

# Southern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 7th February, 2018</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 - 10)

To approve the minutes of the meeting held on 10 January 2018.

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. **17/5016N Land At Mill Street & Lockitt Street, Crewe: Hybrid planning application comprising (1) Full Planning Application for the erection of two Class A1 retail units and one Class A1/A3 unit with associated car parking and servicing areas, access, landscaping and associated works, including relocation of electricity sub-station, following demolition of existing buildings and structures; (2) Outline Planning Application with all matters reserved except for access for the erection of up to 53 dwellings with associated infrastructure for Mr M Freeman, Clowes Developments (North West) Limited (Pages 11 - 28)**

To consider the above planning application.

6. **17/5999C 79, Union Street, Sandbach, Cheshire CW11 4BG: Retrospective application for change of use from garage services to hand car wash and valeting facility for Mr Artan Kertolli (Pages 29 - 36)**

To consider the above planning application.

7. **17/5170C Land South Of Dragons Lane, Moston: Variation of condition 3 on 12/0971C - The use of land for the stationing of caravans for residential purposes for 4 no. gypsy pitches together with the formation of additional hard standing and utility/ dayrooms ancillary to that use for Mr Martin Smith (Pages 37 - 50)**

To consider the above planning application.

8. **Planning Appeals (Pages 51 - 64)**

To consider a report regarding the outcome of Planning Appeals decided between 1 October 2017 and 31 December 2017.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 10th January, 2018 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

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

Councillors Rhoda Bailey, D Bebbington, P Butterill, S Edgar, A Kolker,  
J Rhodes, B Roberts and B Walmsley

**OFFICERS PRESENT**

Daniel Evans (Principal Planning Officer)  
Andrew Goligher (Principal Development Control Officer - Highways)  
Gareth Taylerson (Principal Planning Officer)  
James Thomas (Senior Lawyer)  
Julie Zientek (Democratic Services Officer)

**Apologies**

Councillors W S Davies and J Clowes (note: Councillor Clowes attended the meeting to address the Committee as a Ward Councillor with respect to application number 17/2211N)

**72 DECLARATIONS OF INTEREST/PRE DETERMINATION**

The following declarations were made in the interests of openness:

With regard to application number 17/4995N, Councillor S Edgar declared that he was the Ward Councillor.

All Members of the Committee declared that they had received correspondence with regard to application number 17/2211N.

**73 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 29 November 2017 be approved as a correct record and signed by the Chairman.

**74 17/3915C LAND SOUTH OF MIDDLEWICH ROAD AND EAST OF ABBEY ROAD, SANDBACH: APPROVAL OF RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) FOLLOWING OUTLINE APPROVAL 12/1463C - ERECTION OF 126 TWO STOREY DETACHED, SEMI DETACHED AND MEWS DWELLINGS, LANDSCAPING, OPEN SPACE, PARKING AND ASSOCIATED WORKS FOR MR CHRIS DOBSON, REDROW HOMES & ANWYL HOMES**

Note: Mr J Narsai-Latham attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

**RESOLVED**

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Approved Plans
  2. Implementation of the approved landscaping
  3. Prior to the first occupation of the development a scheme to provide an additional 4 pieces of play equipment within the Community Park on phase 1 in accordance with the submitted plans
  4. Submission of an updated Tree Protection Plan to include all lengths of boundary hedgerow
  5. Construction specification details for the emergency access/pedestrian/cycle link to Abbey Road (between 35 and 43 Abbey Road) to be submitted and approved
  6. Updated survey for other protected species
  7. Nesting birds timing of works
  8. Scheme of nesting bird/roosting bat mitigation
  9. A scheme of boundary treatment to be submitted and approved
  10. Submission of Electric Vehicle Charging Specification for all properties with a garage
  11. Materials in accordance with the approved plans
  12. Levels in accordance with the submitted plan
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

**75 17/3916C LAND SOUTH OF MIDDLEWICH ROAD AND EAST OF ABBEY ROAD, SANDBACH: ERECTION OF 25 TWO STOREY DETACHED DWELLINGS, LANDSCAPING, OPEN SPACE, PARKING AND ASSOCIATED WORKS FOR MR CHRIS DOBSON, REDROW HOMES LTD & ANWYL HOMES**

Note: Mr J Narsai-Latham had registered his intention to address the Committee on behalf of the applicant but did not speak.

The Committee considered a report regarding the above planning application.

**RESOLVED**

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the completion of a S106 Agreement to secure:
1. A scheme of affordable housing to provide 5 rented units – Tenure split to be confirmed. The scheme shall include:
    - The numbers, type, tenure and location on the site of the affordable housing provision
    - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
    - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
    - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
    - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
  2. Provision of a LEAP/Public Open Space to be maintained by a private management company
  3. Education Contribution of £54,231 for Primary Education and £65,371 for Secondary Education

and the following conditions:

1. Standard time – 3 years
2. Approved Plans
3. Obscure glazing first floor window to the side of plot R145
4. External Lighting Details to be submitted and approved
5. Construction Method Statement to be submitted and approved
6. Contaminated Land Report to be submitted and approved
7. Dust Control measures to be submitted and approved
8. Travel Plan to be submitted and approved
9. Electric Vehicle Infrastructure to be submitted and approved

10. Noise mitigation measures to be implemented as part of the proposed development
  11. Prior to the first occupation of the development a scheme to provide an additional 4 pieces of play equipment within the Community Park on phase 1 in accordance with the submitted plans
  12. Tree Retention
  13. Updated scheme of Tree and hedge protection
  14. Updated Arboricultural Management strategy with addition of an auditable programme of arboricultural supervision and reporting to the LPA
  15. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment
  16. The development hereby permitted shall not commence until a drainage strategy detailing on and off site drainage works along with flood water exceedance routes, both on and off site has been submitted to and approved in writing by the LPA.
  17. No development should commence on site until such time as detailed calculations to support the chosen method of surface water drainage have been submitted to and agreed in writing with the LPA
  18. Updated survey for other protected species
  19. Nesting birds timing of works
  20. Scheme of nesting bird/roosting bat mitigation
  21. A scheme of boundary treatment to be submitted and approved
  22. Materials in accordance with the approved plans
- (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.

**76 17/4326N WRENBURY FISHERY, HOLLYHURST ROAD, WRENBURY  
CW5 8HE: SITING OF 20 TIMBER CLAD TWIN UNIT CARAVANS FOR  
HOLIDAY ACCOMMODATION, ASSOCIATED ACCESS/CAR PARKING  
WORKS AND LANDSCAPING FOR W SPENCER, MARCUS BROOK  
LTD**

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

The Committee considered a report regarding the above planning application.

**RESOLVED**

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

1. Commencement
  2. Approved Plans
  3. No development until plans/details of wardens office and samples of materials of external finishes of all buildings has been provided
  4. Levels of site
  5. Level of each caravan and car park
  6. External lighting details
  7. Landscaping scheme including the retention and enhancement of the boundary hedgerows. Shall also include details of the access road layout and location of the new agreed wildlife pond
  8. No tree or hedgerow works, nor any site works, shall take place during the bird nesting season
  9. Bat boxes
  10. Parking areas provided before occupation of caravans
  11. Passing places
  12. Travel plan
  13. Cycle storage available before occupation of caravans
  14. Foul and surface water drainage
  15. Waste storage and recycling facilities
  16. Occupied as holiday accommodation only
  17. Log of users
  18. Hard and soft landscaping for each plot
  19. Details of hardstanding for each unit
  20. Details of service and drainage routes
  21. Ecology and landscape management plan
  22. Construction management including soil disposal and parking details for construction vehicles
  23. Tree protection
  24. Method statement
  25. Tree shown as T9 in the submitted Preliminary Ecological Assessment (UES, 28/06/2017) shall be retained
  26. Development in accordance the recommendation made by the submitted Great Crested Newt Method Statement (UES, 29/06/2017)
  27. The creation of the pond in accordance with drawing number 1300-D05
  28. works to proceed under the reasonable avoidance measures outlined in the submitted Preliminary Ecological Assessment
  29. Ecological Development Strategy and Landscape and Ecology Management Plan
  30. Nesting birds survey
  31. Breeding birds survey
  32. PROW
  33. Contamination 1
  34. Contamination 2
  35. Contamination 3
  36. Details of additional overflow parking to be submitted and approved
- (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.

**77 17/4995N SHAVINGTON GREEN FARM, CREWE ROAD, SHAVINGTON  
CW2 5JB: 5 NO. NEW BUILD HOUSES WITHIN DOMESTIC  
CURTILAGE OF SHAVINGTON GREEN FARM FOR CHERRY  
ROBINSON**

Note: Mr I Tarpey attended the meeting and addressed the Committee on behalf of the applicant.

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

**RESOLVED**

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

1. Outline 3 years
2. Reserve Matters time
3. Reserve Matters to include layout, scale, landscape and appearance
4. Approved plans
5. Lighting plan with reserved matters
6. Arboricultural report implementation
7. Breeding Birds survey
8. Breeding birds features
9. Electrical Vehicle Infrastructure
10. Contaminated Land – Phase 1
11. Contaminated Land – verification report
12. Soil importation
13. Unexpected contamination
14. Foul Water
15. Surface Water
16. Management and Maintenance of Sustainable Drainage systems
17. Levels
18. Boundary treatment
19. Floorspace below 1,000sq.m (including garages)
20. No more than 2 storey

**Informative:**

As part of the first Reserved Matters application the developer shall investigate the possibility of a pedestrian link between the application site and the consented site as part of applications 15/4046N and 13/2069N.

(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.

**78 17/2211N WHITTAKERS GREEN FARM, PEWIT LANE, HUNSTERSON, CHESHIRE CW5 7PP: AGRICULTURAL BUILDING TO PROVIDE GRAIN STORE (RESUBMISSION OF 16/2930N) FOR MR F.H. RUSHTON**

Note: Councillor J Clowes attended the meeting at this point in the proceedings in order to address the Committee as a Ward Councillor. Having addressed the Committee, Councillor Clowes left the meeting.

Note: Parish Councillor R Frodsham (on behalf of Doddington & District Parish Council), Mr C Knibbs (objector) and Mr E Roberts (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.

RESOLVED – That the application be DEFERRED for the following:

- A Committee site inspection to enable Members to assess the impact of the development
- Further information on the fuel type
- Further information on the highways impact from fuel importation
- Further justification of the size of the building
- Production information with respect to the crops on the holding

**79 UPDATE FOLLOWING THE RESOLUTION OF MINDED TO REFUSE APPLICATION 17/0339N BUT WITH HEADS OF TERMS IF THE APPEAL IS ALLOWED - LAND TO THE NORTH OF LITTLE HEATH BARNES, AUDLEM ROAD, AUDLEM**

Note: Parish Councillor G Seddon (on behalf of Audlem Parish Council) and Ms F Christie (supporter) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding planning application 17/0339N.

At its meeting on 9 August 2017, the Committee had resolved that it was minded to refuse the application and had approved Heads of Terms for a S106 Agreement, in the event that the application was subject to an appeal.

### RESOLVED

- (a) That a S106 Agreement to secure the following amended Heads of Terms be entered into at the forthcoming appeal:
1. Commuted sum of £556,699 towards affordable housing in the local area
  2. Provision of a management company for the future maintenance of on site openspace/green gym
  3. Commuted sum of £17,352 towards an extension at Audlem Medical Practice
- (b) That the following paragraph be attached to the resolution:

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.

The meeting commenced at 10.00 am and concluded at 12.20 pm

Councillor J Wray (Chairman)

Application No: 17/5016N

Location: LAND AT, MILL STREET & LOCKITT STREET, CREWE

Proposal: Hybrid planning application comprising (1) Full Planning Application for the erection of two Class A1 retail units and one Class A1/A3 unit with associated car parking and servicing areas, access, landscaping and associated works, including relocation of electricity sub-station, following demolition of existing buildings and structures; (2) Outline Planning Application with all matters reserved except for access for the erection of up to 53 dwellings with associated infrastructure

Applicant: Mr M Freeman, Clowes Developments (North West) Limited

Expiry Date: 08-Mar-2018

## SUMMARY

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

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

The proposal is compliant with Cheshire East Local Plan Policy LPS1 & Saved Crewe and Nantwich Local Plan Policy S12.2 in terms of pure land use as it seeks to provide retail and housing. However the proposal does not comply with the more specific policy requirements of Policy LPS1 in providing a high quality development.

The benefits of the proposal would be the regeneration of this current derelict/brownfield site, the boost to the economy and job creation through the retail element, the provision of open market and affordable housing and the limited economic benefits during construction.

The development would have a neutral impact upon, trees, ecology, flooding, living conditions, design contaminated land.

The dis-benefits would be the poor design which would not make any reference to the existing character/appearance of the area, does not reflect the railway heritage, does not

provide adequate green spaces and would not provide safe/adequate pedestrian and cycle links to the railway and town centre.

Applying the tests within paragraph 14 it is not considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development does not constitute sustainable development and should therefore be refused.

## **RECOMMENDATION**

**REFUSE**

## **PROPOSAL**

Hybrid planning application comprising:

- 1) Full Planning Application for the erection of two Class A1 retail units and one Class A1/A3 unit with associated car parking and servicing areas, access, landscaping and associated works, including relocation of electricity sub-station, following demolition of existing buildings and structures
- 2) Outline Planning Application with all matters reserved except for access for the erection of up to 53 dwellings with associated infrastructure

## **SITE DESCRIPTION**

The site consists of a 3.6 hectare area comprising of a mixture of partly occupied single storey general industrial, warehouse buildings and is bound to the north and east by railway lines filtering into Crewe railway station, to the south by residential properties and to the west by Mill Street with a further mix of residential and commercial properties.

The application site excludes the existing Wickes DIY store and a landscaped area to the south of this building.

The site is allocated as within the settlement boundary, an air quality improvement area, hazardous installation buffer zone and has a site specific designation under Policy LPS1 of the Cheshire East Local Plan.

The site is also allocated under saved Policy S.12.2 of the Crewe and Nantwich Local Plan as a mixed use regeneration area and also forms part of the area covered by the Crewe Rail Gateway Adopted Development Brief.

## **RELEVANT HISTORY**

P07/0639 – Outline Application for Mixed Use Development Comprising Residential, Employment and Retail, New Pedestrian/Cycle Link and Associated Car Parking, Landscaping, Servicing and Access – Approved 24th Mar 2010

P06/0876 – Outline Application for Mixed Use Development Comprising Housing (Class C3), Employment (Class B1) and Retail (Class A1) uses, New Pedestrian/Cycle Link through Site and Associated Car Parking, Landscaping, Servicing and Access

P06/0730 – Screening for mixed use development – EIA Not required 19th July 2006

P05/0651 – Construction of Class A1 Units for Bulky Goods Retailing, Trade Counter Units and A3/ A4/A5 Units with Associated Car Parking and Servicing – Withdrawn 28th June 2005

P05/0735 – EIA Screening Opinion for Erection of Class A1 Units For Bulky Goods Retailing, Trade Counter Unit and A3/ A4/ A5 Unit with Associated Car Parking and Servicing – EIA not required 6th June 2005

P04/0967 – Erection of a Class A1 Retail Unit with Associated Car Parking and Servicing – Withdrawn 19th October 2004

### **NATIONAL & LOCAL POLICY**

#### **National Policy**

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

56-68. Requiring good design

#### **Development Plan**

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

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

PG2 – Settlement Hierarchy

PG7 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 – Sustainable Development in Cheshire East

SD2 – Sustainable Development Principles

SE5 – Trees, Hedgerows and Woodland

SE 1 – Design

SE 2 – Efficient Use of Land

SE 5 – Trees, Hedgerows and Woodland

SE12 – Pollution, Land Contamination and Land Instability

SE 13 – Flood Risk and Water Management

SE 6 – Green Infrastructure

SE7 – The Historic Environment

IN1 – Infrastructure

IN2 – Developer Contributions

EG1 Economic Prosperity

EG5 – Promoting a Town Centre First Approach to Retail and Commerce

## LPS1 – Central Crewe

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.

NE.5 (Nature Conservation and Habitats)  
NE.8 (Sites of Local Importance for Nature Conservation)  
NE.9 (Protected Species)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.6 (Development on Potentially Contaminated Land)  
S1 (New Retail Development in Town Centres)  
S12 (Mixed Use Regeneration Areas)

### **Supplementary Planning Documents:**

Interim Planning Statement Affordable Housing  
Interim Planning Statement Release of Housing Land  
Development on Backland and Gardens  
Crewe Rail Gateway Adopted Development Brief  
The Cheshire East Design Guide SPD

## **CONSULTATIONS**

**CEC Highways:** No comments received at the time of writing the report

**CEC Flood Risk Manager:** Object as the proposal seeks to develop over an and adjacent to the Valley Brook culvert, valley brook is designated as main river and the proposed works would require permitting by the environment agency

**CEC Environmental Health:** No objection subject to conditions/informatives requiring acoustic mitigation, construction environmental management plan, working hours for construction sites, electric vehicle charging points, dust and contamination

**CEC Education:** No comments received at the time of writing the report

**CEC Housing:** No objection

**CEC Public Rights of Way:** No objection

**CEC Open Space:** Object due to lack of green space and poor connectivity

**United Utilities:** No objection subject to conditions regarding foul and surface water drainage and drainage scheme

**Environment Agency:** No objection subject to condition on the reserved matters application which prevents building being built over the existing culvert and buildings in close proximity to be designed to prevent additional loading onto the culvert

**HS2:** No objection

## **VIEWS OF THE PARISH/TOWN COUNCIL**

Crewe Town Council – object on the following grounds:

*It does not contribute to the regeneration of Crewe in the manner referred to above, and importantly, does not meet the “Site Specific Principles of Development” set out in Policy LPS1 of the LPS as follows (the lettered paragraphs correspond to the lettered principles in Policy LPS1):*

*a. “The creation of stronger physical connections between the Town Centre, the railway station and Grand Junction...” The site offers the opportunity to create part of an attractive, landscaped, corridor of high quality development linking the station to the town centre, incorporating cycle and pedestrian routes. The current proposal misses this opportunity completely.*

*d. “New buildings should be of a high design quality and respond to Crewe’s railway heritage and contemporary living.” The retail development is a standard retail park design, inoffensive, but without any attempt to reflect local character or excellence in contemporary design. It fails to contribute to raising standards or promoting a positive image of Crewe. The indication that the residential development will comprise semi-detached and terraced dwellings and apartments (para 3.6 of the Planning and Retail Statement) does not inspire confidence that this development will be of high quality contributing to a positive image of Crewe for passing rail travellers on the London to Holyhead mainline which abuts the site. Any reserved matters application will need to be more ambitious than is currently indicated.*

*e. “Provision of Green Infrastructure to reflect “The Green Infrastructure Plan for Crewe” (TEP 2010), including tree planting; the creation of tree lined boulevards with the provision of greenspaces in new developments. The creation of green spaces including those linking green infrastructure and safe and secure pedestrian and cycle routes should be integrated into any development proposals.” Mill Street is one of the key routes identified in the Green Infrastructure Plan. The landscaping proposed in the full application for retail development does not address this requirement. Only 4 trees are proposed, partly hidden to the rear of the store. Residents’ concerns about security are well understood, but it is perfectly possible to incorporate trees without unduly interfering with informal supervision of the site, or prejudicing the safety of site users or residents. A wider distribution of low shrub planting would also contribute to the greening of the area. Cycle and pedestrian routes are referred to below.*

*g. “Provision of new and improvements to existing pedestrian, cycle and public transport links....” The applicant acknowledges in the Design and Access Statement (para 2.2) that the provision of a pedestrian route from the town centre to the station was a particular concern in pre-application consultations. The proposed provision of a circuitous route around the southern edge of the car park sandwiched between a fence and a hedge is neither convenient nor attractive and would not present visitors to the town with the best impression. A more direct, open and attractive route is required. The transport assessment refers to bus services within 400m. of the site, but does not mention the absence of services along Mill Street itself (notwithstanding the existence of the now-disused bus shelter).*

*j. There are three Air Quality Management Areas (AQMAs) within the site at Earle Street, Nantwich Road and Wistaston Road. Development proposals will need to include appropriate mitigation measures if they are located within these AQMAs or could have an adverse effect on them". The development will result in increased traffic using Mill Street, adding to the congestion at the Mill Street/Nantwich Road junction where air quality standards are already breached. For this development to proceed, improvements to traffic flows at that junction must be effected. The applicants' transport study suggests that during the Saturday peak hour, the development will generate an extra 514 trips compared to an existing peak flow of 1339. Whilst not all of these will be new trips, the assumptions in the traffic assessment that 50% will already be passing by does not take account of local geography, the remaining 50% will be new to Mill Street (a little less when linked trips to the 2 stores are taken into account). This is still a sizeable change likely to increase queue lengths at the Mill Street/Nantwich Road junction. This will lead to a further deterioration in already unacceptable air quality unless some means of significantly improving traffic flows can be implemented.*

*In addition to failing to meet the requirements of LPS1, the developer also needs to address:*

*1. The impact of the additional traffic to the new development on existing road safety issues identified on Mill Street, particularly the conflict between vehicles and pedestrians and cyclists.*

*2. The siting and orientation of the retail units. It is important that on a main route into the town there is an active street frontage rather than an uninterrupted view of a carpark. Accepting that retailers may want the store entrance to face the car park, it would be possible to align the development east-west so that a suitable designed and fenestrated side elevation faces Mill Street, so reducing the expanse of car park fronting Mill Street. The relocation of the coffee shop to the street frontage would further improve the sense of an active street.*

## REPRESENTATIONS

Letters received from 20 households regarding the following:

### Support

- Regeneration and market choice
- Affordable homes
- Employment opportunities
- Would limit antisocial behaviour

### Objection

- Contamination/asbestos
- Increase in traffic
- Out of town retail harmful to town centre
- Need better pedestrian connectivity to the train station
- Need better landscaping
- Development should fund a bus route
- Retail element should include a green roof
- Would limit ability of the masterplan
- Car parking should be moved to the back of the site

## APPRAISAL



## Principle of Development

The site is within in the settlement boundary where development is acceptable provided that it is compatible with surrounding uses and accords with other relevant local plan policies.

The site also has site specific designations under Policy LPS1 of the Cheshire East Local Plan and saved Policy S12.2 of the Crewe and Nantwich Local Plan. These policies in essence seek to encourage the regeneration of the site by providing a mixed use scheme.

The Crewe town centre boundary is defined on the Proposals Map in the 'saved' Borough of Crewe and Nantwich Replacement Local Plan 2011. Where the site is located outside the Crewe town centre boundary and within site S12.2 – Mill Street, Policy S12.2 states that the site may be suitable for a variety of uses, including employment, sui generis and retailing.

Points 1 and 14 of Policy LPS1 supports the delivery of retail and housing (at approximately 40 dwellings per hectare for housing). The current proposal seeks to provide retail and housing and as such proposes the delivery of a mixed use scheme on the site. The number of houses proposed is up to 53 which complies with the dwellings per hectare requirement. As a result the proposal is considered to be consistent with Policy LPS1 in terms of pure land use.

However it is not considered that the development fully meets the other requirements of Policy LPS1, to deliver high quality regeneration of the town, incorporating new and the improvement of existing green infrastructure or Policy SE 1 Design:

Point 14 of the Policy LPS1 requires the creation of pedestrian and cycle links to the railway station and the town centre. It is noted that the application does propose to include links which have been amended from that originally provided however the links are to be sited across the proposed car parking area and do not give any priority to pedestrians which could result in conflict between pedestrians and car users. Therefore it is not considered that the proposed pedestrian and cycle routes would encourage the use of such routes by cyclists and pedestrians. It also fails to show any connection to the proposed housing scheme to the north of the site.

Points 8 and (e) of the Policy LPS1 requires that green infrastructure should be provided, to reflect The Green Infrastructure Action Plan for Crewe, including the creation of greenspaces and those linking green infrastructure, along with '...safe and secure pedestrian and cycle routes should be integrated into any development proposals.' It is not considered that the proposal achieves this and it misses an important opportunity to create a high quality, attractive, safe, landscaped pedestrian and cycle link between the railway station and the town centre.

Point (a) of the Policy LPS1 requires the creation of stronger physical connections between the town centre, the railway station and Grand Junction. It is considered that development currently proposed does not support, in design terms, connections as intended by the policy. It is considered that the proposals do not meet the requirements of points (d) and (e) of Policy LPS1 or Policy SE1 Design, with regard to high design quality and the provision of green infrastructure. The site lies in a highly prominent location, on a key route into and out of the town centre. Its layout and design should therefore reflect its location. The proposal is however dominated by and includes a vast expanse of car parking, adjacent to the highway, with very little landscaping/additional green infrastructure proposed with all of the buildings being set well back from the road frontage. This would not reflect the existing character of the area where

properties are sited in predominantly uniform build lines fronting the road and would not therefore result in a high quality or attractive environment, nor would it provide an active frontage to Mill Street.

Point (d) of Policy LPS1 advises that 'new buildings should be of high quality design and respond to Crewe's railway heritage and contemporary living'. The proposal provides no reference/response to Crewe's railway heritage. This could be in the form of simple design features or materials. For example the Tesco building to the north of the site was purposely design with arch way features to the front elevation to reflect railway arches. However no attempt had been made to reflect the heritage element nor does the red brick character of the area feature. It is also questioned as to how the proposal would provide contemporary living as this is shown as being sited directly adjacent to the railway which would result in poor outlook to future occupants and the need have mechanical ventilation to off-set noise and potential fumes from the railway which would not result in the creation of a quality environment for future occupiers. Whilst the housing element of the proposal is only submitted in outline form, it is not considered that the location of the housing would change as the retail elements utilise the remainder of the site leaving no alternate location for the housing other than the space backing onto the railway.

As a result whilst the proposal appears acceptable in principle from a pure land use perspective the design of the proposal is not considered to make any reference to the existing character/appearance of the area, does not reflect the railway heritage, does not provide adequate green spaces and would not provide safe/adequate pedestrian and cycle links to the railway and town centre.

Further site specific details of design, amenity and highway safety etc are explored below.

### **Housing Land Supply**

On 27 July 2017, the Council adopted the Cheshire East Local Plan Strategy. This followed an extensive public examination led by an independent and senior Planning Inspector.

The Inspector's Report on the Local Plan was published on 20 June 2017 and signalled the Inspector's agreement to the Plans policies and proposals. The Local Plan Inspector confirmed that, on adoption, the Council was 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"*

The Inspector's conclusion that the Council had a 5 year supply of deliverable housing land was based on the housing land supply position as at 31 March 2016.

Following the adoption of the Local Plan Strategy, the Council released its annual Housing Monitoring Update, in August 2017. It sets out the housing land supply as at 31 March 2017 and identified a deliverable housing land supply of 5.45 years.

On 8 November 2017, an appeal against the decision of the Council to refuse outline planning permission for up to 400 homes at White Moss Quarry, Alsager (WMQ) was dismissed due to the scheme's conflict with the Local Plan settlement hierarchy and its spatial distribution of development.

However, in his decision letter, the WMQ Inspector did not come to a clear conclusion whether Cheshire East had a five year supply of deliverable housing land. His view was that it was either slightly above or slightly below the required 5 years (4.96 to 5.07 years). In this context, the Inspector engaged the 'tilted

balance' set out in the 4<sup>th</sup> Bullet point of paragraph 14 of the National Planning Policy Framework (NPPF). This introduces a presumption that planning permission is granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

On 4 January 2018, an appeal against the non-determination of an outline planning permission for up to 100 homes at Park Road, Willaston was dismissed due to conflict with Local Plan policies that sought to protect designated Green Gap, open countryside and rural character. The Inspector also took the view that the housing land supply was either marginally above or below the required 5 years (4.93 to 5.01 years). On this basis, he adopted a 'precautionary approach' and assumed a worst case position in similarly engaging the 'tilted balance' under paragraph 14 of the Framework.

The Council is continuing to update its evidence regarding housing land supply to ensure that decisions are taken in the light of the most robust evidence available and taking account of recent case law. The Council believes it can demonstrate a five year supply and will accordingly be presenting further updated evidence at the forthcoming Stapeley Inquiry.

For the purpose of determining current planning applications it is therefore the Council's position that there is a five year supply of deliverable housing land.

### **Affordable Housing**

The Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of less than 3,000 that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 10 dwellings or more or a combined housing floor space including garages larger than 1000sqm in size.

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

This is a proposed development of up to 53 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 16 dwellings to be provided as affordable dwellings with the above 65/35 split.

This would equate to 10 units to be provided as Affordable rent and 6 units as Intermediate tenure. However as the housing element is an outline form the correct mix of dwellings could be secured as part of a S106 Agreement.

### **Retail Impact**

The site has site specific designations under Policy LPS1 of the Cheshire East Local Plan which is aimed at the regeneration of the area and under point 14, makes reference to this being achieved by 'Up to 5,000 square metres of retail on Mill Street and the creation of pedestrian and cycle links to the railway station and the town centre'.

Given that the site has been deemed an appropriate location for retail development, neither a sequential nor impact test is required for the proposal.

### **Open Space**

#### Local Plan Policy SE6 – Green Infrastructure

The developer has provided an illustrative master plan with indicative housing types and numbers. Until the housing schedule is finalised it is not possible to accurately calculate the Public Open Space (POS) requirements. However, there is a public open space requirement of 65m<sup>2</sup> per family dwelling or £3000 per family dwelling commuted sum for off site provision.

The plan does not show any areas of useful open space and areas of incidental greenspace shown on the plan do not satisfactorily serve the needs of the new community. Therefore ANSA have advised that a commuted sum will be required for off site provision of Public Open Space specifically for recreational facilities for young people and access improvements in Valley Park.

The site is located within an area of high health deprivation. From this perspective the lack of green buffers around the perimeter of the housing development are of concern. Buffers help to improve air quality and provide valuable physical and visual barriers improving the overall quality of the development.

The Green Infrastructure Action Plan for Crewe identifies Green Links as one of its five themes. The plan does not currently demonstrate good connections leaving the housing development isolated from green infrastructure, recreational opportunities further afield, and the existing community and facilities to the east of the development. This could be addressed by redesigning the link between the railway station and the town centre. The site has the potential to incorporate a green 'spine' that would greatly improve accessibility through the site, encourage cyclists and pedestrians, and provide a valuable link to the wider community, recreational opportunities and transport links.

The housing element of the scheme is only submitted in outline form, therefore the layout could be amended at reserved matters stage to increase Green Links/pedestrian links once the layout is set. However the ability to provide a link depends on the ability of the full application to link to the sites and to the wider locality/train station which at present is not acceptable as it does not give any priority to pedestrians.

#### Local Plan Policy SC2 - Indoor and Outdoor Sport Facilities

ANSA have advised that a commuted sum for Recreation and Outdoor Sport will be waived as the benefits of improvements to Valley Park from the commuted sum for POS outlined above are considered sufficient to cater for the increase in demand created by this development.

### **Education**

No comments have been received from the education department at the time of writing the report. Full comments will be provided in the update report. However it is expected that a housing development of the size proposed would require a contribution towards education which could be secured by way of section 106 agreement.

### **Health**

Although no consultation response has been received from the NHS there are 8 medical centres within 1.9 miles of the site which are expected would accommodate increased capacity arising from this development.

### **Location of the site**

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue.

In this instance no such assessment has been provided with the application. However the site is located right on the edge of the town centre where the full town centre services/facilities could be assessed within a 5 minute walk.

As a result the application site is considered to be locally sustainable

### **Residential Amenity**

The main residential properties affected by this development are properties to the west on Mill Street and to the south on Wesley Place and Waverley Court.

The closest building Unit 1, would be sited 35m to the nearest facing windows of the closest property on Wesley Place to the south. This distance is sufficient to prevent any significant harm through overbearing impact, overshadowing or loss of privacy. The proposed car parking area would be sited 8m from the rear boundaries of properties on Wesley Place. The plans show that a green strip would be provided at this location which could be used to screen the car park and this could be secured by condition. There is likely to be some noise and general disturbance from its use but this would also be the case from the existing lawful use of the site. Similarly the opening hours of the units could be secured by condition to prevent use of the units during unsocial hours.

The units would be sited 48m to the nearest facing windows of Waverley Court to the south and 115m to properties on Mill Street to the West. These distances are considered sufficient to prevent significant harm to living conditions. Again any issues of noise and disturbance could be limited by planting condition restricting the opening hours of the units.

Environmental Protection have also raised no objections subject to conditions regarding acoustic mitigation, construction environmental management plan, working hours for construction sites, electric vehicle charging points, dust and contamination.

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

### **Contaminated Land**

As part of the application is for new residential properties which are a sensitive end use and could be affected by any contamination present a contaminated land condition will be attached to the decision notice of any approval.

### Highways

No comments from the Highway Engineer were received at the time of writing the report. These will be provided in the update report.

However the proposal seeks to utilise an existing access point off Lockett Street and adequate parking and turning areas are provided.

### Trees

The site is void of any significant tree coverage owing to its former uses. There is a planting buffer to the north-eastern boundary where the housing for the outline scheme would be located. It is possible that these could be retained and this would be addressed at reserved matters stage.

In terms of the remainder of the site for the full application there are some limited trees sited towards the central southern boundary however none are considered to be worthy of formal protection and there visual contribution is limited given the siting inside the site behind existing buildings.

The Councils tree officer has also advised that the proposal represents no arboriculture implications.

However the re-development of the site is considered to be an opportunity to increase planting/landscaping around the site which could be secured by condition.

As a result no significant impact to existing landscape features and the proposal is considered an opportunity to increase planting at the site.

### Design

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

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

The area consists of predominantly residential properties but with some scattered commercial premise on Mill Street. The pattern of built form to the west of Mill Street sees properties sited in a row of ribbon development, fronting the road, with a predominantly uniform build line with a small green gap opposite the application site. The pattern of built form to the east consists of substantial green gaps with buildings set slightly further back from the road but still fronting it, but again the build line remains consistent until the gap to the road decreases towards the Mill Street/Nantwich Road junction.

As a result this particular location on Mill Street is characterised by properties with a strong road frontage and uniform build lines and large green gaps. The proposal however would not respect this existing

character as it seeks to site the buildings well back from the existing build line by approximately 60m with the creation of a large car parking area fronting the road.

This would result in a site that would be dominated by car parking with no active frontage onto Mill Street and would not result in a high quality or attractive environment. The site also faces Union Street Baptist Church which is a grade II Listed Building and would therefore have a negative impact on its setting.

There was previous planning permission granted on the site under reference P07/0639 (now expired) for a mixed use development comprising residential, employment and retail, new pedestrian/cycle link. Not only did this scheme provide a mixed use development with a pedestrian link as required by Policies LPS1 & S.12.2, but the buildings were also sited closer to the road frontage which respected the existing build line to surrounding buildings and the main parking area was sited behind the frontage. This was considered acceptable as it followed the established build line and provided a landscape area to the road frontage, giving an active frontage to Mill Street.

This is in contrast to the current proposal which would be dominated by car parking, lacks green spaces and whilst a pedestrian link is proposed through the site, this is through the proposed car park and does not give any priority to pedestrians and would have potential to provide conflict between pedestrians and users of the car park thus not providing a safe pedestrian link.

The applicant has suggested that the location of the buildings on site has been dictated by the site constraints in the form of servicing, easement and water culvert and therefore they consider that this is the only workable layout. However it is noted that one of the constraints is an easement. It is assumed that this easement relates to a road that runs through the site and is in Council ownership. However given that the Councils policy supports certain forms of development on the site, it is considered that any restrictions from the easement could be overcome in return for an acceptable development which would help deliver the local plan designation. Therefore it is contested that the site is as constrained to the extent as shown by the applicant. Indeed the previous consented scheme as noted above gained consent to site a building fronting the road so this must have been a viable option when this was submitted.

Even if the issue of the easement could not be overcome there would be some room for some built form to be sited at the road frontage which would better respect the existing pattern of built form than current being proposed by providing a strong road frontage.

Finally the applicant also argues that an arrangement on site with the buildings in close proximity to the road with parking to the rear will not work on a commercial basis as customers don't want to park at the rear and wish to see their vehicles during their shop. However the Councils consider that a compromise scheme would be possible with maybe a single building sited closer to the road yet allowing some front parking however this option has not been taken advantage of by the applicant.

As a result the proposal would result in a harmful visual impact on the character/appearance of the area and is considered to be an opportunity missed and would be contrary to design policy SE1 and would severely restrict the ability of the site to meet the objectives of policies LPS1 & S.12.2.

### **Ecology**

#### Statutory Designated Sites

The application site falls within Natural England's SSSI impact risk zones, however the proposed development is not of a type identified by Natural England as triggering the need for NE to be consulted. Therefore the Council's Ecologist advises that no further action in respect of SSSI's is required.

### Bats

A bat survey has been submitted as part of this application. No evidence or potential for roosting bats was recorded during the survey, however the survey focussed on only one of the buildings on site. Based on the location of the proposed development and the nature of the buildings present the Council's Ecologist advises that roosting bats are not reasonably likely to be present or affected by the proposed works, consequently no further bat survey work is required.

### Nesting Birds

If planning permission is granted the Council's Ecology recommends conditions be attached to safeguard nesting birds in the form of an update survey should any demolition works take place between 1<sup>st</sup> March-31<sup>st</sup> August and for the incorporation of features for breeding birds.

The suggested conditions are considered to be reasonable and necessary to mitigate the impact on nesting birds.

### **Flood Risk**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. However as the site is over 1 hectare a Flood Risk Assessment (FRA) is required and one has been submitted with the application.

The FRA has reviewed all sources of flood risk to both the proposed development and to existing adjacent developments as a result of the proposals, including fluvial, tidal, pluvial, groundwater, sewers and flooding from artificial sources.

The primary option for surface water disposal is via attenuation and subsequent connection into the local watercourse, Valley Brook. The discharge rate and point of connection are subject to formal agreement with the Environment Agency and Lead Local Flood Authority.

Foul Water is proposed to be discharged unrestricted to the public foul sewer network situated along Lockitt Street, again this will be subject to agreement with United Utilities.

The development is accessible for emergency access and egress during times of extreme flooding as the flood plain does not extend into the area proposed for development.

The Environment Agency have been consulted as part of the application. They initially raised an objection based on the outline scheme showing development within 8m of the culverted watercourse 'Valley Brook' which runs to the northern boundary of the site. However this objection has since been withdrawn as the culvert is only located within the part of the site to accommodate the outline housing scheme. Therefore they have suggested conditions be attached that the reserved matters application which prevent building over the existing culvert and any buildings in close proximity to be designed to prevent additional loading onto the culvert.



United Utilities have raised no objection to the proposed development subject to conditions regarding foul and surface water drainage. The Councils Flood Risk team have also been consulted who initially objected on the basis of the culvert being built over however amended comments are being sought now that the Environment Agency's initial objection has been removed. These comments will be provided in the update report.

These conditions requested by The Environment Agency and United Utilities are considered both reasonable and necessary and can be added to any decision notice.

Therefore it would appear that any flood risk/drainage issues, could be suitably addressed by planning conditions.

### **Economic/Social**

With regard to the economic role of sustainable development, the proposed development will help to provide new housing with indirect economic benefits to Crewe including additional trade for local shops and businesses, jobs in construction, employment and regeneration from the retail uses (supported statement advises that 75 full time equivalent jobs would be created) and economic benefits to the construction industry supply chain.

### **CIL Regulations**

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

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

The proposal would result in a requirement for the provision of 16 affordable units which would be split on a social rented/intermediate basis. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in the needs for open space to be provided at 65m<sup>2</sup> per family dwelling or £3000 per family dwelling. Therefore a commuted sum will be required for off site provision of Public Open Space specifically for recreational facilities for young people and access improvements in Valley Park.

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

### **OTHER**

The majority of neighbour responses have been addressed in the report above. Concern has been raised regarding Asbestos on the site however this is not controlled through planning legislation. A comment was made that the proposal should fund a new bus route however no justification exists to request this. A comment was also made that the retail element should have a green roof however the Council has to consider the application as submitted. Finally concern was raised that the development would limit the

Councils ability to implement the master plan for the site. Unfortunately the master plan only carries very limited weight as it is only an emerging document at this stage.

### **PLANNING BALANCE**

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

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

The proposal is compliant with Cheshire East Local Plan Policy LPS1 & Saved Crewe and Nantwich Local Plan Policy S12.2 in terms of pure land use as it seeks to provide retail and housing. However the proposal does not comply with the more specific policy requirements of Policy LPS1 in providing a high quality development.

The benefits of the proposal would be the regeneration of this current derelict/brownfield site, the boost to the economy and job creation through the retail element, the provision of open market and affordable housing and the limited economic benefits during construction.

The development would have a neutral impact upon, trees, ecology, flooding, living conditions, design contaminated land.

The dis-benefits would be the poor design which would not make any reference to the existing character/appearance of the area, does not reflect the railway heritage, does not provide adequate green spaces and would not provide safe/adequate pedestrian and cycle links to the railway and town centre.

Applying the tests within paragraph 14 it is not considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development does not constitute sustainable development and should therefore be refused.

### **RECOMMENDATION:**

Refuse for the following reason:

The proposed development by reason of design and siting away from the road frontage would be contrary to the existing pattern of development, would not reflect Crewe’s railway heritage, would not provide adequate green spaces and would not provide safe/adequate pedestrian and cycle links to the railway and town centre. The proposal would therefore fail to provide a high quality or attractive environment and would be contrary to Policies SE1, LPS1, SD1, SD2, SE6 of the Cheshire East Local Plan, Saved Policies S12.2 of the Crewe and Nantwich Local Plan, The Cheshire East Design Guide SPD, Crewe Rail Gateway Adopted Development Brief and the NPPF.

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

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

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
  - The numbers, type, tenure and location on the site of the affordable housing provision**
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**
- 2. Provision of public open space contribution of 65m<sup>2</sup> per family dwelling or £3000 per family dwelling for off site provision for recreational facilities for young people and access improvements in Valley Park**



Application No: 17/5999C

Location: 79, UNION STREET, SANDBACH, CHESHIRE, CW11 4BG

Proposal: Retrospective application for change of use from garage services to hand car wash and valeting facility.

Applicant: Mr Artan Kertolli

Expiry Date: 12-Feb-2018

### Summary

The site comprises a former car repair garage within the Settlement Zone Line and Town Centre Boundary of Sandbach where there is a presumption in favour of development.

From an economic sustainability perspective, the scheme will bring economic benefits to Sandbach town centre by virtue of employment it generates and the economic activity the use generates

Whilst there are no social impacts, it can be argued that the occupation of the premises will protect it from future deterioration given its period of vacancy.

The use has commenced during this application's submission and so this proposal is retrospective. It is acknowledged that, whilst the premises are located at the end of a cul-de-sac and that jet washing takes place inside the building, the neighbouring occupiers are sheltered bungalows and during busy times at the weekend there may be queuing outside the premises waiting to be served

From an environmental perspective, given the nature of the use and the availability of another hand car wash on Congleton Road the proposal is considered to be unlikely to generate the level of activity that would be detrimental to local amenities and highway safety

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

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

**RECOMMENDATION:**  
**Approve subject to Conditions**

## **CALL IN**

The application has been called in to Committee by Cllr Sam Corcoran on the following grounds:

*The location is inappropriate and would disturb the amenity of the area. Union Street is a quiet street with sheltered accommodation for the elderly. The increase in traffic generated by the car wash would change the character of the area as would the extra noise and queues of cars waiting to use the car wash.*

## **DESCRIPTION OF SITE AND CONTEXT**

The application site is a former vehicle repair workshop building with associated hardstanding area located at the east end of Union Street in Sandbach, to the south of the town centre. The site is within the settlement zone line as designated in the Congleton Borough Local Plan First Review (2005).

The site is bordered to the east by the Homebase store and on all other sides by residential properties. Bungalows along Union Street are occupied by elderly residents. The road is a dead end.

## **DETAILS OF PROPOSAL**

The application is for retrospective planning permission to change the use of the site for use as a hand car wash and valeting business, and install a container unit site cabin at the south edge of the site. Hand car-washing would be undertaken inside the main building, with valeting work undertaken to cars on the hardstanding area. The application indicates that customer cars would queue on the property before being serviced. The application notes intended hours of operation as Monday-Saturday 9-5pm and Sundays and Bank Holidays 11-4pm.

The hand car-wash business was previously in operation on the adjacent car park of the Homebase store. The use of the current site commenced on 15<sup>th</sup> November 2017. This application is therefore retrospective

## **RELEVANT HISTORY**

17/6000C – Advertisement consent for 1 fascia sign. Currently under determination.

13714/3 - PROPOSED WORKSHOP FOR THE REPAIR OF MOTOR VEHICLES. Approved with conditions, 09-Feb-1982

## **POLICIES**

### **National Policy**

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

- 14 - Presumption in favour of sustainable development
- 18-22 - Building a strong, competitive economy
- 23 - Ensuring the vitality of town centres
- 56-68 - Requiring good design
- 123 – Noise and amenity



## **Local Plan Policy**

GR6-7 - Amenity and Health

GR9 - Accessibility, Servicing and Provision of Parking

GR17 - Car Parking

GR18 - Traffic Generation

DP2 - Housing Sites

## **Cheshire East Local Plan Strategy**

MP1 - Presumption in favour of sustainable development

PG2 - Settlement Hierarchy

SD1 - Sustainable Development in Cheshire East,

SD2 - Sustainable Development Principles,

EG1 - Economic Prosperity

EG3 – Existing and Allocated Employment Sites

EG5 - Promoting a Town Centre First Approach to Retail and Commerce

SE1 – Design

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

**Highways** - The proposal will not generate a significant number of vehicle trips and the site can cater for a small number of vehicles parking at any given time. Given this and the highways impact of the existing use, the net highways implications will be minimal and no objection is raised with the informative that a S184 licence to create the new vehicle crossing will be required.

**Flood Risk Management** – No objection

**Environmental Health** – No objection

**Sandbach Town Council - Object** - will affect the amenities of a vulnerable section of the population living in close proximity to the proposed facility. The applicant documented the concerns of neighbours but did not address them within the application. The intermittent noise generated by the cleaning and valeting process, as well as the potential parking and traffic issues for existing neighbours which could be caused on this narrow section of Union Street. As a result, this application is in contravention of policies GR6 and GR7 within the retained policies of the Congleton Borough Council Local Plan.

## **OTHER REPRESENTATIONS**

38 public comments were received, comprising three supporting comments with the remaining 35 in objection, including 23 duplicate letters from residents of Union Street.

**Objections and Observations related to:** Almost all objections raised concern about congestion, pedestrian safety and noise and pollution arising from additional vehicles accessing the site and forming queues along Union Street, particularly with reference to the elderly and vulnerable nature of residents along the street and the frequency of ambulances and care visitors arriving at properties along the street, and the use of Flat Lane as a popular pedestrian route into the town centre.

Concerns were also raised about the amenity effect of the operation of the car wash equipment, arising from noise, smells, water spray and cleaning chemicals. Objectors also noted existing issues with car parking and vehicle movements on Union Street. An adjoining neighbour to the immediate south of the site raised concerns about the effect of the site cabin and site flood lights (the latter not included in the application) on their amenity.

**Supporting notes:** Supporting comments noted the view that Union Street can accommodate the additional vehicles.

In addition, the applicant submitted around 340 supportive comments from customers. None of the comments related to the planning merits of the scheme.

### SUSTAINABILITY

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

### ENVIRONMENTAL ROLE

#### Principal of Development



The site is located within the Settlement Zone Line of Sandbach, where there is a presumption in favour of development. The existing use is well established, and proposed change of use is considered to be an appropriate re-use of the site and an appropriate commercial development within the settlement boundary. The principle of development is therefore considered to be acceptable, subject to other planning considerations.

### **Amenity**

Saved policy GR6 notes that development should not be permitted where it will have an unduly detrimental effect on residential amenity, including in terms of visual intrusion, environmental disturbance or pollution, or traffic generation, access and parking.

While it is likely that visitor levels associated with the development would be noticeably higher than with the most recent use of the site, it is not clear whether this increase will be so significant that the development would be unduly detrimental, in terms of noise, pollution or traffic generation.

The applicant's agent has submitted a brief note on the expected levels of customer visitors, which is appropriate given the scale of the operation. It is noted that the CE Environmental Protection have raised no concerns about the proposed development in terms of noise, vibration or other nuisance issues. It should also be borne in mind that the lawful use of the commercial premises is a car repair garage which itself would be uncontrolled in terms of hours of operation or the queuing of traffic on the street at busy times.

The Strategic Highways Manager, since the site is located at the end of a no through road, also raises no concerns in respect of highway congestion or safety.

It is not considered that the proposed development would result in any harm to amenity in terms of visual intrusion, loss of light or loss of privacy. The site cabin placed adjacent to the boundary with residences to the south is not of a scale that it would cause harmful visual intrusion or overshadowing. A neighbouring occupant has made reference to intrusive lighting in use at the site, however no lighting details were submitted with the application and should permission be granted such details would need further approval.

### **Highways Implications**

CEC Highways have raised no concerns in terms of the capacity of the site to accommodate customer vehicles, or in terms of congestion or highways safety. However, given the particular nature of the surrounding residential area, and the uncertainty in relation to potential customer numbers, it is considered that there is potential for some localised congestion arising from the proposed development. It is again suggested that a temporary permission would allow for consideration of the highways impact of the scheme.

### **Design**

Given the minimal new physical development proposed, the proposal is not considered to raise significant design issues. The new site cabin is considered to be appropriate in appearance given the commercial nature of the site and its existing character. The new fascia signs are included in this application but will be subject to separate advertisement consent approval.

### **Environmental Role Conclusion**

As noted, it is considered that there the proposed development would have the potential to cause harm to amenity and highways safety such that the development may fail to accord with relevant

policies concerning these matters. However, given the uncertainty surrounding these issues it is not possible to make a more certain determination as to the environmental aspect of sustainability.

In many respects, given the nature of the operation and the tucked away location of the site, it is not possible to reach a definitive conclusion as to the amenity implications for neighbours.

The use has only recently commenced and the Christmas period is unlikely to be representative of the whole year. In the absence of more certainty about the likely impact of customer visits on highway safety and residential amenity along Union Street, it is recommended that permission be granted on a temporary basis for 12 months to allow for consideration of the effects of the proposal on the amenity of the neighbouring residents in the light of experience.

### **ECONOMIC ROLE**

The proposed development would protect existing local employment opportunities by allowing for the continued operation of an existing business providing 11 full-time equivalent jobs.

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

### **SOCIAL ROLE**

The proposal is considered neutral in social terms.

### **PLANNING BALANCE**

The site is within the Settlement Zone Line of Sandbach, where there is a presumption in favour of development. From an economic sustainability perspective, the scheme will allow for the retention of an existing business, protecting economic benefits for Sandbach.

From an environmental and social perspective, it is considered that proposal has the potential to be acceptable in its impact upon local amenities, highway safety, and traffic generation. However, it has not been possible to assess the development in these terms with greater certainty.

The proposal is considered to be a potentially sustainable form of development which, subject to a temporary period of operation for further consideration, could comply with the relevant local plan policies and would not necessarily compromise key sustainability principles as set out in national planning policy.

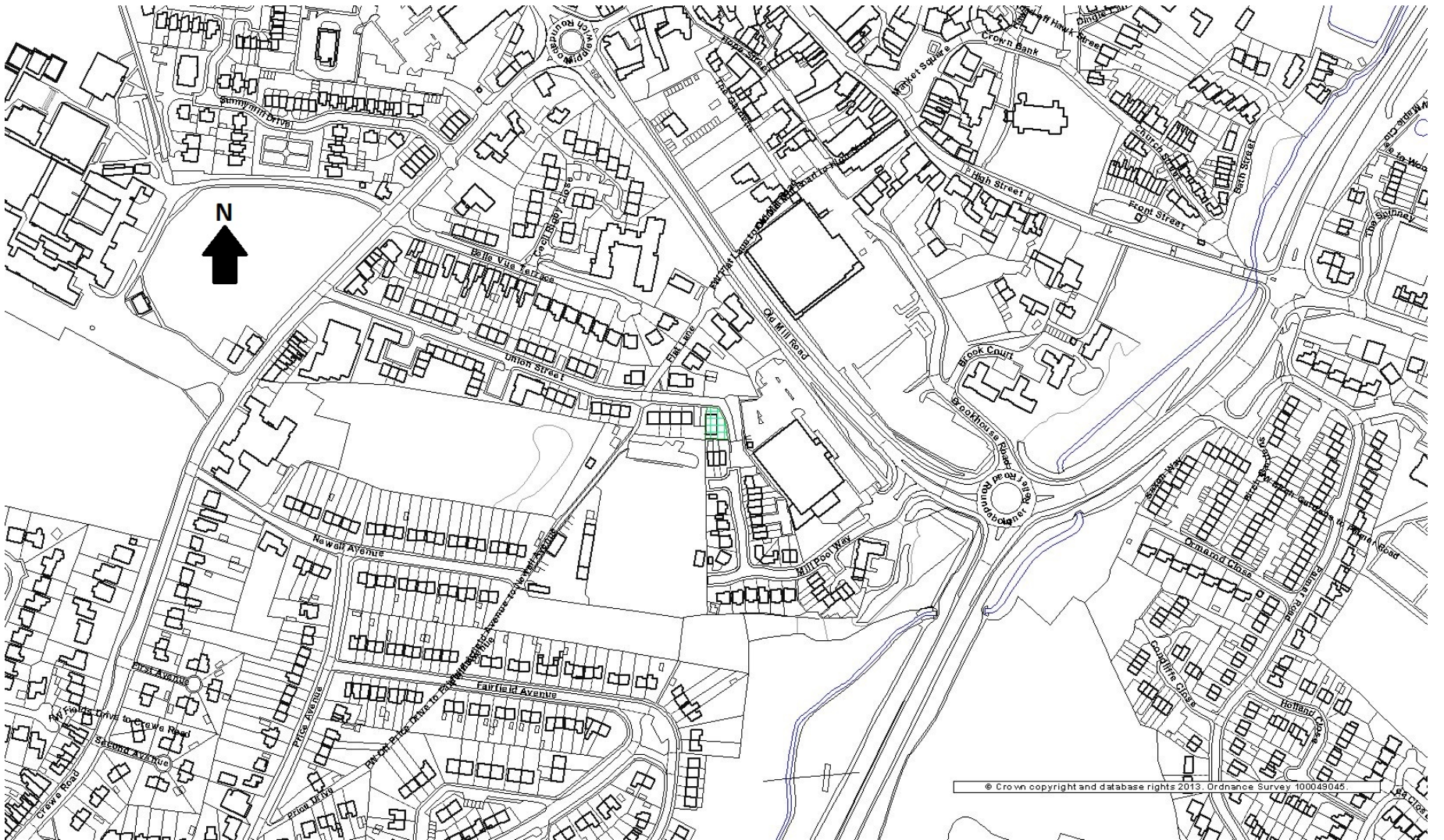
Therefore there is a presumption in favour of the development and accordingly it is recommended for temporary approval, subject to conditions.

### **RECOMMENDATIONS**

**APPROVE** subject to the following conditions:

1. Temporary permission – 12 months
2. Approved Plans
3. Hours of operation
4. Submission and approval of lighting details

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



Application No: 17/5170C

Location: Land South Of, DRAGONS LANE, MOSTON

Proposal: Variation of condition 3 on 12/0971C - The use of land for the stationing of caravans for residential purposes for 4 no. gypsy pitches together with the formation of additional hard standing and utility/ dayrooms ancillary to that use.

Applicant: Mr Martin Smith

Expiry Date: 06-Dec-2017

## SUMMARY

Planning permission is sought to remove condition 3 of application 12/0971C which restricts the site to a personal permission and a temporary permission.

The site was approved by the Planning Inspectorate for a temporary period of 5 years, until February 2019. The Inspector considered that the site is in a rural location which is unsustainable however the absence of a 5 year supply was weighted in the balance. Having regard to the rural location of the site, the distance from facilities and the absence of public transport the site is not considered to be in a sustainable location. This would have some adverse implications in terms of use of natural resources and movement towards a low carbon economy. In addition, there will be a limited adverse impact upon the character and appearance of this rural area to the same extent as there is for the existing development. The impacts from this proposal will of course be permanent. There is therefore conflict with the environmental role of sustainable development as set out in the Framework.

Balanced against this is the significant identified need for accommodation for gypsies and travellers in the Borough and the lack of available alternatives. A total of 69 additional plots are required within the Borough for the period to 2028. Whilst 37 additional permanent pitches have been granted planning permission since the publication of the GTTSAA, they are not currently available to the applicant, and substantial weight should still be attached to this unmet need in favour of the application.

Alongside this the Council's site identification study rejects the application site as a potential site for additional provision noting that it would have an unacceptable impact upon landscape character. However, there are currently no alternative sites that are available to the applicants or any other gypsy or travellers. The lack of any alternative site now and at least for the immediate future also carries significant weight in favour of the proposal.

At the time of the original application, the Inspector concluded that the harm to the character and appearance of the countryside was sufficient to justify the refusal of a permanent planning permission. He also noted that policy H of the PPTS states that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.

The PPTS was revised in August 2015 and now policy H states that "Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan." The word "very" has now been inserted before "strictly limit" presumably to increase the protection given to open countryside locations, such as the application site. Since the adoption of the CELPS the identified need has been quantified, however additional sites will not be allocated until the Site Allocations and Development Policies Document of the local plan is adopted, and therefore there remains a significant unmet need for gypsy and traveller pitches.

The Inspector found that the identified harm must be balanced against the substantial current need for gypsy and traveller pitches in Cheshire East and the lack of alternative accommodation available to the appellant and his family. Due to the fact that it is likely that new pitches will become available through the development plan process, the Inspector considered that permission for a temporary period of five years was appropriate.

The temporary permission was granted in February 2014 and runs until February 2019. The permission therefore still has around a year. At this time it is expected that the first draft of the Site Allocations and Development Policies Document will be published for consultation in the first half of 2018. It is therefore

unlikely to be adopted before the permission expires. It is therefore considered adding an additional 2 years to the permission (3 years in total) would allow sufficient time for a suitable site to come forward for permanent use, through the Plan led process.

Turning to the occupancy of the site being restricted to the identified family members; the Inspector stated that the temporary period of 5 years would cater for the appellant's short term need and provide the Council reasonable time to deliver site allocations. However, in the Inspector's decision letter under the heading "*Need & Personal Circumstances*", all that is said about the appellant's needs is "*It is clear that, as a gypsy, the appellant is disadvantaged by the unmet need and that significant weight should be attached to the accommodation needs of the appellant and his family.*" Furthermore, when considering the location of the site, the Inspector noted, "*Although it was claimed at the Inquiry that members of the family had a need*

*for regular medical attention, no evidence of substance was provided to substantiate this or to indicate that the appellant's family has any specific need to be accommodated on the appeal site specifically to access health, educational or other services, although at the time of the Hearing the appellant's son and daughter-in-law were expecting the birth of their first child.*"

These circumstances could therefore apply to any gypsy or traveller and not just the applicant and his family. There was little or no evidence presented at the appeal to show a specific need for the applicant to be located on the application site, and therefore it is considered that less weight should be afforded to the personal needs of the applicant compared to the significant unmet need in general for gypsy and traveller sites within the Borough. Indeed, the Inspector on the adjacent site concluded along similar lines, the general need outweighed the harm to the character and appearance of the area and the unsustainable location, and the appellant's needs in that case just added more weight in favour of the proposal. In summary, it is not considered to be the personal circumstances of the applicant that justify the granting of a temporary permission in this case. It is therefore considered that the condition 3 should be varied to allow occupation of the site by any gypsy / traveller.

## **SUMMARY RECOMMENDATION**

**Temporary approval subject to conditions**

## **REASON FOR REFERRAL**

This size of planning application would usually be determined under delegated powers, however this application has been called in Southern Planning committee by Cllr Wray for the following reasons.

*'Upon request of Moston P C because of considerable public concern and interest should the application be recommended for approval, and that the original condition remains.'*

## **PROPOSAL**

The application seeks permission to vary condition 3 of permission 12/0971C, which states,

*The use hereby permitted shall be carried on only by the following: Martin and Martina Smith; James Dean and Scarlet Smith; Emmanuel Smith; and Violet and Charlene Smith, and their respective resident dependants, and shall be for a limited period being the period of 5 years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.*

The application therefore seeks to make the permission permanent and allow occupation by any gypsy / travellers, not just those listed in the condition.

## **SITE DESCRIPTION**

The application site is situated wholly within the open countryside as defined by saved Policy PS8 (Open Countryside) of the Congleton Borough Local Plan 2005, and Policy PG6 of the Cheshire East Local Plan Strategy. The site comprises an area of hardstanding upon which there are four gypsy pitches with associated caravans and vehicles.

## **RELEVANT HISTORY**

12/0971C – The use of land for the stationing of caravans for residential purposes for 4 no. gypsy pitches together with the formation of additional hard standing and utility/ dayrooms ancillary to that use. – Refused 19<sup>th</sup> June 2012. Appeal allowed for temporary period 13<sup>th</sup> February 2014

12/3603C – The use of land for the stationing of caravans for residential purposes for 4 no. gypsy pitches together with the formation of additional hard standing and utility/ dayrooms ancillary to that use. – Refused 8<sup>th</sup> January 2013

14/1853D – Discharge of condition 4 (cessation of occupation or expiry of planning permission), 6 (site layout) and 9 (water drainage) attached to planning application 12/0971C – approved 18<sup>th</sup> July 2014

15/5579C - Removal of condition 3 on application 12/0971C to make permission permanent and remove limitation on occupancy to named persons – Refused 13<sup>th</sup> September 2016

## **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 while respecting the interests of the settled community.

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

SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
SE1 Design  
SE2 Efficient Use of Land  
SE4 The Landscape  
SC7 Gypsies and Travellers and Travelling Showpeople  
CO1 Sustainable Travel and Transport  
CO4 Travel Plans and Transport Assessments  
PG6 Open Countryside  
IN 1 Infrastructure

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

The relevant Saved Policies are:

GR6 (Amenity and Health)  
GR7 (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:**

**Strategic Infrastructure Manager** – No objections

**Cheshire Brine** – No objections

**National Grid** – No Objections

**Environmental Protection** – No objections subject to informatives for construction hours and land contamination.

**Moston Parish Council** – Object to the proposal for the following reasons;

- Impact on the open countryside in unsustainable location
- Contrary to Local Plan policy PG6 and saved policies H8, GR1 and GR2 of the Congleton Borough Local Plan, NPPF and Planning Policy for Traveller Sites.

- In principle object to permanent use of the site
- Peter Brett Associates report, Gypsy, Traveller and Travelling Showpeople: Site Identification Study – states the site is unsuitable as a location for permanent or any additional development.
- Personal permission was attached by the Inspector and should be maintained, as the site was approved under the special circumstances of the Smith Family
- No objection to a further temporary permission given the current unmet need in the area.

(a full copy of the objection is available to view on the planning website)

### REPRESENTATIONS

Approximately 25 letters of representation have been received, objecting to the proposal on the following grounds:

- The site currently has temporary permission until February 2019
- This is the second application for the same development, previously refused in June 2016 by the Southern Planning Committee on the grounds, *'There has been no material change in circumstances since the original appeal decision, in the absence of Condition 3, the proposal would introduce permanent development outside areas allocated in the development plan contrary to PPTS paragraph 23 and result in harm to the character and appearance of the open countryside'*
- There has been no material change in circumstance since the last refusal
- Approval would set a precedence for further permanent pitched on the site,
- Development is contrary to Policy PG 6 and SC7 of the Cheshire East Local Plan Strategy,
- The site is unsustainable development in the open countryside,
- Impact on listed buildings on Plant Lane,
- The conditions of the permission are not being adhered to and more than the approved number of caravans have been on site
- The Gypsy, Traveller and Travelling Showpeople: Site Identification Study – states the site is unsuitable as a location for permanent or any additional development.
- Part 2 of the Cheshire East Local Plan will identify suitable and sustainable sites for Gypsy and Travellers,
- Permanent permission would have a urbanising affect on the area,
- The accumulation of sites in the area amounts to unacceptable residential development within the open countryside.
- Safety concerns given the proximity to the Gas Pipeline, and lack of a risk assessment of the development

### APPRAISAL

#### Principle of Development

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), are acceptable in principle for gypsy and traveller caravan sites.

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. An application for the same proposal was refused by the Southern Planning Committee in 2015. Since that decision the Authority have adopted the Cheshire East Local Plan Strategy which has identified the need in Policy SC7, however have not yet allocated future sites, this will be carried out as part of the Site Allocations and Development Policies Document plan.

### 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 was completed in March 2014. In Cheshire East, the assessment identified an overall need for permanent residential pitches.

The existing identified need for Cheshire East is for 32 pitches between 2013-2018 (5-years), a further 17 pitches between 2018-2023 (10 years) and a further 20 pitches between 2023-2028 (15 years), brining the total need to 64 pitches.

With regards to addressing this identified need;

- 24 Pitches have been granted at Booth Lane, Middlewich;
- 4 pitches approved at Land East of Goby Road, Crewe;
- 4 pitches at The Oaks, Smallwood;
- 9 transit pitches and 1 permanent pitch – council transit site
- 4 pitches have been granted at Betchton Gardens, Betchton

This brings the total approvals within the above timeframe to; 37 pitches. This meets the 5-year need to 2018, however, their remains a need for a further 27 pitches up to 2028, which the application proposal would help to meet.

### Site Identification Study

Peter Brett Associates were appointed by the Council to carry out research to identify gypsy, traveller and travelling showpersons sites across the Borough. Sites have been assessed to determine if they are suitable, available and achievable. It is intended that the results of the study will be used to inform the development of relevant policies and allocations and to guide the consideration of planning applications.

It should be clarified that the site identification study does not allocate land for the proposed use, or confirm the acceptability in planning terms of the identified sites. It simply serves to highlight options available to the Council to meet the identified need for accommodation for gypsies, travellers and travelling showpeople within the Borough.

In terms of the application site, the Peter Brett report rejects the site as an option for permanent development stating that: *'The site would have an unacceptable impact on landscape character'*.

### **Sustainability**

The PPTS (August 2015) states that travellers sites should be sustainable economically, socially and environmentally and states that Local Authority planning policies should;

- a) Promote peaceful and integrated co-existence between the site and the local community;
- b) Promote, in collaboration with commissioners of health services, access to appropriate health services;
- c) Ensure that children can attend school on a regular basis;
- d) Provide a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised encampment
- e) Provide proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well being of any travellers that may locate there or on others as a result of new development;
- f) Avoid placing undue pressure on local infrastructure and services;
- g) Do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans;
- h) Reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability

The PPTS has an intention, amongst other things, to create and support sustainable, respectful and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education and health and welfare provision. The document clearly acknowledges that *'Local Planning Authorities should very strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated within the development plan'* (paragraph 25). However, it does not state that gypsy/traveller sites cannot be located within the Open Countryside.

The document makes it clear that sustainability is important and should not only be considered in terms of transport mode and distance from services, but other factors such as economic and social considerations are important material considerations. It is considered that authorised sites assist in the promotion of peaceful and integrated co-existence between the site and the local community. A settled base ensures easier access to a GP and other health services and that any children are able to attend school on a regular basis. It is widely recognised that gypsies and travellers are believed to experience the worst health and education status of any disadvantaged group. In addition, a settled base can result in a reduction in the need for long distance travelling and the possible environmental damage caused by unauthorised encampment. Furthermore, the application site should not be located in

an area at high risk of flooding. These are all matters to be considered in the round when considering issues of sustainability.

The Inspectors who considered the appeals on this site and the adjacent site identified that most facilities are beyond the 1.6kms specified in the local plan (which was specified in Policy H8 of CBLP – now deleted), however, that most journeys to and from the site would be by private car, but that these journeys would be relatively short and limited in number. Policy SC7 of the CELPS does not specify a distance but states that in considering applications, ‘(i) Proximity of the site to local services and facilities’ should be taken account of.

As such, overall it is considered that the site is in an unsustainable location.

### **Impact on the Character and Appearance of the Open Countryside**

There is a very strict limitation on new traveller site development in the open countryside that is away from existing settlements identified in Policy H of the PPTS (para 25).

Paragraph 26 of the PPTS requires local authorities to attach weight to the following matters:

- a) Effective use of previously developed (brownfield), untidy or derelict land;
- b) Sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
- c) Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
- d) Not enclosing with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

In his decision letter, when granting the original permission on this site, the Inspector identified *“the introduction of 4 residential pitches would introduce development outside areas allocated in the development plan, contrary to PPTS paragraph 23 and undermining the effectiveness of policies aimed at protecting the Countryside”*.

Limited harm to the character and appearance of the countryside has resulted from the presence of the four pitches, which would remain in the event that the permission was made permanent. There would therefore still be some conflict with the local plan and national policy in the PPTS and NPPF. Given the nature of the Moston area, a dispersed settlement of individual and small groups of dwellings, the proposed development would form another small group of dwellings which would not dominate the settled community. This approach and identification of harm to the character and appearance of the countryside is consistent with previous Inspectors who have considered previous applications on this field. There would not be any further harm to the character and appearance of the area if the site was occupied by any gypsy or traveller rather than those named in condition 3.

### **Amenity**

Saved 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.

No significant impact upon the living conditions of neighbours were identified at the time of the previous appeal, and no further amenity issues are raised with this proposal. The development is therefore considered to comply with policy GR6 of the local plan.

With regards to environmental disturbance, the Council's Environmental Protection Officer has reviewed the proposal and advised that they have no objections to the proposed development.

### **Highway Safety**

The Strategic Infrastructure Manager notes that this application is proposed to vary condition 3 to allow a permanent use of the site for use gypsy pitches. As there is no change the amount of pitches on the site, the highway impact remains the same and as the site has operated without undue problems during the existing consent there are no objections to the variation.

Accordingly, the Strategic Infrastructure Manager has no objection to the planning application.

As such, no objections on highway safety grounds are raised.

### **HUMAN RIGHTS AND SAFEGUARDING CHILDREN**

Local Planning Authorities should consider the consequences of refusing or granting planning permission, or taking enforcement action, on the rights of the individuals concerned. Article 8 of the Human Rights Act 1998 states that everyone has the right to respect for his private and family life, his home and his correspondence. It adds there shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals or the protection of the rights and freedoms of others.

Local Planning Authorities also have a duty to safeguard and promote the welfare of children under section 11 of the Children's Act 2004. In addition, the judgment of the Supreme Court in ZH (Tanzania) was that all local authorities are under a duty to consider the best interests of the children.

Section 11 of the Act states that Local Authorities must have regard to the need to safeguard and promote the welfare of children.

Further, Article 14 of the Human Rights Act states that the enjoyment of the rights and freedoms set forth in that Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Furthermore, the Planning Authority is required, under section 149 of the Public Sector Equality Act 2010, in the exercise of its functions, to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The protected characteristics include:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

The duty to have regard to the three aims listed above applies not only to general formulation of policy but to decisions made in applying policy in individual cases.

Based on the information provided, no significant issues are raised in this regard.

### **THIRD PARTY COMMENTS**

With regard to the comments received in representation, not addressed above, the proposal does not raise any additional health and safety issues relating to the gas pipeline to the east of the site beyond those on the existing permission.

### **PLANNING BALANCE AND CONCLUSION**

Having regard to the rural location of the site, the distance from facilities and the absence of public transport the site is not considered to be in a sustainable location. This would have some adverse implications in terms of use of natural resources and movement towards a low carbon economy. In addition, there will be a limited adverse impact upon the character and appearance of this rural area to the same extent as there is for the existing development. The impacts from this proposal will of course be permanent. There is therefore conflict with the environmental role of sustainable development as set out in the Framework.

Balanced against this is the significant identified need for accommodation for gypsies and travellers in the Borough and the lack of available alternatives. A total of 69 additional plots are required within the Borough for the period to 2028. Whilst 37 additional permanent pitches have been granted planning permission since the publication of the GTTSAA, they are not currently available to the applicant, and substantial weight should still be attached to this unmet need in favour of the application.

Alongside this the Council's site identification study rejects the application site as a potential site for additional provision noting that it would have an unacceptable impact upon landscape character. However, there are currently no alternative sites that are available to the applicants or any other gypsy or travellers. The lack of any alternative site now and at least for the immediate future also carries significant weight in favour of the proposal.

At the time of the original application, the Inspector concluded that the harm to the character and appearance of the countryside was sufficient to justify the refusal of a permanent planning permission. He also noted that policy H of the PPTS states that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.

The word "very" has now been inserted before "strictly limit" in the PPTS presumably to increase the protection given to open countryside locations, such as the application site. Since the adoption of the CELPS the identified need has been quantified, however additional sites will not be allocated until SADPD of the local plan is adopted, and therefore there remains a significant unmet need for gypsy and traveller pitches.

The Inspector found that the identified harm must be balanced against the substantial current need for gypsy and traveller pitches in Cheshire East and the lack of alternative accommodation available to the appellant and his family. Due to the fact that it is likely that new pitches will become available through the development plan process, the Inspector considered that permission for a temporary period of five years was appropriate.

The temporary permission was granted in February 2014 and runs until February 2019. The permission therefore still has around a year left. At this time it is expected that the first draft of the Site Allocations and Development Policies Document will be published for consultation in the first half of 2018. It is therefore unlikely to be adopted before the current temporary permission expires. It is therefore considered that adding an additional 2 years to the permission (3 years in total) would allow sufficient time for a suitable site to come forward for permanent use within the SADPD.

Turning to the occupancy of the site being restricted to the identified family members; the Inspector stated that the temporary period of 5 years would cater for the appellant's short term need and provide the Council reasonable time to deliver site allocations. However, in the Inspector's decision letter under the heading "*Need & Personal Circumstances*", all that is said about the appellant's needs is "*It is clear that, as a gypsy, the appellant is disadvantaged by the unmet need and that significant weight should be attached to the accommodation needs of the appellant and his family.*" Furthermore, when considering the location of the site, the Inspector noted, "*Although it was claimed at the Inquiry that members of the family had a need*

*for regular medical attention, no evidence of substance was provided to substantiate this or to indicate that the appellant's family has any specific need to be accommodated on the appeal site specifically to access health, educational or other services, although at the time of the Hearing the appellant's son and daughter-in-law were expecting the birth of their first child.*"

These circumstances could therefore apply to any gypsy or traveller and not just the applicant and his family. There was little or no evidence presented at the appeal to show a specific need for the applicant to be located on the application site, and therefore it is considered that



less weight should be afforded to the personal needs of the applicant compared to the significant unmet need in general for gypsy and traveller sites within the Borough. Indeed, the Inspector on the adjacent site concluded along similar lines, the general need outweighed the harm to the character and appearance of the area and the unsustainable location, and the appellant's needs in that case just added more weight in favour of the proposal. In summary, it is not considered to be the personal circumstances of the applicant that justify the granting of a temporary permission in this case.

It is therefore considered that the condition 3 should be varied to allow occupation of the site by any gypsy / traveller, and the temporary time frame retained but extended to 13<sup>th</sup> February 2021.

### **RECOMMENDATION**

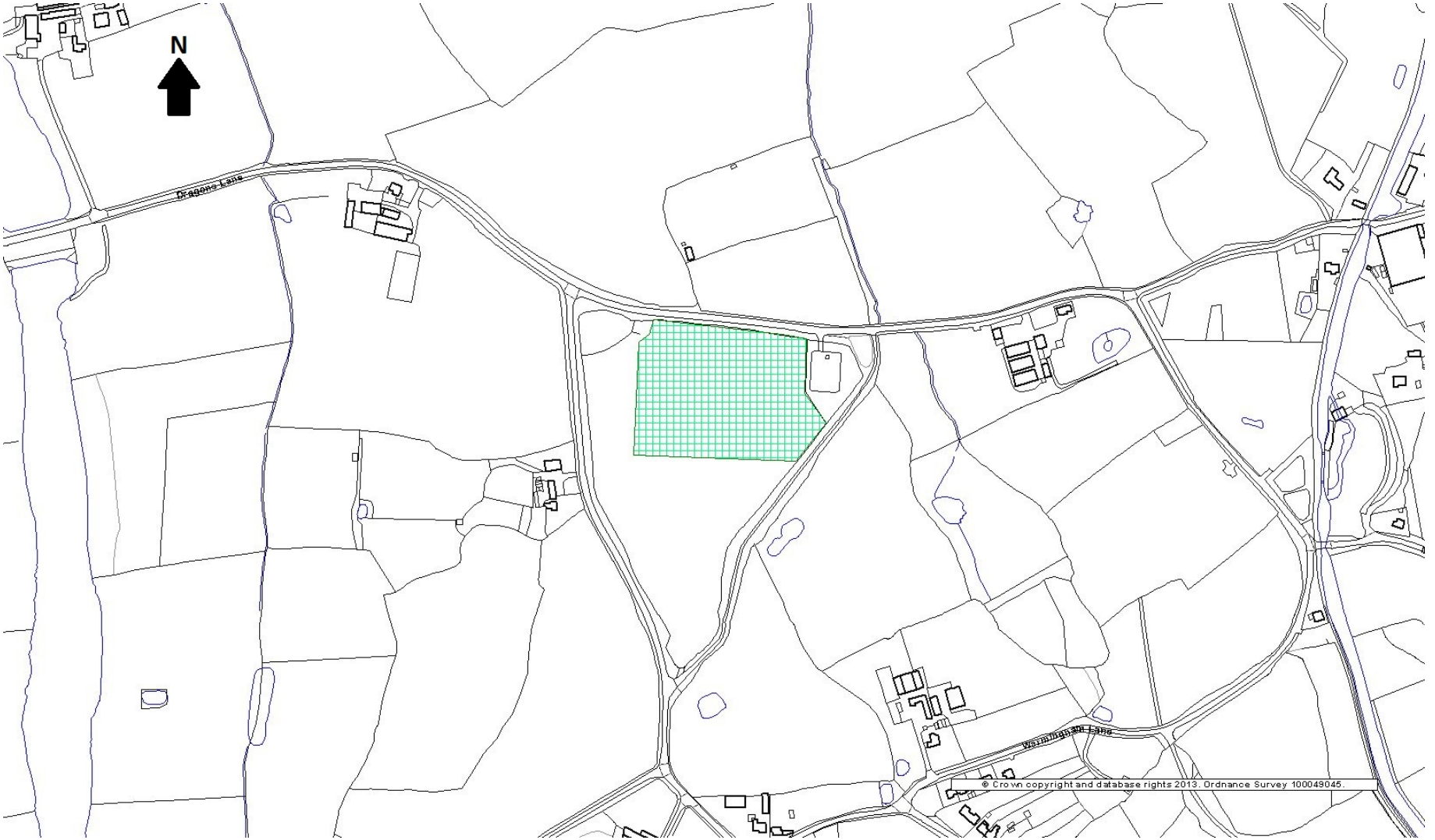
**It is recommended that the temporary permission remains, but extended until 13<sup>th</sup> February 2021, and that the restriction on occupation of the site by named family members is removed. Condition 3 should therefore be varied to:**

- 3. *The use of the land as a residential caravan site shall be discontinued and the land restored to its former condition on or before 13 February 2021, in accordance with a scheme of work first submitted to and approved in writing by the local planning authority.***

### **APPROVED WITH CONDITIONS;**

- 1. The site shall not be occupied by any persons other than gypsies and travellers as defined by the Planning Policy for Traveller Sites**
- 2. Temporary permission until 13<sup>th</sup> February 2021**
- 3. Approved plans**
- 4. All details of the gates, hard and soft landscaping, utility blocks, external surfaces and roofs of any buildings shall be maintained in accordance with 14/1853D**
- 5. Removal of Permitted Development for fences, gates or walls other than those expressly authorised by this permission shall be constructed,**
- 6. No more than 4 pitches on the site and on each site the 4 pitches hereby approved no more than 2 caravans.**
- 7. No commercial activities shall take place on the land, including the storage of materials**
- 8. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site**

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



## CHESHIRE EAST COUNCIL

### SOUTHERN PLANNING COMMITTEE

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**Date:** 7 February 2018  
**Report of:** David Malcolm: Head of Planning (Regulation)  
**Title:** Planning Appeals Report

#### **1.0 Purpose of Report**

- 1.1 To summarise the outcome of Planning Appeals that have been decided between 1<sup>st</sup> October 2017 and 31<sup>st</sup> December 2017. The report provides information that should help measure and improve the Council's quality of decision making in respect of planning applications.

#### **2.0 Decision Required**

- 2.1 That the report be noted.

#### **3.0 Background**

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

#### **4.0 Commentary on Appeal Statistics**

- 4.1 The statistics on planning appeals for year to date are set out in Appendix 1. A full list of the appeals for the third quarter (Q3) is set out in Appendix 2.

- 4.2 The statistics in Appendix 1 are set into different components to enable key trends to be identified:
- Overall performance;
  - Performance by type of appeal procedure;
  - Performance on delegated decisions;
  - Performance on committee decisions;
  - Overall numbers of appeals lodged;
  - Benchmarking nationally.
- 4.3 The overall number of appeals lodged has remained consistent and averages out at approximately 120 planning appeals annually. It was previously reported that the number of appeals lodged was falling in the last quarter, however this was due to delays in the appeals being registered with the Council, not in the number of submissions reducing. 120 appeals annually represent approximately 2.5% of all planning decisions that the Council makes. At present, approximately 1 in 4 decisions to refuse planning permission will result in a planning appeal.
- 4.4 In terms of the outcomes of the appeals decided, more have been allowed than would be expected against a national average (with the exception of householder appeals). Overall, in the year to date, 36% of appeals have been allowed against a national average of 31%. However, the overall performance this quarter has been very strong, with **only 17% of all appeals allowed**.
- 4.5 The outcomes for the third quarter have been better than the national average for Public Inquiries, Hearings, Written Representations and Householder Fast-track Appeals.
- 4.6 In respect of Householder Appeals, only 7% were allowed compared to the national average for the previous quarter of 40%.
- 4.7 Only 10% of appeals against delegated decisions were allowed in the quarter, taking the yearly average down to 22% - which is well below the national average of 31%
- 4.8 Appeals against committee decisions have been less favourable, although the outcomes have improved in the latest quarter. Overall 64% of appeals made against committee decisions have been allowed. In the third quarter this has reduced to 43%, but it is notable that all of the 3 appeals allowed were decisions made against officer recommendation.
- 4.9 For the year to date 17 appeals have been allowed following decisions to refuse planning applications contrary to officer recommendation. When a committee has made a decision contrary to officer recommendation and the decision has been appealed, the development has been allowed in 71% of those cases.

- 4.10 Appendix 2 illustrates that one refusal of planning permission against officer recommendation was successfully defended by the Council at appeal. However, the overwhelming majority of decisions where officer recommendations were overturned have resulted in the appeal being allowed. These figures continue to emphasise that a decision contrary to officer recommendation based on empirical evidence and good planning grounds may be defended, but too often decisions are made contrary to officer advice without good reason and with insufficient evidence. The total of 24 appeals over the period against decisions made contrary to officer advice should be considered too many in itself.
- 4.11 It should be noted that, due to the timescales of the appeals process, these figures will reflect committee decisions made prior to the last 3 months at the very latest.
- 4.12 It should also be emphasised that the appeal process runs to very strict procedural guidelines. Deadlines for appeal statements, site visits, hearing and Inquiries are fixed. A high volume of appeals places a significant burden on the planning department and it is good practice to work to reduce the number of appeals received.

## **5.0 Commentary on Appeal Decisions**

- 5.1 This section summaries several appeal decisions that have implications for the Council. All of the decisions have importance for different reasons but due to the volume of decisions only a few are selected for comment in this report. Although one of the appeals referred to falls outside of the reporting period, it is referred to as it potential raises important issues for decision making.
- 5.2 The Council is now beginning to receive appeal decisions since the adoption of the Cheshire East Local Plan Strategy. Whilst the early decisions confirmed the Council's definitive position of being able to demonstrate a five year supply of housing land, this position has been challenged via recent planning appeals at Public Inquiry.
- 5.3 On 8 November 2017, an appeal against the decision of the Council to refuse outline planning permission for up to 400 homes at White Moss Quarry, Alsager (WMQ) was dismissed due to the scheme's conflict with the Local Plan settlement hierarchy and its spatial distribution of development.
- 5.4 However, in his decision letter, the WMQ Inspector did not come to a clear conclusion whether Cheshire East had a five year supply of deliverable housing land. His view was that it was either slightly above or slightly below the required 5 years. In this context, the Inspector engaged the 'tilted balance' set out in the 4th bullet point of paragraph 14 of the National Planning Policy Framework (NPPF). This introduces a presumption that planning permission is granting permission unless

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

- 5.5 On 4 January 2018, an appeal against the non-determination of an outline planning permission for up to 100 homes at Park Road, Willaston was dismissed due to conflict with Local Plan policies that sought to protect designated Green Gap, open countryside and rural character. The Inspector also took the view that the housing land supply was either marginally above or below the required 5 years. On this basis, he adopted a 'precautionary approach' and assumed a worst case position in similarly engaging the 'tilted balance' under paragraph 14 of the Framework.
- 5.6 The Council is currently reviewing this appeal decision and is taking legal advice on the approach taken by the Inspector towards housing land supply. The Council is continuing to update its evidence regarding housing land supply to ensure that decisions are taken in the light of the most robust evidence available.
- 5.7 What is clear from the WMQ and Park Road appeal decisions, is that policies within the adopted Local Plan Strategy are being given significant weight by Inspectors in deciding planning appeals, sufficient to warrant the dismissal of appeals where conflicts arise with them, even when the 'tilted balance' in paragraph 14 of the NPPF is engaged.
- 5.8 The decisions continue to emphasise the importance of maintaining a five year supply of housing land in the plan-led system. The Council's five year supply will be further supplemented as allocated sites within the Local Plan Strategy are brought forward. In this context there is particular importance for decision makers in the planning process to be cognisant of the need for the delivery of the allocated housing sites.
- 5.9 Whilst many of the significant appeal decisions related to housing development, the Council has also received important decisions on other forms of development. One decision of note is application ref. 16/1353M which was for a proposed water sports and outdoor activity centre at the former Mere Farm Quarry.
- 5.10 This appeal was an example of a Member decision against officer advice and illustrates that can be a healthy part of the decision making process. In this case it had been emphasised that it was a balanced decision and there was evidence of ecological harm that officers were able to use at the appeal hearing. Interestingly, and somewhat unusually, the reasons that the Inspector dismissed the appeal were not directly related to the reason given by the Strategic Planning Board. Although the Inspector considered there would be some residual harm to the interests of biodiversity they were not considered to be significant. The appeal was dismissed as the Inspector considered the

development to be inappropriate development in the Green Belt without the very special circumstances needed to justify it.

- 5.11 The Inspector noted that there would be social and economic benefits to the proposal, including benefits to the rural economy and benefits to education, health and well-being. However, she did not consider that the benefits clearly outweighed the harm to the Green Belt that had been identified. One can interpret from the decision, that had the site been in a non-green belt countryside location the development would almost certainly have been allowed. The decision therefore serves to emphasise the strict control of development in the Green Belt.

## **6.0 Recommendation**

- 6.1 That Members note the contents of the report.

## **7.0 Risk Assessment and Financial Implications**

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

## **8.0 Consultations**

- 8.1 None.

## **9.0 Reasons for Recommendation**

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

### ***For further information:***

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*Officer: Peter Hooley – Planning & Enforcement Manager*

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Quarterly Planning Appeals Report

**Appendix 1. Planning Appeal Statistics**

<b>All s.78 Planning Appeals decided</b>				
<b>Q1 (1<sup>st</sup> April 2017 to 30 June 2017)</b>				
<b>Q2 (1<sup>st</sup> July 2017 to 30<sup>th</sup> Sept 2017)</b>				
<b>Q3 (1<sup>st</sup> October 2017 to 31<sup>st</sup> December 2017)</b>				
	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Year to date</b>
Number of Planning Appeals determined	32	30	36	98
Total Allowed	17	12	6	35
Total Dismissed (%)	15	18	30	63
<b>Percentage allowed</b>	<b>53%</b>	<b>40%</b>	<b>17%</b>	<b>36%</b>
<i>Note: appeals that were withdrawn, deemed invalid or part allowed/part dismissed are excluded from the figures provided.</i>				

<b>Public Inquiries</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Year to date</b>
Number of appeals determined	1	1	3	5
Total Allowed	1	1	0	2
Total Dismissed	0	0	3	3
<b>Percentage allowed</b>	<b>100%</b>	<b>100%</b>	<b>0%</b>	<b>40%</b>

<b>Hearings</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Year to date</b>
Number of appeals determined	2	1	4	7
Total Allowed	1	0	1	2
Total Dismissed	1	1	3	5
<b>Percentage allowed</b>	<b>50%</b>	<b>0%</b>	<b>25%</b>	<b>29%</b>

<b>Written representations</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Year to date</b>
Number of appeals determined	22	25	15	62
Total Allowed	13	11	4	28
Total Dismissed	9	14	11	34
<b>Percentage allowed</b>	<b>59%</b>	<b>44%</b>	<b>27%</b>	<b>45%</b>

Quarterly Planning Appeals Report

<b>Householder Appeal Service</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Year to date</b>
Number of appeals determined	7	3	14	24
Total Allowed	2	0	1	3
Total Dismissed	5	3	13	21
<b>Percentage allowed</b>	<b>29%</b>	<b>0%</b>	<b>7%</b>	<b>12.5%</b>

**Appeals against Delegated Decisions**

	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Year to date</b>
Number of appeals determined	18	18	29	65
Total Allowed	8	3	3	14
Total Dismissed	10	15	26	51
<b>Percentage allowed</b>	<b>44%</b>	<b>17%</b>	<b>10%</b>	<b>22%</b>

**Appeals against Planning Committee Decisions**

	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Year to date</b>
Number of appeals determined	14	12	7	33
Total Allowed	9	9	3	21
Total Dismissed	5	3	4	12
<b>Percentage allowed</b>	<b>64%</b>	<b>75%</b>	<b>43%</b>	<b>64%</b>

**Appeals Lodged this year**

	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Year to date</b>
Public Inquiries	0	3	0	3
Hearing	3	3	1	7
Written Rep	20	21	17	58
Household fast-track	6	10	9	25
<b>Total</b>	<b>29</b>	<b>37</b>	<b>27</b>	<b>93</b>

**Benchmarking**

**National figures for s78 Planning Appeals**

<b>July – Sept 2017</b>				
	<b>Public Inquiry</b>	<b>Hearings</b>	<b>Written Representations</b>	<b>All</b>
Number of appeals determined	87	154	2418	2659
<b>Percentage allowed</b>	<b>48%</b>	<b>40%</b>	<b>30%</b>	<b>31%</b>

Quarterly Planning Appeals Report

**National figures for Householder Appeal Service**

<b>July – Sept 2017</b>	
	<b>Householder</b>
Number of appeals determined	1377
<b>Percentage allowed</b>	<b>40%</b>

**Appendix 2.** Appeals determined 1<sup>st</sup> October 2017 to 31<sup>st</sup> Sept 2017

<b>LPA ref.</b>	<b>Site Address</b>	<b>Development Description (short description)</b>	<b>Decision Level</b>	<b>Procedure</b>	<b>Appeal Outcome</b>	<b>Over-turn?</b>
14/5671N	Former Gorstyhill Golf Club, Abbey Park Way, Weston, CW2 5TD	Proposed housing development (approximately 900 new dwellings)	Strategic Planning	Public Inquiry	Dismissed	N
15/4888N	WHITE MOSS, BUTTERTON LANE, BARTHOMLEY, CW1 5UJ	Outline application for the provision of up to 400 residential units	Strategic Planning	Public Inquiry	Dismissed	N
16/1353M	Former Mere Farm Quarry, Chelford Road/Alderley Road, Nether Alderley	Delivery of watersports and outdoor activity centre	Strategic Planning	Informal Hearing	Dismissed	Y
16/2583C	Land west of BRADWALL ROAD, SANDBACH	Outline planning permission for residential development to include details of ac	Strategic Planning	Public Inquiry	Withdrawn	N
16/3286C	130, HOLMES CHAPEL ROAD, CONGLETON, CW12 4NY	Demolition of existing dilapidated bungalow and garage and erection of 4 no. dwellings	Southern Planning	Written Representations	Allowed	Y
17/0066N	Land off WRENBURY ROAD, ASTON	Outline planning application for Residential development	Southern Planning	Written Representations	Dismissed	N
17/1725N	331- 333, HUNGERFORD ROAD, CREWE, CW1 5EZ	Proposed conversion of existing properties to form four apartments	Southern Planning	Written Representations	Allowed	Y
17/1531M	BOWLING GREEN, INGERSLEY VALE, BOLLINGTON	Variation of condition 3 (approved plans) of 15/2354M	Northern Planning	Written Representations	Allowed	Y
16/1367N	Daisy Bank Farm, Mickley Hall Lane, Broomhall, CW5 8AJ	Erection of a permanent dwelling for a poultry worker.	Delegation	Informal Hearing	Dismissed	N/A
16/3092N	Former Gorstyhill Golf Club, Abbey Park Way, Weston, CW2 5TD	Variation of S106 agreement	Delegation	Public Inquiry	Dismissed	N/A
16/3721M	EAST WOODEND FARM, SCHOOLFOLD LANE, ADLINGTON, SK10 4PL	Proposed new dwelling at Eastwood End Farm.	Delegation	Informal Hearing	Dismissed	N/A
16/4910C	18, KINGS CRESCENT, MIDDLEWICH, CW10 9EQ	Change of Use for building of three dog kennels	Delegation	Written Representations	Dismissed	N/A

## Quarterly Planning Appeals Report

<b>LPA ref.</b>	<b>Site Address</b>	<b>Development Description (short description)</b>	<b>Decision Level</b>	<b>Procedure</b>	<b>Appeal Outcome</b>	<b>Over-turn?</b>
16/5093M	HAWTHORNE HOUSE, FREE GREEN LANE, OVER PEOVER, WA16 9QY	Lawful Development Certificate for existing use or operation	Delegation	Written Representations	Dismissed	N/A
16/5202C	Dane Bank Bungalow, Knutsford Road, Holmes Chapel, CW4 7DE	Development of three dwellings (dormer bungalows), new access and landscaping.	Delegation	Written Representations	Withdrawn	N/A
16/5449M	LAND AT DARK LANE, GAWSWORTH	Proposed new dormer bungalow	Delegation	Written Representations	Dismissed	N/A
16/5594M	Oak Tree House, PEPPER STREET, CHELFORD, SK11 9BE	Removal of condition 4 on 16/3981M- Replacement dwelling with detached garage	Delegation	Written Representations	Allowed	N/A
16/6067N	Willow Grove Farm, Long Lane, Alpraham, CW6 9LH	Outline Application for Key Workers Dwelling (Permanent) Re submission 16/1025N	Delegation	Informal Hearing	Allowed	N/A
16/6180M	GRASSLANDS NURSERY, FREE GREEN LANE, OVER PEOVER, WA16 9QY	Replacement building for the sales area	Delegation	Written Representations	Dismissed	N/A
17/0292C	LAND ADJACENT 17, RANDLE BENNETT CLOSE, SANDBACH	Proposed erection of a new one bedroom house	Delegation	Written Representations	Dismissed	N/A
17/0379M	OAK COTTAGE FARM, SLADE LANE, MOBBERLEY, WA16 7QN	change of use of agricultural land to residential use	Delegation	Written Representations	Dismissed	N/A
17/0464C	ARCLID COTTAGE BARN, REYNOLDS LANE, SANDBACH, CW11 4SU	Prior Approval for a proposed change of use of agricultural building	Delegation	Written Representations	Dismissed	N/A
17/0789M	HAWTHORNE HOUSE, FREE GREEN LANE, OVER PEOVER, WA16 9QY	Lawful development certificate	Delegation	Written Representations	Withdrawn	N/A
17/0967M	1, WINDSOR CLOSE, POYNTON, SK12 1JL	Replacing 4ft 2in gate at the rear of the property with a new gate which is 6ft	Delegation	Householder Appeal Service	Dismissed	N/A
17/1041C	Land at Beechwood Drive, Alsager	Dormer bungalow	Delegation	Written Representations	Dismissed	N/A

## Quarterly Planning Appeals Report

<b>LPA ref.</b>	<b>Site Address</b>	<b>Development Description (short description)</b>	<b>Decision Level</b>	<b>Procedure</b>	<b>Appeal Outcome</b>	<b>Over-turn?</b>
17/1484M	HIGHFIELD HOUSE, PEOVER LANE, SNELSON, SK11 9AW	Demolition of existing single storey extensions to rear and replacement	Delegation	Householder Appeal Service	Dismissed	N/A
17/1792M	69, OLDFIELD ROAD, SANDBACH, CW11 3LX	Single storey rear and partial side extension	Delegation	Householder Appeal Service	Dismissed	N/A
17/1808C	1, BURNS CLOSE, RODE HEATH, ST7 3UD	Retrospective application to replace bushes at the side of property with a fence	Delegation	Householder Appeal Service	Dismissed	N/A
17/1814M	ASTLE HALL, HOLMES CHAPEL ROAD, CHELFORD, SK11 9AQ	Demolition of existing garage and construction of new ancillary 1 1/2 storey detached building	Delegation	Householder Appeal Service	Dismissed	N/A
17/1847M	Land at WARFORD HALL DRIVE, GREAT WARFORD	Infill development comprising 2 two-storey detached dwellings	Delegation	Written Representations	Dismissed	N/A
17/1863M	145, BUXTON ROAD, DISLEY, SK12 2HF	Kerb lowering to enable us to convert front garden into a drive.	Delegation	Householder Appeal Service	Dismissed	N/A
17/2015C	1, WRIGHTS LANE, SANDBACH, CW11 2JX	Double storey side extension and two smaller single storey extensions	Delegation	Householder Appeal Service	Dismissed	N/A
17/2066C	123, CREWE ROAD, SANDBACH, CW11 4PA	Two storey extension to right side of house and rear of property.	Delegation	Householder Appeal Service	Deemed Invalid by DoE	N/A
17/2099C	11, WILLOW LANE, GOOSTREY, CW4 8PP	Ground & first floor front and side extensions with roof works to dwelling	Delegation	Householder Appeal Service	Dismissed	N/A
17/2138C	Coltsfoot Cottage, Tunstall Road, CONGLETON, CW12 3QB	Proposed two storey rear extension and alterations	Delegation	Householder Appeal Service	Dismissed	N/A
17/2231C	24, High View, Mow Cop, ST7 4YE	Double garage and link extension to main dwelling.	Delegation	Householder Appeal Service	Dismissed	N/A
17/2434M	Little In Site, 54, Hollin Lane, Styal, SK9 4JH	Demolition of existing single storey dwelling and construction of new 2 storey dwelling	Delegation	Written Representations	Dismissed	N/A
17/3482C	2, Willow Barns, Newcastle Road South, Brereton, CW11 1SB	Seeking retrospective planning permission for the erection of a porch	Delegation	Householder Appeal Service	Dismissed	N/A

## Quarterly Planning Appeals Report

<b>LPA ref.</b>	<b>Site Address</b>	<b>Development Description (short description)</b>	<b>Decision Level</b>	<b>Procedure</b>	<b>Appeal Outcome</b>	<b>Over-turn?</b>
17/3565C	3, WELL BANK, SANDBACH, CW11 1FQ	Demolish existing garage and conservatory, construction of extensions	Delegation	Householder Appeal Service	Part allowed/Part dismissed	N/A
17/3695M	The Old School, MAIN ROAD, LANGLEY, SK11 0BU	Renovations, alteration and extension, with associated landscaping works	Delegation	Householder Appeal Service	Allowed	N/A
17/4008M	6, KENILWORTH AVENUE, KNUTSFORD, WA16 8JX	Extension to ground floor to rear and side, plus a loft conversion	Delegation	Householder Appeal Service	Dismissed	N/A
17/4056N	NEW HOUSE, LEA FORGE TROUT FARM, LONDON ROAD, WALGHERTON, CW5 7LF	Erection of detached pitched roof garage including storage and personal workshop	Delegation	Householder Appeal Service	Dismissed	N/A

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