

# Southern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 8th August, 2018</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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Members of the public are requested to check the Council's website the week the Southern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

To receive apologies for absence.

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Minutes of Previous Meeting** (Pages 5 - 6)

To approve the minutes of the meeting held on 4 July 2018.

Please contact Julie Zientek on 01270 686466

E-Mail: [julie.zientek@cheshireeast.gov.uk](mailto:julie.zientek@cheshireeast.gov.uk) with any apologies or requests for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

#### 4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

A total period of 3 minutes is allocated for each of the planning applications for the following:

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **18/0356C Cherry Lane Farm, Cherry Lane, Rode Heath, Cheshire ST7 3QX: Demolition of existing commercial buildings and construction of 14 no. residential dwellings with access, car parking and other associated works for Cherry Lane Farm Limited (Pages 7 - 26)**

To consider the above planning application.

6. **18/2344C Land North Of Hind Heath Road, Sandbach: Outline planning permission for up to 50 dwellings, new planting and landscaping, car parking, vehicular access point from Hind Heath Road and associated ancillary works. All matters to be reserved with the exception of the main vehicular site access for Kodiak Land (Pages 27 - 54)**

To consider the above planning application.

7. **18/0945N Land North Of Cholmondeley Road, Wrenbury CW5 8GZ: Construction of 68 dwellings, means of access, landscaping and associated works for Wainhomes (North West), Mr D Young, Mr D Hatton & Mrs L K Hatton (Pages 55 - 82)**

To consider the above planning application.

8. **18/2456N The Grange Farm, Hollyhurst Road, Marbury SY13 4LY: Change of Use of Land and Agricultural Building for an Events Venue for Mr & Mrs Charlesworth (Pages 83 - 92)**

To consider the above planning application.

9. **18/1250N Land to the rear of Oakleaf Close, Shavington, Crewe CW2 5SF: 15 no. new dwellings comprising 11 no. 4/5 bedroomed detached and 4 no. 3 bedroomed semi-detached affordable dwellings, together with associated garages, parking and access road for Mr & Mrs M McGarry (Pages 93 - 114)**

To consider the above planning application.

10. **Planning Appeals** (Pages 115 - 134)

To consider a report regarding the outcome of Planning Appeals decided between 1 January 2018 and 30 June 2018.

**THERE ARE NO PART 2 ITEMS**

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 4th July, 2018 at Council Chamber, Municipal Buildings,  
Earle Street, Crewe CW1 2BJ

**PRESENT**

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

Councillors Rhoda Bailey, D Bebbington, J Bratherton, E Brooks (for Cllr Pochin), J Clowes, W S Davies, A Kolker, J Rhodes and B Walmsley

**NON-COMMITTEE MEMBERS IN ATTENDANCE**

Councillor S Edgar

**OFFICERS PRESENT**

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

**Apologies**

Councillors P Butterill and S Pochin

**6 DECLARATIONS OF INTEREST/PRE DETERMINATION**

There were no declarations of interest.

**7 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 30 May 2018 be approved as a correct record and signed by the Chairman.

**8 17/2879N 12, CEMETERY ROAD, WESTON CW2 5LQ: THE USE OF LAND FOR THE STATIONING OF CARAVANS FOR RESIDENTIAL PURPOSES FOR ONE FAMILY GYPSY PITCH TOGETHER WITH FORMATION OF HARDSTANDING AND ANCILLARY UTILITY/DAYROOM, AND THE RETENTION OF THE EXISTING PERMITTED STABLES FOR M STOKES**

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

Note: Councillor S Edgar (Neighbouring Ward Councillor), Parish Councillor J Cornell (on behalf of Weston and Basford Parish Council), Dr

R Clifford-Ball (objector) and Mr N Green (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED – That the application be DEFERRED for the following:

1. Evidence/demonstration that no suitable alternative locations are available as per Local Plan Policy PG5 and assessment of sites which are available (e.g. Wybunbury Lane site)
2. Confirmation from the fire brigade that they are prepared/able to access the site in an emergency given the limited width of the access
3. Evidence of the equine activity of the site/the applicant's intention to use the site for the keeping of horses (eg how many horses do they have, where are they kept currently)
4. Details of how the mobile home will be constructed on site, how will materials fit on the site, where will delivery vehicles park given the limited access width
5. Full details of the proposed conditions
6. Conditions requested requiring occupancy to be limited to named family members only and for removal of existing rubble off the site entrance
7. Confirmation from Building Regulations that consent would be granted given the narrow access and potential to damage neighbouring properties

The meeting commenced at 10.20 am and concluded at 11.51 am

Councillor J Wray (Chairman)

Application No: 18/0356C

Location: CHERRY LANE FARM, CHERRY LANE, RODE HEATH, CHESHIRE, ST7 3QX

Proposal: Demolition of existing commercial buildings and construction of 14 no. residential dwellings with access, car parking and other associated works

Applicant: Cherry Lane Farm Limited

Expiry Date: 01-Jun-2018

**SUMMARY**

The proposed development seeks the erection of 14 dwellings in the Green Belt on a brownfield site. Within such locations, both local and national planning policy state that planning permission shall be supported in principle where the proposal would involve the partial or complete redevelopment of previously developed sites provided they would not have a greater impact upon openness.

The application proposal seeks to utilise the volume of the existing buildings on site and group the proposed development predominantly where the existing built form currently lies. As the volume of the built form and the general spread and sprawl of development on the site is deemed not to have a greater impact upon openness than the existing and the proposals would therefore represent appropriate development within the Green Belt and the principle of development is accepted. There would also be little concern in relation to encroachment.

The revised NPPF also now provides a less stringent test for development within the Green Belt on brownfield sites when a contribution towards affordable housing is proposed. The proposals would therefore also adhere with this more recent policy exemption.

The scheme is deemed to be of a respectful design that would not create any significant concerns with regards to; highways, amenity, landscape, trees, nature conservation, flooding and drainage, open space, education, affordable housing or subsidence, subject to conditions and financial contributions.

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

**RECOMMENDATION**

**APPROVE subject to a S106 Agreement to secure financial contributions towards Open Space, Education and Affordable Housing, the provision of a landscape management plan and conditions**

### REASON FOR DEFERRAL

This application was deferred at Southern Planning Committee on the 30<sup>th</sup> May 2018 for the following reasons;

- To enable a site inspection by members
- Gather further information on sustainability
- An updated highways assessment
- The attendance of the Strategic Housing Officer at the committee when the application is re-considered

### DESCRIPTION OF SITE AND CONTEXT

This application relates to a site formerly occupied by an existing business which supplies hay and fertilizer. On the site are a number of former agricultural buildings.

It has been confirmed in a previous appeal decision that the use of the site is B8, Storage and Distribution and is therefore considered to be Previously Development Land / Brownfield.

The site is located on the northern side of Cherry Lane in Church Lawton, which lies within the South Cheshire Green Belt as designated in the adopted Congleton Borough Local Plan First Review.

### DETAILS OF PROPOSAL

Full planning permission is sought for the erection of 14 dwellings.

Since the committee deferral, various amended plans and further information has been received including;

1. Amended site layout plan. Changes include; reduction in carriageway width, re-arrangement of parking provision and greater hard and soft landscaping detail on advice of LPA
2. Noise assessment
3. Updated tree reports to reflect updated layout

### RELEVANT HISTORY

**16/5023D** - Discharge of conditions 3, 4, 5, 6, 7, 9 & 14 on approved application 13/4765C - Demolition of existing barn and construction of six new residential dwellings – Approved 15<sup>th</sup> December 2016

**13/4765C** - Demolition of existing barn and construction of six new residential dwellings – Approved 6<sup>th</sup> January 2014

**13/0535C** - Demolition of existing barn and construction of four new residential dwellings – Approved 7<sup>th</sup> May 2013



**10/2414C** - New Agricultural Dwelling – Refused 3<sup>rd</sup> September 2010

**06/1416/FUL** - Additional storage of one passenger carrying vehicle for non-commercial purposes on behalf of Sandbach rugby club – Approved 3<sup>rd</sup> April 2007

**24855/3** - Dutch Barn For The Storage Of Hay And Straw – Approved 1<sup>st</sup> December 1992

**23871/3** - Change of Use From Broiler Houses To Depot For Storage Of Hay, Straw And Fertiliser And Operating Base For Same – Refused 2<sup>nd</sup> January 1992

**8025/3** - Use of Poultry Sheds As Caravan Store – Approved 14<sup>th</sup> November 1978

**3042/3** - Siting of Residential Caravan – Refused 24<sup>th</sup> March 1976

**4070/3** - Use of Poultry Sheds As Caravan Store – Refused 16<sup>th</sup> November 1976

**2298/3** – Caravan – Refused 19<sup>th</sup> November 1975

**0872/3** - Overhead Electric Lines – Approved 3<sup>rd</sup> October 1974

### **ADOPTED PLANNING POLICIES**

The relevant aspects of the Cheshire East Council Development Plan subject to this application are; the Cheshire East Local Plan Strategy and the Congleton Borough Local Plan First Review 2005. The relevant policies within these include;

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

PG1 - Overall Development Strategy, Policy PG2 - Settlement Hierarchy, PG3 – Green Belt Land, PG6 – Open Countryside, PG7 – Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SE1 - Design, SE2 - Efficient Use of Land, SE3 - Biodiversity and Geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 – Green Infrastructure, SE9 - Energy Efficient Development, SE12 Pollution, Land Contamination and Land Instability, SE13 – Flood Risk Management, SC4 – Residential Mix, SC6 – Rural Exceptions Housing for Local Needs, IN1 - Infrastructure, IN2 - Developer Contributions, CO1 – Sustainable Travel and Transport and EG3 – Existing and Allocated Employment Sites

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

PS7 - Green Belt, PS8 – Open Countryside, GR6 - Amenity and Health, GR9 and GR10 - Accessibility, Servicing and Parking Provision, GR20 – Public Utilities, NR2 - Statutory Sites and NR3 - Habitats

SPG2 Provision of Private Open Space in New Residential Developments  
SPD14 Trees and Development

### **Other Material planning policy considerations**

## *National Planning Policy Framework (NPPF)*

11 – Sustainable development, 34 – Development contributions, 47-50 – Determining applications, 54-57 – Planning Conditions and obligations, 59-66 – Delivering a sufficient supply of homes, 77-79 – Rural Housing, 117-121 Making effective use of land, 122-123 – Achieving appropriate densities, 124-132 – Achieving well-designed places, 133-147 – Protecting Green Belt, 155-165 – Planning and flood risk, 170-173 – Conserving and enhancing the natural environment

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

### **Head of Strategic Infrastructure (HSI) – No objections**

**Environmental Protection (Cheshire East Council)** - No objections, subject to a number of conditions including; the prior submission/approval of a piling method statement, the prior submission/approval of a residents travel information pack, the provision of electric vehicle charging infrastructure, the prior submission/approval of a dust mitigation scheme, the prior submission/approval of details that all properties will include gas boilers that do not exceed certain nitrox oxide emissions, the prior submission/approval of a phase II contaminated land report, the submission of a contaminated land verification report, the prior submission/approval of a soil verification report and that works should stop if contamination is identified. In addition, informatives are proposed suggesting hours of construction and further information with regards to contaminated land

**Cheshire Brine Subsidence Board** – Suggest that the foundations of the buildings incorporate reinforced concrete raft, that soakaways are avoided and that flexibility be incorporated into the structure using movement joints

**Education** - No objections, subject to the provision of £65,224 to offset the impact of the development upon local school provision (£32,539 primary and £32,685 secondary)

**United Utilities** – No comments received in relation to updated layout.

Original layout - No objections, subject to the following conditions; that the proposals proceed in accordance with the submitted drainage layout and the prior submission/approval of a sustainable drainage management and maintenance plan.

**Flood Risk Manager (Cheshire East Council)** – No comments received in relation to updated layout.

Original layout - no objections, subject to a condition that the development shall proceed in accordance with the submitted drainage documentation

**Environment Agency** - No objections, subject to a condition that works should stop if contamination is identified. An informative is also proposed regarding contaminated land and refer to certain documents and a website

**NHS** - No comments received

**Strategic Housing Manager** – No objections, subject to the contribution of £273,093.00 towards off-site affordable housing being provided

**ANSA Greenspace** - No objections, subject to the provision of £6,786.8 to carry out improvements to accessibility to the Heath Avenue play facility and provide an extra item of gym equipment within that site and a financial contribution of £19,587.25 towards the maintenance those play facility improvements over 25 years.

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

- Highway / Pedestrian safety – Inadequate parking provision, no pedestrian pavement/unsustainable location, increased traffic volume, visibility splays/loss of vegetation
- Flooding and Drainage – Lack of consideration

Concerns have also been raised with regards to the impact of the proposals upon a neighbouring business. However, it is not clear what these specific concerns are.

## REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. To date, letters of representation have been received from 10 neighbouring properties (09/04/2018). The main issues raised include;

- Principle - impact upon the Green Belt, proposal now outside of the footprint of the original barns (compared to the approved scheme)
- Design – high density of development, provision and inclusion of garage blocks, height of dwellings,
- Locational sustainability – distance of site from schools, doctors, shops – reliance of future occupiers upon the car, no nearby bus service
- Highway safety – narrow main road, existing infrastructure is not suitable, poor visibility, increased traffic/congestion, no pavements, intensity of traffic movements compared to existing/previous use
- Amenity – Proximity of proposed dwellings to existing cattery/kennels, light pollution
- Ecology – Impact upon habitats, bats, owls, rare woodpeckers, badgers, toads, foxes, butterflies and fish
- Flooding and drainage – septic tank/soakaway impact upon local brook which is an erosive watercourse
- Inaccuracies within the application

Other matters have been raised which are not material planning considerations such as the impact of the proposal upon the viability of a nearby business

## OFFICER APPRAISAL

## Principle of development

Policy PG3 of the Cheshire East Local Plan Strategy (CELPS) seeks to control new development within the Green Belt and does not support the construction of new buildings within it, unless it is for one of the purposes set out in the policy.

These purposes include; buildings for agriculture or forestry, appropriate facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; extensions or alterations to buildings provided that it does not result in a disproportionate additions over and above the size of the original dwelling; replacement buildings provided that the replacement is within the same use and not materially larger; limited infilling in villages, and limited affordable housing; limited infilling or the partial or complete redevelopment of previously developed sites provided they would not have a greater impact upon openness; mineral extraction, engineering operations, local transport infrastructure, the re-use of buildings provided that are permanent and substantial and development brought forward under a Community Right to Build Order.

The only category within which the application may be realistically considered is *'the partial or complete redevelopment of previously developed sites provided they would not have a greater impact upon openness'*.

This is reflective of the revised NPPF. However, it should be noted that the revised NPPF puts even greater emphasis on the re-use of brownfield sites in the Green Belt.

Within the submitted documentation, the following information has been provided;

- The site comprises of 0.72 hectares of previously developed land (brownfield)
- On site are 2 substantial commercial buildings and 2 smaller buildings that were formerly agricultural use
- The buildings have been used for B8 storage and distribution in connection with the supply of hay and fertilizers to external businesses.
- B8 is the lawful use of the site confirmed under – APP/R0660/A/11/2143151 (10/2414C)

For the above reasons, it is accepted that the site comprises of previously development land. As such, the principal acceptability of the proposal is whether the scheme *'...would not have greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'* (Policy PG3 of the CELPS).

This policy aligns with The Framework.

Within the submitted documentation, the following information has been provided;

	<b>Existing Buildings Total</b>	<b>Proposed Buildings Total</b>	<b>Reduction</b>
<b>Footprint m2</b>	1,587.29	1,399.47	-187.82
<b>Floor Area m2</b>	N/a	1,969.17	N/a
<b>Volume m3</b>	7,188.66	7,146.58	-42.08

<b>Ridge height range</b>	2.61-8.36	4.71-7.9	N/a
<b>Eaves height range</b>	2.56-5.89	5.13-8.83	N/a

Based on these figures, the proposed development provides and overall reduction in footprint, volume and height compared to the existing buildings.

Furthermore, the application advises that the layout provides a visual improvement to the appearance of the openness of the Green Belt, as the scale and massing of the existing building and in particular the two bigger existing buildings currently dominate the site as a large visual mass. The applicant advises that the proposal would have a lower scale, more permeable development which retains and enhances the green frontage of the site and retains the existing views through the open countryside.

Accepting the above figures, based on both the footprint and the volume of the proposals would be less than the existing development, on face value it may be considered that the development would not have a greater impact upon openness than the existing development. However, it is considered that openness is more than just figures.

The proposed layout proposes the erection of 14 dwellings in a cul-de-sac style layout with a central road extending south to north through the centre of the site. 7 of the 14 dwellings (Plots 1-7) would be constructed along the western boundary on the location of an existing, single-storey building. 3 of the 14 would be constructed on the footprint of an existing two-storey light-weight agricultural barn along the eastern boundary. Of the remaining 4 units, a pair of semi-detached units would be sited along the front of the site to act as an entrance feature and 2 detached units would be provided to the rear of the site, partially on the footprint of 2 smaller rural buildings. 2 sets of garage blocks are also proposed on the eastern boundary.

As such, the bulk of the built form proposed (at least 10 of the 14 sought) would be located on land where built form is currently present and 2 of the remaining 4 would be partially located on/close proximity of 2 smaller units to the rear. As such, only the pair of semi-detached units on the front and 2 garage blocks along the eastern boundary would introduce built form where there is only presently hard standing.

As such, the volume of the built form and the general spread and sprawl of development on the site is deemed not to have a greater impact upon openness than the existing and the proposals would therefore represent appropriate development within the Green Belt.

Notwithstanding this assessment, the revised NPPF at paragraph 145, now includes a further exceptional circumstance for the re-development of brownfield sites in the Green Belt. It is advised that development shall be considered acceptable (or not inappropriate) where the development would:

*'not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'*

This is a less stringent test than 'no greater impact upon the openness' and an affordable housing contribution would come forward with the proposed development as detailed later in this report. As such, the principal acceptability of the development is deemed to adhere with Green Belt policy as it falls into two of the possible exceptions.

### Other Harm to Green Belt

The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. The Framework advises at Paragraph 133 that their openness and their permanence are essential characteristics of Green Belts.

Due to the overall site being deemed as 'previously developed land' and the relatively contained spread and sprawl of the proposals, and due to the single-storey nature of the development to the rear, retaining a degree of openness, it is not considered that the development would lead to an unacceptable loss of openness or encroachment into the Green Belt.

### **Other Matters**

#### Locational Sustainability

Policy SD2 of the CELPS refers to sustainable development principles. It is stated that one of these principles is that new development should provide access to a range of forms of key services and amenities. In order to assess this in more detail, a table is provided within the subtext of the policy which outlines recommended distances from application sites to amenities. An assessment of the scheme using this table is set out below.

It should be noted that the figures below are based on walking distances (not as the crow flies but on real life distances) using predominantly a Public Right of Way located approximately 100 metres to the west of the site which links the site the Rode Heath village centre for pedestrians.

The accessibility of the site shows that following services and amenities meet the minimum standard:

- **Public house** (1000m) - 566m (Broughton Arms pub – Rode Heath)
- **Public right of way** (500m) – 116m (Lane running parallel to site to west taking you to the canal and Rode Heath)
- **Outdoor Sports Facility** – (1000m) – 516m (Lawn Green Bowls Club – Sandbach Road)
- **Local meeting place** (1000m) – 804m (Rode Heath Village Hall)
- **Primary School** (1000m) – 944m (Rode Heath Primary)
- **Amenity open space** (500m) – 363m (Canal towpath)
- **Convenience Store** (500m) – 595m (The Village Store/Post Office – Sandbach Road)
- **Post Office** (500m) – 595m (The Village Store/Post Office – Sandbach Road)
- **Post Box** (500m) – 595m (The Village Store/Post Office – Sandbach Road)
- **Bank or Cash Machine** (1000m) – 595m (The Village Store/Post Office – Sandbach Road)

The following services and amenities are where the proposal fails to meet the standards, but are still within a reasonable distance of those specified and are therefore accessible to the proposed development;

- **Bus stop** (500m) – 558m (routes 317 and 318 – opposite Broughton Arms pub – Sandbach, Alsager, kidsgrove and Congleton)

The following amenities/facilities are all over the distances suggested;

- **Child care facility** (1000m) – 1448m (Sally Anna's, Church Lawton)
- **Medical Centre** (1000m) – 1448m (Alsager Health Centre)
- **Railway station** (2000m where possible) – 3379m (Alsager Railway Station)
- **Children's Play space** (500m) – 1100m (Park off Heath Avenue/Sandbach Road)
- **Pharmacy** (1000m) – 2574m (Well, Alsager)
- **Supermarket** (1000m) – 2574m (Asda, Alsager)
- **Secondary School** (1000m) – over 3057m (Alsager School)
- **Leisure Facilities** (Leisure Centre or Library) (1000m) – 3218m (Alsager Library)

To summarise the above, the scheme is within the recommended distances for the majority of the public services and amenities. As such, it is considered that the site is locationally sustainable.

### Design

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings.

The layout plan proposes the erection of 14 dwellings comprising of a mix of 6 detached units (Plots 1-3, 8-9 and 12) and 3 pairs of semi-detached units (Plots 4&5, 10&11 and 13&14). As advised this development would be constructed in a cul-de-sac arrangement. It is proposed the site be accessed from the central location at the south of the site onto Cherry Lane and a new access road would extend northwards, through the site to a cul-de-sac / turning head to the northern most point. The proposed dwellings would be arranged to predominantly front onto the road apart from the 3 properties on the site frontage that would either face the Cherry Lane frontage or be double-fronted to have a mock-frontage facing cherry lane.

Along this section of Cherry Lane, development either comprises of either farmsteads or rural business developments all generally arranged in groupings of built form in relatively informal arrangements.

The proposed layout has incorporated aspects of this informal feel with set-back aspects, court-yard style arrangements and areas left free from built form (north-east). As such, the layout is considered to be appropriate.

A further updated layout plan was submitted in an attempt to improve the quality of the layout further since the last planning committee. These changes have involved a re-arrangement of the parking within the site and a reduction in the carriageway width as much of this was deemed to be unnecessary. These changes have been reviewed by the Council's Urban

Design Officer who considers that the scheme now represents an improvement that the scheme previous considered.

With regards to form, as advised, the scheme comprises of a mixture of detached and semi-detached units. There is not a great deal of residential development within the immediate vicinity of the site. The predominant development form appears to be that of commercial shed-style structures which are either rectangular or 'L-shaped'. As such, no particular objection to the form is raised given the lack of prevailing character in the immediate vicinity.

In relation to scale, 7 house-types are proposed. For the benefit of clarity, these have been labelled classes A-F. These comprise of;

- Class A – Plots 1 and 12 – 4-bed, two-storey detached unit
- Class B – Plots 2 and 3 – 3-bed, two-storey detached unit with cat-slide roof
- Class C – Plots 4 and 5 – 3-bed, two-storey, semi-detached units
- Class D – Plots 6 & 7 and 10&11 – 4-bed, two-storey, semi-detached unit
- Class E – Plot 8 – 3-bed, single-storey, semi-detached unit
- Class F – Plot 9 – 4-bed, single-storey, semi-detached unit
- Class G – Plots 13 and 14 – 4-bed, two-storey, semi-detached unit

According to the submitted information, the house types range in height between 4.7 and 7.9 metres. None of these heights exceed the overall height of development currently on site. Furthermore, this mix of heights is more reflective of the mix of heights on site and adds a degree of interest and informality.

With regards to appearance, it is noted that a simple vernacular has been proposed which is welcomed in this rural location, as is the mix in house types and scale and the courtyard style arrangement to the rear. Subject to the materials being condition for prior approval to ensure the use of traditional materials characteristic of the area, the appearances of the proposals are deemed to be acceptable.

Given that the existing volume on site has been fully utilised, in the event of approval, any further development on the site should be controlled by the LPA to ensure that it does not have an impact upon both the Green Belt and the design of the scheme. As such, it is recommended that Permitted Development Rights be removed.

As such, subject to this and a materials condition, it is considered that the proposal would respect the local rural character and adhere to Policy SE1 of the CELPS, the Cheshire East Design Guide SPD and the NPPF.

### Access / Highway safety

It is proposed to construct 14 residential dwellings on the site, these being a mixture of 3 and 4 bed units. The site has been in use previously as a commercial site although planning approval has been given in 13/4765C for 6 residential units.

A revised internal layout has been submitted that has reduced the width of the access road to 5.5m and provides one 2.0m footway on one side. The Council's Head of Strategic Infrastructure (HSI) advises that this proposed road design is an acceptable standard to serve



the 14 units proposed. It is further advised that the level of off-street car parking provided for each of the units is in accordance with policy with each unit having sufficient parking spaces.

The site is located in a rural setting that is accessed from Cherry Lane which is a narrow rural lane without footways and this is a concern for the HSI in that development should be sustainably located providing safe and suitable access to non-car transport modes. However, the HSI has advised that account needs to be taken of that the site is already developed for commercial use and this was approved without providing direct footway access and in addition permission was granted for residential development on the site for 6 units, again without footway access.

With regards to the accessibility of the site, the HSI recognises that this is a previously developed site that has operated for some time without a footway link and also permission has been approved for residential development on the site. As such, in these circumstances, the HSI does not believe that a refusal on sustainable access grounds can be defended should an appeal be lodged and therefore no objections are raised and the application is deemed to adhere with policies GR9 and GR10 of the CBLP and Policy CO1 of the CELPS.

### Amenity

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

The closest neighbouring residential properties to the application site would be over 60 metres from the application site. Given this large distance, it is not considered that the proposal would create any neighbouring issues with regards to; privacy, light or noise.

Having regard to the future occupiers of the proposals themselves, the residential amenity space minimum standard stated within SPGN2 is 65 square metres. The space provided for the proposed new dwellings would adhere to this standard.

In relation to separation distances, the spaces between the proposed dwellings all adhere or acceptably closely adhere to the recommended minimum standards.

The Council's Environmental Health team have advised that they have no objections to the proposed development subject to a conditions including; the prior submission/approval of a piling method statement, the prior submission/approval of a residents travel information pack, the provision of electric vehicle charging infrastructure, the prior submission/approval of a dust mitigation scheme, the prior submission/approval of details that all properties will include gas boilers that do not exceed certain nitrox oxide emissions, the prior submission/approval of a phase II contaminated land report, the submission of a contaminated land verification report, the prior submission/approval of a soil verification report and that works should stop if contamination is identified. In addition, informatives are proposed suggesting hours of construction and further information with regards to contaminated land.

Following concerns raised at planning committee with regards to the relationship of the site to a nearby cattery and kennels, the applicant undertook a noise survey. This survey has subsequently been reviewed by the Council's Environmental Protection Officer who subsequently confirms that no noise objections are raised to the application proposal.

As such, subject to the above conditions and informatives, it is considered that the development would adhere to Policy GR6 of the CBLP.

### Landscape

The application site is located to the south of Rode heath. To the immediate north of the site is an area of woodland and further to the north the Trent and Mersey Canal, which is also a conservation area; Footpath 25 Church Lawton is located approximately 90 metres to the west and follows a route from Cherry Lane towards the Trent and Mersey Canal to the north.

The Council's Landscape Officer originally had concerns that the proposal would have a detrimental impact upon the wider landscape. However, following the offer of the applicant to retain vegetation outside of the site which falls within the applicant's ownership, which is shown on the updated landscaping plan, this is sufficient to address the Officer's original concerns.

Although an updated site plan has been received which includes various improvements to the hard and soft landscaping, this does not include the required amount of detail. As such, in the event of approval, a planting plan and a schedule of hard surfacing materials be submitted to and approved in writing by the LPA.

It is also suggested that a landscape management plan be sought in order to maintain the soft landscaped areas within the site edged red which do not fall within the residential curtilages of the proposed properties. It is proposed this come forwards as part of the S106 Agreement.

Subject to this requirement and condition, the application is deemed to adhere with Policy SE4 of the CELPS with regards to wider landscape considerations.

### Trees

There are trees present on and adjacent to the site. The application is supported by an Arboricultural Impact assessment (AIA) and an Arboricultural Method Statement (AMS). The AIA indicates that two individual trees (grade U), two tree groups (1 U grade, 1 B) and a hedge (grade C) would have to be removed to accommodate the development.

Whilst losses would occur, the development would retain the majority of the tree cover around the periphery of the site.

It is identified that there may be some minor encroachment into potential tree rooting areas by hard surfacing and garages in relation to trees to the east of the site. Following discussion with the arboricultural consultant, the Council's Forestry Officer is advised this was not judged to be a significant issue.

The Council's Forestry Officer has concluded to advise that she has no objections to the development, subject to a number of conditions including; the prior submission/approval of an

arboricultural method statement addendum (to include programme of arboricultural supervision and monitoring) and the implementation of the submitted tree protection measures.

Subject to these conditions, it is considered that the proposal would adhere with Policy SE5 of the CELPS

### Nature Conservation

The application is supported by an Ecological Survey. This has been reviewed by the Council's Nature Conservation Officer, who raises no objections, subject to the inclusion of a nesting bird's condition, the submission of an updated owl survey within 2 months of commencement of development, the prior submission/approval of a strategy to incorporate features to enhance the biodiversity value of the proposed development. An informative regarding Himalayan Balsam is also proposed.

Subject to the above conditions, it is considered that the proposal adheres with Policy SE3 of the CELPS and Policy NR2 of the CBLP.

### Flooding and Drainage

The application site does not fall within a Flood Risk Zone 2 or 3 and is not of a scale that triggers the requirement of a Flood Risk Assessment (FRA) to accompany the application.

The Council's Flood Risk Manager and United Utilities reviewed the original layout submission and advised that they has no objections, subject to a condition that the development shall proceed in accordance with the submitted drainage layout plan. In addition, United Utilities sought a condition requiring the prior submission/approval of a sustainable drainage management and maintenance plan.

Since the receipt of these comments, the overall site layout plan has been updated on the advice of the Council's Urban Design Officer. As these amendments are relatively minor and the principle of the proposed drainage strategy agreed, it is considered that the drainage scheme is unlikely to change significantly. As such, for completeness, in the event of approval, it is recommended that an updated drainage layout be conditioned for prior approval.

Subject to this condition and the other condition proposed by the UU, the application is considered to adhere with Policy GR20 of the CBLP and Policy SE13 of the CELPS.

### Open Space

This application would require 840sqm of Public Open Space (POS) on site. However, due to the relative small scale of the site, none is being provided.

The Council's Open Space Officer has advised that the site at Heath Avenue play area within the village of Rode Heath can accommodate the increased capacity arising from the development.

The Council's Open Space Officer has advised that this development sits on a country lane without a footpath at present however there is a public right of way FP25 off road connection with the main village 100m away from development and FP53 a little further that takes you

along the canal to the village. The Officer advises that the main A533 running through the centre of the village is straight and not overly busy so do not consider this a major barrier to access Heath Avenue play facility.

Although the CELPS is adopted, the legacy local plans still have some relevance. The former Congleton Borough Council Supplementary Planning Guidance (SPG1) states –

### ***Developments of 7-19 Family Dwellings***

*The Borough Council recognises that in smaller developments it will not always be practical or desirable to provide public open space within the development site. Where less than 20 dwellings are proposed, the Borough Council will therefore normally expect a financial contribution in lieu of the actual provision of Public Open Space on site.*

The Council's Open Space Officer has advised that to increase the capacity at Heath Avenue play facility, the Council will require the follow contributions:

- £6,786.80 to carry out improvements to accessibility and provide an extra item of gym equipment within the site
- £19,587.25 towards the maintenance those improvements over 25 years in line with the SPG1.

Subject to the receipt of the above contribution, the proposal is not deemed to create any open space concerns. The applicant has agreed to this contribution.

### **Affordable Housing**

The proposed development triggers the requirement to provide 30% affordable housing in line with local planning policy. In this case, the requirement is a scheme in the countryside over 11 dwellings.

14 dwellings are proposed therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 4 dwellings to be provided as affordable dwellings.

The development is in between Alsager and Rode Heath. This development will, if given planning permission, service both Alsager and Alsager Rural Sub Areas. In the SHMA 2013 and as such, both figures are combined.

The SHMA shows a net requirement for 79 affordable units per annum for the period 2013/14 2017/18 in the Sub Areas of Alsager and Alsager Rural combined. Broken down this is a requirement for 8x 1bedroom, 38x 2 bedroom, 23x 3 bedroom and 8x 4 + bedroom general needs units.

The SHMA also shows a need for 19x 1 bedroom Older Persons dwellings. These can be via Bungalows, Flats, Cottage Style Flats or Lifetime Standard dwellings.

The SHMA shows an over supply of 2 bedroom Older Person's dwellings (-7).

The current number of those on the Cheshire Homechoice waiting list with Church Lawton and Rode Heath as their first choice is 21. This can be broken down to 6x 1 bedroom, 9x 2 bedroom, 3x 3 bedroom and 3x 4 bedroom dwellings.

The Council's Strategic Housing Manager has advised that based on the above, 2 units should be provided as Affordable rent and 2 units as Intermediate tenure.

As a rule, the Council would prefer to see this affordable housing provided on-site. However, there may be physical or other circumstances where an on-site provision would not be practical or desirable. This case has been put forward by the applicant based on the fact that no Registered Provider could be identified who would be willing to consider taking on any of the dwellings subject to this application. The Council's Strategic Housing Manager has accepted the case they have presented.

Since the drafting of the committee report, the applicant has calculated that the required sum to be paid to the LPA would be £273,093. This figure has been verified by the Council's Strategic Housing Manager.

As such, subject to this financial contribution to allow for offsite affordable housing provision in line to Cheshire East Council policy, no objections are raised.

### Education

The CELPS 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 Council's Education Officer has advised that this development of 14 dwellings is expected to generate:

3 primary children (14 x 0.19)

2 secondary children (14 x 0.15)

0 Special Educational Needs (SEN) children (14 x 0.51 x 0.023%)

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

The Service (Education) has recently begun the process of strategically creating additional primary and secondary school capacity in the Alsager area due to a basic need of primary places demographically and from additional approved housing and allocated strategic sites in the locality as identified in the CELPS. At present, The Service is in the process of expanding Cranberry Primary Academy by 105 primary school places, however, the area will need a further school expansion of 105 primary school places throughout the entirety of the CELPS.

The Service is currently in the process of expanding Alsager Secondary school by an additional 150 secondary school places.

On this basis, Education require a full primary and secondary school claim and the requests will support the projects identified above.

The proposal is not expected to impact on SEN Education provision.

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

$3 \times £11,919 \times 0.91 = £32,539.00$  (primary)  
 $2 \times £17,959 \times 0.91 = £32,685.00$  (secondary)  
 $0 \times £50,000 \times 0.91 = £0$  (SEN)

Total education contribution: £65,224

Subject to the receipt of the above financial contribution, the proposal would not have a detrimental impact upon local education provision as a direct cause from the development. The applicant has agreed to this contribution.

### Cheshire Brine Board

The Cheshire Brine Board have reviewed the application and are of the opinion that the site is within an area that has previously been affected by brine subsidence and future residual movements cannot be completely discounted.

As such, the Board Suggest that the foundations of the buildings incorporate reinforced concrete raft, that soakaways are avoided and that flexibility be incorporated into the structure using movement joints.

Following receipt of these comments, the applicant has liaised directly with the Brine Board. As a result of these discussions, it is on record that the applicant intends to use raft foundations as suggested and the Board welcome this provision which will be finalised at Building Regulations stage.

With regards to soakaways (which the applicant intends to use), although the use of these has been discouraged, the Brine Board have clarified that this is only an advisory and not a strict requirement and have stated that there is no other option, they would not object to this.

As such no objections are raised from the Cheshire Brine Board to the proposals.

### CIL Regulations

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

The requirement for the provision of a financial contribution to upgrade and maintain the closest Public Open Space is necessary, fair and reasonable, as the proposed development will provide up to 14 dwellings and the contribution would account for the likely increased capacity requirements of this closest facility.

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

As the affordable housing contribution is deemed necessary to account for the need for affordable housing in the area and because no Registered Provider could be identified who would be willing to consider taking on any of the dwellings subject to this application.

The requirement to provide a landscape management plan is considered necessary so the areas of public land within the site edged red outside residential curtilages can be effectively managed and maintained.

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

### **CONCLUSION / PLANNING BALANCE**

The proposed development seeks the erection of 14 dwellings in the Green Belt on a brownfield site. Within such locations, both local and national planning policy state that planning permission shall be supported in principle where the proposal would involve the partial or complete redevelopment of previously developed sites provided they would not have a greater impact upon openness.

The application proposal seeks to utilise the volume of the existing buildings on site and group the proposed development predominantly where the existing built form currently lies. As the volume of the built form and the general spread and sprawl of development on the site is deemed not to have a greater impact upon openness than the existing and the proposals would therefore represent appropriate development within the Green Belt and the principle of development is accepted. There would also be little concern in relation to encroachment.

The revised NPPF also now provides a less stringent test for development within the Green Belt on brownfield sites when a contribution towards affordable housing is proposed. The proposals would therefore also adhere with this more recent policy exemption.

The scheme is deemed to be of a respectful design that would not create any significant concerns with regards to; highways, amenity, landscape, trees, nature conservation, flooding and drainage, open space, education, affordable housing or subsidence, subject to conditions and financial contributions.

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

### **RECOMMENDATIONS**

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

- 1. A financial contribution of £6,786.80 to carry out improvements to accessibility and provide an extra item of gym equipment at the Heath Avenue Play facility**
- 2. A financial contribution of £19,587.25 towards the maintenance those play facility improvements over 25 years**
- 3. An landscape management plan to maintain the soft landscaped areas that do not fall within residential curtilages, within the site edged red**
- 4. A financial contribution of £65,224 towards both primary (£32,539) and secondary school (£32,685) provision at the closest schools in the Alsager area in need of expansion**
- 5. A financial contribution of £273,093.00 towards providing off-site affordable housing provision**

**And the following conditions;**

- 1. Time (3 years)**
- 2. Plans**
- 3. Prior submission/approval of materials**
- 4. Removal of PD Rights – Classes A-E Part 1 and Class A Part 2**
- 5. Prior submission/approval of a piling method statement**
- 6. Prior submission/approval of a residents travel information pack**
- 7. Provision of electric vehicle charging infrastructure**
- 8. Prior submission/approval of a dust mitigation scheme**
- 9. Prior submission/approval of details that all properties will include gas boilers that do not exceed certain nitrox oxide emission standards**
- 10. Prior submission/approval of a phase II contaminated land report**
- 11. Submission of a contaminated land verification report**
- 12. Prior submission/approval of a soil verification report**
- 13. Works should stop if contamination is identified**
- 14. Vegetation identified outside the site identified for retention should be retained in perpetuity**
- 15. Prior submission/approval of a planting plan and a hard surfacing materials schedule to be informed by site plan**
- 16. Landscape – Implementation**
- 17. Prior submission/approval of boundary treatment plans**
- 18. Prior submission/approval of an auditable program of arboricultural supervision linked to key work stages of the development**
- 19. Prior submission/approval of an updated Arboricultural Method Statement plus implementation of tree protection (other than those within condition 14)**
- 20. Prior submission/approval of an updated Arboricultural Impact Assessment**
- 21. Prior submission/approval of existing, proposed and slab levels**
- 22. Prior submission/approval of a nesting bird's survey (if necessary)**
- 23. Prior submission/approval of an updated owl survey within 2 months of commencement of development**
- 24. Prior submission/approval of a strategy to incorporate features to enhance the biodiversity value of the development**
- 25. Prior submission/approval of an updated drainage layout plan**



**26. Prior submission/approval of a sustainable drainage management and maintenance plan**

**In order to give proper effect to the Southern Planning Committee`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.**



Application No: 18/2344C

Location: Land North Of, HIND HEATH ROAD, SANDBACH

Proposal: Outline planning permission for up to 50 dwellings, new planting and landscaping, car parking, vehicular access point from Hind Heath Road and associated ancillary works. All matters to be reserved with the exception of the main vehicular site access.

Applicant: Kodiak Land

Expiry Date: 10-Aug-2018

## **SUMMARY**

The proposed development would be contrary to Policy PG6 of the CELPS, Policy PS8 of the Congleton Borough Local Plan and Policy PC3 of the SNP and the development would result in a loss of open countryside. Cheshire East can demonstrate a 5 year supply of deliverable housing sites.

The application site falls within an Area of Separation as defined by the SNP under Policy PC1. In this case the proposed development would result in further coalescence between Wheelock Village and Ettiley Heath. Only the cluster of dwellings onto the southern boundary of the site would remain within the area of separation and separate the two individual settlements of Wheelock Village and Ettiley Heath. This development would result in the two settlements merging and would cause significant harm.

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

The development would have a neutral impact upon education, POS provision and LEAP, drainage/flood risk, trees, residential amenity/noise/air quality/contaminated land and landscaping could be secured at the reserved matters stage.

The submitted plans show that a buffer would be provided to the Wheelock Rail Trail which is adjacent to the site and this would be secured via a planning condition should the application be approved. The development would not have a detrimental impact upon protected species.

In this case the hedgerow along the frontage of the site is classed as an important hedgerow under the Hedgerow Regulations. There are no overriding reasons for allowing the development and this issue will form a reason for refusal.

The proposal would provide a safe and suitable access and would not result in a severe impact upon the road network.

As a result the application is recommended for refusal.

## **RECOMMENDATION**

### **REFUSE**

## **PROPOSAL**

This application seeks outline planning permission for the erection of up to 50 dwellings at land North of Hind Heath Road, Sandbach. This application seeks approval of the access only with all other matters reserved.

The submitted plan shows that the development would provide a single point of access to the south-west of the site onto Hind Heath Road and a pedestrian access would be provided onto the Wheelock Rail Trail to the north-east.

### **SITE DESCRIPTION**

The application site measures 2.22 hectares and consists of grassland with existing field boundary hedgerows. The site is currently used as an unregulated overflow car park for Sandbach United Football Club.

To the east of the site is the Wheelock Rail Trail which is tree lined and set at a lower level to the application site. The football pitches associated with Sandbach United are located beyond the Wheelock Rail Trail with an area of car-parking to the north of the site. Sandbach Cricket Club is located to the north-west of the site to the opposite side of Hind Heath Road with agricultural land to the east west and south-west of the site.

The nearest residential properties are to the south-east of the site and form a cluster of converted barns and two detached dwellings known as Highfields and Big Hind Heath Farm.

### **RELEVANT HISTORY**

18/0317C - Outline planning application for up to 50 dwellings, new planting & landscaping, car parking, vehicular access point and associated ancillary works – Withdrawn 26<sup>th</sup> March 2018

### **NATIONAL & LOCAL POLICY**

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

PG1 – Overall Development Strategy  
PG2 – Settlement Hierarchy  
PG7 - Spatial Distribution of Development  
SC4 – Residential Mix  
CO1 - Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 3 - Biodiversity and Geodiversity  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 6 – Green Infrastructure  
SE 8 – Renewable and Low Carbon Energy  
SE 9 – Energy Efficient Development  
SE 13 - Flood Risk and Water Management  
IN1 – Infrastructure  
IN2 – Developer Contributions

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

The relevant Saved Policies are:

PS8 - Open Countryside  
NR4 - Non-statutory sites  
GR6 - Amenity and Health  
GR7 - Amenity and Health  
GR9 - Accessibility, servicing and provision of parking  
GR14 - Cycling Measures  
GR15 - Pedestrian Measures  
GR16 - Footpaths Bridleway and Cycleway Networks  
GR17 - Car parking  
GR18 - Traffic Generation  
NR3 - Habitats  
NR5 - Habitats

## **Sandbach Neighbourhood Plan**

PC1 – Areas of Separation  
PC2 – Landscape Character  
PC3 – Policy Boundary for Sandbach  
PC4 – Biodiversity and Geodiversity  
PC5 – Footpaths and Cycleways  
HC1 – Historic Environment  
H1 – Housing Growth  
H2 – Housing Layout  
H3 – Housing Mix and Type  
H4 – Housing and an Ageing Population  
H5 – Preferred Locations  
IFT1 – Sustainable Transport, Safety and Accessibility  
CW1 – Amenity, Play, Recreation and Outdoor Sports  
CW3 – Health  
CC1 – Adapting to Climate Change

## **National Policy**

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

Of particular relevance are paragraphs:

11. Presumption in favour of sustainable development.  
59. Delivering a Sufficient Supply of Homes  
124-132. Achieving well-designed places

## **Supplementary Planning Documents**

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

## CONSULTATIONS

**CEC Strategic Housing Manager:** No objection

**CEC Flood Risk Manager:** Although there is no objection in principle to the proposals, there is a pocket of surface water risk located within the proposed site boundary. This is shown to be retained as part of the drainage strategy for the site. The attenuated storage capacity of this area pre development should be accounted for and included within the overall calculations for post-development attenuation. Condition suggested.

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

9 x £11,919 x 0.91 = £97,617.00 (primary)

8 x £17,959 x 0.91 = £130,742.00 (secondary)

1 x £50,000 x 0.91 = £45,500.00 (SEN)

Total education contribution: £273,859.00

**Natural England:** Statutory sites – no objection. For advice on protected species refer to the Natural England standing advice.

**CEC Strategic Highways Manager:** No objection subject to the imposition of planning conditions.

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

**CEC Environmental Health:** Conditions suggested in relation to Piling, Construction Management Plan, Dust Control, Travel Plan, Low Emission Gas Boilers, Electric Vehicle Infrastructure and contaminated land and an informative has been suggested in relation to hours of construction.

**CEC Public Open Space:** This development requires 1000sqm each of children's play, AGS and GI Connectivity. The buffer planting and proposed drainage pond can form part of the GI but there is still a requirement of 2000sqm of Children's play space and AGS combined.

Whilst the development Framework plan shows the "potential" for a children's play area and refers to this is several places, the Illustrative Masterplan shows the area as proposed tree planting. A play facility is required but ideally should be centrally located along with the amenity green space for informal recreation.

In line with Policy SC2 for Indoor and Outdoor Sport and Policy SC1 Leisure and Recreation a contribution of £1000.00 per family dwelling is sought.

**CEC Indoor Recreation:** A S106 Contribution of £9,100 will be required to provide additional health and fitness equipment at Sandbach Leisure Centre.

**NHS England:** No comments received.

**Cheshire Brine Subsidence Board:** The board is of the opinion that the site is within an area that has previously been affected by brine subsidence and future residual movements cannot be completely discounted. The board recommends therefore, that precautions are incorporated within the design of a proposed development.

**CEC PROW:** Request a number of requirements in relation to the Wheelock Rail Trail as follows;

- Dwellings should have an active frontage and face towards the Wheelock Rail Trail
- Provision of boundary treatment along the Wheelock Rail Trail to minimise the likelihood of unofficial connections
- A contribution of £11,827 towards lighting of the Wheelock Rail Trail with maintenance cost of £861.37
- A contribution of £54,000 towards the surfacing of the Wheelock Rail Trail between the site and Elworth Road

In terms of connections to Hind Heath Road the developer should also be required to provide connection to the shared use footway/cycleway opposite the site at the north-western extent of the site frontage in order to meet the desire lines for pedestrians and cyclists in either direction along that road.

**CEC Council Ranger Service:** Wish to see the play area moved away from its present proposed corner location adjacent to the boundary with the Wheelock Rail Trail as

- The play area at this location may attract children and youths from other areas and could become a focal point for gathering that could result in additional maintenance issues along the Wheelock Rail Trail resulting from anti-social behaviour, rubbish, vandalism etc.
- The Wheelock Rail Trail is a multi-use route, cyclists pass this area at speed. Accidents could result if children run out from the play area onto the Wheelock Rail Trail.

The Ranger Service also requests mesh fencing of 1.8m height to run the full length of the boundary of the development with the Wheelock Rail Trail. This is to prevent fly tipping and the creation of informal access points.

The proposed access point onto the Wheelock Rail Trail should be hard surfaced and suitably keyed in to the existing surface of the Trail.

### **VIEWS OF THE PARISH COUNCIL**

**Sandbach Town Council:** Object to the application on the following grounds;

- The development is within an area of separation shown in figure 3 of the Sandbach Neighbourhood Development Plan. Development in this area would close the area of separation which contravenes Policy PC1 of the Sandbach Neighbourhood Development Plan.
- The site is outside the settlement zone line, as defined in Policy PC3 of the Sandbach Neighbourhood Development Plan. This also contravenes Policy PG6 of the Cheshire East Local Plan and retained policy PS8 from the Congleton Borough Local Plan which define and limit development in the Open Countryside.
- This development would have a negative effect on the movement of wildlife from Wheelock rail trail (reference area J, figure 5 Sandbach Neighbourhood Development Plan) which contravenes Policy PC4 of the Sandbach Neighbourhood Development Plan
- Sandbach has already identified sites to meet its allocation as part of the Cheshire East Council Local Plan Strategy and 5 year Housing Supply.
- Members request that the Sandbach Extending Footpath Accessibility Document is considered with this application, particularly in relation to point 5. Members support comments made by the Sandbach Footpath Group which states that a footpath link from the Wheelock Rail Trail via the Abbeyfields area to Middlewich Road should be made.



- Furthermore, Members are very disappointed that the developer hasn't incorporated any of the Town Council's comments, especially relating to the increase in traffic (and the safe management of it) and the effect on air quality after requesting a meeting with Members. Hind Heath Road appears to remain unlit which will be dangerous on an increasingly busy road, a problem which is compounded by the fact that the proposed access is on the inside of a bend which combined with the topography limits visibility. The proposed development is at a point on Hind Heath Road with no footpath on either side of the narrow road, with no safe access or crossing point to the recently constructed footpath/cycleway behind the hedge on the opposite side of the road.
- Any proposal to light this section of Hind Heath Road, the Wheelock Railtrail or the new footpath/cycleway would emphasise the intrusion into the area of separation and disturb local wildlife
- Finally, Members are concerned that The Brine board is of the opinion that the site is within an area that has previously been affected by brine subsidence and future residual movements cannot be completely discounted.

### REPRESENTATIONS

Letters of objection have been received from 47 local households raising the following points:

#### Principal of development

- There are enough new developments in Sandbach
- Should be kept as green fields
- This is not a strategic site within the CELPS and is unplanned
- The CELPS housing requirement for Sandbach is 2750 dwellings and 3250 dwellings would be provided exceeding the requirement
- The site is within the open countryside and outside the settlement boundary
- Contrary to the Neighbourhood Plan
- The development is contrary to the CELPS
- Loss of green gap separating Wheelock and Ettiley Heath
- Bungalows are needed for the elderly
- The proposed dwellings will not be affordable to local people
- Loss of the Area of Separation
- The development provides no benefits to local residents
- Loss of hedgerow to provide the access and visibility splays
- Sandbach is becoming unsustainable due to housing growth
- Cheshire East now has a robust 5 year housing land supply

#### Highways

- Increased congestion in Sandbach
- The applicants traffic data is from September 2016 and is out of date as it does not include the development sites at Ettiley Heath and Elworth
- Hind Heath Road is used as a rat run
- Hind Heath Road cannot take any further traffic
- The site access has inadequate visibility
- Increased parking on the road
- The existing roads are suffering from potholes
- Hind Heath Road is a narrow country lane
- Problems when there is an accident on the M6

- Hind Heath Road suffers flooding
- Cars speed along Hind Heath Road and the access should be designed for higher speeds
- Speed cameras should be provided along Hind Heath Road
- An alternative overflow carpark for the football club is required
- There is no continuous cycle route to the town centre or schools
- The access is on a bend
- It would be better to use the existing access to Sandbach Football Club
- Access to Lillyput Nursery is difficult
- Cumulative impact from the other consented developments upon Hind Heath Road
- Loss of overflow parking for the nursery
- Traffic control is needed along Hind Heath Road
- Additional street lighting should be provided
- Better public transport links are needed to Sandbach Station
- The submitted Transport Statement is inadequate
- The proposed access is not safe
- Pedestrian facilities along Hind Heath Road are not safe
- Public transport provision in the area is overstated
- Swept path analysis demonstrates that HGV movements cannot be made without crossing both lanes of the carriageway – this is not safe
- The proposal to provide Vehicle Activated Signage is contrary to planning law as it is not necessary
- Insufficient parking in Sandbach Town Centre
- No proposals have been put forward to increase the number of car parking spaces for Sandbach Town FC
- The proposed access is located on a blind bend
- The harm outweighs any benefits of this scheme

### Green Issues

- Loss of wildlife
- Impact upon the landscape
- The development will close off views from the Wheelock Rail Trail
- Impact upon air quality
- Impact upon the peaceful Wheelock Rail Trail
- There should be no additional lighting on the Wheelock Rail Trail
- Loss of habitat
- Additional tree planting is required

### Design Issues

- The site is elevated and the development will impact upon the landscape and character of the area

### Infrastructure

- Schools are overcrowded
- Dentists and Doctors are full
- Leighton Hospital is at capacity
- The football club and cricket club are operating at capacity
- The drainage infrastructure cannot cope and is constantly blocked
- A token contribution to an Astro turf pitch will do little to provide lasting help to already stretched local Schools and Doctors

- Harm to the Wheelock Rail Trail Site of Biological Importance
- Sandbach needs a lifestyle Centre like Crewe
- Lack of leisure centre in Sandbach

### Other Issues

- Impact of the development upon the Wheelock Rail Trail
- Lighting of the Wheelock Rail Trail will cause light pollution and impact upon wildlife
- Impact upon air quality
- The brine board have stated that the area has been previously affected by brine subsidence and future movements cannot be discounted.
- Difficulty in selling houses in Sandbach
- Limited pre-application consultation has taken place
- The owners of the stables will not allow for additional car-parking to be accessed via the access point to Lilliput Nursery

An objection has been received from Sandbach Woodland and Wildlife Group which raises the following points;

- The SWWG has as its core purpose *"To develop our role of care for the environment by ensuring the conservation of woodland and associated open areas in and around Sandbach, maintaining its wildlife importance whilst ensuring the benefits of some access for the whole community."*
- The proposed development contravenes many of the key policies and issues covered in the Sandbach Neighbourhood Plan (2016), Namely:
  - o To preserve existing farmland, publicly accessible open spaces and green spaces surrounding the town
  - o To maintain and protect the Areas of Separation which separate the distinct village settlements of Sandbach, Elworth, Ettiley Heath, Wheelock and Sandbach Heath
  - o To protect and improve the existing natural wildlife habitats and wildlife corridors
- In addition the proposed development would have a severe detrimental impact on the local wildlife living nearby (primarily the Wheelock Rail Trail)
- If, in spite of objections, the proposed development were to go ahead, the SWWG would expect to see substantial Ecological Mitigation and Enhancement, to be in line with those proposed by Cheshire East's Principal Nature Conservation Officer: *"Any future reserved matters application to be supported by a strategy for the incorporation of features to enhance the biodiversity value of the proposed development. The submitted strategy should include proposals for the provision of features for nesting birds including house sparrow and roosting bats, gaps in garden fences to facilitate the movement of hedgehogs, brash/deadwood piles, a wildlife pond and native species and fruit tree planting."*

An objection has been received from Sandbach Footpath Group which raises the following points;

- The opportunity of making a link from the Wheelock Rail Trail via Abbeyfields has not been considered. This link should be provided
- The route from the site to Abbeyfields would go some way towards compensating for the detrimental effect of this planning application.
- The proposed development is on slightly higher ground than the Wheelock Rail Trail and consequently would be a blot on the landscape, detracting from the pleasure of walking or cycling along the Rail Trail. The Rail Trail is very popular for family outdoor excursions, giving the benefit of reasonably fresh air, sunshine, relative peace, and pleasure, some of which would be reduced or negated if the development were to go ahead.

- The development would damage the Wheelock Rail Trail which is designated as a Site of Biological Importance.

A representation has been received from Cycling UK which raises the following points;

- A connection to the Wheelock Rail Trail and to Middlewich Road should be established for walking and cycling
- The proposal for street lighting should also be extended towards the north-west of Hind Heath Road where it meets the roundabout with Elton Road and the Salt Line Way. This would improve safety.
- Cycling from the site to Wheelock or the Town Centre would mean people having to cross the road which is unlikely. Using a shared footway is more likely on the return journey
- It is unlikely that the Toucan crossing would be used for people cycling towards the train station
- The crossing should be closer to the entrance of the development
- The vehicle speed activated sign installation is welcomed but this should be changed to a speed camera
- 85% of vehicles go faster than 40.9mph which is too high for a 30mph road
- The suggested contribution to the Wheelock Rail Trail is welcomed. The surfacing needs to be carefully considered.

## **APPRAISAL**

### **Principle of Development**

The site lies largely in the Open Countryside as designated by Policy PG6 (Open Countryside) of the CELPS and Policy PS8 of the Congleton Borough Local Plan 2005. Policy PG6 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

Policy PC3 (Policy Boundary for Sandbach) of the Sandbach Neighbourhood Plan (SNP) states that new development will be supported in principle within the policy boundary (Sandbach), but outside of the boundary, where the application proposal lies, only a limited number of developments will be permitted. New dwellings as sought are not listed as one of these permitted developments, and therefore the scheme would be contrary to SNP Policy PC3.

The application site falls within an Area of Separation as defined by the SNP under Policy PC1. This policy aims to maintain the established pattern of development and the distinctive identities of Sandbach, Elworth, Ettiley Heath, Wheelock and Sandbach Heath. Policy PC1 states that within the Areas of Separation developments which would result in further coalescence in the Areas of Separation will not be permitted.

In this case the proposed development would result in further coalescence between Wheelock Village and Ettiley Heath. Only the cluster of dwellings onto the southern boundary of the site would remain within the area of separation and separate the two individual settlements of Wheelock Village and Ettiley Heath. This development would result in the two settlements merging and would cause significant harm.

It is important to note that there is a relevant appeal decision as part of application 14/3892C (200 dwellings at Land off Crewe Road, Sandbach) – Appeal Dismissed by the SoS – This site was also located outside the Settlement Zone Line and within the Area of Separation (Policy PC1). The SoS agreed with his Inspector that the SNP was *‘immediately out-of-date’*, however the SoS then went on to conclude as part of his planning balance that the development would result in the *‘erosion of the strategic gap would have the effect of increasing the perception of settlements beginning to merge’* and that this environmental harm would outweigh the benefits.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined *“in accordance with the plan unless material considerations indicate otherwise”*.

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

### **Housing Land Supply**

On 27th July 2017 the Council adopted the Cheshire East Local Plan Strategy. Accordingly the Cheshire East Local Plan Strategy forms part of the statutory development plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This is the test that legislation prescribes should be employed on planning decision making. The ‘presumption in favour of sustainable development’ at paragraph 11 of the NPPF means: “approving development proposals that accord with an up to date development plan without delay”

The Cheshire East Local Plan Strategy is a recently adopted plan. Upon adoption, the Examining Inspector concluded that the Local Plan would produce a five year supply of housing land, stating that *“I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years”*.

The Cheshire East Local Plan Strategy (LPS) was adopted after a lengthy examination and was produced through engagement with stakeholders who have an impact upon housing delivery. The adopted plan incorporated the recommendations of the Secretary of State. In accordance with paragraph 74 of the NPPF and footnote 38, the LPS should be considered ‘recently adopted’ until 31 October 2018 and full weight should therefore be given to the findings of the Inspector in confirming that the Local Plan would produce a five year supply of housing land.

The Council continues to monitor housing delivery and housing land supply, publishing its annual assessment through the Housing Monitoring Update. This report provides information on the delivery of sites and the supply of housing land to an annual base date of the 31 March. The most recent Housing Monitoring Update (base date 31 March 2017) was re-published in December 2017 and this confirmed a housing land supply of 5.45 years. The Housing Monitoring Update (base date 31 March 2018) is currently being produced and this is likely to show a continued

positive direction of travel in relation to completions and commitments since the previous annual assessment.

The Council's published housing land supply position has been subject to thorough scrutiny at a number of planning appeals since the LPS was adopted. The most recent of these to report involved an appeal by Gladman Developments for 46 homes at New Road Wrenbury. Here the Council's housing land supply assessment was fully updated, looking afresh at the latest position on key sites and the housing sector generally. This appeal was dismissed on the 10th April 2018 with the Inspector finding that the Council could demonstrate a deliverable 5 year housing land supply.

In the light of the above, relevant policies for the supply of housing should be considered up-to-date – and so consequently the 'tilted balance' of paragraph 11 of the NPPF is not engaged.

## Location of the Site

The justification to Policy SD2 of the CELPS includes distances to facilities to serve the development and is identified below;

Public Transport	
Bus Stop	500m
Public Right of Way	500m
Railway Station	2km where geographically possible
Open Space	
Amenity Open Space	500m
Children's Playground	500m
Outdoor Sports	500m
Public Park and Village Green	1km
Services and Amenities	
Convenience Store	500m
Supermarket	1km
Post Box	500m
Post Office	1km
Bank or Cash Machine	1km
Pharmacy	1km
Primary School	1km
Secondary School	1km
Medical Centre	1km
Leisure Facilities	1km
Local Meeting Place / Community Centre	1km
Public House	1km
Child Care Facility (nursery or crèche)	1km

The site is between Wheelock, Ettiley Heath and Sandbach Town and is located in close proximity to the approved residential developments off Hind Heath Road, Abbeyfields and Lodge Road. All of the nearby residential developments were considered to be sustainably located and the same conclusion applies to this site.

## Housing Mix

Paragraph 61 of the Framework states that *'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes'*.

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). This is echoed within the SNP Policies H3 (Housing Mix and Type) which states that housing should be designed to provide a mix of houses to meet identified need (e.g. affordable housing, starter homes and provision for housing an ageing population) and Policy H4 (Housing and an Ageing Population) which states that developments will be supported that provide suitable, accessible houses

A condition could be imposed to secure a mix of house types at the reserved matters stage.

### **Affordable Housing**

This is an outline application for up to 50 dwellings and there is a requirement for 30% of dwellings to be provided as affordable dwellings. In order to meet the Council's Policy on Affordable Housing there is a requirement for 15 dwellings to be provided as affordable dwellings.

The SHMA 2013 shows that the majority of the demand in Sandbach annually until and including 2018 is for 18 x one bedroom, 33 x two bedroom, 18 x three bedroom and 9 x four bedroom general needs dwellings. The SHMA also shows a need for 11 x one bedroom and 5 x two bedroom dwellings for older persons. These can be via Bungalows, Flats, Cottage Style Flats or Lifetime standard dwellings.

The current number of those on the Cheshire Homechoice waiting list with both Sandbach and Wheelock as their first choice is 500. This can be broken down to 215 x one bedroom, 185 x two bedroom, 83 x three bedroom and 17 x four+ dwellings. On this site a mix of 1, 2, 3 and 4 general needs dwellings and 1 and 2 bedroom older persons dwellings would be acceptable.

As part of this development 10 units should be provided as Affordable rent and 5 units as Intermediate tenure. The exact mix and location of the affordable dwellings can be detailed in the Reserved Matters application.

The affordable housing provision will be secured as part of a S106 Agreement.

### **Public Open Space**

The Design and Access Statement submitted with this application states that the development would provide 0.56 hectares of green infrastructure.

This development requires 1000sqm each of children's play, Amenity Green Space (AGS) and Green Infrastructure (GI) Connectivity. The buffer planting and proposed drainage pond can form part of the GI but there is still a requirement of 2000sqm of children's play space (a LEAP) and AGS combined. These features can be conditioned to secure the details at the Reserved Matters stage.

The concerns raised by the Council Ranger Service are noted. However it is not considered that anti-social behaviour would be an issue as the illustrative masterplan clearly shows that the proposed dwellings would be sited to overlook the proposed play area and to provide a good level of natural surveillance. The provision of boundary treatment between the play area and the Wheelock Rail Trail could be secured as part of a planning condition.

### **Leisure Provision**

The Playing Pitch Strategy identifies the adjacent Sports facilities as a “hub” for Sandbach. New developments should not be required to address an existing shortfall of provision. However they should ensure that this situation is not worsened by ensuring that it fully addresses its own impact in terms of the additional demand. In line with Policy SC2 for Indoor and Outdoor Sport and Policy SC1 Leisure and Recreation a contribution of £1000.00 per family dwelling is sought for outdoor sports provision.

The Indoor Built Facility Strategy has identified that for Sandbach there should be focus on improvement of provision at Sandbach Leisure Centre as set out in the Strategy. Whilst new developments should not be required to address an existing shortfall of provision, they should ensure that this situation is not worsened by ensuring that it fully addresses its own impact in terms of the additional demand for indoor leisure provision that it directly gives rise to. Furthermore, whilst the strategy acknowledges that the increased demand may not be sufficient to require substantial indoor facility investment through capital build (although some of the new population may use the existing swimming pool and sports hall facilities) there is currently a need to improve the quality and number of health and fitness stations at Sandbach Leisure Centre to accommodate localised demand for indoor physical activity. For this application a contribution of £9,100 would mitigate the proposed development.

### **Education**

An application of 50 dwellings is expected to generate 9 primary aged children, 8 secondary aged children and 1 SEN child.

In terms of primary school education, the proposed development would be served by six local primary schools.

There will be a shortfall spaces within the local primary schools and on this basis a contribution of £97,617 will be required to mitigate the impact of this development upon local primary provision.

In terms of secondary schools, the development would be served by Sandbach High and Sandbach School. As there are capacity issues at these local schools the education department has requested a contribution of £130, 742.

In terms of SEN education provision the Councils Education department have confirmed that children in the Borough cannot be accommodated under current provision and some children are currently being educated outside the Borough. A contribution of £45,500 is required based on the increase in population.

This will be secured via a S106 Agreement should the application be approved.



## Health

A number of the letters of objection raise concerns about the impact upon health provision in this area. In this case there has been no request for a contribution from the NHS and on this basis the impact upon health care provision is considered to be acceptable.

## Residential Amenity

In this case the Congleton Borough SPG requires the following separation distances:

21.3 metres between principal elevations

13.8 metres between a non-principal and principal elevations

In this case the layout and orientation of the proposed dwellings has not been provided at this outline stage. The impact upon the adjacent dwellings to the south-east of the site will be determined at the reserved matters stage.

## Noise

The applicant has submitted a noise screening report in support of the application. The report suggests that additional mitigation measures may not be required however this is still to be investigated further as part of the Reserved Matters stage. It must be noted that Hind Heath Road has increased with volume of traffic due to development in the area and so a noise assessment is required to be undertaken to confirm current statements.

The assessment must assess road traffic noise from Hind Heath Road on the proposed development and be assessed in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. The conclusions of the report and any proposed mitigation must be submitted too and approved by the local planning authority at the Reserved Matters stage.

## Contaminated Land

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site.

A Phase I Preliminary Risk Assessment for contaminated land has been submitted with any planning application for this site and this recommends that a further Phase II investigation is undertaken for the following reasons;

- Peat has been identified to the west of the site
- There is the potential impact of mobile contamination from the former railway adjacent to the boundary
- A ground risk assessment is required for the site

The Environmental Health Officer has confirmed that the further Phase II Contaminated Land Report can be secured through the imposition of a planning condition.

## 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 whilst Policy H2 of the SNP states that development should not cause unacceptable air pollution. This is in accordance with paragraph 170 of the NPPF and the Government's Air Quality Strategy.

This outline proposal is for the residential development of up to 50 dwellings. This scheme is considered to be significant it does not require an air quality impact assessment. However 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.

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

In support of the application the developer has 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 predicted development flows and scale of the proposal. The report also concludes that the impacts on air quality will be *not significant* subject to the appropriate mitigation measures.

The Environmental Health Officer has requested the following conditions in relation to air quality;

- Dust Control
- Travel Plan
- Electric Vehicle Infrastructure
- Ultra Low Emission Gas Boilers

Subject to the imposition of these conditions the impact upon air quality from this development is considered to be acceptable.

### **Public Rights of Way**

There are no public footpaths crossing the site. However the Wheelock Rai Trail is located adjacent to the boundary of this site.

The proposed development is adjacent to the Wheelock Rail Trail which is a linear country park and part of the National Cycle Network. This development would provide a link onto the Wheelock Rail Trail and this would improve the permeability of the site and allow future residents to access this recreational resource.

As stated within the ecology section of the report the Wheelock Rail Trail is identified for its ecological value within the SNP and is subject to Policy PC4. In this case it is considered that the requested contribution for lighting along the Wheelock Rail Trail would not have a significant impact upon the ecological value of the Wheelock Rail Trail as this section of the Wheelock Rail Trail already has lighting to the North West and is considered to be less sensitive to ecological impacts.

The comments made by the Cheshire East Council Ranger Service are noted in terms of a 1.8m mesh fence along the boundary with the Wheelock Rail Trail are noted. Such provision would not be acceptable in design terms and the proposed dwellings would face onto the Rail Trail offering

natural surveillance to prevent fly tipping and a low knee high rail could be provided to prevent informal access points. The boundary treatment details will be secured at the Reserved Matters stage.

The suggested contribution to improve surfacing/lighting of the Wheelock Rail Trail is justified and would improve the sustainability of the site as well improving access via non-motorised transport options. On this basis the suggested contributions are reasonable and would be secured via a S106 Agreement.

### **Highways**

#### Safe and suitable access

The new access design onto Hind Heath Road has been designed to adoptable standards. A new 3m wide footway/cycleway has also been proposed, with a toucan crossing to aid pedestrian/cycle movement across Hind Heath Road. The toucan crossing was initially proposed to the east of the site access but due to safety concerns has been relocated to the west of it.

There is a pedestrian/cycle route to the south side and the Wheelock Rail Trail to the north side of Hind Heath Road (which forms part of the National Cycle Route). The proposed development will provide a new access from within the proposed development onto the Wheelock Rail Trail which will encourage pedestrian and cyclist movements from existing nearby developments.

The toucan will provide a safe means of crossing for residents of the proposed and consented development, and for existing residents and users of the local and national cycle network.

Speed surveys have been carried out on Hind Heath Road to inform access visibility splay requirements; the northbound design speed at this location is 38mph and the southbound speed is 37mph.

Visibility splays reflecting these have been provided in both directions. The splay to the south encroaches onto a grass verge and there has been uncertainty as to whether this verge is highway land. Assets have provided a plan showing this land to be unadopted and the applicant has provided a plan showing it to be unregistered.

Nevertheless, the form of this land, adjacent to an access, appears to allow for access visibility from the nursery. Due to the concrete slabs and fencing, there is no vegetation that could grow into the splay and this land is maintained presumably to ensure visibility from the nursery. It is reasonable to assume that this land will be kept clear of obstructions and the visibility splay for the residential proposal will be maintained. It is also in the non-leading direction and for these reasons it has been accepted.

#### Network Capacity

The proposal will generate around 30 to 35 vehicle trips during the peak hour. Compared to existing and forecast vehicle flows on Hind Heath Rd this is a negligible uplift in numbers and there is no objection in terms of the traffic generation from this development.

#### Loss of Parking for the Football Club

A number of the representations refer to the loss of car-parking for the Football Club. In this case it should be noted that there is no planning approval for an overflow car park on this site but the land in question could be used as an overflow carpark under Permitted Development Rights for no more than 28 days in total in any calendar year. The land is in separate ownership to the Football Club and there is no requirement that the land owners allows the land to be used as a temporary car park.

### Highways Conclusion

The scheme can provide a safe access for all people and the impact on the local road network will be minimal.

### **Trees and Hedgerows**

#### Trees

There are trees and lengths of hedgerows in the vicinity of the site with the majority of the tree cover off site along the wooded corridor of the Wheelock Rail Trail to the north. As an outline application with only access included, the full impacts of the development would only be realised at Reserved Matters stage. However it is not envisaged that the development would result in any tree losses at this stage.

#### Hedgerows

On the basis of the submitted information, it appears that the proposals would require the removal of 114m of hedgerow on the Hind Heath Road frontage in order to allow the formation of the access and associated visibility splays, and to provide a combined footway/cycleway.

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, a Hedgerow Removal Notice would be normally required under the Hedgerow Regulations 1997. Therefore, for completeness in the assessment and determination of a planning application, where hedge loss is involved it is considered the hedge should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if it qualifies as 'Important'. The Regulations require assessment on various criteria including ecological and historic value. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

The submitted Hedgerow Regulations Assessment conclusion in respect of Historic criteria indicates that the roadside hedge may be considered 'important' under Schedule 1 Part 2, Criterion 5a of the Regulations. It lies along the line of a boundary recorded in a document held at the relevant date at a Record Office which was part of a field system pre-dating the Inclosure Acts, (based on a relevant date of 1845).

The Assessment conclusion goes on to refer to the hedge being considered a non-designated asset under the terms of the NPPF. The Assessment comments to the effect that overall the heritage significance of the hedge is considered to be low within the spectrum of non designated assets.

The Impact on an 'Important' hedge is a material consideration. (CELPS Policy SE5 Justification para 13.43 refers) and this must carry some weight in the planning balance.

### **Design**

The importance of securing high quality design is specified within the NPPF and paragraph 127 states that decisions should ensure that developments;

*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience*

### Connections

*Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site?*

The proposed development would have a single point of vehicular access to the off Hind Heath Road. It is intended that that the development would provide a cycle/pedestrian link from the site onto the Wheelock Rail Trail.

### Facilities and services

*Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?*

The application site is highly sustainable and is within easy walking distance of the Town Centre, schools, employment, the train station, bus routes and leisure facilities. This was also found to be the case for the approved developments off Hind Heath Road, Lodge Road and at Abbeyfields.

### Public transport

*Does the scheme have good access to public transport to help reduce car dependency?*

The application site is highly sustainable and is within easy walking distance of the Town Centre, schools, employment, the train station, bus routes and leisure facilities.

### Meeting local housing requirements

*Does the development have a mix of housing types and tenures that suit local requirements?*

In terms of the affordable housing on site the mix and tenure would be agreed at the Reserved Matters stage in discussion with the Councils Housing Officer.

The Design and Access Statement submitted with this application states that the *'development will provide for a mix of house types, ranging from 2 bed to 5 bedroom houses, offering a mix of market housing from first time homes to larger family homes'*.

In this case a condition could be attached to ensure that the a satisfactory mix is provided at the Reserved Matters stage.

### Character

*Does the scheme create a place with a locally inspired or otherwise distinctive character?*

The design guide identifies that Sandbach to the east is located within the Silk, Cotton & Market Towns area of the Design Guide and Elworth and Ettiley Heath to the west is located within the Salt & Engineering Towns area of the design guide. This site is split between the two areas but given the surrounding residential development to Hind Heath Road, Abbey Road and Park Lane it is considered that the site is more closely related to Sandbach. Sandbach is identified as an example settlement within the Design SPD and the design cues for this area include the following;

- Tudor, Georgian, Victorian and Edwardian architecture are all found within the town.
- A fine grain of residential lanes/secondary streets lie immediately adjacent to the main streets.
- Streets are well overlooked.
- Streets and lanes curve up the hills into the town centre creating unfolding views.
- Strong well enclosed urban spaces.
- Town centre is surrounded by rows of terraces, beyond which is a mix of 20th Century housing suburbs and estates.
- Mature 'Garden Suburb' style housing (i.e. Park Lane)

There is a variation of house-types adjoining the site. The majority are two-storey in height although there are some single-storey units in the area (adjacent to the site and to the south east along Hind Heath Road). The dwellings surrounding the site vary from detached to semi-detached.

The perimeter block type layout is at an appropriate density (30 dwellings per hectare) as identified on the illustrative masterplans contained within the D&A Statement. On this basis it is considered that an acceptable design solution could be secured at the reserved matters stage.

### Working with the site and its context

*Does the scheme take advantage of existing topography, landscape features (including watercourses), wildlife habitats, existing buildings, site orientation and microclimates?*

The site is currently open former farmland with no existing buildings with the retention of the tree belt to the boundary with the Wheelock Rail Trail.

The only concern is the relationship to the existing dwellings adjacent to the site and the loss of hedgerow to form the access/visibility splays.

In this case the impacts upon residential amenity would be resolved at the reserved matters stage and the hedgerow implications is considered elsewhere within the report.

### Creating well defined streets and spaces

*Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?*

The illustrative masterplan shows that the proposed dwellings are generally positioned well in a loose perimeter block layout, front doors face the street, blocks turn corners effectively in a variety of ways creating good passive surveillance and they do define the streets and spaces.

### Easy to find your way around

*Is the scheme designed to make it easy to find your way around?*

The illustrative masterplan is legible and a varied and interesting layout including corner turning blocks and properly terminated views to aid navigation around the proposed development could be secured at the Reserved Matters stage. The proposal also provides pedestrian/cycle linkages to the Wheelock Rail Trail.

### Streets for all

*Are streets designed in a way that encourage low vehicle speeds and allow them to function as social spaces?*

There is a clear hierarchy of streets identified within the submitted D&A Statement which identifies the 3 types of highway within the development. These streets could be designed in detail to slow vehicular traffic and provide a safer environment for pedestrians and cyclists.

### Car parking

*Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?*

The illustrative masterplan shows that parking would be provided within curtilage to the side and rear of the proposed dwellings. The D&A Statement then goes identifies that '*where street parking is present, it will be broken up into blocks of a maximum of 5 bays separated by kerb buildouts. Areas of on street parking will be softened by tree and shrub planting*'.

### Public and private spaces

*Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?*

The illustrative masterplan shows that all areas of public open space are well overlooked and would feel safe. With regard to private space, every house has a private but independently accessible rear garden that is clearly defined and most homes also have gardens to the front.

## External storage and amenity space

*Is there adequate external storage space for bins and recycling as well as vehicles and cycles?*

The illustrative masterplan shows that all houses have adequately sized rear gardens with external access that are suitable for the storage of refuse and recycling bins as well as potentially cycles.

## Design Conclusion

On the basis of the above assessment it is considered that the proposed development does score well and on this basis it is considered that the design of the development is acceptable and would comply with the Cheshire East Design guide.

## **Land Levels**

The application is in outline form and no and levels details have been provided. If approved a condition could be imposed to require the details at the reserved matters stage.

## **Landscape**

A Landscape and Visual Appraisal has been submitted as part of the application, this indicates that it has been based on the Guidelines for Landscape and Visual Impact Assessment, third edition (GLVIA3).

The appraisal identifies the National Character Area (NCA) – Shropshire and Staffordshire Plain and that in the Cheshire Landscape Character Area that the site is situated in the East Lowland Plain, and specifically in the Wimboldsley Character Area (ELP 5). The appraisal also identifies the character of the application site as being gently undulating agricultural land with hedgerow field boundaries, located towards the southern edge of Sandbach, bound to the south by Hind Heath Road and to the north by the Wheelock Rail Trail.

The appraisal identifies that this landscape has no designations and that it is well managed agricultural land with hedgerows and hedgerow trees, in overall good condition, but offers a low value. The appraisal identifies that the landscape effects at construction will be Major/Moderate adverse and following completion as Moderate adverse on the site and the immediate context, reducing to Minor adverse at after 10 years. The visual appraisal offers 11 viewpoints and indicates that at the construction stage for receptors adjacent to the site the effects will be Major/Moderate adverse, and Minor adverse for receptors at a greater distance. The appraisal indicates that after the construction phase the visual effects for the nearby property will be Moderate adverse, minor adverse for the nearby section of the Wheelock Trail and minor adverse for users of roads.

The visual appraisal has been based on the retention of existing landscape features and the overall enhancement of the site through the additional woodland planting, hedgerow provision and habitat creation; consequently the visual effects may be as identified if the proposals are similar to those shown on the Development Framework Plan.

The appraisal identifies that the site is located within the open countryside, Policy PG 6 – Open Countryside seeks to protect open countryside from urbanising development. It recognises the intrinsic character and beauty of the countryside, which is consistent with paragraph 170 of the



NPPF. Policy PG 6 only permits development in the Open Countryside for certain essential or limited purposes appropriate to the rural area, and that in this regard identifies that particular attention should be paid to design and landscape character so the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced. Since the submitted appraisal identifies that the landscape and visual effects will remain adverse, even after a number of years, it is not clear how the proposed development will either preserve or enhance the appearance and distinctiveness of the Cheshire East countryside; as such the development does not appear to conform with Policy PG 6.

### **Ecology**

#### Statutory designated Sites

This proposed site falls within Natural England's SSSI impact risk zone for developments of this type. In this case Natural England has been consulted and raised no objection to this application.

#### Non-statutory Sites

The Wheelock Disused Railway Local Wildlife Site (identified by Policy PC4 of the SNP) is located immediately adjacent to the northern boundary of the application site. To ensure that the Local Wildlife site is not compromised by the proposed development a buffer of open space/semi natural habitat must be provided and a suitable buffer is shown on the submitted Development Framework. If planning consent is granted the provision of this buffer must be secured by means of a planning condition.

#### Hedgerows

Native species hedgerows are a priority habitat and a material consideration. Whilst it appears feasible to retain the majority of the existing hedgerows on site, the proposed access point will result in the loss of a section of existing hedgerows.

If outline planning permission is granted it must be ensured that any unavoidable losses of hedgerow are compensated for by means of replacement planting at the Reserved Matters stage.

#### 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 a condition should be attached requiring any additional lighting to be agreed with the LPA.

#### Other Protected Species

As part of this application an updated survey has been undertaken for other protected species. Whilst other protected species are active on the application site and on the adjacent land no significant impacts on other protected species are anticipated. In the event that planning permission is granted a condition could be imposed which requires any future reserved matters application be supported by an updated survey and mitigation strategy.

### Ecological Mitigation and Enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development. If planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

### **Flood Risk/Drainage**

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. However there is a pocket of surface water risk located within the site boundary (this is shown to be retained as part of the drainage strategy for the site). As the site is greater than 1 hectare in size a Flood Risk Assessment has been submitted in support of this planning application.

The submitted FRA identifies that it is proposed to limit overall flows to greenfield runoff rates with flows to be attenuated onsite within an attenuation basin located in a low area of the site along the frontage with Hind Heath Road.

The Councils Flood Risk Management Team has raised no objection to this application subject to the imposition of planning conditions.

### **Brine Subsidence**

The Cheshire Brine Subsidence Board has stated that the site is within an area that has previously been affected by brine subsidence and future residual movements cannot be completely discounted. The Brine Board recommends that precautions are incorporated within the design of the proposed development and this matter will be dealt with at the Building Control stage with an informative attached to any approved development.

### **Economic Sustainability**

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

### **CIL Compliance**

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

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

As explained within the main report, the area of open space/LEAP is identified on the submitted plans. It is necessary to secure these works and a scheme of management. This is directly related to the development and is fair and reasonable.

The Playing Pitch Strategy identifies an existing shortfall of provision. To ensure that this situation is not worsened and to mitigate the impact in terms of the additional demand. In line with Policy SC2 for Indoor and Outdoor Sport and Policy SC1 Leisure and Recreation a contribution of £1000.00 per family dwelling is sought. In terms of indoor leisure a contribution of £9,100 would be required to mitigate the impact of the development. This is necessary, directly related to the development and fair and reasonable.

The development would result in increased demand for primary, secondary school and SEN places in the area and there is very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary, secondary and SEN education is required. This is considered to be necessary and fair and reasonable in relation to the development.

The suggested contribution to improve surfacing of the Wheelock rail Trail is justified and would improve the sustainability of the site as well improving access via non-motorised transport options. On this basis the suggested contribution of £54,000 is necessary and would be secured via a S106 Agreement.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010 and a Deed of Variation will be required to the original S106 Agreement.

### **PLANNING BALANCE**

The proposed development would be contrary to Policy PG6 of the CELPS, Policy PS8 of the Congleton Borough Local Plan and Policy PC3 of the SNP and the development would result in a loss of open countryside. Cheshire East can demonstrate a 5 year supply of deliverable housing sites.

The application site falls within an Area of Separation as defined by the SNP under Policy PC1. In this case the proposed development would result in further coalescence between Wheelock Village and Ettiley Heath. Only the cluster of dwellings onto the southern boundary of the site would remain within the area of separation and separate the two individual settlements of Wheelock Village and Ettiley Heath. This development would result in the two settlements merging and would cause significant harm.

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

The development would have a neutral impact upon education, POS provision and LEAP, drainage/flood risk, trees, residential amenity/noise/air quality/contaminated land and landscaping could be secured at the reserved matters stage.

The submitted plans show that a buffer would be provided to the Wheelock Rail Trail which is adjacent to the site and this would be secured via a planning condition should the application be approved. The development would not have a detrimental impact upon protected species.

In this case the hedgerow along the frontage of the site is classed as an important hedgerow under the Hedgerow Regulations. There are no overriding reasons for allowing the development and this issue will form a reason for refusal.

The proposal would provide a safe and suitable access and would not result in a severe impact upon the road network.

As a result the application is recommended for refusal.

**RECOMMENDATION:**

**REFUSE for the following reasons;**

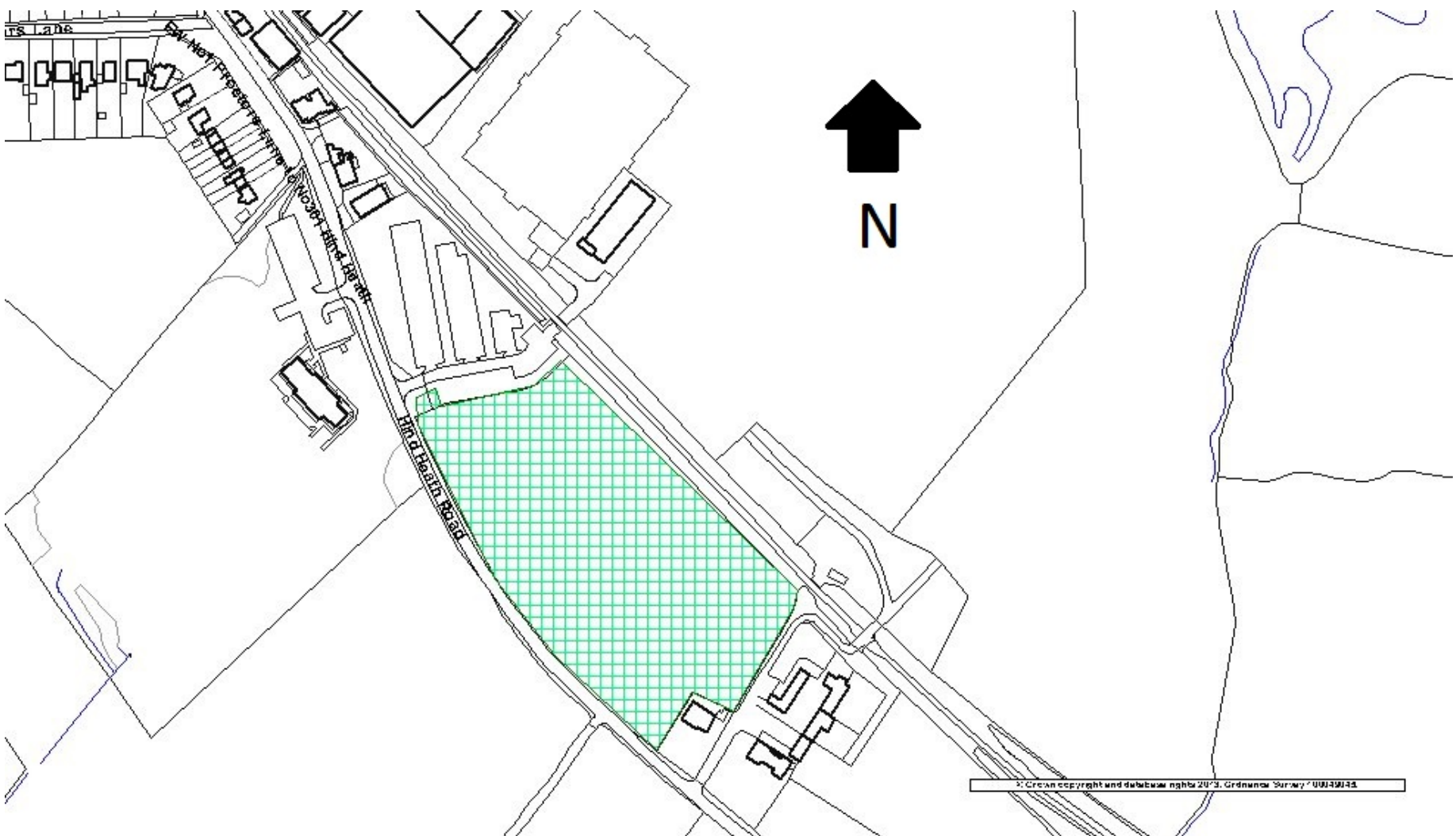
- 1. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies PG6 (Open Countryside) of the CELPS, PS8 (Open Countryside) of the Congleton Borough Local Plan and PC3 (Policy Boundary for Sandbach) of the Sandbach Neighbourhood Plan and the principles of the National Planning Policy Framework. Furthermore the development is located within an Area of Separation and would result in the coalescence of Ettiley Heath and Wheelock Village. The proposed development would therefore be contrary to Policy PC1 (Areas of Separation) of the Sandbach Neighbourhood Plan.**
- 2. The proposed development would result in the loss of a hedgerow which is classed as important under the Hedgerow Regulations. In this case there are no overriding reasons for allowing the development and as a result the proposed development is contrary to Policy SE5 of the CELPS and guidance contained within the NPPF.**

In order to give proper effect to the Board's/Committee'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.

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

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**
  - The numbers, type, tenure and location on the site of the affordable housing provision**
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**
- 2. Provision of Public Open Space and a LEAP (5 pieces of equipment) to be maintained by a private management company**

3. Primary School Education Contribution £97,617, Secondary School Education Contribution of £130,742 and a SEN Contribution of £45,500
4. Contribution of £54,000 towards the surfacing of the Wheelock Rail Trail, £11,827 towards lighting of the Wheelock Rail Trail and £861.37 towards maintenance
5. Contribution of £1000 per family dwelling for the provision of outdoor sport
6. Contribution of £9,100 towards indoor leisure provision



Application No: 18/0945N

Location: LAND NORTH OF, CHOLMONDELEY ROAD, WRENBURY, CW5 8GZ

Proposal: Construction of 68 dwellings, means of access, landscaping and associated works

Applicant: Wainhomes (North West), Mr D Young, Mr D Hatton & Mrs L K Hatton

Expiry Date: 01-Jun-2018

**SUMMARY**

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

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

The proposal would be contrary to Policy PG6 of the CELPS, RES5 of the Crewe and Nantwich Local Plan and HOU2 of the WNP as it is not listed as an appropriate form of development in the open countryside and therefore represents a departure from the adopted Local Plan.

The benefits of the proposal would be the provision of open market housing and affordable housing, POS and the limited economic benefits during construction.

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

The dis-benefits would be the loss of open countryside/landscape harm. Loss of community Green Space and Agricultural Land. Insufficient information has also been provided to consider the full flood risk/drainage and ecological impacts of the proposal.

As a result the application is recommended for refusal.

**RECOMMENDATION**

**REFUSE**

## **PROPOSAL**

The proposal seeks full planning consent for the construction of 68 dwellings, means of access, landscaping and associated works.

The proposal would provide the following housing mix:

- 6 x one bed room apartments
- 20 x three bedroom properties
- 39 x four bedroom properties
- 3 x five bedroom properties

Access would be taken to the south from Cholmondeley Road.

A buffer would be retained between the northern and southern boundaries off the site.

## **SITE DESCRIPTION**

The application site relates to an existing open field sited off Cholmondeley Road.

The site sits towards the edge of the village but has development to the east and west.

The application site is fairly flat. There are a number of hedgerows running through the site and a small number of trees predominantly to the eastern and northern boundaries.

The Shropshire Union Canal (Llangollen Branch) is located to the north of the site and a public footpath is sited to the east of the site.

The site is designated as open countryside as per the Local Plan. The Wrenbury Conservation Area is located to the south and crosses the southern section of the site. There are also a Grade II\* Listed Church to the south-east of the site and Grade II\* Listed Bridge to the north.

The Wrenbury Neighbourhood Plan has reached Regulation 16 stage and therefore should be attributed moderate weight.

## **RELEVANT HISTORY**

Previous consents relating to use of land for animal shelters and recreational purposes but these are not relevant to the current application. The most relevant applications are:

17/0423S – EIA Screening Opinion for circa 120 dwellings – Not required 15-Mar-2017

14/1579N – 2.37 hectare 200 berth marina basin with pump out facilities, lighting and landscaping, fuel pump and storage, waste pump out; a new canal connection to the Llangollen canal with new tow-path bridge over canal connection; a main sewer connection; a facilities building to include the following incidental/ancillary uses: boat hire/time share and brokerage; management offices, toilets, showers and



laundry block and cafe with retail space and public toilets; chemical effluent and household waste recycling facilities; and existing site access onto Cholmondeley Road to be upgraded to highways standard to serve a new internal road to car parking and services areas; diversion and enhancement of public footpath no. 3, wildflower meadow and bat/barn owl tower (Resubmission of 13/4286N) – Refused 19-Sep-2014 but allowed at appeal 16-Jun-2015

13/4286N – 2.37 Hectare 200 berth marina basin with pump out facilities; lighting and landscaping, fuel pump and storage and waste pump out; a new canal connection to the Llangollen canal with new towpath bridge over connection; a main sewer connection; a facilities building to include the following incidental or ancillary uses: boat hire/timeshare and brokerage; marina management offices; toilet, shower and laundry block; and cafe with retail space and public toilets; chemical effluent and household waste disposal/recycling facilities; an existing site access on to Cholmondeley Road to be upgraded to highways standard to serve a new internal road to car parking and service areas; diversion and enhancement of public footpath no. 3 – Withdrawn 16-Jan-2014

### **ADOPTED PLANNING POLICY**

#### **Wrenbury Neighbourhood Plan (WNP) – Regulation 16 stage**

Policy HOU2 – Location of new residential development

Policy HOU3 – Housing Mix and Type (new homes on developments of 10 or more should be limited to one-third detached properties)

Policy LC1 – Character and Design (makes ref to landscape)

Policy LC2 – Important Views and Vistas

Policy LC3 – Landscape Character

Policy LC4 – Natural Environment and Biodiversity

Policy INF1 – Infrastructure

Policy INF2 – Foul and surface water drainage

Policy HER1 – Built Heritage and Conservation Area

Policy CF1 – Local Green Spaces (site is protected local green space)

Policy CF2 – Community Facilities

Policy TR2 – Sustainable Transport

Policy TOU1 – Tourism

### **Development Plan**

The Development Plan for this area comprises of the Cheshire East Local Plan Strategy (CELPS) and the Congleton Borough Local Plan First Review 2005.

*Cheshire East Local Plan Strategy (CELPS);*

MP1 – Presumption in Favour of Sustainable Development

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE1 – Design

SE2 - Efficient Use of Land

SE3 - Biodiversity and Geodiversity

SE4 - The Landscape

SE5 - Trees, Hedgerows and Woodland

SE7 – The Historic Environment  
SE9 - Energy Efficient Development,  
SE12 - Pollution, Land Contamination and Land Instability  
IN1 – Infrastructure  
PG1 - Overall Development Strategy  
PG2 – Settlement Hierarchy  
PG6 – Open Countryside  
PG7 – Spatial Distribution  
SC4 - Residential Mix  
IN2 – Developer Contributions  
SC1 – Leisure and Recreation

*Crewe and Nantwich Local Plan (CNLP) Saved Policies;*

NE.5 (Nature Conservation and Habitats)  
NE.8 (Sites of Local Importance for Nature Conservation)  
NE.9: (Protected Species)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.6 (Development on Potentially Contaminated Land)  
RES.5 (Housing in the Open Countryside)

### **Other Material planning policy considerations**

*National Planning Policy Framework ('The Framework');*

The relevant paragraphs include;

11. Presumption in favour of sustainable development.  
59. Delivering a Sufficient Supply of Homes  
124-132. Achieving well-designed places

### **CONSULTATIONS**

**CEC Head of Strategic Infrastructure (Highways)** – Objection as the proposed access is not acceptable and insufficient information has been submitted to assess the relocated access, and parking provision for a number of properties is below standard

**CEC Environmental Protection** – No objections, subject to a number of conditions/informatives including; noise report, piling, construction management plan, construction hours, electric vehicle charging, dust, boilers, contaminated land

**CEC Flood Risk** – No objection subject to conditions regarding detailed proposals for disposal of surface water and detailed drainage calculations

**CEC Education** – No objection subject to a contribution of £208,927.00 towards secondary education and SEN

**CEC Open Space (ANSA)** – No comments received at the time of writing the report

**CEC Housing** – Objection as although the proposal advises that 30% affordable housing would be provided no details of the mix (intermediate/social) has been provided or details of where the units will be located on the site or how they would be pepper potted around the site

**CEC Public Rights of Way (PROW)** – There are no recorded PROW in the site. However they require condition that the facilities for walking and cycling, including routes, destination signage and information materials, are completed and available for use prior to the first occupation.

**Environment Agency** – The proposed development site falls within Flood Zone 1 and therefore should be redirected to the Lead Local Flood Authority as it falls outside our remit.

**Archaeology** – No objection subject to condition requiring a programme of archaeological mitigation

**United Utilities** - No objections subject to conditions regarding foul and surface water drainage and surface water drainage scheme

**Canal and Rivers Trust** – No objections subject to condition requiring details of new pedestrian access points to the canal towpath, landscaping and maintenance plan for the northern buffer and financial contribution towards the upkeep and upgrade of the canal footpath.

**Town/Parish Council** –

**Marbury Parish Council** – Object as the Council is concerned that the site is situated in Open Countryside and a large percentage is within the Conservation Area thus implying that Local and National safeguarding of both is not relevant and can be ignored. If this development is allowed the implications for all Greenfield and Conservation Areas is extremely worrying to say the least.

**Wrenbury Cum Frith Parish Council** – Object as the proposal is sited in the open countryside, nearby appeals for housing development were also refused planning permission, the marina development of the site was approved given economic and creational benefits which the proposal does not have and harm to the historic setting.

**Ward Councillor** – No comments received at the time of writing the report

MP Antoinette Sandbach – Supports the objections of local residents/parish Council on the grounds of:

- Siting in the open countryside
- Harm to local infrastructure
- Not an allocated housing site

## REPRESENTATIONS

X80 letters of objection received regarding the following:

- Loss of open countryside
- Increase in traffic
- Pollution

- Impact on local infrastructure such as doctors, schools, shops
- No need for more housing in the village
- Site is used for activities by the villagers
- Housing has greater visual impact than the consented marina
- Wrenbury does not need this site to meet its housing allocations
- Harm to appearance/character of the village
- Harm to appearance/character of the Conservation Area and setting of the Listed Building
- Contrary to the Neighbourhood Plan
- No houses for the elderly proposed
- Drainage issues
- Impact to local wildlife
- Noise disturbance
- Reduction in broadband speed
- Water pressure
- Loss of tourist income
- Contaminated land
- Additional weight of traffic on existing bridge
- Not a sustainable site
- Precedent for more housing
- Harm to local business
- Loss of farmland
- Light pollution
- Bovis development still has many properties remaining hence this proposal is not needed

### **APPRAISAL**

#### **Principle of Development**

The site lies largely in the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions may be made where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere, affordable housing or where the dwelling is exceptional in design and sustainable development terms. WHP Policy HOU2 has similar restrictions and also notes proposal will not be supported which negatively impact on the open countryside and in particular between Wrenbury Frith, Wrenbury Village and Wrenbury Heath. The current proposal is located just off the settlement boundary would therefore impact on the countryside of Wrenbury village.

Policy PG2 also advises that in the Local Service Centres, small scale development to meet needs and priorities will be supported where they contribute to the creation and maintenance of sustainable communities. In this instance the creation of 68 properties in the small village of Wrenbury is not considered to be small scale when considered in the context of the existing settlement.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of

the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

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

### **Housing Land Supply**

On 27th July 2017 the Council adopted the Cheshire East Local Plan Strategy. Accordingly the Cheshire East Local Plan Strategy forms part of the statutory development plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This is the test that legislation prescribes should be employed on planning decision making. The ‘presumption in favour of sustainable development’ at paragraph 11 of the NPPF means: “approving development proposals that accord with an up to date development plan without delay”

The Cheshire East Local Plan Strategy is a recently adopted plan. Upon adoption, the Examining Inspector concluded that the Local Plan would produce a five year supply of housing land, stating that “I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years”.

The Cheshire East Local Plan Strategy (LPS) was adopted after a lengthy examination and was produced through engagement with stakeholders who have an impact upon housing delivery. The adopted plan incorporated the recommendations of the Secretary of State. In accordance with paragraph 74 of the NPPF and footnote 38, the LPS should be considered ‘recently adopted’ until 31 October 2018 and full weight should therefore be given to the findings of the Inspector in confirming that the Local Plan would produce a five year supply of housing land.

The Council continues to monitor housing delivery and housing land supply, publishing its annual assessment through the Housing Monitoring Update. This report provides information on the delivery of sites and the supply of housing land to an annual base date of the 31 March. The most recent Housing Monitoring Update (base date 31 March 2017) was re-published in December 2017 and this confirmed a housing land supply of 5.45 years. The Housing Monitoring Update (base date 31 March 2018) is currently being produced and this is likely to show a continued positive direction of travel in relation to completions and commitments since the previous annual assessment.

The Council’s published housing land supply position has been subject to thorough scrutiny at a number of planning appeals since the LPS was adopted. The most recent of these to report involved an appeal by Gladman Developments for 46 homes at New Road Wrenbury. Here the Council’s housing land supply assessment was fully updated, looking afresh at the latest position on key sites and the housing sector generally. This appeal was dismissed on the 10th April 2018 with the Inspector finding that the Council could demonstrate a deliverable 5 year housing land supply.

In the light of the above, relevant policies for the supply of housing should be considered up-to-date – and so consequently the ‘tilted balance’ of paragraph 11 of the NPPF is not engaged.

### **Housing Mix**

Paragraph 61 of the Framework states that 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes'.

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). This is echoed within the SNP Policies H3 (Housing Mix and Type) which states that housing should be designed to provide a mix of houses to meet identified need (e.g. affordable housing, starter homes and provision for housing an ageing population) and Policy H4 (Housing and an Ageing Population) which states that developments will be supported that provide suitable, accessible houses.

The proposal provides the following mix of housing:

- 6 x one bed room apartments
- 20 x three bedroom properties
- 39 x four bedroom properties
- 3 x five bedroom properties

Neighbourhood Plan Policy HOU3 advises that unless viability, any updated housing needs survey or other material considerations show a robust justification for a different mix, in order to redress the imbalance of the current housing stock and ensure an appropriate mix of housing in Wrenbury to meet local needs, new homes on developments of 10 or more should be limited to one-third detached properties. The remainder (both market and affordable) should provide for smaller homes, bungalows, apartments, terraced or semi-detached, and provide for the changing needs and life-styles of an ageing population.

On this site of 68 dwellings to meet this policy only 22 houses should be detached. In this instance 44 of these are detached properties. This equates to 64% which is more than one third. The only exception to this is where a housing needs survey or other considerations shows a justification for a different mix.

No evidence/justification has been put forward by the applicant to suggest why this mix should be acceptable. The SHMA 2013 shows the majority of the demand annually up to and including 2018 in Wrenbury is for 15x 2 bedroom and 12x 4 bedroom dwellings for general needs. The SHMA is also showing an annual need for 2x 1 bedroom older persons dwellings.

The current number of those on the Cheshire Homechoice waiting list with Wrenbury as their first choice is 35. This can be broken down to 12x 1 bedroom, 13x 2 bedroom, 8x 3 bedroom and 2x 4+ bedroom dwellings. On this site therefore a mix of 1, 2 and 3 bedroom dwellings with a 2 bedroom older person provision is required.

So of those 44 detached dwellings, x3 are 5 bedroom properties, x10 are 3 bed properties and x31 are 4 bed properties. It is clear from the sub text of HOU3 that the aim is to provide smaller accommodation with particular need for the elderly. It is clear therefore that the majority of the detached properties will provide for larger 4 bedroom properties which are not considered to be smaller properties and thus there is no justification for a different housing mix.

The proposal is therefore contrary to Policy HOU3 of the WNP.

### **Affordable Housing**

This is a full application for 68 dwellings and there is a requirement for 30% of dwellings to be provided as affordable dwellings. In order to meet the Council's Policy on Affordable Housing there is a requirement for 20 dwellings to be provided as affordable dwellings.

As part of this development 13 units should be provided as Affordable rent and 7 units as Intermediate tenure.

However no details have been provided regarding how the housing mix will be split, where the dwellings will be located on site or how they will be pepper potted around the site.

Therefore insufficient information has been provided to determine compliance with affordable housing policies.

### **Open Space**

The Design and Access Statement submitted with this application states that the development would provide areas of public open space. These are shown as being to the northern and southern ends of the site.

This development requires 4030 sqm each of children's play, Amenity Green Space (AGS) and Green Infrastructure (GI) Connectivity.

At present no comments have been received from the Councils Open Space team regarding the acceptability of the Open Space. This will be provided in the update report.

Should this be acceptable the open space provision will be secured as part of a S106 Agreement.

### **Local Green Space**

The proposed development would result in the loss of the majority of an area of land designated as Green Open Space in the Wrenbury Neighbourhood Plan. Part of the site is also currently in use as a caravan/camping site.

The Neighbourhood Plan makes it clear that these sites are protected from new development unless very special circumstances can be demonstrated or where development supports the role and function of the Local Green Space. It also advises that proposal which affect ability to attract visitors to the village will not be supported.

No very special circumstances have been put forward and the loss of the majority of the site would clearly affect the role and function as the space would be significantly reduced making it difficult to carry out its existing community/tourism function.

### **Education**

An application of 68 dwellings is expected to generate 12 primary aged children, 10 secondary aged children and 1 SEN child.

In terms of primary school education, the proposed development would be served by six local primary schools.

The development is expected to impact on 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 secondary school places still remains.

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

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

$10 \times £17,959 \times 0.91 = £163,427.00$  (secondary)

$1 \times £50,000 \times 0.91 = £45,500.00$  (SEN)

Total education contribution: £208,927.00

This will be secured as part of a S106 Agreement.

### Health

In this case there has been no request for a contribution from the NHS and on this basis the impact upon health care provision is considered to be acceptable.

### Location of the site

Both policies SD1 and SD2 of the CELPS refer to supporting development in sustainable locations. Within the justification text of Policy SD2 is a sustainable development location checklist.

In this instance the design and access statement has done a brief appraisal of the location in terms of sustainability. This concludes that the some local amenities are available within the immediate location offering services such as Wrenbury Primary School, Wrenbury Sports Ground and Club, Cotton Pub and Dusty Miller Pub. A post office and local Places of Worship are also available.

The closest bus stops to the site are located on 300m away on Nantwich Road to south of the site. This can be accessed by public footpath. Services here run to Nantwich Town Centre on the 72 service approximately every hour. Wrenbury railway station is located approximately 1km from the site and provides services to Crewe, Shrewsbury, Cardiff, Chester, Manchester Piccadilly, Carmarthen, Birmingham and Swansea.

As a result it is considered that the site would be locationally sustainable.



The site was also deemed to locationally sustainable through approval of the development to the south and as such it would be difficult to argue that the site across the road is not sustainable.

### **Residential Amenity**

The main residential properties affected by this development are the caravan site to the north, The Cotton Arms pub to the west properties to the east (The Old Vicarage, Beechcroft, Chruch Farm Bungalow and 8-9 Chruch Farm).

The nearest proposed properties to the northern and western boundaries would be sited 21m at the closet point to the boundaries to The Cotton Arms Pub and the caravan site. The nearest proposed properties to the southern boundary would be sited well in excess of the recommended 21m interface distance. As a result the proposed distances comply with the recommended interface to prevent significant harm to living conditions.

Plots 41 and 40 are the closest plots to the south western boundary. Plot 41 would achieve a 21m interface distance to properties on Church Farm in a main face to main face relationship which is compliant with recommended interface distances. Plot 40 would achieve an 18.5m interface to the closet property on Church Farm in a main face to non main face relationship. In these instances of a side to rear relationship the recommended interface is 13.5m which is achieved in excess here thus preventing any significant harm to living conditions. It would however necessary to condition that any side facing windows be fitted with obscure glazing to prevent overlooking.

Environmental Protection have also raised no objections subject to conditions regarding noise report, piling, construction management plan, construction hours, electric vehicle charging, dust, boilers, contaminated land.

The majority of plots would provide more than the minimum 50sqm of private amenity space as noted in the SPD. Plots 57, 56, 10, 11, 12 & 13 would fall shy off the recommended minimum however there would be at least some amenity space in which to undertake basic activates such as outside siting areas and dying of clothes etc. This shortfall would need to be weighed in the overall planning balance.

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

### **Contaminated Land**

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

### **Highways**

#### Transport Assessment Safe and suitable access

The access to the development is proposed to be opposite the access of the recently constructed residential development of 65 units on the opposite side of Cholmondeley Road. Cholmondeley Road is a C-class road and the main road through the village.

The principle of having a vehicle access along this section of Cholmondeley Road is accepted and visibility is sufficient but having 2 accesses opposite each other for developments of these sizes is considered to be unsafe. The applicant has agreed with this and an amended access location was agreed in principle, but an updated plan has not been formally submitted, and it has therefore not been possible to make an informed assessment on it.

The proposal would connect with the existing pedestrian infrastructure and provide a safe pedestrian access to nearby services and bus stops.

### Network Capacity

The forecast trips rates in the TA are considered to be low and are lower than those forecast for the development on the opposite side of Cholmondeley Road. Nevertheless, the highways impact on the local road network capacity will be minimal.

### Layout

The application is in full and the layout is also considered. The internal dimensions of the garages have not been provided and it is therefore not possible to determine if some of the properties accord with CEC parking standards. There are also a number of other properties without garages that do not conform to the parking requirements.

The access road within the site is to standard at 5.5m which is then followed with a focal square and shared space. The principle of this is accepted and does not raise safety concerns. There is sufficient turning area within the site for refuse vehicles. If approved the applicant may have difficulties in adopting sections of the layout but this is a matter post planning.

### Conclusion of highways issues

It has been agreed with the applicant that the proposed access is not acceptable but insufficient information has been submitted to assess the relocated access, and parking provision for a number of properties is below standard.

### **Landscape**

A Landscape and Visual Impact Assessment has been submitted as part of the application, this indicates that it has been based on the Guidelines for Landscape and Visual Impact Assessment, third edition (GLVIA3). The assessment identifies the National Character Area (NCA) – Shropshire and Staffordshire Plain and that in the Cheshire Landscape Character Area that the site is situated in the East Lowland Plain, and specifically in the Ravensmoor Character Area (ELP 1). The assessment also identifies that the site is relatively flat and the character of the applications site as being agricultural land that consist of four fields used for pastoral agriculture. The site has a number of hedgerows, with some fencing as well as a number of hedgerow trees and a number of tree groups. The assessment also identifies that a footpath runs adjacent to the site (Footpath 3 Wrenbury cum Frith). Footpath 25 Wrenbury cum Frith follows the route of the Llangollen Canal to the north of the applications site.

The assessment identifies that part of the site lies within the boundary of the conservation area, and that there are no landscape designations in the locality. The landscape assessment indicates that the significance of effect on landform and drainage would be neutral; substantial-moderate adverse for land

cover and land use; neutral for vegetation and landscape features; neutral for settlement pattern and moderate adverse for the overall landscape character. The visual assessment for the 15 receptors identifies the visual effects at construction, after year 1 and at year 15 and identifies that for a number of receptors there would be substantial- moderate effects even after 15 years (receptors 2 and 14), that there would be moderate effects for receptors 1 and 7, and moderate – slight for receptor 12, effects for the remainder are identified as slight - receptors 3, 4, 6, 8, 9 and 15, and neutral for receptors 5, 10, 11 and 13.

The assessment indicates that mitigation will be achieved through the retention and reinforcement of the majority of existing structural vegetation and by supplementary planting to external boundaries; proposed planting is shown on the Soft Landscape Proposals 1-5 (Drawings CRM.1219.004.L.D.027-31).

The Councils Landscape Officer has reviewed the proposal and while he broadly agrees with the landscape and visual assessment, he also agrees with the assessment summary, which states that 'The development would essentially substitute the green and rural character with built form, extending the urban arrangement of the village and reducing the perception of neighbouring farmland' (8.1.8) ; it is also clear from the assessment that even with mitigation, and after a period of 15 years, that there would still be adverse landscape and visual effects.

The assessment identifies that the site is located within the open countryside, Policy PG 6 – Open Countryside seeks to protect open countryside from urbanising development. It recognises the intrinsic character and beauty of the countryside, which is consistent with one of the core planning principles in paragraph 17 of the Framework. Policy PG 6 only permits development in the Open Countryside for certain essential or limited purposes appropriate to the rural area, and that in this regard identifies that particular attention should be paid to design and landscape character so the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced. Since the submitted assessment identifies that some landscape and visual effects will remain adverse, even after a number of years, it is not clear how the proposed development will either preserve or enhance the appearance and distinctiveness of the Cheshire East countryside; as such the development does not appear to conform with Policy PG 6.

A Landscape and Settlement Character Assessment (LSCA) was also undertaken to provide evidence for the Neighbourhood Plan and this highlighted how the size and design of some of the more recent housing developments in Wrenbury have not been in keeping with the rural character.

Additionally, the LSCA undertook topography and landscape visual capacity analyses of the Parish. The results showed that the visual capacity of the landscape to accommodate new buildings immediately surrounding the village is limited, as the area is generally rather flat, and despite a good network of hedgerow boundaries and relatively small fields the long range visibility remains high.

The LSCA recommends that the scale of any further residential development is considered to be important to preserve the character of the village. As the study showed that there is limited visual capacity of the landscape to absorb new developments on a large scale and that the landscape is sensitive to change, individual or small numbers of dwellings (less than ten) within the settlement boundary are considered more in keeping than larger new estates, and easier to integrate.

This further highlights the sensitivity of the landscape to significant visual change and the inability of the proposal to blend in the landscape without causing significant visual harm.

## **Countryside**

The application site is currently free from development and makes a significant visual contribution to the appearance of the open countryside as it acts as a visual buffer between the built form to the northwest and southeast.

The proposal would however result in the loss of this space and close this existing gap. It would also extend/encroach much deeper into the open countryside to the north than that of the existing cluster of development to the both sides of the site. The combined impact would be harmful to the appearance of the open countryside by preventing views from north to south and resulting in a significant urbanising effect on this open site. The impact would be seen from the wider setting to the north and south and from the canal and footpath to the north and the public footpath to the east.

Whilst it is noted that to the south of the site a development is currently under construction which would provide a large cluster of properties this site sought to site the properties to the rear of an existing cluster which is not the case here as it would utilise land which is currently undeveloped. It was also approved at a time when the Council were unable to demonstrate a 5 year housing land supply which is again not the case here. It is also worth noting that this development left the land to the west of this site free from development which allows views from that site through to the current application site. Again the proposal would result in the loss of this space.

As a result the proposal would cause harm to the open countryside.

## **Trees**

The application is supported by a detailed Arboricultural Survey, Impact Assessment, and Method Statement.

The survey identifies twenty three individual trees and seven groups located both on and off site; these are mainly moderately low value specimens with only two high value specimens (T14 & 15) recorded. A number of the trees included within the survey are associated with the property known as The Vicarage including T14 are protected as part of the Crewe and Nantwich Borough Council (Wrenbury No2) Tree Preservation Order 198, with the Wrenbury Conservation Area protecting those outside the TPO.

The development proposals require the removal of three trees (T11, 12, and 20) to facilitate construction of the proposed dwellings and the associated infrastructure; these are moderately low value trees which present a number of physiological problems; their loss is not contested. The retained trees identified within the report are all located around the periphery of the proposed development, and within adjacent residential gardens; the proposed development respects the requirements of current best practice BS5837:2012, with adequate space available to accommodate predicted growth patterns.

Tree protection details have been included but these do not fully reflect the requirements of BS5837:2012 where Root Protection Areas (RPA) extends into the site. In order to prevent accidental damage the tree protection scheme needs to be expanded and this can be addressed by condition.

The application is also supported by a detailed hedgerow assessment. The report identifies twelve hedgerows ten of which are categorised as important (historic, and or ecological) in terms of the 1997 hedgerow regulations. Only two sections (H6 & H8) of hedgerow have been identified for removal resulting in approximately 330 linear metres being lost, this has been identified in the report as “significant adverse

permanent irreversible impact"). The report proposes compensatory hedgerow planting of 330m of hedgerow.

It is noted that in the Soft Landscaping Drawing (number CRM.1219.004.I.D.028) a section of proposed hedgerow lies along the boundary section currently occupied by the existing hedgerow section known as H10 in the report. Further clarification is therefore sought as to how much hedgerow will be lost/retained/replaced and where this will occur.

### Design

#### Assessment against BfL12

A summary design assessment has been undertaken to evaluate the scheme in design terms. Using BfL12, it has identified that 3 criteria are considered to be green (acceptable), 6 amber (requiring further investigation or amendment), 3 red (unacceptable). The reds relate to Connections, Working with the Site and its Context, and lastly, External Storage and Amenity. In summary the main issues are:

- An inadequate level of connection and integration of the development into the existing village. This proposed extension to the village will urbanise and develop land that is Glimpse view of church and conservation area through hedgerow alongside canal important in the context of the village and will not read as a natural, organic phase of growth to the village. The landscape buffers introduced to soften the interface could also introduce an alien form of landscape treatment
- Development of the site will lead to the loss of open farmland and significant hedgerows that help to define this area as attractive countryside and as a backdrop to the village, its conservation area and individual heritage assets. It will also disrupt longstanding views and interrelationship between the farming village and the Shropshire Union Canal
- The proposal will result in an urbanising character of development on the periphery of the village and includes elements of design that have urban characteristics, such as the large and formal square at the head of the tree lined entrance
- Whilst local character has been assessed and translated into certain aspects of the design, the scheme is in essence the re-elevating of standard designs, when this is considered a sensitive site in heritage terms
- There are question marks about the strength of the design vision for areas of open space and there is no specific provision for play as part of the proposals. There are also disparities between the planting and other planning layout and DAS information. Lack of tree planting in the square would drastically alter its character, making it feel more car and less people focused
- There are some breaks in street frontage and potentially exposed weak elements of buildings and on the northern and western edge of the site, gable ends and garden boundaries would address the open space, creating a weakened edge to the development
- There is a lack of tree planting within the streets beyond the entrance into the site
- As a consequence of a lack of information or disparity between information sources within the application some criteria have been identified as being amber, whilst that for storage and amenity is red

The assessment undertaken has identified issues in relation to the connectivity of the development to the existing village, both physically but also in terms of character, with the development feeling somewhat alien rather than an organic and seamless integration with the village.

It has also highlighted the loss of important features and the openness that are important to the setting of the village and associated lost views between the village and the canal whereby the visual interrelationship that helps significantly to define the village and its setting would be lost or severely eroded. The development will lead to urbanisation of the site and this is reflected in the character of certain aspects of the development in terms of built form and the character of buildings and space, not least the principal square at the heart of the development.

The assessment has also highlighted some discrepancy in information, a lack of information in relation to certain key areas of design, including storage and amenity. It has also highlighted some areas for improvement in relation to layout, detailing of buildings and the need for a stronger landscape design rationale for the development

As a result the proposal is not in a form that can be supported because of its performance against BfL12. It would be difficult to overcome certain of these matters as they relate to issues regarding the importance of the site to the village and its setting and how the proposed development can successfully integrate with the village, given its scale location and character.

### General design comments/response to comments of the applicant

This section of Wrenbury village is characterised by a small cluster of properties to the north of Cholmondeley Road with properties to the north being between 1 and 8 properties deep. Properties and their garden areas have an average projection of 115m from the road edge to the north and this is clearly the defined village edge.

The proposal would however present a significant departure from this character by seeking to provide a much larger cluster of properties which would project much deeper into the open countryside than this existing cluster. This would significantly extend the existing urban edge which would result in significant visual encroachment into the open countryside and destroy the existing character of the village with a harmful urbanising effect.

Whilst it is noted that to the south of the site a development is currently under construction by Bovis Homes which would provide a large cluster of properties. As part of the Bovis scheme the dwellings are sited to the rear of an existing cluster of dwellings which is not on the application site. It was also approved at a time when the Council were unable to demonstrate a 5 year housing land supply which is again not the case here. It is also worth noting that this development left the land to the west of this site free from development which allows views from that site through to the current application site. Again the proposal would result in the loss of this space.

The application site also gained permission at appeal back in 2015 for the creation of a 2.37 hectare 200 berth marina basin. It is firstly worth noting that this consent has now expired and there is no evidence to suggest that it has commenced. As such the fall back potential is no longer relevant.

In any case it is clear from the inspector's report that the proposal was allowed given the significant **"public benefits of the contribution to the local and regional economy and to the opportunity for outdoor recreation"**. Whilst the current proposal would provide some POS it does not provide anywhere near the recreational benefit of the marina. Similarly there would be some limited economic benefit during construction and local spending powers of future occupants however this does not compare to economic benefits of the marina. It is also considered that the initially consented marina would have much less visual impact than that of the proposed housing development.

As a result the proposal would cause harm to the existing character/urban grain of this section of the village.

### **Heritage**

#### The site's relationship to the Wrenbury Conservation area and other heritage assets

The frontage section of the site including the southernmost built development would encroach into the designated conservation area. No other heritage assets lie within its boundaries. However, there are a number of designated heritage assets in relatively close proximity to the appeal site, where the proposed development will have an impact upon the contribution made by the land to the significance and appreciation of these heritage assets. They are:

The Wrenbury Conservation Area  
The Church of St Margaret Grade II\*  
Cottage in the Churchyard Grade II  
Wrenbury Church Bridge Grade II\*

There are also non-designated heritage assets and their respective settings that would also be affected:

The Shropshire Union Canal  
The Cotton Arms Pub  
The Vicarage

The Wrenbury Conservation Area was designated in 1973. There is no adopted appraisal for the Conservation Area.

#### Assessment of heritage impact

The proposed site lies immediately to the north of the village. The village's northerly edge, where it abuts the countryside, also forms the northern extent of the designated conservation area including an area of open land alongside Cholmondeley Road between the Cotton Arms and the Vicarage. The area of farmland north of the conservation area, between it and the canal, effectively forms a wedge of open countryside between them. The application site consequently falls within the setting of several heritage assets.

Setting is defined in the NPPF glossary as "the surroundings in which the heritage asset is experienced". Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"

It further explains that:

The principal guidance in relation to setting is set out in "The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)"

Part 1: Setting and Views states that "The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way

in which we experience an asset in its setting is also influenced by other environmental factors...and our understanding of the historic relationship between places.”

It also states at paragraph 7 that setting is separate from the concepts of curtilage, character and context, explaining that “Curtilage is a legal term describing an area around a building. The setting of a heritage asset will include but generally be more extensive than its curtilage”

At para 8, bullet 1 explains that setting “cannot be definitively and permanently described for all time as a spatially bounded area or as lying within a set distance of a heritage asset.”

“It can be understood that setting embraces all of the surroundings (land, sea, structures, features and skyline) from which the heritage asset can be experienced or that can be experienced from or with the asset. Setting does not have a fixed boundary and cannot be definitely and permanently described as a spatially bounded area or as lying within a set distance of a heritage asset” (p4)

Para 8, bullet 2 explains that “a conservation area is likely to include the settings of listed buildings and have its own setting, as will the hamlet, village or urban area in which it is situated”

In respect to views, bullet 4 of para 11 highlights the importance of views with cultural or historic associations.

### Wrenbury Conservation Area

The site contributes significantly to the character and setting of the conservation area, which is also heavily influenced by the inter-relationship with the canal.

The conservation area was designated in 1973 and focuses on the central core of the village around the church then extending west along Cholmondeley Road encompassing the site frontage the Cotton Arms and the canal side area focused on the Wrenbury Wooden Lifting Bridge (which is both scheduled and listed). The open land in between the village and the canal side area provides a distinct area of countryside/open space separating the centre of the village from the canal side area to the west.

The open farm land north of the village between it and the Shropshire Union Canal contributes significantly to the character and appearance of the conservation area and its setting.

The presence of the canal to the north, which is a non-designated asset in its own right, creates an accessible linear feature that affords southerly views across the appeal site at various points toward the historic centre of the village and the conservation area.

A draft conservation area management plan prepared but not adopted many years ago included a management action to take the land to the north of the village into the conservation area, in recognition of its importance and to take account of views to the church in future planning decisions. Clearly the sensitivity of this land was foremost in the consultant’s mind at the time of its drafting.

At present, from the canal, the conservation area is viewed with an attractive, green foreground of modest, hedge enclosed fields laid to pasture and the built heart of the village beyond, It is one of the major attributes of the conservation area’s setting, contributing significantly to the familiar and cherished scene of the conservation area.



Development of the site would result in a significant adverse change in the appearance of the site from a natural, open green space with a rural character, to a much more urban environment, albeit with buffer landscaping.

### Listed buildings

The grade II\* Church of St Margaret is a very visible landmark from numerous viewpoints within and around the village, most notably from the north at various points along the canal towpath. The vista toward the church within a wider view is especially strong and more open upon crossing Wrenbury Church Bridge and approaching the village through the meadowland from the north along footpath FP3. The proposed housing would be visible and prominent in this panorama. The setting has a timeless and tranquil quality.

This view is particularly important to the setting of the church but also the conservation area. It is arguably the most prominent and evocative view of the church from a public vantage point, even more so than the view from Wenbury Green. The view will be substantially altered and the relationship to countryside that has long characterised this space and this view will be harmed by the incursion of built development and loss of established landscape features.

The churchyard immediately adjoins open countryside to the north. This arrangement reinforces the strong rural context of the church, and the panoramic views out from the church grounds to surrounding countryside.

The view out from the churchyard, which is a key publicly accessible space, is also an important aspect of the character of the conservation area and the setting of St Margaret's Church. It has a strong inter-relationship with the surrounding countryside. The boundary dividing it from the pasture land is informal and the views are open and unbroken, only contained by boundary hedges and the canal side landscape in the distance. The openness of the panorama extends the view out of the church yard, with a blurring between village edge and the rural landscape beyond.

Wrenbury Church Bridge is a grade II\* listed wooden platform single track bridge over the canal constructed circa 1790. It was designed as a lifting, pedestrian/cart bridge to link the village with the farmland to the north of the canal. Its simple architectural form and construction and modest scale charmingly reflect the informality of the setting and its rural context. Its setting includes both the canal and surrounding farmland given the views to and from it and the direct relationship with the surrounding landscape and the village via public footpath FP3.

Although the boundary adjoins the canal/bridge at its north eastern corner, an extensive area of open space is proposed in this part of the site which will reduce the immediacy of the housing development to the asset. However, within its wider setting the presence of housing and the change in the openness of the landscape will detract from the contribution the site makes to that setting.

## **Ecology**

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of >500m of hedgerow, 330m of which has been assessed as important in the Hedgerow Assessment report. The report proposes compensatory hedgerow planting of 330m of hedgerow. It is noted that in the Soft Landscaping Drawing (number CRM.1219.004.I.D.028) a section of proposed

hedgerow lies along the boundary section currently occupied by the existing hedgerow section known as H10 in the report. Further clarification is therefore sought as to how much hedgerow will be lost/retained/replaced and where this will occur.

### Shropshire Union Canal

The adjacent canal section is a Local Wildlife Site. Field signs of otter have been recorded near the site and records of Depressed River Muscle have been returned within 200m of the site. An 8m buffer for works near the canal has been proposed by the Preliminary Ecological Appraisal report (Enzygo, 13/02/2018). This has been deemed acceptable by the Councils Ecologist subject to condition requiring the implementation of the buffer for the duration of the works.

### Bats

The tree known as T20 in the submitted Preliminary Bat Survey report requires further inspection to confirm bat roost potential. A 2013 survey of the tree assigned it good bat potential. An aerial survey should be carried out and an update report detailing its results submitted prior to decision. Given that bats are a protected species this information cannot be conditioned and should be submitted upfront to fully consider this impact on this species.

Therefore the full impacts on bats is not known at present.

### Wildlife sensitive lighting

The Councils ecologist requires a condition for any proposed lighting to ensure any disruption/disturbance to local wild life is controlled and suitably mitigated. This can be added to any decision notice.

### Other Protected Species

A large main sett, two annex setts and an outlier sett were identified within the red line boundary during the 2018 badger survey. The associated Report the closing of the annex setts, for which a licence will be required from Natural England, with a new sett created as compensation. It also recommends avoidance measures and a pre-commencement update survey. The Councils ecologist recommends a condition requiring adherence to the mitigation, monitoring and maintenance proposals detailed in sections 5.25-5.3 of the submitted Report. This can be added to any decision notice.

### Reptiles, Brown Hare, Polecat, Common Toad, Hedgehog, Bluebell

Records of these priority species exist on or near the site. It is proposed in the Preliminary Ecological Appraisal report that to avoid killing/injury of these species that the site is cleared in an ecologically sensitive manor under the supervision of an Ecological Clerk of Works (ECoW). Reasonable Avoidance Measures are proposed in section 5.2.20 of the report, and bluebell relocation proposals are detailed in section 5.2.23. The Councils Ecologist recommends that a Landscape and Ecological Management Plan (LEMP) should be produced and submitted for approval which includes these proposals prior to commencement of works. This can be secured by condition.

### Breeding Birds

The Councils ecologist suggests that conditions requiring a detailed bird survey and features for breeding birds to be appropriate to mitigate the impact to breeding birds. This can be secured by condition.

### Ecological Mitigation and Enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development. Therefore the Councils Ecologist recommends that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

### Retained habitat

The Proposed Planning Layout plan (drawing number: SK01) shows the area of scattered trees and inundation vegetation as remaining undeveloped. The Councils Ecologist suggests that plans should be updated to label this and other retained habitat on site as such. This can be secured by condition.

### **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 170 of the NPPF and the Government's Air Quality Strategy.

This proposal is for the residential development of to 68 dwellings. This scheme does not require an air quality impact assessment. However 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.

The Environmental Health Officer has requested the following conditions in relation to air quality;

- Dust Control
- Travel Plan
- Electric Vehicle Infrastructure
- Ultra Low Emission Gas Boilers

Subject to the imposition of these conditions the impact upon air quality from this development is considered to be acceptable.

### **Flood Risk**

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. As the site is greater than 1 hectare in size a Flood Risk Assessment (FRA) has been submitted in support of this planning application.

The FRA concludes that surface water and groundwater flood risk can be mitigated to a negligible level through the following approach:

- Adoption of a surface water management strategy and levelling of topographic low points.
- Set finished floor levels above external levels.
- No below surface buildings (i.e. basements)

The FRA has considered the potential impact of the development on surface water runoff rates, given the increase in impermeable areas post-development. Surface water will need to be managed, such that flood risk to and from the Site following development will not increase. The report considers that this will be achieved through restricted discharge rates and an appropriately sized attenuation (SuDS) facilities with outfall to the watercourse. It also proposes that foul flows will discharge to the local public sewer network.

The United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to conditions regarding foul and surface water drainage and a drainage strategy. These conditions are considered reasonable and can be added to any decision notice.

The Councils Flood Risk Team have also been consulted and have advised that they have no objection subject to conditions regarding detailed proposals for disposal of surface water (including a scheme for the on-site storage and regulated discharge to enable a suitable discharge rate mimicking the existing greenfield runoff rate) and detailed calculations showing the effects of a 1 in 100 year rainfall event plus 40% allowance for climate change to support the chosen method of surface water drainage.

The Environment Agency have also been consulted and advised that as proposed development site falls within Flood Zone 1 it should be redirected to the Lead Local Flood Authority as it falls outside their remit. They have advised that the applicant would require a permit from the EA to dispose water to the main river however this would be outside of the planning process.

The above conditions are considered both reasonable and necessary and will be added to any decision notice.

Therefore subject to conditions, the proposal would not pose significant concerns from a flood risk/drainage perspective.

### **Agricultural Land Quality**

Policies SE2, SD1, SD2 advise that development should safeguard natural resources including high quality agricultural land.

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

In this instance no assessment regarding the agricultural land quality has been provided. However a report was prepared for the previously consented Marina development back in June 2015 which is considered to be relevant.

The assessment confirmed that the majority of the site contains Grade 2 agricultural land. However, at two auger bores the grade was Subgrade 3a. The site does therefore contain the best and most versatile agricultural land and its loss needs to be assessed in the overall planning balance.

The applicant contends that the consented scheme has already accepted the loss of this agricultural land. However it is worth noting that this scheme has now expired and is not therefore capable of being implemented. It was also allowed at appeal on the basis of the significant recreational benefits which is not the case to the same extent here.

## **Impact upon the Canal**

The application site is located to the south of the Shropshire Union Canal (Llangollen Branch).

It is evident that there is clear and widespread support throughout the adopted Cheshire East Local Plan Strategy to seek to utilise and improve existing links, such as the canal towpath, to promote sustainable access for walkers and cyclists and encourage their use for commuting, leisure and recreation and to generally maximise the health and well-being benefits of walking and cycling for the wider community. The support in the Local Plan Strategy extends to identifying opportunities through new developments to improve the overall connectivity of the walking and cycling network within the Borough, which is explicitly acknowledged to include the canal towpath.

It is unclear from the submitted plans where the new 'connection' would be provided and if this relates to a connection to the canal towpath. If a new pedestrian access point is to be created to the canal towpath then the design and construction of this access would need to be provided.

The closest bridge and access point to the canal towpath from the development site would be via Wrenbury Church footbridge (Bridge 19). As existing, the towpath between the proposed site and the lift bridge on Cholmondeley Road (bridge 20), is unsurfaced. The towpath would require improvement in order to cater for the increase footfall arising from the development.

The towpath itself is rural in character and comprise a grass path, which, as acknowledged by the applicant, in the winter months can get very muddy and its ease is very weather dependent. Although it is used by walkers as a recreational/leisure route, it is not of a standard which could cope with the likely significant increase in regular use envisaged as a consequence of the proposed development of this scale.

Where new development has the likelihood to increase usage, the Canal and Rivers Trust (C&RT) maintenance liabilities will also increase. As a result they have advised it is reasonable to request a financial contribution from developers to either cover increased maintenance costs, or to upgrade the towpath surface to a standard which is more durable and thus able to accommodate increased usage without adding to our future maintenance costs. In this instance, they consider that the towpath in the vicinity of the application site needs to be upgraded in order to fulfil the role identified for it by the policies of Local Plan's.

It is considered reasonable to request a financial contribution towards these works which would be proportionate to the scale of the development and associated uplift in usage of the towpath. In this regard, The C&RT consider that a contribution towards towpath improvements would be proportionate to the quantum of development proposed for the site and would be used to provide approximately 500m of towpath improvements from the development site between Bridge 19 and Bridge 20 on the adjacent section of the canal.

At the time of writing the report no details of the exact costing have been provided. Details of these will be provided in the update report and can be secured as part of a S106 Agreement.

## **CIL Compliance**

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

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

The development would result in increased demand for secondary school and SEN places in the area and there is very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution of £208,927.00 towards secondary and SEN education is required. This is considered to be necessary and fair and reasonable in relation to the development.

### POS

The proposal would result in a requirement for the provision of 20 affordable units which would be split on a social rented/intermediate basis. This is considered to be necessary and fair and reasonable in relation to the development.

The suggested contribution to improve surfacing of the canal footpath is justified and would improve the sustainability of the site as well improving access via non-motorised transport options. On this basis the suggested contribution is necessary and fair (subject to confirmation off the exact amount) and reasonable in relation to the development.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010 and a Deed of Variation will be required to the original S106 Agreement.

### PLANNING BALANCE

The proposal would be contrary to Policy PG6 of the CELPS, RES5 of the Crewe and Nantwich Local Plan and HOU2 of the WNP as it is not listed as an appropriate form of development in the open countryside and therefore represents a departure from the adopted Local Plan.

The benefits of the proposal would be the provision of open market housing and affordable housing, POS and the limited economic benefits during construction.

The development would have a neutral impact upon, education, health, ecology, trees, flooding, living conditions, air quality and contaminated land.

The dis-benefits would be the loss of open countryside/landscape harm. Harm to the setting/character of the Conservation Area and of the Listed Building. Lack of a sufficient housing mix. Loss of Local Green Space and Agricultural Land. Insufficient information has also been provided to consider the full flood risk/drainage, highways and ecological impacts of the proposal. Insufficient information has also been provided to consider compliance with the Councils affordable housing policies.

As a result the application is recommended for refusal.

### RECOMMENDATION:

Refuse for the following reasons:

- 1) The proposed development is unsustainable because it is located within the Open Countryside and would result in an adverse impact on appearance and character of the area contrary to Policies PG2 (Settlement Hierarchy), PG6 (Open Countryside), SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles) of the Cheshire East Local Plan Strategy, Policy HOU2 of the Wrenbury Neighbourhood Plan and saved Policy RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Local Plan and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.
- 2) Insufficient information has been provided to inform an assessment of the ability of the proposal to comply with the Councils affordable housing policies. Whilst the supporting statement advises that the proposal would provide the policy required 30% affordable housing, no detail have been provided to consider the split of affordable housing, where on site the housing would be located and evidence that the affordable units have been pepper potted around the site. The proposal is therefore contrary to Policies IN1 (Infrastructure), IN2 (Contributions) and SE5 (affordable Homes) of the Cheshire East Local Plan and the NPPF.
- 3) The proposal development would result in the loss of an attractive area of open countryside that forms a significant part of the character of the conservation area and its setting. It would also affect the setting of the Church of St Margaret and the Wrenbury Church Bridge, both grade II\* listed buildings. The change in open character of this site would lead to a significant adverse change in its appearance and contribution to the area from a natural, open green space with a rural character, to a much more urban environment. It would also impact/destroy views to and from the conservation area, the churchyard and the canal. The loss of this open land would therefore detract from the contribution the site makes to the character and appearance of the conservation area, and its setting and that of the Church of St Margaret, Wrenbury Church Bridge and the Canal. This would amount to unjustified harm to heritage assets. The proposal is therefore contrary to Policies DS1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), SE1 (Design), SE7 (Historic Environment) of the Cheshire East Development Plan, Policies LC1 (Design and Character), and HER1 (Built Heritage and Conservation Area) of the Wrenbury Neighbourhood Plan and the NPPF in particular paragraphs 184-202.
- 4) The proposed housing mix of detached properties equates to 64% of the proposed housing stock on the site. This is well in excess of the one third criteria as noted in the Wrenbury Neighbourhood Plan. As a result the proposal is contrary to Policies CS4 of the Local Plan and Policy HOU3 of the Wrenbury Neighbourhood Plan.
- 5) The proposed development would result in the loss of the majority of an area of land designated as Green Open Space in the Wrenbury Neighbourhood Plan. The Neighbourhood Plan makes it clear that these sites are protected from new development unless very special circumstances can be demonstrated or where development supports the role and function of the Local Green Space. No very special circumstances have been put forward and the loss of the majority of the site would clearly affect its role and function as the space would be significantly reduced. The proposal is therefore contrary to Policy SC1 (Leisure and Recreation) of the Cheshire East Local Plan and CF1 (Local Green Spaces), CF2 (Community Facilities), TOU1 (Tourism) of the Wrenbury Neighbourhood Plan.

6) Insufficient information has been provided to inform an assessment of the full highways impacts of the proposal. It has been agreed with the applicant that the proposed access is not acceptable but insufficient information has been submitted to assess the relocated access. The internal dimensions of the garages have also not been provided and it is therefore not possible to determine if some of the properties accord with adopted parking standards. There are also a number of other properties without garages that do not conform to the parking requirements. The development is therefore contrary to Policies SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles) of the Cheshire East Local Plan Strategy and Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, Policies TR2 (Sustainable Transport) of the Wrenbury Neighbourhood Plan and the National Planning Policy Framework and the technical guidance within Manual for Streets, which states that decisions should take account of whether safe and suitable access to the site can be achieved for all people, respectively.

7) Insufficient information has been provided to inform an assessment of the full ecological impacts of the proposal. The tree known as T20 in the submitted Preliminary Bat Survey report requires further inspection to confirm bat roost potential. A 2013 survey of the tree assigned it good bat potential. An aerial survey should be carried out and an update report detailing its results submitted prior to decision. Given that bats are a protected species this information cannot be conditioned and should be submitted upfront to fully consider this impact on this species. The proposal is therefore contrary to Local Plan Policies SD1 (Sustainable Development in Cheshire East), SE3 (Biodiversity and Geodiversity), Crewe and Nantwich Local Plan Policies NE.8 (Sites of Local Importance for Nature Conservation), NE.9 (Protected Species), Wrenbury Neighbourhood Plan Policy LC4 (Natural Environment and Biodiversity) and the NPPF.

In order to give proper effect to the Board's/Committee'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.

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

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
  - The numbers, type, tenure and location on the site of the affordable housing provision
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of Public Open Space and a LEAP **TO BE CONFIRMED**
3. Secondary School Education Contribution of £208,927.00
4. Contribution of £**TO BE CONFIRMED** towards the surfacing and maintenance of the canal footpath to the north of the site





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Application No: 18/2456N

Location: THE GRANGE FARM, HOLLYHURST ROAD, MARBURY, SY13 4LY

Proposal: CHANGE OF USE OF LAND AND AGRICULTURAL BUILDING FOR AN EVENTS VENUE

Applicant: Charlesworth

Expiry Date: 13-Jul-2018

**SUMMARY**

The application site lies within the Open Countryside where Policy EG.2 of the Local Plan encourages the retention and expansion of existing business, particularly through the conversion of existing buildings.

Paragraph 28 of the NPPF states that planning authorities should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

LPAs should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through, conversion of existing buildings and well designed new buildings.

Policy NE.15 allows for the re-use and adaption of rural buildings for a commercial use.

The proposal would bring positive planning benefits such economic and social benefits through rural diversification and spending in the local economy and complimentary businesses.

No significant highway safety, amenity, design, drainage or flooding or tree concerns would be created.

As such, the proposed application is recommended for approval.

**RECOMMENDATION**

**Approve subject to conditions**

**REASON FOR REFERRAL**

This application has been referred to the Southern Planning Committee by Cllr Stan Davies for the following reasons:

- To create a wedding venue in this location would cause serious traffic issues in this narrow highway, which is impassable in most of the areas. A wedding venue of 100 plus guests, would mean a huge amount of traffic coming and going.

### **DESCRIPTION OF SITE AND CONTEXT**

The application site is a steel portal framed agricultural building found within the open countryside along Hollyhurst Road. There are other agricultural buildings adjacent to the site as well as the farm house to the south.

### **DETAILS OF PROPOSAL**

This application seeks approval for the conversion of the redundant agricultural buildings to a use as a wedding venue.

It should be noted that this is a change from the original description of development as an 'events' venue.

### **RELEVANT HISTORY**

17/5892N - Prior approval for change of use – approval required 2017

17/3663N - Prior approval for a proposed change of use of agricultural building to a dwellinghouse – approval required 2017

17/3035N – Prior approval for change of use of an existing agricultural building and yard to a flexible commercial use as a Wedding Venue – approval required 2017

### **POLICIES**

**Neighbourhood Plan – N/A**

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

PG6 – Open Countryside

EG2 – Rural Economy

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE1 – Design

SE2 – Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE4 – The Landscape

SE5 – Trees, Hedgerows and Woodland

CO1 – Sustainable Travel and Transport

#### **National Policy**

## National Planning Policy Framework (NPPF)

### Local Plan Policy

NE.5 - Nature Conservation and Habitats

NE.9 - Protected Species

NE.13 - Rural diversification

BE.1 - Amenity

BE.3 - Access and Parking

BE.4 - Drainage, Utilities and Resources

### CONSULTATIONS (External to Planning)

Environmental Health – no objection

Highways – no objection

### Parish Council:

Marbury and District Parish Council strongly oppose application number 18/2456N due to continuing highways and noise pollution concerns. Our parish councillors have unanimously objected to the previous planning applications for this development; 17/3035N and 17/5829N which were both refused by the Planning Authority. The Parish Council believe the historical issues have not been adequately addressed in the revised application and no major changes are listed which will avert these concerns.

**Noise:** The applicants have done little to modify the fundamental structure of the building to reduce the impact on neighbours. Visqueen combined with timber cladding is not an appropriate material to use to mitigate this concern. Promises of keeping doors and windows closed is impractical in a venue where guests will be regularly leaving for fresh air, cigarette breaks etc. On hot evenings guests will naturally gather outside to take in their surroundings leading to local residents being disturbed by general chatter or potentially rowdy behaviour. Guests leaving at 1.00am will inevitably cause a surge in noise pollution which will not realistically be controlled by 8 staff members when potentially up to 150 guests could be present. The acoustics of this location need to be taken into account; it is open countryside, with houses within 200 metres. The land naturally forms a bowl shape which increases the way sound travels which accentuates the problem.

**Highways:** Despite the owners' assurances they will encourage travel from the Wrenbury area, guests travelling from Whitchurch/Chester directions will naturally use satnav and attempt to gain access via Ossmere and Hollyhurst lanes – both notoriously bad routes, being single track in most places, dotted with potholes, blind bends and high hedges restricting visibility and with soft verges/ditches. The roads are part of 2 designated cycleways and are popular with walkers and horse-riders and, because the majority of weddings take place on a weekend, guests are likely to arrive at the reception venue in the middle part of the day, which will conflict with the peak use by cyclists, walkers and horse-riders. The development will have a considerable impact on the existing and established livery businesses in the area which will undoubtedly be compromised if their clients find that a busy wedding venue, and the associated increased volume of traffic and late night noise on the

doorstep, causes issues which may result in them taking their horses elsewhere.

The quotation within the supporting statement, from the privately commissioned survey (HPS), obviously is subjective in its conclusion that “there can be no sustained highway related argument against the proposed change of use”. Even more since this survey was conducted during a period of local road closures which meant traffic was greatly reduced on the Hollyhurst road. The passing places proposed pose no benefit due to their location. The single track road with soft verges and limited passing places are not capable of supporting the large numbers of vehicles, some potentially large carrying DJ/band equipment and catering supplies.

In the local Plan PG6, para 2: “Within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.” A wedding venue is not an “essential” activity and local venues such as Marbury Village Hall are already available locally to hire. In relation to parking, provision is made for 92 cars which seems excessive when guest numbers are supposed to be 100-150. The parking plan however only appears to show space for 57 cars. The application form claims that the site is not visible from either a public footpath or highway- another inconsistency.

It is claimed estimated events would increase from 4 to 12 in 3 years; there is nothing to prevent this number increasing unlimitedly, resulting in events occurring potentially every day of the year.

If the application were approved, Cheshire East would contravene a number of their recently approved and adopted policies – (e.g., Policy EG2,v; Policy SE6): it would detract from residential amenity; it would not support green transport routes to promote walking and cycling; improved quality of place nor would it protect the area of tranquillity ... undisturbed by noise (NPPF, Para. 123).

To date there have only been two letters of support, both letters are from local businesses that would benefit if this venture were to go ahead. The companies are both involved in “accommodation” and therefore have a vested and biased interest in this development.

To conclude Marbury and District Parish Council firmly support local residents in their objections to this unnecessary development.

## **OTHER REPRESENTATIONS:**

There have been 23 letters of representation which object to the proposal for the following reasons:

- Unsuitable type of function for the area
- Hollyhurst Road is unsuitable for anything other than local traffic as there are difficulties in passing on coming traffic.
- Proposal will generate noise and restrictions will be difficult to enforce.
- Impact on the open countryside leading to an adverse impact on neighbouring properties.

- Increase in traffic will increase danger to other road users, cyclists, walkers, horse riders
- Increased risk of accidents along surrounding roads
- Light pollution caused by external lighting and car head lights
- Noise pollution from cars, talking, music and general activities until late at night. This noise will be audible across the area.
- Some letters of support are from businesses with a vested interest
- The submitted traffic statement is flawed, no account was made of cyclists, horse riders or pedestrians
- The proposed development is purely a money making venture
- Hollyhurst Road is a designated cycle route, any increase in traffic will increase the danger to cyclists
- Further traffic will cause damage to the existing highway
- Proposal is not essential and is contrary to Policy PG.6
- Sites for passing places are in private ownership and not Cheshire East

There have also been 19 letters received in support of the application for the following reasons:

- Positive impact on the local rural community and economy and would support associated local businesses
- Farm diversification is paramount to the sustainability of rural assets
- There is a similar use at another venue nearby, why should one be permitted and not the other?
- Noise disturbance can be dealt with by licencing
- Large vehicles frequently pass each other on Hollyhurst Road

It should be noted that a small number of the representations received are from properties that are outside of the Borough.

### **OFFICER APPRAISAL**

#### **Principle of Development**

This is a 'full' planning application, the two previous applications that relate to this building were under the 'prior approval' procedure. It was deemed that prior approval was required which has led to this application being submitted.

The development is outside of any settlement boundary and within the open countryside.

Paragraph 28 of the NPPF states that planning authorities should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

LPAs should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through, conversion of existing buildings and well designed new buildings.

Policies NE.15 and PG.6 allows for the re-use and adaption of rural buildings for a commercial use with the relevant criteria being:

Policy NE.15:

- The building is of substantial, sound and permanent construction
- The form, bulk and general design of the building is in keeping with its surroundings
- Any conversion work respects local building styles and materials

Policy PG.6:

- the building is permanent, substantial and would not require extensive alteration, rebuilding or extension.
- The development is essential for the expansion or redevelopment of an existing business

With the regard to the two Policies above, the existing building is substantial, sound and of permanent construction. Furthermore, the proposed alterations will be minimal in order to make it suitable for the proposed change of use.

Following on from this the proposed development is required to allow the existing farm business to diversify and maintain the viability of the business.

Following on from PG.6, Policy EG.2 encourages the retention and expansion of existing business, particularly through the conversion of existing buildings. However, any development has to be well designed to preserve and possibly enhance the character and quality of the land scape and built form. Further to this, there should not be any conflict with other relevant Local Plan Policies.

Outside the Principal Towns, Key Service Centres and Local Service Centres, Policy allows EG.2 developments that:

- Provide opportunities for local rural employment development that supports the vitality of rural settlements;
- Create or extend rural based tourist attractions, visitor facilities and recreational uses;
- Encourage the retention and expansion of existing businesses, particularly through the conversion of existing buildings and farm diversification;

Will be supported where:

- Supports the rural economy, and could not reasonably be expected to locate within a designated centre by reason of their products sold
- Is supported by adequate infrastructure
- Is consistent in scale with its location and does not adversely affect nearby buildings and the surrounding area or detract from residential amenity
- Is well sited and designed in order to conserve and where possible enhance the character and quality of the landscape and built form



With the above in mind, the proposed development will comply with the first parts of this policy as it provide employment opportunities not only at the site but also with other local services associated with the end use, It will provide visitor facilities/recreational use and as the Grange Farm is an operational agricultural business the proposal will constitute farm diversification through the creation of a rural based recreational facility.

In terms of the second part of this policy the proposal would support the rural economy by virtue of being sited in a rural area. The use could not be expected to locate to a designated centre as the nature of the use relies on the rural setting. In terms of adequate infrastructure the highways engineer has confirmed the road can accommodate the proposed use. As addressed in the design and amenity sections below the proposal will not cause harm to the setting or amenity of local residents.

Further to the above criteria, any development has to be well designed to preserve and possibly enhance the character and quality of the land scape and built form.

Overall, it is considered that the principle of the proposed development is in accordance with Policies NE.15, PG.6 and EG.2

### **Amenity**

There is sporadic residential development along Hollyhurst Road with the closest to the application site being 100 metres to the south, another 237 metres to the south west and a third 337 metres to the east.

It is accepted that some level of noise will be audible, however, given the distances to the nearest residential properties it is not considered that the proposed development will have any significant impact on residential amenity in terms of visual intrusion.

The Council's Environmental Health Officer has not raised any concerns subject to the hours of operation being controlled by condition. The recently approved Premise Licence (PREM 1157) allows for live and recorded music to be played between the hours of 18:00 and 00:30 on Saturdays only.

As the application site has already been granted a premises licence and therefore any noise nuisance complaints will be addressed under the Environmental Protection Act 1990 and the Licensing Act 2005.

### **Design**

At present the application building on site is a typical steel portal framed agricultural building finished with block work and timber cladding. The north and south elevations have existing door openings.

The openings to the north elevation will be have timber framed doors and windows, while those to the south elevation will be timber clad with a timber sliding door to the existing main door opening.

The existing cladding to the exterior of the building is to remain.

In design terms, the proposed alterations to the building are considered to be relatively minor and will not be out of character with the agricultural nature of the existing building or others in the locality.

With the above in mind it is considered that the proposed development is not in accordance with Policy PG.6 of the Cheshire East Local Plan and Policy NE.15 of the Crewe and Nantwich Local Plan.

### **Highways and Parking**

The proposal is for a barn conversion to a wedding venue with off-road parking, with an existing access off Hollyhurst Rd being utilised.

The average number of guests is forecast to be circa 100. Approximately 50 car parking spaces would be available from within the site's main parking area; an additional drop-off and disabled parking area close to the site entrance; and additional informal parking along the site's driveway if required.

Two similar applications on this site have been objected to from Highways. One was due to insufficient information being submitted and another because off-site mitigation was not possible because it was a prior approval application. Given the width of Hollyhurst Rd it was considered that passing bays would be required to mitigate the highways impact of the development.

The applicant's Highways Report indicated that the proposal would generate 30 vehicle movements to the site. In the absence of data from comparable sites, this seems to be a conservative estimate whereas a more robust estimate would be 2 people per car, or 50 vehicle trips. These trips would be spread out over a period of time and if they are spread out over an hour then this would result in approximately 1 vehicle movement per minute.

Sections of Hollyhurst Rd are narrow and 4 passing bays are proposed; 2 to the east of the site and 2 to the west. Each of the bays will allow for a car to pass an HGV or agricultural vehicle. These passing bays will be conditioned via a Section 278 Agreement with the Highways Authority.

Given the number of vehicles the proposal will generate and that it is unlikely they will arrive or depart from a single direction, this level of mitigation was deemed acceptable. There are also a number of informal passing bays along the length of Hollyhurst Road.

It is accepted that Hollyhurst Road is a designated cycle way and is also used by walkers and horse rider. However, it is a public highway, as such normal traffic use cannot be restricted.

### **Planning Balance & Conclusions**

The proposed development would be in accordance with Policies EG.2, PG.6 and NE.15 as the application building is of substantial, sound and permanent construction and will not require extension alterations or extensions to bring it into another use.

The Highways Officer is satisfied that there will not be any significant highways impacts subject to the recommended conditions.

Potential noise impacts of the proposed use are controlled via the Premises Licence that has already been granted.

The proposed design and materials to be used of sympathetic to the character of the host building and the surrounding area. Therefore, the proposed development will not lead to any visual harm to the surround open countryside.

The proposal would bring positive planning benefits such economic and social benefits through rural diversification and spending in the local economy and complimentary businesses.

Consequently, subject to the conditions, it is considered that the benefits of the proposal outweigh any negative impacts

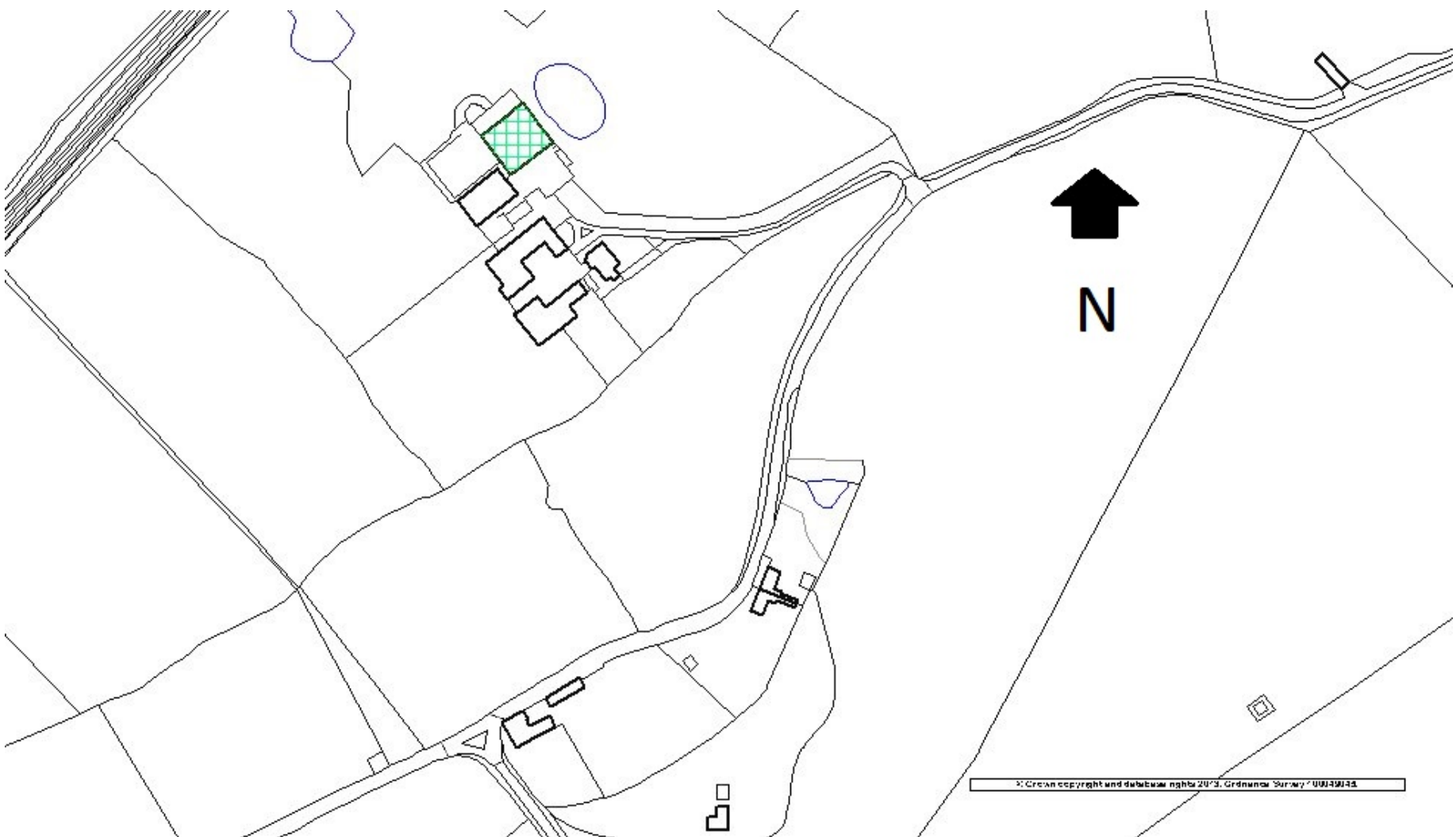
### **RECOMMENDATION:**

**APPROVE subject to conditions**

- 1. Time (3 years)**
- 2. Plans**
- 3. Materials as per application**
- 4. Drainage scheme to be approved**
- 5. External lighting to be approved**
- 6. Prior to occupation the passing places shown on 'Amended Passing Bay Location Plan' should be constructed.**
- 7. Hours of operation**

### **Informatives:**

- 1. NPPF**
- 2. The applicant will be required to enter into s 278 agreement for the proposed off-site works**



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Application No: 18/1250N

Location: Land to the rear of Oakleaf Close, Shavington, Crewe, CW2 5SF

Proposal: 15 no. new dwellings comprising 11 no. 4/5 bedroomed detached and 4 no. 3 bedroomed semi-detached affordable dwellings, together with associated garages, parking and access road.

Applicant: Mr & Mrs M McGarry

Expiry Date: 10-Aug-2018

**SUMMARY**

The site is within the Open Countryside where under Policy PG6 (Open Countryside) of the CELPS there is a presumption against new residential development. The site is also located within the Green Gap where Policy PG 5 (Strategic Green Gaps) of the CELPS and saved Policy NE.4 (Green Gaps) of the Local Plan states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would either: result in erosion of the physical gaps between built up areas or adversely affect the visual character of the landscape. The development would result in the erosion of the Green Gap and is unacceptable in principle.

The development is considered to be located in a sustainable location. The proposal is of an acceptable design and would not have a significantly harmful impact upon residential amenity/noise/air quality and contaminated land.

Insufficient information has been submitted regarding the impact on the landscape area of the area, the impact on biodiversity and the affordable housing provision.

The development would not have a severe impact upon the local highways network and the parking provision on the proposed site would be acceptable.

The development would not impact upon the drainage ditch to the boundaries of the site and the development would be located within flood zone 1. The development is considered to be acceptable in terms of its flood risk/drainage implications.

In this case there have been requests for contributions towards affordable housing and education. The proposed affordable housing provision on site is insufficient.

**RECOMMENDATION****REFUSE**

## REASON FOR REFERRAL

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan.

## PROPOSAL

This is a full planning application for 15 no. new dwellings comprising 11 no. 4/5 bedroomed detached and 4 no. 3 bedroomed semi-detached affordable dwellings, together with associated garages, parking and access road.

A new vehicular access would be formed off Oakleaf Close and the development would provide 52 car parking spaces.

## SITE DESCRIPTION

The site of the proposed development extends to 0.9 ha and is located to the west of Crewe Road. The site is located to the north of properties which front onto Chestnut Avenue. The majority of the site is within the open countryside and Green Gap as defined by the Crewe and Nantwich Replacement Local Plan although the proposed access is located within the Shavington Settlement Boundary.

The rear portion of the site appears to include a paddock. There are a number of trees and hedgerows to the boundaries of the site.

To the south of the site is residential development which fronts Chestnut Avenue. To the east of the site are residential properties fronting Crewe Road. To the north of the site is open countryside/Green Gap and to the east of the site is curtilage to dwellings which front Newcastle Road.

## RELEVANT HISTORY

13/1841N - Outline application for residential development with access to be determined at this stage – Refused 28<sup>th</sup> August 2014 for the reasons set out below. The subsequent appeal was dismissed on 6<sup>th</sup> August 2015.

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*
- 2. In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Shavington and Crewe*

*which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.*

- 3. The Local Planning Authority considers that insufficient information has been submitted in relation to the affordable housing provision of the site. In this case there no detail in relation to the proportion of affordable housing on the site, tenure proposals for the affordable units including the arrangements for transfer to a Registered Provider, provisions for the units to be affordable in perpetuity and confirmation that the affordable homes to be let or sold to people who are in housing need and have a local connection. The application does not confirm that the affordable units will be built to CFSH Level 3 or to HCA Design and Quality Standards. As a result it is not considered that the proposal would create a sustainable, inclusive, mixed and balanced community and would be contrary to the Interim Planning Policy on Affordable Housing and Policy RES.7 (Affordable Housing) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.*
- 4. There are a number of ponds within 250 metres of the site and the submitted Phase 1 Habitat Survey recommends that a full Great Crested Newt Survey is undertaken. No Protected Species Survey has been submitted as part of this application to assess the potential impacts of the development on Great Crested Newts. In the absence of this information, to allow this development would be contrary to Policy NE.9 (Protected Species) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.*
- 5. There are grassland habitats on the application site and there are species present which are indicative of restorable semi-improved grassland habitats. The submitted habitat survey was undertaken in February which is a poor time of year as a result the Council has insufficient information to assess the nature conservation value of the site. To allow the development in the absence of this information would be contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.*
- 6. There are a number of trees located onto the boundaries of the site and no arboricultural information has been provided to assess the impact upon these trees. Furthermore the indicative layout does not demonstrate that the proposed development can be accommodated on the site without resulting in the loss or future pressures to remove the trees which would be harmful to nature conservation and the character and appearance of the area. The development would be contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the NPPF.*

## **NATIONAL & LOCAL POLICY**

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

PG2 – Settlement Hierarchy

PG5 - Strategic Green Gaps

PG6 - Open Countryside

PG7 – Spatial Distribution of Development

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles  
IN1 – Infrastructure  
IN2 – Developer Contributions  
SC1 – Leisure and Recreation  
SC3 – Health and Well-Being  
SC4 – Residential Mix  
SC5 – Affordable Homes  
CO1 - Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 3 - Biodiversity and Geodiversity  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 6 – Green Infrastructure  
SE 8 – Renewable and Low Carbon Energy  
SE 9 – Energy Efficient Development  
SE12 – Pollution, Land Contamination and Land Instability  
SE 13 - Flood Risk and Water Management

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

The relevant Saved Policies are:

NE.5 - Nature Conservation and Habitats  
NE.9 - Protected Species  
NE.20 - Flood Prevention  
BE.1 – Amenity  
BE.3 - Access and Parking  
BE.4 - Drainage, Utilities and Resources  
RES.5 - Housing in the Open Countryside  
TRAN.3 – Pedestrians  
TRAN.5 – Provision for Cyclists

### **National Policy**

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

Of particular relevance are paragraphs:

11. Presumption in favour of sustainable development.  
124 – 130. Requiring good design

### **Shavington Neighbourhood Plan – Regulation 7 Stage (no weight given)**

#### **Other Considerations**

Cheshire East Design Guide  
The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010



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

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

**Head of Strategic Infrastructure (Highways):** No objection subject to a Construction Management Plan condition.

**CEC Environmental Health:** Conditions suggested in relation to dust control, piling, construction management plan, electric vehicle infrastructure, contaminated land, soil importation, travel pack provision, low emission boilers and informatives in relation to contaminated land and hours of operation.

**CEC Strategic Housing Manager:** No comments received.

**CEC Flood Risk Manager:** No objection subject to imposition of drainage conditions and finished floor levels and two suggested informatives.

**United Utilities:** No objection subject to the imposition of drainage conditions.

**CEC Education:** A contribution of £32,539.00 is required for primary school provision.

### **VIEWS OF THE PARISH COUNCIL**

**Shavington Parish Council:** The Parish Council has the following observations:

- The development is not needed as there is a 5.45 year housing land supply.
- The development would not be sustainable as the social infrastructure was inadequate, viz. it would adversely impact on school places; there was no doctors' surgery, no Post Office and no pharmacy.
- Access and egress presents problems for highway safety.
- The roadway is too narrow to allow for two cars passing each other.

### **OTHER REPRESENTATIONS**

Letters of objection have been received from 5 households raising the following points;

- Development is contrary to policy
- Impact on drainage
- Highway safety and parking
- Design and impact on the character of the area
- Unacceptable housing mix
- Impact on amenity and loss of light
- Flood risk and drainage
- Impact on biodiversity

### **APPRAISAL**

#### **Principle of Development**

The site lies largely in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011. Policy PG 6 of the CELPS sets out that, within the Open Countryside, only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. There are exceptions to this which are set out below:

- i. where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere; affordable housing, in accordance with the criteria contained in Policy SC 6 'Rural Exceptions Housing for Local Needs' or where the dwelling is exceptional in design and sustainable development terms;
- ii. for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension
- iii. for the replacement of existing buildings (including dwellings) by new buildings not materially larger than the buildings they replace;
- iv. for extensions to existing dwellings where the extension is not disproportionate to the original dwelling;
- v. for development that is essential for the expansion or redevelopment of an existing business;
- vi. For development that is essential for the conservation and enhancement of a heritage asset.

Policy PG 6 also identifies that the retention of gaps between settlements is important in order to maintain the definition and separation of existing communities and the individual characters of such settlements.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*".

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

## **Green Gap**

Policy PG5 (Strategic Green Gaps) of the CELP sets out that planning permission will not be granted for the construction of new buildings or the change of use of existing buildings of land which would: i. Result in erosion of a physical gap between any of the settlements named in this policy; or ii. Adversely affect the visual character of the landscape; or iii. Significantly affect the undeveloped character of the Green Gap, or lead to the coalescence between existing settlements.

The application site is located within the Green Gap where saved policy NE.4 of the Local Plan states that "*approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would either:*

- *result in erosion of the physical gaps between built up areas or;*
- *adversely affect the visual character of the landscape.*

*Exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available”*

A development of the scale proposed will clearly erode the physical gap between Shavington and Crewe. It is impossible to see how building 15 houses on an open site could do anything other. It is acknowledged that the gap between Shavington and Crewe is substantial. The dwellings south of the site along Chestnut Avenue represent a line of ribbon development with the application site projecting into the gap, with views between properties.

Furthermore, it is the fact that the edge of the built development steps in and out, which helps to create the perception of width to the gap in the areas where it is narrowest. To reduce the gap to its common denominator and to form a wall of development, along that line, would undoubtedly reduce its effectiveness. Had this been an acceptable or reasonable proposition the boundaries of the gap could have been drawn in this way.

The position is that this land is protected against all development which would erode the gap. 15 dwellings would erode the gap and therefore the proposed development is not in accordance with the development plan.

### **Housing Land Supply**

On 27th July 2017 the Council adopted the Cheshire East Local Plan Strategy. Accordingly the Cheshire East Local Plan Strategy forms part of the statutory development plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This is the test that legislation prescribes should be employed on planning decision making. The ‘presumption in favour of sustainable development’ at paragraph 11 of the NPPF means: “approving development proposals that accord with an up to date development plan without delay”

The Cheshire East Local Plan Strategy is a recently adopted plan. Upon adoption, the Examining Inspector concluded that the Local Plan would produce a five year supply of housing land, stating that “I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years”.

The Cheshire East Local land Strategy (LPS) was adopted after a lengthy examination and was produced through engagement with stakeholders who have an impact upon housing delivery. The adopted plan incorporated the recommendations of the Secretary of State. In accordance with paragraph 74 of the NPPF and footnote 38, the LPS should be considered ‘recently adopted’ until 31 October 2018 and full weight should therefore be given to the findings of the Inspector in confirming that the Local Plan would produce a five year supply of housing land.

The Council continues to monitor housing delivery and housing land supply, publishing its annual assessment through the Housing Monitoring Update. This report provides information on the delivery of sites and the supply of housing land to an annual base date of the 31 March. The most recent Housing Monitoring Update (base date 31 March 2017) was re-published in December 2017 and this confirmed a housing land supply of 5.45 years. The Housing Monitoring Update (base date 31 March 2018) is

currently being produced and this is likely to show a continued positive direction of travel in relation to completions and commitments since the previous annual assessment.

The Council's published housing land supply position has been subject to thorough scrutiny at a number of planning appeals since the LPS was adopted. The most recent of these to report involved an appeal by Gladman Developments for 46 homes at New Road Wrenbury. Here the Council's housing land supply assessment was fully updated, looking afresh at the latest position on key sites and the housing sector generally. This appeal was dismissed on the 10th April 2018 with the Inspector finding that the Council could demonstrate a deliverable 5 year housing land supply.

In the light of the above, relevant policies for the supply of housing should be considered up-to-date – and so consequently the 'tilted balance' of paragraph 11 of the NPPF is not engaged.

### **Location of the site**

Policy SD 2 (Sustainable Development Principles) includes a guide to the appropriate distances for access to services and amenities. The distances are considered appropriate for the region and have been used for the purposes of informing the Sustainability Appraisal and the accessibility of proposed developments.

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

- Post office (1000m) – 965m
- Public House (1000m) – 804m
- Cash Point (1000m) – 965m
- Primary School (1000m) – 804m
- Local meeting place (1000m) – 800m
- Convenience Store (500m) – 160m
- Bus Stop (500m) – 145m
- Public Right of Way (500m) – 100m

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

- Amenity Open Space (500m) – 643m
- Children's Play Space (500m) – 643m
- Post Box (500m) – 965m
- Leisure Centre (1000m) – 1126m
- Outdoor Sports Facility (500m) – 1126m
- Secondary School (1000m) – 1126m
- Child Care Facility (nursery or crèche) (1000m) - 1126m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 3540m
- Medical Centre (1000m) - 1770m
- Pharmacy (1000m) – 1770m

In summary, the site does not comply with all of the standards advised by the SD 2. Owing to its position on the edge of Shavington, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless, this is not untypical for a sustainable village (Shavington is classed as a local service centre in the Cheshire East Local Plan). However, all of the services and amenities listed are accommodated within Shavington, Nantwich or Crewe and are accessible to the proposed development via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

### Affordable Housing

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

This is a proposed development of 15 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 5 dwellings (4.5 to the nearest whole) to be provided as affordable dwellings. .

The SHMA 2013 shows the majority of the demand annually up to and including 2018 in Wybunbury and Shavington is for 8 x 1 bedroom, 20 x 2 bedroom, 7 x 3 bedroom and 1 x 4+ bedroom dwellings. The SHMA 2013 is also showing an annual need for 1 x 1 bedroom and 7 x 2 bedroom dwellings for older persons, these can be via flats, cottage style flats, bungalows and Lifetime Standard homes.

The current number of those on the Cheshire Homechoice waiting list with Shavington and Wrenbury as their first choice is 185. This can be broken down to 73 x 1 bedroom, 70 x 2 bedroom dwellings, 41 x 3 bedroom and 11 x 4 bedroom dwellings. On this site therefore a mix of 1, 2, and 3 bedroom dwellings for general needs and an older person provision would be acceptable.

3 units should be provided as Affordable/Social rent and 2 units as Intermediate tenure.

If the application is to be a Full or Reserved 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;

This application is providing 4 x 3 bedroom dwellings as the Affordable provision. This is below the requirement for 5 dwellings. Also no Affordable Housing Scheme has been provided. No details of which of the affordable dwellings are to be rented and Intermediate tenure have been provided.

The Housing Officer has requested more of a mix of Affordable Housing sizes and a provision for older persons and objects to the application on the above basis.

### **Housing Mix**

Paragraph 61 of the Framework states that *'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes'*.

Policy SC 4 (Residential Mix) of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix).

In terms of Open Market Houses (OMH) the proposed development includes 7 x 5 bed homes, 4 x 4 bed homes. The submission documents do not include any information demonstrating how the proposal will be capable of meeting, and adapting to, the long term needs of the borough's older residents as required by Policy SC 4. However it is noted that the existing dwellings located on Oakleaf Close are of a comparative housing mix. Given that the proposed development is for 15 dwellings it is not considered that the proposed housing mix would constitute a reason for refusal.

### **Education**

A primary contribution is required for Shavington Primary Academy of £32,539.00 (15 dwellings x £11,919 x 0.91 = £32,539.00). This would mitigate the impact of the development.

The development does not raise any capacity issues at secondary schools or SEN.

### **Landscape**

As part of the application a Design and Access statement has been submitted. This briefly identifies the location of the application site and identifies that there are trees located just beyond the boundary of the application site, and that the application site is enclosed by a 2-3m high conifer hedge and that the site is currently used for grazing horses.

The application only provides very basic information on the existing landscape baseline and does not include a landscape and visual assessment or even a landscape appraisal, merely stating that the boundary hedges will be retained and that biodiversity on the site will be improved by the inclusion of a communal garden area and fruit trees. A Landscape Character Assessment was completed for Cheshire in 2009 and this identifies that the application site is located within Landscape Character Type 10: Lower Farms and Woods, and specifically the Barthomley Character Area LFW7.

The application site is not accessible to the public and has no public footpaths or bridleways across or in close proximity that allow views across the area; nor are there any landscape designations covering the application site. The site is surrounded by development to the west, south and east, but the site

stands beyond the designated settlement boundary. The Cheshire East Local Plan Strategy indicates that the application site is located within the boundary of the Strategic Green Gap, Policy PG5 (Strategic Green Gaps). The proposed development conflicts with Policy PG5.

### Highways Implications

The proposal is a full application for 15 dwellings which would make use of an existing access onto Crewe Road. The existing access is 4.8 m wide with a footway along the southern side which allows for two-way vehicle and pedestrian movement. These currently serve 5 dwellings and do so safely. The access extends into the site and is acceptable to serve the additional proposed units. Visibility onto Crewe Road is acceptable. Proposed parking provision is to CEC requirements. No objections are raised subject to conditions.

### Amenity

Policy BE.1 (Amenity) of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking, visual intrusion or noise and disturbance. Furthermore, the level of private amenity space and the separation distances are a material consideration as detailed within the Supplementary Planning Document on Development on Backland and Gardens (The SPD).

The SPD states that there should ideally be a distance of 21m between principal elevations and 13.5 m between a principal elevation with windows to habitable rooms and blank elevation in order to maintain an adequate standard of privacy and amenity between residential properties. The SPD sets out that the dwelling should have no less than 50 m<sup>2</sup> of private amenity space.

It should also be noted that the recently adopted Cheshire East Design Guide SPD also includes reference to separation distances and states that separation distances should be seen as a guide rather than a hard and fast rule. Figure 11:13 of the Design Guide identifies the following separation distances;

21 metres for typical rear separation distance

18 metres for typical frontage separation distance

12 metres for reduced frontage separation distance (minimum)

In terms of the surrounding residential properties, the main properties affected are those to the east which front onto Chestnut Avenue and the dwellings at the end of Oakleaf Close.

At the nearest point the new dwellings (namely Plots 6 and 7) would face the rear of No. 16, 18 and 20, Chestnut Avenue with a separation distance of 33.7 m. The proposed site plan shows that the proposed dwellings to the south of the site would have a rear garden depth of between 4.7 – 8.2 metres. The separation distance exceeds the separation distance of 21 metres between principle elevation as set out in the SPD on Development on Backland and Gardens. The impact upon the properties which front Chestnut Avenue is therefore considered to be acceptable.

To the east the proposed access would pass between the recent development at Oakleaf Close. This relationship is considered to be acceptable and the scale of the development would not raise any significant noise and disturbance issues.

To the west of the application site is an area of land that has planning permission for residential development. At the time of the planning officer's site visit this development had not been started. The approved site plan shows the nearest dwellings to be over 30 m from the rear elevations of the proposed dwellings.

The rear elevation of No. 4, Oakleaf Close would face the side elevation of Plot 6 with a separation distance of approximately 17 m.

The Environmental Health Officer has requested conditions in relation to dust control, piling, construction management plan, electric vehicle infrastructure, contaminated land, soil importation, travel pack provision, low emission boilers and informatives in relation to contaminated land and hours of operation.

As such it is not considered that the proposed development would have a detrimental impact upon adjacent residential amenity through loss of light, privacy or overbearing impact.

### **Air Quality**

Policy SE 12 of the CELPS 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.

In order to ensure that sustainable vehicle technology is a real option for future occupants at the site a condition will be imposed to secure electric vehicle infrastructure provision on the site.

### **Trees and Hedgerows**

The application is supported by an Arboricultural Impact Assessment and Tree Survey by Arbtech dated 16th February 2018 and 17th April 2018 respectively.

The application site is not presently accessible to the public with views into the proposed development area only available as part of filtered glimpses between existing residential dwellings located on the northern side of Chestnut Avenue.

The Arboricultural detail identifies the presence of 14 individual trees and 3 groups located both on the site boundary and outside the site, all the trees are identified for retention; there are no trees located within the site which is presently used for grazing horses. The majority of the 15 proposed dwelling in terms of their build footprints respect the identified individual Root Protection Areas (RPA) with only two minor incursion noted in respect of plots 9 and 19; these relate to the construction of patio area located to the rear of each individual dwelling; these incursions can be addressed by implementation under a 'no dig' scheme and Arboricultural supervision, any potential detrimental impact on the adjacent trees is not considered to be detrimentally significant.

The majority of the trees present a reasonable spatial relationship and social proximity to the proposed dwellings, but post development issues in terms of reduced light attenuation and nuisance are probable in respect of plot 6 and both plots 9 & 10, with the majority of their respective southern orientated rear gardens utilisable space dominated by T1/T2 and T3/T4 respectively. The Silver Birch (T1 & T2) will significantly influence the limited rear garden area associated with plot 6; the species White Willow (T3) is not considered suitable for long term retention within a residential garden setting, the tree has



already historically lost a primary branch, the Sycamore will also cause problems with 'honey dew' deposits.

Individually and collectively the majority of the tree cover associated with this application is considered to be of moderately low amenity value, this combined with the absence of clear public views into the site precludes the trees from being considered for formal protection under a Tree Preservation Order.

Tree protection detail (protective fencing) has not been provided but this can be addressed by condition should the application be approved

As a result the Council's Forestry Officer has raised no objection to the development subject to the imposition of planning conditions.

### **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."*

It is noted that the Design Guide checklist has not been completed by the Agent. The planning officer requested this information and it has not been provided at the time of report writing.

### Connections

*Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site?*

The existing boundary to the north includes a drainage channel with some mature tree cover to the northern, western and southern boundaries. These features would be respected and would be retained as part of the proposed development which would sit comfortably within the centre of the site.

### Facilities and services

*Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?*

Shavington provides a range of services and facilities to meet the needs of local people including those living in nearby settlements. Shavington is identified as a local service centre in the CELPS.

### Public transport

*Does the scheme have good access to public transport to help reduce car dependency?*

There are bus stops close to the application site and footpath links along Crewe Road.

### Meeting local housing requirements

*Does the development have a mix of housing types and tenures that suit local requirements?*

No, a mix of 1, 2, and 3 bedroom dwellings for general needs and an older person provision would be acceptable. 5 affordable units should be provided; 3 units should be Affordable/Social rent and 2 units as Intermediate tenure.

As detailed above the OMH mix is considered to be acceptable on balance.

### Character

*Does the scheme create a place with a locally inspired or otherwise distinctive character?*

The submission does not include an assessment against the Cheshire East Design Guide.

The proposed development would comprise house types two-stories in height. The dwellings within the vicinity of the site are a mix of designs including and predominantly two-storey development. The scale is considered to be acceptable on this site.

The surrounding dwellings have largely pitched roofs but there are some properties with hipped roofs located along Chestnut Avenue. The dwellings in the locality of the site include a number of design features such as projecting gables (with timber infill details), bay windows, window header and sill details (stone, brick, arched and flat-stopped), brick banding (red brick and decorative brick), ridge tile detailing, gable finials, dormer roofs and chimneys. The materials in the locality are largely red brick and rendered with slate and tiled roofs.

The proposed development would include projecting gables and bay windows (some with render infill), the dormer windows on house type 4 would be positioned to the front elevation would be of a small scale and would sit comfortably within the roof slope and there would also be window heads and cills to the windows on the site. It is considered that the design approach taken respects the local character of this part of Shavington and it is recognised that the house types are similar to the existing dwellings on Oakleaf Close.

### Working with the site and its context

*Does the scheme take advantage of existing topography, landscape features (including watercourses), wildlife habitats, existing buildings, site orientation and microclimates?*

The features on site are the trees and hedgerows which are considered in other sections of this report. The majority of the trees would be retained to the boundaries of the site. The drainage ditch would be retained to the north boundary on the site.

### Creating well defined streets and spaces

*Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?*

The proposed development has active frontages facing inwards and the development will not be readily visible from Crewe Road or Chestnut Avenue. It is considered that this test has been met.

### Car parking

*Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?*

The proposed car-parking would be located largely at the front of dwellings with the house types including an integral garage. It is considered that this is appropriate to serve the development.

### Public and private spaces

*Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?*

The proposed development would sit comfortably within the plot and would include large private gardens for the future occupants.

### External storage and amenity space

*Is there adequate external storage space for bins and recycling as well as vehicles and cycles?*

The submitted plan does not show this detail and it is considered that this should be controlled via condition should the application be approved.

### Design Conclusion

On the basis of the above assessment it is considered that the proposed development represents an acceptable design solution.

## **Ecology**

### Great Crested Newts

A pond is located 100m from the application site. This pond has previously been assessed as having “excellent” suitability to support great crested newts. A detailed great crested newt survey has now been undertaken of this and two other ponds. The survey was constrained due to the later survey visits being undertaken outside the optimal survey season. Also the dry weather this year has resulted in many ponds drying out prior to surveys being completed, as was the case at this site.

Great Crested Newts presence was confirmed at two ponds. One pond with a small population recorded and one with a medium population recorded at a second more distant pond. The Councils Ecologist advises that despite the constraints on the survey, the results are likely to broadly reflect the status of the local great crested newt population.

The submitted report however incorrectly states that the nearest pond supporting great crested newts is located 150m from the proposed development when the pond is in fact only 100m away. The assessment has also been based on between 0.1 and 0.5ha of terrestrial habitat being lost which is located between 100-250m from the breeding pond. This is also incorrect as the application site (all of which occurs within 250 of the nearest pond) amounts to 0.86 ha.

The Council's Ecologist has advised that the applicant should undertake a revised great crested newt impact assessment using the correct figures for site area and pond distances.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species licence under the Habitat Regulations.

The 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.

### *Overriding Public Interest*

There is not considered to be any overriding public interest at this stage.

### *Alternatives*

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

- No development on the site

As insufficient information has been submitted in relation to GCN it is considered that this is a preferable scenario to the development of the site.

### Grassland Habitats

Previous surveys of the grassland habitats present on the site have recorded a number of indicators of restorable semi-improved grassland. The submitted habitat survey was undertaken in the middle of winter, a very poor time of year, and the submitted report does not include a full species list for this habitat. Interestingly the submitted report states that the grassland is dominated by perennial rye grass, whilst this species was only previously recorded from the boundaries of the grassland.

The Council’s Ecologist has advised that there is currently insufficient survey information available to assess the nature conservation value of the grassland habitats on this site.

It is recommended that a further botanical survey of the grassland habitats be undertaken at an appropriate time of the year and submitted prior to the determination of the application. The report of this survey should include a full botanical species list with abundance data given on the DAFOR scale.

### Trees with bat roost potential

Previous ecological surveys of this site identified an Oak tree on the northern boundary with the potential to support roosting bats. The submitted report, whilst assessing the potential of the buildings on site to support roosting bats, does not consider the trees.

The Council's Ecologist has advised that confirmation be sought as to whether any trees are proposed for removal as part of the proposed development.

### Hedgehog and Nesting birds

If planning permission is granted standard conditions would be required to safeguard nesting birds and hedgehogs.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Hedgerows are present around the boundary of the site and the presence of hedgerows is referred to in the submitted tree report. The hedgerows around the boundaries of the application site have not however been identified on the submitted habitat plan. The Council's Ecologist has advised that this is a deficiency of the submitted report that should be rectified.

### Water voles

The Council's Ecologist advises that the ditch located to the north of the application site must be subject to a detailed survey for water voles. A report of the required survey must again be submitted to the LPA prior to the determination of the application.

### Bluebells

Bluebells have previously been recorded on this site. Native bluebells are a UK BAP priority habitat and hence a material consideration. Due to the time of the year when the surveys of the site were undertaken it has not been confirmed whether the species of bluebell present is the native priority species or an ornamental variety. This should be confirmed by means of a further survey prior to the determination of the application.

## **Flood Risk and Drainage**

In support of this application a Flood Risk Assessment has been submitted in support of the application. The site is located in flood zone 1, and there are areas of surface water risk on site and predominantly on the northern boundary adjacent to the existing drainage ditch.

All of the built form of the development would be located within Flood Zone 1. The CEC Flood Risk Manager and United Utilities have been consulted on this application and have raised no objection to

the development on flood risk or drainage grounds. Therefore the development is considered to be acceptable in terms of its flood risk and drainage impact.

### **Levels**

Should the application be approved it is recommended that a condition is imposed regarding the existing and proposed levels.

### **CIL Regulations**

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

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

As discussed above there has been a request for a 30% affordable housing provision and an education contribution of £32,539.00 is required to mitigate the impact of the development upon local primary schools.

On this basis should the application be approved a S106 would be required to secure the appropriate affordable housing and education contribution and this recommendation is compliant with the CIL Regulations 2010.

### **CONCLUSION**

The site is within the Open Countryside and the Green Gap where under Policy PG6 of the CELPS there is a presumption against new residential development and where saved policy NE.4 of the Local Plan states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would either: result in erosion of the physical gaps between built up areas or adversely affect the visual character of the landscape. The development would result in the erosion of the Green Gap and is unacceptable in principle.

The development is considered to be located in a sustainable location. The proposal is of an acceptable design and would not have a significantly harmful impact upon residential amenity/noise/air quality and contaminated land.

Insufficient information has been submitted regarding the impact on the landscape area of the area, impact on biodiversity and the affordable housing provision.

The development would not have a severe impact upon the local highways network and the parking provision on the proposed site would be acceptable.

The development would not impact upon the drainage ditch to the boundaries of the site and the development would be located within flood zone 1. The development is considered to be acceptable in terms of its flood risk/drainage implications.

In this case there have been requests for contributions towards affordable housing and education and the proposed affordable housing provision on site is insufficient.

## **RECOMMENDATIONS**

### **REFUSE for the following reasons:**

- 1. The Local Planning Authority considers that the proposed development is unacceptable as the application site lies within the Open Countryside which should be protected for its own sake and where there is a presumption against inappropriate forms of new development. The proposal does not meet any of the exceptions contained with Policy PG 6 (Open Countryside). The proposed development would therefore be contrary to Policy PG 6 (Open Countryside) of the Cheshire East Local Plan Strategy and the guidance contained with the NPPF.**
- 2. In the opinion of the Local Planning Authority, the proposed development would contribute to the erosion of the Green Gap between the built up areas of Shavington and Crewe which would significantly and demonstrably outweigh the benefits of the scheme. The development is therefore contrary to Policy PG5 (Strategic Green Gaps) of the Cheshire East Local Plan Strategy and Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the guidance contained with the NPPF.**
- 3. The Local Planning Authority considers that level of affordable housing provision as proposed is insufficient to meet the relevant affordable housing contribution identified in Policy SC 5 (Affordable Homes) of the Cheshire East Local Plan Strategy. This application is providing 4 x 3 bedroom dwellings as the Affordable provision. This is below the required provision and no Affordable Housing Scheme has been provided. As a result it is not considered that the proposal would create a sustainable, inclusive, mixed and balanced community and would be contrary to Policy SC 5 (Affordable Homes) of the Cheshire East Local Plan and the guidance contained with the NPPF.**
- 4. The Local Planning Authority considers that insufficient information has been submitted to inform the impact of the proposed development on any protected species present (specifically the impact on Great Crested Newts, bats, water voles and bluebells) as well as the impact on grassland and hedgerow habitats. The development is therefore contrary to Policy SE 3 (Biodiversity and Geodiversity) of the Cheshire East Local Plan Strategy, Policies NE.5 (Nature Conservation and Habitats) and NE.9 (Protected Species) of the Crewe and Nantwich Replacement Local Plan 2011 and the guidance contained with the NPPF.**

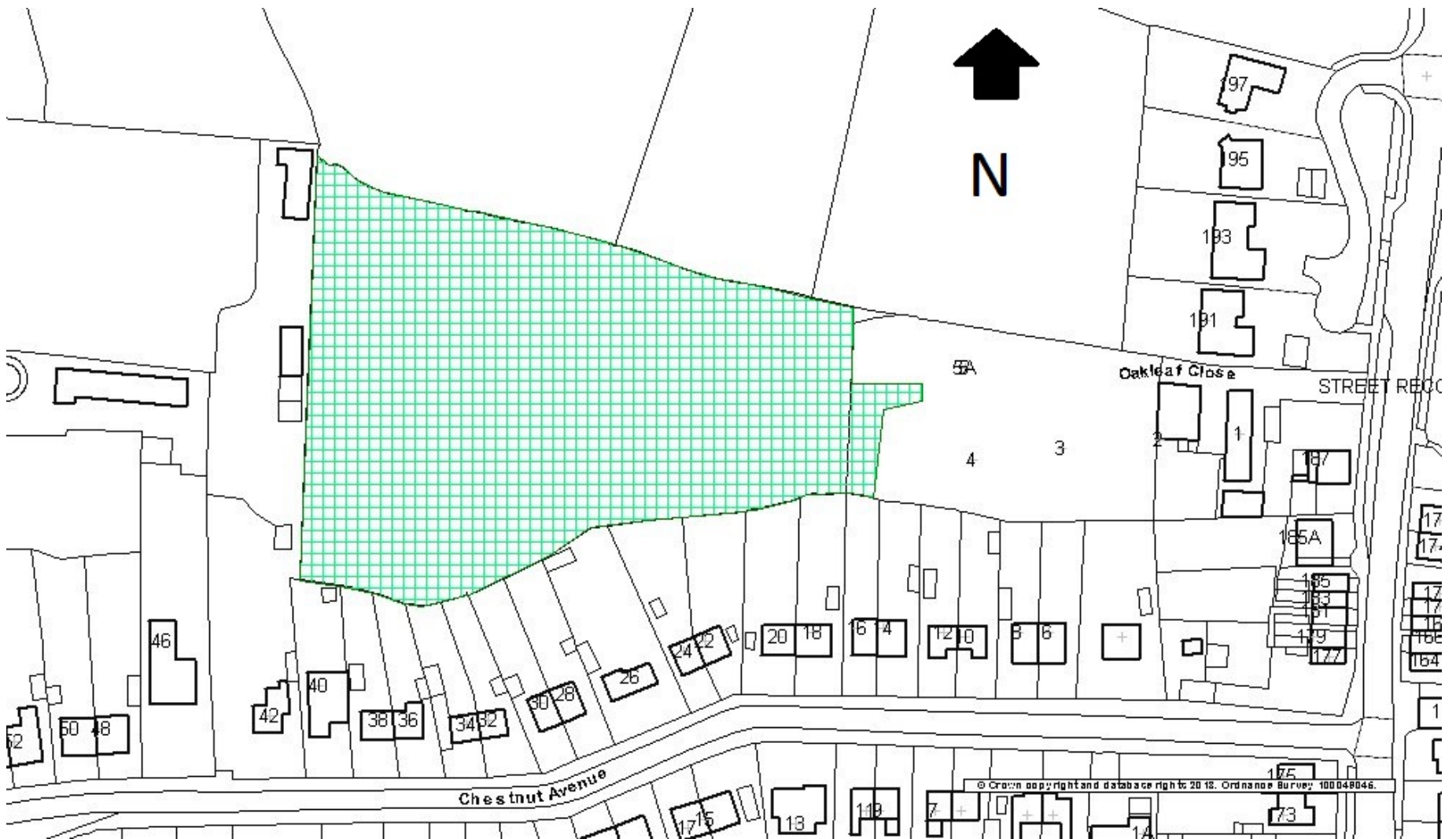
**In order to give proper effect to the Board's/Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution,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

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

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**

- The numbers, type, tenure and location on the site of the affordable housing provision
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. A contribution of £32,539.00 to Primary School Provision





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## CHESHIRE EAST COUNCIL

### SOUTHERN PLANNING COMMITTEE

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**Date:** 8<sup>th</sup> August 2018  
**Report of:** David Malcolm: Head of Planning (Regulation)  
**Title:** Planning Appeals Report

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

- 1.1 To summarise the outcome of Planning Appeals that have been decided between 1<sup>st</sup> January 2018 and 30<sup>th</sup> June 2018. Two quarterly reports are combined to provide information for the year end 2017/18 and the first quarter of 2018/19. The report provides information that should help measure and improve the Council's quality of decision making in respect of planning applications.

#### **2.0 Decision Required**

- 2.1 That the report be noted.

#### **3.0 Background**

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

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

- 4.1 The statistics on planning appeals for the full year 2017/18 are set out in Appendix 1. A full list of the appeals for the fourth quarter (Q4) is set out in Appendix 2.
- 4.2 The statistics for the first quarter of 2018/19 are set out in Appendix 3 and a full list of the appeals for this quarter is set out in Appendix 4.
- 4.3 The statistics are set into different components to enable key trends to be identified:
- Overall performance;
  - Performance by type of appeal procedure;
  - Performance on delegated decisions;
  - Performance on committee decisions;
  - Overall numbers of appeals lodged;
  - Benchmarking nationally.
- 4.4 The overall number of appeals lodged has remained consistent and averages out at approximately 120 - 140 planning appeals annually. At present, approximately 30% of decisions to refuse planning permission will result in a planning appeal.
- 4.5 In terms of the outcomes of the appeals decided, the performance is very close to the national average; 33.6% of appeals were allowed in the full year for 2017/18 against a national average of 32%. For the first quarter of this financial year, however, 36.7% of appeals have been allowed.
- 4.6 Compared to recent years, the statistics show a reduction in the number of appeals held through public inquiry, which is a reflection of the adoption of the Local Plan Strategy and the subsequent reduction in major housing appeals.
- 4.7 In respect of Householder Appeals, only 13% were allowed over the full year to the end of March 2018. This compares very favourably to the national average for the same period of 38%. The first quarter of this financial year has since seen a rise in the number of householder fast-track appeals allowed, with more appeals (5) allowed in this quarter than in the whole of the previous year (4). This trend will be monitored in future reports as there has been no obvious change in decision making process that should account for this variation.
- 4.8 Only 22% of appeals against delegated decisions were allowed in the full year 2017/18, which is much better than the national average of 32%. The first quarter of the current year has shown appeals allowed at 31%, which is consistent with national average.
- 4.9 Appeals against committee decisions remain less favourable. Overall 63% of appeals made against committee decisions have been allowed during the full year 2017/18. When decisions contrary to officer

recommendation are taken into account, this figure rises to over 70% of appeals allowed. From the appeals lists in Appendix 2 and 4, there were 7 decisions made by committee to refuse planning permission contrary to officer recommendation and 6 of these were then allowed at appeal.

- 4.10 Appendix 2 illustrates that one refusal of planning permission against officer recommendation was successfully defended by the Council at appeal. However, the overwhelming majority of decisions where officer recommendations were overturned have resulted in the appeal being allowed. These figures continue to emphasise that a decision contrary to officer recommendation based on empirical evidence and good planning grounds may be defended, but too often decisions are made contrary to officer advice without good reason and with insufficient evidence. The total of 29 appeals, decided over the full year period 2017/18, submitted against decisions made contrary to officer advice should be considered too many in itself.
- 4.11 It should be noted that, due to the timescales of the appeals process, these figures will reflect decisions made prior to the last 3 months at the very latest.
- 4.12 It should also be emphasised that the appeal process runs to very strict procedural guidelines. Deadlines for appeal statements, site visits, hearing and Inquiries are fixed. A high volume of appeals places a significant burden on the planning department and it is good practice to work to reduce the number of appeals received.

## **5.0 Commentary on Appeal Decisions**

- 5.1 This section summaries several appeal decisions that have implications for the Council. All of the decisions have importance for different reasons but due to the volume of decisions only a few are selected for comment in this report.
- 5.2 The Council has now received a number of important appeal decisions since the adoption of the Cheshire East Local Plan Strategy. In respect of housing developments, these have been reported to Members in previous reports and have confirmed the Council's position on the provision of a 5 year housing land supply.
- 5.3 This position continues to be challenged at appeal, with developers seeking to demonstrate that the delivery of housing in the Borough is falling short of requirements. The Council has robustly defended its position and, based on evidence, has been successful in demonstrating a 5 year supply of housing land. In the recent appeal decision dated 10<sup>th</sup> April 2018 for a housing proposal at Land West of New Road, Wrenbury, the Inspector stated: "*Whilst I have concluded that at the*

*present time the supply of housing land is not quite as healthy as the Council believes, there is a supply which exceeds the five year requirement. When considered along with recent facts relating to both the supply of land and delivery of housing units, I see no reason to depart from the conclusions of the local plan Inspector in finding that there is sufficient provision to ensure that local housing needs can be met."*

- 5.4 This appeal decision serves to confirm a 5 year supply of housing land in Cheshire East. However, similarly to other appeal decisions where a more precautionary approach has been adopted with the application of the "tilted balance" (e.g. Land at Shavington Villa), it also emphasises that whilst there are many elements to the pace of housing delivery on the ground, the Council must continue its recent track record of facilitating housing delivery through the efficient processing and decision making on planning applications for housing in line with the Cheshire East Local Plan Strategy.
- 5.5 Application ref. 16/4306C was subject to an appeal decision on 18 January 2018 following an Inquiry in October 2017. The proposal was for a small scale housing development of 6 dwellings on a site adjacent to the settlement boundary of Goostrey. The key issue for this appeal was the impact on the Jodrell Bank Radio Telescope. The appeal was dismissed due to the impact on the telescope as a result of cumulative exceedances in the levels of interference for radio astronomy. Significant weight was attached to the impact on the research facility, recognised of global importance.
- 5.6 This decision follows earlier appeal decisions that have been dismissed for larger developments where the Council has sought to uphold local plan policies for the protection of Jodrell Bank Observatory. In the light of those decisions, the local planning authority has been applying significant weight to the cumulative impacts on Jodrell Bank, even when individually the impacts have been relatively minor. This decision confirms that electro-magnetic interference arising from small scale developments can and does have a harmful impact on the workings of the Telescope and should be resisted to protect this important asset. The decision emphasises some of the complexities of assessing the individual impacts beyond purely the scale of the development, with location, proximity and orientation just some of the determinative factors.
- 5.7 The decision recognises that there has been a degree of inconsistency through both LPA decision and Appeal Decisions in relation to small scale developments in the Jodrell Bank Observatory consultation zone. In large part this has arisen from the nature of consultation responses that the Council now receives which are now worded to demonstrate the harmful impact of small scale and cumulative developments.

- 5.8 Whilst it should be recognised that there may be an opportunity to improve consistency through policy and working with Jodrell Bank on the wording of consultation responses, this Appeal Decision emphasises and justifies a precautionary approach to any new housing development in the Jodrell Bank consultation zone.

**6.0 Recommendation**

- 6.1 That Members note the contents of the report.

**7.0 Risk Assessment and Financial Implications**

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

**8.0 Consultations**

- 8.1 None.

**9.0 Reasons for Recommendation**

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

***For further information:***

*Portfolio Holder: Councillor Ainsley Arnold*

*Officer: Peter Hooley – Planning & Enforcement Manager*

*Tel No: 01625 383705*

*Email: Peter.Hooley@cheshireeast.gov.uk*

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Quarterly Planning Appeals Report

**Appendix 1. Planning Appeal Statistics 2017/18**

<b>All Planning Appeals decided</b>					
<b>Q1 (1<sup>st</sup> Apr 2017 to 30 Jun 2017)</b>					
<b>Q2 (1<sup>st</sup> Jul 2017 to 30<sup>th</sup> Sept 2017)</b>					
<b>Q3 (1<sup>st</sup> Oct 2017 to 31<sup>st</sup> Dec 2017)</b>					
<b>Q4 (1<sup>st</sup> Jan 2018 to 31<sup>st</sup> Mar 2018)</b>					
	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of Planning Appeals determined	32	30	36	42	140
Total Allowed	17	12	6	12	47
Total Dismissed (%)	15	18	30	30	93
<b>Percentage allowed</b>	<b>53%</b>	<b>40%</b>	<b>17%</b>	<b>29%</b>	<b>33.6%</b>
<i>Note: appeals that were withdrawn, deemed invalid or part allowed/part dismissed are excluded from the figures provided.</i>					

<b>Public Inquiries</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of appeals determined	1	1	3	2	7
Total Allowed	1	1	0	0	2
Total Dismissed	0	0	3	2	5
<b>Percentage allowed</b>	<b>100%</b>	<b>100%</b>	<b>0%</b>	<b>0%</b>	<b>29%</b>

<b>Hearings</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of appeals determined	2	1	4	1	8
Total Allowed	1	0	1	0	2
Total Dismissed	1	1	3	1	6
<b>Percentage allowed</b>	<b>50%</b>	<b>0%</b>	<b>25%</b>	<b>0%</b>	<b>25%</b>

<b>Written representations</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of appeals determined	22	25	15	32	94
Total Allowed	13	11	4	11	39
Total Dismissed	9	14	11	21	55
<b>Percentage allowed</b>	<b>59%</b>	<b>44%</b>	<b>27%</b>	<b>34%</b>	<b>41%</b>

Quarterly Planning Appeals Report

<b>Householder Appeal Service</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of appeals determined	7	3	14	7	31
Total Allowed	2	0	1	1	4
Total Dismissed	5	3	13	6	27
<b>Percentage allowed</b>	<b>29%</b>	<b>0%</b>	<b>7%</b>	<b>14%</b>	<b>13%</b>

**Appeals against Delegated Decisions**

	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of appeals determined	18	18	29	34	99
Total Allowed	8	3	3	8	22
Total Dismissed	10	15	26	26	77
<b>Percentage allowed</b>	<b>44%</b>	<b>17%</b>	<b>10%</b>	<b>23%</b>	<b>22%</b>

**Appeals against Planning Committee Decisions**

	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of appeals determined	14	12	7	7	40
Total Allowed	9	9	3	4	25
Total Dismissed	5	3	4	3	15
<b>Percentage allowed</b>	<b>64%</b>	<b>75%</b>	<b>43%</b>	<b>57%</b>	<b>63%</b>

**Appeals Lodged this year**

	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Public Inquiries	0	3	0	1	4
Hearing	3	3	4	4	14
Written Rep	21	21	19	25	86
Household fast-track	6	11	11	10	38
<b>Total</b>	<b>30</b>	<b>38</b>	<b>34</b>	<b>40*</b>	<b>142</b>

*\*Figures are subject to revision due to delay between date appeals lodged and start date confirmed by PINS.*

**Benchmarking**

**Latest national figures for s78 Planning Appeals**

<b>2017/18</b>				
	<b>Public Inquiry</b>	<b>Hearings</b>	<b>Written Representations</b>	<b>All</b>
Number of appeals determined	307	573	9711	10,591
<b>Percentage allowed</b>	<b>46%</b>	<b>44%</b>	<b>31%</b>	<b>32%</b>

Quarterly Planning Appeals Report

**National figures for Householder Appeal Service**

<b>2017/18</b>	
	<b>Householder</b>
Number of appeals determined	5,290
<b>Percentage allowed</b>	<b>38%</b>

*Source: Planning Inspectorate Statistics 18 July 2018*

**Appendix 2.** Appeals determined 1<sup>st</sup> Jan 2018 – 31<sup>st</sup> March 2018

<b>LPA ref.</b>	<b>Site Address</b>	<b>Development Description (short description)</b>	<b>Decision Level</b>	<b>Procedure</b>	<b>Appeal Outcome</b>	<b>Over-turn?</b>
16/4318N	Land off PARK ROAD, WILLASTON	Outline planning permission for up to 100 residential dwellings	Strategic Planning	Public Inquiry	Dismissed	No
16/4526N	LAND TO REAR OF 71, MAIN ROAD, SHAVINGTON	Full planning permission for 30 dwelling houses including the demolition	Southern Planning	Written Representations	Dismissed	No
17/0295N	Land at Shavington Villa, Rope Lane, Shavington, CW2 5DT	Residential development of up to 29 No. dwellings and associated infrastructure	Southern Planning	Written Representations	Allowed	No
16/5610M	KINGS ARMS SERVICE STATION, ALDERLEY ROAD, WILMSLOW, SK9 1PZ	Change of use of land from a former petrol filling station to a hand car wash	Northern Planning	Written Representations	Allowed	Yes
17/0763M	49, CARRWOOD ROAD, WILMSLOW, SK9 5DJ	Demolition of one two-storey detached dwelling and the construction of two	Northern Planning	Written Representations	Dismissed	Yes
17/1977M	NETHERBROOK, CHORLEY HALL LANE, ALDERLEY EDGE, SK9 7UL	Erection of a single detached dwelling and creation of a new access	Northern Planning	Written Representations	Allowed	Yes
17/2610M	Land between no.3 Seven Sisters Lane and No.4 Seven Sisters Lane, Ollerton, WA16 8RN	Infill Development for 2no. dwellings and associated landscaping.	Northern Planning	Written Representations	Allowed	Yes
16/2402N	Land to the rear of 22, WESTFIELD DRIVE, WISTASTON	Proposed development of Two Detached Houses	Delegation	Written Representations	Dismissed	
16/4306C	Land adjacent 51, MAIN ROAD, GOOSTREY	Erection of 6 dwellings	Delegation	Public Inquiry	Dismissed	
16/5182M	GRASS LANDS NURSERY, FREE GREEN LANE, OVER PEOVER, WA16 9QY	Certificate of Lawful Proposed Use/Development	Delegation	Written Representations	Allowed	
16/5424M	8, LONGDEN LANE, MACCLESFIELD, SK11 7EN	Lawful Development Certificate for use of land as garden	Delegation	Written Representations	Dismissed	
16/5695M	LAND ADJACENT TO FLAT 2A, Brookside, RYLEYS LANE, ALDERLEY EDGE	Erection of one dwelling with associated works (re-submission of 16/2412M)	Delegation	Informal Hearing	Dismissed	

## Quarterly Planning Appeals Report

<b>LPA ref.</b>	<b>Site Address</b>	<b>Development Description (short description)</b>	<b>Decision Level</b>	<b>Procedure</b>	<b>Appeal Outcome</b>	<b>Over-turn?</b>
16/5890C	Glebe Farm, KNUTSFORD ROAD, CRANAGE, CW4 8EF	Certificate of existing lawful development for a static caravan	Delegation	Written Representations	Dismissed	
17/0031M	FAIROAK, WESTON ROAD, WILMSLOW, SK9 2AN	Replacement dwelling	Delegation	Written Representations	Dismissed	
17/0432M	83, Knutsford Road, Row Of Trees, Alderley Edge, SK9 7SH	Demolish existing dwelling and detached double garage and replace with new dwelling	Delegation	Written Representations	Allowed	
17/0475N	BADDILEY LANE FARM, BADDILEY LANE, BADDILEY, CW5 8BP	Double garage with storage room in roof space	Delegation	Written Representations	Allowed	
17/0555M	HAWTHORNE HOUSE, FREE GREEN LANE, OVER PEOVER, WA16 9QY	Certificate of Lawfulness for a proposed home office	Delegation	Written Representations	Dismissed	
17/0955M	CANN LANE FARM, CANN LANE, ASTON BY BUDWORTH, CW9 6LX	Detached Storage Building (Retrospective)	Delegation	Written Representations	Allowed	
17/1160N	THE BYRES, WYBUNBURY LANE, WYBUNBURY, CW5 7HD	New dwelling on land adjacent	Delegation	Written Representations	Allowed	
17/1187C	KNOBS WELL COTTAGE, MOSS LANE, SANDBACH, CW11 3PL	Demolition of existing two storey brick cottage also detached brick faced garage	Delegation	Written Representations	Dismissed	
17/1777N	Land north of the ROYAL OAK, 94, MAIN ROAD, WORLESTON, CW5 6DN	Outline Planning Application for 6No dwellings (33% affordable), With All Matters reserved	Delegation	Written Representations	Dismissed	
17/2163M	33, Buckingham Road, Wilmslow, SK9 5JU	Two storey side extension to existing property	Delegation	Householder Appeal Service	Dismissed	
17/2166M	14, PARK LANE, PICKMERE, WA16 0JX	Proposed detached bungalow	Delegation	Written Representations	Dismissed	
17/2376N	Yew Tree Cottage, CHESTER ROAD, HURLESTON, CW5 6BU	New dwelling & garage	Delegation	Written Representations	Dismissed	

## Quarterly Planning Appeals Report

<b>LPA ref.</b>	<b>Site Address</b>	<b>Development Description (short description)</b>	<b>Decision Level</b>	<b>Procedure</b>	<b>Appeal Outcome</b>	<b>Over-turn?</b>
17/2471N	114, Broad Lane, Stapeley, CW5 7QW	Side and rear two storey extension	Delegation	Householder Appeal Service	Dismissed	
17/2495M	171, LONDON ROAD SOUTH, POYNTON, SK12 1LQ	Removal of existing pitched roof. Construction of first floor extension (Bedroom)	Delegation	Householder Appeal Service	Allowed	
17/2760M	Wildacre, WITHINLEE ROAD, PRESTBURY, SK10 4QE	Replacement dwelling	Delegation	Written Representations	Allowed	
17/2808N	Orchard House, ORCHARD STREET, WILLASTON, CW5 6QW	Change of use from C4 to HMO comprising of 7 bedrooms.	Delegation	Written Representations	Allowed	
17/3053M	THE OAKS, HOPE LANE, ADLINGTON, SK10 4NX	Erection of a two-bay garage, porch and subterranean utility room	Delegation	Householder Appeal Service	Dismissed	
17/3115M	BLACKFORD, WILMSLOW PARK NORTH, WILMSLOW, SK9 2BA	Residential development comprising 6 dwellings	Delegation	Written Representations	Dismissed	
17/3397M	25, BROOKSIDE AVENUE, POYNTON, SK12 1PW	The erection of a new dwelling adjacent to No.25 Brookside Avenue	Delegation	Written Representations	Dismissed	
17/3507M	Little Meadow, MERRYMANS LANE, GREAT WARFORD, SK9 7TN	Removal of Condition F on approved planning application 01/0043P	Delegation	Written Representations	Dismissed	
17/3539M	SVEDALA, SUGAR LANE, ADLINGTON, SK10 5SQ	Erection of new dwelling following the demolition of existing dwelling.	Delegation	Written Representations	Dismissed	
17/3701N	Unit 2 Beam Heath Way, Nantwich	Change of use from B1, B2, B8 and bulky goods to A1 retail	Delegation	Written Representations	Dismissed	
17/3887N	Wrenbury Heath Farm, HEATH LANE, WRENBURY HEATH, CW5 8EF	Outline Planning for erection of 2 detached dwellings with garages and formation of access	Delegation	Written Representations	Dismissed	
17/3895M	8 , School Road, HANDFORTH, SK9 3EZ	1st floor side extension & garage conversion	Delegation	Householder Appeal Service	Dismissed	
17/3921M	MOGGIE LANE FARM, MOGGIE LANE, ADLINGTON, SK10 4NY	Construction of a self-build residential dwelling	Delegation	Written Representations	Dismissed	

## Quarterly Planning Appeals Report

17/3978M	THE WORKSHOP, SHRIGLEY ROAD NORTH, POYNTON	Demolition of the existing structure and the construction of a new 2/3 bed dwelling	Delegation	Written Representations	Dismissed	
17/4183N	Land off AUDLEM ROAD, AUDLEM	Variation of condition 1 on application 13/2224N	Delegation	Written Representations	Dismissed	
17/4598C	SQUIRRELS CHASE, HEMMINGSHAW LANE, ARCLID, CW11 4SY	Construction of a single-storey detached garage outbuilding	Delegation	Householder Appeal Service	Dismissed	
17/4644N	PARK HOUSE FARM BUILDING, PARK LANE, HATHERTON, CW5 7QX	Prior notification for a proposed change of use of agricultural building	Delegation	Written Representations	Dismissed	

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## Quarterly Planning Appeals Report

## Appendix 3. Planning Appeal Statistics 2018/19

<b>All Planning Appeals decided</b>					
<b>Q1 (1<sup>st</sup> Apr 2018 to 30 Jun 2018)</b>					
<b>Q2 (1<sup>st</sup> Jul 2018 to 30<sup>th</sup> Sept 2018)</b>					
<b>Q3 (1<sup>st</sup> Oct 2018 to 31<sup>st</sup> Dec 2018)</b>					
<b>Q4 (1<sup>st</sup> Jan 2019 to 31<sup>st</sup> Mar 2019)</b>					
	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of Planning Appeals determined	30				
Total Allowed	11				
Total Dismissed (%)	19				
<b>Percentage allowed</b>	<b>36.7%</b>				
<i>Note: appeals that were withdrawn, deemed invalid or part allowed/part dismissed are excluded from the figures provided.</i>					

<b>Public Inquiries</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of appeals determined	0				
Total Allowed	0				
Total Dismissed	0				
<b>Percentage allowed</b>	<b>n/a</b>				

<b>Hearings</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of appeals determined	2				
Total Allowed	1				
Total Dismissed	1				
<b>Percentage allowed</b>	<b>50%</b>				

<b>Written representations</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of appeals determined	19				
Total Allowed	5				
Total Dismissed	14				
<b>Percentage allowed</b>	<b>26%</b>				

## Quarterly Planning Appeals Report

<b>Householder Appeal Service</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of appeals determined	9				
Total Allowed	5				
Total Dismissed	4				
<b>Percentage allowed</b>	<b>56%</b>				

**Appeals against Delegated Decisions**

	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of appeals determined	26				
Total Allowed	8				
Total Dismissed	18				
<b>Percentage allowed</b>	<b>31%</b>				

**Appeals against Planning Committee Decisions**

	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Number of appeals determined	4				
Total Allowed	3				
Total Dismissed	1				
<b>Percentage allowed</b>	<b>75%</b>				

**Appeals Lodged this year**

	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Full Year</b>
Public Inquiries	0				
Hearing	0				
Written Rep	10				
Household fast-track	3				
<b>Total</b>	<b>13*</b>				

*\*Figures are subject to future revision due to delay between date appeals lodged and start date confirmed by PINS.*

**Benchmarking****Latest national figures for s78 Planning Appeals**

<b>2017/18</b>				
	<b>Public Inquiry</b>	<b>Hearings</b>	<b>Written Representations</b>	<b>All</b>
Number of appeals determined	307	573	9711	10,591
<b>Percentage allowed</b>	<b>46%</b>	<b>44%</b>	<b>31%</b>	<b>32%</b>

Quarterly Planning Appeals Report

**National figures for Householder Appeal Service**

<b>2017/18</b>	
	<b>Householder</b>
Number of appeals determined	5,290
<b>Percentage allowed</b>	<b>38%</b>

*Source: Planning Inspectorate Statistics 18 July 2018*

**Appendix 4.** Appeals determined 1<sup>st</sup> Apr 2018 – 30<sup>th</sup> June 2018

<b>LPA ref.</b>	<b>Site Address</b>	<b>Development Description (short description)</b>	<b>Decision Level</b>	<b>Procedure</b>	<b>Appeal Outcome</b>	<b>Over-turn?</b>
16/6028N	Land west of NEW ROAD, WRENBURY	Outline planning application for the erection of up to 46 dwellings	Informal Hearing	Southern Planning	Dismissed	No
17/0339N	Land to the north of Little Heath Barns, Audlem Road, Audlem	Erection of retirement living housing (category II type accommodation)	Informal Hearing	Southern Planning	Allowed	Yes
17/4862M	1, ORME CLOSE, PRESTBURY, SK10 4JE	Demolition of the Existing House to be replaced with 2 pairs of New Build Semi-detached dwellings	Written Representations	Northern Planning	Allowed	Yes
17/4952M	LAND TO THE REAR OF 14-18, LONDON ROAD, ALDERLEY EDGE	Proposed demolition of existing building and erection of mixed use office unit and two apartments	Written Representations	Northern Planning	Allowed	Yes
17/2333M	LAND AT Evendine Cottage, NEWTON HALL LANE, MOBBERLEY	Construction of one residential infill dwelling	Written Representations	Delegation	Dismissed	
17/2490M	Hoarded Housing Land, Springfields, Prestbury, SK10 4DW	Full planning permission for the construction of three new dwellings	Written Representations	Delegation	Allowed	
17/2522N	BOOT AND SLIPPER INN, LONG LANE, WETTENHALL, CW7 4DN	Erection of 4 Dwellings	Written Representations	Delegation	Dismissed	
17/3439M	BEAVER LODGE, CASTLE HILL, MOTTRAM ST ANDREW, SK10 4AX	Retention of change of use from ex stables to kennels approved under 16/1887M	Written Representations	Delegation	Dismissed	
17/3698M	Land off NOAHS ARK LANE, GREAT WARFORD	Removal of structures and erection of single dwellinghouse	Written Representations	Delegation	Dismissed	
17/3914N	LAND AT WREXHAM ROAD, BULKELEY	Outline planning application for one dwelling.	Written Representations	Delegation	Allowed	
17/4327M	Land Off Greaves Road, WILMSLOW	Erection of two infill detached houses along with formation of new access	Written Representations	Delegation	Dismissed	
17/4381C	The Cottage, 92, MANOR ROAD, SANDBACH, CW11 2LU	Replacement of a three bed two storey House with a new four bed two storey detached house	Written Representations	Delegation	Dismissed	

## Quarterly Planning Appeals Report

LPA ref.	Site Address	Development Description (short description)	Decision Level	Procedure	Appeal Outcome	Over-turn?
17/4584C	The Old Shippon, Swettenham Lane, Swettenham, CW12 2LB	Single storey oak framed extension. Re-submission of 17/3040C.	Householder Appeal Service	Delegation	Allowed	
17/4637C	9, MEADOW AVENUE, GOOSTREY, CW4 8LS	Retrospective application for the removal of perimeter beech hedge and replacement fence	Householder Appeal Service	Delegation	Dismissed	
17/4640N	254, BROAD STREET, CREWE, CW1 3UB	Extension to existing building and conversion of existing building to create 4no self contained flats	Written Representations	Delegation	Dismissed	
17/4815M	Former Local Authority Depot, LONDON ROAD NORTH, POYNTON	Proposed new commercial garage	Written Representations	Delegation	Dismissed	
17/4847N	13, CHURCH LANE, WISTASTON, CW2 8HB	Proposed two storey side extension comprising car port and new bedroom	Householder Appeal Service	Delegation	Allowed	
17/4858M	LAND AT HIGH NOON, ANCOATS LANE, GREAT WARFORD, WA16 7AT	Outline application for 1) Demolition of existing buildings	Written Representations	Delegation	Allowed	
17/4912M	OAK COTTAGE, DOOLEYS LANE, WILMSLOW, SK9 5NX	Replacement Dwelling	Written Representations	Delegation	Dismissed	
17/4921C	76, PALMER ROAD, SANDBACH, CW11 4EZ	Front extension to form larger garage	Householder Appeal Service	Delegation	Allowed	
17/5180M	Land north of NEWGATE, WILMSLOW	Application for the construction of an agricultural barn for the stabling of horses	Written Representations	Delegation	Dismissed	
17/5248M	LAND SOUTH OF HARRINGTON ARMS, LEEK ROAD, BOSLEY	Proposed dwelling	Written Representations	Delegation	Dismissed	
17/5431M	6, SHRIGLEY ROAD NORTH, POYNTON, SK12 1TE	First floor side extension and part two-storey/part single-storey rear extension	Householder Appeal Service	Delegation	Dismissed	
17/5463M	PEACOCK LODGE, PEACOCK LANE, HIGH LEGH, WA16 6NT	Alterations to existing dwelling and Conversion of garage building to living accommodation	Householder Appeal Service	Delegation	Dismissed	
17/5527C	Hall Farm, Giantswood Lane, Somerford Booths, CW12 2JR	Change of use of an existing 1no one-bedroom apartment and associated stables	Written Representations	Delegation	Dismissed	

## Quarterly Planning Appeals Report

<b>LPA ref.</b>	<b>Site Address</b>	<b>Development Description (short description)</b>	<b>Decision Level</b>	<b>Procedure</b>	<b>Appeal Outcome</b>	<b>Over-turn?</b>
17/5839M	OAKLEIGH, CHILDS LANE, BROWNLOW, CW12 4TG	Demolition of existing glasshouses and construction of infill residential dwelling	Written Representations	Delegation	Dismissed	
17/6267M	50, GROVE PARK, KNUTSFORD, WA16 8QB	Variation of conditions on approval 17/4285M - Proposed two storey side extension	Householder Appeal Service	Delegation	Allowed	
17/6344C	17, BROOKLANDS DRIVE, GOOSTREY, CW4 8JB	FORM FIRST FLOOR FRONT FACING EXTENSION AND GROUND FLOOR FRONT FACING EXTENSION,	Householder Appeal Service	Delegation	Allowed	
17/6444M	HEATHERSLADE, CHESTER ROAD, MERE, WA16 6LG	Demolition of existing dwelling and erection of replacement single dwelling	Written Representations	Delegation	Dismissed	
18/0120M	BROOK COTTAGE, CHAPEL LANE, MERE, WA16 6PP	Part two and part single storey rear extension	Householder Appeal Service	Delegation	Dismissed	