

Southern Planning Committee

Agenda

Date:	Wednesday, 7th August, 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 top of each report.

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio recorded and the recordings are 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 - 8)

To approve the minutes of the meeting held on 3 July 2019.

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. **19/1648N Land At Grand Junction Retail Park, Manchester Bridge, Crewe CW1 2RP: Application for the creation of a new vehicular access (ingress only) from Manchester Bridge for Triton Property Fund (Pages 9 - 20)**

To consider the above planning application.

6. **19/0357N Fields Farm, Queens Drive, Nantwich CW5 5JL: Outline planning permission with some matters reserved for demolition of existing buildings and erection of proposed housing development of up to 21 dwellings at Fields Farm – Access for Mr D Heys (Pages 21 - 40)**

To consider the above planning application.

7. **18/5798N 414, Newcastle Road, Shavington CW2 5JF: A detailed planning application for the demolition of existing buildings and erection of up to 44 residential dwellings (100% affordable housing) including any associated infrastructure and new site access for land south of Newcastle Road, Shavington CW2 5JF for Keyworker Homes, The Guinness Partnership and D & W Wooton (Pages 41 - 68)**

To consider the above planning application.

8. **19/1653C Land Adjacent To Swanwick Hall Drive, Off Booth Bed Lane, Goostrey: Proposed new stable block, manege, access track and change of land use to combined equestrian and agricultural for Mrs P Taylor (Pages 69 - 80)**

To consider the above planning application.

9. **19/2396N Site of Former Lodgefields School, Lodgefield Drive, Crewe, Cheshire: Erection of a new two-storey SEND (Special Education Needs and Disability) school and associated landscaping for Henry Boot Construction Ltd (Pages 81 - 92)**

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, 3rd July, 2019 at Council Chamber, Municipal Buildings,
Earle Street, Crewe CW1 2BJ

PRESENT

Councillor J Wray (Chairman)
Councillor S Akers Smith (Vice-Chairman)

Councillors M Benson, J Bratherton, P Butterill, S Davies, H Faddes (for Cllr Critchley), A Gage, A Kolker, D Murphy and J Rhodes

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors J Clowes, S Edgar and L Smetham

OFFICERS PRESENT

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

Apologies

Councillors A Critchley and K Flavell

8 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

Councillor D Murphy declared that he was a member of Congleton Town Council, and was a member of the planning committee, but he had not pre-determined any of the applications.

All Members of the Committee declared that they had received correspondence from Councillor J Clowes with regard to application number 19/0819N.

Councillor J Wray declared that he had made up his mind with regard to application number 19/2223C, which was in his Ward. He would vacate the Chair in favour of the Vice-Chairman, exercise his separate speaking rights as a Ward Councillor and not take part in the debate or vote.

9 **MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 29 May 2019 be approved as a correct record and signed by the Chairman.

10 **19/2223C HORSESHOE FARM, WARMINGHAM LANE, MOSTON, MIDDLEWICH, CHESHIRE CW10 0HJ: CONSTRUCTION OF THREE TIMBER STABLES, A TACK ROOM AND ASSOCIATED HARDSTANDING. PROVISION OF FENCING AND RESURFACING / REALIGNMENT OF TRACK. CHANGE OF USE OF BARN AND EXISTING HARD-STANDING TO COMMERCIAL FOR OLIVER BOSWELL**

Note: Having made a declaration, Councillor J Wray vacated the Chair in favour of the Vice-Chairman.

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

Note: Parish Councillor A Roscoe (on behalf of Moston Parish Council) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

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

1. Standard 3 years
2. Approved plans
3. Hardstanding area to be limited to that shown on the approved plans
4. Surfacing materials to be submitted
5. Landscaping Scheme to include levels
6. Landscaping Scheme to be implemented
7. Stable for domestic use only – not commercial
8. Foul Drainage scheme
9. Surface water drainage scheme
10. Breeding Birds
11. B8 Storage and Distribution only – PD removed for any other changes
12. No cars/vans or materials should be stored outside the curtilage of the B8 commercial building
13. Lighting scheme to be submitted

(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 Development Management, 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.

11 19/1923N ELEPHANT AND CASTLE INN, 289 NEWCASTLE ROAD, SHAVINGTON, CW2 5DZ: VARIATION OF CONDITION 24 (CONCERNING TRAFFIC REGULATION ORDER) ON APPROVAL 17/2483N - AFFORDABLE HOUSING DEVELOPMENT COMPRISING 45 NO. DWELLINGS & ANCILLIARY WORKS FOR MAGENTA LIVING & MCI DEVELOPMENTS

Note: Councillor L Smetham (on behalf of the Ward Councillor), Councillor S Edgar (Neighbouring Ward Councillor), Parish Councillor M Ferguson (on behalf of Shavington-cum-Gresty Parish Council), Mr R Taylor (objector), and Mr W Fulster, Mr W Booker and Mr S Eaves (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Mr S Boone (objector) had registered his intention to address the Committee but did not speak.

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

RESOLVED

(a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to a Deed of Variation under Section 106 (A) of the Town and Country Planning Act 1990 to link to the original permission 17/2483N and the following conditions:

1. Commencement of development (3 years)
2. Development in accordance with approved plans on 17/2483N except as varied
3. Materials as application 17/2483N
4. Surfacing materials as approved 18/3014D
5. 100% affordable housing
6. Removal of permitted development rights for extensions classes A- E and means of enclosure/ boundary treatments forward of building line
7. Nesting bird survey to be submitted
8. Provision of features for breeding birds as approved under 18/3014D
9. Compliance with Flood Risk Assessment (FRA) (ref: ES/16365/FRA Prepared by SCP) dated August 2016
10. Implementation of landscaping
11. LEAP (min 5 pieces of equipment) children's play area /POS in accordance with details as approved under 18/3014D
12. Contamination - Phase II investigation to be submitted prior to operational commencement
13. Contamination - Importation of soil
14. Remediation of unexpected contamination

15. All Arboriculture works in accordance with Tree Care Consultancy Arboricultural Implication Assessment (Ref AIA1-CSE-SW) dated 11th May 2016
 16. Boundary treatments (inc 1.8m high close boarded to rear gardens adj in accordance with Noise Report recommendations) as approved under 18/3014D
 17. Levels, existing and proposed as approved under 18/3014D
 18. Noise mitigation scheme compliance with recommendations of report
 19. Details of construction and highways management plan, inc on site parking for contractors/storage during development as approved under 18/3014D
 20. Electric vehicle charging points to be provided for dwellings as approved under 18/3014D
 21. Residents Travel Information Pack
 22. Cycle storage details as approved under 18/3014D
 23. Bin Storage details as approved under 18/3014D
 24. The development shall not commence unless and until a Traffic Regulation Order changing Main Road to a one way system/ provision of pavement widening as detailed on SCP drawing SCP/13289/SK11 has been Made and any legal challenges concluded.
 25. Drainage strategy detailing on and off site drainage work to be submitted and implemented as approved
 26. detailed calculations to support the chosen method of surface water drainage to be submitted and implemented as approved
 27. Grampian condition for the one-way system to Main Road (condition 24) be fully implemented/ construction of the footways to Main Road and build-outs on Newcastle Rd should be complete prior to any occupation of the site
 28. Compliance with bat report as application 17/2483N
 29. Updated badger survey as approved under 18/3014D
 30. Submission and implementation of a scheme for the future management and maintenance of all communal open space be submitted and implemented as approved
 31. Bungalow/single storey accommodation - priority of occupation for over 55's/ persons reliant upon wheelchair
 32. Garden sheds provided as approved under 18/3014D
- (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 Development Management, 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.
- (c) That, should this application be the subject of an appeal, authority be approved to enter into a S106 Agreement to provide a Deed of Variation to link this proposal to the original permission under 17/2483N.

- 12 **19/0819N BASFORD OLD CREAMERY, NEWCASTLE ROAD, CHORLTON CW2 5NQ: AMENDMENTS TO SITE LAYOUT AND BUILDING DESIGNS COVERED UNDER APPROVALS 15/4224N AND 16/1987N. PROPOSALS INCLUDE PROVISION OF NEW OFFICE SPACE AND SUB-DIVISION WITHIN APPROVED INDUSTRIAL UNITS AND CREATION OF ADDITIONAL B1,B2 AND B8 FLOOR SPACE TO AREA FORMALLY USED AS EXTERNAL WORK AREA FOR MR J BEESON, TOTAL CONCRETE PRODUCTS LTD/PIONEER DESIGN & BUILD LTD**

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

Note: Councillor J Bratherton left the meeting during consideration of this application.

Note: Councillors J Clowes and S Edgar (Ward Councillors), Parish Councillor G Bennion (on behalf of Hough & Chorlton Parish Council) and Parish Councillor J Cornell (on behalf of Weston & Basford Parish Council) 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 the application be DEFERRED for the following:

- Further clarification on the wording and time frames for the conditions
- Clarification of the acoustic fence – why has it not been provided as part of the previous approvals?
- Further information regarding the dust mitigation/suppression

- 13 **19/1532N MERIDIAN CANAL, WAYBUTT LANE, CHORLTON CW2 5QA: CHANGE OF USE FROM WELFARE FACILITIES FOR MEMBERS OF BORDER FISHERIES TO DOMESTIC FOR MAINTENANCE/ SECURITY STAFF FAMILY FOR MICHAEL GLOVER**

Note: Councillor J Clowes (Ward Councillor), Parish Councillor R Dodd (on behalf of Hough & Chorlton Parish Council) and Ms C Payne (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

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

1. Approved Plans

2. Materials as per application
 3. Removal of PD (extensions/alterations, gates, walls, fences, enclosures)
 4. Occupancy tied to Border Fisheries
 5. Boundary treatments to be submitted and approved by the LPA
- (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 Development Management, 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.

14 **19/2230M 72, FENCE AVENUE, MACCLESFIELD SK10 1LT:
PROPOSED REPLACEMENT AND ENLARGEMENT OF SINGLE
STOREY REAR EXTENSION FOR DR GAVIN REYNOLDS**

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Standard (3 years)
 2. Approved Plans
 3. Materials as per application
- (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 Development Management, 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 1.40 pm

Councillor J Wray (Chairman)

Application No: 19/1648N

Location: LAND AT GRAND JUNCTION RETAIL PARK, MANCHESTER BRIDGE,
CREWE, CW1 2RP

Proposal: Application for the creation of a new vehicular access (ingress only) from
Manchester Bridge

Applicant: N/A, Triton Property Fund

Expiry Date: 09-Aug-2019

SUMMARY

This application seeks full planning permission for the creation of a new vehicular access (ingress only) from Manchester Bridge into the Grand Junction Retail park, in Crewe.

The application site is situated within the Crewe settlement boundary and the site falls within the Strategic Location LPS1 (Central Crewe) as defined within the CELPS within this area the Council will look to maximise opportunities for improvement and regeneration and this will be achieved through by a number of ways including the following; *‘Corridor improvements on Earle Street from Grand Junction Way to Vernon Way’*

There is a requirement in the NPPF (para 108b) for *‘consideration of safe and suitable access to the site can be achieved for all users’*. Policy SD1 of the CELPS also aims to improve links to and from new development in a sustainable well designed manner.

The Strategic Highways officer has considered the proposal and concluded that subject to a contribution for a TRO the proposal is acceptable in terms of highway safety and will remove vehicles off the public highway.

Whilst the proposal may be acceptable from a Highway safety perspective, it is considered that the loss of the landscaping area and impact on the streetscene are negative impact of the development, however could be mitigated by means of a meaningful landscape scheme.

Furthermore, the creation of a further, ‘give-way’ section within the pedestrian and cyclist pathway along this stretch of road is unfortunate and does not promote good non-vehicular movements around this area of the retail park towards the town centre and beyond.

Therefore, it is considered, on balance, that the development is acceptable and subject to a legal agreement to secure £5,000 towards the TRO works, and conditions for replacement and improved landscaping; the application generally complies with the development plan and therefore is recommended for approval.

Recommendation: Approve subject to a S106 Agreement and conditions

Reason for referral

This type of application would usually be determined under delegated powers, however this application has been called into Southern Planning Committee by Cllr Brookfield for the following reasons;

'I would like to call this application in if at all possible based upon the following planning reasons:-

1. The proposed new access is from a major thoroughfare in Crewe i.e. Hungerford Road/Earle Street, is at the base of a railway bridge and there is not yet a highways report accompanying the application nor is it apparent the applicant has received any advice from the Highways department of Cheshire East Council. I believe consideration cannot be / should not be given by delegated authority due to the importance of this application due to the locality.

2. The proposed access segregates a cycle and pedestrian access. This would prove dangerous in my opinion.

3. The amount of interest being shown by the public significant and it is apparent that the majority as do I feel that the reasons for this access providing only an "ingress" is not going to solve the problem that exists at this location in respect of congestion. Indeed I feel that if this access gets blocked then traffic congestion on the public highway could worsen thereby worsening standing traffic and thereby affecting the already poor air quality in the locality.'

DESCRIPTION OF SITE AND CONTEXT

Grand Junction Retail Park is a large retail park comprising several retail units with associated landscaping. It is located approximately 500m to the west of the defined town centre boundary of Crewe and is an edge of centre location as defined in the NPPF. The site is accessed via Earle Street (A532) which provides a direct pedestrian and vehicular link to the town centre.

DETAILS OF PROPOSAL

This application seeks full planning permission for the creation of a new vehicular access, ingress only, from Manchester Bridge into the Grand Junction Retail Park.

RELEVANT HISTORY

There have been a large number of applications in relation to the retail park however no relevant history in relation to this application.

POLICIES

Development Plan Policies

Cheshire East Local Plan Strategy (CELPS)

Strategic Location LPS1 – Central Crewe
PG2 – Settlement Hierarchy
PG7 – Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE 1 - Design
SE 2 - Efficient Use of Land
SE 13 - Flood Risk and Water Management
EG5 – Promoting a Town Centre First Approach to Retail and Commerce
IN1 – Infrastructure
IN2 – Developer Contributions

Saved policies of the Crewe and Nantwich Replacement Local Plan

BE.1 (Amenity)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
TRAN.3 (Pedestrians)
TRAN.5 (Provision for Cyclists)

National Planning Policy

National Planning Policy Framework (2019)
Planning Practice Guidance

Other Material Considerations

Cycling Strategy – A vision for the future in Cheshire East 2017 - 2027

CONSULTATIONS (External to Planning)

Strategic Highways: No objections, subject to the applicant entering into a s278 agreement for the proposed access works, and a s106 agreement for the £5,000 TRO contribution.

Environmental Health: No objections subject to an informative for construction hours

Cadent Gas/National Grid – No objections subject to an informative

VIEWS OF THE PARISH / TOWN COUNCIL: None received time of writing this report.

OTHER REPRESENTATIONS:

Letters of representation have been received from 20 addresses, including 1 objection from the Local ward member, Cllr Brookfield. The main issues raised are;

- This application will not address the issues with the retail park, as the main issue is getting off the car park not on to it,

- A single ingress road will not ease the congestion around the retail park/roundabout,
- A better solution would be to add another major entrance/exit off Macon Way
- The spaces near the new entrance will be unusable due to queuing traffic,
- Proposal will be unsafe for pedestrians and cyclist due to the angle of the entrance which will encourage fast vehicle movements,
- Town centre needs promoting not encouraging more vehicles onto the retail park
- To alleviate congestion around the roundabout, the old Earle Road should be re-opened and a one way system put into place,
- The carpark needs a one way system rather than all the entrances which create congestion/general redesign of the car park layout/ parking control needed
- Loss of parking spaces in front of Frankie and Bennies would be an inconvenience to the customers
- Contrary to the NPPF – *'planning should ... actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable'*
- Proposed one way / no entry signs are unenforceable by the Police
- The entrance is sited at the most congested part of the retail park and will undoubtedly cause tailbacks at peak times on the Manchester Bridge,
- Concerns over air quality in the area of the retail park
- Impact on tree coverage in the area
- Removing left turning vehicles from the roundabout will reduce the 'gap' in the traffic needed to allow customers to leave the Retail car park
- Loss of parking spaces is unacceptable
- Concerns over safety of the new access on pedestrians and cyclists,

OFFICER APPRAISAL

Principle of Development

The application site is situated within the Crewe Town settlement boundary where the principle of development is acceptable.

The site falls within the Strategic Location LPS1 (Central Crewe) as defined within the CELPS within this area the Council will look to maximise opportunities for improvement and regeneration and this will be achieved through a number of ways including the following;

- *Corridor improvements on Earle Street from Grand Junction Way to Vernon Way*

This application will be accessed off the part of the road network known as Manchester Bridge and is therefore slightly outside the corridor improvement area noted within the policy. However, there is a clear indication that improvements are sought between the Grand Junction retail park and the Town Centre.

Policy SD1 (Sustainable Development in Cheshire East) sets out that all development should, where possible, (inter alia), *'6. Ensure that development is accessible by public transport,*

walking and cycling; 7. Provide safe access and sufficient car parking in accordance with adopted highway standards; 9. Provide a locally distinct, high quality, sustainable, well designed and durable environment; 12. Incorporate sustainable design and construction methods'

Therefore, the policy aims to improve links to and from new development in a sustainable and well designed manner.

Highway safety

The proposal is for a new vehicle entry only access into the Grand Junction Retail Park, approximately 45m east of the Manchester Bridge roundabout. The roundabout is currently the only public vehicle access into the site.

The applicant has proposed this with the intention of reducing the vehicle numbers travelling into the site via the Manchester Bridge roundabout, thereby improving vehicle flow around it.

The access will be one-way, entry only and will be 3.75m wide to prohibit two-way movement. A Road Safety Audit has been carried out and following this minor amendments have been made to the plans. Road markings and signage within the site will be provided to make drivers aware of the one-way nature of the access. The access cuts across the footway and cycle lane, and therefore dropped kerbs, tactile paving, the cycle give-way markings have been included.

In terms of the planning balance, the additional pedestrian and cyclist give-way section on this path is considered to be an unfortunate design solution which does not promote good pedestrian and cyclist links into the town centre, and which may lead to more cyclists using the public highway as opposed to the shared pedestrian/cycle way as a consequence of the additional give way provision on this section of the road. This is therefore a conflict with the aims of Policy SD1 of the CELPS which aims to improve links for all users in a sustainable well designed way and is in conflict with the Council's Cycling Strategy.

Notwithstanding this planning policy conflict, the Strategic Highways Officer advises this is a typical arrangement across vehicle accesses for pedestrians and cyclists, and further Road Safety Audits would be carried out during the technical approval process, should the application be approved.

The applicant has stated that the proposal will result in a loss of 11 car parking spaces. A car park survey across Friday, Saturday, and Sunday has been carried out showing that the loss of these spaces can be accommodated.

The Strategic Highways Officer states that given the existing capacity of the car park this small loss of parking spaces is considered acceptable. The loss includes 2 car parking spaces adjacent to the access so that car manoeuvring within this area is removed; ensuring arriving customers are not temporarily blocked from accessing the wider car park. Given this and the fact that the new access has a stacking capacity for 6 cars; the Strategic Highways Officer considers that blocking back onto the highway will not take place, and accordingly he raises no concerns.

The access is designed for customers arriving from the east and a 'no right turn' signage is proposed which will discourage right turners into the site and maintain the free flow of eastbound traffic. The Strategic Highways officer states that a Traffic Regulation Order (TRO) is required for this and a contribution of £5,000 is necessary and should be secured by S106 agreement.

The Strategic Highways Officer notes that a number of comments have been submitted objecting to the proposal on the belief that it will not improve the congestion on the local highway network, and specifically on exiting the site where the main problem has been said to be.

However, the Strategic Highways Officer notes that with having an extra access into the site it is evident that the proposal will remove vehicles off the public highway earlier than if it were not there. Whilst capacity assessments have not been carried out by the applicant it is clear that the impact of the proposal in terms of congestion on the public highway, if any, will be minimal and certainly not severe as required by the NPPF.

The Strategic Highways Officer considers that any congestion on private land within the retail park, south of the roundabout, is a matter for the applicant to deal with. As the problems within the retail park are on private land, it is not a matter for the Strategic Highways Officer to comment upon, but there may be potential impact on the public highway if the scheme failed, e.g. more than 6 cars backed up on to the access road. The Safety Audit required under Highways legislation to permit the scheme would consider such matters in greater detail.

The Strategic Highways Officer considers that in terms of Highway Safety, the proposal will take some of the vehicular traffic off the Public Highway before the roundabout. He considers this to be acceptable and a benefit of the scheme.

It is clear that there are a number of issues with the existing layout of the car park which will need to be addressed as part of wider improvement works to the retail park; however they sit outside the remit of this application.

In terms of encouraging good cycle and pedestrian links to the town centre and beyond, there appears to be greater weight being given to the needs of the motorist as opposed to cyclists and pedestrians who will be the subject of an additional requirement to give way to the motor car wishing to enter the retail park. Policy SD1 requires development to provide safe access and sufficient car parking in accordance with adopted highway standards. The planning issues raised in respect of the proposed development are therefore finely balanced.

Design Standards

The slip road design will project into the retail park half way along the Manchester Bridge road way, and will include the intersection of the existing cycle and footpath. The creation of the new access will include the loss of an area of landscaping and hedgerow/trees along the street frontage, along with a number of car parking spaces. It is considered that the loss of this green infrastructure is unfortunate in an area where trees and green space is invaluable. However there may be opportunities to replace and improve the landscaping along the street

frontage, and therefore conditions are proposed for a landscape and replacement planting scheme to be submitted.

Landscape and tree impact

The proposed development will include some loss of landscaping and trees along the boundary of Manchester Bridge frontage. This will be an unfortunate impact on the streetscene where the landscape setting of the street frontage is important. It is considered reasonable to condition a landscape plan and a replacement tree planting plan is required to be submitted by condition.

Amenity

The proposed access will be sited opposite the residential properties off Old Earle Road. If the new access works as proposed, the development should have an improved impact on the neighbours as less cars will drive past the properties and create less congestion on the highway network. The proposal therefore should not have a significantly detrimental impact on neighbouring amenity over and above the existing situation.

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

Other Matters

It is noted that a large number of the objections relate to the proposal being illogical and would not serve to improve permeability of the site. Other comments include the need for a redesign of the retail park car park and the need for a new access/exit else where, whilst these are reasonable suggestions, it is not a material planning matter which can be considered as part of this application, which relates solely to the new ingress access.

The law requires a planning application to be determination on its own merits, having regard the development plan, having regard to all material considerations

CIL Compliance

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

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

As the main report states, to ensure the access is safe, a 'no right turn' is required and a TRO is required to secure this. A contribution of £5,000 is required to facilitate this. This is considered to be necessary and fair and reasonable in relation to the development.

PLANNING BALANCE

There is a requirement in the NPPF (para 108b) for *consideration of safe and suitable access to the site can be achieved for all users*. Policy SD1 of the CELPS also aims to improve links to and from new development in a sustainable well designed manner.

The Strategic Highways officer has considered the proposal and concluded that subject to a contribution for a TRO the proposal is acceptable in terms of highway safety and will remove vehicles off the public highway providing a wider benefit.

Whilst the proposal may be acceptable from a Highway safety perspective, it is considered that the loss of the landscaping area and impact on the streetscene are negative impact of the development, however could be mitigated by means of a meaningful landscape scheme.

Furthermore, the creation of a further, 'give-way' section within the pedestrian and cyclist pathway along this stretch of road is unfortunate and does not promote good non-vehicular movements around this area of the retail park towards the town centre. Pedestrians and cyclists will have to give way to motorists entering the retail park. The Highways Manager advises that the further safety audit necessary under the TRO process will consider the safety of other road users such as pedestrians and cyclists.

Therefore, on balance and subject to a legal agreement to secure £5,000 towards the TRO works, it is considered that the development is acceptable and is recommended for approval.

RECOMMENDATION - Approve subject to a Section 106 Agreement to secure;

S106	Amount	Triggers
Highways	£,5000 for contribution towards TRO	Prior to commencement of development

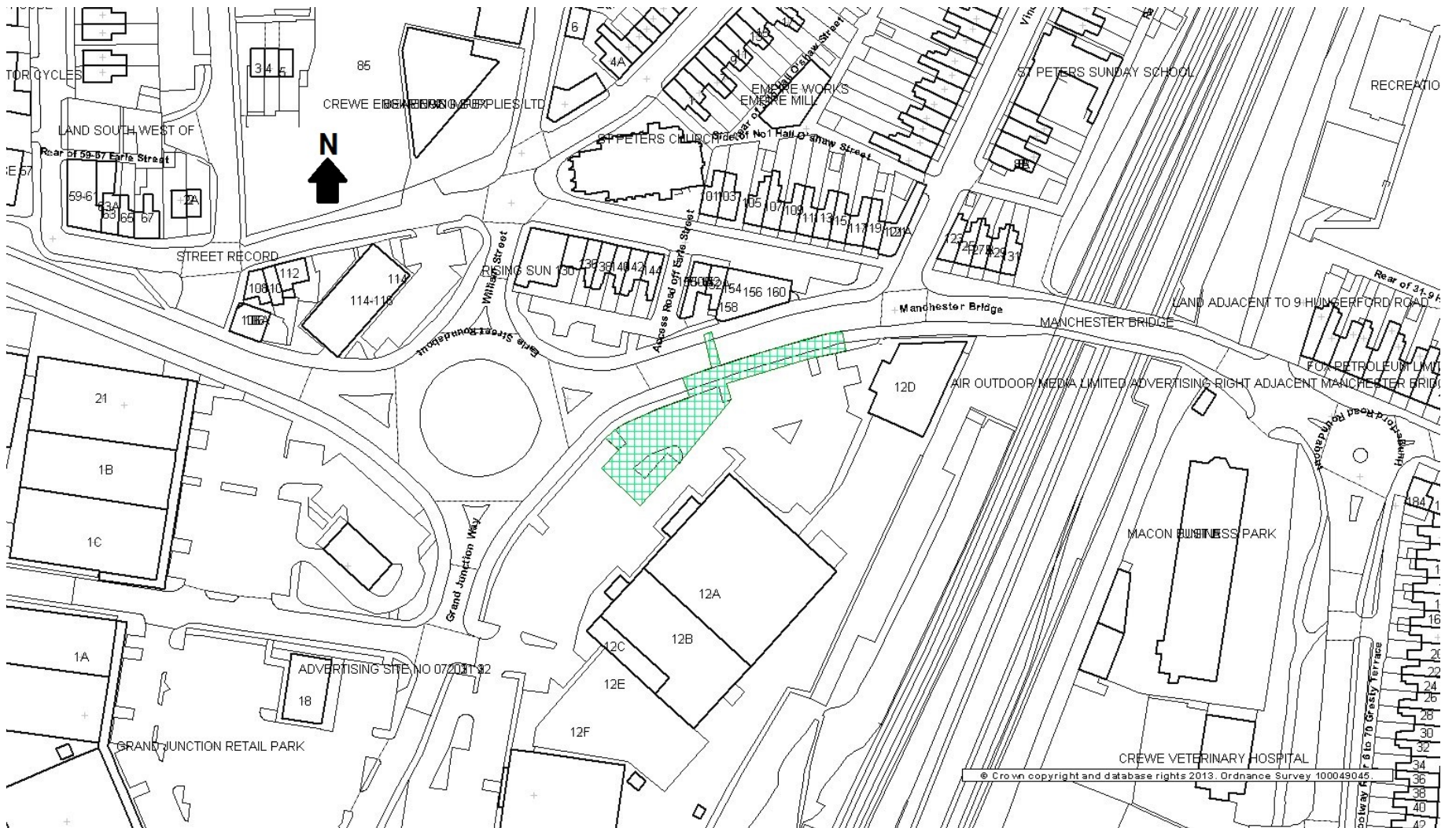
and Conditions

- 1. Standard Time**
- 2. Approved plans**
- 3. Surfacing Materials**
- 4. Landscape Plan to include replacement trees**
- 5. Landscaping implementation**
- 6. Tree protection measures**
- 7. Signage to be erected prior to first use**

In order to give proper effect to the Southern Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Development Management 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.

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

S106	Amount	Triggers
Highways	£,5000 for contribution towards TRO	Prior to commencement of development



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Application No: 19/0357N

Location: Fields Farm, QUEENS DRIVE, NANTWICH, CW5 5JL

Proposal: Outline planning permission with some matters reserved for demolition of existing buildings and erection of proposed housing development of up to 21 dwellings at Fields Farm – Access

Applicant: Mr D Heys

Expiry Date: 02-Aug-2019

SUMMARY

The proposal seeks outline planning permission for up to 21 dwellings at Fields Farm, Queens Drive, Nantwich.

The application site falls within the Open Countryside and the proposals does not adhere with any of the acceptable forms of development permitted in the Open Countryside by Policy PG6 of the CELPS. The application is therefore deemed to represent a departure from the development plan.

However, the site is essentially land locked and no longer forms part of the functional open countryside due to the residential development around the site, and the railway line to the south of the site, and it is therefore considered that the development would not cause harm to the wider open countryside and would be contained within the site area. Furthermore the site is in a relatively accessibly sustainable location with good links to the majority of services within the Nantwich Town Centre.

The benefits of the proposal would be the provision of open market housing and affordable housing, Open Space, and Health contribution and the limited economic benefits during construction.

There are no objections to the development in relation to flooding, air quality, contaminated land, ecology, trees, and there will be impact on the living conditions of existing and future occupier's amenity, subject to conditions and/or a S106 legal agreement where necessary.

Therefore it is considered that although the application is a departure to the Development Plan, other material considerations as set out above, are considered to be acceptable and therefore recommended for approval subject to a legal agreement and conditions set out below.

RECOMMENDATION

Approve with conditions

REASON FOR REFERRAL

The application has been referred to the Southern Planning Committee as it is a Small Scale major development of over 20 units, and it represents a departure from Open Countryside and is policy is recommended for approval.

PROPOSAL

The proposal seeks outline planning permission with some matters reserved for demolition of existing buildings and erection of proposed housing development of up to 21 dwellings at Fields Farm. Matters of access are included for consideration with matters of Appearance, Landscaping, Layout and Scale to be determined at reserved matters stage.

SITE DESCRIPTION

The application site forms an existing working farm known as Fields Farm, which is accessed off Queens Drive. The site currently comprises 4no buildings which are to be demolished as part of the application. There is a mix of converted buildings and agricultural buildings on the site.

The application site is within the open countryside; however permission has been granted and is being implemented for housing which surrounds the site on two sides, with the Railway line bounds the site to the south and east.

RELEVANT HISTORY

13/1637N – Certificate of Lawfulness for Existing Residential use – positive certificate 7th April 2015

P04/0422 – Conversion of Barn to Dwelling – Approved with conditions 26th July 2004

P96/0900 – Retention of dwelling without compliance with occupancy conditions – Approved 3rd April 1997

7/10715 – Horse and pony riding and livery centre – Approved with conditions 2nd February 1984

7/15626 – Change of use from redundant farm buildings to one tourist accommodation unit to operate in conjunction with riding holidays – Approved with conditions 7th July 1988

7/16354 – Change of use from redundant farm buildings to tourist accommodation unit – Approved with conditions 20th January 1989

7/17822 - Change of use to staff residential unit – Approved with conditions 17th November 1989

PLANNING POLICY

Development Plan

Cheshire East Local Plan Strategy (CELPS);

MP1 – Presumption in Favour of Sustainable Development

SD1 – Sustainable Development in Cheshire East

SD2 – Sustainable Development Principles

SE1 – Design

SE2 – Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE4 – The Landscape

SE5 – Trees, Hedgerows and Woodland

SE6 – Green Infrastructure

SE7 – The Historic Environment

SE9 – Energy Efficient Development,

SE12 – Pollution, Land Contamination and Land Instability

SE13 – Flood Risk and Water Management

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG6 – Open Countryside

PG7 – Spatial Distribution

SC4 – Residential Mix

IN2 – Developer Contributions

CO1 – Sustainable Travel and Transport

CO4 – Travel Plans and Transport Assessments

SC5 – Affordable Homes

IN1 – Infrastructure

IN2 – Developer Contributions

Saved policies of the Crewe and Nantwich Local Plan 2011 (CNLP);

NE.5 (Nature Conservation and Habitats)

NE.8 (Sites of Local Importance for Nature Conservation)

NE.9 (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.6 (Development on Potentially Contaminated Land)

RES.5 (Housing in the Open Countryside)

RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

Development on Backland and Gardens SPD (2008)

Acton, Edleston and Henshull Neighbourhood Plan – Regulation 16

The weight however that can be afforded to these policies however is limited at this stage.

ENV1: Landscape character and setting
ENV3: Open Countryside
ENV7: Dark Skies
DEV1: Design for New Development
DEV4: Type and Mix of Housing
TRA1: Improved pedestrian, cycle and public transport access

National Planning Policy

National Planning Policy Framework (NPPF)
National Planning Practice Guidance

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
National Planning Practice Guidance

CONSULTATIONS

CEC Head of Strategic Infrastructure (Highways) – No objections, consider the access to be acceptable.

CEC Environmental Protection – No objections, subject to a number of conditions/informatives including; implementation of the acoustic mitigation, travel information pack, electric vehicle charging points, ultra low emission boilers, contaminated land Phase II, verification report, soil importation materials, unexpected contaminated land

CEC Flood Risk – No objection in principle, subject to conditions for route of culverted watercourse, disposal of surface water and informative for land drainage consent

CEC Education – No objection subject to developer contribution of £49,028.

CEC Open Space (ANSA) – Require provision of Children's play space and amenity green space of a combined figure of 40m² per family dwelling for informal recreation and play. This development does not require formal fixed play. Should the development be accepted in principle by committee, then full landscape and levels plans should be submitted.

CEC Housing – No objections subject to 6 units of affordable housing secured by Legal Agreement; 4 units should be provided as Affordable or Social rent and 2 units as Intermediate tenure.

CEC Public Right of Ways (PROW) – No objection, the additional link path from the development to Footpath no. 2 is welcomed however a permissive arrangement would not secure this access and could be withdrawn at any time. A reserved matters application should address

how best this proposal can be incorporated into the management of the public open space and be secured in perpetuity, and subject to informative.

Network Rail – Object, unless the diversion of Footpath FP2 from Fields Farm level crossing to the adjacent underpass is implemented as requested on the wider housing scheme

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

NHS Primary Care – Request a contribution of £18,216 to offset the impact from extra demand for housing. Triggers to be 50% upon commencement of development and 50% upon completion of 90% of the dwellings

Nantwich Civic Society –Members accepted the principle as this site was almost surrounded by new estate developments. The new houses will use the estate roads for access. The members noted that the egress on to Queens Drive is adequate IF there are no vehicles parked on the R/H side. However, they shared the local residents' concern about parked vehicles blocking egress safely and wished the Local Highway Authority to implement parking restrictions for safety reasons. Members wish to see the existing public footpath to Queens Drive kept open as a safe and more convenient path to the town centre.

Acton, Edleston & Henhull Parish Council –

[18th July 2019- updated comments] - The Parish Council have no objections subject to consideration being given to the provision of resurfacing, maintenance and repair, to a reasonable standard, of the deterioration caused to the pathways and roads by the constant use by heavy vehicles and plant via either section 106 monies or Community Infrastructure Levy.

Future measures need to be addressed relating to traffic speed and parking as currently vehicles are parking on Queens Drive and the pavements causing a dangerous visual hazard to traffic entering and exiting the estate and to pedestrians and cyclists.

[30th May 2019] - The Parish Council has no comment to make on the application but hope that the concerns of the local residents regarding parking issues will be taken in to account when decisions are made.

REPRESENTATIONS

Letters of objection have been received from 3no households. The main issues raised are;

- Access onto Queens Drive is often blocked due to cars being parked in the visibility splays,
- Parking restrictions should be introduced on Queens Drive in the visibility splays to ensure the visibility is actually achievable.
- Do not object to the site in general
- A mix of bungalows would be welcomed in this area
- Adjoining neighbour request a brick wall along the western boundary
- Pedestrian and cycle routes to the town centre should be considered to improve non-car movements

- Question that the statement that the site is very sustainable and has excellent pedestrian, cycle, bus and train connectivity is true

OFFICER APPRAISAL

Principle of Development

The site lies within the Open Countryside as designated by the Cheshire East Local Plan, where policy PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions may be made where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere, affordable housing or where the dwelling is exceptional in design and sustainable development terms.

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

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

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, unless material considerations indicate otherwise. 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:
- Under transitional arrangements, where the Housing Delivery Test Result indicates that the delivery of housing was substantially below 25% of housing required over the previous three years.

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 a 5% buffer.
- A deliverable five year housing land supply of 7.2 years (18,250 dwellings).

The 2018 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19th February 2019 and this confirms a Cheshire East Housing Delivery Test Result of 183%. Housing delivery over the past three years (5,610 dwellings) has exceeded the number of homes required (3,067). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

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.

Impact on the open countryside

The application site is situated within the open countryside as designated by policy PG 6 of the Cheshire East Local Plan. However, as noted above the site is essentially now surrounded by housing development to the north, east with the railway line bounding the site to the south and east. The application site is surrounded by housing development and although the site is technically within the designated Open Countryside it no longer functions as part of the Open Countryside.

The site is bounded by the railway line to the south and east and therefore there is no potential for further encroachment into the open countryside at this point. The amended plans show Tree planting and a wildlife corridor along the edge of the railway line which will help to screen the development from the wider open countryside and adjacent PROW.

It is therefore considered that the development would not have a detrimental impact on the character of the open countryside.

Locational Sustainability

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

The site is on the edge of Nantwich Town centre which is categorised as a Key Service Centre within Policy PG 2 of the CELPS. The adjoining site was considered to be relatively locationally sustainable with the large majority of the services being available within Nantwich Town centre, with only a few being such as, supermarket, outdoor sport facility, pharmacy and secondary school being slightly outside the recommend walking distances. The site would be no less sustainable than the adjoining development, and is therefore considered to be acceptable in locational sustainable terms.

Housing Mix

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

Policy SC4 of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). This is echoed within the draft A&EH NP Policies DEV4 (Type and mix of housing) which states that new development should provide a mix which includes smaller dwellings and family homes suitable for first time buyers or those wishing to downsize, unless viability or other material considerations show a robust justification for a different mix of house size and type.

The amended plans indicate a mix of small dwellings, with 7 no three bedroom properties and 14 no 2 bedroom properties, which are largely semi-detached dwellings with the occasional detached property. Although there are no Bungalows or one bedroom properties proposed, this could be something which is considered further at reserved matters stage, as this application is in outline, and the plans are simply indicative at this time. It is therefore considered that the indicative plans indicate a reasonable housing mix of smaller units.

Affordable Housing

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

This is a proposed development of up to 21 dwellings and being of a size of 0.75 Hectares, therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 6 dwellings to be provided as affordable.

The SHMA 2013 shows the majority of the demand annually, up to and including 2018 in Nantwich is for 40x 1 bedroom, 15x 3 bedroom and 35x 4+ bedroom dwellings for General Needs. The SHMA is also showing an Annual need for 16x 1 bedroom dwellings for older persons. These can be via bungalows, flats, cottage style flats or lifetime standard dwellings.

The current number of those on the Cheshire Homechoice waiting list with Nantwich as their first choice is 741. This can be broken down to 383x 1 bedroom, 204x 2 bedroom, 97x 3 bedroom and 57x 4+ bedroom dwellings. On this site therefore the proposed 2 bedroom general needs dwellings are acceptable.

The Strategic Housing Officer states that 4 units should be provided as Affordable or Social rent and 2 units as Intermediate tenure.

At Reserved Matters stage, an Affordable Housing Statement will be required to be submitted and agreed with the council that confirms the following:

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

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

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

The affordable housing provision should be secured by Section 106 agreement.

Open Space

The Greenspaces Officer states that Policy SE6 of the Cheshire East Local Plan Strategy states that the quantity standards are set out in the adopted Cheshire East Local Plan Criterion 4iii, (new development shall) provide adequate open space (as outlined in Table 13.1) and defined within the Green Space Strategy.

There is a requirement for;

Children's Play Space - The 20m² per family dwelling combines formal and informal play provision. This amount of land could accommodate a children's kickabout area or similar facility and an area of play equipment/formal provision. The emphasis will be on creating a network of varied open spaces for children's play (all ages).

Amenity Green Space - This particular type of open space (20m²) for informal recreation required in association with new development will depend on the individual site's requirements, location and existing open spaces for informal recreation in the immediate neighbourhood. It could include important landscape and historic features, wildlife areas, areas for countryside recreation/country parks, general areas for relaxing and enjoyment and areas for visual amenity.

The Green Spaces Officer states that children's play space and amenity green space can be combined to give a figure 40m² per family dwelling for informal recreation and play, and therefore there is a requirement of 840m². This development does not require formal fixed play.

The applicant has amended the plans since the last Greenspaces consultation in response to the issues raised in relation to an under provision of amenity space. The agent states that the amended plans now provide 1320m² of Green space, albeit a large area of this being a wildlife corridor along the railway line. The useable amenity space shown is 750m² and this is slightly below the standards. However this is an indicative plan and it is considered reasonable to secure a requirement of 40m² per unit within the section 106 agreement.

The Councils BFL.12 – Connections recommends thinking about where connections can and should be made. It is considered that the pedestrian access linking through to the public footpath is advantageous.

It is considered that if the development is accepted in principle, then full landscape and levels plans should be submitted as part of the reserved matters application.

Education

In Cheshire East we are committed to making a difference to the lives of children and young people in our communities. We want Cheshire East to be a great place for people to live, learn, work and relax; where all children and young people feel included and listened to. We want Cheshire East to be a place where children and young people thrive, are safe from harm, feel physically and emotionally healthy, have access to outstanding education and feel prepared for and excited about adulthood.

Cheshire East had 96.3% of its schools rated as outstanding or good by Ofsted in 2016. Children's Services is committed to putting residents first and creating greater opportunities for our young people to live rewarding lives by delivering and maintaining a high standard of education in the Borough.

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

The development of 21 dwellings is expected to generate:

4 primary children (21 x 0.19)
3 secondary children (21 x 0.15)
0 SEN children (21 x 0.51 x 0.023%)

The development is expected to impact on secondary school places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at secondary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places still remains. The proposal is not expected to impact on primary or SEN education provision.

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

3 x £17,959 x 0.91 = £49,028 (secondary)

Total education contribution: £49,028

A contribution will be secured of £49,028, by legal agreement.

Health

The South Cheshire Clinical Commissioning Group (CCG) have sought a S106 Contribution advise that funding is required towards the health infrastructure to support the development of Kiltarn Medical Centre, Tudor Surgery and Nantwich Health Centre and their ability to continue to provide the expected level of Primary Care services in Nantwich.

The mitigation requested is based on the following formula and the assumption of 21 units of a housing mix of 2, 3, and 4 bed properties. However the application is in indicative and for up to 21 dwellings and therefore the figure of £18,216 may not be the correct figure.

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

It is therefore considered that the financial contribution can be secured as part of legal agreement to mitigate the harm.

Residential Amenity

As noted above the application is in outline, and therefore the submitted plan is indicative. However, the plan gives a good indication that a suitable layout can be achieved that would not have a significant impact on neighbouring amenity.

The Council's separations standards, set out in the Development on Backland and Gardens SPD suggests a separation distance of 21m between opposing principle windows and 13.5m principle windows and flank elevations or non habitable windows.

The main residential properties which would be affecting by the development would be Laburnum House and Pear Tree House, which are two existing traditional semi-detached dwellings presumably originally linked to the wider farmstead. The amended plan shows a larger space between Laburnum House and the closest unit, with an area of Amenity land between. There is a separation distance of 16m between the nearest property and the rear elevation of Laburnum House, provided there are no principle windows on the first floor side elevation of the proposed unit, this will be a sufficient distance.

Furthermore, there are dwellings associated with the adjoining Bovis site which bound the application site on the north and west side of the application site. The majority of the dwellings meet the suggested separation distances as set out in the SPD and most exceed the requirements. There is one unit to the north of the site which will have an interface distance of

12m between the opposing neighbour's side elevation and the rear elevation of the proposed dwelling. Although this is slightly below the suggested standards, it is considered that there is scope to move the property slightly forwards to create a larger space. However this can be addressed further in the reserved application.

The Council also has a standard of 50m² garden areas for future occupiers. The indicative plan shows that all the dwellings achieve the required amount.

Environmental Protection have raised no objections to the proposal subject to conditions regarding the implementation of the noise attenuation mitigation, travel plan, electric vehicle charging, boilers, and contaminated land. These conditions are considered to be reasonable.

Highways

The proposal is for 21 dwellings to be accessed within a recently approved development, with only access to be determined at this time.

The Strategic Highways Officer, states that the existing access to the site is from the north east off Queens Drive via a single width track. However, this access will be closed to the housing development and the site will be accessed via the approved adjacent residential layout. The Strategic Highways Officer states that this access arrangement is acceptable and no objection is raised.

The applicant has submitted confirmation from their Solicitor to prove the adjoining land owner (Bovis) a right to access the application site through the wider housing site.

It is noted the Parish Council and neighbours have raised concerns over the visibility on the Queens Drive being hindered by on street parking. Although this noted as it does not relate directly to this application site or the landowner it would be unreasonable within this application to require parking restriction on Queens Drive.

Landscape

The site forms part of a farm complex with farm buildings (some converted for residential use). It is on land designated as open countryside outside the settlement boundary. A railway line runs to the south and there is residential development under construction to the north and west which incorporates open space to the north east. Public footpath Edleston FP3 runs from Queen Drive and links to Edleston footpaths 2 and 4 close to the site.

As an outline application with only access to be determined, the full landscape implications would only be apparent at reserved matters stage. Nevertheless, given there is adjacent land approved for residential development there do not appear to be any major landscape issues associated with the principle redevelopment of the built areas of the site.

The revised layout would afford the development more amenity space. Should the principle of development be accepted, a reserved matters application would still need to be supported by proposed levels details together with comprehensive landscape and boundary treatment details. A reserved matters layout should also make provision for pedestrian links to the public footpath network as illustrated.

The Landscape Officer also advises that a management plan for the long term maintenance of the open amenity space and a mechanism for implementation need to be secured.

Trees

There are a small number of trees which remain on the north and east boundary of the site which are shown for retention on the amended site plan. Similarly there is an area of grassed open space within the north eastern area of the site, which also shows an existing tree to be retained.

There are no other trees within the site, and therefore the indicative plans appear to show a layout which would have little impact on the existing trees surrounding the site.

As the plans are indicative in nature, conditions requiring updated tree reports and protection measures will be required as part of any reserved matters application.

Design

As noted above the proposed development is in outline only with access included. Therefore the layout, scale and design are reserved for a future consideration. The indicative layout as amended is an improvement on the original proposal which appeared to be car dominated with two large parking areas and frontage parking.

The current scheme, with parking proposed to the sides of the dwellings and the layout appear a lot less overdeveloped, and more akin to the adjoining housing development. There are some small areas of detail which will require some design input at reserved matters stage, eg. the need for dual frontage elevations on corners, and surveillance of the amenity land etc, however it is considered that this application is in outline only and the current plans do show that the site would be capable of accommodating 21 dwellings.

The design details at reserved matters stage will be important to ensure the development meets the standards set out in the adopted Design Guide.

The increased landscape buffer to the south will help to create a green buffer along the railway line.

Ecology

The application includes protected species survey, which the Council's Ecologist has considered.

The Council's Ecologist notes that there were access constraints to some of the buildings on site which meant that not all of the buildings on site could be inspected internally for field signs of protected species. No evidence of roosting bats were however recorded during the activity surveys and the Council's Ecologist has advised that on balance roosting bats and barn owls are not reasonably likely to be present or affected by the proposed development.

As the buildings on site have potential to support protected species, although none are likely to be currently present, The Council's Ecologist has recommend that if outline consent is granted a

condition should be attached which requires an updated survey to be submitted with any reserved matters application.

Furthermore, evidence of nesting house sparrow, a priority bird species, was recorded within one of the buildings on site, therefore the Council's Ecologist has suggested a condition is attached to safeguard nesting birds.

Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality.

This proposal is for the residential development of 21 new dwellings following the demolition of an existing farm. Whilst this scheme itself is of a small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

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

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

- Travel Information Pack
- Electric Vehicle Infrastructure
- Ultra Low Emission Gas Boilers

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

Flood Risk

The Flood Risk officer has considered that application and notes that it is identified on flood risk mapping system that there is potentially a culverted watercourse that follows the norther boundary of the site. The applicant should be made aware that Cheshire East Council has a Bylaw that prevents construction within 8 meters of an ordinary watercourse to ensure that future maintenance is not obstructed. However, as the development is in outline currently with an indicative plan, the Flood Risk Officer have suggested a number of conditions in relation to the culverted watercourse and sustainable drainage strategy.

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

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

Network Rail

The application site is situated adjacent to railway line, where a buffer is provided. It is noted that Network Rail have raised an objection to the proposal on the basis that the cumulative impact of housing development in this area may have a detrimental impact on the the passive public footpath crossing of the railway. Network Rail, state that they will not withdraw their objection until a diversion of the Footpath FP2 from the Field Farm level crossing to the adjacent underpass is secured.

However, this objection was also raised as part of the original 14/5841N outline application, and a condition was attached to that permission for the diversion to be carried out in accordance with a timetable to be agreed. Therefore although this has yet to be implemented the works have already been secured and therefore it is considered that the objection raised by Network Rail is relation to this small outline for up to 21 dwellings is unreasonable and would not amount to a defensible reason for refusal.

CIL Compliance

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

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

The proposal would result in a requirement for the provision of 6 units of affordable housing; 4 units should be provided as Affordable or Social rent and 2 units as Intermediate tenure. This is considered to be necessary and fair and reasonable in relation to the development.

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

As explained within the main report, there is a need for 40m² open space per family dwelling. The application is for up to 21 dwellings and therefore there is a requirement to secure the provision and maintenance of this space by means of a private management company. This is directly related to the development and is fair and reasonable.

As explained in the main report, the development will result in an increased demand for NHS provision in Nantwich. Funding is required towards the health infrastructure to support the development of Kiltarn Medical Centre, Tudor Surgery and Nantwich Health Centre and their ability to continue to provide the expected level of Primary Care services in Nantwich. This is considered to be necessary, fair and reasonable in relation to the development.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010. Furthermore the site will be liable to CIL charging once the number of dwelling is defined at reserved matters stage.

PLANNING BALANCE

The application site falls within the Open Countryside and the proposals do not adhere with any of the acceptable forms of development permitted in the Open Countryside by Policy PG6 of the CELPS. The application is therefore deemed to represent a departure from the development plan.

However, given the site no longer forms part of the functional open countryside due to the residential development around the site, and the railway line to the south of the site, it is considered that the development would not cause significant harm to the open countryside, furthermore the site is in a relatively accessibly sustainable.

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

There are no objections to the development in relation to flooding, air quality and contaminated land, ecology, trees, and impact on the living conditions of existing and future occupier's amenity, subject to conditions and/or a S106 legal agreement where necessary.

Therefore it is considered that although the application is a departure to the Development Plan, other material considerations as set out above, are considered to be acceptable and therefore recommended for approval subject to a legal agreement and conditions set out below.

RECOMMENDATION:

Approve subject to S106 Agreement to secure:

S106	Amount	Triggers
Affordable Housing	30% - 6 Dwellings (65% Affordable Rent / 35% Intermediate)	No more than 50% open market occupied prior to affordable provision
Education	Contribution of £49,028 towards secondary education	50% Prior to first occupation 50% at occupation of 50% dwelling
Public Open Space	Provision of Public Open Space of 40m2 per dwelling and to be maintained by a private management company	Open space on site prior to first occupation Contribution – 50% Prior to first occupation 50% at occupation of 50% dwellings

Health	<p>Contribution to support Kiltarn Medical Centre, Tudor Surgery and Nantwich Health centre in Nantwich using the following formula;</p> <table> <tr> <th>Size of Unit</th><th>Occupancy Assumptions Based on Size of Unit</th><th>Health Need/Sum Requested per unit</th></tr> <tr> <td>1 bed unit</td><td>1.4 persons</td><td>£504 per 1 bed unit</td></tr> <tr> <td>2 bed unit</td><td>2.0 persons</td><td>£720 per 2 bed unit</td></tr> <tr> <td>3 bed unit</td><td>2.8 persons</td><td>£1,008 per 3 bed unit</td></tr> <tr> <td>4 bed unit</td><td>3.5 persons</td><td>£1,260 per 4 bed unit</td></tr> <tr> <td>5 bed unit</td><td>4.8 persons</td><td>£1,728 per 5 bed unit</td></tr> </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	<p>50% Prior to first occupation</p> <p>50% at occupation of 90% dwelling</p>
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And the following Conditions

1. Time Limit (Outline)
2. Submission of reserved matters (Appearance, Landscaping, Layout and Scale)
3. Reserved Matters application made within 3 years
4. Development in accordance with approved plans
5. Prior submission/approval of levels
6. Reserved Matters scheme should be supported by an updated AIA/Tree Protection Scheme in accordance with BS 5837
7. Reserved matters application to be supported by an updated bat and barn owl survey.
8. Nesting birds
9. Any future reserved matters application to be supported by detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house sparrow and swifts
10. Reserved matters to include noise mitigation measures
11. Prior submission/approval of a residents travel information pack
12. Provision of electric vehicle charging infrastructure
13. Prior submission/approval that any gas boiler installations proposed are to a certain emission standard
14. Prior submission/approval of a phase 2 contaminated land report
15. Submission/approval of a verification report
16. Submission/approval of a soil verification report
17. Unexpected contamination - works to stop if contamination is identified
18. Prior submission of a surface water drainage scheme and associated management and maintenance plan
19. Reserved matters to include plan showing culverted watercourse
20. Reserved matters to include link to PROW
21. Prior submission/approval of a Construction Management Plan unless otherwise agreed in writing by the Local Planning Authority.

In order to give proper effect to the Southern 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.

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

S106	Amount	Triggers																		
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Application No: 18/5798N

Location: 414, NEWCASTLE ROAD, SHAVINGTON, CW2 5JF

Proposal: A detailed planning application for the demolition of existing buildings and erection of up to 44 residential dwellings (100% affordable housing) including any associated infrastructure and new site access for land south of Newcastle Road, Shavington CW2 5JF.

Applicant: Keyworker Homes, The Guinness Partnership and D & W Wooton

Expiry Date: 09-Aug-2019

SUMMARY:

The application site is located within the open countryside as defined by the adopted Development Plan (the CELPS and the C&NLP). The Publication Draft of the SADPD identifies that the site would also be located within the open countryside. Policy HOU1 of the SNP identifies that the site would be within the settlement boundary and as such small scale housing development will be supported which does not negatively impact upon residential amenity or character of the village. However it should be noted that paragraphs 8.2 and 8.4 of the SNP explain that the settlement boundaries have been identified inline with the available evidence at that time which was the First Draft of the SADPD. In any event the Publication Draft of the SADPP and the SNP are given limited weight at this stage. The proposed development would be contrary to Policy PG6 of the CELPS.

Policies PG6 and SC6 identify that affordable housing will be permitted as an exception to other policies relating to the countryside to meet locally identified affordable need. However no up-to-date Housing Need Survey has been undertaken in support of this application and the development exceeds the threshold of 10 dwellings identified within Policy SC6. The proposed development would not comply with Policies PG6 and SC6.

The development will not have a detrimental impact upon residential amenity (including for future occupants in terms of noise and contaminated land) and would comply with Policies BE.1 and BE.6 of the C&NLP.

The impact upon infrastructure would be neutral as the impact upon health, education and open space could be mitigated through the provision of the required contributions. The development would comply with Policies IN1, IN2 and SE6 of the CELPS

Details of the proposed landscaping are considered to be acceptable and

there would not be significant harm to the wider landscape. The proposed development would comply with SE4 of the CELPS.

With regard to ecological impacts, the impact is considered to be neutral as mitigation would be secured there would neutral impact upon hedgerows, Great Crested Newts, reptiles and nesting birds. However the proposed development would result in the loss of a bat roost and have a low impact upon the conservation status of this species. 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 C&NLP and SE 3 of the CELPS.

The development would not have significant drainage/flood risk implications and would be comply with SE13 of the CELPS and BE.4 of the C&NLP.

It is considered that subject to the imposition of planning conditions that the development is acceptable in terms of its impact upon trees on this site. The development would comply with NE.5 of the C&NLP and SE5 of the CELPS.

The development can not be supported in design terms for the reasons set out in the main report. The proposal would not accord with CELPS policy SE1, nor would it accord with the NPPF in relation to design quality and the requirements of the CEC Design Guide.

The proposed access point, traffic impact and sustainability of the site is acceptable and would comply with Policies TRAN.3 and BE.3 of the C&NLP.

In conclusion the provision of 100% affordable housing is given some weight. However it is not considered that this would outweigh the harm to the open countryside and the conflict with Policies SC6 and PG6.

SUMMARY RECOMMENDATION:

REFUSE

PROPOSAL

This is a full application for a residential development of 44 dwellings. All of the proposed dwellings would be affordable units. The application proposes 10 units as affordable rent and 34 units as affordable sale.

The application would have a single vehicular access taken off Newcastle Road. The application also includes a separate pedestrian access onto Newcastle Road and a footway along the road frontage with Newcastle Road within the existing grass verge.

SITE DESCRIPTION

The site of the proposed development extends to 1.14 ha and is located to the south of Newcastle Road. The site is rectangular in shape and within the open countryside as defined by the Crewe and Nantwich Replacement Local Plan.

To the north of the site is residential development which fronts Newcastle Road. To the east of the site are an existing petrol station and a group of commercial units. To the south of the site is open countryside and to the west of the site is residential development which fronts Stocks Lane.

The land is currently in agricultural use and is bound by hedgerow and trees. The site includes an existing dwelling and group of barns. The land levels on the site are generally flat.

RELEVANT HISTORY:

16/6129N - Approval of reserved matters from existing permission 13/4675N approved at appeal; Refer to drawings in relation to access, appearance, landscaping, layout and scale – Refused 21st July 2017

13/4675N - Outline application for proposed development of 39 houses of mixed type to include 30% affordable (Resubmission of 13/3018N) – Approved 23rd April 2014

It should be noted that the above decision was the subject of an appeal against the imposition of two conditions imposed by the Strategic Planning Board. The first condition required the provision of a 5m wide native buffer to the southern boundary of the site and the second limited the Reserved Matters application to a maximum of 39 dwellings. The appeal was allowed and the conditions were modified by the Inspector. The Inspector also awarded costs against the Council for unreasonable behaviour for imposing the two conditions.

13/3018N - Outline application for up to thirty nine houses of mixed type to include 30% affordable – Withdrawn 1st October 2013

POLICIES

PG2 – Settlement Hierarchy
PG6 - Open Countryside
PG7 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SC6 – Rural Exception Housing for Local Needs
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure

IN1 – Infrastructure

IN2 – Developer Contributions

Borough of Crewe and Nantwich Local Plan 2011

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

Neighbourhood Plan

Shavington Neighbourhood Plan

The majority of the site is in Shavington. The Shavington Neighbourhood Plan is at Regulation 14 stage and carries limited weight.

HOU1 – New Housing

HOU2 – Housing Mix and Type

HOU3 – Housing for Older People

HOU4 – Local Character and House Design

ENV1 – Footpaths and Cycleways

ENV2 – Trees and Hedgerows

ENV3 – Water Management and Drainage

COM3 – The Provision of New Open Space Facilities

COM4 – Developer Contributions

TRA1 – Sustainable Transport

TRA2 – Parking

ECON1 - Economy

Wybunbury Combined Neighbourhood Plan

Two small strips of the site are within Hough Parish. The Wybunbury Combined Neighbourhood Plan is at Regulation 14 stage and carries limited weight.

H1 – Location of New Houses

H2 – Housing Mix

H3 – Affordable Housing on Rural Exception Sites

H4 – Design

H5 – Adapting to Climate Change

H6 – Settlement Boundaries

E1 – Woodland, Trees, Hedgerows and boundary Fencing

E3 – Biodiversity
E5 – Landscape Quality, Countryside and Open Views
GG1 – Green Gap
TI1 – Traffic Management
TI2 – Parking
TI3 – Traffic Generation
TI4 – Drainage
TI5 – Communications Infrastructure

National Policy

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

Of particular relevance are paragraphs:

11. Presumption in favour of sustainable development.

59-79. Delivering a Sufficient Supply of Homes

124-132. Requiring good design

Other Considerations:

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2017

Cheshire East Design Guide

CONSULTATIONS

Natural England: No objection. The proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.

CEC Head of Strategic Infrastructure: No objection subject to the following conditions;

- Details of cycle parking to be submitted and approved
- Submission and approval of a Construction Management Plan (CMP)
- Prior to first occupation the footway along the site frontage to be constructed

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

$7 \times £17,959 \times 0.91 = £114,399$ (secondary)

$1 \times £50,000 \times 0.91 = £45,500$ (SEN)

Total education contribution: £159,899

United Utilities: No objection. Condition suggested to stated that the development should comply with the submitted FRA including the discharge rate to the nearby public combined sewer.

CEC Strategic Housing Manager: The revised Planning Statement does cover all my concerns. The Tenure Mix Table does provide the locations and housing types but I would like this to be translated over to the Layout Plan.

CEC Flood Risk Manager: Conditions and an informative suggested.

Environmental Health: Conditions suggested in relation to implementation of noise mitigation measures, piling works, Travel Plan, electric vehicle infrastructure, low emission boilers and contaminated land. Informatives suggested in relation to construction hours and contaminated land.

CEC PROW: The development does not appear to affect a PROW.

NHS England: Contribution of £40,896 requested.

Public Open Space: This application for up to 44 dwellings should provide 40m² combined amenity green space and children's play space in line with Policy SE6.

Landscaping and buffer planting is being provided however this does not satisfy Policy SE6.

Shavington enjoys very little open space which is bourn out in the Green Space Strategy therefore this development will place extra burden on current provision.

If the application is deemed acceptable then a contribution of £3,000 will be required per family dwelling and this could be used to increase capacity and accessibility at the Wessex Close Play Area.

VIEWS OF THE PARISH/TOWN COUNCIL:

Shavington Parish Council: Object on the following grounds;

- There were inaccuracies within the submitted documents; specifically, that the application stated that the site was within the settlement boundary, but was, in fact, outside the settlement boundary;
- The documents referenced bus services which no longer exist, viz. services 6 and 44. The only bus service was the 39.
- The farmhouse building should be retained because of its historic value to the area;
- Highway safety will be impaired as access and egress was near the petrol station.
- The development was near a blind bend which would also impair highway safety;
- Suggest that two entrances, rather than one, be incorporated into the site on the grounds of highway safety as the road carried significant levels of traffic at all times;
- Access to the doctors' surgery could only be achieved by vehicle, rather than walking;
- The affordable homes are not needed as the parish has now met its requirement for affordable housing;
- There is a shortage of bungalows in the parish and the Council would wish to see some provision for them.

If the Borough Council is minded to approve the application, it should be conditioned as follows:

- The recreation space should be built within the site itself;
- A pedestrian crossing should be constructed near the traffic lights;
- Hedging to be reinstated except for main access.

Hough & Chorlton Parish Council: The Parish Council resolved to object to this application – the revised plans have done nothing to address the issues previously submitted by the Parish Council. Therefore, there Council would like to reiterate its objections as set out in its submission dated 14 January 2019. However, should the planning authority approve this application, then conditions must be incorporated which deal with the following issues –

- There must be areas of green space on this site;

- A pedestrian crossing phase will be necessary at the adjacent traffic lights in the interests of pedestrian safety; and
- Permitted development rights should be removed from all properties on the development as the proposal will already provide an overdeveloped site and this would be exacerbated with usual permitted development rights.

Comments from 14th January 2019 for this application are as follows the application should be refused on the following grounds;

- This proposed development as currently planned is overdeveloped and not at all in keeping with the current landscape. The PC objected to this application previously on the basis that three applications for over 700 houses have been approved (and building commenced) within a mile of this site. This crowded design exacerbates the impact of these new builds.
- As currently planned, there are inadequate turning points provided in the site design for refuse vehicles, emergency vehicles and large delivery vehicles to safely manoeuvre & turn. This is at best unworkable, at worst unsafe.
- As per the 2017 Phase I & II GEO-Environmental Assessment 2017, soakaway drainage is unsuitable for this site. All the surface water from residential properties and highway drains needs to be removed from the site as recommended in the paragraph "Soakaway Drainage" page 5 of the 2017 report.
- There are no electric vehicle charging points to the houses, as per the developer's claims on houses built with sustainability in mind.
- The application is silent on any maintenance for all common areas.
- All hedges throughout the entire site should be of the same species as the local hedging type. In particular, the 'dead end' sections to the service Roads do not have hedges to match the rest of the rear boundary treatment of local hedging species.
- There would appear to be no provision made for a disabled kerb access point.
- The PC are very concerned about vehicle access to the Newcastle Road at this junction. A central reservation should be provided adjacent to the site entrance to allow residents to access Shavington & children safe access to Shavington schools.
- No vehicle access should be allowed from the properties facing the boundary at the front to the Newcastle Road or at the rear to the fields.
- There should be a contribution to the K39 bus service Crewe to Nantwich.
- Should this application be approved, we would ask that any future development rights should be restricted from this land as we have significant concern that further infill will result in the loss of a distinct village boundary into Hough.
- In conclusion, Hough and Chorlton Parish Council considers this development to be inappropriately over developed and contrary to the Wybunbury Ward emerging local Neighbourhood Plan.

Wybunbury Parish Council: Wybunbury Parish Council have made the following comments;

- Concern over gas protection measures.
- Concerns over the contamination on the site
- The application identifies that land levels will not be altered on the site
- Surface water should be disposed of by means other than soakaways
- Are there sufficient turning areas within the site for refuse vehicles
- Does the development provide sufficient off-street parking for residents and visitors
- There is no ground floor accommodation for disabled workers
- There is no footpath to allow residents to access the convenience store. Walking along the grass verge is not acceptable

- No pedestrian crossing or foot path to cross Newcastle Road for residents to access the shops or school in Shavington “not satisfactory on a 40 mph Rd”.
- No bus stop on either side of the road to allow access by bus to Nantwich or Crewe.
- Is there provision on site for electric car charging especially at the houses for sale?

REPRESENTATIONS:

Letters of objection have been received from 14 local households raising the following points;

Principle of Development

- The site is a greenfield
- Clarification as to what 66% affordable housing actually means
- Shavington does not need more housing
- Many of the approved houses in Shavington are unbuilt or unsold
- There are no jobs in the area for the future occupants
- The basis of the previous approval is no longer valid as CEC can demonstrate a 5 year housing land supply
- Shavington has approval for 1500 new homes
- The SADPD indicates that Shavington has already provided the required 332 new homes. This is in addition to the strategic sites which provide an additional 1005 new homes
- Hundreds of affordable homes are already being provided in Shavington. 400 have been approved within 29 applications.
- Loss of a distinct boundary with the village of Hough
- Lack of jobs being created in Shavington
- The negative impacts outweigh the benefits
- Housebuilders are struggling to sell homes on the existing development sites
- Loss of the existing farmhouse
- CEC can now demonstrate a 7.45 year housing land supply

Highways

- The development will be dependent on the private motor vehicle
- Vehicular access to and from Newcastle Road will be difficult
- The school children generated by this development will require a safe crossing point over Newcastle Road/Stock Lane/Crewe Road
- The TA submitted with the application includes much out of date information
- The site entrance is opposite the Prospect GB housing site and close to the existing petrol filling station
- Increased traffic movement on Newcastle Road
- Increase in traffic accidents
- Concern that refuse vehicles will not be able to turn within the site
- Newcastle Road is used by large HGVs and agricultural vehicles
- Speeding vehicles along Newcastle Road
- Construction vehicle parking problems
- Proximity of the site entrance to the entrance/exit of the petrol station
- There has been a sink hole at the entrance to the petrol filling station

Design

- The proposed development appears overdeveloped and crowded and is out of keeping with the area

- The proposed dwellings appear too small
- Urban style development in the countryside

Green issues

- Increased pollution
- Impact upon air quality
- There are Great Crested Newts in nearby ponds
- Impact upon Wybunbury Moss National Nature Reserve
- Loss of trees

Infrastructure

- There are no local amenities
- Doctors surgeries are at capacity/increased waiting times
- The development does not provide children's play provision. The play area at Wessex Close is too far and involves crossing two busy roads
- The application site is prone to flooding and this has been experienced on the Triangle and Prospect GB sites
- There is no capacity at local school
- Impact upon power supplies
- Drainage infrastructure is at capacity
- Roadworks caused by the infrastructure improvements
- Flooding of drains on Newcastle Road
- Difficulty for large vehicles to turn in the site

Amenity

- Noise levels have increased from traffic using Newcastle Road
- Noise and disturbance from construction on the site

Other issues

- Lack of New Homes Bonus being spent in Shavington

A letter of objection has been received from Cllr Edgar which raises the following points;

- Whilst it has to be accepted that the principle of development at this site was passed and the original application has lapsed over time, it was passed when neither the Local Plan nor the 5 year housing land supply were in place.
- The Shavington Neighbourhood Plan will very soon be able to carry weight as well. Currently there are over 400 affordable houses planned in the area and another 44 are being held back by a Grampian Condition decision on a highways issue behind the Elephant Pub. I cannot see how more affordable houses can really be justified. However, the principle is set for this site; if it has to go ahead I think a lot more can be done with the site to support Shavington Village.
- The £25,000 contribution for off site play area is meagre. This play area is far too far away to be viable, 2 main roads need to be crossed to get there. This site should have its own integral play area set up prior to first occupation.
- There should be a contribution to education; the housing at this proposed site will have a number of children who will be attending the local schools.
- All the other new housing estates in the area have safe crossing provision. Newcastle Road is busy, the traffic lights at the Crewe Rd, Stocks Lane, Newcastle Rd junction does not provide safe crossing. There should be a Toucan Crossing on Newcastle Rd to support children going to school, residents walking to the village shops etc prior to first occupation.

- Not enough is being done to provide screening trees and shrubs to the left of the entrance and around the site.
- A proper traffic viability study should be done. Over the past 4 years Newcastle Road has seen a large increase in traffic, due in no small part to HGVs and traffic generated by new developments in the area.
- Parking restrictions need to be put in place along the south side of Newcastle Road. The expanding number businesses at and behind the petrol station will soon start to utilise all the available on-site parking, the road will then become a car park, visibility from this proposed entrance and at the petrol station will be markedly reduced.
- A condition should be made that construction traffic is not be allowed to park on any local roads before 8 am. Waiting HGVs and deliveries have caused considerable problems elsewhere
- Enforcement of time and construction conditions (and wheel cleaning) should be strictly enforced
- I am not in favour of any further housing in the village, if this application has to go ahead, it should provide tangible benefits for the residents

APPRAISAL

Principle of Development

As identified in the planning history section of this report, planning permission was previously granted on this site on the 23 April 2014 for 39 dwellings (13/4675N) (amended to 47 dwellings following a subsequent appeal to vary conditions). This permission has now expired. No planning applications for residential development have been approved subsequently.

There have been a number of material changes in circumstance since the last application was determined, including the adoption of the Cheshire East Local Plan Strategy (CELPS), the publication of the revised National Planning Policy Framework (NPPF) associated Planning Practice Guidance (PPG) and the council's updated five year housing land supply position. These are matters to be taken into account in the assessment of the application.

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

This is acknowledged in the NPPF at paragraphs 2 and 12. Paragraph 12 states that 'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. 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. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

The site lies within the open countryside, outside of the Shavington Settlement Boundary and is subject to Policy PG6 of the CELPS.

Policy PG6 states that within the open countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. New residential development is limited to infilling, affordable housing in accordance with SC6, conversions, replacement dwellings and agricultural workers dwellings.

The proposed development originally proposed a scheme of 34% open market housing and 66% affordable housing. This has now been amended and the development proposes a scheme of 100% affordable housing.

As a 100% affordable housing scheme on the edge of Shavington (a Local Service Centre) the development needs to be considered against Policy SC 6.

Emerging Policies

The Site Allocations and Development Plan Policies Document (SADPD) is the second part of the council's Local Plan and it will contain more detailed development management policies as well as identifying additional sites to ensure that the overall development needs of the borough are met, as set out in the LPS.

Consultation on the First Draft SADPD took place between 11 September and 22 October 2018 and a number of comments were received in relation to Shavington and the associated settlement boundary.

The submitted planning statement makes reference to the emerging SADPD. The application site was within the proposed Shavington Settlement Boundary on the first draft Proposals Map. However it should be noted that as part of the Publication Draft of the SADPD which will be considered at Strategic Planning Board on the 24th July the site has been removed from the settlement boundary and would lie within the Open Countryside.

The SPB will be asked to recommend to Cabinet that the Publication Draft be approved for six weeks public consultation. It is currently anticipated that this will take place August/ September (pending SPB and Cabinet consideration).

Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Limited weight can currently be afforded to the SADPD given that it still requires SPB and Cabinet approval to proceed to a further round of consultation, and then examination. However it is clear that the current position is that the site is within the settlement boundary for Shavington. The proposed development would need to be considered as part of its position within the adopted Development plan which is Open Countryside.

Neighbourhood Plan

The Councils mapping system shows that the majority of the site is within Shavington Parish and there are small strips within the Parish of Hough.

The majority of the site is covered by the Shavington Neighbourhood Plan (SNP) which is at Regulation 14 stage and is given limited weight.

Policy HOU1 of the SNP identifies that the site would be within the settlement boundary and as such small scale housing development will be supported which does not negatively impact upon residential amenity or character of the village. However it should be noted that paragraphs 8.2 and 8.4 of the SNP explain that the settlement boundaries have been identified inline with the available evidence at that time which was the First Draft of the SADPD. As things stand the site is within the open countryside as defined by the Development Plan.

Hough is covered by the Wybunbury Ward Combined Parishes Neighbourhood Plan (WCPNP) and is at Regulation 14 stage and is given limited weight.

Policy H1 of the WCPNP states that in order to meet local needs and to remain on a scale appropriate to the rural character of the plan area, well designed small scale housing which is accessible to services will be supported provided;

- They fill a small gap with up to 2 dwellings in an otherwise built up frontage
- They relate to conversions of structurally sound, permanent, redundant buildings
- They provide evidenced local affordable housing on rural exception sites
- They utilise brownfield sites which are no longer suitable for employment
- They do not have a negative impact upon residential properties or the natural environment
- They do not encroach into existing gaps between settlements
- They accord with other policies in the plan

Policy H3 of the WCPNP allows small-scale affordable housing schemes of up to two or three dwellings on rural exception sites on the edge of existing settlements.

In this case the relevant policies of the WCPNP are noted. However the site only involves small strips of the application site and the WCPNP is only given limited weight given its early stage.

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, unless material considerations indicate otherwise. 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:
- Under transitional arrangements, where the Housing Delivery Test Result indicates that the delivery of housing was substantially below 25% of housing required over the previous three years.

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 a 5% buffer.
- A deliverable five year housing land supply of 7.2 years (18,250 dwellings).

The 2018 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19th February 2019 and this confirms a Cheshire East Housing Delivery Test Result of 183%. Housing delivery over the past three years (5,610 dwellings) has exceeded the number of homes required (3,067). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

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

As a site for 100% affordable housing on the edge of a Local Service Centre it is considered under Policy SC6 of the CELPS and should meet all of the following criteria;

- Sites should adjoin a local service centre and be close to existing employment and existing or proposed facilities including education.
- Proposals should be for small schemes of 10 dwellings or fewer. Any such development must be appropriate in scale, design and character to the locality (the footnote to the policy does identify that where there is a higher housing need then it will be considered appropriate that more than one site meets this need).
- A thorough site options appraisal must be submitted to demonstrate why the site is the most suitable one and why the need cannot be met within the settlement boundary.
- In all cases the application must be supported by an up-to-date Housing Needs Survey that identifies such provision within the Parish.
- Occupancy will be restricted in perpetuity to a person in housing need and resident/working in the Parish or has strong links to the locality
- The locality to which the occupancy criteria are to be applied is taken as the Parish unless otherwise agreed with CEC.
- The Council will expect that there to be a cascade approach to the locality issue.

In this case the application is for 44 units and as such it would exceed the number allowed under Policy SC6 by a significant margin (SC6 allows for small schemes of 10 dwellings or fewer). Also it is important to note that the application does not include an up-to-date Housing Needs Survey to identify if there is a need within the Parish.

It is also worth noting that there have been a significant number of approvals within Shavington which provide affordable housing (Based on the 31st March 2018 data there are affordable housing commitments of 296 in Shavington). As a result the proposed development is contrary to Policy SC6 of the CELPS.

The Strategic Housing Officer has stated that he has no objection to the tenure mix its location and type of housing proposed. However this does not negate the requirements of Policy SC6 in terms of the requirement for an up-to-date Housing Need Survey and that the proposed development exceeds the threshold of 10 units.

Highways Implications

This application resembles application 13/4675N which was for a slightly higher number of units on this site (47 in comparison to the 44 now proposed). Application 13/4675N was approved in 2014 and was not objected to by the Head of Strategic Infrastructure or refused on highways grounds.

This proposed development will provide a new vehicle access to the east of the site which will be built to adoptable standards and which will provide a sufficient level of visibility.

There will be a new pedestrian footway along the site frontage from the site access which will connect with the existing footway to the west of the site, providing access to the wider area including to bus stops which are between 500m and 700m walk away. It will also connect to the new footway to the east which was conditioned as part of the approval of the construction of a new petrol filling station at the adjacent site (19/1897N). As part of application 19/1897N, to the east of this residential site access, there will be a dropped kerb crossing on Newcastle Road. There is also an existing dropped kerb crossing to the west of the site at the junction with Crewe Road with pedestrian refuges. These are considered acceptable for the small level of pedestrian traffic the proposal will generate, as was the case for the previous approval.

The design of the internal layout is to adoptable standards and will allow for turning of refuse vehicles and the car parking provision is to CEC requirements. It is not clear if the apartments will provide cycle parking and this should be conditioned.

The proposal will generate around 30 vehicle trips during the peak hour the impact of which is acceptable.

As a result the proposal would provide opportunities to access sustainable transport modes, provide safe and suitable access to the site for all users and not have any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety. The proposed development would comply with Policies BE.3, TRAN.3 and TRAN.5 of the C&NLP and CO1 and CO2 of the CELPS.

Amenity

In terms of the surrounding residential properties, the main properties affected are those which front onto Newcastle Road to the north of the site and the property known as 396 Crewe Road to the west.

The proposed site plan shows that from the front elevation of the proposed dwellings to the front elevation of the existing dwellings which front onto Newcastle Road there would be a separation distance of 26-39.5 metres. This distance exceeds the separation distance of 21 metres between principle elevation as set out in the SPD on Development on Backland and Gardens. The impact upon the properties which front Newcastle Road is therefore considered to be acceptable.

To the west of the site is a detached dwelling known as 396 Crewe Road. The layout shows that the nearest property on the application site would be the two-storey apartments. The apartments would have just 1 first floor bathroom window to the side elevation facing 396 Crewe Road with a separation distance of 9.5 metres. This relationship between side elevations is considered to be acceptable.

Due to the separation distances involved, no other residential properties would be affected.

The proposed development would comply with policy BE.1 of the C&NLP.

Noise

The applicant has submitted an acoustic report in support of the application. The impact of the noise from road traffic and existing commercial businesses on the proposed development has been assessed in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings/BS4142:2014 Methods for rating and assessing industrial and commercial sound. This is an agreed methodology for assessing noise of this nature.

The report recommends mitigation designed to ensure that occupants of the properties/occupants of nearby properties are not adversely affected by noise from road traffic and existing commercial businesses. The conclusions of the report and methodology used are acceptable.

The mitigation measures proposed are as follows;

- Glazing specification for bedrooms within 5m of Newcastle Road
- Glazing specification for all other bedrooms facing Newcastle Road and passive ventilation
- Glazing specification for bedrooms facing away from Newcastle Road
- Glazing specification for all living rooms, dining rooms and study rooms and passive ventilation
- Acoustic barrier of 2m in height along the northern boundary of the private rear gardens where they face Newcastle Road

The Councils Environmental Health Officer has confirmed that the proposed mitigation is acceptable to mitigate the noise impacts from this development and has raised no objection to the development.

Contaminated Land

The application is for a proposed use that would be particularly vulnerable to the presence of contamination. Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site.

The application area has a history of commercial use and there is a petrol filling station adjacent to the site, therefore the land may be contaminated.

A further Phase II ground investigation report has been submitted in support of the planning application. This investigation was designed to supplement the previous ground investigation reports

undertaken on the site to address previous comments made by the Councils Environmental Health Officer (EHO). This report is generally satisfactory according to the EHO. However there are some minor comments which should be addressed prior to developing a remedial strategy for the site and these matters could be controlled through the imposition of planning conditions.

Air Quality

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

Whilst this scheme itself does not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

Crewe has three Air Quality Management Areas with a further one in Nantwich and, as such, the cumulative impact of developments in the town is likely to make the situation worse, unless managed. The imposition of planning conditions would mitigate the impact of this proposed development.

Trees and Hedgerows

There are a significant number of trees on the site, together with lengths of established hedgerow.

The development would result in the loss of most of the existing trees and vegetation cover in the body of the site which are of limited retention value. The application would retain a length of existing hedgerow on the northern boundary (cut back /managed to accommodate the development) and trees within the North West length. A further section of hedge off site to the south east would also be cut back. A mature off site Lime tree would be a retained.

It is noted that the report recommends hedgerow management referencing the practices of coppicing/ laying which would have a significant impact on the screening values currently afforded in the short term

The Councils Tree Officer has advised that in the event of approval a revised Arboricultural method Statement, revised tree protection plan and revised tree works schedule would need to be secured by condition to reflect the final layout.

Landscape

The site comprises a house, garden, barns, outbuildings, a paddock and field. There are a number of trees present around the dwelling including mature conifers, fruit trees and various other deciduous species. The largest tree on site is a mature Lime tree located on the eastern boundary. A mature hedge with occasional trees forms the field boundary with Newcastle Road. Along the southern boundary there is a length of hedge to the south east and several fruit trees on the field edge. There are lengths of hedge present around the buildings.

The length of hedgerow is shown retained on the Newcastle Road frontage together with the four trees at the north-western corner of the site and the mature off-site Lime tree.

The revised D&A suggests the linear strip of proposed landscaping adjacent to the south western boundary is to be open space acting a buffer with adjacent fields. In places this strip is relatively narrow (south of plots 14 and 15 in particular). It is not clear to me if this intended to be public or private open space. This is a minor weakness in the design of the scheme.

A mechanism will need to be secured to ensure that all the existing and proposed external boundary trees and hedges and landscaped areas outside private plot curtilages are maintained in the long term.

The landscape scheme is generally considered to be acceptable.

Design

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

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

This is supported by the Cheshire East Design Guide SPD and Policy SE1 of the CELPS.

Outline approval (Number of Dwellings/Density)

The issue of the number of dwellings and the density of the proposed development was considered by the Inspector who determined the appeal against the conditions imposed on application 13/4675N. As part of his appeal decision the Inspector stated that;

'I am satisfied that, with careful consideration to layout, design and landscaping, 47 dwellings could be accommodated on the site'

Connections

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

The site is linear in form and is located between residential development which fronts Newcastle Road/Stock Lane to the west and the petrol filling station, children's play world and employments units to the east. As a result the development of this site would integrate into the existing settlement in design terms

The development would have a vehicular access to the south-east of the site with a second pedestrian access point to the north-west of the site. This would provide good vehicular/pedestrian connectivity.

The development also includes the provision of a 2m wide footway along the site frontage which will link into the existing footway to the west of the site which leads into the settlement and also in an eastern direction towards the petrol filling station which includes a small retail store.

Facilities and services

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

Shavington is classed as a local service centre and as such provides a range of services and facilities to meet the needs of local people including those living in nearby settlements. This issue was considered as part of the outline application which has now expired.

Public transport

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

Shavington is classed as a local service centre and as such provides a range of services and facilities to meet the needs of local people including those living in nearby settlements. This issue was considered as part of the outline application. There is a limited bus service provision within the village.

Meeting local housing requirements

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

The development would provide 100% affordable housing provision.

In terms of the housing mix this development would provide the following mix;

- 8 x one bed units
- 4 x two bed units
- 24 x three bed units
- 8 x four bed units

In this case the Strategic Housing Manager has raised no objection to the proposed housing mix and this is considered to be acceptable.

Character

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

Shavington is not identified as an example settlement within the Design SPD. However the settlement is in close proximity to both Crewe and Willaston which are included as example settlements. Shavington is located within the Salt & Engineering Towns area and the design cues for this are include the following;

- A wide variety of building styles reflecting different periods in the growth of the towns.
- A predominance of red brick terraces and villas.
- Two-storey properties with steep roofed gables onto the street.
- Boundary walls often constructed from same material as main property.
- Subtle variation in detailing or colour palette creates variation between properties within long terraces.
- Properties often set to back of pavement providing strong enclosure to street.
- Brick of various shades and textures is the main building material.
- All eras of architecture are found within the settlement character area •

- Existing landscape features should be retained on site to preserve the landscape character.

The dwellings opposite the site front onto Newcastle Road and projecting bay windows (single and two storey), projecting gables (some with timber infill), brick banding, hipped roofs (although there are gabled roofs within the vicinity of the site on Stock Lane and Crewe Road), header and sill details (including arched headers above door ways) and a mix of materials (red brick and render).

It is unfortunate that the architectural detailing of the existing buildings on the site has not been transferred over to the proposed dwellings to reference the local vernacular and original character of the area (chimneys/form of building/proportions and detailing).

The proposed dwellings would all be two-storey in height and would have gabled roofs. The roof heights vary across the development which would add some interest. However the proposed house type design is uniform and repetitive and does not reflect the diversity of form found in the surrounding context. The legibility of the site could be improved by the provision of feature buildings at nodal points throughout the site.

Working with the site and its context

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

The site is relatively flat; the limited landscape features on site are the trees and hedgerows which are considered in other sections of this report. The existing buildings on this site are to be demolished as part of the proposed development and this was accepted as part of the outline application. In this case it is unfortunate that the architectural detailing of the existing buildings on the site has not been transferred over to the proposed dwellings to reference the local vernacular and original character of the area (chimneys/form of building/proportions and detailing).

The proposed dwellings give the impression of a front facing development. However the spacing does not reflect the grain of development that is common to the area and opens up views through the site to the rear of properties placed further into the site.

The units placed side-on to Newcastle Road present views of the rear from the public realm and expanses of boundary treatment to Newcastle Road. It is considered that such fencing would be visible despite the retention of the existing hedgerow.

The hierarchy of the street and subsequent reinforcement of the front boundary treatment is not clear nor is the allocation of surface materials to the carriage way or footpaths.

Creating well defined streets and spaces

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

As discussed above the proposed dwellings give the impression of a front facing development. However the spacing does not reflect the grain of development that is common to the area and opens up views through the site to the rear of properties placed further into the site.

The units placed side-on to Newcastle Road present views of the rear from the public realm and expanses of boundary treatment to Newcastle Road. It is considered that such fencing would be visible despite the retention of the existing hedgerow.

The submitted noise report recommends the provision of a 2m high acoustic barrier to enclose the rear gardens facing Newcastle Road. This is considered to be acceptable and details could be secured via a planning condition to ensure that this consists of a wall rather than fencing in prominent locations.

Internally within the site the layout of the car-parking is acceptable and would be located in small groups to the front of properties, to the side of dwellings and within courtyards. The development avoids long sections of prominent car-parking within the street-scene.

As noted within the landscape section of the report above a linear strip of proposed landscaping adjacent to the south western boundary is to be open space acting a buffer with adjacent fields. In places this strip is relatively narrow (south of plots 14 and 15 in particular). It is not clear to me if this intended to be public or private open space. This is a minor weakness in the design of the scheme.

Easy to find your way around

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

The scheme is of a relatively small scale and on this basis it is considered that it would be easy to find your way around the proposed development.

Streets for all

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

The streets are relatively short on a development of this size. As a result vehicle speeds within the development would be low.

The Head of Strategic Infrastructure has confirmed that the internal layout of the proposed development is to an adoptable standard.

Car parking

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

Internally within the site the layout of the car-parking is acceptable and would be located in small groups to the front of properties, to the side of dwellings and within courtyards. The development avoids long sections of prominent car-parking within the street-scene.

Public and private spaces

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

There is no POS on this development (there would be an off-site contribution). A mechanism will need to be secured to ensure that all the existing and proposed external boundary trees and hedges and landscaped areas outside private plot curtilages are maintained in the long term.

External storage and amenity space

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

The submitted plan shows that all units on the proposed development would have private amenity space with rear access. Together with the proposed garaging there would be adequate space for future occupiers to store their bins/cycles.

Design Conclusion

In its present form, the development could not be supported in design terms for the reasons set out above. The proposal would not accord with CELPS policy SE1, nor would it accord with the NPPF in relation to design quality and the requirements of the CEC Design Guide.

Ecology

Statutory Designated Sites

The application does not fall within Natural England's SSSI impact risk zones for the type of development proposed under the current application. Natural England has been consulted on this application and has raised no objection to the proposed development.

Great Crested Newts

The amphibian surveys undertaken to inform the submitted ecological assessment were constrained by a lack of access to some of the ponds located within 250m of the proposed development. No evidence of Great Crested Newts was recorded at any of the ponds subject to detailed surveys. The Councils Ecologist advises that on balance this protected species is not reasonable likely to be present or affected by the proposed development.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The revised layout plan shows the retention of almost all of the existing hedgerows with just a small loss to facilitate an access point. An acceptable level of replacement hedgerow planting is proposed to compensate for that lost. If planting consent is granted a condition could be attached to secure the submission of a detailed planting plan prior to the commencement of development

Reptiles

Grass Snakes are known to occur to the south of the proposed site. The habitats on site are not particularly suitable for reptiles and the Councils Ecologist advises that the proposed development is not reasonable likely to have an effect of this species group.

Bats

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within one of the buildings proposed for demolition. The usage of the building by bats is likely to be limited to single-small numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of

the roosts associated with the buildings on this site, in the absence of mitigation, is likely to have a low impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

The submitted report recommends the installation of bat boxes on the nearby trees and also features for bats to be incorporated into the proposed building as a means of compensating for the loss of the roost and also recommends the supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

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

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

(b) no satisfactory alternative and

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

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

Local Plan Policy NE.9 of the C&NLP states that development will not be permitted which would have an adverse impact upon protected species or their habitats. Policy SE 3 of the CELPS states that development which is likely to have a significant impact on a site with legally protected species will not be permitted except where the reasons for or the benefits of the development outweigh the impact of the development.

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

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

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

In terms of the Habitat Directive tests;

- The proposed development is not in the interests of public health or public safety. The site is within the open countryside and there is no demonstrated need for housing or affordable housing development on this site.
- There is satisfactory alternative in leaving the buildings on site and not developing the site.
- The submitted mitigation means that there would be no detriment to the maintenance of the species population at favourable conservation status in their natural range.

As the first two tests have not been met it is considered that the proposed development would be contrary to Policies NE.9 of the C&NLP and Policy SE 3 of the CELPS.

Public Open Space

This application for up to 44 dwellings should provide 40m² combined amenity green space and children's play space in line with Policy SE6.

Landscaping and buffer planting is being provided however this does not satisfy Policy SE6.

The POS Officer has stated that if the application is deemed acceptable then a contribution of £3,000 will be required per family dwelling and this could be used to increase capacity and accessibility at the Wessex Close Play Area.

The applicant has disputed this figure and it is considered that a reasonable approach would be to require a contribution of £25,000 as per the previous approval as part of application 13/4675N.

Education

The education department have confirmed that there is capacity at local primary schools to serve this development but not secondary schools or SEN.

The consultation response received from the Education Department with the required contributions needs updating to reflect the revised housing mix (e.g. the 8 one-bed units will not generate school children). An update will be required in relation to this issue.

Health Infrastructure

The NHS has stated that increasing population (including an aging population) will create significant demand on the delivery of health and care services (both Primary Care – GP Practices and Community and health Services; and Secondary Care – Acute Hospital Services). Short term solutions are being looked at to review the increases in patient population.

In order to mitigate the impact at Rope Green Medical Centre the NHS have requested the provision of a commuted sum of \$40,896. This sum will need to be secured as part of a S106 Agreement.

PROW

There are no PROW affected by this proposed development.

Flood Risk and Drainage

The site covered by this application is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site exceeds 1 hectare a Flood Risk Assessment has been submitted with the application.

The Councils Flood Risk Manager and United Utilities have both been consulted as part of this application and have raised no objection to this application subject to the imposition of planning conditions.

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 increased demand for NHS provision in Shavington where there is limited spare capacity. In order to increase capacity of the medical centre which would support the proposed development, a contribution towards health care provision is required. This is considered to be necessary and fair and reasonable in relation to the development.

The development would result in increased demand for education provision in Shavington where there is limited spare capacity. In order to increase capacity of the local schools which would support the proposed development, a contribution towards education provision is required. This is considered to be necessary and fair and reasonable in relation to the development.

The development would not provide the required level of Public Open Space on this development in accordance with Policy SE6. On this basis and to mitigate the impact of the development a contribution is required. 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.

PLANNING BALANCE

The application site is located within the open countryside as defined by the adopted Development Plan (the CELPS and the C&NLP). The Publication Draft of the SADPD identifies that the site would also be located within the open countryside. Policy HOU1 of the SNP identifies that the site would be within the settlement boundary and as such small scale housing development will be supported which does not negatively impact upon residential amenity or character of the village. However it should be noted that paragraphs 8.2 and 8.4 of the SNP explain that the settlement boundaries have been identified inline with the available evidence at that time which was the First Draft of the SADPD. In any event the Publication Draft of the SADPP and the SNP are given limited weight at this stage. The proposed development would be contrary to Policy PG6 of the CELPS.

Policies PG6 and SC6 identify that affordable housing will be permitted as an exception to other policies relating to the countryside to meet locally identified affordable need. However no up-to-date Housing Need Survey has been undertaken in support of this application and the development exceeds the threshold of 10 dwellings identified within Policy SC6. The proposed development would not comply with Policies PG6 and SC6.

The development will not have a detrimental impact upon residential amenity (including for future occupants in terms of noise and contaminated land) and would comply with Policies BE.1 and BE.6 of the C&NLP.

The impact upon infrastructure would be neutral as the impact upon health, education and open space could be mitigated through the provision of the required contributions. The development would comply with Policies IN1, IN2 and SE6 of the CELPS

Details of the proposed landscaping are considered to be acceptable and there would not be significant harm to the wider landscape. The proposed development would comply with SE4 of the CELPS.

With regard to ecological impacts, the impact is considered to be neutral as mitigation would be secured there would neutral impact upon hedgerows, Great Crested Newts, reptiles and nesting birds. However the proposed development would result in the loss of a bat roost and have a low impact upon the conservation status of this species. 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 C&NLP and SE 3 of the CELPS.

The development would not have significant drainage/flood risk implications and would be comply with SE13 of the CELPS and BE.4 of the C&NLP.

It is considered that subject to the imposition of planning conditions that the development is acceptable in terms of its impact upon trees on this site. The development would comply with NE.5 of the C&NLP and SE5 of the CELPS.

The development can not be supported in design terms for the reasons set out in the main report. The proposal would not accord with CELPS policy SE1, nor would it accord with the NPPF in relation to design quality and the requirements of the CEC Design Guide.

The proposed access point, traffic impact and sustainability of the site is acceptable and would comply with Policies TRAN.3 and BE.3 of the C&NLP.

In conclusion the provision of 100% affordable housing is given some weight. However it is not considered that this would outweigh the harm to the open countryside and the conflict with Policies SC6 and PG6.

RECOMMENDATION

REFUSE for the following reasons;

- 1. The application site is located within the Open Countryside and outside of the Shavington Settlement Boundary. The application is not supported by an up-to-date Housing Needs Survey**

to identify the need within this Parish. Furthermore a development of 44 affordable units would exceed the threshold criteria of 10 units identified by Policy SC6. The proposed development would cause harm to the open countryside and be contrary to Policy SC6 and PG6 of the Cheshire East Local Plan Strategy.

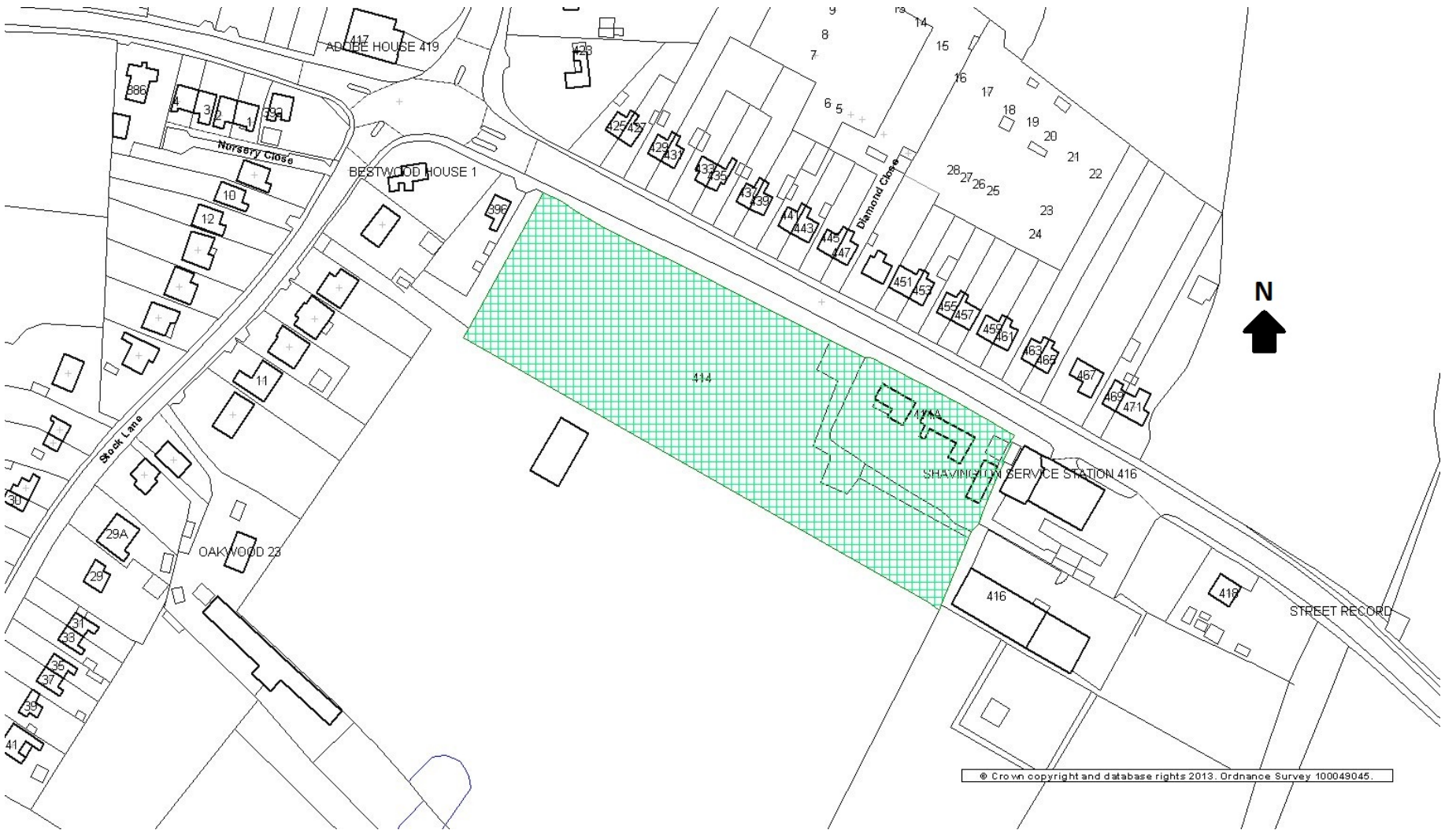
2. There is a minor roost of Bats within one of the buildings to be demolished as part of this proposed development and this proposed development would result in a Low Level adverse impact on this species as a result of the loss of the roost and the risk of any bats present on site being killed or injured 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.

3. The design and layout of the proposed development is considered to be poor and fails to take the opportunities available for improving the character and quality of the area. As a result the proposal would not make a positive contribution to the area and would be contrary to Policy SE1 of the CELPS, The Cheshire East Design Guide and the requirements of the NPPF.

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

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

S106	Amount	Triggers
Affordable Housing	100% affordable housing	In accordance with details to be submitted and approved.
Health	£40,896	To be paid prior to first occupation of the development.
Education Contribution	To be confirmed	To be confirmed
Open Space Contribution – Improvements to children's play area at Wessex Close	£25,000	To be paid prior to the first occupation of the 20 th dwelling.



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Application No: 19/1653C

Location: Land Adjacent To Swanwick Hall Drive, Off BOOTH BED LANE, GOOSTREY

Proposal: Proposed new stable block, manege, access track and change of land use to combined equestrian and agricultural

Applicant: Mrs P Taylor

Expiry Date: 09-Aug-2019

SUMMARY RECOMMENDATION:

Refuse planning permission given the harm to the setting of the grade II listed building, Swanick Hall which is not outweighed by the public benefits.

MAIN ISSUES:

Open Countryside; heritage; highway safety

REASON FOR CALL IN

The proposal is for a non-residential development of more than 2ha and therefore requires a committee decision.

DESCRIPTION OF SITE AND CONTEXT

The site lies within the open countryside, outside of the settlement boundary of Goostrey. It is currently an open agricultural field, with post and rail fencing separating it from the public footpath/track. The public footpath and track leads to Swanick Hall, which is a grade two listed building.

The north-eastern boundary of the site lies within flood zones two and three. There is a group of protected trees in the north eastern corner of the site (56-035 refers). To the west of the site is an area of protected open space.

The site lies within Jodrell Bank Inner Zone.

There is an HSE pipeline inner and middle buffer through the site.

DETAILS OF PROPOSAL

The proposal is for the construction of stable block, including 5 stables, a tack room, store and machinery store and a ménage. The proposal also includes a new access track across the field to service the stables.

Three of the stables would be used to house the applicant's horses. The remaining two stables would be used for DIY livery purposes.

RELEVANT PLANNING HISTORY

18/3202C – withdrawn – 12 October 2018

Proposed new stable block, manege, access track and change of land use to combined equestrian and agricultural

14/5579C – appeal dismissed - 24 November 2016

Land off Main Road, Goostrey - Outline application for residential development comprising of up to 119 dwellings (including a minimum of 30% affordable housing), structural planting and landscaping, informal open space, surface water attenuation, a vehicular access point from Main Road and associated ancillary works

14/0786C – approved – 8 July 2014

Swanick Hall - Conversion of redundant barns to an equestrian use with part re-construction, conversion of redundant barn to ancillary domestic use and provision of an outdoor riding arena

ADOPTED PLANNING POLICIES

Cheshire East Local Plan Strategy (CELPS)

MP 1 – Presumption in Favour of Sustainable Development

PG 2 – Settlement Hierarchy

PG 6 – Open Countryside

SD 1 – Sustainable Development in Cheshire East

SD 2 – Sustainable Development Principles

EG 2 – Rural Economy

SC 1 – Leisure and Recreation

SC 2 – Indoor and Outdoor Sports Facilities

SE 1 – Design

SE 2 – Efficient Use of Land

SE 3 – Biodiversity and Geodiversity

SE 4 – The Landscape

SE 5 – Trees, Hedgerows and Woodland

SE 6 – Green Infrastructure

SE 7 – The Historic Environment

SE 13 – Flood Risk and Water Management

SE 14 – Jodrell Bank

CO 1 – Sustainable Travel and Transport

Congleton Borough Local Plan (CBLP)

PS8 – Open Countryside
PS10 – Jodrell Bank Radio Telescope Consultation Zone
GR6 – Amenity and Health
GR9 – Accessibility, Servicing and Parking Provision (New Development)
GR17 – Car Parking
GR18 – Traffic Generation
NR2 – Statutory Sites
NR3 – Habitats
NR5 – Non-statutory sites
BH4 – Statutory list of buildings of Special Architectural or Historic Interest (Effect of proposals)
RC5 – Equestrian Facilities

Goostrey Neighbourhood Plan (GNP)

SC2 – Impairment of Operations at JBO
VDL 2 – Local Green Gaps
VDLC3 – Hedgerows and Trees
OECH1 – Biodiversity
OECH3 – Heritage
TTT1 – Sustainable Transport
TTT2 – Footpaths and Bridleways
TTT4 – On-street parking
CF2 – Open Spaces
EB1 – Employment Development

OTHER MATERIAL POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF 2019)

Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 – Conserving and enhancing the historic environment

CONSULTATIONS

Goostrey Parish Council – Object given concerns over wider vehicles using the single track, which is also a public footpath; development would affect the setting of the grade II listed building; urbanisation of the open countryside. The neighbourhood plan supports equestrian business, where they do not conflict with other policies in the plan. In this case, there are other significant conflicts.

Environment Agency – No objection

Jodrell Bank – No reply at time of report

Flood Risk – No objections

Highways – The proposal is acceptable for private use only, as a commercial use would generate higher traffic levels on the narrow access

Countryside and Rights of Way – No reply at time of report

OTHER REPRESENTATIONS

Thirteen representations received objecting to the proposal from nine neighbours and one representation in support of the application. The main points raised are summarised as follows:

- Risk to pedestrian safety from larger equine vehicles using the public footpath
- Increased traffic
- Harm to the setting of the grade II listed Swanick Hall
- Urbanisation of site, harmful to the open countryside & loss of agricultural land
- Increased dust, noise and pollution from increased use of access track
- Commercial operation
- The owners have taken on board the concerns shown by the community
- Previous housing scheme on site refused
- No need to have another manege and stables adjacent to an existing facility

OFFICER APPRAISAL

Principle of development

The site lies within the Open Countryside, where CELPS policy PG 6 applies. This policy sets out the types of development, which may be acceptable within the Open Countryside. It allows for development which is essential for outdoor recreation, and other uses appropriate to the rural area. Policy SC1 also seeks to encourage appropriate recreation facilities.

Saved CBLP policy RC5 relates to equestrian facilities and states that such facilities will be permitted where a number of criteria are satisfied, including that the development would not be visually detrimental to the character of the area.

GNP policy EB1 advises that equestrian uses will be supported, where they do conflict with other policies in the plan.

The proposal includes a block with 5 stables, tack room and stores, along with a 20m by 60m manege, a new access track and traffic signals. The applicant has confirmed that three of the five stables would be used to house their own horses and have provided documentation to prove ownership.

The remaining two stables would be rented out on a DIY livery basis. The applicant has also confirmed that the proposed manege would only be used by them and the owners of the two other horses in the block. It would not be used for other commercial purposes.

Given the size and scale of the proposed stables and that the livery element would be subordinate, the proposal is considered to comply with the requirements of CELPS policy PG 6, in that it comprises essential facilities for outdoor sport and recreation.

Concerns have been raised that the proposed development would have an urbanising impact and would adversely affect the rural character of the surrounding area. Stables and equestrian facilities are not uncommon features within the countryside. Given the space required for horses to graze, it is often the case that this cannot be accommodated in urban or village locations.

In general terms, the proposed stables, manege and access track would not be alien features within a rural landscape.

Loss of agricultural land

One of the criteria set out within policy RC5 is that equestrian facilities should not result in the permanent loss of Agricultural Land Graded 1, 2 or 3a.

Concerns have been raised regarding the loss of best and most versatile (BMV) agricultural land as a result of the development. From review of the Natural England Agricultural Land Classification map for the northwest region, it appears that the land is classed as Grade 3 (Good to Moderate). It is not clear if the land is Grade 3A or 3B. Annex 2 of the NPPF defines Best and Most Versatile Agricultural Land as land that falls within grades 1-3A. Paragraph 170 of the NPPF states that planning decisions should recognise the benefits of the countryside including BMV land.

Whilst it is possible that the land subject to this application is indeed BMV land, the majority of the land subject to the application would remain as 'green field' and therefore not impacted. Furthermore, the use and the associated development subject to this application (subject to the use of appropriate materials) could simply be returned to agriculture in the future. As such, it is not considered that any impact upon BMV agricultural land would be sufficient to warrant refusal of the application on this basis.

Heritage

In determining an appeal for 119 houses on the southern side of the footpath (Swanick Drive), the Secretary of State confirmed that this was within the setting of Swanick Hall. Swanick Hall, which is a grade II listed building. The heritage assessment notes that Swanick Hall is an isolated farmstead composed of the hall, which is of 17th century origin and a group of barns and outbuildings in equestrian use.

The Secretary of State also concluded that the area between the Hall and the current village fringe, including the appeal site, makes an important contribution to the significance of the listed building, given its historic use as a farmhouse.

Whilst the current application site is on the other side of the access drive, it still forms part of the same open area between the Hall and the current village fringe. As such the site also makes an important contribution to the setting of the listed building. The impact of the development on the setting of the heritage asset therefore needs to be considered.

The relevant planning policies are CELPS policy SE 7, CBLP policy BH4 and GNP policy OCECH3. Also of relevance is NPPF Chapter 16.

CELPs policy SE 7 states that all new development should seek to avoid harm to heritage assets. It states that where development would cause harm to, or loss of, a designated heritage asset and its significance, including its setting, clear and convincing justification will be required as to why that harm is considered acceptable. Where that case cannot be demonstrated, it states that proposals will not be supported.

It also requires a consideration of the level of harm in relation to the public benefits that may be gained by the proposal.

NPPF Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

NPPF paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

NPPF paragraph 196 states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The heritage statement submitted by the applicant considers that the development would not prejudice the setting of Swanick Hall, noting that the Hall is screened in views by the tree belt. They assert that the character and appearance of the proposed building would be in accordance with the rural setting, noting that there are already extensive equestrian facilities at Swanick Hall. Likewise, the heritage assessment considers that the access and traffic lights would not impact on the setting of the listed building. Further comments were provided by the agent reiterating these points following on from the Conservation Officer's comments.

The Council's Heritage Officer has reviewed the proposal. They have advised that the form of development proposed (stables and manege) are not features which are uncommon within an agricultural and rural setting. However, the acceptability of the development must be taken within the context. The Heritage Officer has advised that in this case, the development is not considered to be acceptable, largely due to the connection the land has to the hall in terms of sensitivity. The driveway is the only access to the Hall and therefore its contribution to the significance is considered to be high.

The Heritage Officer has raised concerns that development within the field to the north of the driveway to the Hall, if developed for a new use such as this, would erode the current open, undeveloped character of the area. They have advised that this erosion, even if minor in nature, would affect the setting of Swanick Hall and potentially set a harmful precedent for change of use/intensification of uses not suitable in this sensitive location, not only to the north, but to the other land surrounding the Hall.

The proposed access of the main driveway will intensify the appearance of infrastructure in this location, detracting the eye away from the Hall, the change of use of the land, the traffic it will generate, the car parking and permanence of activity will create noise, which is also a factor in determining if development will have an impact on setting.

The Setting Guidance Note 3, states that “Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as **noise**, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places”. PPG, paragraph: 013 makes reference to the assessment of any application for development which may affect the setting of a heritage asset, *local planning authorities may need to consider the implications of cumulative change*.

The Heritage Officer has advised that as a result of the above, the proposal would result in less than substantial harm to the significance of the heritage asset.

As such in accordance with CELPS policy SE 7, clear and convincing justification will be required as to why that harm is considered acceptable. In line with NPPF paragraph 196, the less than substantial harm resulting from the proposal should be weighed against the public benefits of the proposal.

The proposed scheme would provide private riding facilities for the applicant and would provide two commercial livery stables. The benefits to the applicant from the provision of stables and a manege for training are not disputed. However, this is considered to be a personal benefit rather than a public one.

The proposal also includes two livery stables. The supporting statement advises that the provision of these two stables would respond to latent demand in the area for access to stables. It states that the applicant has already been approached by multiple current and aspiring horse owners.

However, no evidence has been provided to demonstrate this need or that it could not be met by other sites in the locality. It is considered that there are no public benefits which would outweigh the less than substantial harm resulting from the proposal.

The applicant's comments with regards to the visibility of the site, the nature of the proposal and the role that the land plays in the setting of the Hall are noted. However, it is considered that these factors impact on the harm that is attributed to the development rather than amounting to any public benefits, which would outweigh this harm.

The proposal would fail to comply with requirements of CELPS policy SE 7, CBLP policy BH4 and GNP policy OECH3. It would also fail to comply with the aims of Chapter 16 of the NPPF.

Parking and Highway Safety

The main policies to consider are CELPS policy CO1; CBLP policies GR9 and GR16 and GNP policies TTT1 and TTT2.

The site is accessed by way of a single lane track, which is around 400m long. This track is also a designated public right of way. Access to this track is controlled by traffic light signals at the junction with Booth Bed Lane.

As part of the proposal, a new access would be created onto the public right of way. A new traffic light system would be installed at the junction of the new access and the public right of way.

Concerns have been raised that the proposed development would increase traffic, potentially prejudicing highway and pedestrian safety.

The Highways Officer has advised that the main highway concerns are due to the length of access that vehicles would potentially have to reverse, as there are no passing places. They have advised that the existing traffic light system seems to operate satisfactorily on existing traffic levels. However, it is acknowledged that the proposal would increase the use of the track, and given the long cycle time of the signals, the likelihood of non-compliance with the signals is increased.

The Highways Officer has advised that the proposal is therefore acceptable for private use only as a commercial use would generate higher traffic levels on the narrow access. Whilst the use would include two livery stables, it would be secondary to the main private use. Highways have advised that this would be acceptable.

If the application was to be recommended for approval, conditions could be imposed requiring the installation of the traffic light system prior to first use of the development.

Public Rights of Way have been consulted on the planning application. At the time of the report, they had not yet responded, so any comments will be provided in the update report. However, Public Rights of Way commented on the previously withdrawn scheme for a similar proposal. They raised no objections to this scheme, subject to informatics reminding the applicants of their obligations not to interfere with the public right of way.

The highways officer has not objected to the proposal. It is considered that subject to the condition relating to the traffic lights, the development would not adversely affect highway safety.

Neighbour Amenity

Saved policy CBLP policy GR6 deals with amenity and health. It states that planning permission will only be granted, where the proposal would not have an unduly detrimental effect on residential amenities

The proposed stables and manege would be sited away from the boundary with residential properties. If the application is recommended for approval, a condition would be imposed restricting external lighting.

Given the small scale nature of the proposal, it is considered that any increase in traffic and vehicle movements would not be so significant as to result in disturbance to neighbouring residential properties.

The proposal would comply with saved policy GR6.

Flood Risk

The main policy to consider is CELPS policy SE 13, which deals with Flood Risk and Water Management. The eastern boundary of the site lies within Flood Zones 2 and 3, which are respectively at medium and high risk of flooding. The remainder of the site lies within flood zones 1, which has the lowest probability of flooding.

The proposed stable block and manege would be located in the north-western corner of the site, which is in flood zone 1.

Neither the Environment Agency nor the Council's Flood Risk Team has raised any objections to the proposal on the basis of flood risk. The proposed development would comply with the requirements of CELPS policy SE 13.

If the application is recommended for approval, the applicant would be advised of the requirement for permits for any works within 8m of the river bank.

Ecology

CELPS policy SE 3 deals with biodiversity and geodiversity.

An Extended Phase 1 Survey report has been submitted as part of the planning application. There is a considered low risk that the proposed development may have an adverse impact upon great crested newts, which may occur within an adjacent water body.

The Council's Nature Conservation Officer has reviewed the proposal and is satisfied that the risks will be adequately mitigated by the implementation of the reasonable avoidance measures, set out within the Extended Phase 1 Survey Report.

Subject to conditions requiring compliance with the Extended Phase 1 Survey Report and conditions relating to nesting birds and the inclusion of biodiversity enhancement measures, the proposal would comply with the requirements of CELPS policy SE 3.

Trees

CELPS policy SE 5 deals with Trees, Hedgerows and Woodland. There is a group of protected trees in the north eastern corner of the site (56-035 refers).

The proposed development is located within the north-western corner, away from the group of protected trees. The Council's Forestry Officer has reviewed the proposal. They have advised that there are no significant arboricultural implications associated with the application.

The proposal would comply with CELPS policy SE 5.

Jodrell Bank

CELPS policy SE 14, CBLP PS10 and GNP policy SC2 seek to prevent development which would interfere with operations at Jodrell Bank.

Jodrell Bank has not made any comments on this application. Given the non-residential nature of the proposal, it is considered that the development would not prejudice operations and would comply with the above planning policies.

Other Matters

Council records indicate that there is an HSE pipeline within the vicinity of the site. For the previously withdrawn scheme (18/3202C), it was established that this pipeline would not be affected by the proposal. As the current application relates to the same site, this conclusion is again considered relevant here.

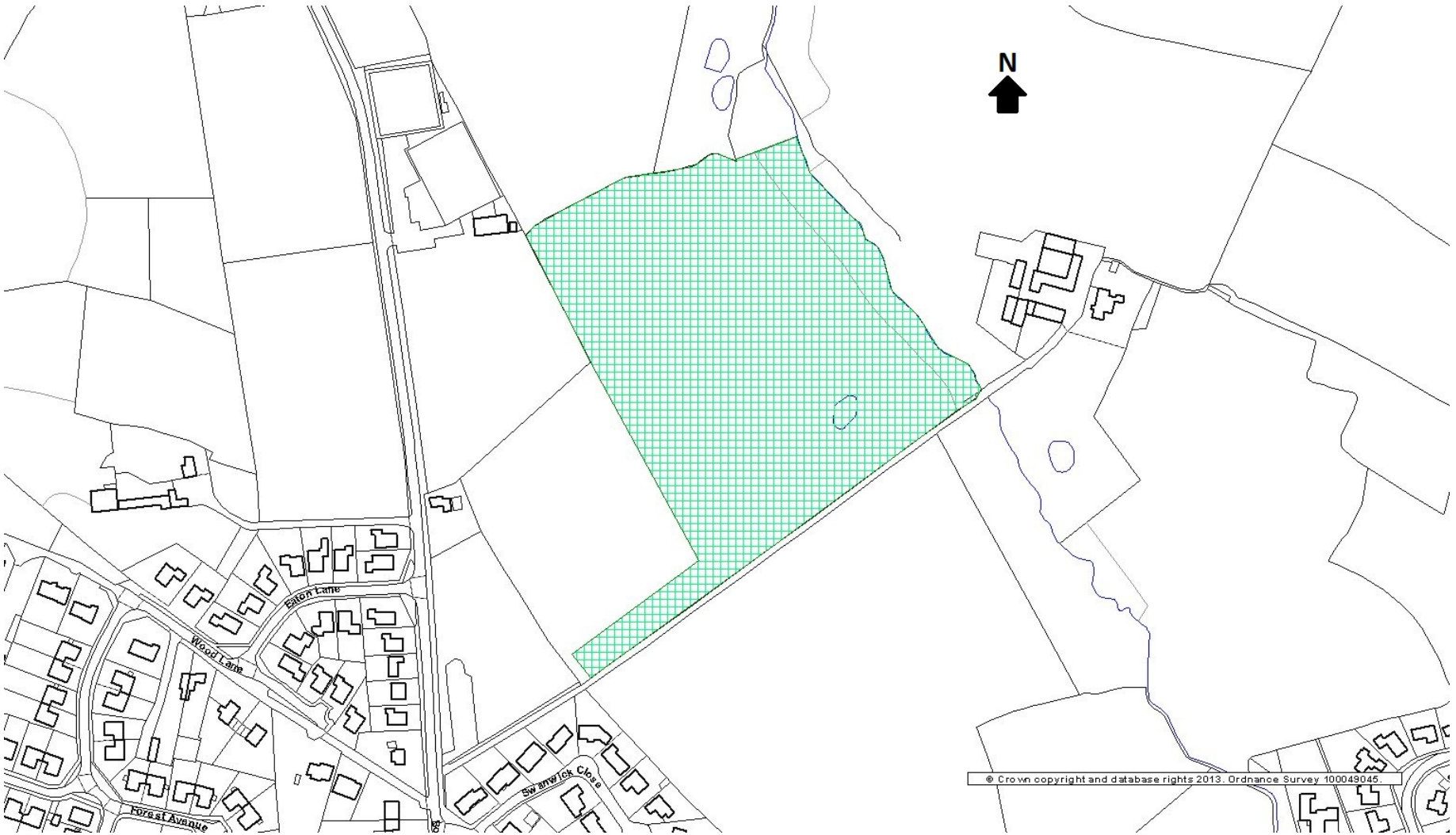
PLANNING BALANCE AND CONCLUSIONS

The proposed development would bring with it some modest economic benefits during the construction period and associated with the small scale livery use.

However, the proposal would result in environmental harm, as a result of the less than substantial harm to the significance of the designated heritage asset. This harm would not be outweighed by the benefits of the proposal. Accordingly the application is recommended for refusal for the following reason:

1. The application site makes an important contribution to the setting of the grade II listed building, Swanick Hall. The importance of the driveway and its surrounds is considered high, given that it is the only access to the Hall. The introduction of built form would erode the current open, undeveloped character of the area. The proposed development would also intensify the appearance of infrastructure and activity, which would detract attention away from the Hall. As a result of the harm to the setting, the proposal would result in less than substantial to the significance of the designated heritage asset. There are no public benefits which would outweigh this harm. The proposal would fail to comply with the requirements of CELPS policy SE 7, CBLP policy BH4, GNP policy OECH3 and chapter 16 of the NPPF.

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



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Application No: 19/2396N

Location: Site of Former Lodgefields School, Lodgefield Drive, Crewe, Cheshire

Proposal: Erection of a new two-storey SEND (Special Education Needs and Disability) school and associated landscaping.

Applicant: Henry Boot Construction Ltd

Expiry Date: 28-Aug-2019

SUMMARY

The proposal relates to the provision of a purpose built school (Axis Academy) to cater for special education needs and disability (SEND) for up to 40 children. It is located in a sustainable urban location and will utilise a vacant, previously used site formerly occupied by Lodgefields County Primary School which was demolished in 2007.

The new school development will meet the identified need for additional special school places within the borough, enabling the needs of pupils to be met locally through the provision of purpose built facilities.

The scheme is of a good quality, contemporary design, which satisfactorily respects the character and appearance of the locality.

The siting of the premises would not adversely affect the residential amenities of nearby dwellings.

The proposal, subject to conditions, would not have an adverse impact upon trees or ecology and also ensure that issues associated with drainage and contaminated land are addressed. Furthermore, it is considered that the anticipated traffic movements resulting from the new school, the proposals would not have harmful in impact on the local highway network in terms of traffic congestion or increased highway safety risks.

For these reasons, the proposals are considered to represent a sustainable form of development in accordance with the relevant requirements of the Development Plan and national planning policy.

RECOMMENDATION

Approve subject to Conditions

DESCRIPTION OF SITE AND CONTEXT

The application site was formerly occupied by Lodgefields County Primary School, a single storey building that was demolished in 2007. The site comprises a small car park, the footprint of the former school buildings, playgrounds, and the overgrown school playing field which extends to the south and adjoins public open space alongside Wistaston Brook.

The site is located adjacent to a housing estate constructed in the 1970s, and accessed from Coppenhall Lane (A532) to the north via Lodgefields Drive.

Semi-detached and detached bungalows within Sharnbrook Drive back onto the western site boundary. Two storey properties on Lodgefields Drive overlook the site frontage and No.21 Lodgefield Drive adjoins the northern site boundary adjacent to the former school entrance.

A public right of way leading from Coppenhall Lane to the corridor of public open space containing Wistaston Brook runs alongside the eastern site boundary. Beyond this to the east are King George V Playing Fields and Queen's Park Golf Course.

DETAILS OF PROPOSAL

The proposals relate to the provision of a purpose built school (Axis Academy) to cater for special education needs and disability (SEND) for up to 40 children.

The new school will comprise the erection of a single and part two storey U-shape building located on the footprint of the former primary school. The 2-storey element of the building is located on the eastern side of the site, and away from the existing residential properties which lie to the north and west.

Access for parking, a drop off area, servicing and maintenance vehicles will be from Lodgefields Drive located to the north of the site from a new access point. A one-way system will be provided at the front of the school to provide a drop off area for parents, taxi and mini buses during peak periods. The drop off area will be accessed from the main entrance with vehicles returning to Lodgefields Drive via a proposed exit point located at the north western corner of the site. A separate pedestrian and cycle access will also be provided from Lodgefields Drive.

The former car parking area within the north western corner will be retained, reconfigured and extended along the north and eastern boundaries.

Internally the building will comprise teaching space, therapy space and staff offices to the ground floor. The two storey element will accommodate the main hall and further classrooms. The school is organised around a central corridor, with mainly administrative uses accommodated within the western part of the building adjacent to the boundary with properties of Sharnbrook Drive.

Areas of hard and soft outdoor social and sports space will surround the building including the provision of a Multi Use Games Area (18m x 33m), but which will not be floodlit. The school playing field will also be reinstated for formal sports use.

Proposed landscaping areas, including replacement trees and hedgerow and tree planting along the Lodgefields Drive site frontage. Areas of existing soft landscape around the southern perimeter of the playing field alongside the eastern site boundary will be managed and retained.

RELEVANT HISTORY

P04/1469 - Erection of Children's Play Equipment . Approved
17th January 2005

P03/1498 - Car Park Extension to form 3 spaces. Approved
5th February 2004

P03/0970 - 3 Mobile Classrooms to provide Pre School, Nursery and Out of Hours Clubs.
Approved 30th September 2003

P02/1118 - Single classroom extension to existing school building with 'Home Area' and cloakroom. Approved 20th November 2002

7/17290 - Single mobile classroom. Approved 6th July 1989

POLICIES

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN 1 Infrastructure

SC1 Leisure and recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and Wellbeing

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity

SE5 Trees, Hedgerows and Woodlands

SE6 Green Infrastructure

SE9 Energy Efficient Development

SE12 Pollution, Land contamination and land instability

SE13 Flood risk and water management

CO1 Sustainable Travel and Transport

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.

Adopted Borough of Crewe and Nantwich Local Plan

NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)
TRAN.9 – (Car Parking Standards)
RT1 (Protection of open spaces with recreational or amenity value)

Other Material Considerations

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

National Planning Practice Guidance (NPPG)

CONSULTATIONS

Highways - No objection subject to conditions for cycle storage and Submission of Construction Management Plan.

Environmental Health - No objection. Subject to conditions requiring details and implementation of landfill gas mitigation measures, remediation of contamination, detail of any external flood lighting. Informative are also recommended in relation to working hours during construction, details of piling and foundation design, and dust management.

Flood Risk - No objection subject to a conditions requiring development to be carried out in accordance with the approved FRA and details of surface water drainage scheme.

United Utilities - No objection subject to condition requiring implementation of foul and surface drainage scheme.

Sport England - No objection

Cheshire Constabulary - No objection

VIEWS OF THE PARISH / TOWN COUNCIL

Minshull Vernon Parish Council – Support the application.

OTHER REPRESENTATIONS

5 representations have been received, raising the following points of concern;

- No details of proposed street markings or parking restrictions around the entrance/exit to the site
- Vehicles will leave the site from the exit at the end of the cul-de-sac on the wrong side of the road due to parked vehicles alongside Lodgefields Drive
- the exit gate from the one way system is directly opposite the front of houses of Lodgefields Drive ensuing that vehicles can no longer park on the road directly outside of No.20 (on either side of the road)
- Given limited private driveway parking and to prevent obstruction of traffic from the school, a lay-by parking area should be provided on school side of Lodgefields Drive for sole use of properties opposite
- The turn around and drop off space within the site is very restricted so where will other vehicles wait when dropping off and picking up pupils?
- As traffic levels on the estate will increase, road markings at junctions should be made clearer, particularly at the junction of Lodgefields Drive and Sundale Drive
- Future access to site via Coppenhall Lane will become more problematic with the proposed closure of Sunnybank Road and resulting in increased traffic
- Increased highway safety risks as Lodgefield Drive is narrow and not designed to accommodate vehicle movements from proposed school
- No proposed speed restrictions on Lodgefields Drive
- Removal of trees and shrubs
- Some images submitted with the planning application are inaccurate

OFFICER APPRAISAL

Principle of Development

This previously used and vacant site lies within the within the Crewe settlement limit in a sustainable urban location where there is a presumption in favour of development.

Cheshire East Council has identified the need for additional special school places within the borough to enable the needs of pupils to be met locally. The proposed SEND free school will be delivered by the Department for Education, and operated by YES Trust.

Promoting healthy and safe communities is a key theme of the National Planning Policy Framework (NPPF) and of direct relevance to these proposals. In particular Paragraph 94 of the NPPF states that;

“It is important that sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should;

- a) Give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) Work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted”.

Furthermore CELPS Policy SC3 states that the Council will create and safeguard opportunities for safe, healthy, fulfilling and active lifestyles by:

'4) improving education and skills training and encourages life-long learning.'

It is therefore considered that the proposed development will secure the provision of a high quality and specialist learning facility, meeting identified local education needs, and thereby meet the aims of Policy SC3 and the NPPF.

Whilst having been disused for several years, the school playing fields are identified as being Protected Open Space within the Local Plan Proposals Map and is covered by Policy RT.1. Paragraph 97 of the NPPF also sets out that existing playing fields should not be built on, unless the "development is for alternative sports and recreational provision the benefits of which clearly outweigh the loss of the current or former use".

In this case the siting of the proposed games court (MUGA) will result in a slight encroachment within the playing field. However, with regard to paragraph 97 of the NPPF, Sport England has advised that as the proposals will bring the playing fields back into active use and with the proposed improvement works, will provide multiple benefits for formal sport which would outweigh the loss of the small area of playing field.

Design

Whilst the new school is of part two storey height and of a contemporary, flat roofed appearance, it is of siting and design which would satisfactorily respect its residential context.

The school building is well set back from the site frontage with Lodgefields Drive, which ensures it would not constitute an unduly dominant feature in the street scene.

The use of materials however is particularly important with a building of this scale and its external treatment has been devised to be purposefully simple. In particular, the first floor element will be faced in white render with aim of softening the visual impact of the two storey part of the building, whilst coloured insets to the top of the main hall windows add some colour and interest to the façade. The remainder of the building will be clad in brickwork to reflect the appearance of surrounding properties.

A key design element of the building is the main entrance which will provide an attractive focal point to arrivals to the school from Lodgefields Drive, through the use of high quality materials including powder coated aluminium coloured soffit in the school's colours and fully glazed curtain walling to the entrance.

Care has been taken to ensure that the new school would achieve a satisfactory relationship with existing properties of Lodgefields Drive and Sharnbrook Drive. In particular the massing impact of the building has been reduced through its Western Wing being stepped down to being single storey adjacent to the neighbouring bungalows along Sharnbrook Drive which back onto the site.

It is considered that with the use of good quality materials and provision of effective hard and soft landscaping, the proposed school will create a positive learning environment for pupils

and staff, and the proposals accord with the design objectives of the development plan and of the NPPF.

In summary, the new school is of an acceptable siting and design, and whilst being a prominent feature at the end of Lodgefields Drive would not be detrimental to the character or appearance of the locality.

Ecology

The proposals will result in the loss of a section of semi-improved grassland habitat within the site. However, the Council's Ecologist has advised that the results of the Phase 1 Habitat Survey have demonstrated that the grassland habitat is not to be of Local Wildlife Site quality.

The Council's Ecologist has raised no objections to the scheme subject to conditions being imposed to protect breeding birds during the nesting season, the provision of wildlife sensitive lighting and the incorporation of features within the development to increase biodiversity.

Trees

The site is currently vacant and laid to self seeded shrub and pioneering tree cover. Mature Ash trees are situated adjacent to the western boundary and mature Oaks (Protected by TPO) to the southern boundary.

The proposals are accompanied by an Arboricultural Survey Report and supporting arboricultural information. This report has identified 18 individual trees and 1 group within the application site. A Tree Preservation Order (TPO) affords protection to two Oak trees within the site, (T12 and T13 of the TPO – T9 & T10 of the submitted report). An additional protected Oak (T11 of the original Order) adjacent to T9 & T10 is no longer present.

The Council's Tree Officer concurs that with the findings of the report that the most significant trees to the southern and western boundaries of the site are to be retained with minimal development taking place within the RPA of these trees. It also considered that the proposal will not present any significant implications for existing protected trees. In addition, the trees identified for removal are generally of poor growth habit, are host to tree pests and diseases or inappropriate species.

Consequently the Tree Officer has raised no objection, subject to a condition for the provision of tree protection measures during the construction of the development as set as out in the Arboricultural Report and its supporting information.

Amenity

Saved Policy BE.1 of the Crewe and Nantwich Local Plan requires consideration to be given to neighbouring properties with regard to impact on privacy, loss of light, visual intrusion and pollution.

Whilst the development will result in the re-use of this vacant site, it is not uncommon for schools to be located in residential areas. In this case, given the small number of pupils which will be accommodated, the level of activity and anticipated vehicular movements associated with the new school would be reasonably low, and therefore not result in an unacceptable impact on the amenities of nearby residents in terms of increased levels of noise and disturbance.

Bungalows of Sharnbrook Drive back onto the western boundary and properties of Lodgefields Drive overlook the site frontage, while No.21 Lodgefields Drive adjoins the northern site boundary.

Care has been taken to ensure that the new school building achieves an acceptable relationship with properties of Sharnbrook Drive, as this part of the school building is single storey and sited 10m from the western boundary. As a result distances of around 21m will remain between the rear elevations of existing properties and the western elevation of the school. This ensures that the amenities of adjacent bungalows of Sharnbrook Drive will not be adversely affected in terms of loss of light, outlook or overbearing impact. The layout of the school has ensured that play areas and teaching accommodation are sited away from the western side of the school to minimise any potential noise impact.

The school buildings are set 16m into the site from the Lodgefields Drive. As a result distances of about 31m will remain between new school buildings and properties facing towards the site on the northern side of Lodgefields Drive.

Although the side garden boundary of No.21 adjoins the northern school boundary, the school building itself is sited in a position off-set from No.21. As a result the proposals will have no adverse impact on the amenities of this property in terms of a loss of light, privacy or outlook or to principal windows.

In summary given the separation distances between the school and existing properties, coupled with the remaining distance which will remain between new buildings and the boundaries of the school grounds, it is not considered that the siting and design of the proposals will result in a loss of amenity for adjoining properties.

Highways

The site is currently vacant and whilst no transport movements have occurred for some time, it was previously occupied by a primary school with approximately 210 pupils. This proposal is for a SEND school with 40 pupils and 30 full-time equivalent staff.

The existing access into the site from Lodgefields will be closed with two new vehicle accesses and one pedestrian access provided. The proposed vehicular accesses from Lodgefields Drive have been created to allow for a one-way system to serve a small drop-off area on the frontage of the school.

Vehicles would enter the drop-off area from the main school access and exit via the proposed western access. The Council's Highway Engineer has assessed the submitted Swept Paths drawings and considers that it has been satisfactorily demonstrated that mini-buses, cars and

taxis can safely make this manoeuvre, including in the event that cars are parked outside the residential properties on the opposite side of Lodgefields Drive.

As this is a small, SEND school the majority of pupils will arrive by mini-bus or taxi, the vehicular trips associated with the development will be minimal, and far less than what the previous school would have generated. The Highway Engineer has advised on the basis that school minibus can typically cater for 15 pupils, and assuming 3 pupils per taxi, then the total number of vehicle movements in either peak for pupils, would be less than 20 (in and out). If all staff arrived by car then this would equate to 30 movements. In total, this is less than a vehicle movement per minute on average across an hour. The movements between staff and pupils would also be staggered and, subject to the demand for before and after school clubs, traffic movements could be staggered further.

Parking provision is to be provided at 1 space per member of staff, with additional drop-off, visitor, and mini-bus parking to be provided. The Highway Engineer considers this level of on-site provision to be acceptable.

The applicant has stated that given the nature of the school, and the typical large catchment of staff, cycling is unlikely to be used and cycle parking has therefore not been proposed. Nevertheless, the National Cycle Route 451 runs along the southern and eastern boundary of the site and there is a bus service available on Coppenhall Lane a few minutes walk from the site, with footway infrastructure connecting the site to the wider area. It is therefore recommended that a condition be imposed requiring the provision of secure, covered cycle storage within the school grounds.

In summary on the basis of the level and nature of vehicle movements generated by the new school, this would not result in highway safety problems at the junction of Lodgefields Drive and Coppenhall Lane, along Lodgefields Drive or from the operation of the school drop-off area.

The Highway Engineer has raised no objection to the proposals subject to a conditions requiring cycle storage and also the submission of a Construction Management Plan to mitigate the highway impact of activities and vehicle movements associated with the construction of the development.

Contamination

The site is adjacent to a known landfill site or area of ground that has the potential to create gas. The Environmental Protection Officer initially objected to the proposals on the basis that insufficient information had been submitted with the application which satisfactorily assessed potential gas risks arising from the former landfill and thereby determine whether the site could suitably accommodate a school.

However, in response to these concerns the applicant has submitted further information relating to the risks posed by the adjacent landfill has been provided. A report outlining the potential risks posed by the landfill and proposed gas protection measures has been undertaken (Report Ref: GRM/P9000/GPMVP, GRM Development Solutions Ltd. July 2019). This sets out details of proposed gas protection measures including the use of a suitable

membrane in combination with a sub-floor void, and that a final gas risk assessment will be undertaken to determine precise specification of gas protection measures.

Following assessment of this report, and proposed approach to the provision of landfill gas mitigation, the Environmental Protection Officer has confirmed that the original concerns have been addressed.

No objections are therefore raised subject to conditions being imposed requiring that prior to the commencement of development supplementary information concerning landfill gas risk should be submitted and agreed, and subsequently approved gas protection measures implemented in full.

Other Matters

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. The Council's Flood Risk Officer has advised that the overall findings of the submitted Flood Risk Assessment (FRA) relating to the development and drainage of the site to be acceptable in principle.

Conditions are recommended ensuring that the development permitted is carried out in accordance with the approved FRA and the detailed design strategy for the drainage system is submitted and agreed prior to the commencement of development.

United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to a condition for the implementation of foul and surface water drainage arrangements.

PLANNING BALANCE AND CONCLUSIONS

The development is located in a sustainable urban location and will utilise a vacant, previously used site.

The new school development will also importantly meet the identified need for additional special school places within the borough, enabling the needs of pupils to be met locally through the provision of purpose built facilities.

The school is of a good quality, contemporary design, which satisfactorily respects the character and appearance of the locality. The siting and layout of the building would not adversely affect the residential amenities of nearby dwellings.

The proposal, subject to conditions, would not have an adverse impact upon trees or ecology and also ensure that issues associated with drainage and contaminated land are addressed. Furthermore in view of the anticipated traffic movements resulting from the new school, the proposals would not have harmful impact on the local highway network in terms of traffic congestion or increased highway safety risks.

For these reasons, the proposals are considered to represent a sustainable form of development in accordance with the relevant requirements of the Development Plan and national planning policy

RECOMMENDATION

APPROVE

- 1. Standard**
- 2. Approved Plans**
- 3. Details of Materials**
- 4. Contaminated Land - Submission and approval of gas protection measures**
- 5. Contaminated Land - Submission of Verification for installed gas remediation measures**
- 6. Contaminated Land - Verification of importation of soils and forming materials**
- 7. Contaminated Land - Works to stop if unexpected contamination is discovered on site**
- 8. Details of external lighting**
- 9. Breeding Birds – timing of works**
- 10. Inclusion of features to increase biodiversity**
- 11. Provision of secure, covered cycle storage**
- 12. Notwithstanding submitted plans, details of the hard and soft landscaping to be submitted and approved**
- 13. Implementation of the landscaping scheme**
- 14. Boundary treatments**
- 15. Development to be carried out in accordance with approved FRA**
- 16. Submission of details of surface water drainage scheme and implementation**
- 17. Submission, approval and implementation of a Construction Management Plan**
- 18. Tree protection measures during construction**
- 19. Electric vehicle charging**

In order to give proper effect to the Southern Planning Committees 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

