

# Strategic Planning Board

## Agenda

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**Date:** Wednesday, 24th October, 2018  
**Time:** 10.30 am  
**Venue:** Council Chamber, Municipal Buildings, Earle Street, Crewe  
CW1 2BJ

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Please note that members of the public are requested to check the Council's website the week the Strategic Planning Board 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 in the 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 any 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 a pre-determination in respect of any item on the agenda.

**3. Minutes of the Previous Meeting (Pages 5 - 14)**

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**Please Contact:** Sarah Baxter on 01270 686462  
**E-Mail:** [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk) with any apologies or request for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

To approve the minutes of the meeting held on 26 September 2018 as a correct record.

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 Strategic Planning Board
- The relevant Town/Parish Council

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **18/1182C- Hybrid Planning Application for the construction and operation of 8 No. B2/B8 Units (total GIA 22.918 M2) comprising two phases:- Phase 1 - An application for Full planning permission for site re-profiling, new site access off Pochin Way and construction of 2 B2/B8 Units totalling 9.266M2 (GIA) floorspace with associated infrastructure (including hard and soft landscaping); and Phase 2 - An application for Outline planning permission (with All Matters Reserved) for site re-profiling and construction of 6 No. B2/B8 Units totalling 13.652M2 with associated infrastructure (including hard and soft landscaping), PLOT 63, Midpoint 18, Holmes Chapel Road, Middlewich for Total Developments (NW) Ltd (Pages 15 - 28)**

To consider the above application.

6. **18/3348N-Outline application for proposed commercial development (B1c, B2 & B8 use, including ancillary B1 offices) comprising circa 32,980 sq.m floor space , vehicular access, service yards, car and cycle parking, drainage, external lighting, landscaping and associated works, Former BAE Site, Radway Green Road, Radway Green for Corbally Holdings Limited (Pages 29 - 42)**

To consider the above application.

7. **18/1369N-Demolition of redundant outbuildings and the erection of a 6 storey multi-storey car park with up to 243 spaces including a car wash to the rear, Royal Hotel, 7, Nantwich Road, Crewe for Property Capital Plc (Pages 43 - 56)**

To consider the above application.

8. **18/4156C-Variation of condition 34 on application 12/3948C, Land bounded by Old Mill Road & M6 Northbound Slip Road, Sandbach for Barratt Homes (Pages 57 - 68)**

To consider the above application.

9. **18/4449C-Re- plan of 119 plots and associated works. Original Plan approval 16/5156C. This was 170 now 203, Land off Black Firs Lane, Congleton for Ms Lightfoot, Barratt & David Wilson Homes North West (Pages 69 - 88)**

To consider the above application.

10. **WITHDRAWN-18/3654N-Certificate of Appropriate Alternative Development, Jubilee Farm, Chorlton Lane, Chorlton for Mr & Mrs S Williams (Pages 89 - 96)**

To consider the above application.

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 26th September, 2018 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

### **PRESENT**

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

Councillors D Brown, S Edgar, T Fox, P Groves, D Hough, J Jackson,  
D Mahon, B Roberts and J Wray (Substitute)

### **OFFICERS IN ATTENDANCE**

Mr A Crowther (Principal Planning Officer), Ms S Dillon (Planning Lawyer), Mr  
D Evans (Principal Planning Officer), Mr D Malcolm (Head of Planning  
(Regulation)), Mr N Jones (Principal Development Officer)

### **40 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors B Burkhill, J Macrae  
and J Hammond.

### **41 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of applications 18/0079N and  
17/5070C, Councillor S Edgar declared that he was a member of the  
Cheshire Brine Board who were a consultee on the applications.

In the interest of openness in respect of applications 18/0079N and  
17/5070C, Councillor J Wray declared that he was a member of the  
Cheshire Brine Board who were a consultee on the applications.

In the interest of openness in respect of applications 18/0079N and  
17/5070C, Councillor B Roberts declared that he was a member of the  
Cheshire Brine Board who were a consultee on the applications.

In the interest of openness in respect of applications 18/0079N and  
17/5070C, Councillor G Merry declared that she was a member of  
Sandbach Town Council, however she did not participate in any planning  
meetings planning discussions.

In the interest of openness, Councillor D Hough declared that he was a  
Director of TSS who organised bus routes, however he had not discussed  
bus routes with anyone.

It was noted that the majority of Members had received correspondence in respect of applications 18/0079N, 17/5070C and 17/5223C.

**42 MINUTES OF THE PREVIOUS TWO MEETINGS**

**RESOLVED**

That the minutes of the previous two meetings held on 29 August 2018 and 4 September 2018 be approved as a correct record and signed by the Chairman.

**43 PUBLIC SPEAKING**

**RESOLVED**

That the public speaking procedure be noted.

**44 18/0079N-THE DEMOLITION OF THE EXISTING INDUSTRIAL BUILDINGS AND STRUCTURES (INCLUDING THE BOUNDARY WALL ALONG WEST STREET) AND THE CONSTRUCTION OF 263 DWELLINGS COMPRISING 24 APARTMENTS AND 239 HOUSES, TOGETHER WITH OTHER ASSOCIATED WORKS, INCLUDING THE PROVISION OF PUBLIC OPEN SPACE, THE LAYING OUT OF ROADS AND FOOTWAYS (WITH TWO NEW ACCESSES FROM WEST STREET), AND HARD AND SOFT LANDSCAPING, BOMBARDIER TRANSPORTATIONS, WEST STREET, CREWE FOR COUNTRYSIDE PROPERTIES (UK) LTD & BOMBARDIER TRANSPORTATION UK LTD**

Consideration was given to the above application.

(Councillor D Flude, representing the Ward Councillor and Steve Hughes, the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons outlined in the report the application be approved subject to the completion of a Section 106 agreement securing the following:-

- £33,000 to St. George's playing fields skateboard park and £67,000 to education
- Management Company for POS

And subject to the following conditions:-

1. Standard 3 year consent
2. Approved Plans
3. Materials
4. Landscaping (To include details of POS)

5. Implementation of landscaping
6. Tree Protection Measures
7. The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
8. Noise mitigation measures
9. Provision and implementation of Travel Plan
10. Dust control measures
11. Electric Vehicle Infrastructure
12. Submission of a Contaminated Land Phase II investigation
13. Control over imported soils
14. Requirement to inform LPA if unexpected contamination found
15. Submission of Construction and Environmental Management Plan
16. Bin and cycle storage
17. Hedgehog habitat creation and gaps in fences
18. Detailed survey for nesting birds
19. Detailed proposals for breeding swifts and White Letter Hairstreak
20. Archaeological programme of works
21. Separate drainage systems
22. Detailed design of surface water drainage
23. Broadband provision
24. Finished floor levels
25. Improvements to the bus stop on West Street including bus shelters
26. No allocation of parking spaces for the apartment blocks
27. Recording of details of site passed to local heritage groups and information boards on site in discussion with local ward members and Town Council
28. Details of boundary walls
29. Scheme for trees within church grounds to be submitted/approved/implemented

In the event of any changes being needed to the wording of the Board'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) delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.

- 45 **17/5070C-OUTLINE PLANNING PERMISSION (REVISIONS TO 09/2083C) IN RESPECT OF ZONES 2,5 AND 6, TO PROVIDE UP TO 100 RESIDENTIAL UNITS (C3) PLUS CARE HOME (C2) OR 120 RESIDENTIAL UNITS, UP TO 2,600SQM OF COMMERCIAL USES INCLUDING RETAIL (A1), RESTAURANT/PUB (A3/A\$4) PLUS OFFICES (B1), WITH PUBLIC OPEN SPACE AND ASSOCIATED INFRASTRUCTURE, FORMER ALBION CHEMICAL WORKS, BOOTH LANE, MOSTON FOR BLUEFIELD SANDBACH LIMITED**

Consideration was given to the above application.

(Parish Councillor David Nixon, representing Moston Parish Council and Mark Krassowski, the agent for the applicant attended the meeting and spoke in respect of the application).

## RESOLVED

That the application be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Strategic Planning Board for further discussion on the Section 106 contributions for upgrading of the public footpath to Mill Lane in liaison with the Ward Councillor and for further details of the Spatial Design Code. The rest of the Section 106 Agreement to include the following:-

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	<b>30% (65% Affordable Rent / 35% Intermediate)</b>	<b>In accordance with phasing plan to be submitted at the reserved matters stage.</b>  <b>No more than 80% open market occupied prior to affordable provision in each phase.</b>
<b>Education</b>	<b>For a development of 100 dwellings; Primary £195,233 Secondary £245,140 SEN £45,500</b>  <b>For a development of 120 dwellings; Primary £238,618 Secondary £294,168 SEN £45,500</b>	<b>50% of the total education sum to be paid on the occupation of the 25<sup>th</sup> dwelling.</b>  <b>The next 25% of the total education sum to be paid on the occupation of the 50<sup>th</sup> dwelling.</b>  <b>The final 25% of the total education sum to be paid on the occupation of the 75<sup>th</sup> dwelling.</b>
<b>Health</b>	<b>If the care home is provided as part of this application. £23,760 (Ashfields Medical Centre)</b>	<b>Prior to first occupation.</b>
<b>Indoor recreation</b>	<b>For a development of 100 dwellings a contribution of £18,200.</b>  <b>For a development of 120 dwellings a contribution of</b>	<b>Prior to first occupation.</b>



	<b>£21,450.</b>	
<b>Outdoor recreation</b>	<b>£1,000 per family dwelling or £500 per 2 bed pace (or more) apartment</b>	<b>Prior to the occupation of the 75<sup>th</sup> dwelling.</b>
<b>Allotment Contribution</b>	<b>£230.70 per dwelling</b>	<b>Prior to the occupation of the 75<sup>th</sup> dwelling.</b>
<b>Public Space</b> <b>Open</b>	<b>Private Management Company</b>  <b>Provision of a NEAP and the open space</b>	<b>On first occupation</b>  <b>On occupation of 50% of the dwellings</b>
<b>Biodiversity Off-Setting Contribution</b>	<b>£30,000</b>	<b>Prior to first occupation.</b>
<b>Canal Towpath improvement contribution</b>	<b>£150,000</b>	<b>50% to be paid on the occupation of the 25<sup>th</sup> dwelling.</b>  <b>The final 50% to be paid on the occupation of the 50<sup>th</sup> dwelling.</b>

And subject to the following conditions:-

1. Standard Outline 1
2. Standard Outline 2
3. Standard Outline 3
4. Approved Plans
5. Contaminated land – submission of a remediation strategy
6. Contaminated land – No occupation prior to the submission of a verification report
7. Contaminated land – works to stop if further unknown contaminated land is uncovered
8. Reserved Matters application to include details of existing and proposed levels
9. Each Reserved Matters application for residential development shall include an updated acoustic appraisal together with any mitigation measures.
10. Piling works
11. Travel Plan – Residential development
12. Travel Plan – Commercial development
13. Electric Vehicle Charging Provision

14. Reserved matters application for the commercial units to include a scheme of brown roofs
15. Reserved matters application to include a scheme of replacement hedgerow planting
16. The proposed development to proceed in strict accordance with the measures detailed in paragraph 5.2.5 of the submitted Preliminary Ecological Appraisal prepared by enzygo
17. Reserved Matters application for the housing to include a phasing plan
18. Development to be carried out in accordance with the submitted FRA
19. No development shall take place until a detailed strategy / design and associated management / maintenance plan of surface water drainage for the site has been submitted to and approved in writing by the Local Planning Authority.
20. Scheme to ensure that the site boundary will need to be adequately protected to ensure that any flood risk is contained and managed onsite and not transferred off site.
21. External Lighting to be submitted and approved
22. Each phase of the development hereby approved shall incorporate a mix of units of -
  - 1bed and/or 2 bed dwellings – between 10% and 30% of the number of dwellings
  - 3 bed dwellings – between 20% and 40% of the number of dwellings
  - 4 bed and/or 5 bed dwellings – between 20% and 40% of the number of dwelling
 and a minimum of 5 % of the units shall be bungalows or units for single storey living. The 1st reserved matters application shall provide a strategy for the distribution of all the housing across the site in accordance with these parameters. Thereafter the housing on each phase of development shall accord with the housing mix details provided unless otherwise approved in writing by the Local Planning Authority
23. The first Reserved matters application shall include a survey the trees within the grass verge and provide and implement a scheme of re-planting of tree (and removal if necessary) within the grass verge.
24. Visibility splays

In order to give proper effect to the Board's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice.

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

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	<b>30% (65% Affordable Rent / 35% Intermediate)</b>	<b>In accordance with phasing plan to be submitted at the reserved matters stage.</b>

		No more than 80% open market occupied prior to affordable provision in each phase.
Education	<p>For a development of 100 dwellings; Primary £195,233 Secondary £245,140 SEN £45,500</p> <p>For a development of 120 dwellings; Primary £238,618 Secondary £294,168 SEN £45,500</p>	<p>50% of the total education sum to be paid on the occupation of the 25<sup>th</sup> dwelling.</p> <p>The next 25% of the total education sum to be paid on the occupation of the 50<sup>th</sup> dwelling.</p> <p>The final 25% of the total education sum to be paid on the occupation of the 75<sup>th</sup> dwelling.</p>
Health	<p>If the care home is provided as part of this application. £23,760 (Ashfields Medical Centre)</p>	Prior to first occupation.
Indoor recreation	<p>For a development of 100 dwellings a contribution of £18,200.</p> <p>For a development of 120 dwellings a contribution of £21,450.</p>	Prior to first occupation.
Outdoor recreation	£1,000 per family dwelling or £500 per 2 bed pace (or more) apartment	Prior to the occupation of the 75 <sup>th</sup> dwelling.
Allotment Contribution	£230.70 per dwelling	Prior to the occupation of the 75 <sup>th</sup> dwelling.
Public Space	<p>Open Private Management Company</p> <p>Provision of a NEAP and the open space</p>	<p>On first occupation</p> <p>On occupation of 50% of the dwellings</p>
Biodiversity	Off-£30,000	Prior to first occupation.

<b>Setting Contribution</b>		
<b>Canal Towpath improvement contribution</b>	<b>£150,000</b>	<b>50% to be paid on the occupation of the 25<sup>th</sup> dwelling.</b>  <b>The final 50% to be paid on the occupation of the 50<sup>th</sup> dwelling.</b>

**46 17/5223C-ERECTION OF A THREE STOREY 66 BED CARE HOME FOR THE ELDERLY, LAND OFF BOOTH LANE, MOSTON FOR LNT CARE DEVELOPMENTS**

Consideration was given to the above application.

(Tracey Spencer, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report and in the written update to the Board, the application be approved subject to the completion of a Section 106 agreement securing the following:-

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Health</b>	<b>£23,760 (Ashfields Medical Centre)</b>	<b>Prior to first occupation.</b>

And subject to the following conditions:-

1. Standard time 3 years
2. Approved Plans
3. Contaminated Land – Remediation Strategy to be submitted and approved
4. Contaminated Land – Verification Report to be submitted and approved
5. Contaminated Land – Testing of soils imported onto the site
6. Contaminated Land – If contamination previously not identified is uncovered then works should stop and a scheme of remediation is to be submitted and approved
7. Piling Method Statement
8. Travel Plan to be submitted and approved
9. Electric Vehicle Infrastructure provision
10. Dust Control Measures to be submitted and approved
11. Survey the trees within the grass verge and provide and implement a scheme of replanting of tree (and removal if necessary) within the grass verge

12. Tree Protection measures to be submitted and approved
13. Landscaping to be submitted and approved and to include additional tree planting along the southern boundary of the site, replacement hedgerow planting and hard landscaping (including pedestrian links)
14. Landscaping implementation
15. Boundary treatment to be submitted and approved
16. Materials to be submitted and approved
17. Surfacing Materials to be submitted and approved
18. The proposed development to proceed in strict accordance with the measures detailed in paragraph 5.2.5 of the submitted Preliminary Ecological Appraisal prepared by enzygo
19. Drainage Strategy for the site to be submitted and approved
20. External Lighting to be submitted and approved

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

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Health</b>	£23,760 (Ashfields Medical Centre)	<b>Prior to first occupation..</b>

In order to give proper effect to the Board's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice.

(The meeting was adjourned for lunch from 1.15pm until 1.45pm).

**47 18/3219M-PROPOSED CONTINUED USE OF CONSTRUCTION COMPOUND INCLUDING ASSOCIATED ACCESS, CAR PARKING, CONSTRUCTION VEHICLE STORAGE, PORTACABINS AND OTHER ASSOCIATED WORKS, COSTAIN COMPOUND, LAND SOUTH OF LYMM ROAD, LITTLE BOLLINGTON FOR TEM PROPERTY AND GALLIFORD TRY**

Consideration was given to the above application.

(Mike Reed, representing Little Bollington Parish Council and Jonathan Burns, the agent for the applicant attended the meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report the application be approved subject to the following conditions:-

1. Temporary 3 year consent

2. Land to be reinstated to agricultural land at the end of the approved period with all hard-surfaces being removed
3. Approved plans

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

**48 18/3796D-DISCHARGE OF CONDITIONS 8 ON APPLICATION 13/4355M, LAND TO THE EAST OF MILL HILL HOLLOW TO WOODFORD ROAD, POYNTON; THE A555 SOUTH OF DAIRY HOUSE ROAD TO THE A555 NORTH OF BEECH FARM; AND LAND TO THE EAST OF THE A555/B5358 JUNCTION TO LAND NORTH OF STYAL GOLF COURSE FOR STOCKPORT MBC, CHESHIRE EAST COUNCIL, MANCHESTER CITY COUNCIL**

Consideration was given to the above application.

**RESOLVED**

That condition 8 of the planning application 13/4355M be discharged.

**49 MEMBER PLANNING APPLICATION REFERRAL PROCEDURE**

Consideration was given to the above report.

(Sue Helliwell attended the meeting and made comments in respect of the item).

**RESOLVED**

The Referral Procedure attached as Appendix 1 to the report be adopted subject to an amendment to paragraph 11 to include the following additional sentence:-

'Members will be notified of the outcome of their request with appropriate reasons if rejected'.

The meeting commenced at 10.30 am and concluded at 2.50 pm

Councillor G Merry (Chairman)

Application No: 18/1182C

Location: PLOT 63, Midpoint 18, HOLMES CHAPEL ROAD, MIDDLEWICH

Proposal: Hybrid Planning Application for the construction and operation of 8 No. B2/B8 Units (total GIA 22.918 M2) comprising two phases :-

Phase 1 - An application for Full planning permission for site re-profiling, new site access off Pochin Way and construction of 2 B2/B8 Units totalling 9.266M2 (GIA) floorspace with associated infrastructure (including hard and soft landscaping); and

Phase 2 - An application for Outline planning permission (with All Matters Reserved) for site re-profiling and construction of 6 No. B2/B8 Units totalling 13.652M2 with associated infrastructure (including hard and soft landscaping).

Applicant: Total Developments (NW) Ltd

Expiry Date: 29-Jun-2018

### SUMMARY

This proposal would bring economic benefits through the delivery of new jobs within an established industrial park where the local plan allocates such uses. The proposal is compatible with the surrounding development and the design, scale and form of the building would sit comfortably with those within the locality.

The impact on neighbouring residential amenity would not be significant. Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network subject to a contribution to the Middlewich Eastern by-Pass.

The ecological impacts of the development can be satisfactorily mitigated.

Issues of air quality and contaminated land can be controlled by conditions.

The proposal is therefore found to be economically, socially and environmentally sustainable.

**RECOMMENDATION: Approve subject to the completion of a Section 106 Agreement to provide a contribution of £687,540.00 to the Middlewich Eastern Bypass and conditions.**

### PROPOSAL

This is a hybrid (part outline, part full) planning application for the construction and operation of 8 No. B2/B8 (general industrial/storage and distribution) units with total gross internal area (GIA) of 22,918sqm. The scheme comprises two phases:-

Phase 1 - An application for full planning permission for site re-profiling, new site access off Pochin Way and construction of 2 No B2/B8 units, totalling 9.266sqm (GIA) floorspace with associated infrastructure (including hard and soft landscaping); and

Phase 2 - An application for outline planning permission (with all matters reserved) for site re-profiling and construction of 6 No. B2/B8 units, totalling 13.652sqm with associated infrastructure (including hard and soft landscaping).

### **SITE DESCRIPTION:**

The application site comprises 6.10 hectares of land on the Midpoint 18 employment site in Middlewich. It is an allocated Strategic Site in the Cheshire East Local Plan Strategy (LPS 44 – Midpoint 18, Middlewich).

The site would be accessed from Pochin Way and is bounded by the railway line to the west, part of Pochin Way to the east and Cledford Lane to the south. It is a relatively flat area of land and to the north is an area safeguarded for the future construction of a railway station and associated infrastructure.

### **RELEVANT HISTORY:**

31584/1 – employment uses (B1, B2 and B8), open space along Sanderson's Brook and continuation of the Middlewich Eastern Bypass – approved 29<sup>th</sup> April 2002

34743/3 – Development without compliance with condition 11 of application No. 31584/1 – Approved 2<sup>nd</sup> September 2002

37737/3 - Modifications of conditions of outline planning permission 8/31584/1 – approved 12<sup>th</sup> October 2004

07/0323/OUT – Midpoint 18 Phase 3 – employment, leisure and tourism and completion of MEBP – Approved 3<sup>rd</sup> June 2008

09/0738W - Erection of energy from waste facility with associated buildings, car parking and hard standing areas – Refused 29<sup>th</sup> April 2010 – Appeal dismissed 20<sup>th</sup> July 2012

11/0899C – Extension of time to 07/0323/OUT – Approved 12<sup>th</sup> July 2011

16/2006C – Variation on conditions on Application No. 11/0899C – Approved 22<sup>nd</sup> June 2016

### **NATIONAL & LOCAL POLICY**

#### **National Policy:**

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

#### **Development Plan:**



By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for this area comprises the adopted Cheshire East Local Plan Strategy (CELP), and the saved policies from the Congleton Borough Local Plan First Review (2005).

### **POLICIES**

#### **Development Plan**

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

PG1 – Overall Development Strategy  
PG7 – Spatial Distribution of Development  
PG2 – Settlement Hierarchy  
EG1 – Economic Prosperity  
EG3 – Existing and Allocated Employment Sites  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 – Design  
SE2 – Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 – The Landscape  
SE5 – Trees, Hedgerows, Woodland  
SE12 – Pollution, Land Stability and Land Contamination  
SE13 – Flood Risk and Water Management  
IN2 – Developer Contributions  
Site LPS 44 – Midpoint 18, Middlewich

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

##### **Congleton Borough Local Plan First Review (CBLPFR)**

PS4 Towns  
GR5 Landscaping  
GR6 Amenity and Health  
GR9 Accessibility, servicing and provision of parking  
NR3 Habitats

The **Draft Middlewich Neighbourhood Plan** (MNP) has reached Regulation 14 Stage and therefore carries limited weight.

DH1 General Principles  
DH2 Sustainable Design  
T1 Middlewich Eastern Bypass

T3 Rail Station  
E1 Employment Land Strategy  
E2 Employment Land  
E3 Midpoint 18  
ECHW6 Protecting Local Biodiversity.

**CONSULTATIONS:**

**Highways:**

No objection subject to a contribution of £687,540.00 to the Middlewich Eastern Bypass.

**Natural England:**

No objection.

**Flood Risk Management:**

No objection subject to conditions.

**Environmental Health:**

No objection subject to conditions/informatives relating to air quality, contaminated land and noise and disruption.

**Environment Agency:**

No objection.

**Health and Safety Executive:**

No objection.

**Middlewich Town Council:**

None received at the time of report writing.

**Network Rail:**

Object on several technical points.

**National Grid:**

No objection.

**REPRESENTATIONS:**

None received at the time of report writing.

**APPRAISAL:**

**Principle of Development**

The application is in hybrid form, being partly for full planning permission and partly outline planning permission. In total it would create 22,918sqm of internal floor space.

Phase 1 is the element of the application for which full planning permission is sought and comprises the re-profiling of the site, creation of the new access from Pochin Way and the

erection of 2, B2/B8 units with a total internal floor space of 9,266sqm with associated infrastructure.

Phase 2 is in outline form with all matters reserved for 6, B2/B8 units with a total internal floor space of 19,652sqm with associated infrastructure.

The site is located within an existing employment area within the Middlewich Settlement Boundary and forms part of the Cheshire Local Plan Strategy Strategic Site 'LPS 44 Midpoint 18'. In respect of this the CELPS identifies that the development will be achieved with (amongst other things) phased delivery of up to 70 hectares of employment land, including the development of existing undeveloped sites: Midpoint 18 (Phases 1 to 3).

Policy EG1 of the CELPS also states that proposals for employment development (use classes B1, B2 and B8) will be supported in principle within key service centres (which includes Middlewich) as well as on employment land allocations in the Development Plan.

At a national level the NPPF also requires Local Planning Authorities to: *“create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”*

The proposal is therefore acceptable in principle subject to compliance with other relevant considerations.

### **Design and Landscape**

Policy SE1 of the CELP advises that the proposal should make a positive contribution to their surroundings in terms of sense of place, design quality, sustainable architecture, liveability/workability and safety.

The character of the Midpoint 18 employment site is one of industrial premises of designs in keeping with their use. The buildings are uniform and utilitarian in appearance and are designed for functionality rather than form. The proposed buildings are similar in design and size to other units in the vicinity, and it is considered that it will not appear as an alien or incongruous feature within the street-scene.

Unit 1 would be 88m x 55m, with an eaves height of 11m and a ridge height of 13m. Unit 2 would be 70m x 55m, with an eaves height of 11m and a ridge height of 13m. Both buildings would have grey roof cladding and profile cladding on the walls in three colours, Anthracite, Grey Aluminium and Silver.

The landscaping for Phase 1 would comprise native tree planting along Pochin Way where there would be a strip of land between 3.4m and 6.19m wide. Adjacent to the railway there would be grassland. More detailed plans of the proposed landscaping should be secured on this part of the site.

On Phase 1 the land is largely flat with some undulations that would be re-profiled to ensure a level site for this part of the development. This would not result in any significant raising of levels.

Phase 2 is in outline form and landscaping, layout, scale and appearance will be determined at that stage.

### Amenity

Policy GR6 of CBLP and Policy SE12 of CELP require development to ensure that there would be no unduly detrimental effects on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking. Policy SE12 also requires development to ensure that it is designed and located so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy.

The area is predominately industrial in character being positioned on the edge of Midpoint 18. There are no residential properties in the immediate vicinity of the site and as such, no significant adverse impacts are anticipated in respect of noise and disruption, visual intrusion and loss of daylight/sunlight or privacy subject to appropriate conditions.

A full detailed air quality assessment has been submitted in support of the application. Environmental Protection originally recommended refusal of the application due to lack of information in this regard. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses ADMS Roads to model NO<sub>2</sub> and PM<sub>10</sub> impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

A number of modelled scenarios have been considered within the assessment. These were:

- 2017 baseline – model verification
- 2018 – Opening year do-nothing (should the proposal not proceed)
- 2018 – Opening year do-something (should the proposal go ahead)

The assessment concludes that the impact of the future development on the chosen receptors will be **significant** with regards to NO<sub>2</sub> concentrations unless appropriate mitigation measures are put in place. Five of the receptors modelled are predicted to receive a moderate severe impact, whilst eight are predicting a slightly adverse impact. One of the tube locations modelled is also predicted to experience a substantial adverse impact, whilst another is predicting a moderately adverse impact. Some of these receptors are in and around the Chester Road Air Quality Management Area (AQMA) and it is considered that any increase in concentrations within an AQMA is considered significant as it is directly converse to our local air quality management objectives, the NPPF and the Council's Air Quality Action Plan.

Also there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Taking into account the uncertainties with modelling, the impacts of the development could be significantly worse than predicted.

As mentioned above, Middlewich has an Air Quality Management Area, and as such the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

It is therefore important that any adverse impacts are appropriately mitigated. In this instance it is considered that conditions can be imposed which will provide sufficient mitigation. This will take the form of electric vehicle charging points, low emission boilers and travel planning.

### **Highways**

The proposed development is a commercial and industrial development consisting of 8 units for uses B2 and B8, providing a total floorspace of 22,918sqm.

#### Access

Both Phase 1 and Phase 2 is served from a single access point off Pochin Way. It is an industrial standard 7.3m wide with 15m entry radii and adequate visibility is provided at the access point. Each individual unit would have its own access point onto the main access road that serves all the proposed units.

#### Car Parking

Each unit has its own car parking and HGV parking areas within the site, there are a total of 338 spaces across the site which is below current CEC standards for B2/B8. However the applicant has undertaken vehicle parking accumulation assessments that indicate that 338 spaces would be sufficient. In this case while below standard, it is considered that the level of car parking is sufficient for the proposal and given the location of the site any on-street parking would not cause any highway problems.

#### Development Traffic Impact

The predicted traffic generation arising from the development has been derived using the TRICS database for all vehicles (including HGV) in both am and pm peak hours 08.00 -09.00 and 16.00 – 17.00. The peak traffic demand is in the am peak with 138 two way movements arising from the site.

The applicant has undertaken only one capacity assessment on the local highway network and this has been undertaken at the roundabout junction at the A54/Pochin Way/ B5309 Centurion Way. The assessment has been undertaken in the 2018 base and also in the future year 2023 with the development flows, committed development traffic and growth added.

The results of the capacity assessment shows that the roundabout junction will operate within capacity in 2023 with some spare capacity. The operation of this roundabout as standalone junction is not the major concern of the Highway Authority; it is existing congestion in Middlewich especially at the Leadsmithy Street/Kinderton Street signal junction that has long traffic queues that needs to be addressed.

The distribution of the trips submitted has indicated the majority of vehicles will route from the east on the A54 to and from the M6 but a sizeable number (51 am and 36 pm peak hour trips) will travel through Middlewich on the A54 and numerous trips over a 24hr period.

It is applicant's view that the additional development trips would have a negligible effect on the operation of the local highway network. However, it is the Council's view that congestion and queue lengths are already at significant levels and it is clear that to support further major developments such as this development, that have a direct impact on the centre of Middlewich, mitigation measures are required either to improve the operation of the existing Leadsmithy/A54 signal junction or to remove traffic from the junction by means of the Middlewich Eastern By-pass (MEBP).

The MEBP would link Pochin Way with the A533 and will provide much improved access to Midpoint 18 and also will reduce traffic congestion levels in Middlewich. Policy LPS 44 of the CEC Local Plan has indicated that contributions to the MEBP will be required as part of development on the Midpoint 18 site and in regard to this particular application a contribution is required of £687,540 based upon the gross floor area.

In summary, this is an allocated employment site with its main access taken from Pochin Way; the site will generate significant levels of traffic throughout the day and would add to existing congestion problems in Middlewich. Therefore, a contribution to the MEBP is warranted as the by-pass will provide mitigation for the Midpoint 18 site.

The head of Strategic Infrastructure has no objections, subject to the financial contribution as detailed above, being secured in a S106 Agreement.

### **Ecology**

#### Statutory Designated Sites

The application site falls within Natural England's SSSI impact risk zones. Natural England has been consulted and raised no objection to the proposals in respect of SSSIs. No further action in respect of statutory designated sites is therefore required.

#### Non-statutory Designated Sites

The application site is located adjacent to Cledford Lane Lime Beds Local Wildlife Site. It is considered that the proposed development is unlikely to have any significant long term impacts upon this locally designated site.

#### Grassland Habitats

An acceptable botanical survey has been undertaken of the grassland habitats on site. The grassland habitats within the red line of the application do not present a constraint on the proposed development.

#### Great Crested Newts

This protected species is known to occur at a number of ponds throughout Midpoint 18. A small breeding population of this species has been known to be present at the on-site pond for a number of years. The latest surveys have not recorded the species at the on-site pond; however this is likely to be due to the pond drying as a result of the lack of rain through the summer.

It is considered that in the absence of mitigation, the proposed development will have a 'Medium' magnitude adverse impact upon Great Crested Newts as a result of the loss of a significant area of low value terrestrial habitat located in close proximity to the breeding pond. The development would also pose the risk of killing or injuring any newts present within the footprint of the development when site clearance works are undertaken.

### Habitat Regulations

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

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

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

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

#### Test 1: Overriding Public Interest

The impacts of the development on the GCN population have previously been considered acceptable in the grant of previous planning permissions. The development would provide social and economic benefits in the form of employment and economic development. Given these benefits the development proposal contributes to meeting an imperative public interest, and that the interest is sufficient to override the protection of, and any potential impact on great created newts, setting aside any mitigation that can be secured.

#### Test 2: No satisfactory alternative

The site is allocated in the local plan for employment development and therefore has been assessed as being the most appropriate place for this form of development. As such it is considered that there would be no satisfactory alternative.

Test 3: “the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range”.

The current proposals would result in the retention of the existing breeding pond and the applicant's ecological consultant has recommended that an area of retained habitat be enhanced in order to compensate for that lost.

The applicant has confirmed that they have no plans at present to extend Pochin Way and that there is no intention to utilise the retained pond as part of the drainage scheme for the proposed development.

The submitted outline Great Crested Newt mitigation would be adequate to maintain the favourable conservation status of the local Great Crested Newt population.

### Habitat Regulations Conclusion

Overall, therefore it is considered that the development contributes to meeting an imperative public interest, there are no satisfactory alternatives, and that the interest is sufficient to override the protection of, and any potential impact on Great Crested Newts, setting aside the proposed mitigation. It is considered that Natural England would grant a licence in this instance.

### Reptiles

Reptiles are known to occur in this broad locality. It is considered that the proposed development will result in the loss of an area of low quality habitat for reptile species. The mitigation measures developed at this site in respect of Great Crested Newts would also address the impacts of the scheme on reptiles.

### Badgers

Badgers are active on the site, but no setts were recorded within the red line of the application site. The submitted report however refers to a potential sett located on the adjacent railway embankment. This sett is located on the opposite side of the railway and so is unlikely to be affected by the proposed development. The proposed development will result in the localised loss of badger foraging habitat, but this is unlikely to be significant.

If planning permission is granted it is recommended that a condition be attached to ensure that an updated Badger Survey is undertaken and submitted prior to the commencement of development.

### Wintering and Breeding Birds

A snipe was recorded on site during the Phase One Habitat Survey. This species was associated with a small wet depression that would be lost as a result of the proposed development. Features that support this species regularly (over a number of years) are considered to be of nature conservation value in the county context.



It is therefore recommended that a similar wetland feature be created in the ecological mitigation area or offsite to compensate for this loss.

No breeding bird surveys have been undertaken to inform this current application. Surveys undertaken a number of years ago recorded a small number of priority bird species. This included a small number of Skylark, a ground nesting bird associated with open habitats. It is recommended that this species is likely to be adversely affected by the proposed development. The applicant should provide some form of compensation to address this impact. This could take the form of offsite habitat creation to provide enhanced habitat for ground nesting birds.

Standard conditions would be required to safeguard nesting birds in the event that planning permission is granted.

### Otter and Water Voles

No evidence of these protected species was recorded during the recent survey. It is considered that these species are unlikely to be present or affected by the proposed development.

### Lighting and Bats

Whilst the application site offers limited opportunities for roosting bats, bats are likely to commute and forage around the site to some extent. To avoid any adverse impacts on bats resulting from any lighting associated with the development it is recommended that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the Local Planning Authority.

### **Flood Risk**

The Council's Flood Risk Manager has assessed the application and is satisfied that, subject to conditions, the proposal is acceptable in flood risk terms.

### **S106 contributions:**

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

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

In this case, the contribution to the Middlewich Eastern By-Pass is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

### **CONCLUSIONS**

This proposal would bring economic benefits through the delivery of new jobs within an established industrial park where the local plan allocates such uses. The proposal is compatible with the surrounding development and the design, scale and form of the building would sit comfortably with those within the locality.

The impact on neighbouring residential amenity would not be significant. Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network subject to the contribution to the MEBP. The ecological impacts of the development can be satisfactorily mitigated.

Issues of air quality and contaminated land can be controlled by conditions.

The proposal is therefore found to be economically, socially and environmentally sustainable.

### **RECOMMENDATION:**

**Approve subject to the following conditions:**

#### **Full Planning Permission**

- 1. Standard time limit (3 years)**
- 2. Accordance with plans**
- 3. Accordance with submitted materials**
- 4. Parking provided prior to first use**
- 5. Access constructed in accordance with submitted details prior to first use**
- 6. Prior to commencement a detailed GCN Mitigation Strategy to be submitted for approval and implemented**
- 7. Survey for nesting birds**
- 8. Submission of an updated Badger survey prior to commencement of development**
- 9. Submission of a lighting scheme in relation to impact on bats**
- 10. Submission of a strategy for the incorporation of features to enhance biodiversity, including features for nesting birds including House Sparrow and roosting bats and brash/deadwood piles and native species planting.**
- 11. Submission of a Construction Environmental Management Plan (including piling)**
- 12. Submission of Travel Plans for occupiers of the buildings**
- 13. Provision of fast electric vehicle charging points for units 1 and 2**
- 14. Provision of low emission boilers**
- 15. Phase II Contaminated Land Report**
- 16. Verification and mitigation measures (if necessary) for contaminated land**
- 17. Testing for soil and soil forming materials being brought onto the site**
- 18. Compliance with the Flood Risk Assessment**
- 19. Submission of drainage strategy**
- 20. Detailed landscaping proposals to be submitted**
- 21. Landscape implementation**

#### **Outline Planning Permission**

22. Outline time limit
23. Reserved matters submission time limit
24. Reserved matters to include access, layout, scale, landscape and appearance
25. Approved plans
26. Parking provided prior to first use
27. Access constructed in accordance with details to be submitted with reserved matters application prior to first use
28. Prior to commencement a detailed GCN Mitigation Strategy to be submitted for approval and implemented
29. Survey for nesting birds
30. Submission of an updated Badger survey prior to commencement of development
31. Submission of a lighting scheme in relation to impact on bats
32. Submission of a strategy for the incorporation of features to enhance biodiversity, including features for nesting birds including House Sparrow and roosting bats and brash/deadwood piles and native species planting.
33. Submission of a Construction Environmental Management Plan (including piling)
34. Submission of Travel Plans for occupiers of the buildings
35. Provision of fast electric vehicle charging points for each unit
36. Provision of low emission boilers
37. Phase II Contaminated Land Report
38. Verification and mitigation measures (if necessary) for contaminated land
39. Testing for soil and soil forming materials being brought onto the site
40. Compliance with the Flood Risk Assessment
41. Submission of a drainage strategy

**Informatives:**

1. Hours of noise generative works
2. Duty to adhere to the regulations of Part 2 of the Environmental Protection Act 1990
3. The developer is to submit directly to Network Rail a Risk Assessment (RAMS) for all works to be undertaken within 10m of the operational railway
4. Details of the use of any tower cranes shall be agreed with Network Rail

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

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



Application No: 18/3348N

Location: FORMER BAE SITE, RADWAY GREEN ROAD, RADWAY GREEN, CHESHIRE, CW2 5PJ

Proposal: Outline application for proposed commercial development (B1c, B2 & B8 use, including ancillary B1 offices) comprising circa 32,980 sq.m floor space , vehicular access, service yards, car and cycle parking, drainage, external lighting, landscaping and associated works.

Applicant: Corbally Holdings Limited

Expiry Date: 05-Oct-2018

### **SUMMARY**

This proposal would bring economic benefits through the delivery of new jobs on a brownfield site where the land is allocated in LPS 23 for such uses. The proposal is compatible with the surrounding development.

The impact on neighbouring residential amenity would not be significant. Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network. An access into LPS 24, for future use is provided as part of the proposals. Any ecological impacts of the development can be satisfactorily mitigated.

Issues of air quality and contaminated land can be controlled by conditions.

The proposal is therefore found to be economically, socially and environmentally sustainable.

**RECOMMENDATION: Approve subject to conditions.**

### **PROPOSAL**

This is an outline application for two commercial buildings with approximately 32,980sqm floorspace, for B1c (light industry), B2 (general industry) and B8 (storage & distribution uses). Access would be taken from Radway Green Road and there would be service yards, car and cycle parking, drainage, external lighting, landscaping and associated works.

It should be noted that at this stage, detailed approval is only sought for the access element, the matters of appearance, landscaping, layout and scale will form part of the reserved matters.

### **SITE DESCRIPTION:**

The application site is situated to the south of Radway Green Road and formerly housed 2 large industrial buildings belonging to BAE Systems, these have now all been demolished and all that now remains is the gatehouse at the head of the access road. The site area, including the access is approximately 9.33 hectares in size and the access is already in place.

To the south and east of the site are the remaining BAE Systems buildings and the existing Radway Green Business Park. To the north is the railway line, agricultural land and then Crewe Road.

The site is designated as being within Open Countryside in the adopted local plan and is also identified as LPS 23 (Radway Green Brownfield, Alsager) within the CELPS. To the south west of the site is LPS 24 (Radway Green Extension, Alsager).

### **RELEVANT HISTORY:**

15/5412N - Demolition of redundant boiler house, F magazine, gauge test centre, effluent plant and indoor range area – Approved 18<sup>th</sup> December 2015

17/2421N – Notification of demolition of D Block – Approved 24<sup>th</sup> May 2017

Several historic applications relating to development for operations at BAE Systems, none relevant to this application.

### **NATIONAL & LOCAL POLICY**

#### **National Policy:**

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

#### **Development Plan:**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for this area comprises the recently adopted Cheshire East Local Plan Strategy (CELP), and the saved policies from the Congleton Borough Local Plan First Review (2005).

### **POLICIES**

#### **Development Plan**

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

The following are considered relevant material considerations:

PG1 – Overall Development Strategy

PG6 - Open Countryside

PG7 – Spatial Distribution of Development

PG2 – Settlement Hierarchy

EG1 – Economic Prosperity  
EG3 – Existing and Allocated Employment Sites  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 – Design  
SE2 – Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 – The Landscape  
SE5 – Trees, Hedgerows, Woodland  
SE12 – Pollution, Land Stability and Land Contamination  
SE13 – Flood Risk and Water Management  
IN2 – Developer Contributions  
Site LPS 23 – Radway Green Brownfield, Alsager

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

**Crewe and Nantwich Replacement Local Plan (CNRLP)**

BE.1 – Amenity  
E6 – Employment in Open Countryside  
NE.17 – Pollution Control

The **Haslington** Neighbourhood Plan has only reached Regulation 7 stage and therefore carries no weight.

**CONSULTATIONS:**

**Highways:**

No objection subject to the provision of a link to LPS 24 (Radway Green Extension, Alsager).

**Flood Risk Management:**

No objection.

**Environmental Health:**

No objection subject to conditions/informatives relating to noise and disturbance, air quality and contaminated land.

**Environment Agency:**

No objection.

**Health and Safety Executive (Explosives):**

Set out the criteria for a 'Vulnerable Building'. And state that they have no comment unless it meets the criteria.

**Cadent:**

Require an informative relating to easements or wayleaves.

**United Utilities:**

Require conditions relating to drainage.

**Natural England:**

No objection.

**Alsager Town Council:**

Object to the proposal on the grounds of access and using the level crossing, poor landscaping, development in the blast zone, impact on wildlife, air pollution and lack of pedestrian and cycle access.

**Haslington Parish Council:**

None received at the time of report writing.

**REPRESENTATIONS:**

At the time of report writing seven comments have been received, one in support of the proposal and the others expressing the following concerns:

- Access should be on the other side of the level crossing to avoid creating further congestion
- Combined traffic impact of this, the industrial site on Crewe Road and approved housing sites in the vicinity is unacceptable
- Should be major road improvements before any more development is allowed
- Transport Assessment is flawed
- Noise pollution
- Light pollution
- Drainage issues
- Poor design
- Out of character with the area
- Does not comply with HSE requirements for vulnerable buildings
- Lack of a Masterplan for the Alsager area
- Will not provide jobs for local people

**APPRAISAL:**

**Principle of Development**

The application is for outline planning permission with only the detail of the access to be determined at this point. However the submitted documentation puts forward that there would be 2 commercial units incorporating B1c, B2 and B8 uses, with ancillary office accommodation. It is anticipated that they would house manufacturing and assembly uses that would fit within the remit of LPS 23.

Policy EG1 of the CELPS states that proposals for employment development (use classes B1, B2, B8) will be supported in principle within key service centres (which includes Alsager) as well as on employment land allocations in the Development Plan.

At a national level the NPPF also requires Local Planning Authorities to: *“create the conditions in which businesses can invest, expand and adapt. Significant weight should be*



*placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”*

The proposal is therefore acceptable in principle subject to compliance with other relevant considerations.

### **Design and Landscape**

Policy SE1 of the CELPS advises that proposals should make a positive contribution to their surroundings in terms of sense of place, design quality, sustainable architecture, liveability/workability and safety.

The application does not seek consent for the design, layout or landscaping of the site. However indicative drawings included within the application show buildings in keeping with the nature of their use that would be considered appropriate in this location.

Landscaping proposals are shown on the submitted indicative drawings and there is an existing belt of planting adjacent to the railway line that will be retained. Detailed landscaping proposals will form part of any reserved matters application.

### **Proximity to a Licensed Explosive Facility**

The proposed development falls within the vulnerable building consultation zone of the nearby licensed explosives facility (BAE Systems). It is advised by the Health and Safety Executive (HSE), that the term ‘Vulnerable Building’ means a building or structure of vulnerable construction as set out below:

- a) a building of more than three storeys above ground or 12m in height constructed with continuous non-lad bearing curtain walling with individual glazed or frangible panels larger than 1.5sqm and extending over more than 50% or 120sqm of the surface of any elevation;
- b) a building of more than three storeys above ground or 12m in height with solid walls and individual glass panes or frangible panels larger than 1.5sqm and extending over at least 50% of any elevation;
- c) a building of more than 400sqm plan area with continuous or individual glazing panes larger than 1.5sqm extending over at least 50% or 120sqm of the plan area; or
- d) any other structure that, in consequence of an event such as an explosion, may be susceptible to disproportionate damage such as progressive collapse.

In the case of these proposals the materials, design and scale of the buildings are reserved matters and not to be determined at this time, therefore a refusal on these grounds could not be sustained.

The applicant is currently trying to engage in discussions with HSE to ensure that the reserved matters application proposes buildings that would be acceptable in this context.

## **Amenity**

Policy GR6 of CBLP and Policy SE12 of CELP require development to ensure that there would be no unduly detrimental effects on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking. Policy SE12 also requires development to ensure that it is designed and located so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy.

The nearest residential properties to the site are on Radway Green Road. It is considered that there would be some impact on the residential amenity of these properties due to increased vehicle movements from the site. However it is not considered that this would be so severe as to warrant refusal of the application.

An access point is provided on the western side of the site to allow access through LPS 24 as and when that site comes forward, thereby future proofing the development.

The applicant has submitted an acoustic report undertaken in support of the application. The impact of the noise from the proposed development has been assessed in accordance with BS4142:2014 (Methods for rating and assessing industrial and commercial sound). This is an agreed methodology for assessing noise of this nature.

The report recommends mitigation designed to ensure that occupants of nearby properties are not adversely affected by noise from the proposed development. The conclusions of the report and methodology used are acceptable.

As such, and in accordance with the acoustic report, a condition should be imposed requiring the implementation of the mitigation measures recommended in the report.

In terms of air quality impact, it is necessary for the Local Planning Authority to consider the cumulative impact of developments in the area, in particular, transport impacts. Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. These should include the provision of electric vehicle infrastructure and low emission boilers.

In terms of contaminated land issues, reports have been submitted with the application that identify a number of contaminant linkages at the site that require mitigation. As such conditions are required to ensure that the proposed remediation measures are carried out and verified.

## **Highways**

### Access

There is to be no change to the existing access at the site which is from Radway Green Road north of the level crossing. The existing layout of the junction has previously accommodated HGV vehicles and there are no design changes proposed to this access.

### Development Impact

Although the site was previously developed, the traffic impact of the new proposals is assumed as being new to the road network and has been undertaken using a B2 use as this results in the highest trip generation from the site. It has been assumed that the vast majority of HGV trips will take place inbound and outbound towards J16 of the M6 motorway; this is accepted given the location of the site. The light vehicles accessing the site will route using the local road network, approximately split evenly between using Butterson Lane, Crewe Road or Radway Green Road. The overall trip generation based upon a B2 use results in 217 trips in the am peak and 119 in the pm peak.

Given the proximity to the White Moss Quarry site this development has been included as a committed scheme and although the adjacent employment sites LPS 24 and LPS25 have not currently been developed they have been included in the assessments.

The capacity of a number of junctions has been assessed by the applicant and these are as follows:

- Site Access off Radway Green Road
- Main BAE access off Radway Green Road (South of level crossing)
- Radway Green Road/Butterson Lane/Crewe Road signal junction
- Proposed Radway Green Road/Butterson Lane/Crewe Road roundabout

The results of the capacity assessment indicate that the site access junction and the main BAE access would operate well within their capacity as would be expected given the predicted level of traffic generation arising from the site.

The capacity assessment undertaken at the existing Radway Green Road signal junction show that it will be operating over capacity in 2023 with development added. The assessment of the capacity in 2023 of the proposed new roundabout at Radway Green Road/Butterson Lane/Crewe Road, with the same development added into the flows; indicate that the roundabout will operate within capacity with minimal queues and delay.

The applicant has proposed an improvement to the traffic signals at Radway Green Road should the roundabout junction not be implemented, the improvement would reduce queues to just above capacity levels.

As assessment of the operation of the level crossing has been undertaken and a summary of the queues are shown in the table below;

Time Barriers Closed	Duration Closed (mins)	Queue (PCUs)	
		NB	SB
AM Peak (07:30-08:30)			
07:33:38	00:03:22	9	34
07:49:27	00:04:41	10	38
08:02:31	00:01:48	8	12
08:12:19	00:01:54	9	24
08:25:41	00:03:15	15	14
PM Peak (17:00-18:00)			
17:07:45	00:01:51	19	16
17:13:01	00:04:03	36	23
17:53:28	00:04:51	30	20

(PCU is Passenger Car Unit)

It is recognised that there are substantial queues that form at the level crossing and the length of queue can vary considerably on a daily basis. It is clear that the level crossing does introduce delay to the road network and the Highway Authority would not wish to see the delay being made unduly worse by development.

Consideration has been given to possible mitigation measures that could be put in place to reduce the level of queues at the level crossing. The operation of the crossing is undertaken by Network Rail and as such the frequency and length of operation of the crossing is not within the control of the Council. There is no scheme identified that can be implemented that would significantly reduce queues and as such an assessment of whether the development impact would result in significantly more delay at the crossing needs to be made.

In respect of this development the site is adjacent to LPS 24 that is accessed from Radway Green Road but crucially is south of the level crossing. This site will provide an infrastructure link that connects with LPS 24. This would allow development traffic in the future, to avoid the use of the level crossing when heading towards J16 of the M6 and would also not increase congestion levels further at the crossing.

No capacity assessment at J16 has been undertaken as it is the applicant's view that the impact is minimal at this junction with increases of just over one PCU per minute in the peak hours. There have been recent improvements, to provide two approach lanes to the junction on Radway Green Road that has reduced the extent of queues. Consideration has been given to providing additional mitigation measures to J16 that can reduce the level of congestion at the junction and also on Radway Green Road. The highway authority would wish to avoid adding cumulatively to the traffic demand using J16 but would have to accept that the development traffic does not result in a severe impact on the road network and there is no scheme within current highway boundaries that has been identified that can improve the capacity of the junction further.

### Accessibility

Providing safe and accessible walking and cycling routes to the site is important this will help reduce the traffic impact of the development. The site is linked to the footpath network on Radway Green Road north towards the traffic signals but there are no crossing facilities currently at the signal junction. As part of the proposed signal improvements, a pedestrian

phase will be incorporated to provide safe crossing of Crewe Road. There are bus stops located on both sides of Crewe Road within walking distance of the site.

### Highways Summary

This site is a former brown field site used for industrial use, the traffic impact assessment have been undertaken assuming that it is new traffic to the network and no allowance has been made for previous uses. It is proposed to access the site using the existing access which is a priority junction with Radway Green Road; this junction is an acceptable design and has been used by HGV traffic for some time without causing road safety concerns.

As this is an employment site the vast majority of commercial trips will be towards J16 and as such the assessment of impact has been focused on Radway Green Road at the level crossing and also at the junction with J16 roundabout. There are congestion problems at both these locations in the peak hours and consideration has been given to providing mitigation measures that would reduce the level of congestion at these locations. The operation of the level crossing is undertaken by Network Rail and the Council has no control over the frequency of use and this is clearly the source of the congestion issues. There have been no identified mitigation measures at the crossing and therefore it is important that where it is possible to reduce the traffic impact at the level crossing that these measures are put in place. A road link between this site and LPS 24 has now been shown.

There have been no mitigation measures identified to improve the operation of J16 that would lead to reducing the length of queues on Radway Green Road. The development will increase traffic flows using Radway Green Road by a small amount during the peak hours and in these circumstances it is not considered that a severe impact will result.

The application is acceptable in highway terms as the plans now show an acceptable safeguarded road link to LPS 24.

### **Ecology**

#### Statutory Designated Sites

The proposed development is located within 1km of the Midlands Mere and Mosses Phase 2 Ramsar.

It is noted that Natural England advise that the proposed development is not likely to have an adverse impact upon the features for which the site was designated.

Under the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant effects'. This assessment has been undertaken and is on the application file. The assessment concludes that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated. Consequently, a more detailed Appropriate Assessment is not required.

The site specific Habitat Regulations Screening report produced for this site to inform the CELPS examination concludes that no significant effects are anticipated from the development of this site.

### Priority Woodland

An area of priority woodland habitat is present on site to the south of the railway line. Habitats of this type are a material consideration for planning applications. The woodland is to be retained as part of the proposals. Protection should be provided to this area during the course of development.

### Bats and Barn Owls

The applicant's ecologist has confirmed that most of the buildings on site have now been demolished. The small buildings that remain on site have been assessed as having negligible potential to support protected species. It is considered that no further action in respect of these protected species is required.

### Lighting

If planning permission is granted a condition is required to ensure a suitable lighting strategy is developed for the site to protect wildlife, in particular bats.

### Nesting Birds

A condition is required to safeguard nesting birds during the breeding/nesting season.

### **Flood Risk**

The Council's Flood Risk Manager has assessed the application and is satisfied that, subject to conditions, the proposal is acceptable in flood risk terms.

### **CONCLUSIONS**

This proposal would bring economic benefits through the delivery of new jobs on a brownfield site where the land is allocated in LPS 23 for such uses. The proposal is compatible with the surrounding development.

The impact on neighbouring residential amenity would not be significant. Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network. An access into LPS 24, for future use is provided as part of the proposals. Any ecological impacts of the development can be satisfactorily mitigated.

Issues of air quality and contaminated land can be controlled by conditions.

The proposal is therefore found to be economically, socially and environmentally sustainable.

### **RECOMMENDATION:**

**Approve subject to the following conditions:**

- 1. Outline time limit.**

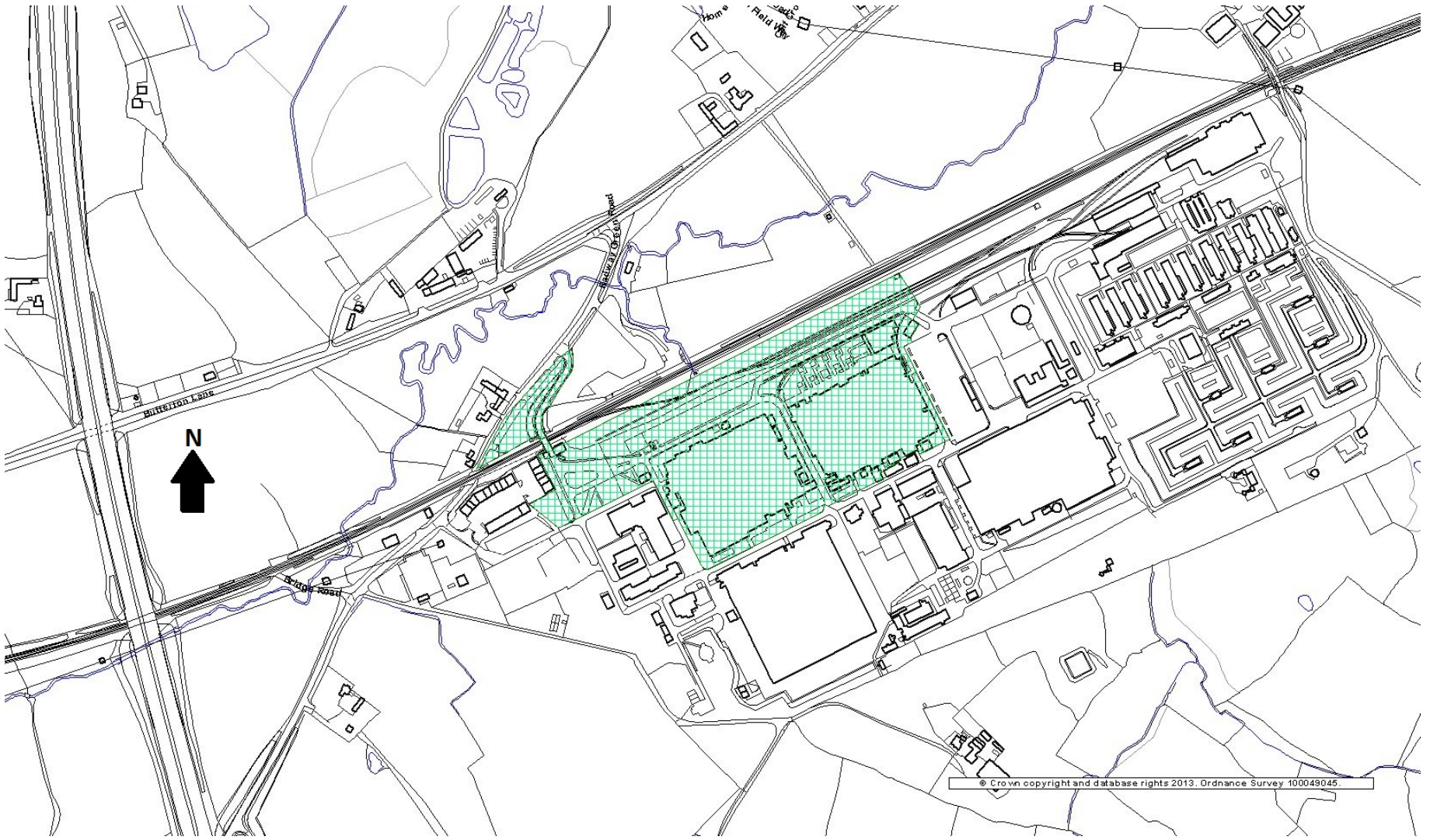
2. Reserved matters submission time limit.
3. Reserved matters to include layout, scale, landscape and appearance.
4. Approved plans.
5. Parking provided prior to first use.
6. Survey for nesting birds.
7. Submission of a lighting scheme in relation to impact on bats.
8. Submission of a strategy for the incorporation of features to enhance biodiversity.
9. Submission of a Construction Environmental Management Plan (including piling).
10. Submission of Travel Plans for occupiers of the buildings.
11. Provision of fast electric vehicle charging points.
12. Provision of low emission boilers.
13. Remediation Strategy for contaminated land.
14. Verification Report in accordance with the Remediation Strategy.
15. Implementation and continued maintenance of the mitigation measures as recommended in the submitted acoustic report.
16. Compliance with the Flood Risk Assessment.
17. The reserved matters shall include full drainage details.
18. The reserved matters shall include a comprehensive package of arboricultural information relevant to the final layout, including a tree survey, arboricultural impact assessment and details of protective measures for retained vegetation.
19. The reserved matters shall include details of existing and proposed ground levels and proposed floor slab levels.

**Informatives:**

1. Hours of noise generative works
2. Duty to adhere to the regulations of Part 2 of the Environmental Protection Act 1990
3. Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.
4. If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays. If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required. All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

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





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Application No: 18/1369N

Location: Royal Hotel, 7, NANTWICH ROAD, CREWE, CW2 6AG

Proposal: Demolition of redundant outbuildings and the erection of a 6 storey multi-storey car park with up to 243 spaces including a car wash to the rear.

Applicant: Property Capital Plc.

Expiry Date: 25-Oct-2018

**SUMMARY**

This is a full application for the development of a 6 storey, multi-storey car park containing 243 car parking spaces to the rear of the Royal Hotel which is a locally listed building. A range of outbuildings and structures, including “The Box” nightclub/venue will be demolished to facilitate the development. During the course of the application the design, scale and, massing of the development has been substantially revised from that originally proposed.

The proposed development of a multi-storey car park on this site to serve Nantwich Road shopping area and for station users is considered to accord with the objectives of Policy LPS 1 (Central Crewe Strategic Location). This is in view of the current planning context, where the Area Action Plan and detailed proposals in relation to the delivery of the HS2 Station Hub are at a very early stage in preparation and can consequently be given very little weight at this time.

It is considered that the amended proposals are of acceptable siting and design which would neither compromise the character or setting of the locally listed building, or constitutes an unduly dominant feature within the local townscape. Although the multi-storey car park is a large building, it is of a scale which still achieves an acceptable relationship with the Royal Hotel and would not undermine its historic significance.

In addition, the associated refurbishment of the hotel and the provision of new facilities accommodated within the rear extension will also help ensure the continued use and future retention of this locally listed building.

Whilst the development will result in additional traffic movements on the local highway network, including significant impact on the junction of Mill Street and Nantwich Road, this is insufficient to justify the refusal of the proposals.

The impact upon air quality has been assessed as part of this application, and subject to the imposition of a planning condition the development would comply with Policy SE 12 point 1.

The development would have a neutral impact upon the living conditions of local residents, ecology and contaminated land.

The proposals are therefore considered to be a sustainable form of development in accordance with the Development Plan and national policy.

**RECOMMENDATION:**

**APPROVE Subject to conditions**

**PROPOSAL:**

This is a full application for the development of a 6 storey, multi-storey car park containing 243 car parking spaces. A car wash facility is proposed on the western side of the building and parking for 28 cycles is provided on the ground floor.

During the course of the application the design, scale and massing of the development has been substantially revised from that originally proposed. The building has been reduced in height by two full storeys resulting in 142 fewer car parking spaces and a lighter weight elevation treatment proposed for its upper levels.

The proposal involves the removal of structures and outbuildings to the rear of the Royal Hotel, including “the Box” on Pedley Street. A single storey extension is also proposed to the rear of the hotel to create ancillary hotel space incorporating kitchen and storage facilities.

The multi-storey car park would be accessed from Pedley Street (East) and egressed from Pedley Street (north).

The ground floor of the building will have a red brickwork faced plinth and the upper levels are proposed to be clad with a combination of perforated panels interspersed with vertical translucent panels.

**SITE DESCRIPTION**

The application site is located on a corner plot behind the Royal Hotel and the adjoining row of commercial properties which front onto Nantwich Road.

The Royal Hotel is a locally listed building located on the prominent corner of Nantwich Road, at its junction with Pedley Street. The building is characterised by its highly ornate brick facade which is visible from the forecourt of Crewe Station to the east.

The site is occupied by a range of outbuildings, including The Box music venue. These buildings were successively added to the rear of the hotel over the years and are of little architectural quality, particularly as these have been subject to extensive alteration. The site also includes an area of hard standing to the rear of the hotel premises used as car parking and accessed from Pedley Street.

Extensive areas of surface car parking adjoin the western boundary of the site behind commercial properties of Nantwich Road, and also to the north of the site on the opposite side of Pedley Street.

### **RELEVANT HISTORY**

None relevant

### **POLICIES**

#### **Cheshire East Local Plan Strategy**

LPS1 - Central Crewe  
PG1 - Overall Development Strategy  
PG2 - Settlement Hierarchy  
PG7 - Spatial Distribution of Development  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 3 - Biodiversity and Geodiversity  
SE12 - Pollution, Land Contamination and Land Instability  
SE 13- Flood Risk and Water Management  
SE7 - The Historic Environment  
IN1 - Infrastructure  
EG1 - Economic Prosperity  
CO1 - Sustainable Travel and Transport

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

#### **Crewe and Nantwich Replacement Local Plan**

The relevant Saved Policies are: -

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)  
BE.13 (Buildings of Local Interest)  
BE.21 Hazardous Installations  
CF.3 (Retention of Community Facilities)  
S.9 (Nantwich road, Crewe)  
TRAN.7 (Crewe Railway Station)

#### **Other Considerations:**

National Planning Policy Framework

**CONSULTATIONS:**

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

**Highways:** No objection subject to condition requiring Construction Management Plan

**Flood Risk Manager:** No objection subject to a condition requiring details of surface water drainage scheme.

**Environmental Health:** Conditions suggested in relation to piling, dust control, floor floating, Construction Environmental Management Plan, Electric Vehicle charging, lighting and contaminated land. Informatives suggested in relation to contaminated land and construction hours.

**Cadent/National Grid:** No objection subject to informatives.

**Health & Safety Executive:** No objection

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

**Crewe Town Council:** Comments as follows;

*Council reiterates the need for such facilities to be compatible with the emerging Crewe Master Plan and recognises the need for extra parking space to support the opportunities afforded by HS2.*

*Council expresses concern in relation to the impact on air quality of the development which will impact on an existing AQMA. Council seeks assurances that there will be no detrimental impact and welcomes enhancements such as spaces for the charging of electric vehicles.*

*The impact on congestion and general highways issues is a major concern and the development would not be unacceptable unless it sits within a new scheme to manage traffic in an area that is already heavily congested and affect by air pollution.*

*Council is mindful of sustainable transport policies and would support improved public transport and other sustainable means of travel rather than over reliance on the use of motor vehicles.*

*Council would welcome a design that provides a bold and imaginative façade that projects a positive and quality image of Crewe.*

**REPRESENTATIONS:**

7 Representations have been received objecting to the application, raising the following concerns;

- Development of unacceptable design and out of keeping. A high quality design is required as site is close to proposed Crewe hub station
- Double tier parking should be provided at existing car park off Weston Road next to the station
- Adverse impact on residential amenity with overlooking from the car park,
- Loss of amenity and increased noise.
- Increase in traffic and congestion in locality
- As the multi-storey car park will be chargeable this will not be used by commuters and not address on-street parking issues
- Noise from queuing cars and the car wash.
- Will worsen air quality in Air Quality Management Area
- No need for car wash given existing facilities locally
- should be investing in integrated, healthy public transport for sustainable growth connected to HS2
- Loss of live music venue and cultural hub (i.e. 'The Box' live music venue and 'Colossus Recordings' recording/rehearsal studios.
- Car-use should be discouraged for the sake the environment and for local congestion issues. A multi-story car-park would be a retrograde step and instead, public transport should be encouraged, including the re-instating of bus services

A letter of objection has also been received from Cllr Jill Rhodes on the following grounds;

*“The Royal Hotel is a listed building and is one of a group of buildings in this area, e.g. the bank building a few meters away. In any other town this area would be designated as a conservation area.*

*The planning authority has a duty to safeguard these buildings and to ensure that they are surrounded by buildings that enhance their significance. This proposal for a car park does not enhance the building in any way*

*The materials chosen do not meet the design guide which clearly states brick as the primary material. The refusal of a nearby planning application confirms this. The materials are totally inappropriate for the area.*

*The height of the proposed car park is overbearing and visible from not only Pedley Street but also Nantwich Road. The builders of Rail House recognised the importance of the height of buildings near these listed buildings when they built Nantwich House, which fronts onto Nantwich Road and is no higher than the Royal Hotel. No building should be higher than the hotel.*

*I would question the traffic survey. It seems to me that a significant car park has been omitted from the survey, the Virgin Station Car park. The surrounding pay and display car parks are frequently under used, suggesting there is plenty of car parking for those who wish to pay. The nearby streets are clogged with those who do not wish to pay.*

*There must be a significant increase in traffic, there are 385 parking spaces. There will also be an increase in standing traffic as the cars queue to use the proposed car wash. Though there are more than enough car washes in the area.*

*There will be a loss of amenity to residents with overlooking from the car park. Increase in traffic, noise from queuing cars and the car wash. The air quality in this air quality management area will be worse.*

*In short this proposal does nothing to enhance the quality of the area in terms of architecture, or ambience and makes things worse for the residents”.*

In relation to the amended proposals Cllr Rhodes has commented as follows;

*“I have already commented on the previous application. I would like those comments to be read in conjunction with these comments. They were around the number of listed buildings in the area. The height of surrounding properties and nuisance to neighbours. This new design has some brick but the grey concrete is still unacceptable in design terms. The car park is still visible above the existing hotel. The reports still fails to recognise the housing on Pedley Street and the nuisance 300 extra cars will have on the amenity of residents. The air quality report admits that this development will make the air quality worse. This are is already an air quality management area”.*

3 representations have been received in support of the proposals on the following grounds;

- Much needed development in Crewe, and hopefully the start of major private development supporting the proposed new Crewe Hub;
- Business and investment opportunities will be enhanced by the provision of better hotel, parking, and local transport links.  
Parking facilities locally are inadequate, for example, on Crewe Alex match days.
- Reduction of on-street parking
- New developments are essential for protection of the town's future following years of decline.

## **APPRAISAL**

### **Principle of development**

The site is previously developed within the Crewe Settlement Boundary and the Nantwich Road Shopping area as defined by Policy S.9 the Crewe and Nantwich Local Plan. The site also forms part of the strategic location identified as Central Crewe under CELPS Policy LPS 1 of which the principal objective is maximise opportunities for regeneration and development.

In principle the development accords with elements of CELPS Policy LPS 1 (Central Crewe Strategic Location) in terms of the following;

- Site LPS 1 refers to appropriately sited, rationalised and improved car parking to support town centre uses and the local economy (point 9)
- Provision of new car parking, signage, concourse, public transport interchange and improved station facilities (including ancillary development relating to its use) at Crewe Railway Station (point 13 of LPS 1 Central Crewe)
- Improvements to Crewe Railway Station, including the development of adjacent land for complementary uses, to improve connectivity at this major communications hub (point 19 of LPS 1 Central Crewe)



Furthermore the site adjoins the boundary of the Crewe Rail Gateway Supplementary Planning Documents SPD boundary, which supports the provision of facilities to support the railway station as a gateway location, recognising the importance of appropriate design layout and form.

The Council's Cabinet resolved to consult on the draft HS2 Masterplan Vision for Crewe in November 2017. One of the objectives of the Masterplan Vision is "5. Provide a high quality station environment that sets the bar for development around the station and beyond and provides an exceptional gateway to the constellation partnership and northern gateway".

The Council has subsequently approved an updated Local Development Scheme with effect from the 1 October 2018, which states that a Crewe Station Hub Area Action Plan is to be produced which will set out policies and proposals to manage change associated with the HS2 hub station at Crewe.

However, given the very early stage in the preparation of the Area Action Plan and detailed proposal in relation to the delivery of the HS2 Station Hub and associated infrastructure in Crewe, this can only be given very limited weight in the consideration of planning applications at this time .

The site also lies within the Nantwich Road Shopping designation defined under Saved Policy S.9. This refers to the need for non-retail development having to be complimentary to existing retail uses and not have a detrimental impact on the retail function or residential amenity of the area. It is considered that in principle the proposed development of this unattractive site, which lies behind the main shopping frontage onto Nantwich Road will support and be complementary to the function of the shopping area. The impact on the character of the locality and amenity are specifically addressed below.

The principle of providing car parking provision in this location and is therefore broadly acceptable given the current planning policy position. However , the siting and design of the proposals, the impact on the setting and character the locally listed building, the amenity of local residents and issues arising from traffic generation require careful assessment. These issues are addressed below.

### **Design**

The importance of securing high quality design is specified within the NPPF and paragraph 124 states that:

*'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this'*

This is supported by Policy SE1 of the CELPS.

The amended proposals have significantly reduced the massing and scale of the original scheme through the reduction in height of the building by two full storeys , use of lightweight

cladding treatment for the upper storeys and the stepping-in of the building alongside Pedley Street.

The Council's Urban Designer has advised that the reduced scale and modified design of the building addresses the original design and heritage concerns which were raised. The amended scheme will not constitute unduly dominant feature within the townscape, and not over dominate adjacent buildings from key view points of the site including the station forecourt and along Nantwich Road. The building is of a scale which will achieve an acceptable relationship with the Royal Hotel and the frontage of buildings along Nantwich Road.

The Urban Designer considers that the proposed material choice will help to echo the industrial origins of the town and given the local context close to the railway. The perforated cladding also presents an opportunity to enrich the building, particularly at night time and recommended that the cladded sections of the building be used as a 'canvas' for public art. It is also considered that the colour scheme for the perforated cladding ought to be of a darker metallic shade rather than silver, and this can be controlled by condition.

Although the pedestrian entrance, lift and stair cores remain in the locations originally proposed for reasons of accessibility and safe escape, the visual impact of elements visible at roof level has also been reduced in height by 1.5 metres, and faced with translucent cladding. However to reduce the visual impact of roof top parking, the Urban Designer recommends that a condition be imposed requiring the parking layout to be amended (Level 5) to ensure that parking spaces are set back from the east elevation to avoid parking being unduly visible (particularly during darkness) from the direction of the station.

The development is of a siting and design which will not have an adverse on the appearance or character of Pedley Street, given the reuse of an unattractive area of surface parking and removal of existing buildings of no architectural merit. A condition is however recommended requiring details of the treatment for areas of public realm adjacent to the entrance of the car park.

### **Built Heritage**

Policy SE7 The Historic Environment requires that all new development conserve and enhance the historic environment and seek to avoid harm to heritage assets and make a positive contribution to Cheshire East's historic and built environment. In relation to non-designated assets criterion 3.b.i. requires the impact of proposed development should be properly considered, with a balanced consideration, weighing direct and indirect impacts upon the asset and its setting, having regard to the scale of any harm or loss, with a presumption that heritage assets will be conserved.

The Royal Hotel is a locally listed building and therefore constitutes as a nondesignated heritage asset.

In relation to the original proposals the Conservation Officer raised significant concerns as regards the impact of the proposal on the setting and character of the Royal Hotel given the excessive scale and massing, and also the design of the originally proposed development.

The amended scheme is considered to achieve an acceptable relationship with the scale of the Royal Hotel and its simple, contemporary design acts as a contrast to and does not seek to imitate the ornate, opulent character of the locally listed building. This helps to emphasise the locally listed building as the key built element of the grouping. The brick plinth at the base of the building will help to ensure a robust, anchored character and will tie into the brick and terracotta façades of the Royal Hotel.

It is considered that the proposal would not lead to any significant harm to the fabric of the Royal Hotel from the loss of the elements to the north, as this does not represent the principal 'dressed' frontage architecturally. Although these elements are later additions to the rear of the hotel and are of little architectural merit, a condition is recommended requiring their written recording prior to demolition.

The proposed single storey extension accommodating enhanced facilities for the hotel are of a siting and design which would not be harmful to its character of appearance.

It is considered that the proposals will not undermine the historic significance of the Royal Hotel, which primarily relates to the architectural interest of its principal elevations, and not impede or obstruct key views of this locally listed building. The proposal also improves the setting of the hotel through the repair and containment of the Pedley Street frontage and the removal of unattractive car parking.

### **Highways**

A Transport Assessment and subsequent update has been submitted in support of the proposals and assed by the Councils Highway Engineer.

#### Sustainable access

The site is already established and the footway and pedestrian crossing infrastructure in place which provides access to the wider Crewe area and its services and amenities, and public transport options.

There is cycling infrastructure also including the National Cycle Route 415 which passes the site on Nantwich Road.

#### Safe and suitable access

There have been around 20 recorded traffic accidents within close proximity of the site on Nantwich Road including a fatality that took place in 2013. This is a busy part of the highway network with high vehicle numbers, pedestrian activity and crossings, and cycle lanes, and a large number of the accidents are due to human error. There is a highways scheme within the Infrastructure Delivery Plan (IDP) to improve operation of the network at this location.

#### Network Capacity

To identify the peak hour demand of the proposal the applicant has undertook car park surveys of the existing car park and the adjacent Pedley Street car park, both of which have a combined capacity of just over 100 spaces.

The surveys and associated trip rates indicated that the development would generate around 100 vehicle trips during the weekday AM peak hour; 160 trips in the PM; and 120 during the Saturday afternoon peak hour.

The development flows have been distributed according to the existing traffic proportions. The methodology has forecast a disproportionately low number of additional vehicle movements through the Nantwich Road/Mill Street junction when compared to the existing flows. This junction has been assessed with standard software for a design year 2023 but has not been validated.

Nevertheless, the Strategic Infrastructure Manager considers that the model still shows the development to have a significant impact upon the operation of the junction, although it is not considered that such increased vehicle movements would justify the refusal of the application.

However, to facilitate a future highway improvement scheme for the network which will address capacity issues at this junction, and is included within the Council's Infrastructure Delivery Plan, a small parcel of the applicants land adjacent to Pedley Street is required to be dedicated as public highway. The Strategic Infrastructure Manager has confirmed that a land dedication agreement has been entered into between the applicant and Cheshire East Council, allowing the land to be released on the granting of planning permission.

It is also recommended that to mitigate the highway impact of activities and vehicle movements and activities associated with the development of the car park, that a condition is imposed requiring the submission of a Construction Management Plan.

### **Residential Amenity**

The main residential properties affected by this development are located alongside Pedley Street to the west. At its closest point, the north western corner of the multi-storey car would be sited 26m from the front elevation of the closest dwelling (No. Pedley Street). Given the revised height of the development and that it would be sited at an oblique to this dwelling, this distance is sufficient to prevent any significant harm as a result of overbearing impact, overshadowing or loss of privacy.

It is already the case that extensive areas of car parking are accessed from Pedley Street and noise also arises as a result of the mixed use character of the locality. It is not therefore considered that noise impact from vehicle movements generated by the development would have any greater appreciable impact on the amenities of nearby dwellings.

In addition, the proposed car wash facility is an ancillary facility for use by customers of the car park, and consequently its use will generate very modest noise and no additional traffic itself.

The Environmental Protection team have also raised no objections to the proposals subject to conditions including a construction environmental management plan (CEMP), measures to mitigate the impact of construction and details of lighting,

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

## **Air Quality**

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

Air quality impacts have been considered within the air quality assessment submitted in support of the application. Due to the reduced number of spaces now proposed, an updated assessment was submitted. This followed the same approach as the previous one, i.e. using ADMS Roads to model NO<sub>2</sub> and PM<sub>10</sub> impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

Based on the results of the originally submitted assessment, the Environmental Protection Officer objected to the proposals due to the predicted increases in nitrogen dioxide within the adjacent Air Quality Management Area (AQMA), and there being insufficient information submitted to show that the proposed mitigation measures would be sufficient to offset these increases.

However, the updated air quality assessment shows a smaller predicted increase in concentrations due to the reduced number of traffic movements, and has addressed the Environmental Protection Officer's original concerns. It is advised that the provision of electric vehicle charging points for 5% of the proposed parking spaces (12 spaces) will be sufficient to mitigate the impact on local air quality.

Therefore a condition will be imposed to secure Electric Vehicle Charging Point provision, and will ensure that the development would comply with Policy SE 12 point 1.

## **Loss of Community Facility**

Policy CF3 seeks to protect community facilities which make a positive contribution to the social or cultural life of a community, unless suitable alternative provision is made. Previous appeal decisions which have considered schemes that would result in the loss of a public house, which is considered to be similar to a nightclub/music venue use, have established that where there are other facilities nearby then there are no planning objections to the loss in principle. Appeal decisions make it clear that the consideration is whether there are alternative establishments in the local area not whether they offer exactly the same ambience / facilities as the one which has closed. In addition,

Policy CF3 makes no reference to the need to market an establishment before it is lost or for any considerations regarding viability. Whereas the Council has used such a reason for refusal for other premises in villages, the same considerations do not apply to the loss of venues in a town such as Crewe with other night clubs, public houses and similar facilities in the local area. It is therefore considered that the loss of The Box would not conflict with policy CF3 of the Replacement Local Plan 2011.

## **Nature Conservation**

Since bats are a European Protected Species, it is necessary to ensure that the development which involves demolition of buildings will not result in the disturbance of, or have an adverse impact upon roosting bats.

A bat survey and inspection was carried out by an Ecologist and the buildings were deemed to offer negligible bat roost potential. The Council's Ecologist concurs with the submitted findings and advises that no further surveys are required.

A standard condition is recommended to protect nesting birds during demolition work.

### **PLANNING BALANCE**

The proposed development of a multi-storey car on this site to serve Nantwich Road shopping area and for station users is considered to accord with the objectives of Policy LPS 1 (Central Crewe Strategic Location). This is in view of the current planning context, where the Area Action Plan and detailed proposals in relation to the delivery of the HS2 Station Hub are at a very early stage in preparation and can consequently be given very little weight at this time.

It is considered that the amended proposals are of acceptable siting and design which would neither compromise the character or setting of the locally listed building, or constitute an unduly dominant feature within the local townscape. Although the multi-storey car park is a large building, it is of a scale which still achieves an acceptable relationship with the Royal Hotel and would not undermine its historic significance. Although structures and outbuildings to the rear of the hotel will be demolished to facilitate the scheme, it is considered that this will have benefits in improving the setting of the locally listed building and the overall appearance of the area.

In addition, the associated refurbishment of the hotel and the provision of new facilities accommodated within the rear extension will also help ensure the continued use and future retention of this locally listed building.

Whilst the development will result in additional traffic movements on the local highway network, including significant impact on the junction of Mill Street and Nantwich Road, this is insufficient to justify the refusal of the application.

The impact upon air quality has been assessed as part of this application, and subject to the imposition of a planning condition the development would comply with Policy SE 12 point 1.

The development would have a neutral impact upon the living conditions of local residents, ecology and contaminated land.

The proposals are therefore considered to be a sustainable form of development in accordance with the Development Plan and national policy.

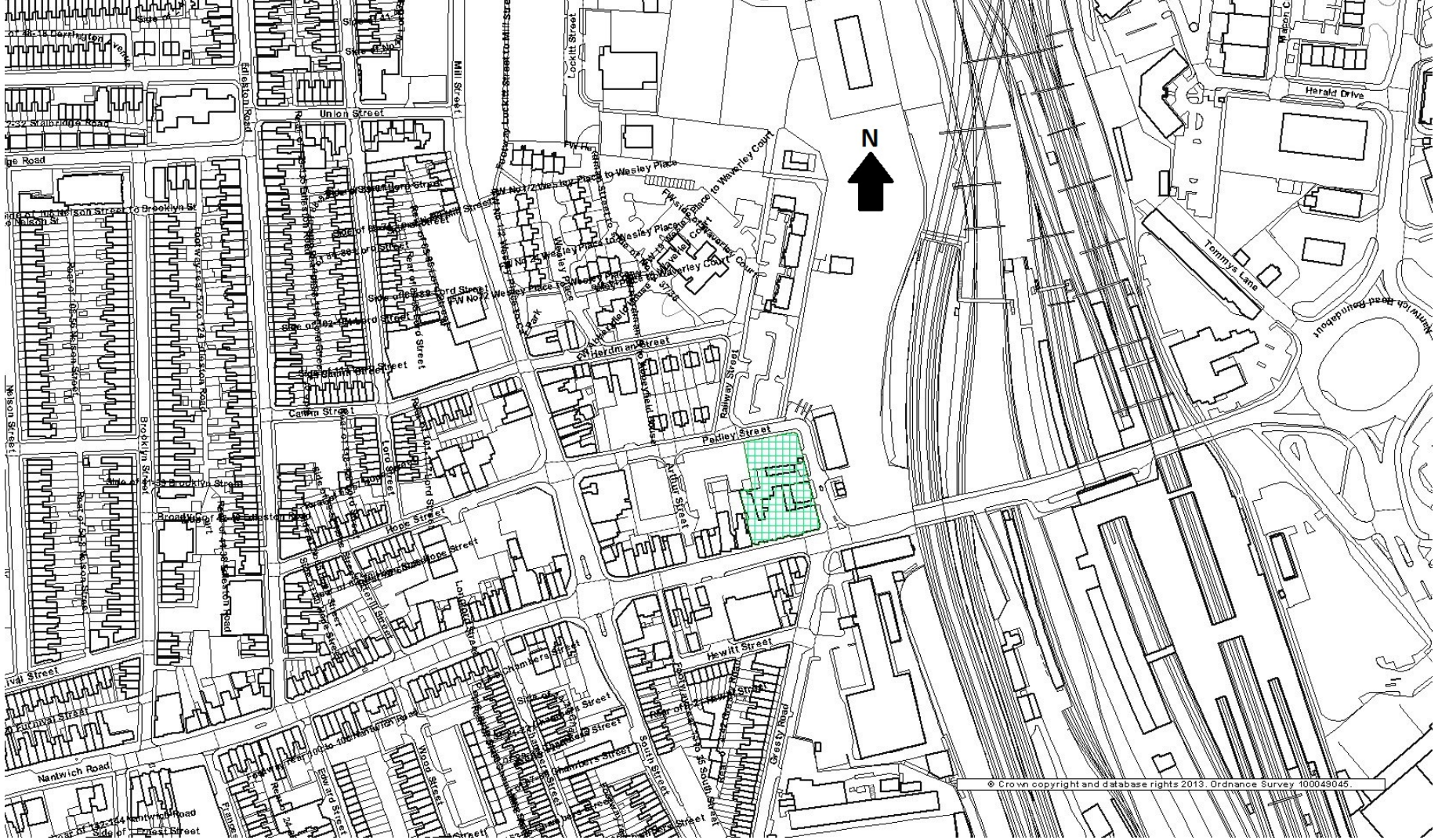
### **RECOMMENDATION:**

**APPROVE Subject to the following conditions;**

1. Standard
2. Approved plans
3. Details of all facing and roofing materials and glazed elements
4. Public art scheme for the building
5. Building recording (level 2)
6. Details of lift tower (Royal Hotel)
7. Details of public realm treatments at the entrances to building
8. Amended Parking layout (level 5)
9. Contaminated land – submission of a remediation strategy
10. Contaminated land – submission of a verification report
11. Contaminated land – works to stop if further unknown contaminated land is uncovered
12. Electric Vehicle Charging Provision
13. Lighting scheme to be submitted and approved
14. Construction Environmental Management Plan (CEMP)
15. Protection of Nesting birds
16. Details of Surface water drainage
17. Construction Management Plan

In order to give proper effect to the Board's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice





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Application No: 18/4156C

Location: LAND BOUNDED BY OLD MILL ROAD & M6 NORTHBOUND SLIP ROAD, SANDBACH

Proposal: Variation of condition 34 on application 12/3948C.

Applicant: Agent, Barratt Homes

Expiry Date: 15-Nov-2018

### **SUMMARY**

The principle of the development has already been approved.

The proposed variation seeks to increase the number of dwellings that can be occupied in advance of the roundabout approved under permission 16/5850C being completed, from 50 to 80. Increasing the number by 30 dwellings is still considered to provide an effective incentive for the developer to deliver the roundabout, as it will prevent them from constructing two-thirds of their approved dwellings until the roundabout is complete. The proposal will still meet the objectives of LPS 53, which allows for residential development on the site in order to help enable the access and infrastructure improvements required to deliver the whole site.

There are no highways reasons to object to the proposed variation. The proposal is also not considered to have any significantly greater impact upon affordable housing provision, the accessibility of the site and public rights of way, noise impacts, air quality impacts, contaminated land, landscape and trees, ecology, design and the character of the area, the living conditions of residents, flood risk, open space, education or archaeology compared to the existing permission.

The proposal is therefore considered to comply with the development policies listed above. The application is therefore recommended for approval, subject to conditions, and a deed of variation to the s106. The conditions will reflect those on the original consent amended to take account of those that have been discharged.

### **SUMMARY RECOMMENDATION**

Approve subject to conditions and deed of variation for s106 agreement

### **PROPOSAL**

The application seeks to vary condition 34 on outline permission 12/3948C. Condition 34 currently requires the completion of the roundabout approved under permission 16/5850C prior to the occupation of the 50<sup>th</sup> dwelling. It is proposed to vary the condition to require the roundabout to be completed prior to the occupation of the 80<sup>th</sup> dwelling.

## **SITE DESCRIPTION**

The application site comprises a former area of open farmland, part of which is currently being developed for housing. The commercial aspect of the approved development has not been commenced, although some works appear to have commenced on the spine road, which will serve the commercial development. The site is bound to the east by the M6 motorway, to the south by the Sandbach wildlife corridor and to the north east by Old Mill Road (A534). The application site forms part of site LPS 53 in the CELPS which is allocated for mixed commercial and residential uses.

## **RELEVANT HISTORY**

18/1414C - Non material amendment to application 17/4496C – Approved 15.05.2018

17/5300C - Non-material amendment to 12/3948C – Approved 07.12.2017

17/4838C - Outline application for development of commercial park including office use, industrial units, storage and distribution, a sports facility and a local centre. (Resubmission of 16/4631C) – Not determined to date

17/4496C - Partial re-plan of layout approved under planning permission reference number 15/3531C providing 101 dwellings (5 additional) including highways and landscaping works. Reserved Matters for Original Outline permission 12/3948C – Approved 13.02.2018

16/6026C - Reserved matters application on approved Outline application 12/3948C for the construction of a spine road and associated works – Approved 11.06.2018

16/5850C - Improvement of J17 Northbound slip road. Provision of new roundabout to provide access to development site, Old Mill Road and slip road – Approved 13.07.2017

16/4631C - Outline application for development of commercial park including office use, light industrial units, storage and distribution, residential care home, sports facilities a local centre and up to 245 residential dwellings – Withdrawn 10.03.2017

15/3531C - Reserved matters application for proposed erection of 232no. dwellings including roads, sewers, boundary treatments and garages and associated works – Approved 10.06.2016

14/0043C - Improvement of J17 Northbound slip road. Provision of new roundabout to provide access to development site, Old Mill Road and slip road – Approved 25.04.2014

12/3948C - Outline planning permission for a commercial development comprising a family pub / restaurant, 63 bedroom hotel, drive through café, eat in café, and office and light industrial units with an adjacent residential development of up to 250 dwellings, and associated infrastructure and access – Approved 09.03.2015

## **POLICIES**

## **Development Plan**

### Cheshire East Local Plan Strategy

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

EG1 Economic Prosperity

EG3 Existing and allocated employment sites

EG5 Promoting a town centre first approach to retail and commerce

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE9 Energy Efficient Development

SE12 Pollution, Land contamination and land instability

SE13 Flood risk and water management

CO1 Sustainable Travel and Transport

CO2 Enabling business growth through transport infrastructure

CO4 Travel plans and transport assessments

Site LPS 53 – land adjacent to J17 of M6, south east of Congleton Road, Sandbach

### Congleton Borough Local Plan Policy saved policies

GR6 (Amenity and Health)

GR7 (Amenity and Health)

GR8 (Amenity and Health - pollution impact)

GR9 (Accessibility, servicing and provision of parking)

GR10 (Accessibility for proposals with significant travel needs)

GR14 (Cycling Measures)

GR15 (Pedestrian Measures)

GR16 (Footpath, Bridleway and Cycleway networks)

GR18 (Traffic Generation)

GR20 (Utilities infrastructure provision)

NR2 (Statutory Sites)

NR3 (Habitats)

NR4 (Non-statutory sites)

NR5 (Creation of habitats)

## **Neighbourhood Plan**

### Sandbach Neighbourhood Plan (January 2016)

Policy PC3 - Policy Boundary for Sandbach

Policy PC4 - Biodiversity and Geodiversity

Policy PC5 - Footpaths and Cycleways

Policy H2 – Design and Layout

Policy JLE1 – Future employment and retail provision  
Policy IFT1 – Sustainable Transport, Safety and Accessibility  
Policy CC1 – Adapting to Climate Change

**Other Material Considerations:**

National Planning Policy Framework (The Framework)  
National Planning Practice Guidance (NPPG)

**CONSULTATIONS**

**Cheshire Constabulary** – No comments received

**Cheshire Fire Brigade** – Make observations relating to access and provision of water for fire service

**Jodrell Bank** – No comments received

**Environment Agency** – No comments received

**Natural England** – No comment to make

**United Utilities** – No comments received

**Highways England** – No comments received

**Sustrans** - No comments received

**Public Right of Way** – No comments received

**Children's Services (Education)** – No comments received

**Environmental Health** – No objection

**ANSA** – No comments received

**Archaeological Planning Advisory Service (APAS)** – No comments received

**Strategic Housing Manager** – No comments to make

**Head of Strategic Infrastructure** – No objections

**Sandbach Town Council** – Object on the grounds that it appears to be a delaying tactic by Barratts to enable them to build more houses before constructing the roundabout. Strongly request that the roundabout is constructed without any further delay.

**Cllr Corcoran** – Provides the following reasons for calling the application in to Committee:

*"1) the original conditions were reasonable*

*2) those conditions have already been relaxed and the developer still hasn't built the roundabout*

- 3) *the applicant is not making reasonable attempts to build the roundabout*  
4) *even if they worked hard from now will be unlikely to be able to build the roundabout in March*  
5) *the traffic station on Old Mill Road is dangerous as cars leaving the new site are frequently having to turn right into standing/slow moving traffic - building more houses before the roundabout is built will make this situation worse*

*I have asked to see the developer's detailed timetable for obtaining approvals and constructing the roundabout - apparently this hasn't been provided, so how do we know whether the change to condition is necessary (or indeed sufficient)?"*

## REPRESENTATIONS

Four letters of representation have been received from interested parties objecting to the proposal on the following grounds:

- Developer has had over 3 years to schedule these works
- HE offer to discuss access does not appear to have been pursued
- Condition and roundabout design already relaxed once to the detriment of Sandbach and local road users
- The developer should not be rewarded for poor project management
- Shows a lack of respect for planning rules
- Variation is of no benefit to the area
- Applicant has failed to justify the figure of an additional 30 dwellings
- The TA is a MODEL, which can be manipulated to provide various answers
- Any additional standing traffic will have an adverse impact on Air Quality. A subject NOT mentioned in the TA.
- Development should stop until the infrastructure can catch up

The publicity period expired on 4 October 2018.

## BACKGROUND

In June 2014, the original outline application (12/3948C) was resolved to be approved by the SPB. As part of that resolution, condition 34 required a new "enhanced" roundabout (approved under permission 14/0043C) to be delivered prior to the commencement of development. At that time it was hoped that the approved enhanced roundabout would be constructed instead of the Highways England pinch point scheme. However, when it became apparent that the pinch point scheme would have to be provided first, the condition was amended at the October 2015 SPB meeting to require the provision of the roundabout prior to the occupation of the 50<sup>th</sup> dwelling.

It was noted at that time that the development will be served by two access points, and, even though the application was in outline with all matters reserved, it was evident that the residential element of the proposal could be accessed without the roundabout being provided. The reasoning for the condition was to guarantee that the access to the commercial site is provided from the new roundabout, in order to enable the delivery of the employment site and to ensure that it is not just the residential aspect that is delivered. The 50 dwelling limit was put forward by the applicant at that time.

In 2014 it was accepted that a restriction upon the numbers of dwellings to be occupied before the roundabout was provided would serve the purpose of the condition just as well as a pre-commencement condition. This would allow the development to commence and still facilitate the delivery of the roundabout at the appropriate time. Permission 12/3948C was issued on this basis.

The developer is now close to completing construction of 50 houses, with occupation of the 50<sup>th</sup> unit expected to follow very soon. In this event, works would have to cease on site until the roundabout approved under permission 16/5850C is completed for reasons that are outside of the applicant's control. Whilst the restriction on occupation does not necessarily prevent Barratts from constructing the houses, Members will be aware that the nature of housebuilding is for units to be constructed, with occupation following very soon after completion. Houses are not speculatively constructed in large numbers, with delayed occupation.

The reason for the delay in the construction of the roundabout is that Highways England is currently undertaking the M6 junction 16 to junction 19 Smart Motorway Scheme, which is scheduled for completion in March 2019. Due to these works, Highways England will not permit access onto the network to carry out the required roundabout works until the Smart Motorway Scheme is complete (in March 2019).

### **APPRAISAL**

#### **Reason for the condition**

The principle of the mixed use development on the site has already been accepted as a result of the earlier permissions.

The supporting text to Site LPS 53 in the CELPS states that the allocation presents *“the opportunity to deliver a mixed used development site with the primary use of the site being for employment purposes, whilst acknowledging that supporting residential development will be needed to help enable the access and infrastructure improvements required to deliver the whole site”*

In this regard the policy allows for the delivery of up to 450 new homes to support the delivery of the 20 hectares of employment land. The reason for the condition was to ensure that there was some incentive built into the permission to guarantee that the roundabout is provided, as the delivery of the roundabout is essential to the acceptability of the approved mixed use proposal as a whole.

Reserved matters approval exists on this site for the construction of 237 dwellings. The existing permission allows for 50 dwellings to be constructed and occupied ahead of the completion of the roundabout, which equates to 21.1% of the approved dwellings. The proposed variation to 80 dwellings will increase this proportion to 33.7%, approximately one-third of the approved dwellings. Therefore, the applicant would still be prevented from occupying two-thirds of the approved dwellings until the roundabout is complete, which is still a considerable incentive for them to construct the roundabout.

### **Highways**

The applicant has submitted supporting information to indicate that the increase in units can be accommodated on the road network. The Head of Strategic Infrastructure agrees with the submitted details that the additional 30 units would make little difference in terms of traffic impact, ahead of the provision of the roundabout. It is important to note that the condition was not attached for traffic capacity reasons; it was to ensure that the roundabout was delivered to allow the employment allocation to come forward.

Whilst the delivery of the new roundabout is important not only for the delivery of the employment area but also for the operation of the local highway network, there are no highway reasons to object to the proposed variation.

### **Other matters**

Due to the very limited nature of the proposed change to the trigger for the delivery of the roundabout, the proposal is not considered to have any significantly greater impact upon affordable housing provision, the accessibility of the site and public rights of way, noise impacts, contaminated land, landscape and trees, ecology, design and the character of the area, the living conditions of residents, flood risk, open space, education or archaeology compared to the existing permission.

This position is also evident from the lack of comments from consultees regarding the proposed change.

The comments received in representation relating to air quality are acknowledged, however air quality officers from Environmental Protection have not raised any concerns regarding the proposed variation. If there was any additional impact to local air quality arising from the proposal, this would be to a negligible degree and for a very short period of time. The conditions relating to a travel plan and electric vehicle charging infrastructure attached to the original outline permission will address these impacts as well as the contribution of £10,000 towards implementation of the Air Quality Action Plan in Sandbach, which was secured as part of the s106 agreement on the outline consent.

### **Heads of Terms**

If the application is approved a deed of variation to the Section 106 Agreement will be required to refer to this new permission. The s106 secured the following heads of terms:

- Financial contribution towards primary education of £292,850
- Financial contribution towards secondary education of £539,309
- Contribution of £10,000 (air quality mitigation) towards implementation of Air Quality Action Plan in Sandbach
- The provision of a NEAP facility (comprising a minimum of 8 items of equipment) and a minimum of 4000sqm of open space to be provided on site. One area shall be a minimum of 2000 sqm.
- Management details for the maintenance of all amenity greenspace / public open space, public footpaths and greenways within the site, play areas, and other areas of incidental open space not forming private gardens or part of the adopted highway in perpetuity.
- Provision of 15% affordable housing with 50% to be provided as social rent and 50% provided as intermediate tenure
- Phasing of affordable housing
- Area of land across wildlife corridor transferred to Highway Authority

- Financial contribution of £500,000 towards bridge to cross wildlife corridor
- Clawback mechanism (in the event additional monies become available)

### **Community Infrastructure Levy (CIL) Regulations**

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

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

The provision of affordable housing, provision of public open space and associated management and air quality mitigation are necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The development would result in increased demand for school places at the primary and secondary schools within the catchment area which have at best only limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary and secondary school education is required based upon the maximum units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

### **CONCLUSION**

The principle of the development has already been approved.

The proposed variation seeks to increase the number of dwellings that can be occupied in advance of the roundabout approved under permission 16/5850C being completed, from 50 to 80. Increasing the number by 30 dwellings is still considered to provide an effective incentive for the developer to deliver the roundabout, as it will prevent them from constructing two-thirds of their approved dwellings until the roundabout is complete. The proposal will still meet the objectives of LPS 53, which allows for residential development on the site in order to help enable the access and infrastructure improvements required to deliver the whole site.

There are no highways reasons to object to the proposed variation. The proposal is also not considered to have any significantly greater impact upon affordable housing provision, the accessibility of the site and public rights of way, noise impacts, air quality impacts, contaminated land, landscape and trees, ecology, design and the character of the area, the living conditions of residents, flood risk, open space, education or archaeology compared to the existing permission.

The proposal is therefore considered to comply with the development policies listed above. The application is therefore recommended for approval, subject to conditions, and a deed of variation to the s106. The conditions will reflect those on the original consent amended to take account of those that have been discharged.



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

### Application for Variation of Condition

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. Development in accord with approved plans
2. Protection from noise during construction (hours of construction)
3. Approval of construction method statement
4. Approval of ground levels submitted with reserved matters application
5. Approval of refuse storage facilities
6. Approval of Environmental Management Plan
7. Approval of external lighting
8. Updated contaminated land Phase II report
9. Noise mitigation measures
10. Approval of travel plans
11. Energy from decentralised and renewable or low-carbon energy sources / energy reduction
12. Scheme to limit the surface water runoff
13. Scheme to manage the risk of flooding from overland flow of surface water
14. Scheme to dispose of foul and surface water
15. Wildlife corridor buffer zone to be provided
16. Approval of arboricultural details
17. Site to be drained on a separate system
18. Provision of electric car charging points
19. Incorporation of public right of way routes in layout
20. Provision for pedestrians and cyclists
21. Written scheme of archaeological investigation
22. Hedgerow retention and enhancement

- 23. Phasing of whole development and associated roundabout
- 24. Public access to wildlife corridor to be provided
- 25. Prior to the occupation of the 80th dwelling hereby approved, the roundabout which is the subject of planning permission 16/5850C shall be completed in accordance with the details approved under that permission.
- 26. No more than 50% of the dwellings shall be occupied before all services / utilities / infrastructure are provided for 25% of the non residential element of the site. No more than 75% of the dwellings shall be occupied before all services / utilities / infr



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Application No: 18/4449C

Location: Land off Black Firs Lane, Congleton, CW12 4QD

Proposal: Re- plan of 119 plots and associated works. Original Plan approval 16/5156C. This was 170 now 203

Applicant: Ms Lightfoot, Barratt & David Wilson Homes North West

Expiry Date: 04-Dec-2018

### **SUMMARY**

This application proposes a re-plan of the southern area of this allocated site, which has planning permission for 170 dwellings. The revised proposals would increase numbers by 33, to 203. There are no in principle, policy or land supply objections to the proposals.

The applicant has agreed to meet the Education contribution and will provide the affordable housing in line with the Council's policies so these matters are addressed.

Whilst a new access onto Chelford Road is proposed, Highways have raised no objections subject to initiating a speed reduction on the road, and Members may recall the access was approved in the original outline approval granted in 2014.

The application is neutral with regards to flood risk/drainage, amenity, ecology and subject to receipt of an Arboricultural Impact Assessment trees. Comments on open space and play provision are awaited but it is not considered that any significant issues will need to be reported.

Matters of contaminated land, noise and air quality can all be addressed by conditions.

This leaves the issue of urban design. There are a number of concerns with the submitted scheme which requires revisions to ensure compliance with the Design Guide. A positive response has been received from the applicant and it is expected that revisions will be received to address the concerns. This matter will need to be reported in any update report, which will confirm the recommendation. However on the basis that these matters can be addressed the application is Minded to Approve subject to referral to Jodrell Bank to see if they feel the application should be referred to the Secretary of State.

### **RECOMMENDATION**

MINDED TO APPROVE subject to receipt of revised plans, referral to Jodrell Bank and Section 106 Legal Agreement

## SITE DESCRIPTION

The application site comprises the southern part of a larger site which is currently being developed for housing by David Wilson Homes. Development of the northern part of the site is well advanced. The greater (original) site amounts to some 10 hectares in area, and is roughly triangular in shape. This application relates to the bottom (southern) part of the site, nearest to Holmes Chapel Road, amounting to approximately 3 hectares. The site is located within an area of ribbon development along Chelford Road, Black Firs Lane and Holmes Chapel Road. Opposite the site along Chelford Road there are a mix of detached houses and bungalows. Black Firs Lane marks the western edge of the Congleton Settlement. Adjoining the south-west part of the site is former farmstead of Green Tree Farm and to its south Goodwin's Pool, which is used by Congleton Anglers Society for fishing. A number of new houses have been built off Chelford Road adjacent to the site on the south western boundary.

The frontages of the larger site have wide grass verges, with many trees of differing levels of maturity, quality and height. The western side of Chelford Road is characterised by an existing ribbon of development, part of the southern boundary has ribbon development facing onto Holmes Chapel road and there is a section of ribbon development along southern part of the eastern, Black Firs Lane boundary. Ribbon development also extends further up the eastern side of Black Firs Lane.

The site was originally a series of agricultural fields, with a number of trees especially in this southern area.

Black Firs nature reserve (SBI) sits along the southern part of the site and an area of woodland outside the site boundary on the junction of Holmes Chapel Road and Chelford Road.

## 2. DETAILS OF PROPOSAL

This application seeks full planning permission for a “re-plan” of the southern part of the site, to increase the number of units on the site as a whole from 170 (as approved) to 203, an increase in 33 units, or a re-plan of 119 units. This is achieved by increasing the numbers of units in areas where houses have already being proposed. The road network, areas of open space, ecological mitigation and SUDS remain unchanged. The changes are summarised below:

<b>No of Bedrooms</b>	<b>Approved</b>	<b>Proposed</b>
<b>2 Beds</b>	2	
<b>3 Beds</b>	8	32
<b>4 Beds</b>	84	92
<b>5 Beds</b>	25	18
<b>Rent:</b>		
<b>Bungalow 1 Bed</b>	4	2
<b>Apartment 1 Bed</b>	4	
<b>Bungalow 2 Bed</b>		4
<b>Apartment 2 Bed</b>		4
<b>2 Beds</b>	5	

<b>3 Beds</b>		5
<b>Intermediate:</b>		
<b>2 Beds</b>	21	16
<b>3 Beds</b>	17	30
<b>Totals</b>	<b>170</b>	<b>203</b>

In addition to the layout changes, the proposal is to create a new access onto Chelford Road, as originally approved at the outline stage. The extant consent being implemented has two access points off Black Firs.

### 3. RELEVANT PLANNING HISTORY

13/2746C - Erection of up to 180 dwellings, public open space, green infrastructure and associated works Land between Black Firs Lane, Chelford Road & Holmes Chapel Road, Somerford, Congleton, Cheshire APPROVED August 2014

16/5156C - Residential Development for 170 houses & associated works. LAND OFF BLACK FIRS LANE, SOMERFORD, CONGLETON, CHESHIRE APPROVED May 2017

### 4. PLANNING POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

#### Local Plan Policy Cheshire East Local Plan Strategy

PG2 – Settlement Hierarchy  
 PG5 - Open Countryside  
 PG6 – Spatial Distribution of Development  
 SC4 – Residential Mix  
 SC5 – Affordable Homes  
 SD1 - Sustainable Development in Cheshire East  
 SD2 - Sustainable Development Principles  
 SE3 – Biodiversity and Geodiversity  
 SE5 – Trees, Hedgerows and Woodland  
 SE 1 - Design  
 SE 2 - Efficient Use of Land  
 SE 4 - The Landscape  
 SE 5 - Trees, Hedgerows and Woodland  
 SE 3 - Biodiversity and Geodiversity  
 SE 13 - Flood Risk and Water Management  
 SE 6 – Green Infrastructure  
 SE10 - Jodrell Bank  
 IN1 – Infrastructure  
 IN2 – Developer Contributions  
 NR5 - Maximising opportunities to enhance nature conservation

LPS 26 – Back Lane/Radnor Park, Congleton

### **Saved Policies Congleton Borough Local Plan**

PS8 Open Countryside  
NR4 Non-statutory sites  
GR5 Landscaping  
GR9 Accessibility, servicing and provision of parking  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR17 Car parking  
GR18 Traffic Generation  
PS10 Jodrell Bank  
NR1 Trees and Woodland  
NR3 habitats  
NR5 Habitats  
H6 Residential Development in the Open countryside  
H13 affordable Housing and low cost housing  
Hulme Walfield and Somerford Booths Neighbourhood Plan  
(Made February 2018)  
HOU1 - New Housing development  
HOU5 - Housing design  
INF1 – Infrastructure

### **Somerford Neighbourhood Plan 2018**

This made plan has the following relevant policies:

Policy H1: New Housing  
Policy D1: Design  
Policy D2: Building Design  
Policy N2: Trees and Hedgerows  
Policy T1: Sustainable Transport, Safety and Accessibility

### **Other Material Considerations**

National Planning Policy Guidance

### **CONSULTATIONS:**

**Natural England:** No objections are raised.

**Jodrell Bank:** Comments are awaited, however they objected to the previous application as the impact from the additional potential contribution to the existing level of interference from that direction will be moderate. They asked that Cheshire East take this into consideration in reaching its decision.

**Environmental Health:** Detailed comments have been received, but no objections are raised. Conditions relating to Noise insulation, Travel plans, Travel Information Packs, Electric Vehicle Infrastructure, Phase II Ground Investigation and contaminated land are recommended.



**Education:** The development is expected to generate 6 primary children, 5 secondary children and 0 SEN children, and that owing to the shortfall in the provision in both primary and secondary education a contribution of £146,791 is required. If this is not secured then Children's Services raise an objection to this application.

**Flood Risk Officer:** Comments are awaited. No objections were raised to the previous application subject to conditions relating to drainage strategy/design and implementation are recommended. Run off rates shall mimic existing greenfield run-off rates.

**Housing:** Following clarification of the affordable mix which meets the policy on tenure mix, and confirmation the development is providing 1 bed bungalows they have no objection subject to the provision being secured via a Section 106.

**Strategic Highways Manager:** No objections are raised, but recommend the speed limit locally is reduced and that a Section 106 contribution is required to secure this.

**Public Rights of Way:** Comments are awaited, however commenting on the previous application they stated that the proposed development does not appear to affect any Public Rights of Way, but that there were opportunities to provide green linkages to Congleton, essentially to the east, as part of the North Congleton Masterplan proposals and advice in the NPPF.

**Public Open Space (Amenity Greenspace) and Children's Play Space:** Comments are awaited from ANSA. However, commenting on the outline approval, there was considered to be a deficiency in provision locally. On site provision for both open space and play space was required be to an adoptable standard with an associated commuted sum payment for future maintenance should this be adopted by the Council. The amount of open space indicated on the submitted outline plans was considered to be an over-provision.

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

**Somerford Parish Council:** Object to the application for the following reasons:

“Background and Neighbourhood Plan

- Somerford is a small parish with virtually no man-made community facilities.
- In the 2001 Census its population was recorded as 343 and by 2011 this had risen to 430. At that time there were approximately 140 dwellings, giving an average occupancy of 3 to 1.
- A total of some 1200 houses have been approved in the Parish in recent years. Using the 2011 Census average of 3 to 1, this suggests a population for Somerford in the region of 3,500.
- The Somerford Neighbourhood Plan was approved following a public referendum held on the 15th February 2018. That plan sets out various policy objectives covering Housing and Design and in particular the following targets: Policy H1 – New Housing:  
New housing development should:
  - maintain the rural character and setting of Somerford; and
  - be supported by adequate infrastructure, or provide any necessary infrastructure improvements as part of the development.This application does neither.

Policy H2 - Development of small infill sites, the redevelopment of existing sites and the refurbishment or replacement of existing buildings and conversions will be supported, providing that:

- the character and appearance of the immediate neighbourhood is maintained including, where appropriate, the spacing and set back of buildings;
- infill development of 3 dwellings or less should relate to the size of the site so as to avoid overdevelopment;
- conversions and replacement dwellings or redevelopments of existing sites should respect the character of the surrounding area; and
- applications are supported by a visual impact assessment.

This application satisfies none of these objectives.

Policy D1 – Design:

This application does not meet any of the Design policy objectives set out in the Neighbourhood Plan

It would appear that the applicant is either unaware of or has ignored the provisions and objectives of the Somerford Neighbour Plan.

Housing numbers

- The original planning application for this site was registered on the 28th August 2013 and numbered 13/2746C and was for 180 dwellings.
- The Somerford Parish Council was one of many objectors to that application.
- The Planning Authority granted the application on the 19th August 2014 but reduced the number of dwellings permitted from 180 to 170, condition 33 providing as follows: Notwithstanding the details shown on the approved plans, application forms, and other supporting documents, this permission shall not confer approval for any more than 170 dwellings to be built within the site. The reason for this condition was stated to be: In the interests of achieving a high quality design and layout and to comply with Policies GR1 and GR2 of the adopted Congleton Borough Local Plan First Review.
- The current applicant submitted their application for 170 dwellings on the 20th October 2016 and this was granted, for 170 dwellings, on the 12th May 2017.
- The current application does not seek to justify the increase in the number of dwellings from 170 to 203 on any grounds and it would seem that the only justification is one of commercial expediency.
- In particular it is submitted that the application, if granted, would be contrary to achieving a high quality design and layout and would not comply with Policies GR1 and GR2 of the adopted Congleton Borough Local Plan First Review.

Access and loss of trees

- The application seeks to create a fourth access point to the site. Again there is no stated justification for this additional access.
- The applicant's tree survey states that the creation of this further access would involve the loss of additional trees as follows: 4 roadside trees will also require removal to allow for access points into the development. This will have an impact both from the loss of moderate value trees and visually.

If it is that the application is to be considered for grant, then the Somerford Parish Council would ask that the following factors be considered and, where appropriate, be incorporated into the conditions:

1. It is considered essential that the speed limit along Chelford Road, from at least its junction with Holmes Chapel Road, be reduced from its present 60 mph to 40 mph to bring it into line with the limits currently applied on both the adjacent section of Holmes Chapel Road and Blackfirs Lane;
2. It is considered unnecessary and undesirable for the area to be provided with full-height lampposts and any provision for street-lighting, if considered essential, should be both low in intensity and height. In this respect the Neighbourhood Plan provides the following:  
We will encourage the following approach to the provision of street lighting and signage:
  - Street lighting should be minimal if at all and should not disturb dark skies;
  - any light sources should point downwards so it has minimal impact on the environment, minimal effect on local wildlife and minimise light pollution;
  - individual timer controls shall be installed for each light source, and
  - all lighting should comply with BS5489---1: 2013."
3. The Parish Council would welcome conditions which provide for absolute minimum removal of existing hedges and incursion onto the grass verge together with a requirement to plant at least two trees for each one lost from the verge area.
4. The Parish Council would ask that consideration be given to a requirement to make financial contribution for the improvement/repair of the pavement along Chelford Road from its junction with Holmes Chapel Road to its termination outside No. 35 Chelford Road. This is to ensure that pedestrian connectivity is maintained and enhanced. The current pavement has a high usage rate and this will inevitably increase as the application site is populated. The surface is in a very poor state of repair and the kerb edge is in many places little raised above the road surface, thus encouraging vehicles to intrude onto the pavement and inhibit pedestrian passage."

### **REPRESENTATIONS**

Two letters of objection have been received. One on the grounds that the numbers should be restricted to 170 as currently approved, and the other picking up this matter and considers that the numbers were restricted to allow for high standards of design to be achieved. Concern was also expressed about the impacts of the increased numbers on ecology and school provision.

### **APPRAISAL:**

### **PRINCIPLE OF THE DEVELOPMENT**

Full Planning permission has been granted for the development of this allocated Local Plan Strategy site (LPS26) for 170 dwellings, therefore the principle of building housing is clearly established. The allocation in the Local Plan, which includes a number of sites west of the River Dane is for "the delivery of around 750 new homes". At this stage the number of homes in this allocation is unknown as whilst there are approvals for all of the sites, the majority are in outline and as such the absolute numbers is not yet known. In addition the 750 figure is not a target, or a limit, merely an indication based on average densities of what could be achieved in this allocation. As such there are no 'in-principle', or housing land supply reasons to object to the application and as such the application needs to be determined on its site specific merits.

With regards to the Neighbourhood Plan, the proposals are for a re-plan of an existing approved site and as such many of the criteria of Policy H1 are not relevant, and it is not considered the proposals conflicts with the remaining matters of character and infrastructure provision. Policy H2 referred to by the Parish only relates to small infill sites, development of existing

sites/conversions and as such is not relevant to this strategic allocation. Policy D1 looks at the design detail of the development and this is further explored below.

### **AFFORDABLE HOUSING**

This is a proposed re plan of 119 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 36 dwellings to be provided as affordable dwellings.

The CELP states in Policy SC5 justification paragraph 12.44, 'The Housing Development Study shows that there is the objectively-assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year.' This is for the whole borough of Cheshire East.

The current number of those on the Cheshire Homechoice waiting list with Congleton as their first choice is 674. This can be broken down to 311x 1 bedroom, 217x 2 bedroom, 101x 3 bedroom, 25x 4 bedroom and 20x 5 bedroom dwellings.

The SHMA 2013 shows the majority of the house type demand annually up to and including 2018 in Congleton is for 27x 1 bedroom, 10x 3 bedroom and 46x 3 bedroom dwellings. There is also a need for 37x 1 Older Persons dwellings. These can be via flats, cottage style flats, bungalows and lifetime standard homes.

Therefore a mix of 1, 2, 3 and 4 bedroom dwellings and older person provision on this site would be acceptable.

There was initially some confusion over the proposed mix as part of the site has now been built out. However the applicant's agent explains:

"This application has to be looked at as part of the wider scheme. The original approval was for 170 units, of which 30% were affordable (51), split 25% rented (13) and 75% intermediate (38). The split was agreed at the time of the original outline consent. We carried this split forward to our full application for the whole site, and are simply carrying it forward again to the re-plan on the basis that circumstances have not changed in this regard since that agreement was reached.

The re-plan application covers 119 units, but the new total for the entire site is 203 units, of which 30% are affordable (61), split 25% rented (15) and 75% intermediate (46). The complication has arisen because there were already more affordable units proportionally in the southern section of the site, which is now subject of the re-plan."

In relation to specific provision the applicant's agent writes:

"In relation to the mix of units, the original consent did not contain any 4 bed affordable units. It contained 4 x 1 bed bungalows and 4 x 1 bed apartments as part of the mix.

In total, we are now proposing 2 x 1 bed bungalows, 4 x 1 bed apartments and 4 x 2 bed bungalows as part of the entire scheme."

As the application is a Full Application an Affordable Housing Statement will have to be produced and agreed with the council that confirms the following:

- (a) the Agreed Mix;
- (b) the timing, location and distribution of the Affordable Housing within the Site, ensuring that the Affordable Housing is pepper-potted throughout the Site and not segregated from the Open Market Housing;
- (c) details of how the proposed design and construction of the Affordable Housing will ensure that the Affordable Housing is materially indistinguishable (in terms of outward design and appearance) from the Open Market Housing of similar size within the Development;

The Cheshire East Plan (CELP) and the Councils Interim Planning Statement: Affordable Housing (IPS) requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings

Housing prefer that the affordable housing meets the HCA's housing quality indicator (HQI) standards.

Our preference is that the affordable housing is secured by way of a S106 agreement, which: -

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

Following confirmation from the applicant on the above points Housing raise no objections to the application.

### **EDUCATION**

The Local Plan is expected to deliver 36,000 houses in Cheshire East; which is expected to create an additional 6,840 primary aged children and 5,400 secondary aged children. 422 children within this forecast are expected to have a special educational need.

The development of the additional 33 dwellings is expected to generate:

- 6 primary children (33 x 0.19)
- 5 secondary children (33 x 0.15)
- 0 SEN children (33 x 0.51 x 0.023%)

The development is expected to impact on both primary school and secondary school places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased

capacity at primary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of primary and secondary school places still remains.

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

$6 \times £11,919 \times 0.91 = £65,078$  (primary)

$5 \times £17,959 \times 0.91 = £81,713$  (secondary)

Total education contribution: £146,791

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

This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 6 primary children and 5 secondary children would not have a school place in Congleton. The objection would be withdrawn if the financial mitigation measure is agreed.

Whilst the applicant initially questioned this request, following discussions they have subsequently agreed to the required contribution.

### **OPEN SPACE**

The comments of ANSA are awaited, but it needs to be highlighted that the application proposes the re planning of existing approved housing areas, and does not impact on the approved areas of open space and play provision. Members may also recall that the approved scheme did provide more POS than was required by policy, mainly because of the need to retain areas containing numerous trees and ponds.

The addition of an extra 33 units will of course increase the need for the area of open space and play provision on the site, and for this reason the comments from ANSA are important and will need to be reported to Members in the update report.

### **HIGHWAY SAFETY & TRAFFIC GENERATION**

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

A re-plan of a number of plots within the development is proposed, this has increased the number of units in total on the site by 33.

The revised proposal also includes for a new access onto Chelford Road this will have the effect of distributing the development traffic differently than was previously approved.

In regard to the traffic impact from the additional units, the original Transport Assessment (TA) and this assessed the development of 200 units and the increase by 3 units will have no impact.

The Chelford Road access is a priority junction design and has provided visibility for a 40mph design speed. It is proposed to reduce the speed limit to 40 mph on Chelford Road from the current de-restricted speed limit. The reduction in speed limit will need to conform with the current CEC speed management strategy policy.

In summary, there are no objections to the proposals. The reduction in speed limit will need to be implemented by CEC and a S106 contribution for this work is required from the applicant.

### **DRAINAGE AND FLOODING**

The applicant submitted a detailed Flood Risk Assessment (FRA) with the outline application, and a further assessment with this application.

The site is in Flood Zone 1 as defined in Table 3 in the Technical Guidance to the NPPF. This is the lowest probability flood zone.

Surface water runoff from the site is currently managed through a series of land drains and a pond in the south western corner of the site. Ultimately surface water is discharged from the site into the angling pond and from there outfalls to the Loach Brook.

The Flood Risk Team raised no objections to the previous applications, subject to conditions relating to drainage strategy/design and implementation, however there is now proposed to be an increase in the number of units on the site and as such the comments of the flood risk team are important and will need to be reported in any update report.

The Environment Agency and United Utilities accepted the findings at the outline stage and on that basis this proposal is not considered to be likely to result in any detrimental impact upon the site or its surroundings.

### **AMENITY**

It is generally considered that in new residential developments, a distance of 21m between principal windows and 13m between a principal window and a flank elevation is required to maintain an adequate standard of privacy and amenity between residential properties. A minimum private amenity space of 65sq.m is usually considered to be appropriate for new family housing.

Due to the separation distances involved there are no concerns about relationships to existing properties on Black Firs and Holmes Chapel Road, and whilst Members will recall there were issues in relation to new build properties on Chelford Road the proposals do not change these relationships agreed at that time. There are no re plan changes directly behind these properties, and where there is one change to the rear, it does not change the approved separation distance. Internally the layout is considered acceptable.

It is therefore concluded that the proposed development would be acceptable in amenity terms.

### **FORESTRY**

There are currently two Tree Preservation Orders (TPO) that afford protection to trees immediately adjacent to the application site. There are currently no TPOs protecting any trees within the application site.

The Congleton Borough Council (Black Firs Lane, Congleton) TPO 1980 affords protection to a Woodland (scheduled as W1 of the Order) located to the north of 21 Black Firs Lane and described within the Order as deciduous woodland comprising of mainly Birch. An Area of trees described within the Order as several Sycamore, Birch and Rowan (A4 of the Order) is located offsite to the south between 144 Holmes Chapel Road and 1 Black Firs Lane is unaffected by the proposal.

A second TPO cited as the Congleton Borough Council (Holmes Chapel Road/Chelford Road, Somerford) TPO 1993 affords protection to a woodland (W1 of the Order) located offsite at the corner of Holmes Chapel Road and Chelford Road. Again, this woodland is unaffected by the proposal

Detailed comments were made at the time of the previous applications, where the impact on trees and hedgerows was fully examined, and deemed to be acceptable. This revised proposal does not impact on any of the areas of trees to be retained within the site, which are largely in the areas of POS or roadside verges. The only areas where there could be additional impacts are where more properties are proposed adjacent to boundary trees, particularly on the southern and eastern boundaries, and where the new access is proposed off Chelford Road.

The Council's Tree Officer initially raised objections in relation to the proximity of some re-plan plots to trees along the southern and eastern boundaries. The applicant has subsequently amended the plans to address these concerns which the Officer has confirmed – subject to the receipt of an amended Arboricultural Impact Assessment (AIA) considered acceptable. A revised AIA has recently been received and comments on this will be reported in the Update Report.

### **ECOLOGY**

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

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.



Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case specific advice has been sought from the Council's Ecologist has commented as follows:

The proposed revised layout includes an additional access which will result in the loss of a section of Hedgerow that has been identified as being 'Important' under the Hedgerow Regulations. This additional impact was not anticipated during the determination of application 16/5156C.

The application is supported by an ecological mitigation strategy dated 2017, this strategy is however based on the previously consented layout. I advise that the mitigation strategy should be revised to include the currently proposed layout.

Conditions 15- 23 attached to planning permission 16/5156C deal with nature conservation matters. These conditions should be attached to any further permissions at this site. Two conditions however require updating.

Condition 19 should be amended to read:

No development shall commence until an updated survey for Badgers has been carried out and a revised ecological mitigation strategy submitted to and approved in writing by the Local Planning Authority. The revised strategy to include details designs for wildlife corridors to facilitate the movement of badgers. The survey shall be carried out by a suitably qualified person approved by the Local Planning Authority.

Reason: In order to safeguard wildlife in the interests of nature conservation and to comply with Policy NR5 of the adopted Congleton Borough Local Plan First Review

Condition 22 should be amended to read:

Prior to the commencement of development details of the proposed lighting scheme should be submitted to and approved in writing by the Local Planning Authority.

The scheme should include dark areas and avoid light spill upon bat roost features, bat commuting and foraging habitat (boundary hedgerows, trees, watercourses etc.) aiming for a maximum of 1lux light spill on those features.

The scheme should also include a modelled lux plan, and details of:

- Proposed lighting regime;
- Number and location of proposed luminaires;
- Luminaire light distribution type;
- Lamp type, lamp wattage and spectral distribution;
- Mounting height, orientation direction and beam angle;
- Type of control gear.

Reason: To safeguard protected species in accordance with the NPPF.

A revised mitigation strategy has been received and comments on this will be reported in any Update Report.

### **URBAN DESIGN**

The Council's urban design officer has carefully considered the proposals and has raised a number of issues:

- There is a concern that the increase in density does not reflect the existing built context. Some increase in density can be beneficial but here it is considered to be too concentrated.
- There is too much frontage parking especially associated with the affordable units.
- Some of the corner plots present awkward resolutions where the back of a unit is prominent to street vistas within the site.
- Insufficient information is provided on landscaping within the plots, this is important to assess the impact on the street-scene.
- The materials palette for the streets and driveways is unclear and needs clarifying.
- The affordable units are not sufficiently pepper-potted throughout the scheme.

These matters have been highlighted to the applicant and they have indicated that appropriate revisions will be submitted to resolve these matters. Members will be updated accordingly but satisfactory resolution is required to ensure compliance with the Design Guide.

### **CONTAMINATED LAND**

No objections are raised but conditions requiring the development to be carried out in accordance with the Remediation Strategy, together with conditions relating to verification, importation of soils and measures should contamination not previously identified be found.

### **NOISE**

The applicant has submitted a Road Traffic Noise Assessment in support of the application, which takes account the potential noise impact of the Congleton Link Road scheme on the proposed development, requested by Environmental Protection in December 2016. Environmental Protection are in agreement with the methodology, noise measurement locations and prediction calculations detailed in the assessment, which in summary required no special measures with regards to garden areas, and no special sound insulation measures for the houses. As such, and in accordance with the acoustic report, no additional sound insulation measures for dwellings are necessary at this development.

### **AIR QUALITY**

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

When assessing the impact of a development on Local Air Quality, Environmental Protection has regard to (amongst other things) the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality January 2017)

This proposal is for the re-plan of a previously approved development (16/5156C) from 170 dwellings to 203. Due to the increase in the number of dwellings Environmental Protection requested an updated assessment be conducted, especially given the sites proximity to the West Road AQMA in Congleton. The developer has, therefore, submitted a qualitative screening assessment. The report states that a detailed assessment into the impacts of NO<sub>2</sub> and PM<sub>10</sub> during the operational phase is not required in accordance with EPUK and IAQM criteria based on the extra predicted development flows, and concludes, therefore, that the development impacts on local air quality will be negligible. The report also concludes that the potential dust impacts during construction will also be negligible subject to appropriate dust mitigation measures. It also makes reference to the previous report not taking into account the planned Congleton bypass, which was not confirmed at that time. The presence of this bypass will also help reduce the impact of this development.

That being said, there is still a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

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

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact, which is also a point highlighted in the submitted air quality assessment.

Conditions relating to requiring: Travel Information Packs, Electrical Vehicle Infrastructure and Ultra Low Emission Boilers are recommended.

## **JODRELL BANK**

Jodrell Bank are likely to object to the application, on the grounds of additional impact on the observatory's operations. This however needs to be considered against the fact the site is allocated alongside others in North Congleton to help meet the Council's identified housing need and will have been a factor considered as part of the Local Plan allocation process.

Should the application be minded to approve then Jodrell Bank would need to be given the required 21 days to allow them to refer the matter to the Secretary of State.

### **Section 106 Agreement / Community Infrastructure Levy (CIL) Regulations**

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

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

There is an existing Section 106 for the extant permission requiring contributions including Affordable Housing, Education, Play/POS, Ecology and Highways. This revised application will need to pick up on these matters and their current status on triggers/payments and incorporate the additional requirements based on the increase in numbers with regards to affordable housing, Education, Play/POS and the speed reduction measures on Chelford Road. On this basis the proposals are considered to be compliant with the CIL Regulations 2010.

### **Planning Balance and Conclusion**

This application proposes a re-plan of the southern area of this allocated site, which has planning permission for 170 dwellings. The revised proposals would increase numbers by 33, to 203. There are no in principle, policy or land supply objections to the proposals.

The applicant has agreed to meet the Education contribution and will provide the affordable housing in line with the Council's policies so these matters are addressed.

Whilst a new access onto Chelford Road is proposed, Highways have raised no objections subject to initiating a speed reduction on the road, and Members may recall the access was approved in the original outline approval granted in 2014.

The application is neutral with regards to flood risk/drainage, amenity, ecology and subject to receipt of an AIA, trees. Comments on open space and play provision are awaited but it is not considered that any significant issues will need to be reported.

Matters of contaminated land, noise and air quality can all be addressed by conditions.

This leaves the issue of urban design. There are a number of concerns with the submitted scheme which requires revisions to ensure compliance with the Design Guide. A positive response has been received from the applicant and it is expected that revisions will be received

to address the concerns. This matter will need to be reported in any update report, which will confirm the recommendation. However on the basis that these matters can be addressed the application is **Minded to Approve** subject to referral to Jodrell Bank to see if they feel the application should be referred to the Secretary of State.

## **RECOMMENDATION**

**MINDED TO APPROVE** subject to revised plans, referral to Jodrell Bank and to a Section 106 Legal Agreement to Secure the requirements of the existing Section 106, incorporating the changes by adding 33 units:

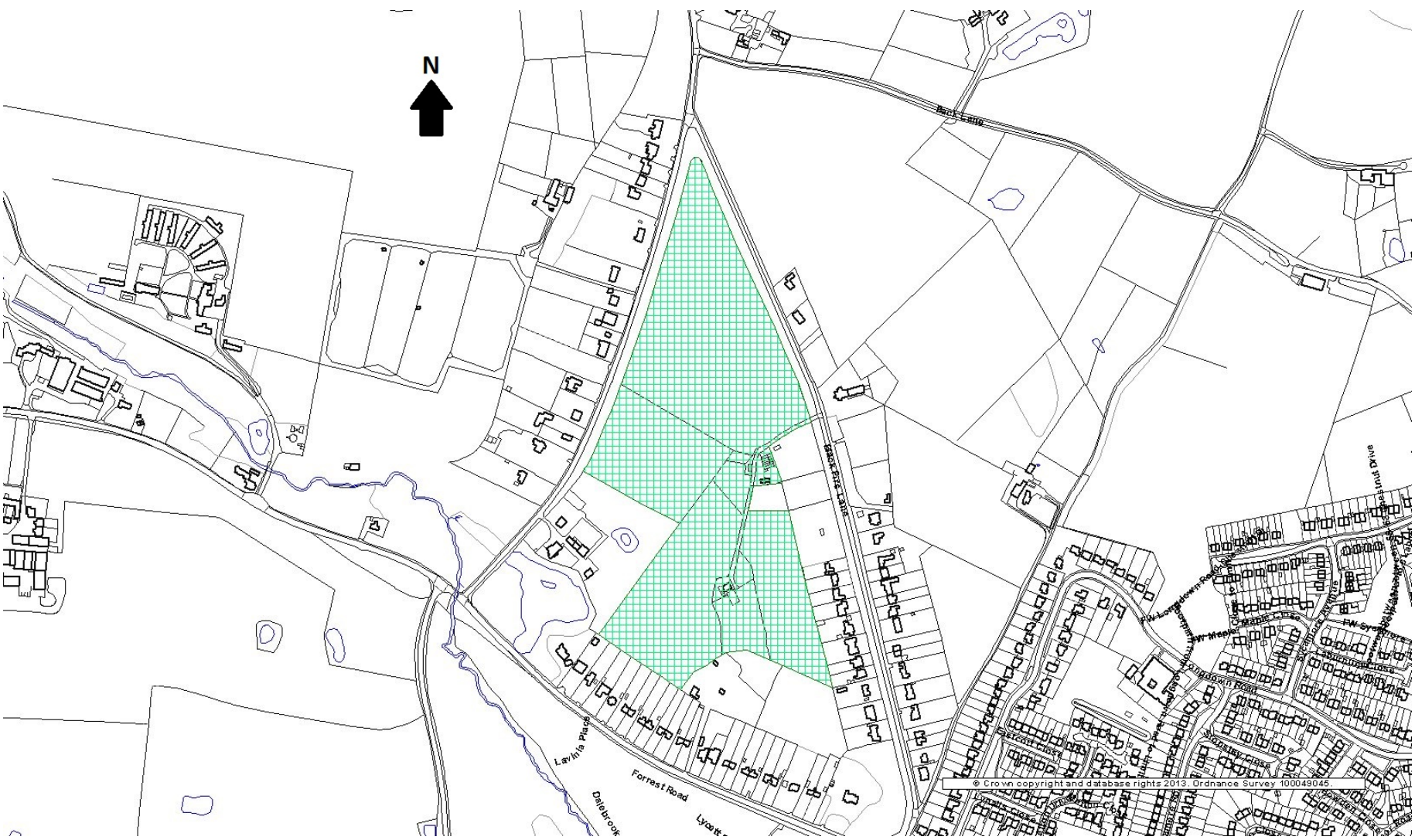
- 30% of the dwellings to be affordable.
- The tenure split of the affordable housing required is 25% social or affordable rent, 75% intermediate tenure.
- Affordable Homes should be pepper-potted (in clusters is acceptable) 25% of the affordable dwellings to be built to meet Lifetime Homes standards, and these properties should be bungalows, maisonettes or adaptable houses. The affordable dwellings should be built to meet Code for Sustainable Homes Level 3.
- The affordable homes to be provided no later than occupation of 50% of the market dwellings unless the development is phased, in which case 80% of the market dwellings can be occupied.
- Provision of a LEAP with 5 pieces of equipment specification to be submitted and agreed and in accordance with that set out in the Greenspaces Officer consultation response. Management plan for all open space in perpetuity (including, inter alia, the LEAP, allotments if provided, woodland, general amenity open space, village green, nature conservation area, drainage areas, ponds and any other areas of incidental open space not within private gardens or the adopted highway).
- Commuted sum of £55,610.00 to be used to deliver off-site habitat creation/enhancement as per the report.
- Commuted sum of £272,748 in lieu of Primary, Secondary and SEN education with an additional £146,791 for the additional units.
- Contribution of £850,000 towards capacity improvements of the A34 Rood Hill Traffic Signals or the A34 West Street roundabout OR alternative measures that offer congestion relief benefits to the A34 corridor through Congleton.
- Contribution of £50,000 towards the improvement and accessibility of Local Bus Stop Infrastructure.
- Speed reduction measures on Chelford Road

**And the following conditions**

1. Standard 3 year consent
2. Approved Plans
3. Materials
4. Landscaping
5. Implementation of landscaping
6. Tree/Hedgerow Protection Measures
7. The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil

8. Noise insulation measures
9. Individual Travel plans
10. Travel Information packs to be provided for residents
11. Electric Vehicle Infrastructure
12. Submission of a Contaminated Land Phase II investigation.
13. Control over imported soils
14. Requirement to inform LPA if unexpected contamination found
15. Submission of Construction and Environmental Management Plan
13. Bin storage.
14. 10% renewable provision
15. Submission of detailed design for wildlife corridors together with proposals for the fencing off of the wildlife corridors during the construction phase.
16. Implementation of Great Crested Newt Reasonable Avoidance Measures
17. Updated badger survey to be undertaken and submitted to the LPA prior to the commencement of development.
18. Hedgehog access.
19. Submission of details for the incorporation of wildlife kerbs, bat and bird boxes (as per section submitted ecological mitigation strategy).
20. Safeguarding of nesting birds
21. Submission of 10 year habitat management plan
22. Creation of wildlife hibernacula as specified in section 4.65 of the submitted ecological mitigation strategy.
23. Bat lighting condition
24. Detailed design of ponds to be submitted with reserved matter application
25. Archaeological programme of works
26. Scheme of appropriate surface water drainage
27. Detailed design of surface water drainage
28. Provision and implementation of Travel Plan
29. Sewer easement as detailed in United Utilities response
30. All the affordable dwellings should be provided no later than occupation of 80% of the open market dwellings
31. Finished floor levels

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



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Application No: 18/3654N

Location: Jubilee Farm, CHORLTON LANE, CHORLTON, CW2 5NF

Proposal: Certificate of Appropriate Alternative Development

Applicant: Mr & Mrs S Williams

Expiry Date: 26-Oct-2018

**SUMMARY RECOMMENDATION:**

**This Application is for a Certificate of Appropriate Alternative Development, under Section 17 of Part III of the Land Compensation Act 1961 (as amended by the Localism Act) at Jubilee Farm, Chorlton Lane, Crewe.**

**The application has been submitted following the Department of Transport's acceptance of a Blight Notice and thus to compulsorily purchase the property and land to develop it as part of the High Speed Two Infrastructure project (HS2). The applicant has suggested that two of the buildings on the site, could be converted to one residential dwelling as an appropriate alternative development.**

**The site is within the Open Countryside where only development which is essential for agriculture is permitted, with the exception (inter alia) 'for the re-use of existing rural buildings where the building is permanent'. It is considered that the buildings are suitable for conversion.**

**It is concluded that the proposal is in general accordance with the relevant policies of the Development Plan, and is therefore considered to be acceptable.**

**RECOMMENDATION**

**Issue a positive certificate**

**DESCRIPTION OF SITE AND CONTEXT**

The application site relates to 2no ancillary outbuildings within the residential curtilage of Jubilee Farm. One of the buildings is a traditional brick single storey stable and the other is a more modern garage building which is one and half storeys.

The application site is situated within the Open Countryside, adjacent to an area designated as Housing Allocation (Wychwood Park). The site lies adjacent to a railway line to the east.

### **DETAILS OF PROPOSAL**

An application for a Certificate of Appropriate Development (CAAD) under Section 17 of the Land and Compensation Act 1961 has been made for residential development at Jubilee Farm. The supporting information suggests that the two outbuildings could be converted to one residential unit with a small extension to link the buildings.

The application has been submitted following the Department of Transport's acceptance of a Blight Notice and thus to compulsorily purchase the property and land to develop it as part of the High Speed Two Infrastructure project (HS2).

In accordance with the Land Compensation Act, the Local Planning Authority (LPA) is required to certify the alternative development (if any) for which planning permission would have been granted in a hypothetical terms of a "no scheme" world. In order, *'if it were not proposed to be acquired by an authority possessing compulsory purchase powers'*. In this case, if the land in question had not been acquired by HS2, would planning permission be granted for the development.

The LPA must consider the application against the planning considerations relevant at the date when the interest in land was acquired by an authority with its compulsory purchase powers. In this case, the relevant date is 23<sup>rd</sup> May 2018.

### **Planning History**

P93/0651 – Two storey extension – approved 8<sup>th</sup> September 1993

P97/0372 - Replacement garage/store for domestic use. – approved with conditions 2<sup>nd</sup> July 1997

### **POLICIES**

The certificate is assessed against the situation as it stood at the date when the acquisition process began, 23<sup>rd</sup> May 2018.

#### **National Policy**

National Planning Policy Framework (2012) – now superseded  
National Planning Practice Guidance

#### **Cheshire East Local Plan Strategy**

PG 6 - Open Countryside  
SD 1 – Sustainable Development in Cheshire East  
SD 2 - Sustainable Development

SE 1 – Design  
SE 2 – Efficient Use of Land  
SE 3 – Biodiversity and Geodiversity  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 7 – The Historic Environment  
SE 12 – Pollution, Land Contamination and Land Instability  
SE 13 – Flood risk and water management  
EG 2 - Rural economy  
IN 1 - Infrastructure  
Appendix C: Parking Standards

### **Saved Policies of the Crewe and Nantwich Replacement Local Plan 2011**

RES.5 Housing in the Open Countryside,  
RES.11 Improvements and alteration to existing dwellings,  
BE.1 Amenity,  
BE.3 Access and Parking,  
BE.4 Drainage, Utilities and Resources,  
BE.6 Development on Potentially Contaminated Land,  
NE.5 Nature Conservation and Habitats,  
NE.9 Protected Species,  
NE.13 Rural Diversification,  
NE.15 Re-use and adaptation of rural building for a commercial, Industrial or Recreational use,  
NE.16 Re-use and adaption of a rural building for residential use,  
NE.20 Flood Prevention.

### **Wybunbury Combined Parishes Neighbourhood Plan – Regulation 7**

No weight to be given

### **Material Considerations**

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

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

**Cadent Gas-** No objections

**Environmental Health-** No objections, subject to conditions for Electric Vehicle Infrastructure and an informative for contaminated land

**HS2** - It should also be noted that HS2 Ltd has received and accepted a Blight Notice for the above property. Notwithstanding the above, in the event the local authority is minded to grant the application for a certificate, as the acquiring authority HS2 Ltd reserves the right to appeal against the certificate under S18 of the Land Compensation Act 1961 to the Upper Tribunal (Lands Chamber).

**Highways** – No objections

**HSE** – Do not advise against

**REPRESENTATIONS** – none received at time of writing this report.

## **OFFICER APPRAISAL**

The Certificate is to provide the landowner with a basis for a valuation of the land in the event that the land and buildings had not been acquired. The Land Compensation Act 1961(as amended) provides procedures for assessing compensation for the compulsory purchase of land.

Applications must be decided against the background of a hypothetical "no scheme" world. This means that, in determining the market value, the decision must take into account whether or not the suggested development is acceptable in the "no scheme". The decision maker must disregard the purpose for which the land is required.

The key issues in considering the application for the Certificate of Alternative Appropriate Development relates to broader matters of planning policy, access, ecology and other potential constraints on development.

### **Planning Policy Considerations**

On the 23<sup>rd</sup> May 2018 (the date the Blight Notice was received) the former National Planning Policy Framework (2012) was in place.

The development plan policies of the Cheshire East Local Plan Strategy and saved Policies of the Crewe and Nantwich Local Plan were still relevant as noted above.

The Wybunbury Combined Parishes Neighbourhood Plan has no weight as it is only at Regulation 7 status.

### **Principle of development**

The proposal site is situated within the open countryside where Policy PG 6 of the Cheshire East Local Plan Strategy (CELPs) stipulates that only development which is essential for agriculture and other uses appropriate to a rural area will be permitted.

*'With the exception of (inter alia)..*

*3ii – for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration rebuilding or extension'*

The NPPF (2012) supports sustainable development in rural areas, where it will enhance or maintain the vitality of rural communities. Paragraph 55 states that

*'Local Planning Authorities should avoid new isolated homes in the countryside unless there*

*are special circumstances such as; (inter alia)...where the development would re-use redundant or dis-used buildings and lead to an enhancement to the immediate setting'.*

Saved Policy NE.16 of the Crewe and Nantwich Local Plan advises that planning permission will not be granted to re-use and adapt a rural building for residential purposes unless it meets a number of criteria. As some of the policy requirements of Policy NE.16 regarding the residential re-use of rural buildings are not referred to in the NPPF (e.g. commercial use first, then residential and the ability to convert some rural buildings under Part 3 Class Q of the GPDO), those parts of the policy are no longer directly relevant for the purposes of this assessment.

The relevant criteria are;

- The building is permanent and substantial and of sound construction,...and (capable) of re-use without major or complete reconstruction;
- The form, bulk and general design of the building is in keeping with the surroundings;
- Conversion respects the local building styles and materials
- Highways impact is limited
- Sufficient parking
- Suitable boundary treatment proposed

The buildings which this certificate relates to are ancillary buildings within the curtilage of Jubilee Farm house. The stable building is a traditional simple single storey brick constructed building. The structural report states that there is some cracking and movement but these are of a minor nature and can easily be repaired as part of a conversion. The existing garage building is of a more modern appearance and is one and a half storeys in height. The structural report states that the building is in good condition and can be converted without any major works being undertaken.

Both buildings appear to be of permanent and substantial construction and capable of conversion without any major reconstruction. However, the proposal also includes a small extension which would connect both buildings to create one residential unit. Policy PG 6 states that extension would not normally be permitted, as the buildings should be capable of conversion to a dwelling without much alteration. However in this instance the two buildings are in very close proximity to one another. Although the garage building could be capable of conversion to a small one/two bedroom dwelling on its own, due to the close proximity of the stable building and its size it is reasonable to incorporate it within the scheme for 1no dwelling. Therefore the inclusion of this building with a link would be acceptable given the relatively limited nature of the extension which would be required, presumable a small glazed link.

Therefore it is considered that the residential re-use of these buildings is acceptable in principle subject to its impact upon the intrinsic character of the countryside, its design, impact upon local amenity, highway safety and impact upon protected species.

### **Design Standards**

As noted above, the buildings appear to be suitable for conversion and subject to the link section being lightweight in its appearance, e.g. glazed, the proposal is acceptable in principle. The indicative plans submitted show the majority of the existing openings of the building retained in situ, with only one new rooflight required for conversion. The design would

appear to be in keeping with the plain and traditional appearance of the existing rural buildings and is therefore acceptable.

### **Amenity**

The proposal would be sited adjacent to the existing farmhouse. The buildings are at right angles to each other, with a separation distance of 10m and therefore there would be no direct overlooking. The nature of rural building conversion schemes does allow for a lower private amenity than normally permitted as buildings tend to be in quite close proximity to one another. The position of principal windows can be designed to limit and overlooking of private amenity space.

There appears to be sufficient space to create a suitable private amenity space for both units and therefore the proposal is considered to be acceptable in terms of private amenity.

The building is in close proximity to the railway line and therefore it is likely that noise attenuation may be required to ensure the amenity of the future occupier is safeguarded. This can be conditioned.

### **Highways**

The Strategic Highways Officer has considered the proposal, and notes that it will result in a minimal uplift in traffic and use of access onto Chorlton Lane, and Chorlton Lane is a lightly trafficked unclassified road. There have been no recorded traffic accidents at the access over the last 3 years. Sufficient parking is available within the site. Therefore there are no objections to the proposal in highway safety terms.

### **Ecology**

#### Bats

The proposed development may result in the disturbance of, or have an adverse impact upon roosting bats. Consequently, a bat survey will be required since all bats are European Protected Species and as such are a material consideration.

Survey work, should be carried out by a suitably qualified and appropriately licensed surveyor, using appropriate methodology, during optimal times of year. If any bats are found to be present, a scheme for their conservation and mitigation, to the satisfaction of the Council should be submitted. It should also be noted that if bats are present, the developer will need a licence from Natural England to develop the site irrespective of whether planning consent is given.

In accordance with the current legal circular the survey work to establish the presence or absence of a protected Species such as bats, should be carried out prior to any planning consent being granted. This application does not grant permission however as Protected Species surveys cannot be conditioned a report was requested and has now been submitted. An update from the Council's Ecologist will be provided as an update.

### **Other Uses**

Whilst the certificate only makes reference to residential development, other uses should also be considered under the certificate.

Some commercial uses of the buildings could be policy compliant, e.g. office use; however it is likely to be unsuitable in terms of amenity impact, given the close proximity of the buildings to Jubilee Farm.

It is not considered that any other uses would be acceptable given the close proximity of the building to Jubilee Farm.

### **Other Matters**

#### Reasonably Foreseeable Policies

There were no other reasonably foreseeable policies emerging at the time of acquisition.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

It is therefore considered that the proposed conversion of the two rural buildings to one dwelling in the open countryside is acceptable and inline with Local and National Planning Policy.

The recommendation is to issue a positive certificate for residential development subject to conditions.

### **RECOMMENDATION**

**Issue a Positive Certificate for conversion to 1 dwelling subject to conditions:-**

- 1. Materials – Prior submission of facing, roofing and fenestration details**
- 2. Restoration and repair only (other than extension)**
- 3. New windows and doors to be timber**
- 4. Detailed window plans**
- 5. Roof lights – conservation style**
- 6. Rainwater goods**
- 7. Removal of PD**
- 8. Landscaping (details) to be submitted and approved**
- 9. Landscaping (implementation)**
- 10. Boundary treatment to be submitted and approved**
- 11. Bird nesting**
- 12. Bird boxes**
- 13. Drainage strategy**
- 14. Electric Vehicle infrastructure**
- 15. Noise Attenuation**

