visual intrusion for this neighbour. No side windows are proposed within the side elevation of the dwelling closest to this neighbour.

To the south of the site the rear of the plot are the rear gardens and rear elevations of the properties which front onto Falcon Drive (No's 4, 6 and 8).

The distance between the proposed closest dwellings to these neighbouring dwellings on the layout plan largely adhere with the recommended minimum standards. Furthermore, the rear elevations of the proposed dwellings would be partially offset from the rear elevations of these properties. As such, it is considered that this offset and this distance is sufficient to offset any significant loss of amenity.

To the west of the site, the closest of the developments sought to the rear elevations of the properties on Kestrel Drive would be the side to the dwellings proposed on plots 10 and 11. The side elevation of the house type proposed on plot 10 (T2) is blank and as such, it is not considered that this dwelling would create any overlooking concerns onto the Kestrel Drive properties.

With the side elevation of the plot 11 house type (T3), 2 openings are proposed. These comprise of a ground-floor window to a lounge (secondary) and a first-floor window to a bathroom. Should the application be approved, it is recommended this first-floor windows be conditioned to be obscured and non-openings unless above 1.7 metres above ground-floor level to prevent any overlooking concerns.

The side elevation of the dwelling proposed on plot 10 would be approximately 17.5 metres from the main rear elevations of No's 32 and 34 Kestrel Drive. This would adhere to the 13.5 metre standard considered to be sufficient to overcome concerns with regards to loss of light and visual intrusion.

The side elevation of the dwelling proposed on plot 11 would be over approximately 14 metres from the rear elevations of No's 40 and 42 Kestrel Drive adhering to the minimum standard considered to be sufficient to overcome concerns with regards to loss of light and visual intrusion.

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; a restriction over the hours of piling and the prior submission of a piling method statement, the prior submission of electric vehicle infrastructure, the prior submission/approval of a dust mitigation scheme, the prior submission/approval of a phase II contaminated land condition, the prior submission/approval of a soil verification report and that works should stop if contamination is identified. Informatives regarding hours of construction and contaminated land are also suggested.

In terms of the amenity of the future occupiers of the proposed dwellings, sufficient space would be available for each dwelling to have sufficient outdoor private amenity to perform normal tasks such as; hang out washing, sit outside etc.

However, given that the scale of these are limited, it is recommended that should the application be approved, permitted development rights should be removed.

With regards to the relationship between the proposed dwellings themselves, the relationship where they oppose each other comes between the rear elevations of plots 5 and 6 and the side elevation of plot 7. The recommended minimum standard is 13.5 metres whereas this relationship measures 13 metres. The relationship between the rear elevations of the dwellings on plots 17 and 18 and the side elevation of the dwelling proposed on plot 14 is 13.7 metres.

As such, where the minimum standard is breached, there is potential for the future occupiers of the dwellings on plots 5 and 6 to be detrimentally impacted in terms of loss of light and visual intrusion. However, as this breach is relatively minor, it is not considered that this impact would be significant and sufficient to warrant a refusal.

With regards to privacy, no openings are proposed within the relevant side elevation of plot 7. However, openings are proposed within the side elevation of plot 14 and as such, should permission be granted, it is recommended that this be subject to a condition that the first-floor side window to plot 14 be conditioned to be obscured and non-openings unless above 1.7 metres above ground-floor level to prevent any overlooking concerns.

The openings between plots 6 and 15 also need to be obscurely glazed if approved to avoid any loss of privacy.

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

Education

The Council's Education Officer has reviewed the submission and advised that forecasts show that the development will have an impact upon Primary, but not Secondary school education. As such, should the application be approved, a contribution of £43,385.00 is required to offset the impact.

1	<u>Development</u>	41 Mabllins Lane				Number of Dwellings	20			
2	<u>Planning App Number</u>	17/3272N				Primary Yield	4			
3	<u>Date Prepared</u>	29.9.2107				Secondary Yield	3			
4						SEN Yield	0			
5		PUPIL FORECASTS based on October 2016 Sch								
6	Primary Schools	PAN Sep 17	PAN Sep 18	NET CAP May-17	any Known Changes	2017	2018	2019	2020	2021
7	Beechwood Primary School and Nursery	45	45	340	340	358	369	368	376	368
8	Brierley	30	30	210	210	205	205	205	208	208
9	Edleston Primary School	30	30	210	210	208	207	206	206	205
10	Gainsborough Primary and Nursery School	60	60	420	420	417	418	418	418	417
11	Hungerford Primary Academy	60	60	420	420	446	458	478	497	512
12	Leighton Academy	60	60	480	480	481	496	507	518	502
13	Mabllins Lane Community Primary School	90	90	525	630	552	568	583	603	611
14	Monks Coppenhall Academy	60	60	420	420	447	478	507	528	535
15	St Mary's Catholic Primary School	90	90	630	630	571	554	535	527	510
16	St Michael's Community Academy	60	60	420	420	415	418	417	419	420
17	Underwood West Academy	60	60	432	432	437	442	440	438	412
18	Vine Tree Primary School	30	30	210	210	202	205	206	205	205
19	Wistaston Academy	60	60	420	420	407	417	428	436	442
20	Total Schools Capacity				5,242					
21	Developments with S106 funded and pupil yield included in the forecasts				177					
22	Developments pupil yield not funded and not included in the forecasts									103
23	Pupil Yield expected from this development									4
24	OVERALL TOTAL	735	735	5,137	5,419	5,146	5,235	5,298	5,379	5,454
25	OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP					273	184	121	40	-35

Open Space

The proposed development does not offer any on-site public open space. The Cheshire East Local Plan Strategy (CELPS) Policy SE6 requires developments to require (4iii) adequate open space (Table 13.1) comprising of 20sqm Children's Play Space, Amenity Green Space (AGS), Green Infrastructure Connectivity, 5sqm Allotments and contributions towards indoor and outdoor Sports facilities. However, due to the size of the development the Council's Open Space Officer has advised that only 40sqm combined Children's Play and AGS would be expected giving a total area required on site of 800sqm. Paragraph 13.53 of CELPS states *"in some cases, commuted sums generally may be more appropriate for improvement of other open spaces and green infrastructure connectivity."* The Council's Open Space Officer has advised that It is considered a commuted sum is appropriate for this development due to the size of the site.

The Open Space Survey identifies accessibility issues with regards to AGS and a shortfall of 0.5ha per 1000 population giving an overall shortage for Crewe of 34.5ha for play facilities. So as not to add to this deficit there are several sites identified within a one mile radius that would benefit from upgrading to increase their capacity. This would absorb the impact this development would create. The Open Space Officer has calculated this figure to be £60,000.

There is no objection to the proposal if the commuted sum is provided.

Viability

The NPPF, when considering viability as a material planning issue, states as follows:

'To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation,

provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable'

In terms of the requests for S106 contributions, to date these have come from Education (£43,385.00) and Open Space (£60,000).

However, a submitted viability report from the applicant advises that because this site is a 100% affordable housing scheme, the development could not fully financially support the required contributions. The Council has undertaken an independent verification of the submitted viability report which concludes that there would only be £7,365 remaining in the budget that could be used for S106 contributions in this case.

Accordingly, whilst the provision of a contribution to education and open space to mitigate for the impact of the development upon existing provision would normally be required, it is not fully achievable in this instance due to viability reasons. This reduces the contribution this scheme makes to the social arm of sustainable development.

This will need to be assessed within the planning balance. However, if the application is recommended for approval, it is recommended that this sum be equally subdivided between education and open space in the interests of fairness.

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 scheme, via planning policy triggers and identified need generates required financial contributions towards Education and Open Space.

The applicant has submitted a viability report to advise that any required financial contributions cannot be fully provided, only a sum of £7,365 is available for such provisions. It is recommended that this sum is split evenly between education and open space.

It is recommended that the affordable housing provision (100%) should be secured via a S106 Agreement.

As these provisions do indeed relate to either policy provision or identified need, it is considered that these requirements are necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

Planning Balance

The scheme is aligned with housing delivery policies; PG1, PG2 and PG7 of the CELPS. The application site lies within the Crewe settlement boundary where saved Policy RES.2 of the Local Plan advises that new housing within settlement boundaries will be permitted in accordance with Policies BE.1 to BE.5 of the Local Plan.

The proposal would bring significant planning benefits through the provision of much needed affordable housing in the area.

The dis-benefits of the scheme would be the lack of a full financial contribution to offset the impact of the scheme upon education and open space.

The weight afforded to the provision of 20 affordable dwellings is considered to be significant. It is considered that the weight afforded to this provision is sufficient to outweigh the lack of provision in relation to open space and the impacts upon the local primary school capacity to which a policy triggered financial contribution has been demonstrated to not be fully viable in this instance.

It is considered that the development would be of an acceptable design that would not create any significant concerns with regards to loss of amenity, highway safety, landscape, trees and hedgerows, ecology, flooding and drainage, subject to conditions where deemed necessary.

For the above reasons, on balance, the application is recommended for approval.

RECOMMENDATION

APPROVE subject to a S106 to secure;

- **100% affordable housing provision**
- **Financial contribution of £3,682.50 towards primary school upgrades**
- **Financial contribution of £3,682.50 towards off-site Open Space upgrades**

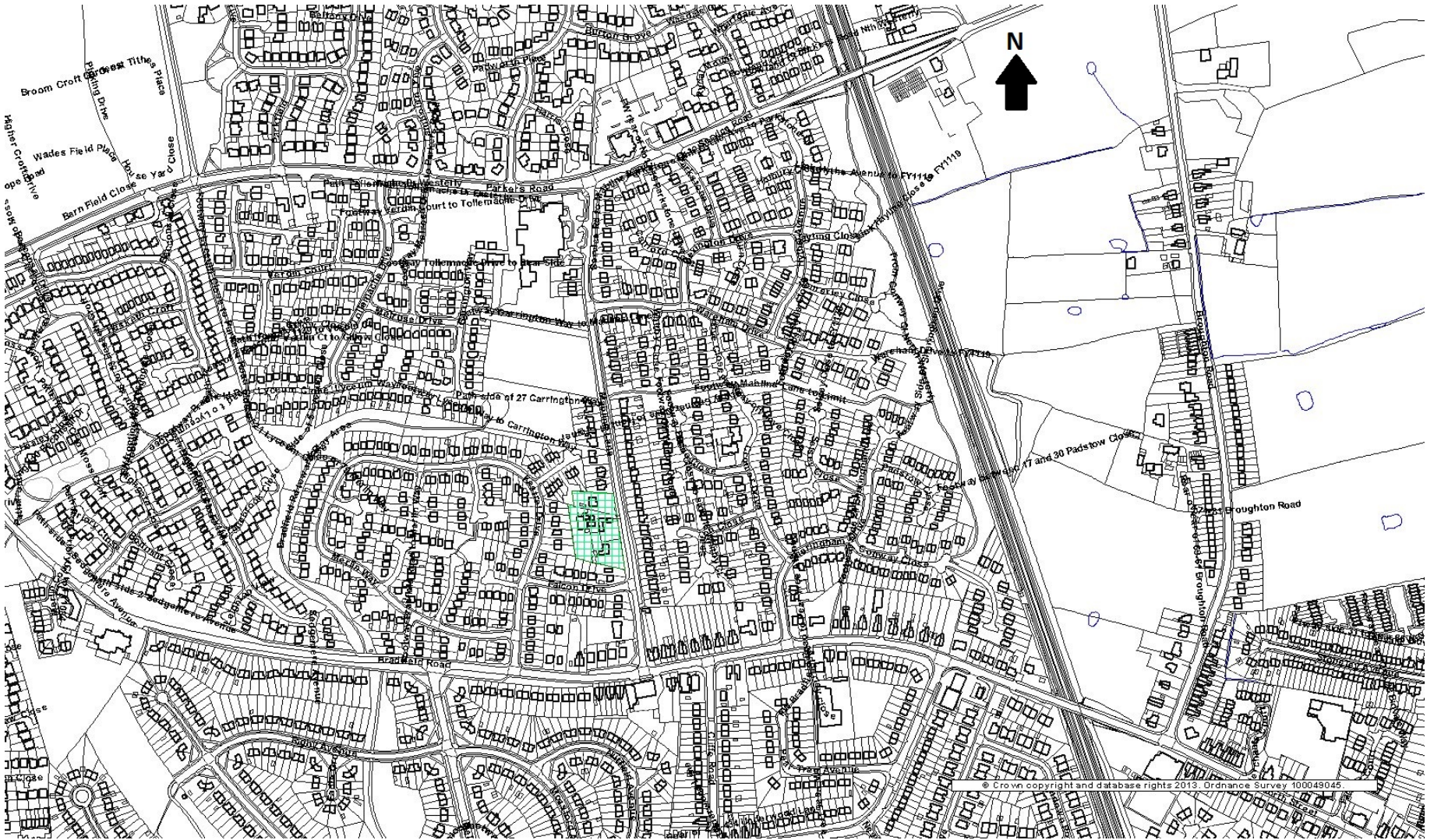
And the following conditions;

- 1. Time Limit (3 years)**
- 2. Development in accordance with approved plans**
- 3. Prior submission/approval of facing, roofing and hard surfacing material details**
- 4. Prior submission/approval of landscaping plan**
- 5. Landscaping – Implementation**
- 6. Prior submission/approval of boundary treatment**
- 7. Prior submission/approval of levels details**
- 8. Prior submission/approval of updated bat survey if works not commenced within 12 months of the date of this decision**
- 9. Prior submission/approval of breeding bird features**
- 10. Prior submission/approval of a detailed drainage strategy and management plan**
- 11. Prior submission/approval of detailed calculations showing the effects of a 1 in 100 year rainfall event plus 30% allowance for climate change to support the chosen method of surface water drainage.**
- 12. Foul and surface water be drained on separate systems**

13. Obscure glazing and non-opening – side elevations of plots 11 and (first-floor only) and plots 6 and 15
14. Removal of Permitted Development Rights (Classes A-E)
15. Removal of Permitted Development Rights for boundaries forward of the building line
16. Hours of Piling
17. Prior submission of a piling method statement
18. Prior submission of electric vehicle charging point details
19. Prior submission of a dust mitigation scheme
20. Prior submission/approval of land contamination report (Phase II)
21. Prior submission/approval of a soil verification report
22. Works to stop if contamination identified

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



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Application No: 17/3126N

Location: LAND OFF, CREWE ROAD, HASLINGTON, CHESHIRE, CW1 5RT

Proposal: Variation of condition 8 on application 16/1046N - Reserved matters application for the erection of 245 dwellings, highways, public open space, play facility and associated works following approved outline application (13/4301N) APP/R0660/A/14/2213304.

Applicant: Mr Christopher Conlon, Bovis Homes Ltd

Expiry Date: 02-Nov-2017

SUMMARY:

The principle of development of this site has already been accepted as part of the outline approval. Development has commenced and all pre-commencement planning conditions attached to both the outline and the reserved matters permissions have been satisfactorily discharged, including information pertaining to condition 8 (electric vehicle charging infrastructure and dust mitigation) imposed on the reserved matters approval.

Dust mitigation also forms part of condition 16 attached to the outline approval. Information pertaining to condition 17 attached to the outline permission (requirement for a Travel Plan) is a pre-occupation condition, and is yet to be the subject of an application.

Social Sustainability

The development, without complying with the contested condition requiring electric vehicle infrastructure, will have a neutral impact upon the social strand of sustainability

Economic Sustainability

The development, without complying with the contested condition requiring electric vehicle infrastructure, will have a neutral impact upon the economic strand of sustainability

Environmental Sustainability

The removal car charging infrastructure from the scheme would have a detrimental impact upon initiatives to reduce carbon emissions, which in turn will have an adverse impact upon air quality.

However, the issue at the heart of this assessment is a matter of law. Namely whether the disputed condition can lawfully be imposed on the reserved matters in this first instance.

Having sought legal advice, it is concluded that the electric charging infrastructure condition can not be reasonably required as a reserved matter since it does not relate to the matters reserved by the outline permission.

RECOMMENDATION: Approve subject to conditions

PROPOSAL:

Permission is sought to vary condition 8 attached to the reserved matters approval for 245 dwellings.

Condition 8 of the reserved matters on 16/1046N states:

Prior to the commencement of development a Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority, which outlines:

- *The provision of Electric car charging points to be provided on car parking spaces within each dwelling and a scheme for the provision of charging station in each communal car park. These shall be maintained throughout the use of the development*
- *details of all potential dust sources during the construction phase and mitigation measures. The development shall then be constructed in complete accordance with the method statement.*

Reason: In the interests of the air quality and amenity of local residents and to comply with policy BE1 of the Crewe and Nantwich Replacement Local Plan 2011 and the NPPF.

The rewording sought is -

Prior to the commencement of development a Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority, which outlines:

- details of all potential dust sources during the construction phase and mitigation measures.

The development shall then be constructed in complete accordance with the method statement.

Reason: In the interests of the air quality and amenity of local residents and to comply with policy BE1 of the Crewe and Nantwich Replacement Local Plan 2011 and the NPPF.

In effect this application seeks to remove the requirement for electric vehicle infrastructure on the site.

SITE DESCRIPTION:

The application site is located on the eastern edge of Haslington and covers an area of 11.91 hectares. It is currently under construction by Bovis Homes with houses being developed. In total the site will contain 250 dwellings.

RELEVANT HISTORY:

There are numerous historic applications on this site but the most relevant is -

13/4301N - Outline Planning Application for Demolition of existing structures and foundations of a partly constructed building, and the erection of up to 250 dwellings, medical centre/community use, public open space, green infrastructure and associated works – Conditional planning permission granted on appeal 14/8/2014

16/1046N - Reserved matters application for the erection of 245 dwellings, highways, public open space, play facility and associated works following approved outline application (13/4301N) APP/R0660/A/14/2213304 - Conditional permission granted 31/10/2016

16/5493D - discharge of condition 8 of existing permission 16/1046N - Discharged 22/02/2017

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy (CELPS)

PG2 – Settlement Hierarchy

PG6 - Open Countryside

PG7 – 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

Policy CO4 – Travel Plans and Travel Assessments

Crewe and Nantwich Local Plan

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

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

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

Harlington Neighbourhood Plan - Not reached regulation 14 Stage. No weight can be given

National Planning Policy Framework

CONSULTATIONS:

Haslington Parish Council: No comments received.

Environmental Health Officer (Air Quality): Objection on basis of impact on Air Quality. Considers that a developer of a scheme of this scale has a duty of care to human health, the environment and the reduction of impacts from large scale developments, particularly given the relatively small financial outlay for residential charging points

OTHER REPRESENTATIONS

Letters of objection from 16 local addresses have been received on the basis of the following issues and making the following comments -

- Principle of the development
- Traffic congestion
- Impact upon infrastructure
- Disregard of local peoples views
- The removal of the condition is contrary to the Government's stated intention to reduce carbon emissions and provide the infrastructure for electric vehicles
- Impact of a development of 250 houses with cars upon air quality
- Widespread provision of charging points for electrical vehicles is critical to addressing the incremental pollution created by the significant number of additional houses. The agreement to this provision by Bovis Homes is a term they have agreed to by commencing development and one they should be held to deliver.
- The desire to appeal this term is driven by their desire to reduce costs by not providing such - and is therefore driven by the desire for incremental profit (and shareholder return) rather than meeting the environmental and societal commitment they made (by commencing the development).
- Only by holding Bovis to account for this will Haslington (and Cheshire East) take a material step forward in the provision of facilities to reduce the environmental impact of vehicles.
- Volvo announced that it will stop producing standard engines from 2019 and all new vehicles from this date will have an electric motor to power the car. This will be the start of mass production of electric vehicles and these will need to be charged at a location. Cheshire East has been very forward thinking in placing this condition on the planning approval. The date for Volvo starting to produce this new type of car will also be at a point when this site is fully under construction and a lot of the new home owners will be purchasing these new cars.
- The Council are being proactive in using methods to protect the environment and will also comply with potential future legislation.
- Electric vehicles is the future and a unique selling point for any prospective buyer.
- The houses are in the process of being built, how can amendments be made after work on the site has started? The conditions of the planning application should have been water tight.

APPRAISAL:

Principle of Development

The principle of residential development has already been accepted following the approval of the development of the site for up to 250 houses

The Charging Infrastructure that has been formally discharged under 16/5493D includes the electric cabling for individual houses together with 'Chargemaster' charging wands and 'Chargemaster' junction boxes for the individual dwellings. A communal charging station is also approved for the apartment block. These items are top of the range and provide wands etc that goes beyond what the Air Quality Officer would normally require. However, The Air Quality accepted the Charging Infrastructure since those were the details offered by the Applicant in discharging the planning condition.

The Applicant has now advised that these items are cost prohibitive. However, it remains that the charging system originally put forward could be simplified and therefore be less costly. The Air Quality Officer has suggested a system to the Applicant which would be acceptable in air quality terms for a fraction of the costs quoted by the Applicant to install the electric vehicle charging infrastructure.

This application is to consider the variation of planning condition 8 attached to the reserved matters which requires the provision of electric vehicle charging infrastructure and a dust mitigation scheme as attached to the reserved matters approval.

Air Quality is described as a public health emergency, causing 39,000 early deaths every year. Cheshire East considers the improvement and safeguarding of air quality within the borough a top priority for the Council. The primary emission source for air pollution in the UK and Cheshire East is emissions from road transport, and the Council is actively seeking the provision of infrastructure that makes the use of ultra-low emission vehicles a realistic prospect for our residents.

Policy SE12 of the Cheshire East Local Plan Strategy states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy.

This application rests upon whether or not the imposition of the condition for the electric charging infrastructure is lawful as imposed on the reserved matters. In this case, it is necessary that planning conditions satisfy six tests as identified at paragraph 206 of the NPPF which states that conditions should only be imposed where they are:

1. Necessary;
2. Relevant to planning and;
3. To the development to be permitted;
4. Enforceable;
5. Precise and;

6. Reasonable in all other respects.

The Planning Practice Guidance (PPG) also states that in determining this application the local planning authority must only consider the disputed conditions that are subject of the application – it is not an opportunity for the complete re-consideration of the original application.

The PPG advises that conditions must serve all 6 tests and that 'It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls'

Paragraph 25 of NPPG states

*Conditions relating to anything other than the **matters to be reserved can only be imposed when outline planning permission is granted.** The only conditions which can be imposed when the reserved matters are approved are conditions which directly relate to those reserved matters.*

The applicants reasoning for this application is that the provision of electric charging should have been imposed upon the original outline decision notice and it is not the role of reserved matters (which are looking at the reserved matters such as layout, landscaping, external appearance) to correct this omission.

On this basis the applicant is of the view that the condition fails the test of necessity and reasonableness in NPG and is not lawful.

It is regrettable that the applicant has sought to remove this element of the condition from the reserved matters. The condition has been discharged and details for individual charge points for dwellings and a communal point for apartments are already approved.

At build stage, officers estimate that the cost to the developer of standard electric vehicle infrastructure is normally about £50,000 for a development of this size. The system that Bovis have opted to use is significantly more expensive but also involves giving residents wands for their use with the charging infrastructure, an item that car manufacturers normally provide at car sale stage.

This application is also particularly disappointing given the commitment to sustainable development principles as expressed on the Bovis web site.

Additionally, Volvo have recently announced that they will cease to build cars with internal combustion engines by 2019, this together with the Governments recent announcement of the phasing out of the use of the internal combustion engine by 2040 indicates that electric vehicles will become more prevalent in the near future and in the medium term are likely to become the norm.

Legal advice has been sought and the Councils lawyer has advised that the appropriate stage to impose the requirement for car charging was at the outline stage and not the reserved matters. The Inspector at Appeal considered this and states at Para 56

'.. this is an outline application, with reserved matters being appearance, landscaping, layout and scale. There is no need for conditions seeking to control details of such matters, as they can be imposed at the reserved matters...'

On this basis, notwithstanding the disappointment that the Applicant has chose to submit this application in the first place, it is concluded that the condition is not reasonable to be imposed at the reserved matters stage and should be varied as sought.

PLANNING BALANCE

The principle of development of housing on this site has already been accepted as part of the outline planning permission on this site.

To maintain the condition as originally stated to require electric charging points would not satisfy the reasonableness test with National Policy Guidance. The condition goes beyond what can reasonably be assessed as being relevant to the appearance, landscaping, scale of the development which are the matters to be determined at reserved matters stage only.

The variation of the condition is therefore considered to be acceptable in this case and would not change the environmental, social or economic sustainability considerations as part of the original application as assessed by the Inspector on the appeal, since the Inspector did not impose the condition for electric vehicle charging.

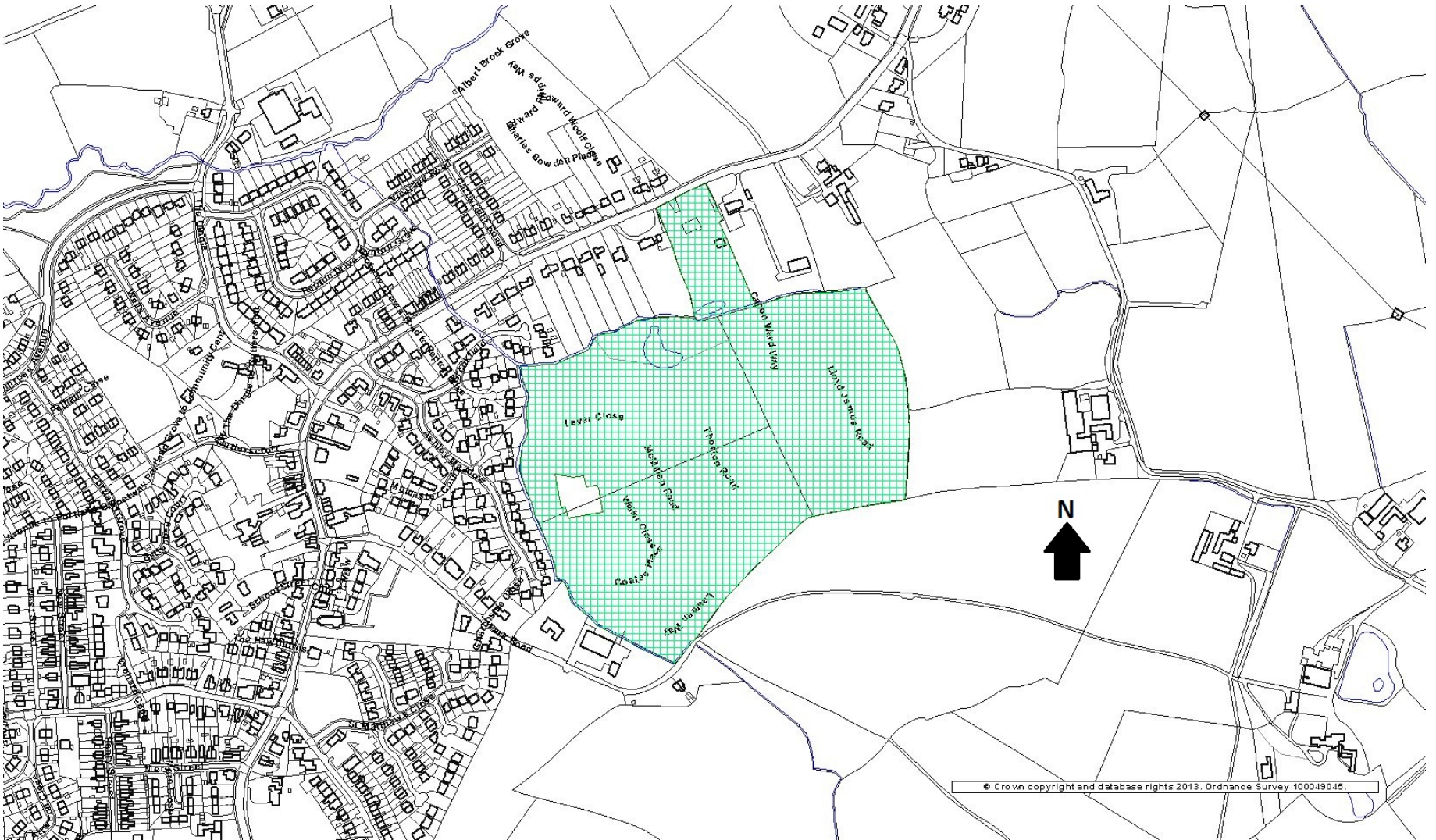
RECOMMENDATION:

APPROVE subject to the following conditions

- 1. Approved Plans**
- 2. Implementation of the approved landscape scheme**
- 3. Materials as submitted**
- 4. Levels as discharged**
- 5. Boundary treatments as discharged**
- 6. Notwithstanding submitted LEAP plans and specifications, revised scheme of 12 pieces to be submitted and approved. Implementation as discharged**
- 7. Development to be undertaken in accordance with FRA. Properties to have FFL 600mm above flood level 59.76m AOD for the area of the development in Flood Zone 2**
- 8. Dust mitigation scheme as discharged (reference to Electric vehicle charging removed)**
- 9. The development shall be carried out in strict accordance with the submitted Tree Protection, Retention and Removal Plan (Drawing 03-081 Rev B dated 1/1/2016).**
- 10. Updated badger survey as discharged**
- 11. Scheme to be undertaken in accordance in accordance with paragraphs 4.1.2 and 4.1.3 of the Biodiversity Enhancement Strategy**
- 12. Bat and bird boxes as discharged**
- 13. PD removal – no wall front of building line/ open plan estate**
- 14. PD removal for Classes A-E (selected smaller plots/terraced and affordable/semi detached)**
- 15. Parking spaces to be laid out prior to occupation of dwelling to which it relates**
- 16. Garages to be retained and not converted into habitable accommodation**
- 17. Phase II contamination report to be submitted and remediation recommendations implemented prior to occupation**

18. The SUDS scheme produced for the site to include proposals to ensure that water levels of the identified great crested newt ponds are maintained in accordance with the pre-development levels, as discharged
19. The proposed development to proceed in accordance with the recommendations of the submitted Biodiversity Enhancement Strategy prepared by Middlemarch Environment dated February 2016. The seeded areas shown on the submitted landscape plans are to be seeded and managed in accordance with paragraphs 4.1.2 and 4.1.3 of the Biodiversity Enhancement Strategy.
20. The proposed development to proceed in accordance with the submitted draft great crested newt mitigation strategy unless varied by a subsequent Natural England license
21. Scheme for a fence and access gate is to be provided to demarcate the area of Wildflower planting and amenity grassland located in the sites south western corner as shown on the submitted plan C121832-Phase 2 – E3.1. as submitted. The access gate to be of sufficient size to allow access for management As discharged
22. Laybys to Park lane to be removed as discharged
23. GCN mitigation - scheme to be implemented as discharged
24. Additional landscaping - to Ashley Meadows elevation - scheme to be implemented as discharged

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 Principal Planning Manager (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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CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

Date: 1 November 2017
Report of: David Malcolm: Head of Planning (Regulation)
Title: Planning Appeals Report

1.0 Purpose of Report

- 1.1 To summarise the outcome of Planning Appeals that have been decided between 1st April 2017 and 30th September 2017. The report provides information that should help measure and improve the Council's quality of decision making in respect of planning applications.

2.0 Decision Required

- 2.1 That the report be noted.

3.0 Background

- 3.1 All of the Council's decisions made on planning applications are subject to the right of appeal under section 78 of the Town and Country Planning Act 1990. Most appeals are determined by Planning Inspectors on behalf of the Secretary of State. However, the Secretary of State has the power to make the decision on an appeal rather than it being made by a Planning Inspector – this is referred to as a 'recovered appeal'.
- 3.2 Appeals can be dealt with through several difference procedures: written representations; Informal Hearing; or Public Inquiry. There is also a fast-track procedure for householder and small scale commercial developments.
- 3.3 All of the Appeal Decisions referred to in this report can be viewed in full online on the planning application file using the relevant planning reference number.
- 3.4 This report relates to planning appeals and does not include appeals against Enforcement Notices or Listed Building Notices.

4.0 Commentary on Appeal Statistics

- 4.1 The statistics on planning appeals for the first quarter (Q1) and second quarter (Q2) of the year are set out in Appendix 1. A list of the appeals is set out in Appendix 2 and 3.

- 4.2 The statistics in Appendix 1 are set into different components to enable key trends to be identified:
- Overall performance;
 - Performance by type of appeal procedure;
 - Performance on delegated decisions;
 - Performance on committee decisions;
 - Overall numbers of appeals lodged;
 - Benchmarking nationally.
- 4.3 The overall number of appeals lodged has fallen by 39% when compared to the same period in 2016. Between 1st April 2016 and 30th September 2016 69 Appeals were lodged. 42 Appeals were lodged between 1st April 2017 and 30th September 2017. It is also noticeable that the number of appeals lodged has fallen in the 2nd quarter this year, from 29 in Q1 to 13 in Q2. The number of planning applications determined has remained constant at a high level, so the reduction in appeals is not a result of fewer planning decisions made. The reduction in appeals lodged therefore appears to be an indication of improvements in the overall quality of decision making. This may be reflective of improved negotiation with applicants in reaching solutions to issues, and the adoption of the Local Plan reducing the number of speculative appeals.
- 4.4 In terms of the outcomes of the appeals decided, more have been allowed than would be expected against a national average, across the board (with the exception of householder appeals). Overall, in the year to date, 47% of appeals have been allowed against a national average of 31%.
- 4.5 The vast majority of appeals were determined by written representation, 47 out of 62. Of those 47 decisions, 51% were allowed against a national average of 29%. The sample of decisions by Public Inquiry and Informal Hearing is too low to provide meaningful trends, although it is notable that both Inquiries determined in this period were allowed.
- 4.6 In respect of Householder Appeals, only 20% were allowed which is better than the national average of 36%.
- 4.7 31% of appeals against delegated decisions were allowed, which is exactly in line with national average.
- 4.8 Appeals against committee decisions have been less favourable. Overall 69% of appeals made against committee decisions have been allowed. In the second quarter this figure rose to 75%. This outcome is not solely a result of Members overturning a planning officer recommendation. Appendix 2 and 3 illustrate that 7 refusals of planning permission against officer recommendation were successfully defended by the Council. However, the overwhelming majority of decisions where officer recommendations were overturned have resulted in the appeal being

allowed. This was the case for 67% of those decisions. These figures emphasise that a decision contrary to officer recommendation based on good planning grounds may be defended, but too often decisions are made contrary to officer advice without good reason and with insufficient evidence. The total of 21 appeals over the period against decisions made contrary to officer advice should be considered too many in itself.

- 4.9 It should be noted that, due to the timescales of the appeals process, any improvements in committee decision making made in the last 3 months will not yet have filtered through.

5.0 Commentary on Appeal Decisions

- 5.1 This section summaries several appeal decisions that have implications for the Council. All of the decisions have importance for different reasons but due to the volume of decisions only a few are selected for comment in this report.
- 5.2 The Council is now beginning to receive appeal decisions since the adoption of the Cheshire East Local Plan Strategy. Application ref. 17/0197C is an example of decisions being made in accordance with the adopted Development Plan. The proposal was for a small housing development in the Open Countryside at Betchton. The appeal was dismissed. The Inspector noted that:

The Council is now able to demonstrate a five year supply of housing land. The development plan is not absent or silent and relevant policies for the supply of housing are not out-of-date. Consequently, the appeal proposal must be determined in accordance with the development plan unless material considerations indicate otherwise in accordance with Section 38(6) Planning and Compulsory Purchase Act.

- 5.3 This is an important guiding principle of the plan-led system. The appeal was subsequently dismissed as the Inspector agreed with the Council that the proposal ran contrary to policies of the Development Plan and there were no material considerations sufficient to outweigh a decision in accordance with it.
- 5.4 The decision also emphasises the importance of maintaining a five year supply of housing land.
- 5.5 An appeal decision for an 'out of centre' retail development in Macclesfield exemplifies the challenging decisions that are required to be made at Planning Committee. Application ref. 15/5676M, for the development of the Barracks Mill site, was refused by the Council due to the concern that there would be significant impact on the vitality and viability of Macclesfield Town Centre.

- 5.6 In allowing the appeal for 12,800 square metres of out-of-centre retail floorspace, the Inspector found that the proposal would divert trade from Macclesfield Town Centre and would therefore impact on its vitality and viability. The Inspector considered that the cumulative comparison impact on the town centre would be in the region of 9.6%. However, he found that such an impact on vitality and viability and on local consumer choice and trade would not be 'significantly adverse', which is the test of the National Planning Policy Framework and the newly adopted Local Plan Strategy (Policy EG 5 refers). These conclusions were drawn subject to the imposition of detailed conditions restricting the amount and type of retail goods that can be sold from the site.
- 5.7 The retail conditions imposed by the Inspector would limit the amount of 'bulky' items such as carpets, floor coverings, furniture, home furnishings, electrical goods, domestic appliances, DIY goods and materials and gardening tools and equipment that could be sold. More importantly, the conditions would limit overlap with clothes retailers in the town centre by restricting the sale of such goods to 10% of the total net floorspace. This makes the conditions more restrictive than originally proposed in the committee report and certainly more restrictive than the appellant argued for. By restricting the ratio of clothing for sale, the conditions will also preclude other clothing retailers from relocating their clothing, beauty and fashion sales to the Barracks Mill site. A minimum unit size has also been imposed to ensure that the scheme does not create smaller shops with similar occupiers to the town centre.
- 5.8 In terms of qualitative impact, the Inspector noted that presently, shoppers are choosing to travel to other 'out-of-centre' retail parks to destinations such as Lyme Green, Handforth Dean, Stanley Green, Stockport, Manchester City Centre and the Trafford Centre. To this end, the Inspector considered that the appeal proposal would provide a realistic alternative to competing retail parks further afield and therefore would improve local consumer choice and reduce present leakage from Macclesfield by bringing "different types of retailers to Macclesfield who would otherwise struggle to find suitable premises in the town". In doing so, the Inspector concluded that "this would represent a significant benefit, as would the regeneration and redevelopment of a vacant brownfield site in a prominent location close to the town centre". The appeal was therefore allowed.
- 5.9 In the majority of appeals, both parties bear their own costs of the process. This was the case with the Barracks Mill appeal, for example. However, a costs award may be made by the Inspector where they consider that unreasonable behaviour has occurred. The Appellant is required to evidence why the appeal should be made, but of equal importance the Council must be able to properly evidence its decision based on planning grounds alone. Applications ref. 16/3569M and 16/4087M are examples of costs being awarded against the Council because it was unable to substantiate the reason for refusal. In this case planning permission existed for 2No. Apartments on the site. The

applicant wished to further subdivide the building into either 3 or 4No. Apartments. The subdivision involved a small extension to the building, of circa 16 sq. m. Both applications were refused due to “over development and over intensification of use causing harm to the character and appearance of the Conservation Area”. The Inspector allowed the appeals and concluded that the Council had failed to substantiate the reasons for refusal, in the face of advice from its officers that the proposals were acceptable. He concluded that the appellant should not have needed to deal with these reasons for refusal and had incurred unnecessary expense in doing so.

- 5.10 This was an example of a clear cut decision that should not have gone to appeal. However, as mentioned at paragraph 4.8 of this report, committee decisions contrary to officer recommendation can be a healthy part of the process when it is based on evidence, policy and good planning grounds. A good example of this is ref. 16/3610M. The proposal was for 3No. Apartments, redeveloping a site that had previously been granted permission for an office development. Planning permission was refused, contrary to officer advice, due to the substandard level of amenity for future occupiers. The Inspector agreed with the Council’s decision and dismissed the appeal. On this occasion officers were able to substantiate the reason for refusal during the appeal because it could be evidenced that the proposal breached policies of the Development Plan.

6.0 Recommendation

- 6.1 That Members note the contents of the report.

7.0 Risk Assessment and Financial Implications

- 7.1 As no decision is required there are no risks or financial implications.

8.0 Consultations

- 8.1 None.

9.0 Reasons for Recommendation

- 9.1 To learn from outcomes and to continue to improve the Council’s quality of decision making on planning applications.

For further information:

Portfolio Holder: Councillor Ainsley Arnold

Officer: Peter Hooley – Planning & Enforcement Manager

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Quarterly Planning Appeals Report

Appendix 1. Planning Appeal Statistics

All s.78 Planning Appeals decided			
Q1 (1st April 2017 to 30 June 2017)			
Q2 (1st July 2017 to 30th Sept 2017)			
	Q1	Q2	Year to date
Number of Planning Appeals determined	32	30	62
Total Allowed	17	12	29
Total Dismissed (%)	15	18	33
Percentage allowed	53%	40%	47%
<i>Note: appeals that were withdrawn, deemed invalid or part allowed/part dismissed are excluded from the figures provided.</i>			

Public Inquiries	Q1	Q2	Year to date
Number of appeals determined	1	1	2
Total Allowed	1	1	2
Total Dismissed	0	0	0
Percentage allowed	100%	100%	100%

Hearings	Q1	Q2	Year to date
Number of appeals determined	2	1	3
Total Allowed	1	0	1
Total Dismissed	1	1	2
Percentage allowed	50%	0%	33%

Written representations	Q1	Q2	Year to date
Number of appeals determined	22	25	47
Total Allowed	13	11	24
Total Dismissed	9	14	23
Percentage allowed	59%	44%	51%

Householder Appeal Service	Q1	Q2	Year to date
Number of appeals determined	7	3	10
Total Allowed	2	0	2
Total Dismissed	5	3	8
Percentage allowed	29%	0%	20%

Quarterly Planning Appeals Report

Appeals against Delegated Decisions

	Q1	Q2	Year to date
Number of appeals determined	18	18	36
Total Allowed	8	3	11
Total Dismissed	10	15	25
Percentage allowed	44%	17%	31%

Appeals against Planning Committee Decisions

	Q1	Q2	Year to date
Number of appeals determined	14	12	26
Total Allowed	9	9	18
Total Dismissed	5	3	8
Percentage allowed	64%	75%	69%

Appeals Lodged this year

	Q1	Q2	Year to date
Public Inquiries	0	3	3
Hearing	3	1	4
Written Rep	20	5	25
Household fast-track	6	4	10
Total	29	13	42

Benchmarking

National figures for s78 Planning Appeals

First Quarter Apr – Jun 2017				
	Public Inquiry	Hearings	Written Representations	All
Number of appeals determined	66	138	2340	2544
Percentage allowed	50%	41%	29%	31%

National figures for Householder Appeal Service

First Quarter Apr – Jun 2017	
	Householder
Number of appeals determined	1137
Percentage allowed	36%

Appendix 2. Appeals determined 1st April 2017 to 30th June 2017

LPA ref.	Site Address	Development Description (short description)	Decision Level	Procedure	Appeal Outcome	Over-turn?
14/0365N	Land north of Moorfields, Willaston	Development of up to 170 no dwellings with associated infrastructure and open sp	Strategic Planning	Public Inquiry	Allowed	N/A
16/2643C	Land off MACCLESFIELD ROAD, CONGLETON	Proposal for construction of 202 dwellings off Macclesfield Road Congleton	Southern Planning	Informal Hearing	Withdrawn	N/A
15/5166N	Smithy Lodge, NANTWICH ROAD, WRENBURY, CW5 8EW	Proposed Development of 10No. residential dwellings.	Southern Planning	Written Representations	Dismissed	Y
16/2010N	LAND OFF OAK GARDENS, BUNBURY	Outline application for proposed residential development for 15 dwellings with a	Southern Planning	Written Representations	Allowed	Y
16/3924C	WATERWORKS HOUSE, DINGLE LANE, SANDBACH, CW11 1FY	Demolition of existing two-storey dwelling, removal of water treatment storage a	Southern Planning	Written Representations	Allowed	Y
16/4792N	Land to the west of CLOSE LANE, ALSAGER	Outline planning application for residential development and access, all other m	Southern Planning	Written Representations	Allowed	N
15/2274M	Land off SCHOOL LANE, MARTON	Outline application for up to 27 dwellings with details of access. All other	Northern Planning	Informal Hearing	Dismissed	Y
16/3514C	Land to east of MANOR LANE, HOLMES CHAPEL	Outline permission for New residential development to create up to 114 dwelling	Northern Planning	Public Inquiry	Withdrawn	N/A
15/4515M	WARFORD HALL, WARFORD HALL DRIVE, GREAT WARFORD, SK9 7TP	Change of use from dwelling and ancillary offices to dwelling with conference /	Northern Planning	Written Representations	Dismissed	Y
16/0834M	1, BUTLEY LANES, PRESTBURY, SK10 4HU	Demolition of Existing Dwelling and erection of 2 new houses	Northern Planning	Written Representations	Allowed	Y
16/2622M	109, WHIRLEY ROAD, MACCLESFIELD, SK10 3JW	Development of a new house within the existing site boundary	Northern Planning	Written Representations	Dismissed	Y
16/3569M	Coppers, 10, CONGLETON ROAD, ALDERLEY EDGE, SK9 7AA	Proposed 3no. apartments to replace former single detached dwelling. Fo	Northern Planning	Written Representations	Allowed	Y
16/4087M	Coppers, 10 Congleton Road, Alderley Edge, SK9 7AA	Proposed 4no. apartments to replace former single dwelling detached dwelling.	Northern Planning	Written Representations	Allowed	Y

Quarterly Planning Appeals Report

LPA ref.	Site Address	Development Description (short description)	Decision Level	Procedure	Appeal Outcome	Over-turn?
16/4527M	1, ORME CLOSE, PRESTBURY, SK10 4JE	Demolition of the existing house to be replaced with two new build detached dwel	Northern Planning	Written Representations	Allowed	Y
16/4826M	2, LANCASTER ROAD, WILMSLOW, SK9 2HF	Proposed two storey 3 bedroom detached dwelling	Northern Planning	Written Representations	Dismissed	Y
16/5788C	Grove Inn, MANCHESTER ROAD, CONGLETON, CW12 1NP	Proposed conversion of public house and extensions & additions to form retail pr	Northern Planning	Written Representations	Allowed	Y
16/4300M	Glengarry, Middlewich Road, Lower Peover, WA16 9PN	Erection of two storey rear extension, single storey side extensions with amende	Delegation	Householder Appeal Service	Dismissed	
16/5337M	The Old School, MAIN ROAD, LANGLEY, SK11 0BU	Renovations, Alteration and Side/Front Extension, with Associated Landscaping Wo	Delegation	Householder Appeal Service	Dismissed	
16/5500M	142, BUXTON ROAD, DISLEY, SK12 2HG	Side extension to first floor above existing garage.	Delegation	Householder Appeal Service	Allowed	
16/5886M	THE FIRS, CARTER LANE, CHELFORD, CHESHIRE, SK11 9BD	Erection of a single storey extension to the rear of an existing barn conversion	Delegation	Householder Appeal Service	Allowed	
16/5973N	THE HAYBARN, EATON ROAD, WETTENHALL, CW7 4HJ	Proposed Single Storey Extension	Delegation	Householder Appeal Service	Dismissed	
16/6174C	116, WEST ROAD, CONGLETON, CW12 4EU	Drop kerb for vehicle access	Delegation	Householder Appeal Service	Dismissed	
17/0404C	123, CREWE ROAD, SANDBACH, CW11 4PA	Two storey extension to rear of property.	Delegation	Householder Appeal Service	Dismissed	
16/0198C	LAND OPPOSITE FIVE ACRES FARM, CLEDFORD LANE, MIDDLEWICH	Variation of condition 4 of 10/0015C	Delegation	Informal Hearing	Allowed	
16/2327C	Land off NEWCASTLE ROAD, ARCLID	12 new dwellings and a new access	Delegation	Public Inquiry	Withdrawn	
16/1892N	GRESTY LODGE BARN, 347, CREWE ROAD, SHAVINGTON, CW2 5AD	Retrospective Application for Erection of High Wall to Highway and Associated Ga	Delegation	Written Representations	Allowed	

Quarterly Planning Appeals Report

LPA ref.	Site Address	Development Description (short description)	Decision Level	Procedure	Appeal Outcome	Over-turn?
16/2016N	Woodlands House, London Road, Stapeley, CW5 7JL	Single dwelling	Delegation	Written Representations	Allowed	
16/2085C	55, WEST STREET, CONGLETON	Demolition of existing building and construction of new building which includes	Delegation	Written Representations	Deemed Invalid by DoE	
16/3040N	Birds Nest, AUDLEM ROAD, AUDLEM, CW3 0HF	Proposed Housing Development on Land adjacent Birds Nest for 20 dwellings	Delegation	Written Representations	Dismissed	
16/3108M	HIBBERTBROW FARM, BROOKLEDGE LANE, ADLINGTON, SK10 4JX	Garage, store and tractor shed.	Delegation	Written Representations	Dismissed	
16/3547M	TYTHERINGTON OLD HALL, DORCHESTER WAY, MACCLESFIELD, SK10 2LQ	Listed building consent for alterations to convert from current office accommoda	Delegation	Written Representations	Withdrawn	
16/3612N	Honeysuckle Cottage, HEATLEY LANE, BROOMHALL, CW5 8BA	Proposed retention of agricultural building incorporating half mezzanine floor	Delegation	Written Representations	Allowed	
16/3735C	37, BRAMBLE CLOSE, MIDDLEWICH, CW10 9FZ	Change of use of vacant land to form extended garden	Delegation	Written Representations	Dismissed	
16/3951C	Holly Bank, BYLEY LANE, CRANAGE, CW10 9LP	3 No. 3 bedroom single storey cottage	Delegation	Written Representations	Dismissed	
16/4597N	138, Main Road, Shavington, CW2 5DP	Construction of 3 detached 3 bedroom dwellings	Delegation	Written Representations	Dismissed	
16/4646M	Half Acre, BEECHFIELD ROAD, ALDERLEY EDGE, SK9 7AU	Erection of one detached dwelling	Delegation	Written Representations	Allowed	
16/5055N	LAND ADJACENT 206, FORD LANE, CREWE, CW1 3TN	Detached dwelling	Delegation	Written Representations	Allowed	

Appendix 3. Appeals determined 1st July to 30th Sept 2017

LPA ref.	Site Address	Development Description (short description)	Decision Level	Procedure	Appeal Outcome	Over-turn?
15/5676M	BARRACKS MILL, BLACK LANE, MACCLESFIELD	Outline planning application with all matters reserved except for access for the	Strategic Planning	Public Inquiry	Allowed	Y
16/2433N	Land south of NANTWICH ROAD, WRENBURY	Outline application for residential development to include details of access	Strategic Planning	Written Representations	Dismissed	N
14/5834C	DUNKIRK FARM PADDOCK, OFF LONDON ROAD, BRERETON, CW4 8AX	Construction of 10 dwellings (resubmission of planning application reference 14/	Southern Planning	Written Representations	Allowed	N/A
16/0646N	6 & Land rear of no.6 BUNBURY LANE, BUNBURY, CW6 9QZ	Outline planning application for the demolition of 1no. bungalow and the erec	Southern Planning	Written Representations	Allowed	Y
16/3433N	Grand Junction Way, Crewe	Demolition of an existing building, part demolition of the former pet hire build	Southern Planning	Written Representations	Withdrawn	N/A
16/3664N	THE WHITE LION, AUDLEM ROAD, HANKELOW, CW3 0JA	Demolition of public house and erection of 5no. four-bedrom detached dwellings	Southern Planning	Written Representations	Allowed	Y
16/3974N	Land East of WHITCHURCH ROAD, ASTON	Development of up to 24 dwellings with all matters reserved except access	Southern Planning	Written Representations	Dismissed	Y
16/5562C	Rectory Farm, OLD KNUTSFORD ROAD, CHURCH LAWTON, ST7 3EQ	Outline application for the erection of up to 5 residential dwellings, with prim	Southern Planning	Written Representations	Allowed	Y
16/6202N	Land off MILL LANE, BULKELEY	Outline application for 13 dwellings with access off Mill Lane including 5 affor	Southern Planning	Written Representations	Allowed	N
17/0388N	Land adjacent 11 Walthall Street, Crewe, CW2 7JZ	Variation of Condition 2 on approved planning application 16/4784N, to facilitat	Southern Planning	Written Representations	Allowed	Y
16/3539M	Land to the rear of the Water Street Centre, WATER STREET, BOLLINGTON	Proposed erection of two detached houses on former playground, construction of a	Northern Planning	Written Representations	Allowed	Y
16/3610M	LAND TO THE REAR OF 14-18, LONDON ROAD, ALDERLEY EDGE	Proposed demolition of existing building to the rear of No's 14-18 London Road,	Northern Planning	Written Representations	Dismissed	Y

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LPA ref.	Site Address	Development Description (short description)	Decision Level	Procedure	Appeal Outcome	Over-turn?
17/0181M	Brundred Farm, 45, CASTLE HILL, PRESTBURY, SK10 4AS	Erection of 1no. detached dwelling; extension of existing private road to form n	Northern Planning	Written Representations	Allowed	Y
15/0950M	TOP CROFT, RIDGE HILL, SUTTON, SK11 0LU	Proposed agricultural building on land at Top Croft, Ridge Hill, Sutton	Delegation	Written Representations	Allowed	
15/5808M	Maple Farm, STRAWBERRY LANE, WILMSLOW, SK9 6AH	Application for a Lawful Development Certificate for an Existing Use - Stationin	Delegation	Written Representations	Dismissed	
16/0798C	NORTEK (M H E) LTD, Vale Mill, PRIESTY FIELDS, CONGLETON, CW12 4AQ	Outline application for residential development comprising up to 10No dwellings	Delegation	Written Representations	Dismissed	
16/2615M	LAND ADJACENT TO SANDICOT, WOOD LANE SOUTH, ADLINGTON	Vehicular access. (Retrospective)	Delegation	Written Representations	Dismissed	
16/2980M	92A, KING STREET, KNUTSFORD, WA16 6ED	Advertisement Consent for 1 Fascia Sign	Delegation	Written Representations	Dismissed	
16/3025N	52A, STALBRIDGE ROAD, CREWE, CW2 7LP	Change of use of office building to form one dwelling	Delegation	Written Representations	Dismissed	
16/3687M	HEATHFIELD HOUSE, BOLLINGTON LANE, NETHER ALDERLEY, SK10 4TB	Removal of conditions 7 & 8 on approval 82411P for conversion of disused MOD bui	Delegation	Written Representations	Allowed	
16/4653M	17, FLETSAND ROAD, WILMSLOW, SK9 2AD	Variation of condition 9 (Obscure Glazing Requirement) of 15/2861M	Delegation	Written Representations	Withdrawn	
16/5305M	The Old Rectory, Church Lane, MOBBERLEY, WA16 7RD	Listed building consent for internal and external alterations to an outbuilding	Delegation	Written Representations	Dismissed	
16/5759C	Yeowood Farm, Elton Road, Sandbach, CW11 3NE	Prior notification of agricultural or forestry development - proposed road	Delegation	Written Representations	Allowed	
16/5910M	22, DAVEHALL AVENUE, WILMSLOW, SK9 5NE	Two story side extension with loft conversion. Three bedrooms, one with en-suite	Delegation	Householder Appeal Service	Dismissed	
16/6034C	SPRING BANK FARM, CONGLETON ROAD, ARCLID, CW11 2UD	New 2 storey 3 Bed House and change of use of agricultural building to B1 uses (Delegation	Informal Hearing	Dismissed	
16/6053M	2 & 4, CROFT LANE, KNUTSFORD, WA16 8QH	Demolition, Extension and alterations to existing dwellings	Delegation	Written Representations	Dismissed	

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LPA ref.	Site Address	Development Description (short description)	Decision Level	Procedure	Appeal Outcome	Over-turn?
16/6056M	5, BLAKELOW GARDENS, MACCLESFIELD, SK11 7EE	Change of use from allotment garden to domestic garden	Delegation	Written Representations	Dismissed	
16/6075M	Oak Lodge, MARTON LANE, GAWSWORTH, SK11 9EZ	Proposed two storey rear extension	Delegation	Householder Appeal Service	Dismissed	
17/0197C	Land adjacent Betchton Heath Cottages, REYNOLDS LANE, BETCHTON	Outline application with some matters reserved for up to 2no. dwellings	Delegation	Written Representations	Dismissed	
17/0658C	123, Crewe Road, Sandbach, CW11 4PA	Certificate of Lawful Proposed Use for a single storey side extension. This wil	Delegation	Written Representations	Withdrawn	
17/0797C	Premier Motors, THE HILL, SANDBACH, CW11 1JJ	Advertisement Consent for digital advertising screen mounted on painted vertical	Delegation	Written Representations	Dismissed	
17/1122N	THE CROFT, FISHERS LANE, BURLAND, CW5 8LZ	Outline application for detached dwelling	Delegation	Written Representations	Dismissed	
17/1232N	21, MYTTON DRIVE, NANTWICH, CW5 5UF	Extension of boundary wall	Delegation	Householder Appeal Service	Dismissed	