

Southern Planning Committee

Agenda

Date: Wednesday, 9th January, 2019
Time: 10.00 am
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

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

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

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

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

1. **Apologies for Absence**

To receive apologies for absence.

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

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

3. **Minutes of Previous Meeting** (Pages 3 - 12)

To approve the minutes of the meeting held on 28 November 2018.

Please contact Julie Zientek on 01270 686466

E-Mail: julie.zientek@cheshireeast.gov.uk with any apologies or requests for further information

Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

4. **Public Speaking**

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

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

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

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

5. **18/5040N Land At Mill Street And, Lockitt Street, Crewe: Hybrid Planning Application comprising (1) Full Planning Application for the erection of two Class A1 retail units and one Class A1/A3 unit with associated car parking and servicing areas, access, landscaping and associated works, including relocation of electricity sub-station, following demolition of existing structures and (2) Outline Planning Application with all matters reserved except for access for the erection of up to 70 dwellings with associated infrastructure for M Freeman, Clowes Developments (North West) Limited (Pages 13 - 34)**

To consider the above planning application.

6. **18/4879N Northern Dairies, Groby Road, Crewe CW1 4PE: Change of use from Milk Dairy Storage and Distribution (B8) to metal fabrication company with associated workshops, offices and yard (B2) (re-submission of 18/1270N) for Mr Paul Carruthers, Pegasus Mechanical Installations Limited (Pages 35 - 46)**

To consider the above planning application.

7. **18/3879N Ridley House Farm, Whitchurch Road, Ridley CW6 9RX: Conversion of the traditional barn into two residential units (Use Class C3) for Cheshire East Council (Pages 47 - 54)**

To consider the above planning application.

8. **17/4974N Land Off Crewe Road, Haslington CW1 5RT: Reserved matters application for details relating to appearance, layout, scale and landscaping for 13 new residential dwellings following outline approval application reference 13/5248N for c/o Trafford Housing Trust Developments Ltd (Pages 55 - 64)**

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 28th November, 2018 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor J Wray (Chairman)
Councillor A Kolker (Vice-Chairman)

Councillors Rhoda Bailey, P Butterill, J Bratherton, J Clowes, S Davies,
S Edgar (for Cllr Deakin), S Pochin, J Rhodes and B Walmsley

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors C Green, P Groves, D Marren and G Merry

OFFICERS PRESENT

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

Apologies

Councillors D Bebbington and M Deakin

34 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

All Members of the Committee declared that they had received
correspondence with regard to application number 18/3123N.

With regard to application number 18/4123N, Councillor S Edgar declared
that he was a member of Weston and Basford Parish Council. He had not
discussed this application and had kept an open mind.

With regard to application number 18/4558N, Councillor J Clowes declared
that she had called in the application on behalf of Hough and Chorlton
Parish Council but that she had kept an open mind.

With regard to application number 18/3123N, Councillor B Walmsley
declared that she was a Director of The Skills and Growth Company but
she had not discussed the application.

Councillor J Bratherton declared that she had made up her mind with
regard to application number 18/3123N and had signed the petition in
support of the application.

35 **MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 31 October 2018 be approved as a correct record and signed by the Chairman.

36 **18/3123N LAND SOUTH EAST OF CREWE ROAD ROADABOUT, UNIVERSITY WAY, CREWE: ERECTION OF A NEW FOODSTORE (USE CLASS A1), ACCESS, SUBSTATION AND ASSOCIATED CAR PARKING AND LANDSCAPING FOR MR GEORGE BROWN, ALDI STORES LIMITED**

Note: Having declared that she had pre-determined the application, Councillor J Bratherton withdrew from the meeting for the duration of the Committee's consideration of this item.

Note: Councillor D Marren (Ward Councillor), Parish Councillor R Spruce (on behalf of Crewe Green Parish Council), Mr M Stockton (supporter) and Mr G Brown (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Principal Planning Officer reported that a petition had been received just prior to the meeting.

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

RESOLVED

- (a) That, for the reasons set out in the report and the written update, the application be REFUSED for the following reasons:
1. The proposed development is located within an area allocated for employment uses as part of Policy E.1.1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The loss of the site for employment purposes would not maintain an adequate and flexible supply of employment land within this part of the Borough and insufficient reasons have been advanced to justify a departure from this policy. As a result the proposed development would be contrary to Policy E.1.1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011, Policy EG3 of the Cheshire East Local Plan Strategy and guidance contained within the NPPF.
 2. The Local Planning Authority considers that insufficient information has been provided by the applicant to demonstrate that the Grand Junction Retail Park site is unsuitable for the proposed development, and accordingly, that the application site does not represent a sequentially preferable alternative. The proposed development is contrary to Policy PG 5 of the CELPS and the NPPF.
 3. There is a small population of Great Crested Newts present at a pond a short distance from the application site and this proposed

development would result in a Medium Level adverse impact on this species as a result of the loss of terrestrial habitat and the risk of any newts present on site being killed or injured during the construction process. The proposed development fails two of the tests contained within the Habitats Directive and as a result would also be contrary to Policies NE.9 of the Crewe and Nantwich Replacement Local Plan 2011 and SE 3 of the Cheshire East Local Plan Strategy and guidance contained within the NPPF.

4. The proposed development would result in less than substantial harm to the heritage assets which adjoin the site. As the principle of the proposed development on a site allocated for employment uses is not accepted there are not considered to be public benefits which outweigh the harm. The proposed development is contrary to Policy SE 7 of the Cheshire East Local Plan Strategy, BE.7 of the Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.

(b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, before issue of the decision notice.

**37 18/3220C TRAINING CENTRE, HILL STREET, SANDBACH, CW11 3JE:
ERECTION OF A THREE STOREY RESIDENTIAL DEVELOPMENT
COMPRISING 26 APARTMENTS (USE CLASS C3), PARKING,
ASSOCIATED ACCESS, LANDSCAPING AND SERVICING FOR
MILLENNIUM DEVELOPMENTS**

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

Note: Councillor G Merry (Ward Councillor), and Mr M Dixon and Mr M Gore (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 and an oral report of the site inspection.

RESOLVED

(a) That authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman of Southern Planning Committee and the Ward Member, to APPROVE the application for the reasons set out in the report, subject to

- An amended layout to show additional parking within the site
- Details of a covered cycle store

- Details of a covered bin store
- A S106 Agreement to secure:

S106	Amount	Triggers
Affordable Housing	30% (or more) - 65% Affordable Rent / 35% Intermediate Submission of affordable housing statement	If any market housing, 50% open market occupied prior to affordable provision. Prior to issuing of decision notice
Education	Primary: £43,385 Secondary: £49,028 Total: £92,431	Primary contribution – Prior to occupation Secondary contribution – Prior to occupation of 50%
Health	£17,424 (Ashfields Primary Care Centre)	100% prior to first occupation
Public Open Space	£6,092 (Thornbrook Way Play Area) £17,379.50 for maintenance over 25 years	Prior to occupation of 50%

- The following conditions:
 1. Time (3 years)
 2. Plans
 3. Prior submission/approval of facing/roofing materials including; cladding – *Prior to use of*
 4. Prior submission/approval of fenestration details – *Prior to installation of*
 5. Prior submission/approval of rainwater goods details – *Prior to installation of*
 6. Green roof area use restricted to maintenance purposes only
 7. Obscure glazing – First-floor side elevation windows – *Prior to occupation*
 8. Noise mitigation – Implementation
 9. Prior submission/approval of piling method statement
 10. Prior submission/approval of dust mitigation scheme
 11. Prior submission/approval of Environmental Management Plan
 12. Prior submission/approval of residents travel information pack – *Prior to occupation*
 13. Provision of electric vehicle charging infrastructure
 14. Prior submission/approval of Phase II contaminated land report
 15. Submission/approval of verification report
 16. Prior submission/approval of soil verification report
 17. Works to stop if contamination is identified
 18. Prior submission/approval of Construction Management Plan
 19. Prior submission/approval of updated landscaping scheme – *Prior to occupation*
 20. Landscape - Implementation
 21. Prior submission/approval of boundary treatment details – *Prior to installation of*

22. Nesting birds
23. Prior submission/approval of features to enhance the biodiversity value of proposals – features for nesting birds (incl house sparrows) and bats, a wildlife pond and native species planting – *Prior to occupation*
24. Prior submission/approval of updated drainage strategy & associated sustainable management and maintenance plan
25. Foul and surface water be drained on separate systems
26. Prior submission/approval of levels

(b) That, should this application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

S106	Amount	Triggers
Affordable Housing	30% (or more) - 65% Affordable Rent / 35% Intermediate Submission of affordable housing statement	If any market housing, 50% open market occupied prior to affordable provision. Prior to issuing of decision notice
Education	Primary: £43,385 Secondary: £49,028 Total: £92,431	Primary contribution – Prior to occupation Secondary contribution – Prior to occupation of 50%
Health	£17,424 (Ashfields Primary Care Centre)	100% prior to first occupation
Public Open Space	£6,092 (Thornbrook Way Play Area) £17,379.50 for maintenance over 25 years	Prior to occupation of 50%

(c) That, in order to give proper effect to the Committee’s intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, before issue of the decision notice.

38 18/4771N BOOT AND SLIPPER INN, LONG LANE, WETTENHALL, CHESHIRE, CW7 4DN: ERECTION OF 3 DWELLINGS FOR ATKINSON, COMMERCIAL DEVELOPMENT PROJECTS LTD

Note: Councillor B Walmsley left the meeting prior to consideration of this application.

Note: Councillor C Green (Ward Councillor), Parish Councillor S Twigg (on behalf of Cholmondeston & Wettenhall Parish Council) and Mr S Goodwin (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be REFUSED for the following reasons:
1. The proposed development is considered to be unacceptable in principle. The development site is situated within the open countryside where there is a presumption against unacceptable, unsustainable development. It is considered that, although the site is a brownfield site, the proposed development would harm the character and appearance of the open countryside. The proposal is therefore considered to be unacceptable and contrary to Policies SD2, SE1, and PG6 of the Cheshire East Local Plan Strategy, and saved Policies RES.5 and BE.1 of the Crewe and Nantwich Replacement Local Plan, and the National Planning Policy Framework.
 2. The proposed development would result in the threat of continued health and life expectancy of a Veteran Oak Tree which is covered by a TPO; and raises concerns over social proximity to the proposed development. The proposal is therefore considered to be unacceptable and contrary to Policies SE3 and SE5 of the Cheshire East Local Plan Policy, the Standing Advice of Natural England, and the National Planning Policy Framework.
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, before issue of the decision notice.

39 18/2925N NEW START PARK, WETTENHALL ROAD, REASEHEATH, CW5 6EL: REMOVAL OF PLANNING CONDITION 1 (3 YEARS) TO MAKE PERMISSION PERMANENT TO PLANNING APPLICATION 15/4060N FOR MR THOMAS HAMILTON

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

Note: Councillor C Green (Ward Councillor), Parish Councillor A Hudson (on behalf of Worleston & District Parish Council) and Mr Hamilton (applicant) attended the meeting and addressed the Committee on this matter.

Note: Mr E Roberts had not registered his intention to address the Committee on behalf of objectors. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Mr Roberts to speak.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be granted for a further temporary period, subject to the following conditions:
1. Temporary Time period – 3rd June 2021
 2. Occupation of the site
 3. Amount of pitches
 4. Vehicle tonnage
 5. Commercial activities
 6. Reinstatement of Land when use ends
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, before issue of the decision notice.

40 **18/4123N WESTON HALL, COMMERCIAL COMPLEX, MAIN ROAD, WESTON: CHANGE OF USE OF BUILDINGS AND AREAS OF HARDSTANDING TO B8 (STORAGE & DISTRIBUTION) USE, REPLACEMENT OF REDUNDANT BUILDINGS AND ERECTION OF NEW BUILDINGS AND AREAS OF HARDSTANDING FOR B8 (STORAGE & DISTRIBUTION) USE, ANCILLARY OFFICES, AND ASSOCIATED WORKS FOR C/O INDIGO PLANNING**

Note: Councillor D Marren (Ward Councillor), Mr P Reilly (supporter) and Mr J Warrington (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Mr S Clarke had registered his intention to address the Committee on behalf of the applicant but was not in attendance at the meeting.

The Principal Planning Officer reported that HS2 had confirmed that they had no comments regarding this application.

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

RESOLVED

- (a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to the following conditions:
1. Standard
 2. Approved plans
 3. Details of materials

4. Contaminated land - submission of a remediation strategy
5. Contaminated land - submission of a verification report
6. Contaminated land – importation of soil
7. Contaminated land - works to stop if further unknown contaminated land is uncovered
8. Provision of noise mitigation
9. Hours of operation
10. Electric Vehicle Charging Provision
11. Provision of cycle parking
12. Protection of nesting birds
13. Inclusion of features for breeding birds
14. Updated badger Survey
15. Compliance with FRA
16. Details of Surface water drainage
17. Landscaping details, including trees to the SW boundary
18. Implementation of landscaping
19. Tree protection scheme
20. Submission of Site Management Plan, including traffic management on entering and leaving the site
21. Prior to occupation details of how each unit will secure at least 10 per cent of its predicted energy requirements from decentralised and renewable or low carbon sources

(b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, before issue of the decision notice.

41 18/4558N THE STABLES, 95 COBBS LANE, HOUGH, CREWE, CW2 5JN: PROPOSED CHANGE OF USE AND ALTERATIONS TO FORMER STABLES TO FORM SINGLE DWELLING FOR MR SIMON CLUTTON

Note: Parish Councillor R Dodd (on behalf of Hough and Chorlton Parish Council) and Ms H Leggett (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 and an oral report of the site inspection.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Time limit for commencement of development (3 years)
2. Approved Plans
3. Materials as per application
4. Scheme of landscaping to be submitted and approved by the LPA- inc hedgerows to be retained
5. Boundary treatments to be submitted and approved by the LPA
6. Drainage scheme be submitted and approved by the LPA

7. Removal of PD (extensions/alterations, gates, walls, fences, enclosures)
8. Submission of piling method statement (if applicable)
9. Submission of scheme to minimise dust emissions
10. Provision of electric vehicle infrastructure
11. Contaminated land
12. Breeding bird survey (1st March – 31st August) prior to removal of vegetation or conversion of building
13. No damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way
14. Vehicle movements are arranged so as not to unreasonably interfere with the public's use of the way
15. The safety of members of the public using the right of way is ensured at all times

Informatives:

1. NPPF

42 18/0775N THE ROOKERY, 125 HOSPITAL STREET, NANTWICH, CHESHIRE, CW5 5RU: 2NO NEW BUILD DWELLINGS LOCATED WITHIN THE YARD/OUT BUILDING AREA(S) FOR MR CRAIG ODAMS

Note: Councillor S Pochin declared that she knew the developer and left the meeting prior to consideration of this application.

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

Note: Councillor P Groves (Ward Councillor) and Mr C Odams (applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

- (a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to the following conditions:
 1. Development in accordance with the approved plans
 2. Materials to be submitted to the LPA and approved in writing
 3. All windows to be timber – details to be submitted and approved
 4. Window reveal of 50mm to be provided
 5. Black metal rainwater goods to be provided
 6. Internal curtilage fencing to be restricted to 1m
 7. Landscaping scheme to be implemented
 8. Tree Survey / Pruning schedule
 9. Tree protection measures
 10. Surfacing materials
 11. Soil importation
 12. Unexpected contaminated land
 13. Details of any external lighting

14. Dust management plan
 15. Cycle storage to be submitted and approved, no taller than 1.8m
 16. Bin storage
 17. Electrical Vehicle infrastructure
 18. Archaeological programme of works
 19. Amended access and kerb arrangement
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in his absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, before issue of the decision notice.

The meeting commenced at 10.00 am and concluded at 3.42 pm

Councillor J Wray (Chairman)

Application No: 18/5040N

Location: Land At Mill Street And, Lockitt Street, Crewe

Proposal: Hybrid Planning Application comprising (1) Full Planning Application for the erection of two Class A1 retail units and one Class A1/A3 unit with associated car parking and servicing areas, access, landscaping and associated works, including relocation of electricity sub-station, following demolition of existing structures and (2) Outline Planning Application with all matters reserved except for access for the erection of up to 70 dwellings with associated infrastructure.

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

Expiry Date: 10-Jan-2019

SUMMARY

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

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

The development would have a neutral impact upon, trees, ecology, flooding, living conditions, design contaminated land. The highway impacts are undetermined at present.

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

Applying the tests within paragraph 11 it is not considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development does not constitute sustainable development and should therefore be refused.

RECOMMENDATION

REFUSE

PROPOSAL

This is a hybrid planning application comprising:

- 1) Full Planning Application for the erection of two Class A1 retail units and one Class A1/A3 unit with associated car parking and servicing areas, access, landscaping and associated works, including relocation of electricity sub-station, following demolition of existing structures
- 2) Outline Planning Application with all matters reserved except for access for the erection of up to 70 dwellings with associated infrastructure.

SITE DESCRIPTION

The site consists of a 3.59 hectare area comprising of a mixture of partly occupied single storey general industrial, warehouse buildings and is bound to the north and east by railway lines filtering into Crewe railway station, to the south by residential properties and to the west by Mill Street with a further mix of residential and commercial properties.

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

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

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

RELEVANT HISTORY

17/5016N – Hybrid planning application comprising (1) Full Planning Application for the erection of two Class A1 retail units and one Class A1/A3 unit with associated car parking and servicing areas, access, landscaping and associated works, including relocation of electricity sub-station, following demolition of existing buildings and structures; (2) Outline Planning Application with all matters reserved except for access for the erection of up to 53 dwellings with associated infrastructure – refused 08-Feb-2018 for the following reasons:

- 1) *The proposed development by reason of design and siting away from the road frontage would be contrary to the existing pattern of development, would not reflect Crewe's railway heritage, would not provide adequate green spaces and would not provide safe/adequate pedestrian and cycle links to the railway and town centre. The proposal would therefore fail to provide a high quality or attractive environment and would be contrary to Policies SE1, LPS1, SD1, SD2, SE6 of the Cheshire East Local Plan, Saved Policy S12.2 of the Crewe and Nantwich Local Plan, The Cheshire East Design Guide SPD, Crewe Rail Gateway Adopted Development Brief and the NPPF.*
- 2) *Insufficient information has been provided to inform an assessment of the highway impacts of the proposal. The submitted Transport Assessment does not assess the impact upon the local highway network including the junction of Mill Street/Nantwich Road which is within the Infrastructure Delivery Plan. The proposal is therefore contrary to Policies SD1 (Sustainable Development in Cheshire East),*

SD2 (Sustainable Development Principles), CO4 (Travel Plans and Transport Assessments) of the Cheshire East Local Plan Strategy and the NPPF.

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

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

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

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

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

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

DIFFERENCE TO THE REFUSED SCHEME

The current proposal seeks the following changes to the refused scheme:

- Siting the smaller A3 coffee shop unit closer to the road frontage, previously set back in line with the main buildings
- Slight alteration to design of the retail units to attempt to incorporate features reflecting Crewe's railway heritage
- Increase in housing numbers to up to 70 and 100% affordable, previously up to 53 dwellings and 30% affordable
- Indicative plan showing fewer number on residential properties which would not be in apartment blocks, previously indicated individual housing units
- Further justification for the layout of the proposal
- Changes to cycle/footpaths and landscaping

NATIONAL & LOCAL POLICY

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

124-132 Achieving well-designed places

59-72 Delivering a sufficient supply of homes

80-82 Building a strong, competitive economy

85-90 Ensuring the vitality of town centres
117-121 Making effective use of land

Development Plan

Cheshire East Local Plan Strategy – Adopted Version (CELPS)

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

MP1 – Presumption in Favour of Sustainable Development
PG1 – Overall Development Strategy
PG2 – Settlement Hierarchy
PG7 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 – Sustainable Development in Cheshire East
SD2 – Sustainable Development Principles
SE5 – Trees, Hedgerows and Woodland
SE 1 – Design
SE 2 – Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE 5 – Trees, Hedgerows and Woodland
SE12 – Pollution, Land Contamination and Land Instability
SE 13 – Flood Risk and Water Management
SE 6 – Green Infrastructure
SE7 – The Historic Environment
IN1 – Infrastructure
IN2 – Developer Contributions
EG1 Economic Prosperity
EG5 – Promoting a Town Centre First Approach to Retail and Commerce
LPS1 – Central Crewe
CO1 – Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments

Crewe and Nantwich Local Plan

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

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

Supplementary Planning Documents:

Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Development on Backland and Gardens
Crewe Rail Gateway Adopted Development Brief
The Cheshire East Design Guide SPD
Crewe Hub Station Area Action Plan (CHSAAP at preparation stage)
Draft Crewe Town Centre Strategy 2012
Crewe Town Centre Regeneration Delivery Framework for Growth 2015
HS2 Masterplan.

CONSULTATIONS

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

CEC Flood Risk Manager: No comments received at the time of writing the report

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

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

CEC Housing: No objection

CEC Public Rights of Way: No objection

CEC Open Space: The proposed small pockets of landscaping provide a visual amenity, but offer little useful open space. The plan still does not address the need for a minimum of 40m² per dwelling combined amenity green space and children and young person provision in line with Table 13.1 contained within CELP Policy SE6.

If the design remains in its current layout a contribution to mitigate its impact of the development of £3,000 per family dwelling or £1,500 per bed space in apartments for off site provision to be used at Westminster Street.

NHS: No objection subject to contribution to support the development of Millcroft and Earnswood Medical Centres

United Utilities: No objection subject to drainage conditions and advising the applicant contacts UU Property Services team to discuss how the proposals may interact with the easement

Environment Agency: No objection subject to condition requiring a remediation strategy, verification report and piling. A number of advisory notes are also offered to the applicant most notably regarding the culvert on site

HS2: No objection

HSE: No comments received but comments for the initial application raised no objection but advisory notes offered to the applicant

Cadent Gas: No objection but advisory notes offered to the applicant

Network Rail: Advisory notes offered to the applicant

VIEWS OF THE PARISH/TOWN COUNCIL

Crewe Town Council – The Town Council supports the principle of this development, subject to the following modifications to its detail:

- Improvements to the building facades with higher quality materials reflecting local vernacular, for example using red brick on the end elevations.
- Ensuring good access for disabled customers with provision for mobility scooters
- A denser planting scheme with as many trees as possible. Where necessary to protect pedestrian safety standard or heavy standard trees should be used within the car park to ensure visibility. The scheme should include plant varieties suited to absorbing traffic pollution
- The inclusion of electric vehicle charging points
- Creating a more attractive, direct, safe and user friendly footpath and cycleway across the site as part of the route from the station to the town centre.

The Town Council stresses the importance of the last point.

REPRESENTATIONS

Letters received from 20 households regarding the following:

Support

- Regeneration and market choice
- Affordable homes
- Employment opportunities
- Would limit antisocial behaviour
- Heritage features and re-use of existing bricks is supported

Objection

- Proposal is a threat to the ability to successfully implement the Royal Arcade development.
- Policy LPS1 is out of date
- Sequential and impact tests required
- Transport assessment not adequate
- Proposal will make worse existing traffic issues
- Poor pedestrian and cycle links
- Impact on air quality
- Impact on health
- Too many houses proposed
- Coffee shop not needed

APPRAISAL

Principle of Development

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

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

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

Points 1 and 14 of Policy LPS1 support the delivery of retail and housing (at approximately 40 dwellings per hectare for housing). The current proposal seeks to provide retail and housing and as such proposes the delivery of a mixed use scheme on the site. The number of houses proposed is up to 70 which more or less complies with the dwellings per hectare requirement for the housing element which equates to approximately 1.3 hectares of land (total site area including retail is 3.6 hectares). As a result the proposal is considered to be consistent with Policy LPS1 in terms of pure land use.

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

Point 14 of the Policy LPS1 requires the creation of pedestrian and cycle links to the railway station and the town centre. It is noted that the application does propose to include links which have been amended from that originally provided however the links do not integrate into the site rather than skirt around it. The route to the south of the site would appear visually separated from the proposal as it appears to stop short leaving a very small gap to the section of the site running parallel with Wesley Place. Therefore it is not considered to create a safe and secure route between the railway station and the town centre and could in fact encourage antisocial behaviour given the enclosed alley to be created. Therefore it is not considered that the proposed pedestrian and cycle routes would encourage the use of such routes by cyclists and pedestrians. It also fails to show any connection within the site between the retail and housing scheme with no integration between the two.

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

Whilst the proposal is a slight improvement on the previous application, in that it provides additional green areas, the small pockets of landscaping offer little useful open space. The plan still does not address the need for a minimum of 40m² per dwelling combined amenity green space and children and young person provision in line with Table 13.1 contained within CELP Policy SE6.

In addition to the above requirements, all major employment and other developments should also provide green space as a matter of good design and to support health and well-being. Again although there is some visual amenity space, no provision for staff to relax and enjoy their lunch or take breaks appear to be provided.

Point (a) of the Policy LPS1 requires the creation of stronger physical connections between the town centre, the railway station and Grand Junction. It is considered that development currently proposed does not support, in design terms, connections as intended by the policy. It is considered that the proposals do not meet the requirements of points (d) and (e) of Policy LPS1 or Policy SE1 Design, with regard to high design quality and the provision of green infrastructure. The site lies in a highly prominent location, on a key route into and out of the town centre. Its layout and design should therefore reflect its location. The proposal is however dominated by and includes a vast expanse of car parking, adjacent to the highway, with very little landscaping/additional green infrastructure proposed with most of the buildings being set well back from the road frontage. Whilst the revised plans have sited the smaller unit 3 (drive through coffee) closer to the road frontage, this does little to address the concern raised in the previous application in that the site would be heavily dominated by parked cars. Given that the main larger buildings would remain sited towards the rear of the site, well away from the road frontage it is not considered that the amended layout would reflect the existing character of the area where properties are sited in predominantly uniform build lines fronting the road and would not therefore result in a high quality or attractive environment, nor would it provide an active frontage to Mill Street.

Point (d) of Policy LPS1 advises that 'new buildings should be of high quality design and respond to Crewe's railway heritage and contemporary living'. Whilst the proposal does seek to incorporate railway arches as is seen at the nearby Tesco store this is not considered to be high quality design and merely mimics an existing low quality feature. No attempt had been made to reflect red brick character of the area/heritage aspects. It is also questioned as to how the proposal would provide contemporary living as this is shown as being sited directly adjacent to the railway which would result in poor outlook to future occupants and the need have mechanical ventilation to off-set noise and potential fumes from the railway which would not result in the creation of a quality environment for future occupiers. Whilst the housing element of the proposal is only submitted in outline form, it is not considered that the location of the housing would change as the retail elements utilise the remainder of the site leaving no alternate location for the housing other than the space backing onto the railway.

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

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

Housing Land Supply

The Cheshire East Local Plan Strategy was adopted on the 27th July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

Planning law requires that applications for planning permission be determined in accordance with the development plan. Where a planning application conflicts with an up-to-date development plan (including

any neighbourhood plans that form part of the development plan), permission should not usually be granted.

The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These are:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Where the Housing Delivery Test Result indicates that the delivery of housing was substantially below 25% of housing required over the previous three years. This result will be published in November by the Ministry of Housing, Communities and Local Government (MHCLG).

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2018) was published on the 6th November 2018. The report confirms:

- A five year housing requirement of 12,630 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of an appropriate buffer.
- A deliverable five year housing land supply of 7.2 years (18,250 dwellings).
- Housing delivery over the previous three years (5,556 dwellings) has exceeded both the Cheshire East adopted housing requirement (5,400 dwellings) and the Local Housing Need figure (3,100 dwellings).

Relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged.

Affordable Housing

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

This is a proposed Hybrid outline development of 70 dwellings which according to the application are to 100% Affordable.

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

The current number of those on the Cheshire Homechoice waiting list with Crewe as their first choice is 2001. This can be broken down to 901 x one bedroom, 627 x two bedroom, 290 x three bedroom 102 x four bedroom and 81 x five bedroom dwellings.

The SHMA 2013 showed the majority of the house type demand annually in Crewe is for 50 x one bedroom, 149 x two bedroom and 37 x four+ bedroom dwellings for general needs. The SHMA also

showed a requirement 12 x one bedroom and 20 x two bedroom dwellings for older persons. These can be via ground floor flats, cottage style flats, bungalows and lifetime standard homes.

On this site a mix of 1, 2, 3 and 4 bedroom dwellings would be acceptable, including older persons accommodation. 46 units should be provided as Affordable rent and 24 units as Intermediate tenure.

However as the housing element is an outline form the correct mix of dwellings could be secured as part of a S106 Agreement.

Retail Impact

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

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

Representations have been received suggesting that policy LPS1 is out of date as the evidence base relied on the retail/housing scheme approved on the site under ref P07/0639. Now that the permission has lapsed it is alleged that there has been a change in circumstances that results in the planning policy reference being 'out of date'. The objection therefore advocates that the applicant at Mill Street should prepare a sequential test in line with Para 86 of the revised NPPF as 'not in a town centre or in accordance with a up-to-date Plan'. The objection also states that the applicant should prepare a impact test in line with para 80 of the revised NPPF along the same lines.

In this case the Council consider that the lapsed permission does not affect the wording of the policy, only the justification, which only formed part of the evidence that informed the development plan process. Developers promoting their development have the right to rely on the development plan policy, unless superseded by a later plan. Circumstances do change over time however the planning permission merely served to bolster the evidence case for the Plan at the time. But the policy was specific i.e. that Mill Street was considered suitable for up to 5,000sqm of retail space. This remains the case today.

Open Space

Local Plan Policy SE6 – Green Infrastructure

The developer has provided an illustrative master plan with indicative housing types and numbers. Until the housing schedule is finalised it is not possible to accurately calculate the Public Open Space (POS) requirements. However, there is a public open space requirement of 40m² per dwelling combined amenity green space and children and young person provision or £3,000 per family dwelling or £1,500 per bed space in apartments for off site provision.

This new application is a slight improvement on the previous application 17/5016N in that it helps to green the urban environment and provides buffer landscaping/planting for the residential units which should help to reduce noise levels from the adjacent railway line albeit marginal.

Small pockets of landscaping provide a visual amenity, but offer little useful open space. The plan still does not address the need for a minimum of 40m² per dwelling combined amenity green space and children and young person provision in line with Table 13.1 contained within CELP Policy SE6.

In addition to the above requirements all major employment and other developments should also provide green space as a matter of good design and to support health and well-being. Again although there are some visual amenity space, no provision for staff to relax and enjoy their lunch or take breaks appear to be provided.

Therefore ANSA have advised that a commuted sum will be required for off site provision of Public Open Space specifically for recreational facilities for young people and access improvements on Westminster Street.

There is a small area of green infrastructure to the south west adjacent to the residential area which could possibly support a picnic/seating area for the retail units with additional directional signage from the retail park. There is a pedestrian crossing across Lockett Street which could link to the path that cuts through the small pocket of green space further linking to the pedestrian/cycle blue route shown on the Cycle Path Options Plan Dwg. 15261. It should be noted that any combined pedestrian/cycle routes should be a minimum of 3m wide. This could provide a small sustainable healthy walking route for employees giving them a green environment to enjoy breaks. Residents may also use this area, but is no substitute for the space required by policy.

Both the Open Survey and Green Space Strategy identifies central/southern Crewe has poor access to good quality amenity green space and a shortage in provision and accessibility to children's facilities therefore at least some of that requirement should be provided on site.

Local Plan Policy SC2 - Indoor and Outdoor Sport Facilities

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

Education

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

Health

The South Cheshire Commissioning Group (SCCG) have devolved powers to act on behalf of the NHS. In this instance they have requested a contribution of £51,480 to support the development of Millcroft and Earnswood Medical Centres

Having considered the contents of the response from the SCCG, officers are satisfied that the requested contribution of £51,480 is CIL compliant subject to confirmation of the exact number of houses to come forward, therefore a calculation will be used in any 106 rather than the specified amount which would change depending on final housing numbers. This is because the NHS plan is at an advanced stage.

The comments from the SCCG also provides calculations of how the requested contribution was derived and a specific scheme has been noted as to where the money will be spent which is to support the existing medical practice.

As a result the contribution is considered to be both reasonable and necessary and should be secured by way of section 106.

Location of the site

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

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

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

Residential Amenity

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

The closest building Unit 1, would be sited 35m to the nearest facing windows of the closest property on Wesley Place to the south. This distance is sufficient to prevent any significant harm through overbearing impact, overshadowing or loss of privacy. The proposed car parking area would be sited 4m from the rear boundaries of properties on Wesley Place. The plans show that a green strip would be provided at this location which could be used to screen the car park and this could be secured by condition. There is likely to be some noise and general disturbance from its use but this would also be the case from the existing lawful use of the site. Similarly the opening hours of the units could be secure by condition to prevent use of the units during unsocial hours.

The units would be sited 50m to the nearest facing windows of Waverly Court to the south and 70m to properties on Mill Street to the West. These distances are considered sufficient to prevent significant harm to living conditions. Again any issues of noise and disturbance could be limited by planting condition restricting the opening hours of the units.

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

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

Contaminated Land

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

Highways

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

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

Trees

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

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

The Council's tree officer has also advised that the proposal represents no arboriculture implications.

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

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

Design

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

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

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

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

character as it seeks to site the larger buildings well back from the existing build line by approximately 90m with the creation of a large car parking area fronting the road.

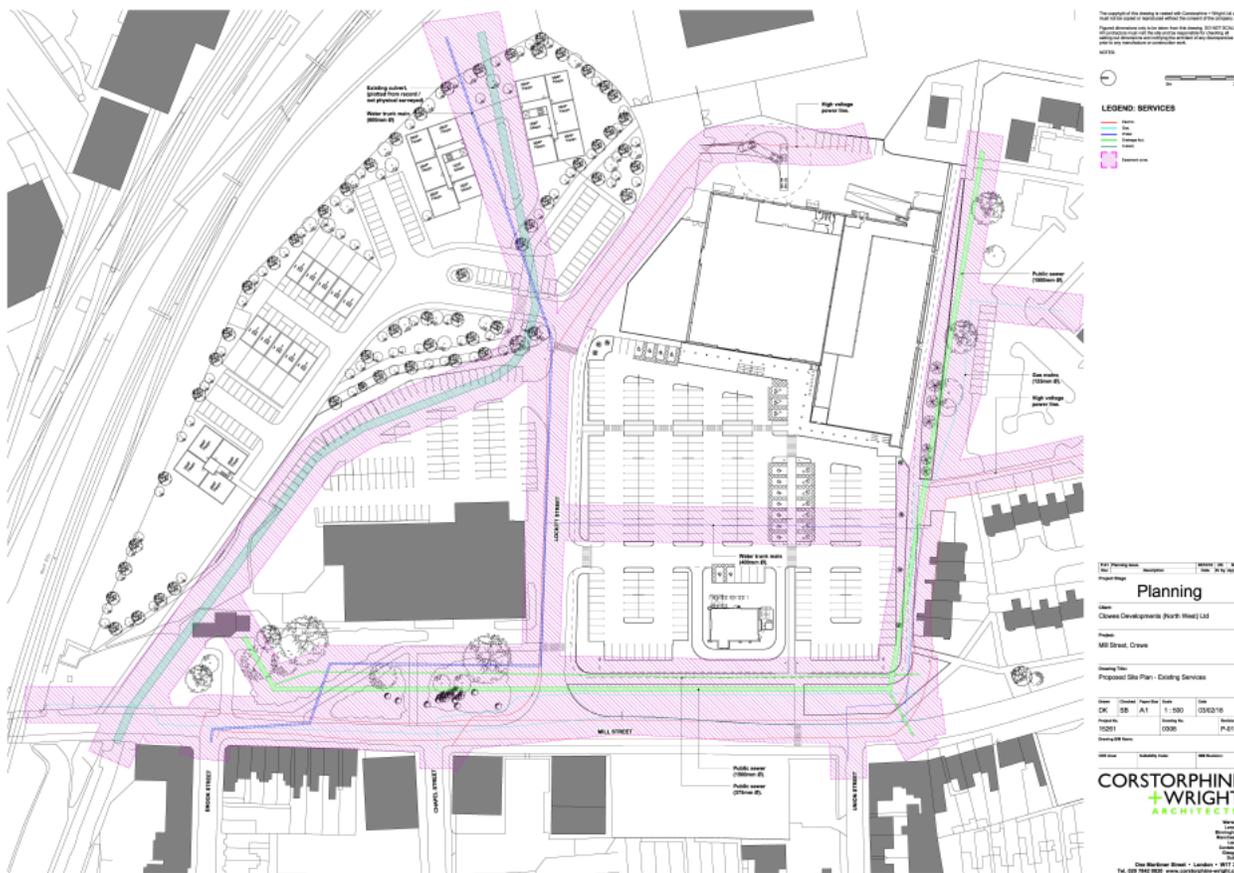
Whilst the revised plans have sited the smaller unit 3 (drive thru coffee) closer to the road frontage, this does little to address the concern raised in the previous application in that the site would be heavily dominated by parked cars. Given that the main larger buildings would remain sited towards the rear of the site, well away from the road frontage it is not considered that the amended layout would reflect the existing character of the area where properties are sited in predominantly uniform build lines fronting the road.

The proposal would therefore result in a site that would be dominated by car parking with little active frontage onto Mill Street and would not result in a high quality or attractive environment. The site also faces Union Street Baptist Church which is a grade II Listed Building and would therefore have a negative impact on its setting.

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

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

The perceived constraints on the site as noted by the applicant are shown on the plan below.



These consist of a truck water main which runs along Lockitt Street on a north-south axis, parallel to Mill Street and a 10m easement around this water main. The supporting statement advises that United Utilities guidance suggests that no building shall be erected on or adjacent to the pipeline rendering the option of developing over it not possible. The Council contests this view as the guidance quoted by the applicant is merely standing advice given from United Utilities. Therefore it appears that no attempt has been made (or evidence provided) that the applicant has discussed the option to re-locate the water main with United Utilities.

Similarly the supporting statement advises that the cost of re-locating the water main would be cost prohibitive. Again the Council contests this view as the issue initially being put forward by the applicant was that the constraints of the site were restricting where the buildings needed to be located on site, however the statement about re-locating the water main being cost prohibitive would suggest that costs are dictating the design/layout of the proposal and not the perceived site constraints.

Therefore it is contested that the site is as constrained to the extent as shown by the applicant. Indeed the previous consented scheme as noted below gained consent to site a building fronting the road so this must have been a viable option when this was submitted.



Even if the issue of the water main/easement could not be overcome there would be room for some further/larger built form to be sited at the road frontage which would better respect the existing pattern of built form than current being proposed by providing a strong road frontage. Again this was referenced in the earlier approval. Indeed the proposed housing could front the road rather than being placed to the rear of the site, so clearly the proposal as put forward is not the only possible way in which the site could be developed as the submission would suggest.

Finally the applicant also argues that an arrangement on site with the buildings in close proximity to the road with parking to the rear will not work on a commercial basis as customers don't want to park at the rear and wish to see their vehicles during their shop. The Council advised during lengthy pre-application discussions that a compromise scheme may be possible with the larger building or some housing sited along the road frontage and some reduced scale parking however this option has not been taken advantage of by the applicant. Similarly the Council do not consider that the operational desires of the applicant should come at the expense of the overall design quality of the scheme.

Therefore it appears the layout has been planned around the applicants aspirations for the site rather than responding to the site and local context.

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

Ecology

There are no habitats on site that would be considered to be a priority for nature conservation, however the more undisturbed previously developed plots are revegetating and so have some biodiversity value. The development of this site would result in the loss of much of the regenerating habitats.

Under Local Plan Policy SE3 all development proposals, including those on brown field sites, should deliver an overall gain for biodiversity.

The Councils Ecologist suggests that this policy requirement could be achieved by providing green/brown roofs on the larger two of the proposed units. The roofs could be designed to mimic the existing short ephemeral/perennial vegetation that is developing on the vacant plots. In fact existing material from the site could be used to create suitable conditions on the roofs.

Green roofs are also promoted as part of sustainable design by the CEC Design Guide SPG.

Should the application be approved conditions would be recommended requiring proposals for the incorporation of green roofs into the proposed development and a condition to safe guard nesting birds.

Therefore subject to condition no significant impact from an ecology perspective.

Flood Risk

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

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

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

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

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

The Environment Agency have been consulted as part of the application and have raised no objection subject to advisory note to the applicant reminding them that under the Environmental Permitting (England and Wales) Regulations 2016, a permit may be required from the Environment Agency for any proposed works or structures over the culvert.

United Utilities have raised no objection to the proposed development subject to conditions regarding foul and surface water drainage and advisory noted suggesting that the applicant contacts UU Property Services team to discuss how the proposals may interact with the easement. The Councils Flood Risk team have also been consulted however no response has been received at the time of writing the report. These comments will be provided in the update report.

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

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

Economic/Social

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

CIL Regulations

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

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

The development would result in the needs for open space to be provided at 40m² per dwelling combined amenity green space and children and young person provision per family dwelling or £3,000 per family dwelling or £1,500 per bed space in apartments. Therefore a commuted sum will be required for off site provision of Public Open Space specifically for recreational facilities for young people and access improvements at Westminster Street.

The proposal would result in increased demand for medical care usage in Crewe. Evidence has been put forward by the SCCG that a contribution of £ 51,480 to support the development of Millcroft and Earnswood Medical Centres. Given that the proposal is up to 70 dwellings the formula provided by the NHS would be used rather than a precise amount. The NHS plan is also at an advanced stage and calculations of how the requested contribution was derived has been provided and has been linked to the expansion of the existing medical practice. This is considered to be necessary and fair and reasonable in relation to the development.

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

OTHER

The majority of representations have already been addressed in the main report above. However a few concerns require addressing.

Comments also suggest that too many houses are being proposed on the site and that a further coffee shop is not needed. In response the Council has a duty to consider any application as put before them.

Impact of the proposal on health has also been raised. It is not considered that the proposed mix use housing, retail or coffee shop uses would have any significant impact to human health through the consumption of goods sold.

Finally concern was raised that the development would limit the Councils ability to implement the master plan for the site. Unfortunately the master plan only carries very limited weight as it is only an emerging document at this stage.

PLANNING BALANCE

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The National Planning Policy Framework, which is the Secretary of State’s guidance, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 11 of the NPPF means “approving development proposals that accord with the development plan without delay”

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

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

The development would have a neutral impact upon, trees, ecology, flooding, living conditions, design contaminated land. The highway impacts are undetermined at present.

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

Applying the tests within paragraph 11 it is not considered that the benefits outweigh the dis-benefits. As such, on balance, it is considered that the development does not constitute sustainable development and should therefore be refused.

RECOMMENDATION:

Refuse for the following reason:

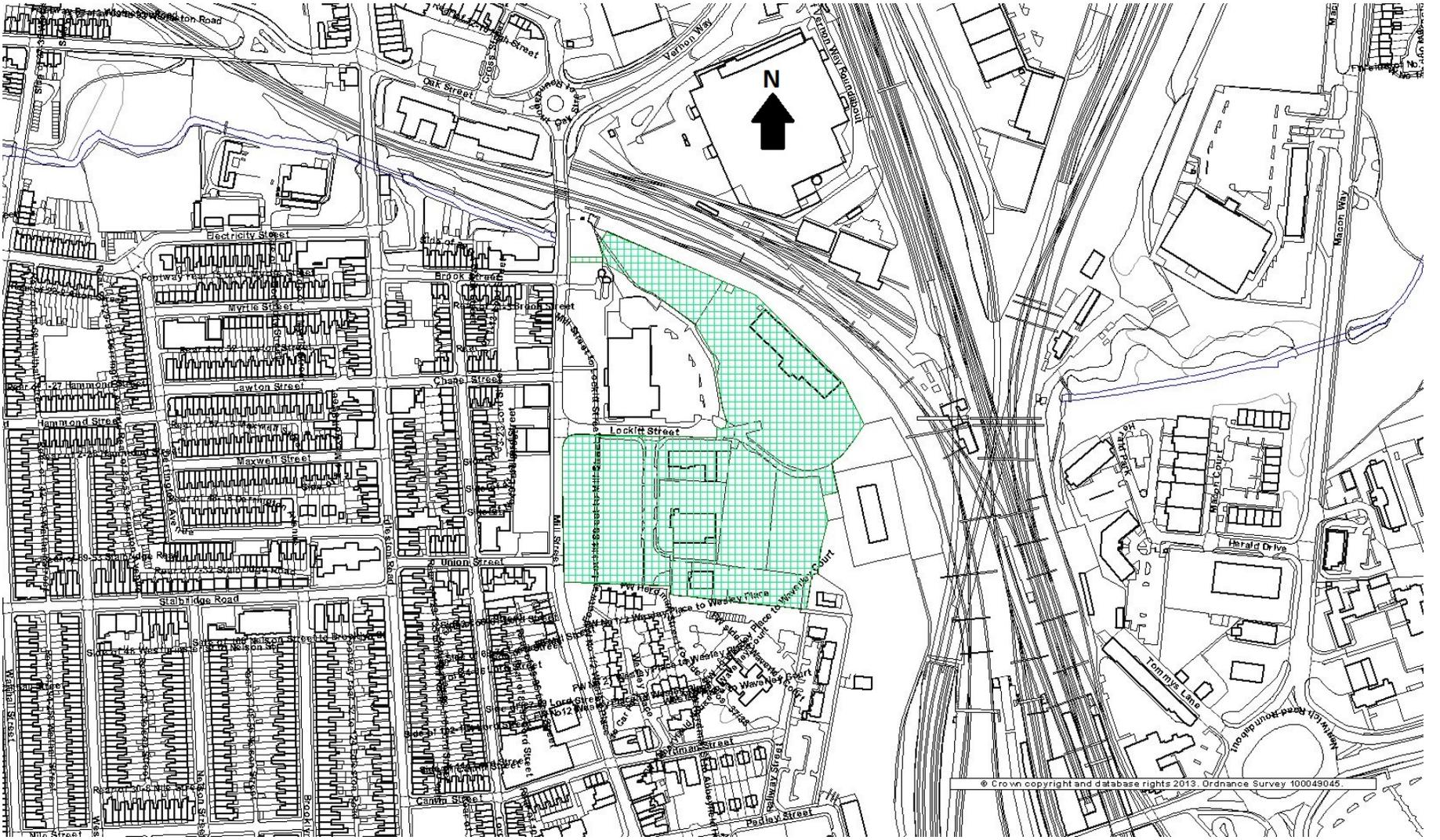
- 1. The proposed development by reason of design and siting of the main/larger buildings away from the road frontage would be contrary to the existing pattern of development, would not adequately reflect Crewe’s railway heritage, would not provide adequate green spaces and**

would not provide safe/adequate pedestrian and cycle links to the railway and town centre. The proposal would therefore fail to provide a high quality or attractive environment and would be contrary to Policies SE1, LPS1, SD1, SD2, SE6 of the Cheshire East Local Plan, Saved Policy S12.2 of the Crewe and Nantwich Local Plan, The Cheshire East Design Guide SPD, Crewe Rail Gateway Adopted Development Brief and the NPPF.

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

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

S106	Amount	Triggers																		
Affordable Housing	100% Tenure to be provided as part of an update.	In accordance with phasing plan.																		
Health	<p>Contribution to support the development of Millcroft and Earnswood Medical Centres using the below formula:</p> <table border="1" data-bbox="435 1045 943 1266"> <thead> <tr> <th data-bbox="435 1098 524 1125">Size of Unit</th> <th data-bbox="613 1045 768 1125">Occupancy Assumptions Based on Size of Unit</th> <th data-bbox="792 1045 930 1098">Health Need/Sum Requested per unit</th> </tr> </thead> <tbody> <tr> <td data-bbox="435 1129 508 1157">1 bed unit</td> <td data-bbox="613 1129 703 1157">1.4 persons</td> <td data-bbox="792 1129 930 1157">£504 per 1 bed unit</td> </tr> <tr> <td data-bbox="435 1161 508 1188">2 bed unit</td> <td data-bbox="613 1161 703 1188">2.0 persons</td> <td data-bbox="792 1161 930 1188">£720 per 2 bed unit</td> </tr> <tr> <td data-bbox="435 1192 508 1220">3 bed unit</td> <td data-bbox="613 1192 703 1220">2.8 persons</td> <td data-bbox="792 1192 930 1220">£1,008 per 3 bed unit</td> </tr> <tr> <td data-bbox="435 1224 508 1251">4 bed unit</td> <td data-bbox="613 1224 703 1251">3.5 persons</td> <td data-bbox="792 1224 930 1251">£1,260 per 4 bed unit</td> </tr> <tr> <td data-bbox="435 1255 508 1283">5 bed unit</td> <td data-bbox="613 1255 703 1283">4.8 persons</td> <td data-bbox="792 1255 930 1283">£1,728 per 5 bed unit</td> </tr> </tbody> </table>	Size of Unit	Occupancy Assumptions Based on Size of Unit	Health Need/Sum Requested per unit	1 bed unit	1.4 persons	£504 per 1 bed unit	2 bed unit	2.0 persons	£720 per 2 bed unit	3 bed unit	2.8 persons	£1,008 per 3 bed unit	4 bed unit	3.5 persons	£1,260 per 4 bed unit	5 bed unit	4.8 persons	£1,728 per 5 bed unit	50% Prior to first occupation 50% at occupation of 35th dwelling
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Public Open Space	<p>Provision of Public Open Space of 40m2 per dwelling combined amenity green space and children and young person provision for off site provision for recreational facilities for young people and access improvements on Westminster Street as follows;</p> <p>£3,000 per family dwelling</p> <p>£1,500 per bed space in apartments for off site provision.</p>	50% Prior to first occupation 50% at occupation of 35th dwelling																		



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Application No: 18/4879N

Location: NORTHERN DAIRIES, GROBY ROAD, CREWE, CW1 4PE

Proposal: Change of use from Milk Dairy Storage and Distribution (B8) to metal fabrication company with associated workshops, offices and yard (B2) (re-submission of 18/1270N)

Applicant: Mr Paul Carruthers, Pegasus Mechanical Installations Limited

Expiry Date: 01-Mar-2019

SUMMARY

This is a retrospective application on a 'brownfield' site within open countryside, for a business involved in the fabrication of steel platforms. Previously the premises were a milk depot.

The site is 1 hectare in area, set on a bend on Groby Road, with extensive hardstanding to the front, has a single storey single skinned former depot 1950's style industrial building with attached (brick built) office. A yard is located to the rear adjoining the residential neighbours

The change of use from milk depot to steel fabrication (Class B2) is the subject of numerous complaints from neighbours concerning noise, and is the subject of on going enforcement investigation.

From an economic sustainability perspective, the scheme will provide employment opportunities in the local area and other economic spending benefits in the economy that would derive from that employment provision.

From an environmental and social perspective the proposal is considered to be acceptable in terms of the impact upon parking, highway safety and traffic generation.

However, the noise assessments submitted clearly demonstrate that the adverse impact upon the amenity of adjacent residents in terms of noise that is not capable of adequate mitigation by enforceable planning conditions. The use of the premises is also a industrial, non conforming use adjacent to existing residential properties.

As such the noise generated by the use of the site for the fabrication of steel platforms or similar use within Class B2 (General Industrial) causes harm to interests of acknowledged importance, namely the amenity of the neighbours.

In these circumstances, the benefits of the development in terms of employment and economic activity do not outweigh the harm to the amenity of neighbouring residents by virtue of the increased noise and disturbance.

RECOMMENDATION:

REFUSE

PROPOSAL

This application is a 'free go' re-submission of an identical application, previously refused by this Committee in September 2018. Some additional mitigation is suggested and revised operating hours and a new Noise Management Plan is submitted. Hours of operation are being sought are 08.00 hours to 18.00 hours Monday to Saturday. Whether the additional information/mitigation is adequate to mitigate for the adverse noise conditions that the Applicant's Noise Assessment has demonstrated will be considered within the amenity assessment.

The proposal is for a retrospective change of use from the former Northern Diaries milk depot (Class B8), to a steel fabrication premises within Class B2 (general industrial) and B8 (storage and distribution) use. The storage use is ancillary to the primary purpose of the use being the industrial activity of the fabrication of steel platforms/ products for use in the car industry

The building within which the steel fabrication occurs is a single skinned steel framed building with commercial sized openings of both end elevations. Large steel platforms to be used in the automotive industry are welded and fabricated within the building.

The unauthorised change of use commenced in March 2015. Due to the timings of this committee and the extended consultation period over the Christmas period, the last date for comments had not lapsed when this report was written. Any further comments will be the subject of an update report and/or reported verbally.

SITE DESCRIPTION

The application site is 10,000sq.m compound located on Groby Road on the outskirts of Crewe. The site is secured by 2m high security fencing and contains numerous buildings including the depot building, front office, various outbuildings that were originally cold stores associated with the former Dairy depot and now used for storage.

It would appear that the unauthorised HMO use of part of the front office, whereby people who were employed at the site also live on the premises, the subject of application 18/1770N has ceased.

Adjoining the site to the north is a small complex of dwellings/barn conversions in separate residential occupations. A manage also adjoins this boundary, which is operated on a mixed commercial/ancillary residential basis by an adjoining resident of one of the barns. The wider area is open countryside.

RELEVANT HISTORY

18/1270N - Change of Use from Milk Dairy Storage and Distribution (B8) to Metal Fabrication Company with associated workshops, offices and yards (B2). Refused 6 September 2018 for the following reason;

The retention of the use of the premises as a steel fabrication premises (Class B2), by virtue of the unacceptable increased noise levels and disturbance would be detrimental to the amenity of the area and neighbours contrary to Policy EG2 of the Cheshire East Local Plan Strategy and saved policies BE.1 Amenity, NE15 Re-use and Adaptation of a Rural Building for a commercial, Industrial or recreational Use and NE.17 Pollution of the Crewe and Nantwich Replacement Borough Local Plan 2011.

18/1769N - Retrospective erection of a steel framed building to the rear of the main workshop - Refused 6 September 2018

18/1770N - Change of use of part of premises to a 9 bedroom HMO with shared kitchen and bathroom facilities - Refused 6 September 2018

NATIONAL & LOCAL POLICY

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

Cheshire East Local Plan Strategy 2010-2030 July 2017

PG 2 Settlement Hierarchy
PG6 Open Countryside
SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 2 Efficient Use of Land
SE 12 Pollution, Land Contamination and Land Instability
SE 13 Flood Risk and Water Management
PG 1 Overall Development Strategy
PG6 Open Countryside
EG 1 Economic Prosperity
EG 2 Rural Economy
EG 3 Existing and Allocated Employment Sites

Borough of Crewe and Nantwich Adopted Local Plan 2011 (Saved Policies)

BE.1: Amenity
BE.4: Drainage, Utilities and Resources
NE15: Re-use and Adaptation of a Rural Building for a commercial, Industrial or recreational Use
NE.17: Pollution Control

National Policy:

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

CONSULTATIONS:

Parish/Town Council: No Comments received at time of writing this report (18/12/2018) Formal Comments will be provided via update report.

Highways: No Comments received at time of writing this report (18/12/2018) however raised no issues on the previous application . Formal Comments will be provided via update report.

Environmental Protection: No Comments received at time of writing this report (18/12/2018). Formal Comments will be provided via update report

Cheshire Brine Board: No Comments received at time of writing this report (18/12/2018) but previously advised no comment to make. Formal Comments will be provided via update report.

REPRESENTATIONS:

Neighbour notification letters were sent to neighbouring properties and a site notice posted.

At the time of report writing this report (18 December 2018) no formal comments from neighbours have been received. The final date for comments is 2 January 2019, after the Agenda is published. The results of the neighbour consultation in respect of this application will be provided in an update report.

Councillor Bratherton objects to the application on the grounds that the proposals have not addressed any of the reasons for the previous refusal

APPRAISAL

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

Principle of Development

The site is the former Express Diaries Milk Depot site which is an existing brownfield site, with substantial industrial premises set in a sizeable yard on Groby Road. The site is within Open Countryside in the Crewe and Nantwich Replacement Local Plan. The Building is of substantial construction.

The former use was as a milk depot involved milk storage and distribution (considered to be Class B8 use). There is no permitted change of use from Class B8 to Class B2 (General Industrial) without planning permission.

Policy EG2 of the Local Plan Strategy supports developments in rural areas that support the vitality of rural areas and encourage the retention of existing rural based businesses provided that the proposals comply with various criteria including not detracting from the amenity of adjacent residents and other Policies.

The Environmental Health Officer has previously reached the conclusion that the activities on the site as a whole are causing a loss of amenity in noise terms for neighbouring residents.

The differences between the previous and current applications in terms of addressing the amenity concern

Accordingly, given the harm caused to residential amenity, the proposal is contrary to Policy EG2 in principle. Accordingly, the issue is now whether there are matters which would outweigh the harm caused.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

‘The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs’

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

an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation and improved productivity; and by identifying and co-ordinating the provision of infrastructure;

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy

These roles should not be undertaken in isolation, because they are mutually dependent. Any assessment should look at sustainable development as a whole.

Highways

The Head of Strategic Infrastructure (HSI) has assessed the application previously and raised no objection to it. This is due to the fact that the site was previously a milk depot and therefore the change of use would be unlikely to lead to an increase in vehicle movements. This is considered unlikely to change in the case of this re-submitted application.

The HSI previously considered that the visibility at the access is acceptable and does not cause detriment to highway safety. There is adequate parking provision within the site to ensure that on-street parking is not generated from the site.

Noise

The same noise report which formed the basis of the previous refusal has been re-submitted with this application. This formally submitted assessment has been undertaken with the garage doors on the side of the premises in the down position.

The mains results can be seen in the following table -

3.2 BS4142 (From Source Levels – workshop equipment and fork lift truck)

Table 8 – Plant and Activities (dBA) – Daytime – Levels at Houses

BS4142 (1-hour reference period) dBA	Range of levels from Individual Equipment	Simultaneous Level – All Equipment (1 st)	Fork Lift Truck Only (Rear Yard)	Shot Blasting (New Building)	Simultaneous Level – All Equipment (Revisit)
LAeq, T dB Levels	19-34	42	36	22-24	38-39
Tonal Character Correction	2	2	0	2	2
Impulsive Sound Characteristics	3	0	3	3	0
Other Sound Characteristics	0	0	0	0	0
Intermittency Correction	0	0	0	3	0
Rating Level	24-39	44	39	32	41-42
Background Noise Level LA90 dB (Weekday)	40	40	40	40	40
Background Noise Level LA90 dB (Saturday morning)	35	35	35	35	35
Excess over Background [Rating – Background] dB (Weekday)	-16 to -1	+4	-1	-8	+1 to +2
Excess over Background [Rating – Background] dB (Saturday morning)	-11 to +4	+9	+4	-3	+6 to +7
Weekday	"Low Impact"	"Adverse Impact"	"Low Impact"	"Low Impact"	"Adverse Impact"
Saturday Morning	"Low Impact" to "Adverse Impact"	"Adverse Impact"	"Adverse Impact"	"Low Impact"	"Adverse Impact"

Additions for characteristics applied for internal plant but as noted are not likely to be audible at the receptors. General addition made of +3dB for fork lift trucks to cover any impact noise. Addition for tone, impulsive sound and intermittency added for the shot blaster. For other equipment, working continuously for the worst case calculation, an addition has been added for tone.

The Noise Consultant retained by the Applicant suggests mitigation to seek to mitigate for the identified 'adverse impact' which his report identifies. This is suggested as being -

1. Filling gaps/holes in the fabric of the building
2. Plastic internal curtain walling
3. Having the existing openings shut when the premises are operational

Whilst the formal comments of the Environmental Health Officer are awaited, given the Noise Report is identical it is expected that the same issues will be raised by the Environmental Health Officer as were raised in the previous application. Any further comment from the EHO will be provided in an Update Report.

The Environmental Health Officer previously considered the noise reports previously submitted and advised that whilst 1 and 2 may be of limited benefit, 3 is an unrealistic suggestion from the Applicants retained Noise Consultant given the detailed design and age of the premises, the likely operating practises of the Applicant and the nature of the activity. This is together with the fact that ventilation and air flow can only be achieved by opening the roller shutters on both ends of the premises, given the absence of any heat exchange system in the building.

Additionally the roller shutters are the access and egress to the building and would be moving constantly up and down during the work day as plant and equipment/ completed platforms are moved/stored around the site as part of normal working practises of this engineering/steel platform fabrication firm.

The Applicant, for the purposes of this current application, has put forward the following recommendations in a Noise Management Plan;

The following general noise control measures have been identified:

Equipment/process	General noise control measures
Roller doors and pedestrian doors	We will keep doors well-sealed and free from gaps and closed at all times when the site is in operation - except for access
Vertical cladding on façade facing the sensitive receptors	In the interim we will seal any gaps and holes and in the long-term we will consider improving the sound insulation on this façade with absorbent material / secondary cladding
Powered hand tools e.g. grinders	We will use acoustic screens close to these activities to reduce the level of noise propagating from work benches to the façade of the building facing the sensitive receptors
Mobile and fixed plant	We will only use the required power and size of equipment
	We will fit engine exhausts with silencers
	We will operate equipment in a quiet and efficient manner
	We will not leave equipment idling unnecessarily
	We will regularly inspect and maintain equipment
	We will endeavor to sequence work to provide respite periods
	We will schedule particularly noisy activities as late as possible in the morning and during hours when residents who work can be expected to be at work. We will identify any particularly sensitive times for residents during consultation.
	We will use quiet reversing alarms/methods. "White Noise" reversing alarms will be used – "Shh-shhh" instead of "beep-beep" type.
	We will prevent shouting and raised voices in external areas – we will fix signs inside and outside reminding staff to keep noise levels to a minimum and to consider our neighbours.
	We will train our staff in regard to environmental noise and the importance of considering our neighbours.

These are considered to be vague, unrealistic statements which are unenforceable in planning terms and will not protect the amenity of the adjacent residential occupiers given the nature of the industrial fabrication activity undertaken by Pegasus on site.

The Applicant considers that a condition could be imposed to require roller shutter door on the elevation adjacent to the residents to be kept closed. This is not a realistic suggestion and is unenforceable in planning terms. This is therefore contrary to National Planning Guidance.

As the harm is identified by the submitted noise survey is 'adverse' with the roller shutters in the 'down' closed position, it is reasonable to assume that the noise levels audible at the nearest residential facade would be even greater if the roller shutter was in the 'open' position.

It is also considered that the doors within the premises, if in the closed position, are likely to be opened and closed regularly in terms of normal working activity and it is unrealistic to expect all use of machinery within the premises to cease every time a roller shutter needs to be opened for access/ventilation.

Accordingly, the adverse harm in noise terms identified can not be adequately mitigated. In planning, nothing put forward within the recently submitted Noise Management Plan would materially reduce noise levels to mitigate for the harm being caused to the amenity of neighbouring residents.

It also has to be borne in mind that the use of the premises is essentially a non conforming use in close proximity to numerous residential uses and that the previous activities undertaken at the site were within Class B8 (Storage and Distribution) which is an entirely different use to a General Industrial and Manufacturing use within Class B2.

Economic Sustainability

The Framework includes a strong presumption in favour of economic growth.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support a prosperous rural economy.

Paragraph 83 requires that planning decisions should enable;

- a. the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings;
- b. the development and diversification of agricultural and other land based rural businesses;
- c. sustainable rural tourism....

Likewise adopted planning policy EG2 of the Strategy seeks to support the growth of existing rural based enterprises. The applicants occupied the site without the benefit of planning permission; they are not in this context a rurally based enterprise.

It is clear that the Government requires the planning system to do everything it can to support sustainable economic growth and to encourage not impede sustainable growth in rural areas.

Policy EG2 also seeks to ensure that economic activity in such areas is not undertaken at the cost to the amenity of neighbouring residents.

Accordingly this assessment should consider whether the benefits in terms of economic activity in an existing building are sufficient to outweigh the environmental harm in terms of the loss of amenity for neighbours by virtue of the 'adverse' noise environment identified which would not be mitigated by the vague statements of intentions provided within the Noise Management Plan submitted with this application and which are unenforceable in planning terms.

Social Sustainability

Paragraph 92 of the Framework, which concerns the promotion of healthy and safe community, requires that amongst other things planning decisions should ensure an integrated approach to considering the location of housing and economic uses.

The approval for the use of the site would retain existing employment to the benefit of the employees. This would have some limited social benefit. However, the harm to the amenity of neighbours is considered to outweigh that benefit. Overall, the use is not socially sustainable.

Residential Amenity

Objections have been previously received from local residents expressing concerns about the impact on their amenity, by virtue of the noise created by the use and the activity at weekends, early mornings and late evenings. At the time of writing, the formal views of neighbours are awaited, and will be the subject of an Update report.

Previously, neighbours complained of the noisy activities occurred very early in the morning and as late as 8pm at night. Whilst it is acknowledged that the Applicant now seeks to operate from 08.00 hrs to 18.00 hours for 6 days a week, the 'adverse' noise levels identified in the Applicants own submitted Noise Assessment will result in no lesser loss of amenity to those residents if the noisy operations are taking place at any time of the day.

Accordingly, the proposal, by virtue of the noise environment created for the adjoining residential occupiers which has been demonstrated to be already being causing an 'adverse' noise environment when the roller shutters are in the 'down' position, is considered detrimental to the amenity of neighbours. It is further considered that conditions could not be imposed that would safeguard amenity for the neighbours.

Saved Policies BE1, NE15 and NE17 of the Crewe and Nantwich Replacement Local Plan requires developments to be compatible with surrounding land uses, not to result in a loss of amenity for neighbours/sensitive occupiers of adjacent or lead to an increase in noise pollution which can not be mitigated by planning condition. This use is a non compatible industrial land use with heavy steel fabrication occurring within a building which was originally utilised as a storage and distribution depot.

Accordingly, the dis-benefits are considered to outweigh the benefits of the proposal to the economy and no conditions could reasonably be imposed that would adequately mitigate the 'adverse' harm to the amenity of neighbouring residents identified in the Applicant's own noise report.

Conclusion – The Planning Balance

From an economic sustainability perspective, the scheme will provide employment opportunities in the local area and other economic benefits that would derive from that employment provision.

This is a retrospective application on a 'brownfield' site, for a business providing employment. Further to the previous refusal, the Applicant has provided a Noise Management Plan to address the previous reason for refusal. The recommendations of which are vague and imprecise, provide no evidence of reductions in noise levels and are entirely unenforceable in planning terms. It is considered that the use of the premises sought is incompatible with the sensitive nature of the residential uses adjoining and on this basis the proposal comprises harm to interests of acknowledged importance

From an environmental and social perspective the proposal is considered to be unacceptable. The adverse impacts upon the amenity of neighbours by virtue of the increased noise disturbance, which is materially detrimental to the amenity of the neighbours. This is considered to outweigh the benefits to the economy generated by the proposal

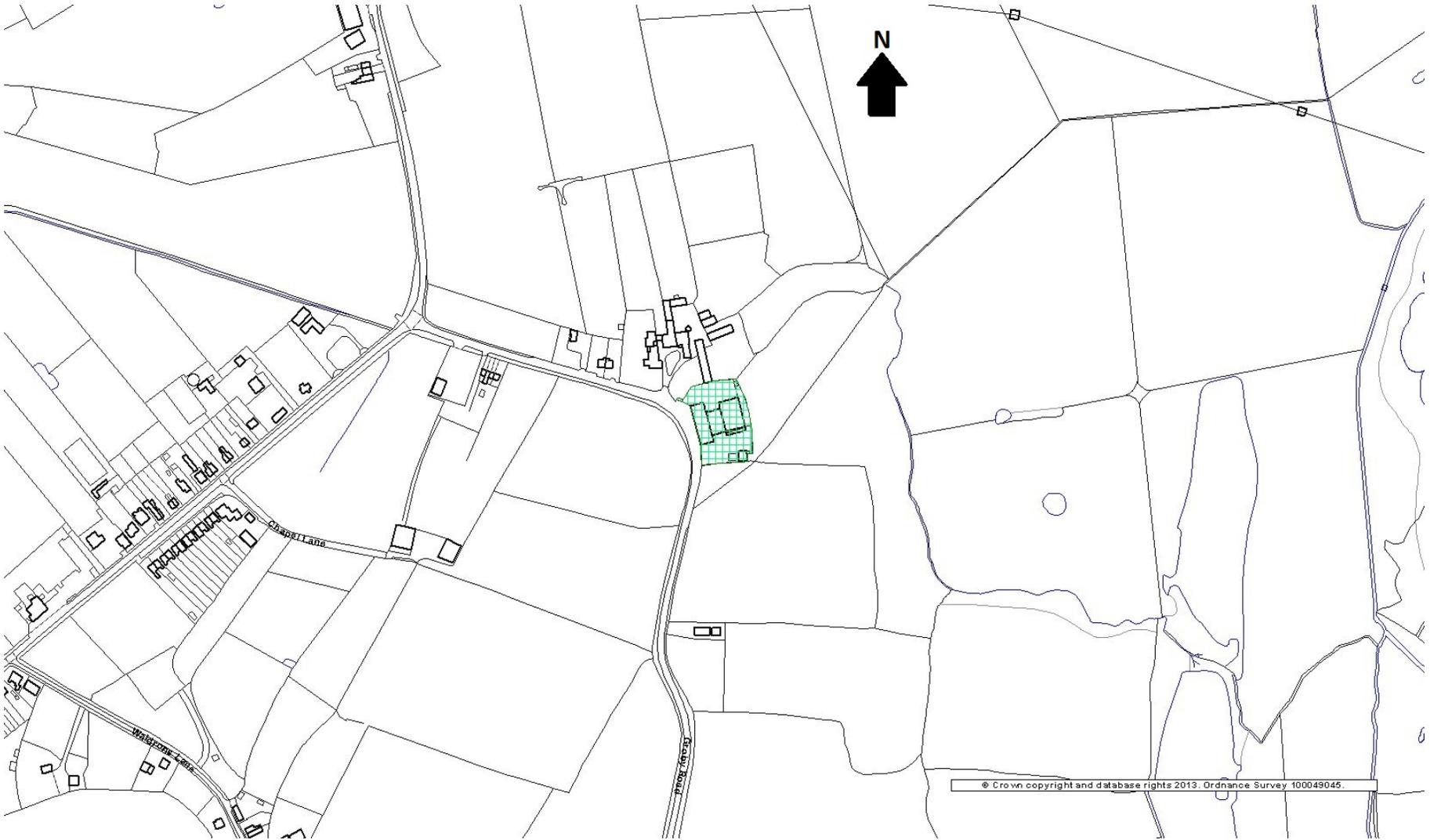
The proposal is therefore considered to be an unsustainable form of development which is contrary to local planning policy and national planning guidance which seeks to locate the right development in the right place at the right time.

RECOMMENDATION

REFUSE for the following reason:

- 1. The retention of the use of the premises as a steel fabrication premises (Class B2), by virtue of the unacceptable increased noise levels and disturbance would be detrimental to the amenity of the area and neighbours contrary to Policy EG2 of the Cheshire East Local Plan Strategy and saved policies BE.1 Amenity, NE15 Re-use and Adaptation of a Rural Building for a commercial, Industrial or recreational Use and NE.17 Pollution of the Crewe and Nantwich Replacement Borough Local Plan 2011.**

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



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Application No: 18/3879N
Location: Ridley House Farm, WHITCHURCH ROAD, RIDLEY, CW6 9RX
Proposal: Conversion of the traditional barn into two residential units (Use Class C3)
Applicant: Cheshire East Council, Cheshire East Council
Expiry Date: 11-Jan-2019

SUMMARY

The application site lies entirely within the Open Countryside where Policy PG 6 (Open Countryside) of the CELPS sets out the exceptions for development in the Open Countryside which includes, inter alia, the re use of existing rural buildings which are permanent, substantial and would not require extension alteration, rebuilding or extension.

The design is acceptable and the impact on the surrounding amenity, trees, ecology and the highway network will not be significant.

On the basis of the above, it is considered that the proposal represents sustainable development and is recommended for approval.

RECOMMENDATION

APPROVE subject to conditions

REASON FOR DEFERRAL

This application was deferred at the Southern Planning Committee meeting on 31st October 2018 for the following reasons;

- A committee site inspection
- Consultation with ANSA to ascertain whether they are prepared to collect bins associated with the proposal from the highway
- A review of accident statistics for roads in close proximity to the site

REASON FOR REFERRAL

This application is referred to Southern Planning Committee by Cllr Davies for the following reason:

“the planning application put forward for this site would cause significant highways issues on the already dangerous A49.”

PROPOSAL

This is a full planning application for the conversion of the traditional barn into two residential units (including the demolition of two open sided agricultural buildings constructed from metal, referred to as building A and building B).

SITE DESCRIPTION

The application site comprises an existing, single storey agricultural building constructed from red brick with a profile sheet roof as well as two open sided agricultural buildings constructed from metal (building A and building B).

The application site is characterised by its rural location and agricultural use. The application site is located to the east of Whitchurch Road with public footpath Ridley FP4 dissecting the application site and running through the existing brick outbuilding.

RELEVANT HISTORY ON SITE

None.

LOCAL & NATIONAL POLICY

Development Plan:

Cheshire East Local Plan Strategy (CELPS) (Adopted)

MP1 - Presumption in Favour of Sustainable Development

PG1 - Overall Development Strategy

PG6 - Open Countryside

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

Borough of Crewe and Nantwich Replacement Local Plan 2011 (Saved Policies)

NE.5 - Nature Conservation and Habitats

NE.16 - Re-use and Adaptation of a Rural Building for Residential Use

BE.1 - Amenity

BE.3 - Access and Parking

BE.4 - Drainage, Utilities and Resources

RES.5 - Housing in the Open Countryside

Extensions and Householder Development Supplementary Planning Document (the SPD)

Development on Backlands and Gardens Supplementary Planning Document (the SPD)

National Policy:

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

Neighbourhood Plan

There is no Neighbourhood Plan covering Bulkeley and Ridley Parish

CONSULTATIONS:

Head of Strategic Infrastructure (HSI) – No objection subject to conditions, see Highways section of report.

Environmental Protection – No objection subject to conditions and Informative, see Amenity section of report.

Public Rights of Way – No objection, see Public Rights of Way section of report.

VIEWS OF THE PARISH COUNCIL:

Bulkeley and Ridley Parish Council – make the following observations:

1. This was a smallholding of 80 acres and for many years has been used only for rearing beef cattle and sheep, neither of which activities need many daily vehicular movements on and off the holding.
2. The tenants before 2000 went on a First Aid course because there were so many accidents near the holding. Statistics of accidents do not reflect how many near misses occur.
3. The readings from the strips tell one story, but residents know from experience that many vehicles travel much faster than the figures given in the application and they know how difficult it is to turn out onto the A49. Lowering the hedges and creating a wider splay will not help much as the high hedges about 100 metres north and which are not part of the holding will still make visibility difficult.

The Parish Council are currently engaged in asking the Highways department to lower the speed limit or introduce other methods of reducing the accident rate.

REPRESENTATIONS:

None received.

APPRAISAL

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

Principle of Development

Policy PG 6 (Open Countryside) of the CELPS sets out the exceptions for development in the Open Countryside which includes, inter alia, the re use of existing rural buildings which are permanent, substantial and would not require extension alteration, rebuilding or extension.

To consider if the building is permanent and substantial the application has been supported by a structural survey/building report. The submitted report concludes that the outbuilding can be converted to form habitable accommodation without recourse to major structural works or rebuilding.

The Council's Structural Engineer has advised that there are no major structural alterations to the existing building although the existing roof trusses require strengthening were a new first floor has been created. As a result the conclusions of the applicants report have been accepted which deems it to be both permanent and substantial without major re-building.

Saved Policy NE.16 (Re-use and Adaptation of a Rural Building for Residential Use) of the Crewe and Nantwich Local Plan also allows for the reuse of rural buildings for residential use, although this policy does require consideration of alternative uses in the first instances. There is no requirement to consider alternative uses in the CELPS, while the NPPF (Para's 83 and 148) also allows for the conversion of rural buildings to dwellings. Therefore residential conversion can be considered in the first instance.

The proposed conversion of this rural building is considered to be acceptable as a matter of principle.

Design

Policy SE1 (Design) of the CELPS sets out the design criteria for new development and states that development proposals should make a positive contribution to their surroundings. Policy NE.16 (Re-use and Adaptation of a Rural Building for Residential Use) of the Local Plan requires the form, bulk and general design of the building to be in keeping with its surroundings.

It is noted that the traditional brick features are to be retained where possible. The bulk and mass of the building would be retained and no extensions are proposed.

The following changes are proposed to the existing building:

West Elevation

- No new openings proposed

North Elevation

- Increase 2 windows to doorways
- 4 new roof lights

South Elevation

- Remove existing metal single storey extension
- One new ground floor window opening
- 5 new roof lights

East Elevation

- Increase 1 window to doorway

It is noted that the majority of the existing openings are being reused. It is not considered that the proposed alterations would cause significant harm to the character of the building and its rural character would be maintained and as such the design of the proposed development is acceptable

and in accordance with Policy SE 1 (Design) of the CELP and Policy NE.16 (Re-use and Adaptation of a Rural Building for Residential Use) of the local plan.

Landscape and Trees

Additional information provided in respect of a Hedgerow Regulations assessment indicates there is evidence to suggest that the sections of hedgerow immediately adjoining the A49 (Whitchurch Road) may have formed an integral part of a field system pre-dating the Inclosure Acts. The roadside hedgerow is also identified as having the potential to support nesting birds which are protected under the Wildlife and Countryside Act 1981 (as amended). It is therefore concluded that the hedgerow would qualify as 'Important' under the Regulations in relation to two of the specified criteria. Policy SE 5 (Trees, Hedgerows and Woodland) of the CELPS sets out that this is a material consideration.

There are some trees present with lengths of established boundary hedgerow. Whilst the location plan shows two tree symbols, (one labelled to be retained), no other existing vegetation is shown. The tree identified for removal is a poor multi-stemmed Sycamore. The other tree is an Ash. Neither tree is of outstanding value. The roadside hedge is typical boundary treatment in the area. The northern hedge is tall and unmanaged.

It is considered that the removal of the hedgerow along the eastern boundary of the application site is acceptable as it would assist with an improved visibility splay and highway safety. It is noted that a replacement hedgerow will be planted behind the visibility splay.

Ecology

The Council's Ecologist has confirmed that no objections are raised subject to a condition relating to nesting birds and a condition relating to the implementation of the Ecological Enhancement Strategy as per the submitted Ecology report.

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 sets out that there should ideally be a distance of 21m between principal elevations, 13.5 m between a principal elevation with windows to habitable rooms and blank elevation and in the case of flats there should be 30m between principal elevations with windows to first floor habitable rooms and that each application will be judged on its own merits dependent upon the context and character of the site involved.

Due to the positioning of the proposed development and that there are no immediate neighbouring dwellings (with the exception of the farm house) it is not considered that the proposed development would give rise to adverse impacts on the amenity of any neighbouring properties. The farm house is within the same ownership as the barns and is located 13m to the south of the barn. This relationship is established and no new extensions are proposed therefore it is not considered that the impact on amenity would be significant to the occupiers of the farm house, over and above the existing scenario.

The internal layout of the dwellings have been designed so that there would be no overlooking when considering future occupiers of the dwellings.

The scheme would provide a satisfactory level of private amenity space to serve the development. The SPD sets out that the dwelling should have no less than 50 m² of private amenity space and the proposal conforms with this as each proposed garden in excess of 100 m².

Environmental Protection have been consulted on the application and have advised that there are no objections subject to conditions relating to electric vehicle charging, land contamination and soil importation and Informatives relating to construction hours of operation and contaminated land.

It is therefore considered that the proposed dwellings would not have any significant adverse impact on the residential amenity of any neighbouring property or the amenity afforded to the future occupier of the dwelling.

The proposal is therefore considered to be in compliance with Policy BE.1 (Amenity) of the adopted local plan.

Highways

This application was previously not objected to by Highways but was deferred at Planning Committee following concerns regarding the use of the northern access. The application has since been amended which shows the existing northern access closed and the development will be served from the existing southern access, which serves the existing dwelling.

The proposed properties will generate little vehicle movement and potentially less than what the existing use would generate. In addition, the use of the access by larger slow moving vehicles will be removed. The hedge along the site frontage is to be set back to improve the visibility in both directions. The southern access is further away from the bend to the north and away from the A534/A49 junction.

The access is shown on the submitted plan to be widened to 4.5m which is sufficient to allow 2 cars to pass each other and not have to rest on the highway.

Refuse collection will take place from the highway as is currently the case. This has been discussed with ANSA and they have confirmed this arrangement is acceptable.

Within the last 5 years there have been 4 accidents at the A534/A49 junction and all took place in 2017. The access opposite this junction will be closed and the southern access is approximately 40m south of it. Nevertheless, with the lawful use in place and the proposal would result in a negligible net highways impact. The visibility would also be improved.

No objection is raised subject to a construction management plan condition and informative.

Public Rights of Way

There is an existing public right of way (footpath Ridley FP4) that runs through the application building. The public rights of way team have advised that there is a proposal for the diversion of

Ridley FP4 and that this is currently being processed, scheduled to be present to the Council in December. The revised footpath route would follow the northern boundary of the application site and across the adjacent field marrying with the existing route. It is considered that this is a betterment as currently the footpath is obstructed and the diversion would result in an unobstructed footpath.

Conclusion

It is considered that the design of the scheme would be acceptable and be respectful of the building's rural history and character. No issues in relation to amenity, highways, trees, hedgerows or ecology would be created. As such, it is considered that the development is acceptable. The proposal adheres with policies PG 6 (Open Countryside), SD 2 (Sustainable Development Principles) and SE 1 (Design) of the Cheshire East Local Plan Strategy and saved policies NE.16 (Re-use and Adaptation of a Rural Building for Residential Use), BE.1 (Amenity) and BE.3 (Access and Parking) of the Crewe and Nantwich Borough Local Plan. The proposal would also adhere with the NPPF.

RECOMMENDATIONS

APPROVE subject to conditions;

- 1. Time (3 years)**
- 2. Plans**
- 3. Materials as per application (including timber windows)**
- 4. Removal of PD (A-E)**
- 5. Boundary treatment pre occupation**
- 6. Construction Management Plan**
- 7. Access to be hardstanding**
- 8. Breeding birds**
- 9. Ecological enhancement**
- 10. Land contamination**
- 11. Verification Report re: Remediation Strategy**
- 12. Electric vehicle charging**
- 13. Soil importation**
- 14. Construction Amendment Plan**

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.



Application No: 17/4974N

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

Proposal: Reserved matters application for details relating to appearance, layout, scale and landscaping for 13 new residential dwellings following outline approval application reference 13/5248N

Applicant: c/o, Trafford Housing Trust Developments Ltd

Expiry Date: 05-Feb-2018

SUMMARY:

The principle of the proposed development has already been approved and is considered to be acceptable.

The development would provide affordable housing in accordance with the outline S106 Agreement. The mix of units within the open market housing on site is considered to be acceptable.

The development is considered to be of an acceptable design and would not have a detrimental impact upon residential amenity.

The highways impact was considered as part of the outline application and the internal road layout and parking provision is considered to be acceptable.

The ecological impacts, tree impacts and landscape impacts of the development have been addressed through the submission of amended plans/information.

On this basis this Reserved Matters application is recommended for approval.

RECOMMENDATION: Approve with conditions

Approve subject to conditions

CALL IN

The application was originally called in by the late Cllr John Hammond on the grounds of impact on openness and retaining the separation between Haslington and Winterley.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a cleared site formerly associated with no. 204 Crewe Road, Haslington, a large detached dwelling and coach house fronting Crewe. The dwelling and application site share a vehicular access from Crewe Road which subdivides within the curtilage of the property. The site was formerly occupied by a commercial building, which was located to the rear of no. 204, approximately 105m back from Crewe Road, this has now been demolished.

The boundaries within the site are defined by established planting predominantly with trees throughout the site, although a significant number of trees have been removed as part of recent works. The site falls within the open countryside as designated in the Local Plan.

To the rear of the site is an ongoing development by Bovis Homes. The site is within Open Countryside, as defined in the local plan, albeit only a short distance outside the Haslington Settlement Boundary.

DETAILS OF PROPOSAL

This is a reserved matters application for details relating to appearance, layout, scale and landscaping for 13 new residential dwellings following outline approval application reference 13/5248N.

RELEVANT HISTORY

- 13/4258N 2014 Outline application for new residential development of up to 14 dwellings.
- 12/1535N 2012 Non material amendment to application number 12/0325N
- 12/0325N 2012 Approval for replacement dwelling for previously approved residential conversion.
- 11/3894N 2012 Withdrawn application for conversion to residential
- 10/4295N 2010 Approval for residential conversion

POLICIES

Cheshire East Local Plan Strategy (CELPS)

- PG1 – Overall Development Strategy
- PG2 – Settlement Hierarchy
- PG6 – Open Countryside
- PG7 - Spatial Distribution of Development
- SC4 – Residential Mix
- SC5 – Affordable Homes
- SD1 - Sustainable Development in Cheshire East
- SD2 - Sustainable Development Principles
- SE 1 - Design
- SE 2 - Efficient Use of Land

SE 3 - Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE12 – Pollution, Land Contamination and Land Instability
SE 13 - Flood Risk and Water Management
CO1 - Sustainable Travel and Transport
IN1 – Infrastructure
IN2 – Developer Contributions

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

**Local Plan Policy
Borough of Crewe and Nantwich Replacement Local Plan 2011 (CNRLP)**

NE.5 Nature Conservation and Habitats
NE.9 Protected Species
BE.1 Amenity
BE.3 Access and Parking
BE.4 Drainage, Utilities and Resources
RES.2 Unallocated Housing Sites
RES.5 Housing in the Open Countryside

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

Other Considerations

National Planning Policy Framework
Cheshire East Design Guide

CONSULTATIONS (External to Planning)

Highways:

No objection.

Environmental Health:

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

Flood Risk:

No objection.

Housing:

No objection.

United Utilities:

No objection.

VIEWS OF THE TOWN COUNCIL:

No comments received at the time of report writing.

OTHER REPRESENTATIONS

Seven representations have been received at the time of report writing; they express the following concerns:

- Erosion of the gap between Haslington and Winterley
- Not in accordance with the Inspectors decision
- Affordable housing should be on site
- Out of character with the area
- Highway safety
- Impact on wildlife
- Noise and dust during construction
- Incorrect boundaries shown on plans

These can be viewed in full on the Council website.

OFFICER APPRAISAL

Principle of Development

The site lies in the Open Countryside, however outline consent for up to 14 dwellings was granted on appeal in 2015. Therefore the principle of allowing residential development on this site has already been established and cannot be revisited.

Design & Layout

The site would take a linear form on the eastern side of the access road, accommodating 9 of the dwellings, with the other 4 being arranged around the turning head of the access road. At the southern end of the site is a pond and ecological area.

The dwellings would be constructed of red brick with grey roof tiles and there would be gable and chimney features that would provide interest and variety. The proposed dwellings at the top of the cul-de-sac would provide passive surveillance to the wildlife area. There is some frontage parking on the site however landscaping will largely screen this from Crewe Road. The development is therefore considered to be appropriate in this location and in accordance with the advice given in the CEC Design Guide.

There are a mix of house types and designs in the vicinity of the site, including the new development immediately to the south of the site. It is therefore considered that the development would appear appropriate in its context.

One of the objectors has put forward an alternative layout for the site; however the application should be determined on the merits of the submitted amended plans by the applicant.

The Inspector for the appeal stated the following in paragraph 17 of their report:

"I acknowledge the desire of local residents, the Parish Council and the Council to retain openness between Haslington and Winterley and to protect the intrinsic character and beauty of the countryside. There is no specific policy protection for the appeal site or the area between Haslington and Winterley and I have concluded that Policy NE.2, as a general policy, is out-of-date and has no weight. There are other larger more prominent areas of openness between the appeal site and Winterley. The proposal would change the character and appearance of the site and some trees, including some protected trees would be removed. However, I conclude that the construction of the access with residential development, provided the buildings are set back with landscaping and additional tree planting to the front of the site, would not have such a significant effect on the separation between Haslington and Winterley as to justify dismissing the appeal."

Whilst the proposed development is not set back as far as shown on the **indicative** layout submitted with the outline application, the nearest dwelling to Crewe Road would be set back by 9.5m and would be screened by trees and planting. The constraints on the site, namely protected species, make development difficult and it should be noted that the proposed site layout also allows for additional land to be part of the ecological area that provides habitat for protected species. This is a positive benefit of the proposal.

The proposal is therefore considered to be in compliance with Policies SD2 and SE1 of the CELPS.

Landscape

As stated above, the Inspector for the outline approval acknowledged the desire of local residents and the Parish Council to retain openness between Haslington and Winterley. However he concluded that there were other larger, more prominent areas of openness between Haslington and Winterley.

Having regard to this application, whilst some of the dwellings would be forward of the immediately neighbouring property, however there are properties further along Crewe Road, adjacent to Holmshaw Lane, that have a similar building line to that proposed. In addition the siting of the dwellings in relation to Crewe Road allows for additional space to the rear for ecological compensation to the rear of the site which is a positive benefit.

There would be adequate screening of the dwellings closest to Crewe Road and the Council's Principal Landscape Architect is satisfied that the proposals for the site are acceptable in their context.

The proposal is therefore considered to be acceptable and in accordance with Policy SE4 of the CELPS.

Trees

The loss of protected trees, a Sycamore and Lime forming part of Group G4 of the Crewe and Nantwich Borough Council (Winterley) Tree Preservation Order 1977 were conceded by the Planning Inspector at appeal to facilitate the proposed access. The Inspector (at para 17 of

the decision) required Landscaping (including provision of additional tree planting to the front of the site) to be undertaken.

The revised landscaping plans now show the replanting of an Oak tree of advanced nursery stock on the Crewe Road frontage in addition to the planting of the three Lime trees adjacent to the access. This planting is now considered to be acceptable.

The proposal is therefore considered to be in accordance with Policy SE5 of the CELPS.

Highways

It is proposed to construct 13 new dwellings on land off Crewe Road, Haslington and this is a reserved matters applications following approval at appeal.

The internal road layout provides adequate width and turning facilities to serve the 14 units, the car parking provision is in accordance with CEC standards. A construction method statement should be required giving details of deliveries to the site during construction, how and where materials will be unloaded and details of where contractor's vehicles will park.

Objectors have raised concerns about highway safety; however the Head of Strategic Infrastructure is satisfied that the access, internal layout and parking provision are acceptable and as such, a refusal on these grounds could not be sustained. It is important to note that access was determined at outline stage and cannot be re-visited at this time.

The proposal is therefore considered to be acceptable and in accordance with Policy BE.3 of the CNRLP and the Parking Standards set out in Appendix C of the CELPS.

Amenity

In terms of the surrounding residential properties the layout of the site means that all the requisite separation distances can be achieved including to the new development to the south of the site.

Having regard to the amenity of future occupiers of the dwellings, they would have adequate residential amenity space.

Electric vehicle charging points have been shown to all the dwellings and this addresses the air quality comments of Environmental Protection. Land contamination and noise and disturbance conditions should be imposed to protect residential amenity.

The proposal is therefore considered to be in compliance with Policies GR6 and BE.1 of the CNRLP.

Ecology

The applicant has proposed a contribution of £10,000 to fund offsite habitat creation to compensate for the loss of habitats associated with the proposed development. Unfortunately this should have been secured at outline stage and cannot now be required.

Bats

No evidence of roosting bats was recorded during the submitted survey and it is considered that roosting bats are not reasonably likely to be affected by the proposed development.

Badger

The updated survey has confirmed the continued presence of badgers on site. An acceptable badger mitigation strategy has been submitted.

Great Crested Newts

This protected species has been recorded at two ponds on adjacent land which is subject to a residential planning permission, which is in the process of being implemented. In the absence of mitigation the proposed development will result in the loss of high quality terrestrial habitat suitable for this species and also pose the risk of killing/injuring any newts present on site when works were undertaken. To compensate for the loss of terrestrial habitat the submitted mitigation strategy includes proposals for the retention of an area of terrestrial habitat and the creation of additional ponds on site.

Habitat Regulations

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

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities (“LPAs”) to have regard to the directive’s requirements.

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

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

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

Test 1: Overriding Public Interest

The impacts of the development on the GCN population have previously been considered acceptable in the grant of previous planning permissions. The development would provide

social and economic benefits in the form of employment during construction, the delivery of housing and the restoration of what is currently a derelict site. Given these benefits the development proposal contributes to meeting an imperative public interest, and that the interest is sufficient to override the protection of, and any potential impact on great crested newts, setting aside any mitigation that can be secured.

Test 2: No satisfactory alternative

The site has outline planning permission for residential development and therefore has been assessed as being an appropriate place for this form of development. As such it is considered that there would be no satisfactory alternative.

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

The current proposals would compensate for the loss of terrestrial habitat the submitted mitigation strategy includes proposals for the retention of an area of terrestrial habitat and the creation of additional ponds on site.

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

The submitted Badger Mitigation Strategy is also satisfactory.

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

Affordable Housing

Originally as submitted, the proposal put forward providing the affordable housing on the neighbouring Bovis development site. In planning terms this was not acceptable as it is considered that it would not contribute to mixed communities as required by Policy SC4 of the CELPS.

Subsequently an amended plan has been submitted including four, 3 bedroom affordable dwellings on the site has been submitted. These are the first 4 plots as you enter the site and whilst in a larger development, pepper-potting would be preferable, it is difficult to achieve on a small site such as this.

CONCLUSIONS

The proposed development is considered to be of acceptable design, in keeping with the character of the area, and would not adversely impact upon the amenities of neighbours. The proposal would comply with all relevant policies within the Development Plan. As such, the application is recommended for approval.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Accordance with the conditions on the outline permission**
- 2. Approved plans**
- 3. Details of materials to be submitted**
- 4. Compliance with the landscape planting proposals drawing**
- 5. Compliance with the drainage strategy**
- 6. Incorporation of features suitable for House Sparrow**
- 7. Ecological mitigation measures**

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

