

Southern Planning Committee

Agenda

Date: Wednesday 1st July 2020

Time: 10.00 am

Venue: Virtual Meeting

How to Watch the Meeting

For anybody wishing to watch the meeting live please click in the link below:

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Please turn off your camera and microphone when entering the meeting and ensure they remain turned off throughout.

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 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.

Please contact:

E-Mail: rachel.graves@cheshireeast.gov.uk with any apologies or requests for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

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

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

3. **Minutes of Previous Meeting** (Pages 5 - 8)

To approve the minutes of the meeting held on 4 March 2020.

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. **20/0289C - 104 LAWTON ROAD, ALSAGER ST7 2DB: Residential development of 4No 3 Bedroom detached bungalows together with a new access road and associated site works** (Pages 9 - 24)

To consider the above planning application.

6. **19/4979C - 65 SANDBACH ROAD NORTH, ALSAGER, ST7 2AQ: Removal of existing garage and erection of one dwelling** (Pages 25 - 34)

To consider the above planning application.

7. **20/0394N - THE YARD, LEWIS STREET, CREWE: Outline application for 5 pairs of semi detached dwellings with vehicular access off Lewis Street **
(Pages 35 - 48)

To consider the above planning application.

8. **20/0947N - 50 CHARLCOTE CRESCENT, CREWE, CW2 6UH: Rear and side ground floor extension** (Pages 49 - 54)

To consider the above planning application.

9. **20/1197N - THE FORMER BOOT AND SLIPPER INN, LONG LANE, WETTENHALL, CHESHIRE, CW7 4DN: Erection of 4 Dwellings**
(Pages 55 - 76)

To consider the above planning application.

10. **19/5420M - 27B ALMA LANE, WILMSLOW, SK9 5EY: Conversion of garage with small extension (3m2) to bring it in line with the front of the house. Changing flat roof to pitched roof.** (Pages 77 - 82)

To consider the above application.

THERE ARE NO PART 2 ITEMS

Membership: Councillors S Akers Smith (Vice-Chairman), M Benson, J Bratherton, P Butterill, S Davies, K Flavell, A Gage, D Marren, D Murphy, J Rhodes, L Smith and J Wray (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 4th March, 2020 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, K Flavell, A Gage,
A Kolker, D Marren, D Murphy and J Rhodes

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors R Bailey and P Williams

OFFICERS PRESENT

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

Apologies

There were no apologies for absence.

53 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

With regard to application number 19/5261N, Councillor J Wray declared that the applicant was known to him. He would vacate the Chair in favour of the Vice-Chairman, leave the room and not take part in the debate or vote.

With regard to application number 19/5261N, Councillor P Butterill declared that she had made up her mind with respect to the application. She would exercise her separate speaking rights as a Neighbouring Ward Councillor, leave the room and not take part in the debate or vote.

54 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 5 February 2020 be approved as a correct record and signed by the Chairman.

- 55 **20/0289C 104, LAWTON ROAD, ALSAGER, STOKE ON TRENT, CHESHIRE ST7 2DB: RESIDENTIAL DEVELOPMENT OF 4NO 3 BEDROOM DETACHED BUNGALOWS TOGETHER WITH A NEW ACCESS ROAD AND ASSOCIATED SITE WORKS FOR MR M BAILEY, ALCOCK & BAILEY LTD**

Note: Councillor P Williams (Ward Councillor) and Town Councillor S Helliwell (on behalf of Alsager Town Council) attended the meeting and addressed the Committee on this matter.

Note: Ms S Freeman (objector) had registered her intention to address the Committee but was not in attendance at the meeting.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED for consultation with Ansa concerning bin collection arrangements.

- 56 **19/5261N BADDINGTON PARK, BADDINGTON LANE, BADDINGTON CW5 8AF: EXTENSION TO EXISTING GYPSY AND TRAVELLER SITE TO PROVIDE 6 NO. ADDITIONAL GYPSY TRAVELLER PITCHES COMPRISING 6 NO. MOBILE HOMES, 6 NO. TOURING CARAVANS, 6 NO. SEMI-DETACHED UTILITY BLOCKS AND ASSOCIATED WORKS INCLUDING ALLOCATION FOR PARKING AND HARDSTANDING FOR J FLORENCE**

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

Note: Councillor R Bailey (Ward Councillor), Mr C Odams (objector) and Mr P Brown (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Having exercised her separate speaking rights as a Neighbouring Ward Councillor, Councillor P Butterill withdrew from the meeting for the duration of the Committee's consideration of this item.

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 the following conditions:

1. Time (3 years)
2. Plans
3. Materials for utility blocks
4. Boundary treatment

5. Landscaping (hard/soft) scheme (including habitat creation)
 6. Landscaping implementation
 7. Great Crested Newts reasonable avoidance measures
 8. No commercial activities shall take place on the land, including the storage of materials and no vehicle over 3.5 tonnes shall be stationed, parked or stored at the site.
 9. Remove PD rights for boundary treatment
 10. Land contamination
 11. Verification report
 12. Importation of soil
 13. Unidentified land contamination
 14. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites (PPTS).
 15. There shall be no more than 6 pitches on the site and the units shall be in accordance with the definition of a caravan as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 of which no more than 1 unit shall be a static caravan per pitch at any one time.
- (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 Acting Head of Planning, following 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 12.07 pm

Councillor J Wray (Chairman)

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Application No: 20/0289C

Location: 104, LAWTON ROAD, ALSAGER, STOKE ON TRENT, CHESHIRE, ST7 2DB

Proposal: Residential development of 4No 3 Bedroom detached bungalows together with a new access road and associated site works.

Applicant: Mr M Bailey, Alcock & Bailey Ltd

Expiry Date: 03-Jul-2020

SUMMARY

The site lies within the settlement boundary for Alsager and the principle of residential development on the site is acceptable. The developments accords with Policies PG2 and SE2 of the CELPS and Policy H1 of the ANP.

The site is sustainably located and is in easy walking distance of Alsager Town Centre, public transport and services and facilities within the town. The development complies with Policies SD1 and SD2 of the CELPS and TTS1 of the ANP.

The development is considered to be acceptable in terms of its impact upon the residential amenities of the dwellings surrounding the site. There is no conflict with Policies GR6 and GR7 of the CBLP, the SPG or Policy H6 of the ANP.

Following the receipt of amended plans the development is considered to be acceptable in terms of its impact upon the highway network. The development complies with GR9 and GR14 - GR18 of the CBLP, CO2 of the CELPS, and TTS1 and TTS2 of the ANP.

There would be no significant impacts in terms of flood risk drainage or ecology. As such the development complies with SE3 and SE13 of the CELPS and TTS10 and NBE5 of the ANP.

The impact upon trees is acceptable subject to the imposition of planning conditions. The development complies with Policy SE5 of the CELPS and NBE4 of the ANP.

The design has been subject to negotiations during the course of this application and is now considered to be acceptable and complies with Policy SE1 of the CELPS and the CEC Design Guide and H6 of the ANP.

The application would comply with the relevant policies of the Development Plan and is recommended for approval.

RECOMMENDATION

APPROVE subject to the imposition of planning conditions

REASON FOR DEFERRAL

This application was deferred at the Southern Planning Committee meeting on 4th March 2020 for the following reason;

'Defer for consultation with Ansa concerning bin collection arrangements'

REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Williams for the following reason;

'I understand from Cllr Rod Fletcher that this application has previously been 'called in' and that as far as he was aware the call-in still stands. If, however, this is not the case and the previous call-in does not apply to the new application I am issuing a call-in request on the grounds of over-development of the site.'

'There is substantial concern about the scale of the development among local residents and the proposed dwellings appear out of scale for the site when there is a recognised need for bungalows and smaller dwellings within the town. I would therefore reiterate Cllr Fletcher's original call-in request and add my own concerns about the scale of the proposed development within a town-centre site of this kind'

PROPOSAL

Full planning permission is sought to erect four bungalows each with a detached garage. The proposed dwellings would be arranged around a small cul-de-sac.

SITE DESCRIPTION

The application site is a vacant plot of land which was previously occupied by a large detached dwelling which has now been demolished. The site lies within the Alsager Settlement Boundary.

The site is currently overgrown and includes a number of trees which are the subject of a Tree Preservation Order. The site is set at a higher level to Lawton Road and levels rise towards the southern boundary of the site.

The site is surrounded by residential properties to all sides.

RELEVANT HISTORY

19/4513C - Residential development of 3 detached bungalows together with a new access road and associated site works – Withdrawn 26th November 2019

16/6210C - Demolition of existing dwelling and construction of a replacement dwelling – Approved 23rd March 2017

15/5816C - Extensions and alterations including demolition and rebuilding of existing 2 storey annex to side of main house, single storey side/rear swimming pool extension, single storey rear extension and 2 storey entrance side extension with single storey garage to side and a new roof – Withdrawn 28th October 2016

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy (CELPS)

PG1 – Overall Development Strategy
PG2 – Settlement Hierarchy
PG7 – Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
IN1 – Infrastructure
IN2 – Developer Contributions
SC1 – Leisure and Recreation
SC3 – Health and Well-Being
SC4 – Residential Mix
SC5 – Affordable Homes
CO1 - Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SE 1 - Design
SE 2 - Efficient Use of Land
SE 3 - Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 7 – The Historic Environment
SE 8 – Renewable and Low Carbon Energy
SE12 – Pollution, Land Contamination and Land Instability
SE 13 - Flood Risk and Water Management

Congleton Borough Local Plan (CBLP)

The relevant Saved Policies are:

PS4 Towns
GR6 Amenity and Health
GR7 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR16 Footpaths Bridleway and Cycleway Networks
GR17 Car parking
GR18 Traffic Generation
NR3 Habitats
NR5 Habitats

Neighbourhood Plan

The Alsager Neighbourhood Plan (ANP) passed referendum on 27th February 2020 and was made on 15th April 2020

H1 – Type and Mix of New Housing

H2 – Climate Change and Housing

H3 – Infrastructure and Sustainable Housing Development

H4 – Size, Scale and Density of New Housing Developments

H6 – Housing Design

NBE4 – Woodlands, Trees and Hedgerows

NBE5 – Wildlife and Housing

NBE6 – Development affecting Heritage Assets and their Setting

CW2 – Health and Leisure Facilities

CW3 – Safe and Accessible Routes

TTS1 – Promoting Sustainable Transport

TTS2 – Congestion and Highway Safety

TTS3 – Car Parking and Electric Charging Points

TTS4 – Accessibility

TTS5 – Footpath, Bridleway and Cycleway Network

TTS6 – Infrastructure

TTS8 – Improving Air Quality

TTS9 – Drainage – Sustainable Urban Drainage Systems

TTS10 – Surface Water

National Policy

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

Of particular relevance are paragraphs:

11. Presumption in favour of sustainable development.

124 - 132 Achieving well-designed places

Other Considerations

Cheshire East Design Guide

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2017

CONSULTATIONS (External to Planning)

United Utilities: General comments provided.

CEC Flood Risk Manager: No objection – condition suggested.

Head of Strategic Infrastructure: No objection subject to the imposition of a planning condition and an informative.

CEC Environmental Health: The following conditions are suggested; piling works, dust management plan, electric vehicle infrastructure, low emission boilers and contaminated land. Informatives suggested in relation to contaminated land and construction hours.

ANSA: Looking at the plans, the road would be wide enough for us to reverse a bin wagon down. However as it is a private drive this would be depend on the residents agreeing to this.

If we are unable to use the private road for access we would then expect the bins to be presented on the main road with the exception of assisted collections where we would take the bin from where it is stored and return it to the same place.

VIEWS OF THE TOWN COUNCIL

Alsager Town Council: Object to this application on the following grounds;

- Overdevelopment
- Not in keeping with the street-scene
- Inadequate parking provision for the amount of properties

OTHER REPRESENTATIONS

Letters of objection have been received from 6 local households raising the following points;

- Too many developments happening simultaneously in the area
- Increased traffic congestion
- Loss of trees on the site
- Impact upon wildlife in the area/loss of habitat
- No trees should be removed as part of this application
- The site only previously had 1 dwelling and increasing to 4 will be a mistake
- Roads in the area are in a poor state of repair with potholes and flooding
- Loss of privacy for the dwellings opposite the site
- The busy road will become more dangerous
- There is a large amount of development in the area
- A development of 4 dwellings has previously been rejected
- The Alsager Neighbourhood Plan should be considered and this will go to referendum on 27th February 2020
- Older people are unlikely to want 4 bedroom bungalows
- The application does not give enough weight to ecology, green space and trees
- The application makes no reference to the retaining wall along the southern boundary of the site
- Loss of trees could affect the stability of the retaining wall and impact upon the structural stability of retaining wall and adjacent properties
- Some vegetation has been cleared from the site and this has already affected bird species on the site
- Over 30 trees are to be removed as part of the proposed development
- The proposed landscaping scheme includes conifers
- What covenants are in place to ensure that the owners of the new properties retain the TPO trees in good condition?
- Concern that the future occupiers will apply to remove trees on the site
- Loss of privacy to the dwellings to the south of the site
- Taller properties are proposed to be constructed where the land level is at its highest
- Concerns that there will be loft conversions in the future which would impact upon privacy
- Impact from noise and activity in the proposed private amenity space
- Backland development should be resisted in Alsager

- No further housing is needed in Alsager
- Increase in traffic congestion
- Existing parking problems along Lawton Road
- There are already applications for housing development at 112 and 130 Lawton Road

One letter of support has been received which raises the following points;

- The application is proportionate and will enhance the surrounding area

APPRAISAL

Principle of Development

The site is located within the settlement boundary for Alsager (a Key Service Centre). Policy PG2 states that in the key service centres *'development of a scale, location and nature that recognises and reinforces the distinctiveness of each individual town will be supported to maintain their vitality and viability'*.

As a windfall site Policy SE2 states that development should;

- Consider the landscape and townscape character of the surrounding area when determining the character and density of development
- Build upon existing concentrations of activities and existing infrastructure
- Not require major investment in new infrastructure
- Consider the consequences of the proposal for sustainable development having regard to Policies SD1 and SD2

Paragraph 68 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly. To promote the development of a good mix of sites local planning authorities should amongst other things *'support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'*.

Policy H1 of the ANP originally stated that any additional housing 'over and above that identified in the CELPS and the Housing Advice Note will only be supported if there is a clear justification for a higher target number of houses agreed for Alsager as a Key Service Centre through the Development Plan process'.

However the examiner of the ANP has recommended that this part of the policy is deleted. The reason being that the *'the housing numbers are not a target. Therefore, this element of the policy does not generally conform with the CELPS which sets out a minimum requirement of 36,000 new homes'*. Policy H1 now states that proposals which specifically include housing such as bungalows suitable for individual living by older people to meet the needs of the growing ageing population will be supported.

The principle of residential development on this site in the settlement boundary is therefore considered to be acceptable.

Location of the site

Policy SD1 states that wherever possible development should be accessible by public transport, walking and cycling (point 6) and that development should prioritise the most accessible and sustainable locations (point 17). The justification to Policy SD2 then provides suggested distances to services and amenities.

In this case the site is very close to the town centre of Alsager (approximately 350m). As such the site is considered to be highly sustainable and services and facilities could easily be accessed by non-motorised forms of transport. The site is considered to be sustainably located and complies with Policies SD1 and SD2 of the CELPS and TTS1 of the ANP.

POS

As a development of this size falls below the threshold for open space provision.

Education

This application falls below the threshold for education provision.

Highways Implications

The proposed development would have a single access point accessed off Lawton Road. The previous application was supported by a speed survey which indicated that the 85th percentile speed is 30mph in both directions.

The proposed access would have visibility splays of 2.4m x 43m in both directions subject to a small section of the front boundary wall being reduced in height or re-positioned. The Head of Strategic Infrastructure has confirmed that there have been no recorded accidents on this stretch of Lawton Road within the last 3 years.

Policy TTS3 of the ANP requires compliance with the CEC parking standards which is 2 spaces per dwelling. Off-road parking provision complies with CEC standards and turning areas are sufficient and the access will have an acceptable width.

Four residential properties will generate little traffic movement and will have minimal impact upon the local highway network. Refuse collection can take place from the highway where the collection point is shown (this is discussed in greater detail below).

A condition can be attached to ensure that the site access and visibility splays are provided prior to the first occupation of the development as well as a condition to ensure that each unit has cycle parking provision.

Subject to the above condition, no highway objections are raised and the proposal is deemed to adhere with Policy GR9 of the CBLP, Policy SD1 of the CELPS with regards to highways matters and TTS2 of the ANP.

Amenity

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

21.3 metres between principal elevations

13.8 metres between a non-principal and principal elevations

It should also be noted that the recently adopted Cheshire East Design Guide SPD also includes reference to separation distances and states that separation distances should be seen as a guide rather than a hard and fast rule.

Figure 11:13 of the Design Guide identifies the following separation distances;

21 metres for typical rear separation distance

18 metres for typical frontage separation distance

12 metres for reduced frontage separation distance (minimum)

To the east of the site is a large detached dwelling at 106 Lawton Road. This property is set within a large plot with the dwelling set back from Lawton Road by 31m. The proposed dwelling on plot 1 is set further forward and would have a blank side elevation facing the boundary with 106 Lawton Road. Given its siting and single storey nature it is not considered that this plot would materially impact upon No 106.

Plot 2 is orientated with its rear elevation facing the side elevation of 106 Lawton Road. There would be a separation distance of 10.7m at its closest point (but would be 14.2m at its furthest). Within the side elevation of No 106 Lawton Road are a number of windows all of which are obscure glazed and secondary. Although part of the separation distance is below the standard set out in the SPG this relationship is considered to be acceptable due to the wide nature of the proposed garden (12m) and the orientation of the dwellings.

Plot 3 is orientated with its rear elevation facing the side boundary of 106 Lawton Road. There would be a separation distance of 8m to the boundary at its narrowest and 10.4 at its furthest. There would be a separation distance of 13m at its closest point between the nearest points between the dwellings (corner to corner). This relationship is considered to be acceptable.

Plot 4 is set further back within the site and angled to No 106. Given the relationship and separation distance there would be no impact from this plot upon 106.

To the south of the site are dwellings at 9 Thomas Close and 8 Davis Close. The proposed dwelling on plot 4 would be angled and face towards the south-east corner of the site towards No 9 Thomas Close. There would be a separation distance of approximately 18m from the rear elevation of plot 4 and the blank side elevation of No 9 Thomas Close. This separation distance exceeds the separation distance requirements. Furthermore the application site is at a lower level and the proposed dwellings are single storey in nature. This relationship is therefore considered acceptable.

The garage to serve plot 4 would be 11m from the side elevation of 24 Fields Close and 13m from the boundary with 8 Davis Close. This would not cause any amenity impacts.

The front elevation of plot 2 would face towards the side elevation of the dwelling at 19 Fields Close which has a blank side elevation facing the site (with a separation distance of 19m). This relationship meets the separation distances and is considered to be acceptable.

The side elevation of plot 1 would be 18m from the side elevation of No 100 Lawton Road. Again the relationship complies with the spacing standards and is considered to be acceptable.

To the north of the site plot 1 would face towards 91 Lawton Road. There would be a separation distance of approximately 44m between the properties and the relationship is considered to be acceptable.

With regards to private amenity space, the minimum recommended standard detailed within SPD is 65 square metres. The proposed private garden spaces are commensurate with the size of the dwellings as proposed. On this basis, the proposal complies with policy H6 of the ANP.

Air Quality

Policy SE12 of the CELPS states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality, this is echoed in ANP policy TTS8..

The impact upon air quality could be mitigated with the imposition of a condition to require the provision of electric vehicle charging points and a condition relating to a dust management plan.

Contaminated Land

Residential properties are a sensitive end use and could be affected by any contamination present or brought onto the site. The application area was previously considered under 16/6210C with contaminated land conditions attached. A contaminated land assessment was submitted under 17/4854D and was satisfactorily discharged to the satisfaction of the Contaminated Land Officer. On this basis, the Contaminated Land Officer is satisfied, however, given that this is a revised scheme, submitted after the demolition of the original on site dwelling, standard precautionary soil import and unexpected contamination conditions are recommended.

Trees and Hedgerows

There are existing trees within the vicinity of the proposed development. The whole site lies within Area A4 of the Congleton Borough Council (Fields Road/ Lawton Road Alsager) TPO 1975. Only trees present at the time the Order was made can be deemed protected.

There has been a previous approval for demolition of the original dwelling and construction of a replacement dwelling (16/6210C). Historically, trees have been removed from the centre of the site and the remaining tree cover is mainly around the periphery of the site.

The current submission is supported by a document entitled *Tree survey and Impact Assessment*. The survey covers trees on the site and on adjoining land. The application also includes a Schedule of Tree Works and a Revised Tree Impact and Protection Plan.

The Impact Assessment indicates that a number of trees would be removed to accommodate the development and that several other specimens are recommended for removal on grounds of their condition or as part of a thinning operation to benefit retained trees.

Tree losses were accepted under the previous application (16/6210C) and some of the tree cover on the site is of low quality. The proposed tree removals include the only grade A tree on the site, a Chilean Pine/Monkey Puzzle. This tree has significant growth potential and would not be suitable for retention in a development of the nature proposed.

On the western boundary of the site where trees are closely spaced, a tree removal plan has now been agreed with the Council Tree Officer.

It is noted that a representation has been received which references the proposed removal of an Oak T93 to the south east corner of the site. This tree has been confirmed to have decay at the base and there is no objection to its removal.

The shading diagram suggests that all the plots would in part be impacted by shading from trees. The proposed dwellings would now have an acceptable level of private amenity space and although there would be some shading the impact is considered to be acceptable.

Local Plan Policy SE 5 requires that all developments should ensure the sustainable management of trees, woodlands and hedgerows including the provision of new planting within new development to retain and improve canopy cover, enable climate adaptation resilience and support biodiversity. Policy NBE4 of the ANP where trees are lost they should be replaced by native species.

This planning application provides an opportunity to incorporate new planting in accordance with this policy. An acceptable landscape scheme has been provided which make provision for replacement planting.

Landscape

There are no significant landscape issues. Details of boundary treatment should be sought by condition. An acceptable landscape scheme has been provided.

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'

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings. There are also further references to design within policies; SD1, SD2 and SE3 of the CELPS.

Policy H6 of the ANP states that all new development must demonstrate good quality design. This means responding to and integrating with local surroundings and landscape context as well as the built environment. The policy identifies that in Alsager amongst other things good design means;

- Complementing and enhancing where appropriate the size, height, scale, mass, rural skyline, materials, layout, access and density of existing development in the plan area including where appropriate the provision of chimneys.
- Demonstrating that the amenities of neighbouring dwellings will not be adversely affected through overlooking, loss of light or outlook, over-dominance or general disturbance.
- Responding positively to the local character of its immediate environment particularly the conservation area in the plan area by showing an understanding of the qualities which make up this character.
- The use of good quality local materials such as red Cheshire brick, as well as more innovative materials will be encouraged provided they are sympathetic to the context in which they are proposed and maintain the local vernacular and enhanced sense of place.

The proposal seeks the erection of 4 detached bungalows sited around an access drive taken off Lawton Road. The properties along Lawton Road are largely two-stories in height but there are some examples of bungalows in the vicinity of the site. The street-scene is mixed and the provision of bungalows on this site would not cause harm to the street-scene.

The provision of access driveways at off Lawton Road has been accepted previously such as opposite the site and at Vale Gardens to the east of the site.

The proposed dwelling to the frontage of the site is plot 1 which would also include a bay window feature to the side elevation as you enter into the site.

Plot 1 is set further forward than the dwelling at 106 Lawton Road but further back than the dwelling at 100 Lawton Road. It is considered that this staggered siting between the two properties at either side is acceptable.

The proposed dwellings would have hipped roofs. There is a mix of roof forms within the vicinity of the site and the roof design is considered to be acceptable.

The detailed design of the dwellings includes bay windows, brick plinth, window headers, sill details, projecting gables, eaves detailing and porch details. It is considered that the proposed dwellings are largely acceptable in terms of the detailed design.

Plot 4 is prominently located at the head of the cul-de-sac and there were originally concerns over the siting of this dwelling and the prominence of the garage and drive at the head of the cul-de-sac. However this is the best solution in terms of the relationship to the retained trees to the southern boundary and the future retention of these trees and the relationship to the proposed dwellings outweighs the limited harm to the appearance of the development.

It is considered that the design complies with Policies; SE1, SD1 and SD2 of the CELPS, the Cheshire East Design Guide SPD and the NPPF.

Ecology

In this case the Councils Ecologist has been consulted and has stated that he does not anticipate there being any significant ecological issues associated with this proposed development. In the event that planning permission is granted conditions are suggested in relation to the timing of works within the bird breeding season and the incorporation of features suitable for use by breeding birds.

Policy NBE5 of the ANP requires the developments should produce a green infrastructure plan on 'all significant proposals'. However the ANP does not identify what a 'significant proposal' is. In any event matters such as tree protection, lighting bird boxes and landscaping can be controlled via the imposition of planning conditions.

Flood Risk and Drainage

Policy SE13 of the CELPS states that all development must integrate measures for sustainable water management to reduce flood risk, avoid adverse impact on water quality and quantity within the borough.

The site currently sits within Flood Zone 1. The Councils Flood Risk Officer and United Utilities have been consulted as part of this application and have raised no objection subject to the imposition of a planning condition. Subject to this condition the development would comply with Policy SE13.

Land Levels

Finished floor levels of the proposed dwellings have been provided on the submitted site plan. These largely reflect the existing levels on the application site and are acceptable.

Bin Collection

The application was deferred to allow consultation with ANSA regarding bin collection.

The consultation from ANSA identifies that there are two options for bin collection. Collection could be made by the bin wagon reversing into the private driveway. This would need the agreement of the future residents within the private driveway.

The second option would be that the future occupiers would leave their bins at a collection point on Lawton Road where they could be collected. If any occupant of the site is unable to do this due to being elderly or disabled then there is an assisted collection service and details of how to access this service are available on the Councils website.

The consultation response from ANSA does not raise any objection to the application. The proposed development with dwellings positioned around a private access would be no different than many other sites within the Borough including many of the large scale housing developments which have been approved.

CONCLUSION

The site lies within the settlement boundary for Alsager and the principle of residential development on the site is acceptable. The developments accords with Policies PG2 and SE2 of the CELPS and Policy H1 of the ANP.

The site is sustainably located and is in easy walking distance of Alsager Town Centre, public transport and services and facilities within the town. The development complies with Policies SD1 and SD2 of the CELPS and TTS1 of the ANP.

The development is considered to be acceptable in terms of its impact upon the residential amenities of the dwellings surrounding the site. There is no conflict with Policies GR6 and GR7 of the CBLP, the SPG or Policy H6 of the ANP.

Following the receipt of amended plans the development is considered to be acceptable in terms of its impact upon the highway network. The development complies with GR9 and GR14 - GR18 of the CBLP, CO2 of the CELPS, and TTS1 and TTS2 of the ANP.

There would be no significant impacts in terms of flood risk drainage or ecology. As such the development complies with SE3 and SE13 of the CELPS and TTS10 and NBE5 of the ANP.

The impact upon trees is acceptable subject to the imposition of planning conditions. The development complies with Policy SE5 of the CELPS and NBE4 of the ANP.

The design has been subject to negotiations during the course of this application and is now considered to be acceptable and complies with Policy SE1 of the CELPS and the CEC Design Guide and H6 of the ANP.

The application would comply with the relevant policies of the Development Plan and is recommended for approval.

RECOMMENDATIONS

APPROVE with the following conditions;

- 1. Standard time**
- 2. Approved Plans**
- 3. Nesting bird boxes provision**
- 4. Breeding birds – timing of works**
- 5. Hedgehog gaps in fencing to be provided**
- 6. Tree Protection in accordance with submitted details**
- 7. Tree felling/pruning in accordance with submitted details**
- 8. Submission and approval of a drainage strategy**
- 9. Land levels in accordance with the approved plans**
- 10. Dust Management Plan**
- 11. Electric Vehicle Charging points**
- 12. Details of any soils imported onto the site**
- 13. Works to stop if any unexpected contamination is discovered**
- 14. Boundary Treatment to be submitted and approved**

- 15. Landscaping implementation**
- 16. Materials to be submitted**
- 17. Access and visibility splays to be provided prior to first occupation**
- 18. Cycle parking details to be submitted and approved**

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



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Application No: 19/4979C

Location: 65, SANDBACH ROAD NORTH, ALSAGER, ST7 2AQ

Proposal: Removal of existing garage and erection of one dwelling.

Applicant: Aspinall

Expiry Date: 29-May-2020

SUMMARY

The application site lies entirely within the Alsager Settlement Zone Line as defined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with the other policies of the Local Plan. The proposed development is appropriate to the character of its locality in terms of the principle and the overall design and would not have a detrimental impact upon neighbouring amenity, ecology or trees.

Overall, the proposal development meets the criteria of the relevant policies and is considered acceptable.

SUMMARY RECOMMENDATION

Approve with conditions

REASON FOR REFERRAL

The application is referred to Southern Planning Committee at the request of Councillor Fletcher for the following reason;

'neighbours are concerned that it could be overdevelopment of the plot and that the proposed height would mean they could tower above some surrounding properties'

Since the call-in request was received the number of units proposed has been reduced from 2 to 1 (see 'Details of Proposal' below).

DESCRIPTION OF SITE AND CONTEXT

This application site comprises an area of land to the north west of No. 65, Sandbach Road North at the corner of Green Drive and Sandbach Road North. The application site includes an area of hardstanding, a single storey double garage building and an area of grass to the rear of

the garage building. The north western and northern boundary comprises an existing hedge. The site is accessed from Sandbach Road North. There is no physical boundary separation between No. 65 and the application site as the application site is currently used in connection with No. 65.

The area is predominantly residential in character and the application site is located wholly within the Alsager Settlement Zone Line as designated by the adopted local plan. The application site is opposite The Avenue Alsager Conservation Area.

The planning officer visited the application site on 6th November 2019.

DETAILS OF PROPOSAL

This is a full application for the removal of the existing garage and erection of one dwelling and garage.

Following on from planning officer comments the proposed development was reduced from 2 to 1 unit, the red line has been amended removing the service strip adjacent to Green Drive and the design of the dwelling has been revised so that the height of the dwelling matches that of No. 65, the windows are more in keeping with the area and the dwelling is dual frontage.

RELEVANT HISTORY

19/4472C - Demolition of existing rear extension and construction of new single storey extension – approved 21st October 2019

POLICIES

Local Plan Policy

Cheshire East Local Plan Strategy (CELPS) (Adopted)

PG1 – Overall Development Strategy
PG2 – Settlement Hierarchy
PG7 – Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
IN1 – Infrastructure
IN2 – Developer Contributions
SC1 – Leisure and Recreation
SC3 – Health and Well-Being
SC4 – Residential Mix
SC5 – Affordable Homes
CO1 - Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SE 1 - Design
SE 2 - Efficient Use of Land
SE 3 - Biodiversity and Geodiversity
SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 7 – The Historic Environment
SE 8 – Renewable and Low Carbon Energy
SE12 – Pollution, Land Contamination and Land Instability
SE 13 - Flood Risk and Water Management

Congleton Borough Local Plan First Review 2005 (CBLP) (Saved Policies)

PS4 Towns
GR6 Amenity and Health
GR7 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR16 Footpaths Bridleway and Cycleway Networks
GR17 Car parking
GR18 Traffic Generation
NR3 Habitats
NR5 Habitats

Alsager Neighbourhood Plan (Alsager NP) (Adopted)

The Alsager Neighbourhood Plan (ANP) passed referendum on 27th February 2020 and was made on 15th April 2020

H1 – Type and Mix of New Housing
H2 – Climate Change and Housing
H3 – Infrastructure and Sustainable Housing Development
H4 – Size, Scale and Density of New Housing Developments
H6 – Housing Design
NBE4 – Woodlands, Trees and Hedgerows
NBE5 – Wildlife and Housing
NBE6 – Development affecting Heritage Assets and their Setting
CW2 – Health and Leisure Facilities
CW3 – Safe and Accessible Routes
TTS1 – Promoting Sustainable Transport
TTS2 – Congestion and Highway Safety
TTS3 – Car Parking and Electric Charging Points
TTS4 – Accessibility
TTS5 – Footpath, Bridleway and Cycleway Network
TTS6 – Infrastructure
TTS8 – Improving Air Quality
TTS9 – Drainage – Sustainable Urban Drainage Systems
TTS10 – Surface Water

National Policy

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

Of particular relevance are paragraphs:

11. Presumption in favour of sustainable development.
124 - 132 Achieving well-designed places

Other Considerations

Cheshire East Design Guide

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2017

CONSULTATIONS (Summary)

United Utilities: No objection subject to drainage condition

Head of Strategic Infrastructure: No objection

Environmental Health: No objection subject to condition

VIEWS OF THE TOWN COUNCIL:

Alsager Town Council: Objects to the application on the following grounds;

- Highway safety
- Loss of light, loss of amenity space
- Impact on pedestrians
- Not in keeping with the street scene.

OTHER REPRESENTATIONS:

Letters of objection have been received from 8 households raising the following planning considerations;

- Impact on amenity and light
- Overshadowing
- Highway safety, parking issues and impact on pedestrian safety
- Impact on the character of the area and street scene
- Drainage issues
- Over development of the site including scale and design of the new dwelling

OFFICER APPRAISAL

Principle of Development

The site is located within the settlement boundary for Alsager (a Key Service Centre). Policy PG2 states that in the key service centres '*development of a scale, location and nature that recognises and reinforces the distinctiveness of each individual town will be supported to maintain their vitality and viability*'.

As a windfall site policy SE2 states that development should;

- Consider the landscape and townscape character of the surrounding area when determining the character and density of development
- Build upon existing concentrations of activities and existing infrastructure
- Not require major investment in new infrastructure

- Consider the consequences of the proposal for sustainable development having regard to Policies SD1 and SD2

Saved policy PS4 (Towns) of the CBLP sets out that within the settlement zone lines of towns, there is a general presumption in favour of development provided it is in keeping with the town's scale and character and does not conflict with the other policies of the local plan.

Paragraph 68 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly. To promote the development of a good mix of sites local planning authorities should amongst other things *'support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'*.

Policy H1 of the ANP originally stated that any additional housing 'over and above that identified in the CELPS and the Housing Advice Note will only be supported if there is a clear justification for a higher target number of houses agreed for Alsager as a Key Service Centre through the Development Plan process'.

However the examiner of the ANP has recommended that this part of the policy is deleted. The reason being that the *'the housing numbers are not a target. Therefore, this element of the policy does not generally conform with the CELPS which sets out a minimum requirement of 36,000 new homes'*. The provision of one house on this site complies with Policy H1.

The ANP also includes the following objective;

'To provide for a range of housing within the existing settlement boundary of the town to meet the requirements of the CELPS (Cheshire East Local Plan Strategy), changing demographics and demands for different housing types.'

The principle of the development is therefore acceptable subject to compliance with the other relevant policies.

Design

Policy SE 1 of the CELPS states that *"development proposals should make a positive contribution to their surroundings"*. Policy H6 (Housing design) of the Alsager NP sets out that all new development proposals must demonstrate good quality design that responds to local surroundings and landscape context.

It is noted that the application site is located within the settlement boundary and that the existing area is characterised by two storey detached dwellings and two storey semi terraced dwellings (although the dwelling to the opposite side of the Green Drive junction is two and a half stories in height).

The dwelling has been designed to be a two storey dwelling with dual frontage including a projecting front gable and including traditional features such as a front facing bay, sills, lintels and small timber panelled areas at the top of the front gable similar to No. 65.

The overall design of the proposed development is considered to be in keeping with the character of the area and is considered to be acceptable. The dwelling is of a comparative height

to the existing building (No. 65) and is set at a slightly lower level. The scale and massing of the proposed development is considered acceptable and the impact on the streetscene (which is predominantly residential in character) would not be significant as the house would be set back from the road and set 2.0 m back from the front elevation of No. 65. It is considered that the proposed development is acceptable in design terms. A street-scene drawing has been provided to show the proposed dwelling alongside the existing dwellings at either side.

The proposed openings are considered to be in keeping with the existing buildings along Sandbach Road North and are acceptable in design terms.

The garage would be single storey and is subordinate to the dwelling in terms of height and footprint. The design is sympathetic to the proposed dwelling and the character of the area and would be located to the rear of the proposed dwelling, close to the northern boundary. The garage is not considered to be contentious in design terms.

Given that the application site is in a residential area, it is not considered that the impact on The Avenue Conservation Area would be significant over and above the existing relationships established along Sandbach Road North. In this case it should be noted that the existing dwellings within the Conservation Area back onto Sandbach Road North with rear boundaries and mature vegetation forming the boundary. There would be a neutral impact upon the heritage asset.

The proposal is considered to be in accordance with and policy SE1 (Design) of the CELPS and policy H6 (Housing Design) of the Alsager NP.

Amenity

Saved policy GR6 (Amenity and Health) of the CBLP states that development will be permitted provided that the proposal would not have an unduly detrimental effect on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking.

Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. It states that 21.3 metres should be maintained between 2 principal elevations and 13.8 metres should be allowed between a principal and flank elevation. The SPD recommends a minimum amenity space of 65 m² and the proposed amenity space is sufficient (over 65 m²).

Policy H6 (Housing design) of the Alsager NP sets out that new developments should not cause adverse impacts on existing dwellings through overlooking, loss of light or outlook, over-dominance or general disturbance.

The rear elevation of the dwelling would face the side elevation of the Alsager Institute, a single storey building used as event space/club venue with a separation distance of 25 m. The garage building would be located between the proposed dwelling and the Alsager Institute and this relationship is considered to be acceptable.

The south-east side facing elevation would face the existing side elevation of No. 65 with a separation distance of 3.6 m. The existing dwelling includes 2 side facing windows at ground floor, one is a secondary window serving the dining room and the other is a kitchen window. There is also a conservatory at the rear allowing light to penetrate the dwelling at ground floor level. There is 1 side facing first floor window that serves a bathroom. This relationship is not considered to be contentious in terms of amenity.

It is noted that No. 65 benefits from planning approval for the demolition of the existing rear extension and construction of new single storey extension (application reference 19/4472C) and that this had not been implemented at the time of the planning officer's site visit. The alterations reconfigure the internal arrangement and, should the planning permission be implemented, there would be 3 side facing windows at ground floor level and 1 at first floor (again, serving the bathroom). The ground floor windows would serve the kitchen and dining area. There would be a new, large opening at the rear elevation and the kitchen/living room would be open plan allowing for light to penetrate the ground floor level. It is considered that in any event the impact on the amenity afforded to the occupiers of No. 65 would not be significant. It is also noted that the side elevation faces the side elevation of the existing garage building.

The front elevation would not directly face any dwelling. This relationship is considered to be acceptable.

A number of side facing first floor windows are proposed in the north west elevation, one serving a stair well and one serving a bedroom. This side elevation would face the dwelling on the opposite side of Green Drive with a separation distance of 21 m and this relationship is considered acceptable.

Given that the garage building would be single storey and located close to the shared boundary with the Alsager Institute building, it is not considered to be contentious in terms of amenity.

It is not considered that there will be a significant impact on the amenity afforded to the occupiers of the nearby dwellings and as such the proposal is in accordance with policy GR6 (Amenity and Health) of the CBLP and policy H6 (Housing design) of the Alsager NP.

Air Quality

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

This proposal is for the removal of existing garage and erection of one dwelling. 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. As such the Environmental Health Officer has advised that a condition should be imposed should the application be approved regarding electric vehicle charging.

Contaminated Land

The application is for a proposed use that would be particularly vulnerable to the presence of contamination. Residential properties are a sensitive end use and could be affected by any contamination present or brought onto the site. Should any areas of current hard standing be proposed for soft landscaping/garden a watching brief should be carried out during removal for made ground which may be contaminated and/or not suitable for garden use.

As such, and in accordance with the NPPF, the Environmental Health Officer recommends that conditions be imposed should the application be approved relating to soil importation and unexpected land contamination.

Parking and Access

The proposal has been revised a number of times and it is now for a single garage only which will make use of the existing access off Sandbach Road North rather than create a new one off Green Drive. There are no existing safety concerns associated with the existing access and it is of sufficient width to cater for 2 units. There is adequate room for parking and turning area within the site also, for both the existing and the proposed unit. No objection is raised by the Highways Officer.

Flood Risk/Drainage

Policy SE13 of the CELPS states that all development must integrate measures for sustainable water management to reduce flood risk, avoid adverse impact on water quality and quantity within the borough.

The application site is located within Flood Risk Zone 1 therefore is not prone to flooding. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Should be application be approved this can be controlled by an appropriate condition.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed dwelling is acceptable in principle and is of a satisfactory design that would not have a detrimental impact upon neighbouring amenity, ecology or trees. The proposal is therefore in compliance with policies PG2 (Settlement Hierarchy) and SE 1 (Design) of the CELPS, policy H6 (Housing design) of the Alsager NP and saved policies PS4 (Towns) and GR6 (Amenity and Health) of the Congleton Borough Local Plan First Review 2005. The proposal would also adhere with the relevant policies within the NPPF.

RECOMMENDATIONS

APPROVE subject to conditions

1. **Time (3 years)**
2. **Plans**
3. **Materials**
4. **Electric Vehicle Charging**

5. Drainage
6. Boundary treatment prior to occupation
7. Piling
8. Soil importation
9. Land contamination
10. Dust management plan
11. Landscape Scheme to be submitted
12. Landscape to be implemented

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



Application No: 20/0394N

Location: The yard, LEWIS STREET, CREWE

Proposal: Outline application for 5 pairs of semi detached dwellings with vehicular access off Lewis Street.

Applicant: D Bennion

Expiry Date: 01-Jul-2020

SUMMARY

The site lies within the Crewe Settlement Zone Line as designated in the adopted Cheshire East Local Plan Strategy, where there is the presumption in favour of sustainable development. As a result the proposal is acceptable from a pure land use perspective.

The benefits of the proposal would be the re-use of a previously developed site as supported in the NPPF, the provision of open market housing and the associated economic benefits during construction and the use of previously developed land.

The development would have a neutral impact upon, ecology, amenity, trees, highway safety, flooding, design & contaminated land.

The application follows a recent refusal of planning permission for residential development of the site and the key issue is whether those concerns regarding residential amenity and noise impact have been addressed. It is considered that those issues have been now resolved in this resubmitted application.

As a result the proposal is considered to be in accordance with the Development Plan and constitute a sustainable form of development of which there is a general presumption to support and there are no material considerations of sufficient weight against the proposal to indicate otherwise. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should therefore be granted.

RECOMMENDATION

APPROVE with conditions

REASON FOR REFERRAL

The application is referred to Southern Planning Committee at the request of Cllr Houston for the following reason;

'Over development. The number of houses with the required amenity space and parking places leave insufficient space for a turning circle at the end of this already congested cul de sac'

PROPOSAL

This is an outline application for the erection of 5 pairs of semi-detached dwellings with vehicular access off Lewis Street.

Access is included within the application with all other matters reserved.

Following the previous refusal (see planning history below) a noise assessment has been provided to consider impact of future occupiers from nearby noise sources and the plots to the western boundary have been re-orientated and moved away from the southern boundary

SITE DESCRIPTION

The application site comprises a plot of land sited to the rear of Lewis Street. The site contains a number of outbuildings and portacabins and appears to have previously been in use as a roofing contracting business.

The site is within a mixed residential/commercial area with residential properties to the west, commercial to the east and south and the railway is sited to the north. The boundary treatment consists of fencing/planting around the site and trees are noted just outside of the northern and southern boundaries.

The site is elevated from Lewis Street and also rises to the east. The site is located in the Settlement Boundary as contained in the Local Plan and also given proximity to the railway consultation is required with Network Rail

RELEVANT HISTORY

19/3529N – Outline application for 5 pairs of semi detached dwellings with vehicular access off Lewis Street – Refused 24-Oct-2019 for the following reasons:

1. *The indicative plan does not demonstrate how the properties could be accommodated on site in a manner which does not cause harm to the living conditions of neighbouring properties through overlooking of windows/garden areas. It also does not demonstrate how the properties could be accommodated without causing harm to living conditions of future occupiers through loss of outlook to main face elevations and that sufficient and useable levels of rear garden area could be provided without being oppressed/overshadowed by existing features on/outside the site. As a result the proposal is contrary to SE1 (Design), SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles) of the Cheshire East Local Plan, Saved Policy BE.1 of the Crewe & Nantwich Local Plan and the advice contained within the Development on Backland and Gardens Areas SPD, the Cheshire East Residential Design Guide SPD and the NPPF.*

2. *Insufficient information has been provided in which to assess the impacts of noise and disturbance to the occupiers of the proposed properties from that associated with the railway, the road and adjoining the commercial use. Without this information it is not known what the existing noise levels are and whether or not they can be suitably mitigated to prevent significant harm to living conditions of future occupants. The proposal is therefore contrary to Policies SD1 (Sustainable Development in Cheshire East) & SE.2 (Efficient Use of Land), saved Policies BE1 of the Crewe and Nantwich Local Plan and the NPPF.*

7/14092 – Open store – approved 06-Apr-1987

ADOPTED PLANNING POLICY

Development Plan

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

Cheshire East Local Plan Strategy (CELPS):

SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 – Design
SE2 - Efficient Use of Land
SE3 - Biodiversity and Geodiversity
SE5 - Trees, Hedgerows and Woodland
SE9 - Energy Efficient Development
SE12 - Pollution, Land Contamination and Land Instability
IN1 – Infrastructure
PG1 - Overall Development Strategy
PG2 – Settlement Hierarchy
PG7 – Spatial Distribution
SC4 - Residential Mix

Crewe and Nantwich Local Plan Saved Policies (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)

Other Material planning policy considerations

National Planning Policy Framework ('The Framework');

SPD – Backland Development

Cheshire East Design Guide SPD

CONSULTATIONS

CEC Head of Strategic Infrastructure (Highways) – No objection subject to a condition requiring a construction management plan as access width is to adoptable standards, trip generation would be similar noting existing use, proposal would provide a turning area for refuse vehicles which does not currently exist for Lewis Street.

CEC Environmental Protection – No objection subject to condition requiring compliance with mitigation as stated in the noise report and conditions/informatives regarding working hours for construction, piling, dust, electric vehicle charging, boilers and contaminated land

CEC Flood Risk – No objection subject to condition requiring submission of a drainage strategy

CEC Housing – No objection as below threshold to require affordable housing provision

United Utilities – No objections subject to drainage conditions

Network Rail – Advisory notes offered to the applicant and request condition regarding proposed land levels

Crewe Town Council (full comments on file) – No objection in principle however concerns regarding the following:

- Sufficient parking for the new proposal is required given lack of parking on Lewis Street.
- There is no turning head in Lewis Street, so it is important that the layout provides adequate turning for all vehicles using the street. This needs to be kept free of parked cars.

REPRESENTATIONS

1 letter received asking for plan to confirm if there will be any overlooking caused by the proposal

APPRAISAL

Principle of Development

The site lies in the Settlement Zone Line as designated in the adopted Cheshire East Local Plan, where there is the presumption in favour of sustainable development.

Policy PG2 identifies that within Crewe *‘significant development will be encouraged to support their revitalisation, recognising their roles as the most important settlements in the borough. Development will maximise the use of existing infrastructure and resources to allow jobs, homes and other facilities to be located close to each other and accessible by public transport’.*

The site is classed as previously developed land and SD1 states that developments should make efficient use of land including previously developed land. Policy SE2 then goes on to state that the Council will encourage the redevelopment of previously developed land.

The principle of development is therefore compliant with Development Plan policy, subject to site planning considerations such as design, highways issues, amenity and living conditions.

The application seeks outline permission with all matters reserved except access, therefore most of the detailed site planning issues would be considered in any subsequent reserved matters application should outline planning permission be granted. The adequacy of access to the site and impact on the local highway network is for consideration with this application. Other issues, such as the detailed design of development would be considered in a future reserved matters application. However, if outline planning permission is to be granted the local planning authority ("LPA") must be satisfied that a development of 10 No. semi-detached dwellings can be accommodated on the site in a manner that would comply with Development Plan policy in respect of residential amenity and other site planning issues.

The previous application was refused due to concern that the development could not come forward without undue harm to neighbouring residential properties and future occupiers of the proposed development. The key issue is therefore whether those concerns have been addressed in this application.

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 Measurement 2019 indicates that the delivery of housing was substantially below 45% 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 2019) was published on the 7th November 2019. The report confirms:

- A five year housing requirement of 11,802 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 7.5 years (17,333 dwellings).

The 2019 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 13th February 2020 and this confirms a Cheshire East Housing Delivery Test Result of 230%. Housing delivery over the past three years (7,089 dwellings) has exceeded the number of homes required (3,084). 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, Open Space, Education, Health

In accordance with planning policy, the small scale of the proposal does not generate any requirements for on-site provision or committee sums for off-site provision.

Location of the site

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

The submitted design and access statement provides information regarding the distances of the site to nearby amenities and confirms that the site is located close to the town centre and public transport options. The site is locationally sustainable.

Residential Amenity

The main residential properties affected by this development are 30-40 Lewis Street, properties in Lewis Court, 925-106 Flag Lane & 1B Lewis Street

As the proposal has been submitted on outline form the actual impacts on amenity will not be known until reserved matters stage.

However an illustrative plan has been provided which is assessed below:

Properties in Lewis Court & 925-106 Flag Lane

The indicative plan indicates that the plots to the north-western boundary would achieve an interface in excess of the 21m interface as recommended in the SPD. Therefore no significant harm to living conditions to these properties.

30-40 Lewis Street

The indicative plan indicates that the closet plots to the north-western boundary (plots 7-10) would achieve an interface of between 25m-21m to properties to the south on Lewis Street. This would comply with the recommended interface distances as noted in the SPD to prevent significant harm to living conditions through overlooking.

The SPD does however advise that these distances should be increased where there are variations in land levels between sites. In this instance the application site is slightly elevated compared to the existing properties on Lewis Street, with the separation distance between windows serving plots 7-8 and the nearest property No.40 Lewis Street shown as being 24.2m. A question was raised by the occupier of this property about the potential for any overlooking. This detail would be determined at the reserved matters stage, but the indicative plan demonstrates that the dwellings can be accommodated on the site without resulting in any harmful degree of overlooking and in compliance with interface standards.

The previous application was refused as despite meeting the recommended interface distances between windows, the proposed plots to the southern boundary were considered to be sited too close to the rear boundaries to prevent harm through overlooking of the garden areas of properties Lewis Street with resultant poor outlook to the proposed properties.

The current proposal has sought to overcome this refusal reason by moving plots 9&10 further to the north-eastern boundary and rotating the properties so that they sit side on to properties on Lewis Street. This has removed the concern regarding overlooking of garden areas given the revised orientation and has also improved outlook to future occupants.

It is also noted that there are some conifer trees located just outside of the site boundary which may limit potential overlooking, however as these are not under the control of the applicant and as such could be removed at any point so only limited weight is given to the presence of these trees in terms of limiting such impact.

1B Lewis Street

The indicative plan indicates that the closest plot (plot 1) would be sited 21m to the facing windows of No.1B Lewis Street. This would comply with the recommended interface distances as noted in the SPD to prevent significant harm to living conditions through overlooking.

When considering the impact of this development on nearby residential property, the removal of the current lawful use (builders yard) must also be considered. The cessation of the existing use as a builders/storage yard would provide a benefit to the adjoining local residents as the proposed residential use is generally considered to be a lower impact than the existing use. It is notable that no objections on amenity grounds have been submitted to this resubmitted application.

Future occupants

There is a railway to the north of the site and a commercial use to the east of the site. Both of these factors are likely to generate some noise which may have some impact to living conditions of future occupants in terms of noise/disturbance to both the rooms of the properties to be created and their garden areas.

This formed part of the refusal reason for the previous application as no noise report had been provided to assess the potential noise impacts. The current application seeks to overcome this refusal reason and a noise report has been provided. The report concludes that noise levels to properties and garden areas have been found to be within acceptable levels subject to the imposition of certain mitigation measures requiring the provision of a 2m high acoustic fence and use of acoustic glazing for all window and vents on elevations facing the railway (plots 6-10).

Garden areas

The previous application was refused as not all garden areas complied with the recommended minimum size of garden area of 50sqm as noted in the SPG. Concern was also raised relating to the poor outlook to amenity areas for properties fronting the railway given the location of existing conifer trees which would have dominated and overshadowed garden areas.

The indicative plan shows that all plots would now have at least the recommended minimum size of garden area as noted in the SPG and most plots would exceed this level. The existing conifers trees are also now shown as being removed and are considered a benefit to the amenity areas.

Plot 10 still retains some of the existing trees and may result in the garden area being slightly oppressed. However the removal of the majority of the existing conifers to the northern boundary would allow a sufficient degree of sunlight to reach the garden area.

Therefore it is considered that the illustrative material provided indicates that the dwellings could be accommodated without significant harm to living conditions of neighbouring or proposed occupants.

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. There is an Air Quality Management Area (AQMA) on Wistaston Road to the south of the site.

This proposal is for the residential development of 10 dwellings. Given the scale of this development and the existing use of the site this scheme does not require an air quality impact assessment. However there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular the impact of transport related emissions on Local Air Quality.

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

- Dust Control
- 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.

Contaminated Land

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

Highways

The proposal is for 10 residential units with off-road parking and which would make use of an amended access from Lewis Street, with only access to be determined at this stage. The access arrangements and highways issues were found to be acceptable in the previous application.

The access has a width of 4.8m wide to reflect adoptable standards. The residential units would replace the existing land use (builders yard) and the net highways impact of the proposal would be minimal. There does not appear to be a turning area at the end of Lewis Street for refuse vehicles at the present time and the proposed development would have the added benefit of providing this. The access arrangement is therefore considered to be acceptable and compliant with policy.

Whilst the indicated parking arrangements may be sufficient, it is considered that the parking arrangements for plots 10-8 & 6 should be improved in a future reserved matters application. The size of the site suggests that a workable layout is achievable.

The indicated layout shows 20 spaces, 2 per dwelling. This is compliant with Development Plan policy but it is important to note that this detail would also be addressed at reserved matter stage when the final scale of the development is resolved.

The Head of Strategic Infrastructure has also been consulted and has raised no objections subject to a construction management plan and informative requiring a dropped crossing.

Therefore it is considered that the development could be accommodated without harm to the existing highway network and in fact the provision of a turning head would benefit existing local residents and improve the existing situation. It is considered that this addresses the concerns noted by the ward Councillor and Crewe Town Council.

Trees

There are existing trees within the vicinity of the proposed development, mainly around the perimeter of the site. It is apparent that vegetation to the north provides separation from the railway corridor. The submitted plans show tree symbols but no detailed arboricultural information has been provided. It is likely any vegetation within the site would be impacted by remediation works.

As such an Arboricultural Impact Assessment is required to consider the impact of the development on existing trees. However based on the indicative layout it appears that the sole impact to existing trees relates to the proximity of the proposed hard surfacing area serving the plots to the north-eastern boundary. It is likely that either the hard surfacing could be re-located away from the root spread or use of hand dig and special material to avoid root compaction. This would be further addressed at reserved matters stage.

As such it appears that the proposal could be accommodated on site without harmful impact to existing trees.

Design

The locality consists of predominantly semi-detached and terraced properties in 2 storey form, although a detached dwelling is also noted. As a result it is considered that 5No. pairs of semi-

detached properties could be accommodated on the site without causing significant harm to the existing urban grain.

No detail is applied for at this stage with appearance, scale and layout being reserved matters. Therefore these details cannot be considered at this stage.

An indicative plan has been provided which shows that the dwellings could be located on site in a way which would provide an acceptable standard of urban design. These details would be secured at reserved matters stage.

As a result considered that 5No. pairs of semi-detached dwellings could be accommodated in site without causing significant harm to the character/appearance of the area.

Ecology

Breeding Birds

If planning consent is granted, the Councils Ecologist suggest impact to breeding birds can be mitigated by condition requiring an updated survey should demolition take place between 1st March and 31st August:

Hedgehogs

Recent records of hedgehogs occur within 1km of the site. The submitted Phase 1 Habitat Survey (Elite Ecology, October 2019). Hedgehogs are a biodiversity action plan priority species and hence a material consideration.

The report makes recommendations including an inspection by an ecologist of scrubland and trees prior to removal between November and March. The Councils Ecologist therefore recommends that if permission is granted a condition should be imposed to ensure compliance with the recommendations made in section 5.3.3 of the report.

Wildlife sensitive lighting

In accordance with the BCT Guidance Note 08/18 (Bats and Artificial Lighting in the UK), prior to its installation details of the proposed lighting scheme should be submitted to and approved in writing by the Local Planning Authority.

Ecological Enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. Therefore the Councils Ecologist recommends that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

The suggested conditions are considered to be reasonable and necessary in the interest of protecting local wildlife.

Flood Risk

The application site is located within Flood Zone 1 (land assessed as having less than a 1 in 1,000 annual probability of flooding) according to the Environment Agency Flood Maps.

United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to drainage conditions.

The Councils drainage team have also been consulted who advise that the application is acceptable in principle. However, further detail will need to be submitted at discharge of condition stage. It is also worth noting based on the existing topographic survey there is a potential to raise land 300 - 400mm, the applicant should consider if boundary treatment would be needed within the drainage strategy, all surface water will must to be managed within the boundary causing no adverse flooding to existing or proposed properties. The drainage strategy should also ensure if soakaways aren't feasible the development is limited to greenfield run-off rates and in line with the hierarchy of drainage above.

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

Economic/Social benefit

With regard to the social/economic role of sustainable development, the proposed development will help to provide new open market housing with indirect economic benefits including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Neighbourhood Plan

There is no Neighbourhood Plan in force for Crewe.

PLANNING BALANCE

The site lies within the Crewe Settlement Zone Line as designated in the adopted Cheshire East Local Plan Strategy, where there is the presumption in favour of sustainable development. As a result the proposal is acceptable from a pure land use perspective.

The benefits of the proposal would be the re-use of a previously developed site as supported in the NPPF, the provision of open market housing and the associated economic benefits during construction and the use of previously developed land.

The development would have a neutral impact upon, ecology, amenity, trees, highway safety, flooding, design & contaminated land.

The application follows a recent refusal of planning permission for residential development of the site and the key issue is whether those concerns regarding residential amenity and noise impact have been addressed. It is considered that those issues have been now resolved in this resubmitted application.

As a result the proposal is considered to be in accordance with the Development Plan and constitute a sustainable form of development of which there is a general presumption to support and there are no material considerations of sufficient weight against the proposal to indicate otherwise. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should therefore be granted.

RECOMMENDATION:

APPROVE subject to the following conditions:

- 1) Time – 3 years or within 2 of last Reserved Matter approval
- 2) Reserved Matters within 3 years
- 3) Layout, Scale, Appearance and Landscaping Matters to be submitted and approved
- 4) Plans
- 5) Levels to be submitted as part of the first RM application
- 6) Construction Management Plan
- 7) Compliance with noise assessment
- 8) Piling
- 9) Dust
- 10) Electric vehicle charging
- 11) Boilers
- 12) Contaminated land
- 13) Drainage strategy
- 14) Landscaping scheme to be provided
- 15) Landscaping scheme to be implemented
- 16) Breeding birds survey
- 17) Hedgehog mitigation
- 18) Lighting scheme
- 19) Ecological enhancement strategy
- 20) Removal of permitted development rights
- 21) Arboricultural Impact Assessment
- 22) Drainage strategy

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

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Application No: 20/0947N

Location: 50, CHARLCOTE CRESCENT, CREWE, CW2 6UH

Proposal: Rear and side ground floor extension

Applicant: Mr Keith Sutton

Expiry Date: 29-Apr-2020

SUMMARY

The application site is two storey detached dwelling located at the end of the cul-de-sac of Charlcote Crescent.

The proposed development is a single storey side and rear extension.

Policies RES.11 and BE.1 advises that development proposals should not have an unduly detrimental effect on neighbouring amenity through loss of privacy, loss of sunlight/daylight, visual intrusion, noise and disturbance and traffic generation.

Given, the single storey nature of the proposal, its location in relation to neighbouring dwellings and the existing boundary treatments it is not considered that there will be any detrimental impact on neighbouring amenity.

In terms of design the proposal development is considered to be of a size and scale that is respectful of the host dwelling and those in the surrounding area and would not have a harmful visual effect upon the streetscene.

SUMMARY RECOMMENDATION

Approve with conditions

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The application site is a two storey detached residential dwelling house located on a corner plot of a residential cul-de-sac, located within the Crewe Settlement Boundary (but within the parish of Shavington).

The property is adjacent to public footpath Shavington cum Gresty No. 13 (to the east).

DETAILS OF PROPOSAL

The application proposes a rear and side ground floor extension. An existing conservatory would be demolished as part of this proposed development.

The front elevation of the proposed single storey side extension would be set back by 6m from the main front elevation of the host dwelling. The extension would project 3.3m from

the existing side elevation of the original dwelling and wrap around the property to the rear, where it would project 3.3m from the existing rear elevation of the main dwelling house.

RELEVANT HISTORY

P04/1026 - Increase Roof Height of Proposed Double Garage (P03/1463) - Approved with conditions 19th October 2004

P03/1463 - Erection of Double Garage & Garage Conversion. Approve with conditions 4th February 2004

7/15854 - Land at Gresty Green Farm. Berkeley Towers. Wistaston (The Pastures). Residential development - 80 no. dwellings - Approve with conditions 8th September 1988

7/14764 - Gresty Green Farm. Wistaston. Erection of 242 houses and bungalows together with shops and community uses - Approve with conditions 5th November 1987

POLICIES

Local Plan Policy

Cheshire East Local Plan Strategy (CELPS)

MP1 – Presumption in Favour of Sustainable Development

SD1 – Sustainable Development in Cheshire East

SD2 – Sustainable Development Principles

PG2 – Settle Hierarchy

SE1 – Design

Crewe and Nantwich Replacement Local Plan 2011

RES.11 Improvements and alteration to existing dwellings

BE.1 Amenity

BE.3 Access and Parking

SPD – Extensions and Householder Development

Neighbourhood Plan

Shavington Neighbourhood Plan - Shavington Neighbourhood Plan (Reg 16 stage)

HOU4 – Local Character and Housing Design

National Policy

National Planning Policy Framework (NPPF)

CONSULTATIONS:

Neighbour and Other Representations:

No neighbour representations have been received by the local authority in response to the proposal submitted.

Shavington Parish Council:

No comments to make.

Public Rights of Way:

No objection raised to the proposal. Informative requested.

Cadent and National Grid:

No objection raised to the proposal. Informative requested.

OFFICER APPRAISAL

Principle of Development

The application site is located within a predominantly residential area within the settlement boundary for Crewe. Within the settlement boundary house extensions are generally acceptable in principle, subject to appropriate design and providing they do not harm residential amenity. This is in accordance with Local Plan Policy RES.11.

Impact on Residential Amenity

Policy BE.1 advises that development proposals should not have an unduly detrimental effect on neighbouring amenity through loss of privacy, loss of sunlight/daylight, visual intrusion, noise and disturbance and traffic generation.

Due to the location of the application site at the end of a residential cul-de-sac, the single nature of the proposed development, the existing boundary treatments and the orientation of neighbouring properties it is not considered that there will be any significant detrimental impact on neighbouring residential amenity.

As such it is considered that the proposal is compliant with Policies SE1 of CELPS and RES.11 and BE.1 of the Crewe and Nantwich Replacement Local Plan.

Design Considerations

The front elevation of the proposed single storey extension would be set back 6m from the front elevation of the host dwelling. Due to the proposed set back and the location of the site at the end of a residential cul-de-sac the proposed extension would not appear as a prominent feature within the street scene.

A window is proposed within the front elevation of the extension which would line though with the existing fenestration of the dwelling.

Overall, it is considered that the proposed development is of a design, scale, bulk and mass that is respectful of the host dwelling and those in the surrounding area and will not have any detrimental visual impact on the streetscene of Charlcote Crescent. Therefore,

the proposal is considered to comply with Policies SE1, SD1 and SD2 of CELPS, RES.11 of Crewe and Nantwich Replacement Local Plan and the SPD on Extensions and Householder Development.

Highways

Due to the siting of the extension there would be no impact upon the parking provision at the application property.

Conclusions

The proposed development is considered to be of an acceptable design and scale for the host property. It would not unduly affect the character of the area or the residential amenity of the surrounding dwellings. As such the development is considered to comply with the relevant Local Plan Policies, the NPPF and is recommended for approval.

RECOMMENDATION:

APPROVE subject to the following conditions

1 Commencement within 3 years

2 Approved Plans

3 Materials to match existing

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

Application for Householder

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. NPPF - NPPF informative
5. cadents and national grid
6. Prow



Application No: 20/1197N

Location: THE FORMER BOOT AND SLIPPER INN, LONG LANE, WETTENHALL, CHESHIRE, CW7 4DN

Proposal: Erection of 4 Dwellings

Applicant: Mr E Atkinson, Commercial Development Projects Ltd

Expiry Date: 03-Jul-2020

SUMMARY

The proposed development is for 4 dwellings on the site of a former public house, The Boot and Slipper, at Wettenhall. The Public House was demolished in 2016. The application site is situated within the open countryside where Policy PG6 of the CELPS states a presumption against residential development unless it meets the exception of (inter alia), infill development, infill within a village, dwellings of exceptional design, replacement building (including dwellings) which are not materially larger. There is currently no building on the site to replace and the Inspector for the previously dismissed decision (17/2522N) considered that the proposal did not meet any of the exceptions set out in Policy PG6 for residential development.

It is accepted that the land is previously developed, as confirmed by the Inspector. However it is considered that proposed development would be more harmful to the character and appearance of the open countryside in this unsustainable location, than leaving the land un-developed.

This application includes the provision of an affordable housing unit, a bungalow which is to be Discounted for Sale by 20%. This is not required by planning policy, but the Housing Officer has explained that there is a need for affordable dwellings of this nature in the Borough.

At the corner of Long Lane/Winsford Road is a veteran Oak Tree within an area of land known locally as the 'village green'. It is suggested within the application that this will be 'gifted' to the community. However full details of this have not been submitted with this application.

Whilst some effort has been made to re-design the scheme to make it more locally responsive, it is still relatively suburban in its design and layout and the 'courtyard' design is very similar in character to the cul-de-sac previously refused. The 'L shape barn' building does not really reflect the character of a barn conversion in the Cheshire Area, with a number of dormer windows.

There are still some concerns over the social proximity of the TPO veteran Oak Tree adjacent to unit 1 and the RPA which should be used given its Veteran status. However, the Tree Officer considers that based on the fact that the land has been developed previously, and with the tree retained in an open space, the view is taken that this could be accepted. This is considered to be neutral impact on the development.

There are some benefits to the proposal in relation to a brownfield site being brought forward, additional housing supply, the proposed affordable housing unit and some small economic benefits during construction and once completed. However it is not considered that these benefits would outweigh the harm caused to the open countryside.

It is considered that the development has not significantly changed to that which was dismissed recently at appeal, and more recently refused at Southern Planning Committee. The proposal is therefore considered to be unacceptable and contrary to Policies SD2, SE1, and PG6 of the Cheshire East Local Plan Strategy, and saved Policies RES.5 of the Crewe and Nantwich Replacement Local Plan, and the NPPF. The proposal is therefore recommended for refusal.

RECOMMENDATION - REFUSE

REASON FOR REFERRAL

This size of development would usually be determined under delegated powers. The application has been called into Southern Planning Committee by Councillor Sarah Pochin, for the following reasons;

‘1. This application has sought to address concerns raised in the previous application for this site as follows:

- i) addition of an affordable dwelling*
- ii) provision of further protection of the established tree on site*
- iii) change in the aesthetics and design of the development in line with Parish Council request and in line with CE Design Guide.*

2. The Parish Council are in favour of the development and would welcome the opportunity for their voices to be heard by the committee in the light of the previous application being refused.

3. This development meets the settlement requirements of PG2 (acknowledged by the Inspector) by providing a sustainable and proportionate investment in the local community.

4. The established village does not have a settlement boundary and this by definition means it is in Open Countryside and PG6 applies. However because of the current derelict nature of this site the argument can be made that this development would only serve to improve the village.

5. This is a Brownfield site which is currently an eyesore and has a negative effect on the local environment. The feeling is that we should be supporting this development on what is a Brownfield site despite it being in Open Countryside.

The Parish Council has requested this call-in in order that the above arguments can be heard and the views of local residents be considered by The Committee, in the event that the officers recommendation is for refusal.'

DESCRIPTION OF SITE AND CONTEXT

This application relates to the site of the former Boot and Slipper Inn (public house) situated off Long Lane, Wettenhall, Nantwich. The Site lies within a predominately rural area with some residential uses adjacent to the site. The former public house was demolished in 2016, and the site now lies vacant, with areas of hardstanding visible and some overgrown vegetation.

In the south corner of the site is a mature veteran TPO oak tree located on a grassed verge, and considered locally as a Village Green. The area known as the village green is partly within the applicant's ownership.

DETAILS OF PROPOSAL

The application seeks full planning permission for four dwellings. The proposal shows the erection of a driveway off Long Lane, into the site with four dwellings accessed off the driveway.

This application includes one bungalow to be offered as an affordable housing unit.

Some small changes have been made to the scheme since in last application 19/3307N, (which was withdrawn from the Southern Planning Committee agenda on the day of the meeting) but the general layout and design is very similar, to the previous scheme. The main changes are;

- An additional 100m² area shown as 'village green'
- The built development of Plot 1 has been moved outside the 25m root protection zone of the veteran oak tree
- Integral garages on plots 2 & 3 have been replaced with a double garage block
- The external materials of the bungalow have been changed from brick to render
- The gate has been removed from the entrance (although gate posts are still shown)

Planning History

19/3307N – Erection of 4 dwellings – recommended for refusal on the Southern Planning agenda 2nd October 2019. The application was withdrawn prior to the meeting.

18/4771N - Erection of 3 Dwellings – Refused by Southern Planning Committee on 30th November 2018

1. The proposed development is considered to be unacceptable in principle. The development site is situated within the open countryside where there is a presumption against unacceptable, unsustainable development. It is considered that, although the site is a brownfield site, the proposed development would harm the character and appearance of the open countryside. The proposal is therefore considered to be unacceptable and contrary to Policies SD2, SE1, and PG6 of the Cheshire East Local Plan Strategy, and saved Policies RES.5 and BE.1 of the Crewe and Nantwich Replacement Local Plan, and the National Planning Policy Framework.

2. The proposed development would result in the threat of continued health and life expectancy of a Veteran Oak Tree which is covered by a TPO; and raises concerns over social proximity to the proposed development. The proposal is therefore considered to be unacceptable and contrary to Policies SE3 and SE5 of the Cheshire East Local Plan Policy, the Standing Advice of Natural England, and the National Planning Policy Framework.

18/1522N - Erection of 4no. dwellings – Withdrawn 6th June 2018

17/2522N - Erection of 4 Dwellings – Refused 7th December 2017 - Appeal Dismissed 1st June 2018

1. The proposed development is considered to be unacceptable in principle. The development site is situated within the open countryside where there is a presumption against unacceptable, unsustainable development. It is considered that, although the site is a brownfield site, the indicative plans do not clearly show that 4 dwellings can easily be sited on the plot without causing harm to the streetscene (including the village green area) or wider open countryside location. The proposal is therefore considered to be unacceptable and contrary to Policies SD2, SE1, SC4 and PG6 of the Cheshire East Local Plan Strategy, and saved Policies RES.5 and BE.1 of the Crewe and Nantwich Replacement Local Plan, and the National Planning Policy Framework.

16/3138N - Erection of 5 Dwellings, construction of access road and installation of septic tank/treatment plant. – Withdrawn 8th March 2017

16/0849N - Prior notification of demolition of public house and dwelling - No objections 15th March 2016

09/0846N Installation of a Kee 1400 Nudisc Sewage Treatment, 2000lt Grease Interceptor and Associated Drainage – Approved 1st June 2009

P06/1421 Removal of Condition No. 8 of Planning Reference P02/0128 – Approved 2nd February 2007

P02/0128 Conversion of Outbuilding to Residential Use – Approved 4th April 2002

7/08945 - Home renal dialysis unit. – Approved with conditions 29th April 1982

7/05623 - Extension to side of property to be used as public room. – Withdrawn 23rd November 1979

7/13518 - Development of existing pub to farm additional owners accom, bedrooms (residential) and restaurant. – Approved with conditions 18th December 1986

Development Plan Policy

Cheshire East Local Plan Strategy

MP 1 Presumption in Favour of Sustainable Development
PG 2 Settlement Hierarchy
PG 6 Open Countryside
SD 1 Sustainable Development
SD 2 Sustainable Development principles
IN 1 Infrastructure
IN 2 Developer Contributions
SC 4 Residential Mix
SC5 Affordable Homes
SE 1 Design
SE 2 Efficient use of land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees hedgerows and woodlands
SE 6 Green Infrastructure
SE12 Pollution, Land Contamination and Land Instability
CO 2 Enabling business growth through transport infrastructure

Appendix C – Parking Standards

Saved policies of the Crewe and Nantwich Local Plan

NE.5 Nature Conservation and Habitats
NE.9 Protected Species
NE.10 Woodland and planting
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

Neighbourhood Plan

There is no Neighbourhood Plan in Cholmendeston and Wettenhall.

Other Material Considerations

National Planning Policy Framework
NPPG
Cheshire East Design Guide

Consultations [External to Planning]

Strategic Housing: No objection. There is no requirement for an Affordable Housing unit on the site. The applicant is proposing a 2 bedroom intermediate dwelling. This dwelling is welcomed as this assists those in Wettenhall and surrounding Parishes to buy a property when they cannot afford the Open Market price.

Head of Strategic Infrastructure: No objection subject, to a condition for the details of a refuse collection point and an informative for a Section 278 Agreement for the construction of the site access.

Environmental Protection: No Objection, subject to conditions for Electric Vehicle Infrastructure, Contaminated land – Phase I, Verification Report, Importation of Soil and Unexpected Contamination, and informatives for Construction Hours, Pile Foundations and a Site Specific Management Plan

United Utilities: No objection.

CEC Flood Risk: No objection subject to a condition for a detailed strategy/design limiting surface water run off and an informative for Infiltration Testing

Cheshire Archaeology: No objection, subject to a condition for a watching brief during works.

Views of the Cholmondeston & Wettenhall Parish Council:

The Parish Council write with reference to the email from Cllr Pochin on 30th April 2020 when she wrote;

"I feel strongly that if this application is considered under delegated powers without the opportunity to hear the views of local residents then this does not allow me to act on behalf of my residents".

Cholmondeston and Wettenhall Parish Council had hoped to engage with the Southern Planning Committee to give their views in person at the next meeting; it is disappointing that no response has been received.

The previous application was recommended for refusal by the officers; however, this application has sought to address previous concerns in the following ways: -

Affordable Housing

The addition of one affordable dwelling on the site thereby meeting the requirement for c. 30% affordable housing. Cholmondeston and Wettenhall Parish Council requested the affordable housing be moved forward by 1m which has been agreed by the applicant.

Ancient Oak Tree

The provision of further protection of the ancient oak tree and gift of land on site has been agreed by the applicant. Developer has committed to protect the oak tree in its foundations

and also erect all necessary barriers around the tree during construction. All buildings to be 25 meters from tree.

Aesthetic Design

Changes in the aesthetic design of the development in line with the CE Design Guide.

Cholmondeston and Wettenhall Parish Council are in favour of the development and welcome the opportunity for their views to be heard by the Southern Planning Committee in person.

This development meets the settlement hierarchy requirements in line with Policy PG2 by providing a sustainable and proportionate investment in the local settlement.

Although the village is established; it does not have a settlement boundary and is therefore officially in the Open Countryside and needs to comply with Policy PG6, however, because of the current derelict nature of the site, the development would only serve to improve the Open Countryside in this instance.

This is a brownfield site which is currently an eyesore and subject to anti-social behaviour, therefore, in its present state has a negative effect on the local environment.

The Parish Council are supportive of development of this brownfield site.

Representations

Letters of objection have been received from 4 addresses. The main issues raised are as follows;

- The proposed development is out of character with the surrounding area,
- Insufficient parking provision has been made for visitors
- Potential impact on the protected Oak tree,
- The developer is only interested in making money
- Garages are not large enough for a modern car
- The developer demolished a very old beautiful building
- Impact on neighbouring amenity, by means of overshadowing and loss of light, piling implications on the stability of neighbours house,
- The previous application for 3 properties was refused by Committee, the same issues still remain;
- The site is not big enough for 4 properties;
- The 4th property is simply an additional 'affordable unit' which the applicants stated was to appease the planning policies
- The developer has not held an open meeting to discuss the proposals, all were either closed meetings with the PC or a scheduled Parish Council Meeting (regarding earlier applications);
- Application should not be called into to Committee again, given previous refusal and no fundamental change in the proposal;
- The Developer is basically saying that the previous decisions were wrong in regards to the unsustainable nature of the site and the impact on the character and appearance of the countryside rather than addressing the reasons it was refused,

- It is the developers fault that the site is in the vacant, unsightly state it is currently in now and has not been properly secured which enabled Travellers to use the site
- The site would be suitable for two dwellings on the footprint of the original building but 4 is too many
- Concerns over drainage and flooding in the area,
- This is an unsustainable location, - no local amenities, no bus route, only school bus services
- There has been a lot of development in the area recently but the infrastructure has not been improved
- Scale and design of the properties is not in keeping with the neighbouring properties,
- Proposal is an overdevelopment of the site
- There is a 7.5tn weight limit on Long Lane which would affect the construction phase
- The four units on this site are more akin to a suburban development, and do not follow the pattern of sporadic development within the area
- The access onto the site is not safe and on a blind bend
- The development is not consistent with local, strategic, regional or national planning policies.
- There is no need for new housing in this area or in Cheshire East

Letters of support have been received from 3 addresses. The main issues raised are as follows;

- The style and nature of the development fits in well with the local area and in particular, the village green,
- The Oak Tree will be protected
- The completion of the works will enhance the area for Wettenhall
- 4 dwellings is the optimum number of houses on the site
- Support the scheme, subject to the closest neighbours being happy with it

OFFICER APPRAISAL

Procedural Matters

This application was submitted during the Covid-19 lockdown measures where Officer site visits are currently prohibited/restricted. The Planning Officer has visited the site on several occasions over the past few years, and has a good knowledge of the site and its surroundings. A recent visit to the site was also carried out on the 28th May 2020. There are also, several aerial photographs and google streetview images which show the changes to the site over the years. Therefore it is considered that there is a sufficient level of information to determine the application.

Principle of the development

The application site is situated within the open countryside and is in an isolated situation not adjacent to existing settlement boundaries. Policy PG6 of the Cheshire East Local Plan Strategy stipulates that only development which is essential for agriculture will be acceptable,

with the exceptions of, inter alia, 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; and for the replacement of existing buildings (including dwellings) by new buildings not materially larger than the buildings they replace. Policy RES.5 (housing in the open countryside) of the CNLP is consistent with this policy approach, which restricts development in the open countryside to infill development or agricultural/forestry worker dwellings.

The site is not considered to be a clear opportunity for infill development within an otherwise built up frontage and, as the proposal is for more than 2 dwellings it would not be considered as a genuine infill. Furthermore, Wettenhall is not a designated village within the emerging SADPD; albeit this policy has limited weight currently. It is therefore considered that the proposal does not fall under the 'infilling within a village' criteria.

There was a Public House situated on this site, which was demolished in 2016. Therefore the proposal could have been considered under the replacement buildings element of these criteria. However the Planning Inspector in relation to the previous application on the site (17/2522N – APP/R0660/W/18/3196520) stated that,

'..There is no existing building to replace as the pub which once existed on the site has been demolished. The proposal would therefore conflict with CELP Policy PG6.'

It is therefore considered that the development does not meet the exceptions as set out in Policy PG6 of the CELPS, and also conflicts with saved Policy RES.5 of the CNLP.

Despite the previous two refusals on the site by the LPA and the dismissed appeal decision from the Inspectorate, which demonstrate the development conflicts with CELPS policy PG6, the applicant states in their submission that the application should not be determined under Policy PG6 but as it is a settlement and therefore falls under Policy PG2, as a 'Other settlement and rural areas'. Policy PG2 states that;

'Other settlement and rural areas

'In the interests of sustainable development and the maintenance of local services, growth and investment in the other settlements should be confined to proportionate development at a scale commensurate with the function and character of the settlement and confined to locations well related to the existing built-up extent of the settlement. It may be appropriate for local needs to be met within larger settlements, dependent on location.'

Whilst the hamlet of Wettenhall may be a 'settlement' it does not have a defined boundary and the main aim of Policy PG2 is to define the areas of the Borough. The application site is defined as Open Countryside and therefore the Policy PG6 sets out where development is acceptable within the open countryside.

Policy PG6 clearly sets out that within the Open Countryside only specific levels of development are acceptable, and as clearly set out in the last two decisions the proposal is considered to be contrary to Local Plan policy PG6. Therefore the principle of development is unacceptable.

The council is now in the position of having a 5 year housing land supply, and therefore development should be considered in accordance with the up to date development plan unless material considerations indicate otherwise.

Housing Land Supply

The council is now in the position of having a 5 year housing land supply, and therefore development should be considered in accordance with the up to date development plan unless material considerations indicate otherwise.

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 Measurement 2018 indicates that the delivery of housing was substantially below 25% of housing required over the previous three years (note: this will change to 45% once the Housing Delivery Test Measurement 2019 is published later this year).

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 2019) was published on the 7th November 2019. The report confirms:

- A five year housing requirement of 11,802 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 7.5 years (17,333 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.

As such, the provision of housing in this instance is afforded no-to-limited weight at most, given that there is currently no pressing need for housing in Cheshire East at this moment in time.

Previously Developed Land

Policy SD1 of the Cheshire East Local Plan Strategy states that one of the objectives to achieve sustainable development is Cheshire East is to make efficient use of land...and make best use of previously developed land where possible. Policy SE2 (Efficient Use of Land) of the CELPS states that the council will encourage the redevelopment/re-use of previously development land and buildings. The council will manage development to protect previously developed land where it can be clearly demonstrated that either the landscape amenity or biodiversity value of the site has become of a high value and as such would be compromised through redevelopment of the site. The policy also go’s on to state;

‘that windfall development should (inter alia), consider the landscape and townscape character of the surrounding area when determining the character and density of the development; build upon existing concentrations of activities and existing infrastructure; and not require major investment in new infrastructure...’

There is evidence of the former public house on the site. However this has been demolished and the site is currently vacant of development. The site previously included a public house, with a car park around the building. The site was relatively open with low hedges retained around the site. The built form was largely positioned to the north west of the site and the majority of the site was open car parking. The Planning Inspector agreed that the site was previously developed land.

The application scheme is the same number of dwellings as the appeal decision (17/2522N) and 1 more than the previously refused scheme at Committee (18/4771N), and the layout still exceeds the previously built form on the site and does not reflect the character or density of the site previously.

Locational Sustainability

Policy SD2 outlines a checklist of key amenities which a development should be within the distances shown to be considered a sustainable location.

Sustainability Checklist Policy SD2

CRITERION	DISTANCE	MET	COMMENTS
PUBLIC TRANSPORT			
BUS STOP	500m	X	
PUBLIC RIGHT OF WAY	500m	√	200m to the south on Winsford Road
RAILWAY STATION	2km	X	

OPEN SPACE			
AMENITY OPEN SPACE	500m	X	
CHILDREN'S PLAYGROUND	500m	X	
OUTDOOR SPORTS	500m	X	
PUBLIC PARK AND VILLAGE GREEN	1km	X	Potentially the area adjacent to application site
SERVICES AND AMENITIES			
CONVENIENCE STORE	500m	X	
SUPERMARKET	1km	X	
POST BOX	500m	X	1.5km
POST OFFICE	1km	X	
BACK OR CASH MACHINE	1km	X	
PHARMACY	1km	X	
PRIMARY SCHOOL	1km	X	Calveley
SECONDARY SCHOOL	1km	X	
MEDICAL CENTRE	1km	X	
LEISURE FACILITIES	1km	X	
MEETING/COMMUNITY CENTRE	1km	√	St. David's Church
PUBLIC HOUSE	1km	X	Demolished
CRÈCHE/NURSERY	1km	X	
TOTAL		2	

The table demonstrates that the site is not within a sustainable location. As a result, the location of the site would be distant from a number of key facilities and would in some circumstances encourage the use of the car. There is no bus service in the area. Therefore as a site for a new development it would not adhere to Policy SD2 of the CELPS or the NPPF. The Planning Inspector also agreed that the site was not sustainably located.

However, it is of note that the site was previously used as a public house and the former use of the site would have likely included more vehicle movements to visit the public house than a residential development of 4 dwellings.

Affordable Housing

The Cheshire East Local Plan Strategy (CELPS) and the Councils Interim Planning Statement: Affordable Housing (IPS) states that developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sq.m) in Local Service Centres and all other locations at least 30% of all units are to be affordable. 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 4 dwellings, with a combined floorspace of around 600 square meters; the proposal therefore is below the Cheshire East Local Plan Policy SC5 threshold, and no Affordable housing is required to be provided.

Nevertheless, the applicant is proposing to supply a 2 bedroom bungalow at a 20% discount from market value which is an Intermediate affordable housing type.

Discounted for sale is a type of affordable housing provision where the property is offered for sale to eligible purchasers (which is assessed by the LPA / RHP) at less than the full market value. The purchaser owns 100% of the property, but the discounted rate is applied for the lifetime of the property, eg 20% less than the market value in this instance; to ensure the property remains permanently affordable.

The Strategic Housing Team have no objections to this proposal and note that a dwelling of this nature is welcomed as it assists those in the Wettenhall and surrounding parishes to buy a property when they cannot afford the normal open market house prices.

Therefore, whilst not required by planning policy the provision of 1 no affordable housing unit is a positive benefit of the scheme to be weighed in the planning balance.

Impact of Design upon the Character of the Area

Guidance advocated within NPPF supports a mix of housing within areas. Policy SD2 of the CELPS outlines the Council's aims for new development including the need for development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness. Policy SC 4 of the CELPS also advises the need for a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. The policy also specifically notes that the development should meet the need of the ageing population in the Borough.

The site was previously developed, and had a public house with 4 guest bedrooms and a 3 bedroom dwelling, occupying the area towards the north of the site, with a large car park on the south and east sides. The triangular area at the south was used as a beer garden. The agent estimates the previous floorspace as 580m².

The scheme is for 4 dwellings, one being a two bedroom bungalow, a detached four bedroom two storey dwelling and an 'L' shape building split into two units both with four bedrooms, designed in a mock barn conversion style. The proposed floorspace of the development will

amount to around 600m². The general layout of the site has remained the same with all four properties accessed off a cul-de-sac arrangement, albeit now stated as a courtyard style.

The proposed design of the development is less suburban in appearance than previous schemes, but very similar to the most recent scheme 19/3307N, with only some minor cosmetic changes which have been made to the design of the bungalow, such as a change to some of the materials and additional timber eaves details added. The removal of the attached garages to the 'barn' building is a positive alteration. However, the large detached property is still similar in design and scale to the previous properties and although the application states that the design is one of a farmhouse and farm buildings similar to others in the immediate vicinity, the inclusion of a rendered bungalow on the frontage does not appear to follow this design philosophy. Furthermore, the multiple dormer windows within the roof slope of plots 2 & 3 are not a typical design features found on traditional Cheshire barns and therefore appear quite suburban in their appearance. It is acknowledged that some effort has now been applied to make a scheme more in-keeping with the surrounding locality, however, it is still considered to be unacceptable.

The Cheshire East Design Guide designates Wettenhall as a 'Market Town and Estate Village' Character Area, where development should reflect the local area. The design of the units do not have a distinctive appearance which relates to the surrounding area.

The Planning Inspector noted in the previous appeal application (Outline application) that,

'The 4 dwellings, however, are shown as being in a fairly tight group around a new access way. This is an arrangement which is more common in suburban areas and would be out of character with the more rural and sporadic layout of the nearby houses. Based on the information before me, I am unconvinced that up to 4 dwellings could be successfully integrated into the rural landscape. Furthermore, whilst I appreciate that there has been development on the site in the past, there is none there now. The construction of up to 4 dwellings would erode the open nature of the countryside. The site is not attractive in its cleared state but it is at least open in nature and therefore any dwelling(s) would have a far greater visual impact upon the open countryside than the untidy ground. I appreciate that there were once buildings upon the site but I must take into account the current circumstances of the site'.

The general layout of the site has not changed much from the previous applications and would still appear relatively suburban in appearance, with four dwellings accessed off one access point, albeit stated to be in a 'court yard' formation now, not a cul-de-sac as previously proposed. The surrounding rural area is predominantly characterised by dwellings facing the road frontage, or sporadically positioned within a large plot. The proposed properties rear gardens back onto Winsford Road and properties still have no real relationship with the 'village green' area. It is simply just an area denoted on the plan.

The proposed drawings show the existing hedge to be retained and additional hedge/tree planting proposed to mitigate visual impact of the dwellings from the road. However no formal landscape scheme has been submitted with the application to confirm the types of plants/tree to be used, however this can be secured by condition.

It is important to note, that any tall boundary treatment on this edge would have a detrimental impact on the character of the area, which is currently very open. However the dwellings would be very over looked from the road and therefore it may be difficult to restrict future occupiers from erecting 2m high boundary fences adjacent to the highway. It would be reasonable therefore to condition the removal of permitted development rights for new boundary treatment if it were to be approved, to ensure some form of control is retained.

It is still considered that the proposed development is not in keeping with the character of development in the locality, which consists of dwellings fronting the road or farmyard groups of buildings. The 'farmhouse' dwelling is still a larger modern property, and the 'L' shape property does not really reflect the character of barns in the Cheshire countryside, with the bungalow at odds with the general design concept for the site and therefore the proposal is not considered to be in keeping with the character and appearance of the area.

Furthermore, the side elevation of plot 1 will be very prominent when travelling north on Winsford Road, and from the 'village green' with not attempt to create an active frontage on this elevation. When passing this elevation on the road, the gable will look very prominent, and whilst the proposed 1m high fence and hedgerow proposed as boundary treatment will help to soften the appearance of the dwelling, the prominent gable with only a small window and chimney breast does not relate well to this very prominent position, adjacent to the village green.

As noted by the Inspector although the site may not be attractive in its current cleared state, housing development is not the only option for the site. The site is currently open in nature and therefore any dwellings would have a far greater impact on the character and appearance of the site in the open countryside than the current situation.

The proposed development would therefore harm the character and appearance of the countryside and would therefore conflict with Policy SE1, SD2 and PG6 of the CELPS.

Amenity

Policy BE.1 seeks to ensure that the amenities of neighbouring properties are protected from development.

The closest neighbour to the development is Rookery View, which is bound on two sides by the new development. The house was originally an ancillary dwelling to the public house and was previously in quite close proximity to the original buildings. Nevertheless, the pub was demolished 4 years ago and the site is now open. The development is designed in a courtyard style design with 2 units facing towards the adjoining dwellinghouse known as Rookery View, on the north eastern boundary, and a bungalow on the south eastern boundary. The existing properties main principal windows face away from the development site, either on the road frontage or within the curtilage of the building, on its north/north western elevations, therefore the development would not overlook the principal windows of the existing building. However, there are levels differences between Rookery View and the application site, with the existing property being sited much lower than the application site. The existing property is about a floor level lower than the adjoining site, and therefore the proposed adjacent bungalow and new garage building will appear more dominant from the neighbour's garden than on a flat site. Nevertheless, the application does meet spacing

standards and detailed levels and boundary treatment can be conditioned to ensure the new buildings do not overlook the neighbours garden.

Due to proximity and location within the site, it is considered unlikely that the proposed development would have any increased impact on neighbouring amenity to any other neighbouring property.

The issue of future private amenity space is a concern, although the plans show the existing hedge retained along Winsford Road and new planting proposed as well, which can be conditioned, in reality the occupants of the properties will likely want higher, more secure boundary treatment to reduce the noise of the road, and create a more defensible private amenity space, which would have a detrimental impact on the character and appearance of the open countryside.

Furthermore, the social proximity of the Oak Tree in relation to the private amenity space for Plot 1 is still a concern. Although the dwelling has been moved further out of the root protection zone, than previously, the garden will still be dominated by the root protection area/crown spread to the side of the dwelling, and this could have future pressure to prune the tree in the future.

Trees

The site is situated in open countryside in a prominent location on the corner of Long Lane and Winsford Road. There is a length of hedgerow on the Winsford Road boundary and a mature Oak tree with veteran characteristics on a grassed area close to the road junction. The tree is prominent in the street scene and following a comprehensive assessment by the Council's arboricultural team was afforded tree preservation order protection due to its veteran status, historical associations and amenity value - Cheshire East Borough Council (Bunbury - Wettenhall, Long Lane/Winsford Road) Tree Preservation Order 2017. The tree has also been recorded on the veteran tree register.

Veteran Tree status is afforded in recognition of the tree's contribution to wildlife, and its recognition in respect of its biological significance as well as its cultural and historical associations. This status has highlighted the importance of the tree in the locality due to its position adjacent to a road, in addition to the implications of the proposed change of use of the land upon which the tree stands.

The tree has been found to occur on Tithe maps dating back to 1831 suggesting that the tree was of significant proportions to warrant its recording nearly 200 years ago. The historical significance of the tree in this prominent location in addition to its identified veteran status places even greater importance on the future management of the tree as a veteran in accordance with best practice.

The current application is supported by an Arboricultural Impact Assessment and Method Statement dated March 2020 which considers the impact on the tree and the hedgerow based on layout plan 1362-(PL-) 03F. The report indicates that the separation of built development from the veteran Oak tree has been increased to 25 metres. Part of the garden to plot 1 would be within the 25m buffer and a proposed timber boundary fence for the garden would be

erected in ground which is already compacted. The report indicates that boundary hedgerow along Winsford Road is to be retained.

Current standing advice from The Forestry Commission/ Natural England is that an ancient or veteran tree should be afforded a buffer zone of at least 15 times larger than the diameter of the tree. The advice states that buffer zones in gardens should be avoided.

As noted above, the latest layout has been further amended from previous schemes to afford the Oak tree greater separation from proposed built development. On balance, based on the fact that the land has been developed previously, and with the tree retained in an open space, the view is taken that this could be accepted. However, it would be appropriate to remove permitted development rights for plot 1, to reduce the chance of future development towards the tree.

The submitted Arboricultural Method Statement does not make reference supervision of the removal of existing hard surfacing. On the basis that hard surfacing extends over the identified buffer zone, this matter would need to be addressed in a revised document.

As with previous proposals, although not specified in the submission, a comparison of existing and proposed plans appears to indicate that section of the hedge adjoining Winsford Road may have to be removed to accommodate a visibility splay. On the proposed site plan, a hedge is shown behind the visibility splay and continuing to the west around the southern side of proposed plot 1. Therefore, to ensure this hedgerow is retained, a condition could be posed for its retention.

The Forestry Officer has also suggested a number of other conditions in relation to Tree and hedgerow Protection, a revised Arboricultural Method Statement, levels details and full details of servicing to be provided to ensure the development does not have a detrimental impact on the protected trees. These are considered reasonable.

Landscape

The site is situated in open countryside in a prominent location on the corner of Long Lane and Winsford Road. There is residential development to the North West, a farm to the south east and farmland to the north east and south west. The Winsford Road boundary is defined by a gappy hedgerow, the Long Lane boundary is open. There is a veteran TPO Oak tree to the south as discussed above.

The proposed development with rear elevations backing onto Winsford Road would be prominent in the streetscene in this open countryside location.

From the junction where Long Lane meets Winsford Road, visibility to the north is extremely poor. The site plan suggests that the entire roadside hedge could be retained although the Landscape Officer considers the hedge currently obscures visibility at the road junction.

In the event of approval it would be essential to secure boundary treatment & landscape schemes by condition and to ensure that as far as possible the existing boundary hedges are retained/reinforced. Proposals should ensure that as far as possible the roadside facing boundaries have native species hedges facing the roads (even if for security, fences have to

be erected inside the hedges). It is therefore considered that subject to conditions the proposal would not have a detrimental impact on the landscape character of the area.

Highway safety

A number of similar applications on this site have previously been applied for and although they have been refused, there has not been a highways related objection or refusal.

The Strategic Highway officer notes that the applicant has stated that the site is served by a bus service but there doesn't appear to be a bus stop anywhere near the site. Nevertheless, as before, the uplift in vehicle number will be limited and the access width is and off-road parking are to standard. The visibility on exiting onto Long Lane, and from Long Lane to Winsford Road, are also acceptable.

The Highway Officer states that the Refuse collection will have to take place from Long Lane and a bin collection point should be conditioned. The Strategic Highways Officer therefore has raised no objections to the proposal in relation to highway safety.

Archaeology

The Wettenhall tithe map of 1839 does depict a rectangular structure within the proposed development area (Plot 3/4), which is labelled 'House in Dwellings & Garden'. This structure had gone by the first edition OS survey of 1875 and the area remained vacant until it was tarmacked to serve as a part of the Boot and Slipper car park during the late 20th century.

Whilst no archaeological grounds have been identified for refusal of planning consent, the site does hold the potential to yield below ground archaeological remains which would be destroyed by the groundworks involved in the development. Therefore the Cheshire Archaeology Planning Advisory Service (APAS) would advise that a programme of archaeological mitigation be made as a condition of any planning permission that might be granted.

In this instance the mitigation would take the form of a strip, map and record exercise, whereby the footprint (c.20m x 15m) of the building identified on the tithe map would be stripped using a suitable machine under archaeological supervision and control, down to the first archaeological layer, after which excavation would proceed by hand. An agreed excavation and recording methodology would then be implemented to excavate and record those archaeological features/layers that survived. The results of the work would then be written up into a report at which point the relevant background documentary research would also be undertaken, to be submitted for inclusion in the Cheshire Historic Environment Record." – VN 19/05/2017 in response to 17/2522N.

It would be advisable that the above recommendation of a programme of archaeological observation by way of a developer funded watching brief would be the sufficient works to identify and record any below ground remains as stated above. This work may be secured by condition.

Ecology

The Council's ecologist has considered the proposal and raised no objections subject to conditions for a breeding bird survey and breeding bird features.

Flood risk and Drainage

Both United Utilities and the Council's Flood risk Team have been consulted on the application, and have raised no objections to the proposal subject to standard drainage conditions.

CIL Regulations

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

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

As explained within the main report, there is no policy requirement for an affordable housing unit on the site, and therefore it is not necessary to make the development acceptable in planning terms.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposal is for 4no dwellings on the site of a former public house, The Boot and Slipper, in Wettenhall. The Public House was demolished in the 2016. The application site is situated within the open countryside where Policy PG6 of the CELPS states a presumption against residential development unless it meets the exception of (inter alia), infill development, infill within a village, dwellings of exceptional design, and replacement building (including dwellings) which are not materially larger. There is currently no building on the site to replace and the Inspector for the previously dismissed decision (17/2522N) considered that the proposal did not meet any of the exceptions set out in Policy PG6 for residential development.

It is accepted that the land is previously developed, as confirmed by the Inspector. However it is considered that proposed development would be more harmful to the character and appearance of the open countryside in this unsustainable location, than leaving the land undeveloped.

This application includes the provision of an affordable housing unit, a Bungalow which is to be discounted for sale by 20%. This is not required by planning policy, but the Housing Officer has explained that there is a need for affordable housing of this nature in the area and therefore weighs positively within the planning balance.

At the corner of Long Lane/Winsford Road is a veteran Oak Tree within an area of land known as the 'village green'. This area of land has been removed from the developed area of the application site, and it is suggested within the Statement that this will be 'gifted' to the

community. However full details of this have not been submitted with this application. This would need to be secured by condition/legal agreement, to ensure it comes to fruition and to be considered a positive of the development.

The proposed development is still relatively suburban its design and layout and the 'courtyard' design is very similar in character to the cul-de-sac previously refused. The 'L' shape building does not really reflect the character of a barn conversion in the Cheshire Area.

There are still some concerns raised over the social proximity of the TPO veteran Oak Tree adjacent to unit 1 and the RPA which should be used given its Veteran status. However, the Tree Officer considers that based on the fact that the land has been developed previously, and with the tree retained in an open space, the view is taken that this could be accepted. This is considered to be neutral impact on the development.

There are some benefits to the proposal in relation to a brownfield site being brought forward, additional housing development, the proposed affordable housing unit, some small economic benefits during construction, and council tax once constructed. However it is not considered that these benefits would outweigh the harm caused to the open countryside.

It is therefore considered that the development has not significantly changed to that which was dismissed recently at appeal, and more recently refused at Southern Planning committee. The proposal is therefore considered to be unacceptable and contrary to Policies SD2, SE1, and PG6 of the Cheshire East Local Plan Strategy, and saved Policies RES.5 and BE.1 of the Crewe and Nantwich Replacement Local Plan, and the NPPF. The proposal is therefore recommended for refusal.

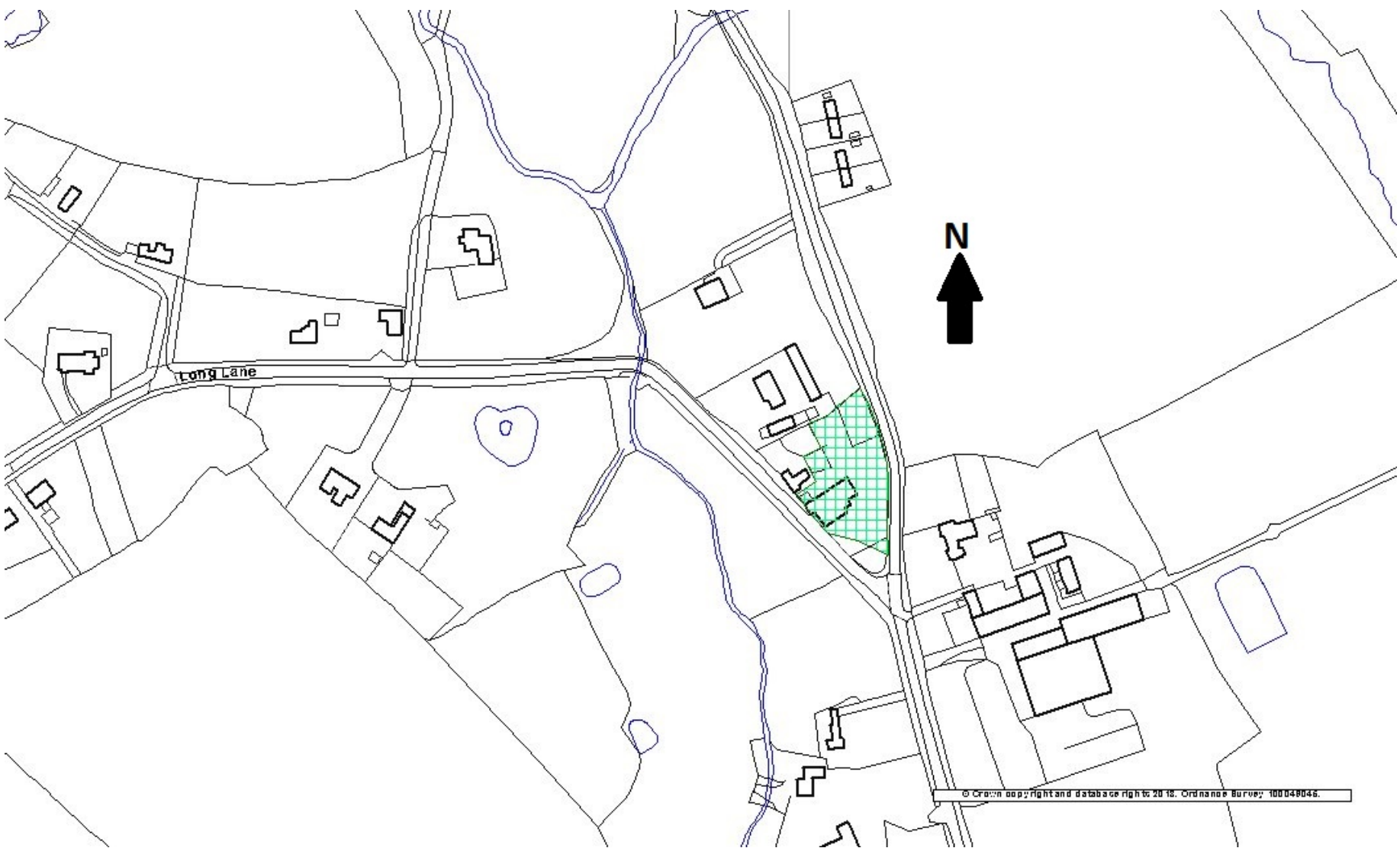
Recommendation: Refusal

- 1. The proposed development is considered to be unacceptable in principle. The development site is situated within the open countryside where there is a presumption against unacceptable, unsustainable development. It is considered that, although the site is a brownfield site, the proposed development would harm the character and appearance of the open countryside. The proposal is therefore considered to be unacceptable and contrary to Policies SD2, SE1, and PG6 of the Cheshire East Local Plan Strategy, and saved Policies RES.5 of the Crewe and Nantwich Replacement Local Plan, and the National Planning Policy Framework.**

In order to give proper effect to the 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 this application is subject to an appeal, approval be given to enter into a S106 Agreement with the following Heads of Terms;

S106	Amount	Triggers
Affordable Housing	1no Bungalow – Discounted to sale by 20% market value	No more than 50% open market properties occupied prior to affordable provision provided.



Application No: 19/5420M

Location: 27B, ALMA LANE, WILMSLOW, SK9 5EY

Proposal: Conversion of garage with small extension (3m²) to bring it in line with the front of the house. Changing flat roof to pitched roof.

Applicant: Mr Mark, Goldsmith

Expiry Date: 10-Feb-2020

SUMMARY

This is a householder application for planning permission for a new hipped roof in place of the existing flat roof and a small scale extension. The existing garage space would be converted to habitable accommodation with new rear fenestration proposed.

The proposed development is of an acceptable design, does not raise any amenity issues and is acceptable in terms of parking provision. The development complies with the relevant policies of the Development Plan.

RECOMMENDATION:

APPROVE with conditions

Reason for Referral

The application is referred to Southern Planning Committee as the applicant is an elected Councillor on Cheshire East Council.

Site and Context

27B Alma Lane is a two storey semi detached dwellinghouse with attached flat roof garage within the settlement of Wilmslow. The building density is relatively high in this part of Wilmslow, with the principal elevations of buildings set back approx. 3m from this side of the public highway.

Details of Proposal

The applicant proposes a hipped roof in place of the flat roof at the existing extension to the side, with the garage use being converted to habitable space. The application includes a small single storey extension to the front of the existing garage.

A small section of hedge would be cut back to allow for easier parking arrangements. A rear area of glazing is also proposed serving habitable accommodation (kitchen/diner).

Relevant Planning History

Various – none relevant to this application

Planning Policy

Cheshire East Local Plan Strategy (2010-2030)

SD 1 (Sustainable Development in Cheshire East)

SD 2 (Sustainable Development Principles)

SE 1 (Design)

Macclesfield Borough Local Plan (MBLP) (2004) – saved policies

DC2 (Design)

DC3 (Amenity)

DC38 (Space, Light and Privacy)

DC43 (Side Extensions)

Wilmslow Neighbourhood Plan

The Wilmslow Neighbourhood Plan was made on 11th November 2019

H2 (Townscape)

National Planning Policy Framework (NPPF) (2019 update)

Other Material Considerations:

National Planning Practice Guidance (as updated online)

Cheshire East Borough Design Guide 2017

Consultee Responses (external to planning)

Wilmslow Town Council: No objection.

CEC Flood Risk: No objection subject to informative

Head of Strategic Infrastructure: No objection. The existing garage is not big enough to accommodate a parked vehicle, as it is about 3.0m long by 2.5m wide. Therefore, there is no loss of parking.

Representations

No letters of representation received from neighbours or members of the public.

Officer Appraisal

Principle of Development

The proposed development is an extension to a dwelling within the settlement boundary. The principle of development is acceptable subject to compliance with Development Plan policies relevant to household extensions.

Design issues and effect on the character of the area

At least 1m would be retained to the site boundary with 29 Alma Lane, as per saved policy DC43. No further extension beyond existing south facing side wall is proposed.

The proposed lean-to mono pitched roof, small-scale extension and removal of the garage door would not appear incongruous in the context of the streetscene, nor undermine the character of this property. Indeed a similar roof, albeit with dual pitched character and a gable end, is already present at the adjoining semi detached house (27A Alma Lane).

The proposal therefore would comply with H2 in the Wilmslow Neighbourhood Plan and saved policies DC2 and DC43 in the MBLP, as well as SD2 and SE1 in the CELPS.

Effect on residential amenity

No south facing side elevation windows are proposed, apart from the velux rooflights. At the front elevation, the proposed habitable room window would not present further privacy implications over and above the existing principal elevation fenestration, nor would the rear floor-to-ceiling five panelled fenestration. The addition of the hipped roof would not prejudice light transmission to neighbouring residential property, nor would it precipitate an overbearing effect.

It is therefore found that saved policy DC3 on amenity of the MBLP would be complied with.

Highways

As confirmed in writing by the Highways Officer the existing garage is too small to comply with highways standing advice relating to parking spaces. So, there would be no net loss of parking provision.

The proposed extension would not result in a loss of parking provision at the site, currently shown for one car. Appendix C of the CELPS requires new developments to adhere to a guideline of two spaces for 3 bed dwellings in Wilmslow.

Given that there would no new bedrooms proposed and there being no net loss of parking spaces it is considered that there would be no additional increase in pressure on the highways network over and above the existing situation. It is considered that the proposal would be acceptable in this regard.

Conclusion

The proposed development is of an acceptable design, does not raise any amenity issues and is acceptable in terms of parking provision. The development complies with the relevant policies of the Development Plan.

Recommendation

Approved subject to the following conditions;

- 1. Commencement of Development 3 year time limit**
- 2. Development as Approved Plans**
- 3. Materials as Approved**

Application for Householder

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application

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