

# Southern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 29th November, 2017</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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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 3 - 12)

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

Please contact Julie Zientek on 01270 686466

E-Mail: [julie.zientek@cheshireeast.gov.uk](mailto:julie.zientek@cheshireeast.gov.uk) with any apologies or requests for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto: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 13 - 34)**

To consider the above planning application.

6. **16/5584N 84, Edleston Road, Crewe CW2 7HD: Change of use from dwelling (C4) to sui generis house in multiple occupation for 7 people including the provision of a rear dormer for Ben Morris, Hopscotch Investments Ltd (Pages 35 - 42)**

To consider the above planning application.

7. **17/3611C Land Off Marsh Green Road, Sandbach: Outline application for Residential development on land off Marsh Green Road, Elworth, Sandbach for Safeguard Limited (Pages 43 - 66)**

To consider the above planning application.

8. **17/2398N Horseshoe Farm, Warmingham Lane, Moston, Middlewich, Cheshire CW10 0HJ: Change of use of land to use as a transit caravan site for gypsies, including the stationing of no more than 8 caravans, laying of hardstanding and erection of amenity building for Mr Oliver Boswell (Pages 67 - 76)**

To consider the above planning application.

9. **16/6197C Happy Days Club And Nursery School, Jubilee Walk, Holmes Chapel, CW4 7FN: Removal of Condition 1 and Variation of Condition 3 on Approved 14/5464C - Variation of conditions 1 & 2 on application 13/1064C- Construction of pre-fabricated pre-school and associated external works for Mrs Helen Scott, Holmes Chapel Primary School (Pages 77 - 88)**

To consider the above planning application.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

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

**PRESENT**

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

Councillors Rhoda Bailey, P Butterill, J Clowes, W S Davies, S Edgar,  
S Gardiner, J Rhodes, B Roberts and B Walmsley

**NON-COMMITTEE MEMBERS IN ATTENDANCE**

Councillor J Hammond

**OFFICERS PRESENT**

Sheila Dillon (Senior Lawyer)  
Chris Glover (Development Officer, Strategic Housing)  
Andrew Goligher (Principal Development Control Officer - Highways)  
Peter Hooley (Planning and Enforcement Manager)  
Susan Orrell (Principal Planning Officer)  
Gareth Taylerson (Principal Planning Officer)  
James Thomas (Senior Lawyer)  
Julie Zientek (Democratic Services Officer)

**Apologies**

Councillor D Bebbington

**56 DECLARATIONS OF INTEREST/PRE DETERMINATION**

Councillor S Edgar declared that he had made up his mind with regard to application numbers 17/2484N and 17/2483N, which were in his Ward. He would exercise his separate speaking rights as a Ward Councillor and not take part in the debate or vote.

With regard to application number 17/0560N, Councillor B Roberts declared that he had attended a briefing with the applicant but that he had kept an open mind.

All Members of the Committee declared that they had received correspondence with regard to application numbers 17/2484N and 17/2483N.

**57 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 4 October 2017 be approved as a correct record and signed by the Chairman.

**58 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**

Note: Mr S Grimster attended the meeting and addressed the Committee on behalf of the applicant.

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

RESOLVED – That the application be DEFERRED for the following:

- Further information relating to the affordable rent properties which have recently come to the attention of the housing officer
- Consideration of re-configuration of some of the properties to allow for accommodation for the elderly/disabled
- Minor re-arrangement of the layout to include provision of a play area

**59 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**

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

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. 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
- (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.

**60 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**

Note: Having exercised his separate speaking rights as a Ward Councillor, Councillor S Edgar withdrew from the meeting for the duration of the Committee's consideration of this item.

Note: Parish Councillor R Hancock had not registered her intention to address the Committee on behalf of Shavington-cum-Gresty Parish Council. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Councillor Hancock to speak.

Note: Mr G McKintire (objector) and Mr P Vickers (on behalf of the applicant) also attended the meeting and addressed the Committee on this matter.

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

### RESOLVED

- (a) That, for the reasons set out in the report and the written update, the application be APPROVED 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 11<sup>th</sup> 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
- (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.

61 **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**

Note: Having exercised his separate speaking rights as a Ward Councillor, Councillor S Edgar withdrew from the meeting for the duration of the Committee's consideration of this item.

Note: Parish Councillor R Hancock had not registered her intention to address the Committee on behalf of Shavington-cum-Gresty Parish Council. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Councillor Hancock to speak.

Note: Ms S Dutton (objector), and Mr W Fulster, Mr S Eaves and Mr W Booker (on behalf of the applicant) also attended the meeting and addressed the Committee on this matter.

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

### RESOLVED

(a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to the completion of 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
- Management agreement and maintenance in perpetuity of POS and LEAP on site

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 11<sup>th</sup> 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. The development shall not commence unless and until a Traffic Regulation Order changing Main Road to a one way system has been made and any legal challenges concluded.
  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. No dwellings shall be occupied until the works necessary to bring the Traffic Regulation Order referred to in condition 25 into effect have been completed
  29. Compliance with bat report
  30. Updated badger survey
  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
- (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.

**62 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**

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

Note: Councillor J Clowes left the meeting prior to consideration of this application and Councillor S Gardiner took her place as a substitute.

Note: Parish Councillor L Horne (on behalf of Minshull Vernon & District Parish Council) and Ms V Saunders (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 completion of a S106 Agreement to secure:



- 100% affordable housing provision
- Financial contribution of £7,365.00 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
  23. Prior to commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority.
  24. Amended plans to be provided for House Type T5 to reflect the change to window design
  25. Amended plans to show access for bins for plots 12,13, 8 and 9
- (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.

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

**63 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**

Note: Councillor J Hammond (Ward Councillor) 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. 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 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
- (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.

## 64 PLANNING APPEALS

The Committee considered a report regarding the outcome of Planning Appeals decided between 1 April 2017 and 30 September 2017.

RESOLVED – That the report be noted.

The meeting commenced at 10.00 am and concluded at 3.35 pm

Councillor J Wray (Chairman)

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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

## REASONS FOR DEFERRAL

The application was deferred at the Southern Planning Committee on 1<sup>st</sup> November 2017 to enable the following matters to be addressed;

- Further information relating to the affordable rent properties which have recently come to the attention of the housing officer
- Consideration of re-configuration of some of the properties to allow for accommodation for the elderly/disabled
- Minor re-arrangement of the layout to include provision of a play area

## UPDATE SINCE LAST COMMITTEE

Additional information has been submitted by the applicant, including a letter in support of the scheme from Regenda Homes (RSL) who wishes to deliver this project through the new build affordable homes programme.

It has been confirmed that the tenure mix on the site will be revised to include a split of 13 units for affordable rent and 27 units for shared ownership. The proposed affordable rented units will be made available through Cheshire Homechoice.

Regenda have advised that the provision of 13 affordable rental units within the development has been secured due to funding becoming available from the Housing and Communities Agency (HCA). It is further advised that the project will receive HCA Affordable Housing Grant at a total of £1,145,000, and the HCA require this mix of tenure.

As regards the inclusion of specific units to accommodate Elderly/Disabled persons, Regenda advises that it would not be able to provide bungalows within the layout given the size of the site, and impact this would have on the number of units being delivered. Planning Officers have suggested the provision of some one bedroom “cottage flats”, with the ground floor units being made available for elderly or disabled persons. However Regenda state that from its experience elsewhere, the provision of cottage flats “have proven unpopular and difficult to let on other sites”.

In terms of the provision of an on-site play area, Regenda sets out that discussions with Officers resulted in the amended layout now under consideration and the omission of open space originally proposed within the offset area of the adjacent pylon. Notwithstanding the concerns raised by members regarding the lack of an on-site play area, and the location of alternative play provision to the south of Sydney Road, the Regenda letter maintains that Planning Officers consider the current layout to be consistent with the principles of the Cheshire East Design Guide, in that it provides the opportunity of informal play within shared surface spaces. Regenda further considers that the “design provides for a development of 40 much needed affordable homes which has been carefully designed accounting for site constraints”.

Following a review of the layout, the applicant has considered that the provision of a dedicated on-site play area would result in, “the loss of at least 1, or possible 2 homes”.

Regenda considers that this would pose a significant risk to project deliverability and consequently no changes to the layout are proposed.

The implications resulting from any reduction of units are set out within the concluding comments of the Regenda letter, which include that;

*“Given the allocation of HCA Grant for this scheme, any loss of units within the site or significant delay in the approval of the scheme will result in the loss of this grant allocation and other funding totalling £5,501,132 in affordable housing within the local area”*

It further adds that;

*“The vendor has an aspiration for the value of the site which is based on an open market sale scheme. To date based on 40 x Affordable Housing scheme, we have managed to meet the vendor’s minimum land value requirements, however, any loss of homes would jeopardise the scheme. Loss of units will result in loss of either rental or sales revenue from the affordable homes, as well as the loss of HCA grant for those units. This gap would need to be subsidised by Regenda out of its own charitable reserves. However it is unlikely that our board will approve this scheme rendering the scheme unviable”.*

Following consideration of the additional information, the recommendation for this application remains for approval subject to conditions, and for the reasons as set out in the report.

### **PROPOSAL**

The application seeks full planning permission for 40, two storey, affordable dwellings. 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. As set out above the proposed split in tenure has been revised from 100% shared ownership, to 13 units for affordable rent and 27 units for 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 originally proposed that 100% of the dwellings on this site to be affordable, with all of them being provided by way of Intermediate tenure. However the proposals have now been revised to include a tenure split of 13 units for affordable rent and 27 units for shared ownership .

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 applicant proposes to deliver 17 x 2 bed and 23 x 3 bed dwellings on this site. As regards the proposed housing mix, the Housing Officer previously advised that as the original scheme was for 100% shared ownership, 1 bedroom apartments would not be attractive to buyers. However as the tenure split as now changed, to include 13 dwellings for Affordable Rent, the Housing Officer considers this reason for the lack of one-bedroom accommodation, which can also meet the needs of elderly/disabled persons, is no longer justified. Nevertheless, a scheme of 40 affordable dwellings incorporating both Shared Ownership and Affordable Rented dwellings is now proposed, and the Housing Officer has advised that this will assist in the Council's commitment to providing sustainable affordable housing in Cheshire East and is therefore supported.

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.

Therefore the proposal makes a significant contribution to the community in its own right and therefore is socially very sustainable.

### 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 are 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	349	358	362	362	369	
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	90	420	420	429	437	439	444	448	
Leighton Academy	60	60	420	480	484	495	504	517	534	
Mablins Lane Community Primary School	75	90	525	525	531	560	555	560	566	
Monks Coppenhall Academy	60	90	420	420	422	455	475	489	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 Councils 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 advise 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 open 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 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

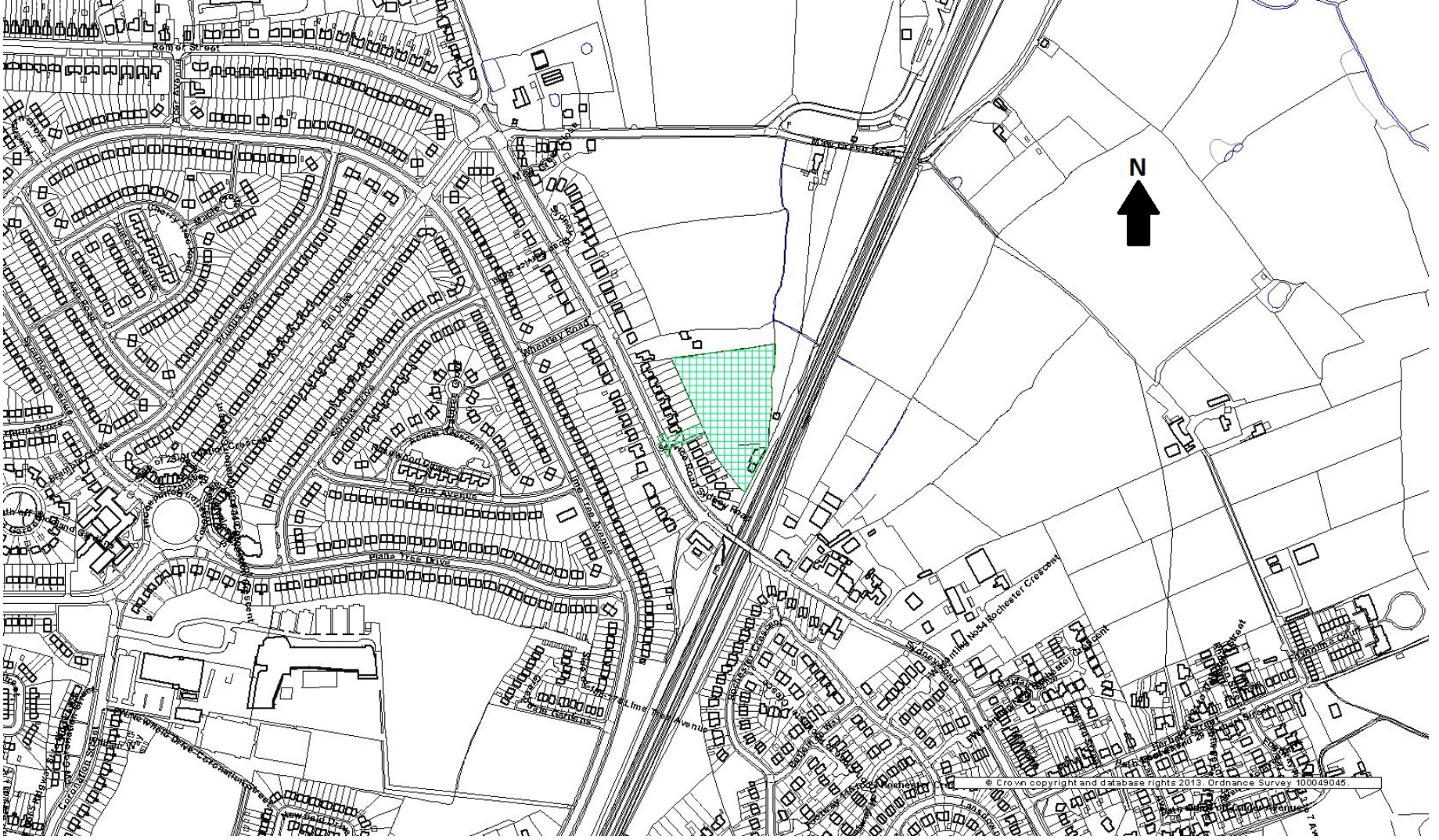
The scheme is therefore recommended for approval.

### **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.**



Application No: 16/5584N

Location: 84, EDLESTON ROAD, CREWE, CW2 7HD

Proposal: Change of use from dwelling (C4) to sui generis house in multiple occupation for 7 people including the provision of a rear dormer.

Applicant: ben morris, Hopscotch Investments Ltd

Expiry Date: 29-Nov-2017

**SUMMARY:**

The site is within the Crewe Settlement Boundary, as defined by the Adopted Replacement Local Plan 2011, where there is a presumption in favour of sustainable development.

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

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

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

**RECOMMENDATION:**

**Subject to no additional issues being raised as part of the latest consultation period which expires on 28<sup>th</sup> November 2017 the application is recommended for APPROVAL subject to conditions.**

**REASON FOR DEFERRAL**

This application was DEFERRED at the Southern Planning Committee meeting on 4<sup>th</sup> October 2017 for the following reason;

*‘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’*

**REASON FOR CALL IN**

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

- *Inadequacy of proposed parking provision with resulting impact on surrounding area, where on-street parking on side streets leads already to congestion.*
- *Concerns about the provision within the application for adequate waste storage and collection, with likely resulting impact on surrounding area which is already a fly tipping hot spot in Crewe.*
- *Concerns about room sizes and the amenity of any future residents of the proposed HMO, owing to very poor standard of plans, which appear to be indicative only and six years old to boot.*
- *Proposed government reforms to HMO licensing which will be intended to tighten up requirements, and are currently subject to consultation.*
- *Unacceptable increase to HMO density within the area, with policy implications for Cheshire East Council that should be addressed within any future Local Plan.*

### **PROPOSAL**

Full planning permission is sought for a change of use from dwelling (C4) to sui generis house in multiple occupation for 7 people including the provision of a rear dormer.

The only external alteration proposed is the addition of one dormer window to the rear elevation of the property.

### **SITE DESCRIPTION**

The property is a mid terraced two-storey unit. The dwelling also has an annexe to the rear which is used for accommodation. The annexe is situated within the same domestic curtilage as the main dwelling and currently houses 6 people. The proposal only seeks to alter this through the addition of a loft conversion where an additional bedroom will be provided for an additional person.

The locality consists of mixed residential and commercial uses with residential to both sides and rear.

### **RELEVANT HISTORY**

**11/4054N** - Rear Extension to Form a Flat / Apartment- Approved with conditions- 15<sup>th</sup> March 2012.

**11/0839N** - Rear Extension to Form Two Flats- Refused - 25<sup>th</sup> July 2011.

### **NATIONAL & LOCAL POLICY**

#### **Local Plan:**

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

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.

BE.1 – Amenity

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

RES.9 – Houses in Multiple Occupation

Supplementary Planning Guidance/Documents:

SPD – Development on Backland and Gardens

### **National Policy:**

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

### **CONSULTATIONS:**

**Crewe Town Council:** Has resolved to make further comment on application 16/5584N - (Revised Plans 17/5/17 and 14/6/17). The Town Council comments are as follows;

- 1) Understands from the Housing Standards and Adaptation Team Leader's comments that the revised plans are compliant with the requirements for Houses in Multiple Occupation based on single room occupancy. Nevertheless, it feels that Bedroom 1 on the first floor (by virtue of size) and Bedroom 7 - the loft bedroom (by virtue of limited headroom) do not meet the Town Council's expectations for decent living conditions and would like to see better quality accommodation provided for Crewe residents.
- 2) The Town Council sustains its previous objection to this proposal because of the inadequate provision of off-street parking for the number of bedrooms.

Further consultation on plans received on the 18/10/17 is underway and this expires on the 28<sup>th</sup> November 2017.

**Highways:** No objection Edleston Rd has TROs to prevent on-street parking, car ownership data indicates demand will be low and sited in close proximity car parks in the town centre

**Housing:** No objections to using the attic space, as the amenities will be adequate for the proposed numbers.

**Environmental Health:** No objections subject to a waste provision condition, and noise generative works informative.

**Building Control:** Agreed that although the pitch is not ideal it is a better scenario than the previous proposals and that with a handrail either side they would be acceptable to us at Building Control.

### **REPRESENTATIONS:**

One general comment has been received at the time of the report which states that:

Amendments to The Housing Act 2004 regulations, coming into force in 2017 (exact date is not known at this time), will require HMO type properties with 5 or more persons in occupation to require a licence provided by the Local Authority to operate as an HMO. As such, all licensable HMO properties will need to comply with licensing criteria and legislation associated with such.

No further comments at this time in relation to revised plans.

### **APPRAISAL**

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

#### **Principle of Development**

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

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

#### **Reason for Deferral**

This application was DEFERRED at the Southern Planning Committee meeting on 4<sup>th</sup> October 2017 for the following reason;

*‘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’*

Building control have now provided updated comments on the proposal and state that although the pitch is not ideal, the proposal now poses a better scenario than the previous proposals and that, with the aid of a handrail on either side, the staircase as proposed would now be acceptable to Building Control.

Re-consultation on the amended plans is now underway with the date of re-consultation due to expire on the 28<sup>th</sup> November 2017.

The key plans have also now been amended to reflect the correct version of the proposal.

#### **Local Plan Policy (RES.9) Houses in Multiple Occupation:**

The development is located within the Crewe and Nantwich Settlement boundary which is considered to be a sustainable location. The proposal seeks to alter the existing site, from housing 6 people (including the rear annexe), to housing 7 people (as a result of proposed loft conversion). The proposal therefore seeks to accommodate an additional one person to the 6 individuals already living in existence at the property. There are no double occupancies within the property.

**RES. 9 (Houses in multiple occupation) states that:**

**PROPOSALS FOR THE SUB-DIVISION OF BUILDINGS TO PROVIDE SELF- CONTAINED RESIDENTIAL UNITS WILL BE PERMITTED, PROVIDED THAT:**

**THE BUILDING TO BE CONVERTED IS LARGE ENOUGH TO PROVIDE SATISFACTORY LIVING ACCOMMODATION FOR FUTURE RESIDENTS WITHOUT THE NEED TO CONSTRUCT EXTENSIONS WHICH WOULD CONFLICT WITH POLICIES BE.1 AND BE. 2;** The only proposed change to the dwelling is the loft conversion with the additional of 1 dormer window. No other external changes are proposed.

**THE PROPOSAL WOULD NOT RESULT IN AN ADVERSE CHANGE TO THE EXTERNAL APPEARANCE OF THE BUILDING WHICH WOULD BE UNACCEPTABLE IN TERMS OF DESIGN OR MATERIALS USED;** Aside from the one dormer window, there are no other external alterations to the dwelling nor the annexe proposed, in which both are already in situ.

**THE DEVELOPMENT DOES NOT DETRACT SIGNIFICANTLY FROM THE AMENITIES OF NEIGHBOURING RESIDENTS, THROUGH NOISE TRANSMISSION OR OVERLOOKING, (IN ACCORDANCE WITH POLICY BE.1); AND**

**PROVISION IS MADE WITHIN THE SITE FOR ADEQUATE AND PROPERLY LOCATED CAR PARKING AND SAFE ACCESS (IN ACCORDANCE WITH POLICIES TRAN.9 AND BE.3). WHERE SUFFICIENT OFF-STREET PARKING PROVISION IS NOT POSSIBLE DUE TO THE CONSTRAINTS OF THE SITE, KERBSIDE FACILITIES MAY BE ACCEPTABLE PROVIDED THAT THEIR USE DOES NOT CREATE OR WORSEN DANGEROUS HIGHWAY CONDITIONS, OR SIGNIFICANTLY DETRACT FROM THE AMENITY OF LOCAL RESIDENTS.** The development is not considered to add any detrimental issues amenity in addition to the development already in situ by means of noise transmission or overlooking. Whilst rear dormer windows are proposed there is a significant separation to rear facing properties which would prevent harm through overlooking. Additionally, there are two car parking spaces at the site with what is considered a safe access off two adjoining roads which can be viewed on the car parking access plan. Given the location of the dwelling close to the town centre with access to various public transport networks, Highways have considered this level of parking to be acceptable for the proposal.

### **Crewe Town Centre**

The proposal site is situated outside of the Town Centre Boundary as per the Crewe and Nantwich Replacement Local Plan 2011 with no loss to any function of the town centre proposed.

### **Highways**

Edleston Road is the main road and there are TROs to prevent on-street parking, and therefore prevent the blocking of traffic using this through route.

Car ownership data indicates that for a development of this size around a few cars will be owned by occupants. There are a number of car parks within a short walking distance from the proposal and the net impact of this proposal over the existing residential use will be minimal.

No objection is raised by the Councils Head of Strategic Infrastructure.



The site has one car parking spaces in existence which are not currently utilised. There is also provision for the keeping on 7 bikes on site proposed. It is therefore considered that there would not be any issues relating to the Highway.

### Design

The only alteration proposed is the addition of a dormer window with a rear facing window installed, in which to facilitate the loft conversion. This would be located on the rear elevation and contained in the roof space therefore it is not considered that there would not be any issue in relation to design.

### Amenity

Residential properties are sited to both sides and rear therefore the proposed use is a complimentary use. The property is currently used for accommodating 6 people and the loft conversion to house a potential 7<sup>th</sup> is not considered to cause any further issues of detrimental amenity.

The rear dormer will be sited 33m to rear facing windows and 22m to rear garden area of the property to the rear which is well in excess of recommended interface distance in the SPD . There would be potential for some limited overlooking of the properties to the sides however this would not be direct and an element of overlooking of rear garden areas is inevitable in high density areas.

Council SPD does not stipulate a set size of garden area/amenity space for flats/apartments other than some space should be provided. The property does seek to provide some limited private amenity space to the rear and the location of the site also gives easy access to indoor and outdoor recreation facilities with the nearest park being located 500m away from the site (Westminster Street Park). Therefore it is considered that future occupants will be able to enjoy amenity space either on site or in the parks locally.

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

### Bin storage/waste collection

Bin storage would exist at the rear of the main dwelling and wheeled out via the passageway on bin collection day. This is in existence already at the property and it is not considered that the provision for an additional person would detrimentally alter this.

### Housing standards

The Housing Standards and Adaptions Team have been consulted and have confirmed that they have no objections to the proposal. The proposed size of the loft room can be seen below.

Floor level	Room size
Proposed loft room	19.1sqm in total (11sqm of useable space)

## ECONOMIC SUSTAINABILITY



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

### **SOCIAL SUSTAINABILITY**

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

### **Conclusion**

The site is within the Crewe and Nantwich Settlement Boundary where there is a presumption in favour of sustainable development.

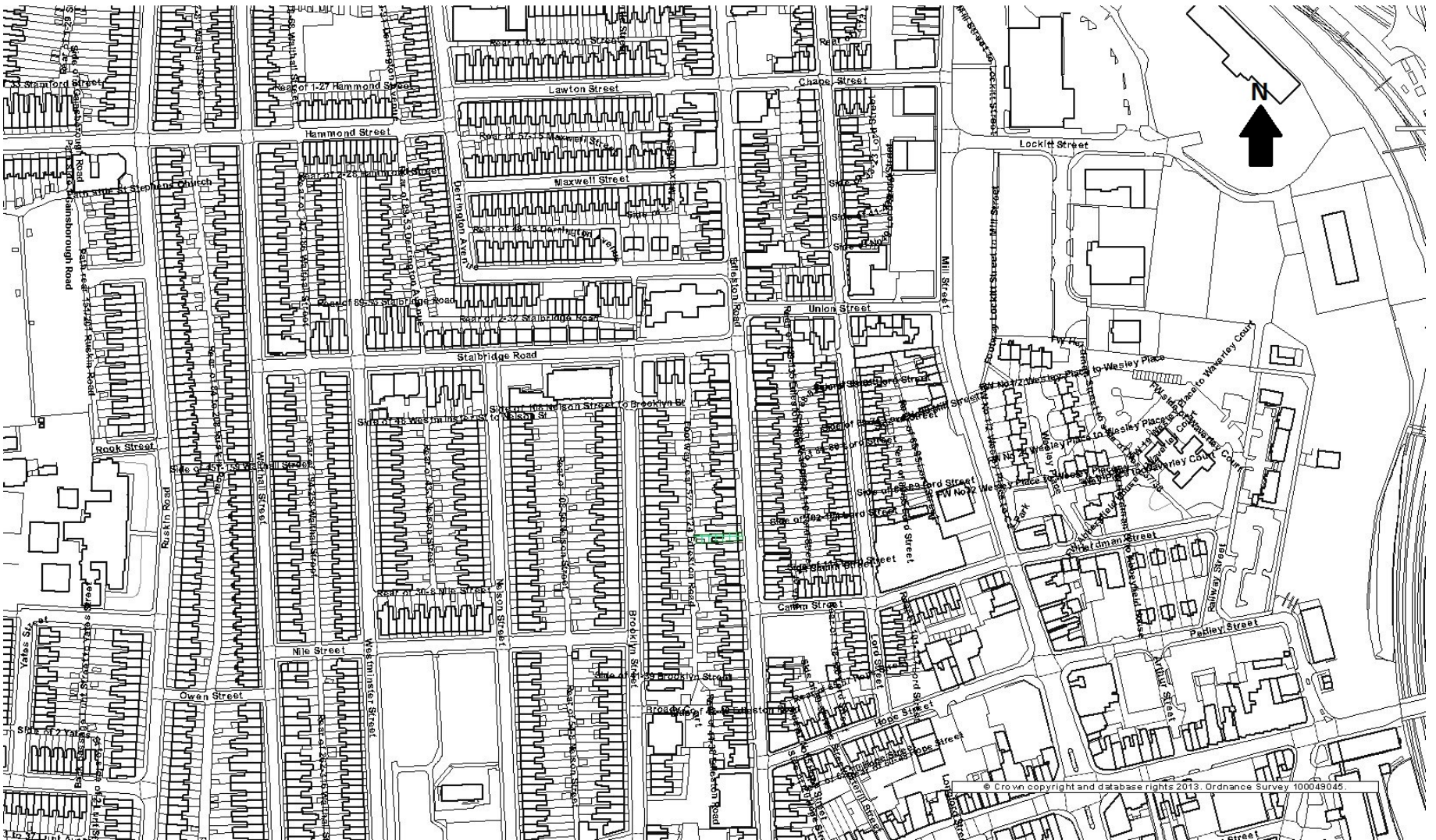
Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, design and residential amenity.

### **RECOMMENDATION**

**Subject to no additional issues being raised as part of the latest consultation period which expires on 28<sup>th</sup> November 2017 the application is recommended for APPROVAL subject to the following conditions;**

- 1. 3 years commencement**
- 2. Compliance with approved plans**
- 3. Materials as specified**
- 4. Refuse and cycle storage to be provided as shown**

**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: 17/3611C

Location: Land Off, MARSH GREEN ROAD, SANDBACH

Proposal: Outline application for Residential development on land off Marsh Green Road, Elworth, Sandbach

Applicant: Safeguard Limited

Expiry Date: 01-Dec-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 cannot be considered as a Rural Exception Site as it would not adhere to the relevant strict criteria. As such, the proposals 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 also 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 a loss of Best and Most Versatile Agricultural Land.

It is considered that the benefits arising from proposed scheme of 30 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.

The application is therefore recommended for approval.

### **RECOMMENDATION**

**APPROVE** subject to a S106 Agreement to secure; On-site Open Space, a financial contribution of £146,791 to education and 100% affordable housing and conditions

### **PROPOSAL**

This application seeks outline planning permission to erect 30 affordable dwellings. Matters of Access are also sought.

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

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

### **SITE DESCRIPTION**

The site relates to a parcel of green field located between the eastern side of Marsh Green Road and the western side of Vicarage Lane, Sandbach within the Open Countryside.

The application site measures approximately 1.66 hectares in size and is largely flat in nature.

To the north, the site is boarded by the Crewe to Manchester railway line.

The site lies approximately 2km to the northeast of the Sandbach town centre.

### **RELEVANT HISTORY**

**16/1134C** - Outline application for proposed development of 30 dwellings including open space (allotments), internal access road and car parking refused 2<sup>nd</sup> September 2016 for the following reasons;

- 1. The proposal involves the development of a parcel of countryside outside of the Settlement Boundary for Sandbach as defined in the Sandbach Neighbourhood Plan 2016. It is also involves development within the Open Countryside as set out in the Congleton Borough Local Plan First Review 2005. The proposal erodes the rural character of the countryside and undermines the ability of the community to shape and direct sustainable development in their area, contrary to Sandbach Neighbourhood Plan Policy PC3, Congleton Borough Local Plan First Review 2005 policies PS8 and H6 and the advice of NPPF paragraphs 17, 183-5 and 198. In addition, the development will also result in the loss of Best and Most Versatile agricultural land, contrary to paragraph 26 of the Natural Environment National Planning Policy Guidance. These conflicts are considered to significantly and demonstrably outweigh the benefits of the proposal.*

**09/0495H** - Hedgerow Removal – Consent to remove granted 1<sup>st</sup> May 2009

**19414/1** - New 18 Hole Golf Course, Clubhouse and Leisure Facilities, Residential Development (Outline) – Refused 21<sup>st</sup> June 1988

### **ADOPTED PLANNING POLICY**

#### **Development Plan**

The Cheshire East Council Development plan's relevant to the application proposals include; The Sandbach Neighbourhood Plan (SNP), The Cheshire East Local Plan Strategy (CELPS) and the Congleton Borough Local Plan First Review 2005 (CBLP);

### *Sandbach Neighbourhood Plan (SNP);*

PC2 (Landscape Charter), PC3 (Policy Boundary for Sandbach), PC4 (Biodiversity and Geodiversity), PC5 (Footpaths and Cycleways), H1 (Housing growth), H2 (Design and Layout), H3 (Housing mix and type), H4 (Housing and an Ageing Population), H5 (Preferred Locations), IFT1 (Sustainable Transport, Safety and Accessibility), IFT2 (Parking), IFC1 (Community Infrastructure Levy)

### *Cheshire East Local Plan Strategy (CELPS);*

SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SE1 - Design, SE2 - Efficient Use of Land, SE3 - Biodiversity and Geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 – Green Infrastructure, SE7 – The Historic Environment, SE8 – Renewable and Low Carbon Energy, SE9 - Energy Efficient Development, SE12 - Pollution, Land Contamination and Land Instability, IN1 - Infrastructure, IN2 - Developer Contributions, PG1 - Overall Development 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, CO1 – Sustainable Travel and Transport, CO4 – Travel Plans and Transport Assessments

### *Congleton Borough Local Plan (CBLP);*

PS8 – Open Countryside, GR6 - Amenity and Health, GR9 - Accessibility, Servicing And Parking Provision - New Development, GR16 – Footpath, Bridleway and Cycleway Networks, GR20 – Public Utilities, GR22 – Open Space Provision, NR2 - Wildlife And Nature Conservation Statutory Sites, NR3 – Habitats

### **Other relevant material policy considerations**

#### *The National Planning Policy Framework (NPPF);*

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

### **CONSULTATIONS**

**Head of Strategic Infrastructure (HSI)** – No objections, subject to an informative advising that a 278 agreement is required

**Environmental Protection (Cheshire East Council)** – No objections, subject to a number of conditions including; the prior submission of a piling method statement; the prior submission/approval of a Construction Phase Environmental Management Plan; the implementation of the noise mitigation measures proposed; the noise mitigation shall be maintained for the purpose of originally intended throughout the use of the development; the prior submission/approval of travel information pack, the provision of electric vehicle infrastructure; the prior submission/approval of a dust mitigation scheme; prior submission/approval of a Phase I and if required, Phase II contaminated Land report; The prior

submission/approval of verification information that the imported soils are free of contamination and works should stop if contamination identified.

**Housing (Cheshire East Council)** – No objections

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

**Health and Safety Executive** – No objections

**ANSA Greenspace** – Proposals will trigger a requirement to provide 1950sqm of Public Open Space on the assumption that all dwellings are 2 bedroomed.

**Education** – No objections, subject the provision of £146,791 towards both secondary and primary education

**Flood Risk Manager** – No objections, subject to a number of conditions including; that the development proceed in accordance with the approved FRA, that no development shall take place until a detailed strategy/design and associated maintenance and management plan of surface water be submitted to and approved in writing by the LPA; the prior submission/approval of a plan demonstrating ground levels and finished floor levels

**Public Rights of Way Officer** - No objections, subject to a condition that no works to the surface of the PROW can take place without prior approval.

**Network Rail** - No objections, subject to a number of informatives

**Cycling UK** – Suggest developer contributions towards the upgrading of footpaths for cycling provision

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

The proposal is contrary to the following policies of the Neighbourhood Plan; PC1, PC3, PC2, IFT1 and H1 and policies SE4, PG6 and PG7 of the CELPS and Policies PS8, GR6, GR7, GR9 and GR18 of the Congleton Borough Local Plan

## REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and an advert placed in the local newspaper. To date, approximately 115 letters of representation have been received. The main objections raised include;

- Contrary to 'Made' Neighbourhood Plan
- Principle/need of housing development
- Loss of Countryside
- Design – loss of character, house appearance

- Highway safety – Congestion/increase in traffic volume, parking, suitability of access road, impacts during construction, pedestrian safety, impact upon emergency vehicle/refuse response/access, submitted transport statement is out-of-date
- Ecology – Impact upon bats, badgers, hedgehogs, swallows, swifts, house martins
- Loss of good agricultural land
- Loss of hedgerows, impact upon trees
- Amenity – noise and air pollution
- Impact upon Public Right of Way
- Impact upon public facilities / infrastructure – children's nursery's, Schools, highway network, medical facilities, dentists
- Sustainability of location
- Flooding and drainage
- Impact upon historic 'Marsh Green Farm' and 'Barn Croft'
- Anti-social behaviour
- Not notified of the application
- Need for affordable housing shown is not comprehensive

A number of matters have also been raised that are not material planning considerations including; that the proposal would set a precedent, loss of outlook/view

### **APPRAISAL**

#### **Principle of Development**

The site lies within the Open Countryside. Policy PG6 of CELPS 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 100% affordable cannot be put forward as a Rural Exception Site as it relates to development on the edge of a Key Service Centre and such proposals are only considered if they adjoin Local Service Centres and Other Settlements. Furthermore, the exception is only for smaller schemes of 10 dwellings or fewer. 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".

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.

Notwithstanding the above, Policy PC3 of the SNP supports the provision of affordable housing in the Open Countryside in principle.

## Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

## SOCIAL SUSTAINABILITY

### Affordable Housing

The application proposes 30 affordable dwellings.

There is a pressing need for affordable housing of all tenures. This proposal will include 30 units, the exact housing tenure types, location and size can be confirmed at reserved matters with an Affordable Housing Scheme.

The SHMA 2013 shows the majority of the demand in the Sandbach and Sandbach Rural area PER YEAR until 2018 is for 31 x one bedroom, 35 x two bedroom, 10 x three bedroom and 12 x four bedroom dwellings for General needs. The SHMA 2013 also shows a need for 13 x one bedroom and 5 x two bedroom dwellings for Older Persons.

The majority of the demand on Cheshire Homechoice is for 137 x one bedroom, 145 x two bedroom, 92 x three bedroom, 22 x four bedroom and 4 x five bedroom dwellings therefore a mix of 1, 2, 3 and 4 bedroom dwellings on this site would be acceptable. 20 units should be provided as Affordable rent and 10 units as Intermediate tenure.



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

At a more local level, the applicant has submitted a brief housing needs survey to accompany their application. This has considered the housing needs of Sandbach and Sandbach Rural.

Within the statement, it is advised that;

*'Local Authority records show that up to September 2016 there were 760 dwellings recorded as social housing within the ownership of Registered Housing providers. From September 2016 to September 2017, there have been 48 affordable dwellings developed within Sandbach. When comparing the 48 affordable dwellings against the required provision, there is a significant shortfall in supply. Less than half of the annual requirement is being met (based on the annual requirement of 106 affordable units across Sandbach and Sandbach Rural).'*

These findings demonstrate the local need and the conclusions have been supported by the Council's Housing Officer.

### Education

The Council's Education Officer has advised that the development of 30 dwellings is expected to generate:

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

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

The analysis undertaken has identified that a shortfall of both primary and secondary school places still remains.

Primary Schools	PAN Sep 17	PAN Sep 18	NET CAP May-17	any Known Changes	PUPIL FORECASTS based on October 2016 School Census						
					2017	2018	2019	2020	2021	Comments	
Elworth CE	45	45	315	315	334	366	391	415	431		
Elworth Hall	30	30	210	210	175	178	185	184	186		
Offley Primary	60	60	420	420	375	385	383	378	376		
Sandbach Primary Academy	15	15	105	105	103	111	117	117	118		
Wheelock	45	45	315	315	303	325	328	332	334		
Warmingham	10	10	70	70	70	71	70	70	70		
Total Schools Capacity				1,435							
Developments with S106 funded and pupil yield included in the forecasts				140							
Developments pupil yield not included in the forecasts									132		
Pupil Yield expected from this development									6		
OVERALL TOTAL	205	205	1,435	1,575	1,360	1,436	1,474	1,496	1,653		
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP					215	139	101	79	-78		

Secondary Schools	PAN Sep 17	PAN Sep 18	NET CAP May-17	any Known Changes	PUPIL FORECASTS based on October 2016 School Census						
					2017	2018	2019	2020	2021	2022	2023
Sandbach High	210	210	1,074	1,074	1,169	1,236	1,329	1,390	1,418	1,420	1,452
Sandbach School	210	210	1,050	1,050	1,028	1,045	1,095	1,139	1,153	1,137	1,132
Total Schools Capacity				2,124							
Developments with S106 funded and pupil yield included in the forecasts				237	exclude any allowance for 6th Form Pupils						
Developments pupil yield not funded and not included in the forecasts											46
Pupil Yield expected from this development											5
OVERALL TOTAL	420	420	2,124	2,361	2,197	2,281	2,424	2,529	2,571	2,557	2,635
OVERALL SURPLUS PLACES PROJECTIONS					164	80	-63	-168	-210	-196	-274

The Education Officer has advised that to alleviate the impact upon both primary school and secondary school places in the immediate locality, the following contributions would be required;

- 6 x £11,919 x 0.91 = £65,078 (primary)
- 5 x £17,959 x 0.91 = £81,713 (secondary)

Total education contribution: £146,791.00

Without a secured contribution of £146,791, Children's Services raise an objection to this application.

This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 6 primary children and 5 secondary children would not have a school place in Sandbach. The applicant has agreed to the contribution.

## Public Open Space (POS)

As the application proposal is for 30 dwellings, it triggers a POS requirement. Indeed, 30 new dwellings would require 1,950 square metres of Public Open Space based on Policy SE6 of the CELPS and on the assumption that all the dwellings are 2 bedrooms or more as there is no housing schedule to refer to at this point. This would include requirements in relation to; Children's Play Space, Amenity Green Space, Allotments and Green Infrastructure Connectivity.

On the indicative layout plan, the developer has highlighted a large area of over 4,500sqm of Allotment space. This is significantly more than the minimum policy requirement.

As identified in the SNP and the Open Space Survey 2012, there is a shortfall in allotment POS provision; therefore the ANSA Greenspace Officer welcomes the proposals should the planning application be approved, subject to an appropriate management agreement. The ANSA Greenspace Officer advises that applicant would need to carefully consider the design of the allotments to ensure appropriate parking and access, waste management and security both practically and aesthetically so as to compliment the wider housing development and avoid conflict between residents and allotment tenants. This would be agreed on a plan to be submitted as part of the S106 Agreement should the application be approved.

It is therefore recommended that should the application be approved, a S106 Agreement should be used to secure a minimum of 1950sqm of open space, the make up of which would be agreed, as would the design and layout of the provision.

### **Public Rights of Way (PROW)**

The indicative proposals affect Public Footpath No.1 Sandbach, as recorded on the Definitive Map of Public Rights of Way.

The PROW Officer has raised no objections to the planning application subject to a condition that no works to the surface of the PROW can take place without prior approval.

An informative is also requested should the application be approved to advise that the works must be undertaken in liaison with the Council's Management and Enforcement Officer. Subject to the above, it is considered that the proposals would adhere with Policy PC5 of the SNP and Policy GR16 of the CBLP.

### **Safety Hazard Area (SHA)**

The application site falls within a Safety Hazard Area.

The Health and Safety Executive (HSE) has subsequently been consulted and concludes that they have no objections to the development and therefore do not consider that the development poses any risk to the future occupiers of the proposed development.

### **Social Sustainability Conclusion**

It is considered that, although the proposal will provide on-site open space, make an education contribution and a very significant contribution to the provision of affordable housing to meet a significant need. It is considered that the proposals provide a significant community benefit and the proposals are strongly socially sustainable as a result.

### **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. As such, it is considered that the proposals are economically sustainable.

## ENVIRONMENTAL SUSTAINABILITY

### Site location

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

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

- Amenity open space (500m) – 300m
- Children’s Play space (500m) – 300m
- Public house (1000m) - 520m
- Pharmacy (1000m) – 530m
- Supermarket (1000m) – 900m
- Railway station (2000m) – 550m
- Any transport node – 550m
- Primary School (1000m) – 790m

- Outdoor Sports Facility – (1000m) – 590m
- Bus stop (500m) – 430m
- Public right of way (500m) – 0m
- Post Box (500m) – 50m
- Local meeting place (1000m) – 590m

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

- Child care facility (1000m) – 1220m
- Bank or Cash Machine (1000m) – 1384m

The following amenities/facilities fail the standard:

- Post Office (500m) – 2896m
- Convenience Store (500m) – 900m
- Medical Centre (1000m) – 2414m
- Leisure Facilities (Leisure Centre or Library) (1000m) – 1770m
- Secondary School (1000m) – 1990m

In summary, the site complies with the majority of the standards advised by the NWDA toolkit. Where it fails, these are no significant failings. Furthermore, the site lies within a walkable distance to the local bus stop and train station. As such, the application site is considered to be locationally sustainable.

### **Landscape Impact**

Policy PC2 of the SNP refers to new development and its impact upon landscape character.

The application site is located to the northern part of Elworth, to the north west of Marsh Green Road, the boundary of which is formed by a mature hedgerow with a field gate for access. The site consists of two fields, bounded to the north by the mainline rail line.

As part of the previous application on site, a Landscape and Visual Impact Appraisal (LVIA) was submitted which indicated that it has been undertaken using the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA 3).

As part of the LVIA, the baseline landscape character is identified at both the national and regional level. The application site lies within the National NCA 61 Shropshire, Cheshire and Staffordshire Plain. At the regional level the application site is located the area identified in the Cheshire Landscape Character Assessment (2009) as Landscape Character Type 7: East Lowland plain, Wimboldsley Character Area (ELP5). The appraisal has also included comments on the townscape of the site and surrounding area.

The landscape appraisal indicated that the wider site landscape would have a medium susceptibility, value and sensitivity and at the site level that it would have between low to high susceptibility for landform, site use and vegetation, medium value and a medium sensitivity. The

landscape appraisal identified a minor adverse/negligible effect on the wider landscape and a moderate to minor adverse impact on the site. The visual assessment identified a ZTV, which identified that there will be a restricted area of theoretical visibility, immediately around the site and to the north east. Eleven viewpoints were used for the visual appraisal. This identified that the visual effect is mostly limited to the immediately surrounding area and site, and that for a number of receptors in closest proximity that there would in some cases be a moderate/major effect.

The Council's Principal Landscape Officer previously concluded that he is satisfied that the correct methodology has been used and he broadly agreed with the landscape and visual appraisal. The Landscape Officer considers that any potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals which would be secured through the reserved matters. In relation to the current proposals, the Landscape Officer advised that he does not consider that the scheme alters these original conclusions and as such, no landscape objections are raised.

### **Trees and Hedgerows**

The application is supported by an Arboricultural Report (ACS Ref 3205/DR.15 dated May 2015) which identifies 24 individual trees, 5 groups and 5 hedgerows within and immediately adjacent to the application site.

The report states that the most significant constraint is that posed by trees are Oak (T5) and Ash (G1) which are within the application site.

#### TPO trees

Individual trees to the north and north east of the application site are protected by the Congleton Borough Council (Marsh Green Farm/Barlow Wood, Moston/Bradwall) Tree Preservation Order 1988.

The indicative layout plan proposes that these are retained within the detailed Public Open Space (POS) provision which is welcomed however, if this layout is progressed, it could impact the viability of the POS as a permanent allotment site as a consequence of the impact of mature trees, which in turn would result in future pressures to prune/fell these protected trees. Further work will be needed to determine the effectiveness of growing crops within the vicinity of these trees without the need for excessive pruning and ongoing maintenance.

The large mature Oak identified a T4 within the Order on the indicative plan is located within the proposed allotment and presents a relatively close social proximity to the adjacent detached dwelling and more specifically its detached garage. The Council's Tree Officer has advised that these matters would need to be addressed at reserved matters stage should the application be approved.

#### Other trees

The submitted Arboricultural Report identifies a group of moderate (B1/2) quality Ash trees located to the south of the site adjacent to Marsh Green Road. It is understood that one tree to

the northern end of this group was recently felled in late 2015 where the access is proposed to be located.

The Report identifies that as moderate 'B' category trees, these should be considered for retention, and that development should be located outside root protection areas (RPA) to maintain tree viability (para 4.02). Para 4.01 of the report states that the Root Protection Area (RPA) of trees is identified on the submitted Arboricultural Plan (Dwg 3205\_101), although this is not shown on the drawing legend. The indicative drawing shows a pair of semi detached properties to the east of this group which has recently been assessed in respect of its suitability for formal protection, it was concluded that whilst the trees offer high amenity value their long term potential has been compromised by inappropriate historic pruning, and the presence of fruiting bodies. Though the group cannot be viewed as a long term any future reserved matters application must take into consideration the rooting volume of these trees and take into full consideration the relationship/social proximity of any future development to retained trees, and any future replacement planting.

As such, should the application be approved, it is recommended that a condition be imposed requiring that any future reserved matters application be supported by an Arboricultural Impact Assessment (AIA) and Tree Protection Plan.

### Hedgerows

The Arboricultural Report has identified 5 hedgerows within the application site and states that in arboricultural terms, the hedgerows do not accord with the criteria given in the Hedgerow Regulations 1997 The Hedgerow Regulations criteria (Part II) is concerned with Archaeology and History and Wildlife and Landscape, not arboricultural.

The Council's Tree Officer has advised that whilst hedge (H1) which forms the domestic curtilage of 'Barn Croft' cannot be deemed important, the remaining hedges may fall within the criteria.

As a section of hedgerow along Marsh Green Road is proposed to be removed to facilitate access into the site, it remains to be determined as to whether this hedge is deemed 'Important' under the Regulations.

However, following an informal discussion with the Council's Principal Tree Officer, due to the fact that only a portion of this hedgerow is to be removed (to accommodate the access into the site), subject to replacement planting being conditioned to be submitted with the reserved matters application, he raises no significant objections.

### **Ecology**

#### Great Crested Newts

The submitted ecological appraisal refers to a number of (potential) ponds located within 500 metres of the proposed development. A number of ponds have been identified by the applicants consultant, one of these no longer exists a second has previously been discounted as being suitable for newts. No access permission could be obtained to survey a third pond but this is thought to be an ornamental pond likely to contain fish. Based on aerial photography it appears that this pond he pond has been constructed in the last 15 years.

The Council's Nature Conservation Officer has advised that the lack of a survey the third pond is a significant constraint on the submitted survey, but based on the limited available information he advises that on balance, great crested newts are unlikely to be affected by the proposed development.

### Hedgerows

Native species hedgerows are a priority habitat and a material consideration. The proposed development is likely to result in the loss of a section of hedgerow to facilitate the site access. The remainder of the hedgerows around the site are located at the site boundaries and the Council's Nature Conservation Officer has advised that these should be retained as part of the landscaping of the site.

The Nature Conservation Officer has advised that if outline planning consent is granted it must be ensured, by means of a landscaping condition, that suitable replacement hedgerow planting is incorporated into any detailed design produced at the reserved matters stage.

### 'Other Protected Species'

The updated 'Other Protected Species' survey submitted in support of this application has confirmed continued 'Other Protected Species' foraging activity on the site. No active setts were recorded.

The Council's Nature Conservation Officer advises that the proposed development will result in a localised loss of 'Other Protected Species' foraging habitat, however this is unlikely to be significant. As the status of 'Other Protected Species' can change within a short time scale, the Council's Nature Conservation Officer recommends that if outline consent is granted a condition should be attached which requires the submission of an updated 'Other Protected Species' survey in support of any future planning application.

### Bats

A single tree was identified on site with potential to support roosting bats. Based on the submitted illustrative layout plan it appears feasible for this tree to be retained adjacent to the allotments proposed as part of the development. The Council's Nature Conservation Officer recommends that if outline permission is granted, a condition should be attached requiring the retention of this tree (T5 on the submitted tree report).

### 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. If planning consent is granted, the Council's Nature Conservation Officer recommends that a condition ensuring that any future reserved matters application be supported by proposals for the incorporation of gaps for hedgehogs into any garden or boundary fencing proposed.

### Nesting Birds



The Council's Nature Conservation Officer has advised that the application site is likely to provide nesting birds including priority species such as house sparrow. As such, he has advised that if outline planning consent is granted a condition to protect nesting birds and a condition ensuring that the Reserved Matters be supported by proposals for the incorporation of features for breeding birds including house sparrows.

The proposal is therefore considered that subject to the above conditions, the proposal would adhere to Policy NR2 of the CBLP, Policy SE3 of the CELPS and Policy PC4 of the SNP.

### **Flood Risk and Drainage**

The application site falls within a Flood Zone 1 as identified by the Environment Agency Flood Maps. Land and property in flood one 1 have a low probability of flooding. However, as the site is larger than 1 hectare, the application is supported by a required Flood Risk Assessment (and drainage strategy).

The Council's Flood Risk Manager has reviewed the proposals and raise no objections, subject to a number of conditions including; that the development proceed in accordance with the approved FRA, that no development shall take place until a detailed strategy/design and associated maintenance and management plan of surface water be submitted to and approved in writing by the LPA; the prior submission/approval of a plan demonstrating ground levels and finished floor levels.

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

### **Agricultural Land Quality**

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

This is reflected in CELPS policy SE2 which states that *'development should safeguard natural resources including high quality agricultural land (grades 1, 2 and 3a)...'*

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

The applicant has undertaken Agricultural Land Classification report. This has concluded that the site comprises of Grade 2 land.

Paragraph 26 of the Natural Environment National Planning Policy Guidance advises that;

*'The National Planning Policy Framework expects local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land. This is particularly important in plan making when decisions are made on which land should be allocated*

*for development. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.'*

As such, the loss of this best and most versatile land is a material consideration weighing against the proposal and would be contrary to Policy SE2 of the CELPS.

### **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 indicative layout shows the provision of up to 30 new affordable dwellings within the site and indicates a mixture of house types including; detached dormer bungalows, semi-detached dormer bungalows, detached houses and a row of terraced units.

It proposes that the site be accessed via a new access point onto Marsh Green Road towards the southern portion of the site and would extend in an easterly direction which curves around in a 'U' shape ending in a turning head ending close to Marsh Green Road further to the north.

The plan indicates the provision of 3 detached dormer bungalows and a detached dwelling on the northern side of the access to the site and 12 semi-detached dormer bungalows on the opposite side. On the outside of the bend a large allotment is proposed. On the inside of the bend facing the allotments, a row of 5 terraced units are proposed. Around the bend on the northern side of the road 5 detached dwellings are indicated. On the opposite side of the road would be 4 semi-detached self-build plots.

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

It is considered that the overall layout of the development would not appear incongruous when you consider the layout of the immediate surrounding area (comprising of King Street, The Avenue and Vicarage Lane), which lies to the south-east of the site, also arranged in a 'U' shape with a cul-de-sac end.

The siting of the proposed allotments on the north-eastern corner also helps to reduce the overall incursion of built form into the countryside and to a degree, be in keeping with the countryside setting. However, this siting may need to be re-considered to reduce any impact upon trees and/or the quality of the space for growing plants and vegetables due to tree cover.

However, subject to consideration of this matter at reserved matters stage, the indicative layout is deemed to be acceptable in principle in design terms.

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

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

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

In the context of the location of the site, the properties on Marsh Green Road predominantly comprise of a mixture of two-storey semi and detached properties. However, there is a detached dormer bungalow at the entrance of Marsh Green Road to the south-west (No.2A). There are also terraced properties on George Street, The Avenue and Elm Street within the vicinity. There are detached bungalows along King Street.

As such, the indicative mix of dwellings indicated would not appear incongruous within the area. However, the provision of bungalows within the application site would be best served away from the site frontage as this parcel of Marsh Green Road is not characterised by such development. This however, would be determined at reserved matters stage.

There are no designated heritage assets that would be impacted by the proposals.

The indicative design of the development for the purposes of the outline application is therefore considered to comply with SNP Policies H2, H3 and H4 and Policy SE1 the CELPS.

### **Highways**

The application proposals seek permission of matters of Access. The proposals seek the creation of a new access, which will form a simple priority junction with Marsh Green Road.

#### Local highway network

Traffic surveys undertaken on Marsh Green Road at its junction with the A533 London Road in March 2015, indicate that the road is a relatively lightly trafficked residential access road with two way commuter peak hour traffic flows of around 80 trips per hour; in the vicinity of the site, however, traffic flows will be much lower as only a handful of dwellings are served by the road in this location. Adjacent to the site, Marsh Green Road has a carriageway width of around 4.5m with footway provision restricted to the western side of the carriageway only.

As with most historic residential access roads, serving housing with little or no off-street parking provision, there is a significant amount of on-street parking on Marsh Green Road, which often

restricts the carriageway width such that drivers of vehicles have to give way to oncoming traffic before proceeding past parked cars. Site observations made by the Heads of Strategic Infrastructure (HSI) indicate that as a result of the relatively low level of traffic travelling along Marsh Green Road, the availability of passing places due to side roads and, good vehicle to vehicle inter-visibility, the parked cars do not normally present a significant problem for drivers.

Access from the site to the wider highway network would generally be expected to be taken via the Marsh Green Lane / A533 London Road priority junction located to the south of the site. The A533 connects Elworth with Sandbach providing access to the strategic highway network via the A534 and the M6 motorway at junction 17.

### Access

Access to the site is to be taken from a new priority controlled junction with Marsh Green Road.

The Council's Head of Strategic Infrastructure has advised that in terms of junction geometry, layout and visibility the access proposals are considered to be acceptable to serve a development of 30 dwellings.

### Traffic Impact

The HSI has advised that a development of 30 dwellings would be expected to generate less than 20 two-way trips during the morning and evening commuter peak periods.

Once distributed on the road network, the HSI has advised that the development traffic would only result small increases in the traffic flow.

### Conclusion

The Head of Strategic Infrastructure (HSI) is satisfied that the development proposals can be safely accommodated on the adjacent highway network and accordingly, raise no objections, subject to an informative advising that a S278 Agreement is required for the proposed highway works. The proposals are therefore considered to adhere with Policy GR9 of the CBLP.

### **Amenity**

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

Policy SE1 of the CELPS states that new development should ensure an appropriate level of privacy for new and existing residential properties.

The closest neighbouring properties to the application site would be the occupiers of; Barn croft, which would be enclosed by the proposed development on 3 sides, the occupiers of the properties

on the opposite side of Marsh Green Road to the development and N0.21 Marsh Green Road to the south, the occupiers of the dwellings King Street to the southeast which back onto the site and the occupiers of Marsh Green Farm and the Swallows to the east.

As layout is not sought for approval as part of this application, consideration as to whether the application site could accommodate 30 dwellings without creating any significant amenity concerns.

The indicative layout plan indicates that the closest proposed property to Barn croft would be approximately 9 metres to its east. This would result in a side-on-side relationship between existing and proposed should the indicative layout come forward at reserved matters.

It does not appear that any of the windows within the side elevation of 'Barn Croft' serve as sole windows to principal rooms and assuming that the side elevation of the closest dwelling does not include any, no issues in relation to loss of privacy, light or visual intrusion are envisaged.

All other neighbouring properties on Marsh Green Road, King Street and Vicarage Lane are either over or close to adhering with the 21.3metre separation standards detailed within SPD2. As such, no significant amenity issues in terms of loss of privacy, light or visual intrusion would be created for these neighbouring occupiers.

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

The Council's Environmental Protection Team have reviewed the submission and advised that they have no objections, subject to a number of conditions including; the prior submission of a piling method statement; the prior submission/approval of a Construction Phase Environmental Management Plan; the implementation of the noise mitigation measures proposed; the noise mitigation shall be maintained for the purpose of originally intended throughout the use of the development; the prior submission/approval of travel information pack, the provision of electric vehicle infrastructure; the prior submission/approval of a dust mitigation scheme; prior submission/approval of a Phase I and if required, Phase II contaminated Land report; The prior submission/approval of verification information that the imported soils are free of contamination and works should stop if contamination identified.

As such, subject to the above suggested conditions, from the Council's Environmental Protection Officer, the proposal is considered to adhere to Policy GR6 of the CBLP and Policy SE1 of the CELPS.

### Environmental Conclusion

The proposal would result in the loss of a parcel of Open Countryside which represents an environmental dis-benefit. However, as the application site lies on the edge of the settlement zone line and would be on a site which is enclosed by existing development to 2 sides and within close proximity to a railway line to a third, it is not considered that the loss of this parcel of countryside would be significant.

Another environmental dis-benefit is the loss of Best and Most Versatile agricultural land.

All other environmental issues are considered to be neutral, subject to conditions. However in the round, the proposals are deemed to be environmentally unsustainable.

### **Levy (CIL) Regulations**

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

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

The requirement for the provision of on site Public Open Space, including allotments and their associated design and management is necessary, fair and reasonable, as the proposed development will provide up to 30 dwellings of different sizes, the occupiers of which will be using these on site facilities.

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

As there is no Registered Provider currently involved with the scheme, the LPA requires the 100% affordable housing provision to be secured via a S106 Agreement.

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 cannot be considered as a Rural Exception Site as the site does not relate to a Local Service Centre and exceeds 10 units, 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 proposed development is for a 100% affordable housing scheme, which is needed within Cheshire East and Sandbach. The development also provides on-site open space sufficient to allow allotments, children's play space and amenity green space. In addition, a financial contribution to off-set the impact of the proposals upon both primary and secondary schools is agreed. These provisions offer significant social benefits that weigh significantly in the planning balance and outweigh the disadvantages of the scheme.

The benefits in this case are:

- The development would provide significant benefits in terms of much needed affordable housing provision
- The development would provide moderate economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.
- The application site would be locationally sustainable

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

- The impact upon nature conservation, trees and hedgerows is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any significant flooding or drainage implications raised by this development.
- The impact upon the residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development and have no adverse impact of the local highway network.
- The proposals will have no impact upon public right of way, subject to a condition
- Matters of design are not considered at this stage

The adverse impacts of the development would be:

- A limited loss of open countryside (given the location of the site adjacent to the settlement boundary and largely enclosed by existing development)
- The loss of Best and Most Versatile Land

It is considered that the benefits of the scheme, with particular emphasis on the provision of affordable housing, outweigh the dis-benefits. The scheme is therefore recommended for approval.

### **RECOMMENDATION**

**APPROVE subject to a S106 Agreement to secure;**

- 1. Provision of at least 1950sqm of on-site Open Space.**

- The submission/approval of a plan detailing the design and break down of the make up of the open space
  - The submission/approval of an Open Space management and maintenance plan
2. The provision of £146,791 towards education provision (£65,078 for primary schools and £81,713 for secondary schools)
  3. Provision of 100% affordable housing scheme

**And conditions;**

1. Time Limit (Outline)
2. Submission of reserved matters
3. Reserved Matters application made within 3 years
4. Development in accordance with approved plans
5. No works to the surface of the PROW can take place without prior approval of LPA
6. Reserved matters application be supported by an Arboricultural Impact Assessment (AIA) and Tree Protection Plan
7. Reserved matters application to be supported by a replacement hedgerow planting scheme
8. Reserved matters application to be supported by an updated 'Other Protected Species' survey
9. Retention of Tree T5
10. Reserved matters application to be supported by proposals for the incorporation of gaps for hedgehogs into any garden or boundary fencing proposed
11. Prior submission/approval of Nesting Birds survey
12. Reserved Matters application to be supported by proposals for the incorporation of features for breeding birds including house sparrows
13. Implementation of FRA recommendations
14. Prior submission/approval of a detailed strategy/design and associated maintenance and management plan
15. Prior submission/approval of a plan demonstrating ground levels and finished floor levels
16. Foul and surface water be drained on separate systems
17. Prior submission/approval of a surface water drainage scheme
18. Prior submission/approval of a Phase 1 contaminated land risk assessment
19. Prior submission/approval of soil verification report
20. Works should stop if contamination is identified
21. Prior submission/approval of a piling method statement
22. Prior submission/approval of an Environmental Management Plan
23. Implementation of noise mitigation
24. Noise mitigation shall be maintained for the purpose of originally intended throughout the use of the development
25. Prior submission/approval of travel pack
26. Prior submission/approval of electrical vehicle charging infrastructure
27. Prior submission/approval of dust mitigation scheme

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (Regulation) in consultation with the Chair (or in there absence the Vice Chair) of the Southern Planning



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

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

- 1. Provision of at least 1950sqm of on-site Open Space.**
  - The submission/approval of a plan detailing the design and break down of the make up of the open space**
  - The submission/approval of an Open Space management and maintenance plan**
- 2. The provision of £146,791 towards education provision (£65,078 for primary schools and £81,713 for secondary schools)**
- 3. Provision of 100% affordable housing scheme**



Application No: 17/2398N

Location: HORSESHOE FARM, WARMINGHAM LANE, MOSTON, MIDDLEWICH, CHESHIRE, CW10 0HJ

Proposal: Change of use of land to use as a transit caravan site for gypsies, including the stationing of no more than 8 caravans, laying of hardstanding and erection of amenity building.

Applicant: Mr Oliver Boswell

Expiry Date: 04-Jul-2017

### **SUMMARY**

The proposal seeks permission to change the use of an area of land to use for siting 8 transit caravans for gypsies and travellers. The wider site has permission for the use and this application seeks an extension to the site. There is existing hardstanding on the site to accommodate the extension, and this will allow for the transit pitches to be made available for use in the very near future. Transit sites are an important provision as they allow the Council to identify authorised land for the travelling community to use as they move around the area. Therefore although there is an over provision of transit sites in the area, existing permissions have not been implemented, and the site is in a locationally good position with road links to the motorway for ease of travel. It is therefore considered that the need for available transit sites outweighs the impact on the wider landscape which it is possible to mitigate the impact with a landscaping condition.

The proposal will not have a detrimental impact on neighbouring amenity or protected species. There will be no additional impact on highway safety and therefore the proposal is considered to be acceptable and is recommended for approval.

### **SUMMARY RECOMMENDATION**

**Approval subject to conditions**

### **PROPOSAL**

Planning permission is sought for the change of use of land to use as a transit caravan site for gypsies, including the stationing of no more than 8 caravans, laying of hardstanding and erection of amenity building.

## **SITE DESCRIPTION**

The application site is known as Horseshoe Farm, on Warmingham Lane, Middlewich. The application site is positioned to the rear of an existing site which has permission for 3 pitches and 2 transit pitches. The application site already has hardstanding on it approved as part of the previous scheme (15/3801C) and is roughly rectangular in shape.

At the time of the planning officer's site visit the hardstanding (approved as part of 15/3801C) and amenity building was on site and therefore is partly retrospective. There were no caravans parked on the application site.

## **RELEVANT HISTORY**

15/3801C - Construction of three timber stables, a tack room and associated hardstanding. Provision of children's play area. – approved with conditions 24<sup>th</sup> September 2015

14/2688C - Change of use of land to extend existing traveller caravan site and erection of day room/amenity building – Refused 28<sup>th</sup> July 2014

10/4977C - Extension of Existing Gypsy Caravan Site, Including Laying of Hardstandings, Stationing of 9 Caravans & Erection of 6 Utility Buildings – Refused 21<sup>st</sup> April 2011. Appeal Lodged. Appeal Withdrawn

09/3918C - Extension of Existing Gypsy Caravan Site Including Laying of Hardstanding, Stationing of 9 Caravans for Residential Purposes (Including 3 Static Caravans) Storage of 2 Touring Caravans, Erection of 9 Utility Buildings and Installation of Lighting – Refused 7<sup>th</sup> September 2010

07/0647/FUL - Proposed gypsy caravan site for 3 gypsy families together with 2 transit pitches, including the laying of a hard standing and erection of toilet blocks – Refused 6<sup>th</sup> February 2008. Appeal Lodged. Appeal Allowed

05/0235/FUL – Static Caravan for Security – Refused 19<sup>th</sup> May 2005

36153/3 Replace existing timber stables and barn with steel frame and block to include tack room, fodder and implement store, and toilet – Approved 1<sup>st</sup> September 2003

34471/3 - REMOVAL OF TEMPORARY CONDITIONS FROM APPLICATIONS 30970/6 & 30971/6 TO MAKE PERMANENT – Approved 1<sup>st</sup> July 2002

30971/6 - CONTINUED USE OF WOODEN SECTIONAL BUILDING PROVIDING TWO LOOSE BOXES – Approved 14<sup>th</sup> June 1999

26099/6 - RENEWAL OF PERMISSION NO 22907/3 FOR WOODEN SECTIONAL BUILDING PROVIDING TWO LOOSE BOXES – Approved 19<sup>th</sup> April 1994

22907/3 - WOODEN SECTIONAL BUILDING PROVIDING TWO LOOSE BOXES – Approved 2<sup>nd</sup> January 1991

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework (the Framework) establishes a presumption in favour of sustainable development. The Framework sets out that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent.

Planning Policy for Traveller Sites (PPTS) 2015 sets out the Government's planning policy for traveller sites. It should be read in conjunction with the Framework. The overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers whilst respecting the interests of the settled community.

### **Cheshire East Local Plan Strategy (CELPS)**

SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
PG6 - Open Countryside  
SE1 – Design  
SE2 - Efficient Use of Land  
SE4 – Landscape  
SE6 – Green Infrastructure  
SE7 – The Historic Environment  
SE8- Renewable and Low Carbon Energy  
SE9 – Energy Efficient Development  
SC4 – Residential Mix  
SC6 - Rural Exceptions Housing for Local Need  
SC7 - Gypsies and Travellers and Travelling Showpeople  
IN1 - Infrastructure  
IN2 – Developer Contributions

### **Saved policies of the Congleton Local Plan**

GR6 (Amenity and Health)  
GR9 (Accessibility, Servicing and Parking Provision)  
GR17 (Car Parking)  
GR20 (Public Utilities)  
PS8 (Open Countryside)  
H7 (Residential Caravans and Mobile Homes)

### **Other relevant documents**

Cheshire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (March 2014)

Cheshire East Council Gypsy, Traveller and Travelling Showpeople Site Identification Study (April 2014)

## CONSULTATIONS

**Environmental Health – No objections**

**Strategic Highways Officer –** No objection subject to a condition limiting the site to 8 caravans only

**Health and Safety Executive –** Do not advise against

**Cheshire Brine Subsidence Compensation Board -** Have considered the application and the Board are of the opinion that the property is situated within an area that has previously been affected by brine subsidence and the possibility of minor residual movements cannot be completely discounted.

Therefore the Brine Board in accordance with their duties under Section 38(2) of the Cheshire Brine Pumping (Compensation for Subsidence) Act 1952 recommend that it would be prudent for the (assumed) concrete floor slab foundation of the development to be strengthened to mitigate the effects of any future movement.

It should also be noted that the Board's requirements are over and above the necessary foundation design to suit the prevailing ground conditions.

### **Moston Parish Council –**

- Moston is a small parish which in recent years has had a number of traveller settlements, both permanent and temporary,
- Current application would double the size of the current permission on the site,
- Concerns are raised regarding the safety for the children on the site,(in relation to the traffic)
- Question where the existing stables will be relocated to,
- Highway safety issues
- Development is out of character with the surrounding area,
- Previously landscaping conditions have been ignored,
- Impact of transit site would affect the relationship between the settled community and the travellers
- There have been no illegal encampments within the last 5 years, suggesting there is no need for a transit site in this location

(Full comments available to view on the planning website)

**Warmingham Parish Council -** Warmingham Parish Council object to this application which is right on the edge of our parish.

There are serious road safety concerns attached to this proposal, Warmingham Lane is increasingly busy with fast moving traffic, the additional 8 caravans attempting to enter Horseshoe Farm would not just create a danger to themselves but also to other road users.

The proliferation of Gypsy/traveller sites within the area is already causing concerns with many local residents feeling dominated by the sheer numbers.

Cheshire East council have planning for 9 transit caravans in Middlewich and there is provision for a further 4 on a private Gypsy site all within 2 miles of this site.

The parish council can see no requirement for further transient accommodation within this area of open countryside and ask that the application be refused.

### REPRESENTATIONS

2 letters of representation from a neighbour, and Fiona Bruce MP received objecting to the proposal. Concerns raised include:-

- A transit site has already been approved on Cheshire East Land on Cledford Lane,
- There is no need for additional transit sites in Middlewich
- The site will not be open to all traveller groups,
- Site will become a permanent site due to lack of control over transit pitches,

### OFFICER ASSESSMENT

#### Principal of Development

The Department of Communities and Local Government's Policy for Travellers states that *'Local planning authorities should set pitch targets for Gypsies and Travellers and plot targets for Travelling Showpeople which address the likely permanent and transit site accommodation needs of Travellers in their area, working collaboratively with neighbouring local planning authorities'*. It goes on to suggest that *'local planning authorities should ensure that Traveller sites are sustainable economically, socially and environmentally'*.

The use of the land as a residential caravan site for Gypsy and Travellers, and the access onto the site were granted consent at appeal as part of application 07/0647/FUL. The proposal seeks to extend the site to the south west, where permission has been granted for hardstanding and a stable and tack room. The hardstanding is on site but the stable had not been erected. The wider site also includes a children's play area, and paddock land. The current site is restricted to 3 permanent pitches and 2 transit pitches, with no more than 2 caravans on each pitch and only one of these caravans shall be a static or residential mobile home. Nevertheless, this application seeks an extension to the site and additional built form on the site must be assessed against Development Plan Policies.

Policies within the development plan, in conjunction with national planning guidance and advice in Planning Policy for Traveller Sites, accept that outside Green Belt areas, rural settings, where the application proposal is located (Open Countryside), can be acceptable in principle for gypsy and traveller caravan sites.

Policy PG 6 of the CELPS and saved Policy PS8 of the CLP restrict development in the open countryside, amongst other things, to development which is essential to uses appropriate to a rural area. Policy SC7 of the CELPS and Saved Policy H.8 do not in principle restrict sites for Gypsy and Travellers to areas within the settlement boundary therefore, it is accepted that the use of the land is an appropriate use within the rural area.

Whilst the need for gypsy and traveller accommodation is a consideration (considered below), both development plan policies and Government guidance require, in addition, consideration of the impact on the surrounding area, neighbouring amenity, highway safety, the need to respect the scale of the nearest settled community and also the availability of alternatives to the car in accessing local services. These matters are assessed as part of the application proposal's sustainability where environmental, social and economic matters are considered.

### Demonstrable Need

Within para.24 of the Planning Policy for Traveller Sites (PPTS) (2015), it is advised that in assessment of planning applications, a number of issues should be considered including; a) *the exiting level of local provision and need for sites.*

The Cheshire Gypsy, Traveller & Travelling Showpeople Assessment (GTAA) was completed in March 2014. In Cheshire East, the assessment identified an overall need for transit pitches of between 5 and 10 pitches for Gypsy and Travellers.

With regards to addressing this identified need the following applications have been approved since 2013;

- 9 Transit pitches – Cledford Hall, Cledford Lane, Middlewich (14/5721C - approved with conditions - 5<sup>th</sup> May 2015)
- 4 Transit pitches – Land opposite 5 acres farm, Cledford Lane (16/0198C – approved at appeal – 21<sup>st</sup> February 2017)

This brings the total approvals since 2013 to; 13 transit pitches.

Therefore although the need has been met in recent years, the need is not a maximum threshold, it is a minimum requirement and therefore when suitable sites become available planning policy suggests that they should be approved unless other material planning considerations outweigh the need.

Furthermore, neither of the above sites have been implemented to date, and the proposal site could be implemented imminently given it is an extension to an existing site, with the hard standing already available.

Transit sites are an important provision as they allow the Council to identify authorised land for the travelling community to use as they move around the area, which helps to avoid unauthorised encampments. It is therefore considered that there is still a need for a transit provision in the area.

### **Character and appearance**

The NPPF recognises the 'distinctive character and value of the countryside' as a core planning principle.

Policy SC7 states that proposals for gypsy and travellers sites should include the impact on the character and appearance of the surrounding area. The Site Identification Study report identifies the site as a potential for expansion, however highlights that the site is relatively discrete in the summer but in the winter months is more visible. The report highlights that any



further development westward may have an adverse impact on the impact of the site on the wider area.

At the time of the Planning Officers site visit, in winter, it was noted that the site is not highly visible from Warmingham Lane, other than from the entrance to the site. However, the site can be seen from Forge Mill Lane, in the winter months. However, there has been some conifer planting along the boundary line visible from Forge Mill Lane, which will help to screen the site once the plants mature. It is considered that with the addition of a landscaping scheme, on the western boundary, the impact of the development could be mitigated on the wider open countryside.

The proposed/retrospective amenity building is relatively small with a maximum length of 7m, a width of 4m and a maximum height of 3.6m. It is constructed in materials which are in keeping with the rural area. It is therefore considered to be acceptable and its use as a shower room and toilet block is acceptable.

It is considered that this will not appear unduly prominent within the open countryside position. It is therefore considered that the proposed building is acceptable and will not have an adverse impact on the character and appearance of the rural area.

### **Amenity**

Policy GR6 (Amenity and Health) states that development will be permitted provided that the proposal would not have an unduly detrimental effect on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking.

The siting of the caravans would simply extend the existing site to the south west on existing hardstanding. The closest neighbouring dwellinghouse is over 60m from the edge of the site and it is therefore considered unlikely that the development would have a significantly detrimental impact on neighbouring amenity.

With regards to environmental disturbance, the Council's Environmental Protection Officer has reviewed the proposal and advised that they have no objections in principal, only note that the site must comply with the Mobile Homes Act 2013 if approved.

### **Highways**

The Inspector who approved the site was satisfied that access and parking arrangements would be adequate. The Strategic Highway Officer has considered the impact of the proposed development would have on the existing access and notes that the existing access to Horseshoe Farm is to be used to gain access to the site, and there are existing caravans stationed on the Horseshoe farm site. Given that the site is only for a further 8 caravans the impact in regards to traffic is very small and the access is suitable given the low number of movements.

Therefore it is not considered that the proposed extension to the site would have an adverse impact on the Highway Safety.

## **Ecology**

The council's ecologist has considered the application and given the siting of the proposed caravans and amenity building are to be positioned on existing hard standing it is not considered likely that the development will have an adverse impact on nature conservation or protected species in the area.

## **Planning Balance**

It is considered that the use of the site has already been accepted in principle. There is existing hardstanding on the application site to accommodate the extension and this will allow for the transit pitches to be made available for use in the very near future. Transit sites are an important provision as they allow the Council to identify authorised land for the travelling community to use as they move around the area. The need identified is not a maximum provision, and therefore although there is an over provision of transit sites in the area, existing permissions have not been implemented, and the site is in a locationally good position with road links to the motorway for ease of travel. It is therefore considered that the need for available transit sites outweighs the impact on the wider landscape which it is possible to mitigate the impact with a landscaping condition.

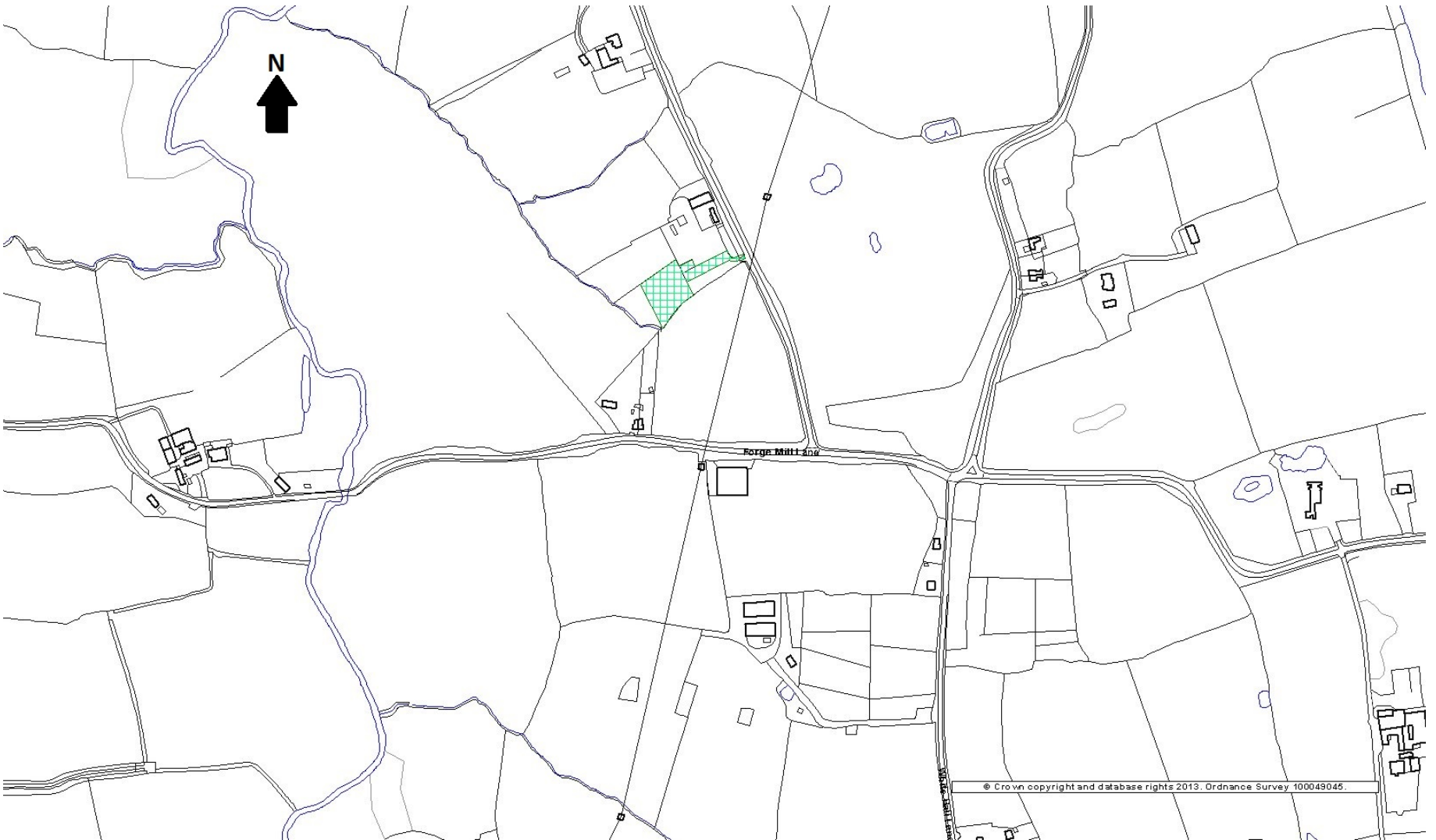
The proposal will not have a detrimental impact on neighbouring amenity or protected species. There will be no additional impact on highway safety and therefore the proposal is considered to be acceptable and is recommended for approval.

## **RECOMMENDATION**

### **Approval subject to the following conditions**

- 1) Standard 3 years**
- 2) The site shall not be occupied by any person other than gypsies and travellers**
- 3) No more than 8 caravans shall be stationed on the site at any time**
- 4) No commercial activities including storage of materials in the land**
- 5) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site without prior agreement of the local planning authority**
- 6) Hardstanding area to be limited to that shown on the approved plans**
- 7) Surfacing materials as submitted**
- 8) Landscaping Scheme**
- 9) Landscaping Scheme to be implemented**
- 10) Approved plans**

**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.**



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Application No: 16/6197C

Location: Happy Days Club And Nursery School, Jubilee Walk, Holmes Chapel, CW4 7FN

Proposal: Removal of Condition 1 and Variation of Condition 3 on Approved 14/5464C - Variation of conditions 1 & 2 on application 13/1064C- Construction of pre-fabricated pre-school and associated external works

Applicant: Mrs Helen Scott, Holmes Chapel Primary School

Expiry Date: 02-Mar-2017

### **SUMMARY RECOMMENDATION**

The application proposes the removal of Condition 1 of planning approval 14/5464C to enable the permanent retention of the single storey prefabricated modular building accommodating the Happy Days Club & Nursery School.

The retention of the nursery will result in the loss of a small part of the Primary School playing field adjacent to the northern boundary of its grounds adjacent to Jubilee Walk. Notwithstanding current footpath pitch provision at the School, Sport England have objected on the basis that as proposed the reduction in the area of the playing field will not allow a pitch to be provided of a size which accords with its technical requirements

The retention of this modular building in its current location is acknowledged to not represent the optimal design or preferred siting solution, but such concerns are outweighed by the significant benefits resulting from the continuing provision of these childcare facilities which are confirmed by the Councils Education officer to be important in continuing to meet local needs.

Whilst concerns have been raised by some neighbouring residents, it is considered that subject to the restriction of the nursery's operating hours and the provision of enhanced boundary treatment alongside Jubilee Walk that the amenities of nearby dwellings will be satisfactorily safeguarded.

The Council's Highway Engineer does not consider that the operation of the nursery has adversely affected highway safety or increased traffic management problems in the locality.

In summary whilst the proposal will result the loss of small part of the playing field contrary to the Development Plan, and to which Sport England have objected, it considered on balance that this is clearly outweighed by the significant benefits of maintaining these child care facilities on this site, given their confirmed importance in meeting local childcare needs.

In accordance with The Town and Country Planning (Consultation) (England) Direction 2009, in circumstances where a Local Planning Authority is minded to grant planning permission for a proposal, contrary to Sport England's objection, then the application is required to be referred to the Secretary of State.

### **RECOMMENDATION**

**Approve with Conditions; Subject to Referral to the Secretary of State further to the Statutory Objection of Sport England;**

## **DESCRIPTION OF SITE AND CONTEXT**

The application site lies within the grounds of Holmes Chapel Primary School that is situated on Middlewich Road the main route leading out of Holmes Chapel to junction 18 of the M6 Motorway. The school is situated within the Settlement Zone and the site is a protected by area of open space/recreational facility by way of policy RC2 of the Congleton Borough Local Plan.

Residential properties of Bessancourt lie to the north of the site beyond a pedestrian access way known as Jubilee Walk which runs between Middlewich Road and Westway passing along the northern boundary of the school grounds. The Primary School and Happy Days Nursery are accessed from separate points off Jubilee Walk.

## **DETAILS OF PROPOSAL**

The application proposes the removal of Condition 1 of planning approval 14/5464C to enable the permanent retention of the single storey, prefabricated modular building accommodating the Happy Days Club & Nursery School, and also the external play areas located on either side of the building. Planning approval was previously been granted in 2013 (13/1064C) and then subsequently in 2015 (14/5464C) for the siting of these facilities in this location on a temporary basis until July this year.

Happy Days is a private nursery which has been in situ since August 2013 and provides nursery care for children from 2 years of age on both a full time and part time basis with extended day care available from 8.00 am to 6.00 pm Monday to Friday. Happy Days also provide out of school and holiday clubs.

The building is positioned alongside the northern boundary of the school site on part of the school playing field immediately adjacent to a pedestrian access way known as Jubilee Walk which has street lighting, and from which the nursery is directly accessed.

There is also an existing pre-school facility with the school grounds on site provided by a community organisation and the new facility is immediately to the east along the footpath boundary

## **PLANNING HISTORY**

Numerous applications on site but most recent and relevant are:-

14/5464C - Variation of conditions 1 & 2 on application 13/1064C- Construction of pre-fabricated pre-school and associated external works. Approved 19<sup>th</sup> May 2015

13/1064C - Construction of pre-fabricated pre-school and associated external works. – Approved for two years – 11<sup>th</sup> June 2013

13/0133C – Extension of time (to 02/01/16) to previous approval (07/1102/FUL) for temporary planning permission for existing pre-school building (Holmes Chapel Community Pre-School) – Approved 29<sup>th</sup> April 2013

07/1102/FUL – Temporary permission for existing pre-school building – Approved 8<sup>th</sup> January 2008.

## **POLICY**

## **Cheshire East Local Plan Strategy – Adopted Version (CELP)**

PG2 – Settlement Hierarchy  
PG7 – Spatial distribution of development  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SC1 – Leisure and recreation  
SC2 – Indoor and outdoor sports facilities  
SC3 – Health and Well0-Being  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 6 – Green Infrastructure  
SE14 – Jodrell Bank  
CO1 - Sustainable Travel and Transport

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.

## **Congleton Borough Local Plan First Review 2005**

GR6 - Amenity and Health  
RC2 - Protected Areas of open Space  
RC11- Indoor Recreation and Community Uses  
RC13 - Day Nurseries

## **Holmes Chapel Neighbourhood Plan – Made 18th April 2017**

Policy CW1: Outdoor Play and Recreational Areas  
Policy CW3: Primary Schools  
Policy CW4: Child Care Facilities  
Policy CE5: Character and Design  
Policy TT1: Promoting Sustainable Transport  
Policy TT3: Parking

## **CONSULTATIONS (External to Planning)**

**Strategic Highways Manager:** No objection

**Sport England:** Object

**Environmental Health:** No objection

## **VIEWS OF HOLMES CHAPEL PARISH COUNCIL**

No Objection conforms to Neighbourhood Plan.

## **OTHER REPRESENTATIONS**



Letters of objection have been received from them residents of 3 nearby properties on the following grounds;

- Planning permission was granted on a temporary basis only, and should not become permanent
- Visual intrusion of an ugly prefabricated building combined with a loss of open outlook.
- Building is imposing and highly visible
- Loss of privacy and overlooking of adjacent dwellings (Bessancourt) as main entrance is main entrance is sited close to the rear of properties and the building is raised above external ground level by approximately 50 cm
- Noise and disturbance caused by activity, proximity of play areas, congregation of people on footpath and loss of tranquillity to rear of Bessancourt.
- Obtrusive security lighting
- Increase in traffic, highway safety dangers and parking problems along Bessancourt
- Car parking related to school drop off and pick was already a problem prior to relocation of Happy Days
- Car parking at arrival and dispersal times causes a traffic hazard through obstruction on Westway
- Imposition of yellow lines on Middlewich in 1999 displaced School parental traffic onto Westway due to the Jubilee Walk link and this has been exacerbated in recent years by the nursery traffic.
- Lack of parking provision for staff
- Other viable sites and alternative locations to accommodate nursery

Building should be re-sited closer to school buildings or elsewhere on perimeter away from residential properties

8 letters have been received supporting the application on the basis of:

- Essential local service
- Vital services for working parents
- Safe and secure for children
- Good location for use near to school- The siting of Happy Days on Jubilee Walk within the school grounds allows a safe environment for parents to drop off and pickup their pre-school children
- Other childcare providers do not offer extent of activities or flexibility of Happy Days
  - The infrastructure of the village is already under severe pressure and the closure of Happy Days would make things worse.

This is a brief summary and the full contents of these extensive representations are available to view on the Council's website.

### **OFFICER APPRAISAL**

#### **Principle of Development**

The site falls within the Holmes Chapel Settlement Zone Line. It is also designated as an area of protected open space under Local Plan policy RC2 (Protected Areas of Open Space). This policy allows for the development or extension of existing buildings associated with the use of the site, provided that there would be no significant loss of a recreational facility involved or where it would allow for improved facilities on site which would offset any loss.

The proposal does undoubtedly result in the loss of open space within the playing field and the original application (13/1064C) was initially subject to an objection from Sport England. At that time the

applicants submitted a drawing to indicate that a (reduced in size) football pitch could be repositioned in the remaining playing field space. This was considered satisfactory by Sport England who withdrew its objection on the basis that only a temporary permission would be granted, and the land would then revert back to a playing field. Sport England took the same position in respect of the subsequent approval (14/5464C) which enabled the facilities to be retained for an extended period until July this year. Given the permanent loss of part of the playing field now proposed by this application, Sport England has lodged a statutory objection, and the issues arising from this are addressed later in this report.

It is considered that there is clearly some synergy and sustainability in locating such a use within the School grounds as many children who use the facility will attend the primary school now and in the future. However it remains the case that some open space is lost contrary to policy RC2 (Protected Areas of Open Space). In addition to this conflict with Development Plan, the key considerations in the determination of the application is the contribution these facilities (Happy Days Nursery) make in meeting childcare needs in Holmes Chapel, as well as the impact of the permanent retention of the facilities on the appearance of the locality, amenities of neighbouring properties and the local highway network.

### **Provision of Childcare Facilities.**

An objective of the Holmes Chapel Neighbourhood Plan supports the provision of childcare facilities, including day nurseries and pre-schools, play schools and out of school clubs adjacent to primary schools. Policy CW4 states;

*A. Development at the existing primary schools that provides for associated pre-school and afterschool activities will be supported, provided adequate provision is made for the increased traffic flow and parking.*

*B. Proposals, subject to other policies in the Neighbourhood Plan, for new child care facilities will be supported.*

This policy reflects the growing need for Childcare facilities within the Borough and also saved Policy RC13 of the Congleton Local Plan which supports the provision of day nurseries where they will not have a detrimental impact on the amenities of residents or the character and appearance of the area and satisfactory highway arrangements for dropping off/collecting children.

Cheshire East Council has duties under the Childcare Act 2006 in relation to childcare and the free early education entitlement. This requires that there must be sufficient provision to enable children to access their free entitlement and childcare to support the needs of working parents. Approximately 98% of eligible 3 and 4 year olds in the borough access their free entitlement. Over 80% of the free entitlement is delivered by the private, voluntary and independent sectors.

The Council's Education Officer has been consulted and has confirmed that Happy Days Nursery is now the largest single provider of the free early education entitlement and childcare in Holmes Chapel. The Education Officer has advised that the closure of Happy Days would result in children not being able to access their entitlement and insufficient childcare to meet the needs of working families and as a result the Council would not be able to meet its statutory duties.

It is further advised that this is a critical time for stability in the childcare market following the extended free entitlement in September 2017. Children aged 3 and 4 years in working families will see an increase in their entitlement from 15 hours to 30 hours per week. All available provision will be required to satisfy this new demand.

Therefore a significant benefit resulting from the permanent retention of Happy Days Nursery on this site is its important role in maintaining childcare facilities in Holmes Chapel, as recognised by the Holmes Chapel Neighbourhood Plan. Nevertheless, this important consideration must also be balanced against the impact from the loss of part of the existing playing field, the permanent retention of this modular structure, and the impact on residential amenity and highway safety.

### **Impact on Playing field**

Sport England have objected to the application on the basis that the permanent retention of the Nursery will result in the unjustified loss of part of the school playing field contrary to Paragraph 74 of the NPPF which states that;

*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

Sport England consider that the loss of this part of the playing field will prevent an existing U9/U10 (7 v 7) football pitch being provided in full compliance with the dimensions as set out in the FA Guide to Pitch and Goal Post Dimensions (2012). The recommended size for 7v7 (u9/10) pitch is 61m x 43m (including 3m run off areas surrounding the pitch) which equates to a 55mx 37m pitch area.

In this case, the existing marked out pitch has been in situ for several years within the area between the nursery and a line of trees which defines a sharp change in level of the School Playing field. The current pitch area measures 55m x 29.81m, with run-off areas between 2m and 3m being provided.

However, the FA handbook Season 2017-2018, which is stated to be, “the essential guide to the rules and regulations of football” also set outs minimum pitch sizes for U9/U10 (7 v 7) which are 45.75m x 27.45m. The currently marked out pitch would comply with this minimum requirement.

In any event, it is the case that the pitch has been used for home matches by a local youth football team (Holmes Chapel Hurricanes U9s) for several years without any issues being raised concerning the size of the pitch. This has been confirmed in correspondence received as part of the application from the club secretary of Holmes Chapel Hurricanes, who further adds that the pitch is fully compliant with the required dimensions of the FA and the Mid Cheshire Youth Football Leagues.

Whilst, the current pitch does not accord with the technical requirements of Sport England who maintains its objection to the loss of the small part of the playing field, it has nevertheless provided satisfactory 7 v 7 provision for several years. In these circumstances it is considered that the loss of this part of the playing field, does not result in the loss of, or inability to, make use of the pitch.

In accordance with The Town and Country Planning (Consultation) (England) Direction 2009, in circumstances where local planning authority are minded to grant planning permission for a proposal, contrary to Sport England's objection, then the application is required to be referred to the Secretary of State.

### **Amenity**

The building is sited adjacent to the adopted and lit pedestrian access way that abuts the rear boundary of houses of Bessancourt. As a result there is a separation distance of approximately 18 metres from the nearest point of the proposed building and the nearest houses on Bessancourt.

The rear boundaries Bessancourt are defined with 1.8m high fencing, and for most properties located opposite the building also by maturing vegetation/hedging alongside the footway. It is therefore considered as a result the visibility of the Nursery Building from the rear gardens of Bessancourt is limited, being mitigated by existing boundary treatment. Whilst, it is accepted that open views of the school grounds from first floor bedroom windows of adjacent dwellings would be affected from the permanent retention of the nursery building in this location, it is not considered that such an impact would warrant permission being withheld.

Potential overlooking of adjacent properties from windows and the ramped main entrance to the building from Jubilee Walk will be very limited given existing boundary treatment, and also that the pedestrian access way running between the site boundary and residential properties is 6m in width. It should also be noted that other than the main entrance, windows within this side of the building only serve ancillary accommodation including a small office, kitchen, and toilet and storage facilities.

It is recognised that some dis-amenity was experienced by adjacent residents during the temporary trial period which was permitted for the operation of the Nursery. The Council's Environmental Health Officers investigated noise complaints regarding the premises in 2013/2014 these were resolved at this time. A subsequent complaint was received in 2015 regarding obtrusive lighting and in this case the Environmental Health Officer has advised that this matter was then resolved directly between the complainant and Happy Days Nursery. The Council's Environmental Health team have confirmed that no further complaints have been received concerning the operation of the Nursery and have raised no objection to this application.

It is therefore considered that there would not be such an adverse impact on the amenities of neighbouring properties from the operation of the nursery to warrant approval being withheld. This is however subject to a condition being imposed limiting the hours of operation from 8.00 pm to 6.00pm Monday to Friday.

### **Siting and Design**

The nursery building is in good condition, and has a uniform and unobtrusive colour scheme. However, the siting of the Nursery closer to the school complex in purpose built accommodation would be the preferred solution.

The applicant has considered alternative locations for Happy Days Nursery at the Primary School to minimise the impact on the school playing field which would address the objection from Sport England, but also achieve an improved visual relationship of the facilities with the existing complex of school buildings.

The applicant has considered the option of relocating the nursery to the existing school playground, which is the most practical alternative siting for the nursery facilities. However, this was concluded to not to be a viable solution as it would result in significant operational difficulties for the Primary School including access issues, supervision/ safeguarding of school pupils and also the significant loss of important play space. The applicant has pointed out that the main advantage of the current location, is the nursery having its own independent access for parents during opening hours (0800 – 18:00). The current location therefore ensures that the nursery does not impede the operation of the Primary School, whilst being easily accessible for nursery and pre- school child care as well as for both before and after -school clubs.

The existing school complex includes a range of permanent and temporary buildings of no specific character. The development is typical of modular type buildings commonly found within school premises, and are functional by their nature. The nursery building is also similar in height to the two adjacent buildings within school grounds.

To mitigate the visual impact of the building and play areas alongside the Jubilee Walk, and also nearby properties, it is recommended that a condition be imposed requiring the implementation of a boundary treatment scheme, incorporating hedge type planting and 2m high timber screen fencing.

### **Highways**

The Council's Highway Engineer has advised that no safety issues have arisen since the nursery has been operated from the School grounds.

In particular it is considered that pick-up and drop-off times associated with nurseries are staggered throughout the day and usually peak outside of school pick-up/drop-off times. It is further considered that this activity would be spread so not to significantly exacerbate any inconvenience for local residents who live near the site.

In addition, the location of the nursery enables parents to children drop off at nursery and also if required at the school without having to make an additional vehicle trip. Furthermore, whilst the nursery site itself has no direct highway access and consequently no adjacent parking provision, some car parking is available within the Primary School car park for a number of its staff.

The Highway Engineer has therefore raised no objections to the permanent retention of the nursery in this location.

### **CONCLUSION**

It considered that given the importance of the nursery in maintaining childcare places in Holmes Chapel, and the current football pitch provision at the School, that the resulting harm from the loss of a small part of the school playing is outweighed in this case.

Furthermore the retention of this modular building in its current location is acknowledged to not represent the optimal design or preferred siting solution. However such concerns are clearly outweighed by the significant benefits resulting from the continuing provision of these childcare facilities which are confirmed by the Council's Education officer to be important in continuing to meet local needs.

Whilst concerns have been raised by some neighbouring residents, it is considered that subject to restriction on the nursery's operating hours and the provision of enhanced boundary treatment alongside Jubilee Walk that the amenities of nearby dwellings will be satisfactorily safeguarded.

Finally, as regards the impact of on-street car parking issues at Nursery drop off and collection times, the Council's Highway Engineer does not consider that these proposals have adversely affected highway safety or increased traffic management problems in the locality.

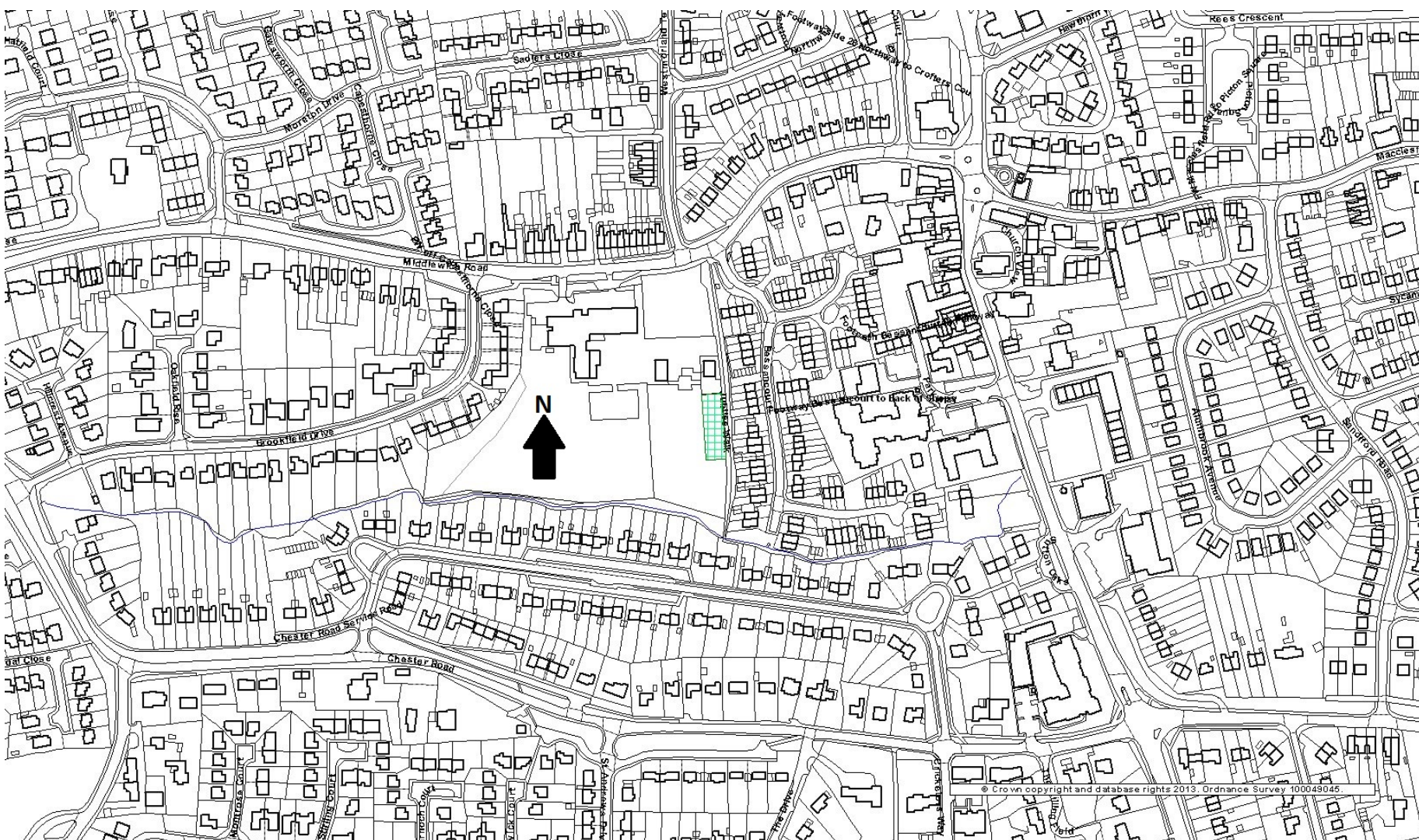
In summary whilst the proposal will result the loss of small part of they playing field contrary to the Development Plan, and to which Sport England have objected, it is considered on balance that this is clearly outweighed by the significant benefits of maintaining these child care facilities on this site given the confirmed importance in meeting local childcare needs.

## **RECOMMENDATION**

**Approve with Conditions; Subject to Referral to the Secretary of State further to the Statutory Objection of Sport England;**

- 1. Approved Plans**
- 2. Boundary treatment scheme**
- 3. Hours of Operation limited to 08.00 until 18.00 Mondays to Fridays**

**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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