

# Southern Planning Committee

## Agenda

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**Date:** Wednesday, 3rd February, 2021  
**Time:** 10.00 am  
**Venue:** Virtual Meeting via Microsoft Teams

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How to watch the Meeting.

For anyone wishing to view the meeting live, please click in the link below:

[Click here to view the meeting](#)

Or dial in via telephone on 141 020 3321 5200 and enter Conference ID: 377 001 065# when prompted.

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

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

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Please contact Helen Davies on 01270 685705

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

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

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

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

To approve the minutes of the meeting held on 25 November 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. **20/3436N 414 Newcastle Road, Shavington, CW2 5JF** (Pages 9 - 36)

To consider the above application.

6. **20/2857C Little Moss Lane, Scholar Green** (Pages 37 - 56)

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)

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 25th November, 2020 as a virtual meeting.

**PRESENT**

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

Councillors M Benson, J Bratherton, P Butterill, S Davies, A Gage, D Marren,  
D Murphy, J Rhodes, L Smith and H Faddes

**Also Present**

Mr. Daniel Evans- Principle Planning Officer  
Mr. James Thomas- Solicitor  
Mr. Andrew Goligher- Highways Officer  
Miss Helen Davies- Democratic Services

**33 APOLOGIES FOR ABSENCE**

Apologies had been received from Councillor Kathryn Flavell, Councillor Hazel Faddes attended the meeting as a substitute.

**34 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interests of openness and transparency, Councillor Denis Murphy declared an interest as the Ward Councillor under item number five: 20/2470C Hawthorn Cottage, Harvey Road, Congleton, Cheshire, CW12 2PS, and advised that he was not predetermined in any way.

Several Members of the Committee advised they had received an email from the agent in respect of item number five: 20/2470C Hawthorn Cottage, Harvey Road, Congleton, Cheshire, CW12 2PS, but had not engaged with the agent in any way.

**35 MINUTES OF PREVIOUS MEETING**

RESOLVED-

That the minutes of the virtual meeting held on 28 October 2020 be approved as a correct and accurate record and signed by the Chairman.

**36 PUBLIC SPEAKING**

RESOLVED-

That the public speaking procedure be noted.

**37 20/2470C HAWTHORN COTTAGE, HARVEY ROAD, CONGLETON, CHESHIRE, CW12 2PS- OUTLINE PLANNING PERMISSION FOR 35NO. RESIDENTIAL DWELLINGS (INCLUDING ALL DWELLINGS 100% AFFORDABLE HOUSING), VEHICLE ACCESS FROM GORDALE CLOSE, OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE. HAWTHORN COTTAGE TO BE RETAINED.**

Consideration was given to the above application.

(Councillor Rob Moreton, the Ward Councillor, Congleton Town Councillor, Amanda Martin, Objector Adam Taylor, and Joe Nugent the Agent for the Applicant attended the virtual meeting and spoke on behalf of the application).

RESOLVED-

That, for the reasons set out in the report, the application be REFUSED for the following reasons:

Refuse for the following reasons:

- 1) The proposal is an inappropriate form of development within the Green Belt, as defined by the Development Plan. The development is therefore contrary to policy PG3 of the Cheshire East Local Plan Strategy and Policy PS7 of the Congleton Borough Local Plan First Review and would cause material harm to the openness of the Green Belt. The proposed development by reason of inappropriateness would be contrary to nationally established policy as set out in NPPF, and as a result would cause harm to the objectives of this guidance. There are no very special circumstances to outweigh this harm.
- 2) The application site is located within the Green Belt and adjacent to a key service centre. The application is not supported by an up-to-date Housing Needs Survey or a thorough site options appraisal which demonstrates why the site is the most suitable to meet identified housing need. Furthermore a development of 35 affordable units would exceed the threshold criteria of 10 units identified by Policy SC6. As a result the proposed development would not comply with all the requirements for Rural Exception housing and constitutes inappropriate development within the Green Belt contrary to Policies SC6 and PG3 of the Cheshire East Local Plan Strategy.
- 3) The proposed submission does not provide the level of detail required to inform a comprehensive assessment of the impact of the development on existing trees and woodland cover, including trees within ancient woodland and those protected by the Congleton Borough Council (Gordale Close) TPO 1983. The submission has therefore failed to demonstrate that the proposed development will not result in the loss of trees contrary to Policy SE5 of the Cheshire East Local Plan Strategy and the provisions of the National Planning Policy Framework.
- 4) The proposed development, as shown on the illustrative layout plan, is likely to result in a significant adverse impact on the adjacent Local Wildlife Site and Ancient Woodland and also Priority Woodland located on site. The application fails to provide sufficient information to determine,

assess, and mitigate any potential impacts on the Local Wildlife Site, Ancient Woodland and Priority Woodland. The proposed development would also result in the loss of an area of Local Wildlife Site quality grassland with a corresponding significant loss of biodiversity. The development would result in the loss of a minor bat roost, whilst mitigation and compensation measures to address this impact have been submitted the proposed development is not considered to be of overriding public interest and not developing this site is considered to be a suitable alternative in this instance.

The application fails to demonstrate that it would contribute positively to the conservation and enhancement of biodiversity. The application therefore fails to comply with the requirements of Policy SE 3 of the Cheshire East Local Plan Strategy and saved Policies NR3 and NR4 of the Congleton Borough Local Plan First Review and the provisions of paras 174-177 of the National Planning Policy Framework.

- 5) Insufficient information has been provided to demonstrate that the proposed development is a sustainable form of development which can achieve an adequate quality of design that would be in keeping with the location of the site adjacent to the Macclesfield Canal Conservation Area. In reaching this conclusion regard was had to the indicative layout, and the proposals are contrary to the Policy SD1, SD2, SE1, and SE7 of the Cheshire East Local Plan Strategy and the Residential Design Guide SPD. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Interim Head of Planning has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

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

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

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	100% Affordable Housing	In accordance with details to be submitted and approved.
<b>Health</b>	£35,280 (based on 35 dwellings)	Paid prior to first occupation of the development.
<b>Education</b>	£81,713 (based on 35 dwellings)	Staged contribution- 50% upon commencement, 50% on o 1 <sup>st</sup> occupation.

<b>Indoor Sport</b>	£6500	Paid prior to first occupation of the development.
<b>Outdoor Sport</b>	Formula- £1,000 per family dwelling or £500 per 2 bed space (or more) apartment for off-site provision.	Paid prior to first occupation of the development.
<b>Private management scheme for all POS/Children's Play space on site.</b>		Prior to commencement of development, implementation prior to 1 <sup>st</sup> occupation.
<b>Towpath upgrade</b>	Amount to be confirmed	Prior to commencement of development
<b>Allotment/growing space/community gardens</b>	If provided off site; £562.50 per family home £281.25 per apartment	Paid prior to first occupation of the development.
<b>Shortfall in provision of Amenity green space and Children's play space</b>	£75 per square metre for any shortfall on site.	Paid prior to the first occupation of the development.

**38 20/2569M 58, HAZELWOOD ROAD, WILMSLOW, SK9 2QA- SINGLE STOREY REAR EXTENSION**

Consideration was given to the above application.

RESOLVED-

That for the reasons set out in the report and in the verbal update to the Committee, the application be APPROVED subject to the following conditions:

- 1) Standard (3 years)
- 2) Approved Plans
- 3) Materials as per application

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.

**39 PERFORMANCE OF THE PLANNING ENFORCEMENT SERVICE FIRST TWO QUARTERS 2020-2021**

The Committee considered the performance of the Planning Enforcement Service for the first two quarters 2020-2021.

RESOLVED-

That the report be received and noted.

The meeting commenced at 10.00 am and concluded at 11.15 am

Councillor J Wray (Chairman)

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Application No: 20/3436N

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

Proposal: Demolition of existing buildings and erection of 40 residential dwellings, 100% affordable housing, including associated infrastructure and new site access - re-submission following refusal of application 18/5798N.

Applicant: Mr & Mrs Wooton, Key Worker Homes

Expiry Date: 05-Feb-2021

### **SUMMARY**

The application site is located within the open countryside as defined by the adopted Development Plan (the CELPS and the C&NLP). The proposed development would be contrary to these policies and would result in the loss of open countryside.

Policies PG6 and SC6 identify that affordable housing will be permitted as an exception to other policies relating to the countryside to meet locally identified affordable need. However, no up-to-date Housing Need Survey has been undertaken in support of this application and the development exceeds the threshold of 10 dwellings identified within Policy SC6. The proposed development would not comply with Policies PG6 and SC6. The provision of affordable housing is a benefit. However as Cheshire East is meeting and exceeding the Borough targets and the applicant has not provided any information on local need then this carries less weight.

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

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

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

With regard to ecological impacts, the impact is neutral as mitigation would be secured there would neutral impact upon hedgerows, Great Crested Newts, reptiles and nesting birds. However, the proposed development would result in the loss of a bat roost and have a low impact upon the conservation status of this species. The proposed development fails two of the tests contained within the Habitats Directive and as a result

would also be contrary to Policies NE.9 of the C&NLP and SE 3 of the CELPS.

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

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

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

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

In conclusion the provision of 100% affordable housing is given some weight. However, it is not considered that this would outweigh the harm to the open countryside, the lack of open space and the unacceptable design of the proposed development.

**SUMMARY RECOMMENDATION:**

**REFUSE**

**PROPOSAL**

This is a full application for a residential development of 40 dwellings. All the proposed dwellings would be affordable units (65% would be rented and 35% would be intermediate tenure).

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

**SITE DESCRIPTION**

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

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

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

**RELEVANT HISTORY**

18/5798N - A detailed planning application for the demolition of existing buildings and erection of up to 44 residential dwellings (100% affordable housing) including any associated infrastructure and new site access for land south of Newcastle Road, Shavington CW2 5JF – Refused 7<sup>th</sup> August 2019 for the following reasons;

*1. The application site is located within the Open Countryside and outside of the Shavington Settlement Boundary. The application is not supported by an up-to-date Housing Needs Survey to identify the need within this Parish. Furthermore, a development of 44 affordable units would exceed the threshold criteria of 10 units identified by Policy SC6. The proposed development would cause harm to the open countryside and be contrary to Policy SC6 and PG6 of the Cheshire East Local Plan Strategy.*

*2. There is a minor roost of Bats within one of the buildings to be demolished as part of this proposed development and this proposed development would result in a Low Level adverse impact on this species as a result of the loss of the roost and the risk of any bats present on site being killed or injured during the construction process. The proposed development fails two of the tests contained within the Habitats Directive and as a result would also be contrary to Policies NE.9 of the Crewe and Nantwich Replacement Local Plan 2011 and SE 3 of the Cheshire East Local Plan Strategy and guidance contained within the NPPF.*

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

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

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

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

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

## **POLICIES**

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

PG2 – Settlement Hierarchy  
PG6 - Open Countryside  
PG7 – Spatial Distribution of Development  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SC6 – Rural Exception Housing for Local Needs  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE3 – Biodiversity and Geodiversity  
SE5 – Trees, Hedgerows and Woodland  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 3 - Biodiversity and Geodiversity  
SE 13 - Flood Risk and Water Management  
SE 6 – Green Infrastructure  
IN1 – Infrastructure  
IN2 – Developer Contributions

### **Borough of Crewe and Nantwich Local Plan 2011**

NE.5 (Nature Conservation and Habitats)  
NE.9: (Protected Species)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
RES.5 (Housing in the Open Countryside)  
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

### **Neighbourhood Plan**

#### Shavington Neighbourhood Plan

The majority of the site is in Shavington. The Shavington Neighbourhood Plan is at Regulation 18 stage and carries moderate weight

HOU1 – New Housing  
HOU2 – Housing Mix and Type  
HOU3 – Housing for Older People  
HOU4 – Local Character and House Design  
ENV1 – Footpaths and Cycleways  
ENV2 – Trees and Hedgerows  
ENV3 – Water Management and Drainage

COM1 – Community Facilities  
COM3 – The Provision of New Open Space Facilities  
COM4 – Developer Contributions  
TRA1 – Sustainable Transport  
TRA2 – Parking  
ECON1 - Economy

## Wybunbury Combined Neighbourhood Plan

Two small strips of the site are within Hough Parish. The Wybunbury Combined Neighbourhood Plan was made on 6<sup>th</sup> April 2020

H1 – Location of New Houses  
H2 – Housing Mix  
H3 – Affordable Housing on Rural Exception Sites  
H4 – Design  
H5 – Adapting to Climate Change  
E1 – Woodland, Trees, Hedgerows and boundary Fencing  
E3 – Biodiversity  
E5 – Landscape Quality, Countryside and Open Views  
GG1 – Green Gap  
TI1 – Traffic Management  
TI2 – Parking  
TI3 – Traffic Generation  
TI4 – Drainage  
TI5 – Communications Infrastructure

## **National Policy**

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

Of particular relevance are paragraphs:

11. Presumption in favour of sustainable development.

59-79. Delivering a Sufficient Supply of Homes

124-132. Requiring good design

## **Other Considerations:**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2017  
Cheshire East Design Guide

## **CONSULTATIONS**

**Natural England:** No comments received.

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

- Details of cycle parking to be submitted and approved
- Submission and approval of a Construction Management Plan (CMP)

- Prior to first occupation the footway along the site frontage to be constructed

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

$6 \times £17,959 \times 0.91 = £98,056$  (secondary)

**United Utilities:** Drainage conditions suggested.

**CEC Strategic Housing Manager:** Object as no Rural Housing Need Survey has been provided.

**CEC Flood Risk Manager:** Conditions and an informative suggested.

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

**CEC PROW:** No comments received.

**NHS England:** Contribution of £36,900 requested.

**Public Open Space:** This application should provide 65m<sup>2</sup> per dwelling comprising of 20m<sup>2</sup> each Children's play space, amenity green space, green infrastructure connectivity and 5m<sup>2</sup> growing space. As an absolute minimum 40m<sup>2</sup> combined amenity green space and children's play space should be provided per dwelling on site.

It is identified within the Green Space Strategy and the draft Shavington Neighbourhood Plan that there is a shortfall of open space in Shavington therefore the development should not put increased pressure on the little open space that exists.

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

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

Ideally there should be provision for sustainable food growth. This could be in the form of raised planting beds or fruiting trees. If not provided on site opportunities maybe present at the established allotment site. In lieu of onsite food growth provision a contribution of £230.70 per dwelling is required to improve the allotments on Gresty Lane.

Contributions are required for sports provision at Shavington Leisure Centre. This should be £1,000 per family dwelling and £500 per two bed apartment.

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

**Shavington Parish Council:** Object on the following grounds;

- The D&A Statement refers to 44 or 40 dwellings which is confusing

- The D& A Statement includes errors and implies that Shavington does not have sufficient housing or the housing is not of sufficient quality
- The Transport Statement is the same as that which was provided in 2018 and is out-of-date. The TS is inaccurate
- The visibility splays cannot be achieved
- The application is a duplicate of the 2018 application and should be refused for the same reasons
- The access is poorly planned and dangerous due to the proximity to Diamond Close and the adjacent filling station and employment site
- Lack of pedestrian crossing facilities on Newcastle Road
- No play area is provided, and children will have to cross Newcastle Road and Stock Lane/Crewe Road
- Shavington is providing in excess of 1500 new dwellings and 400 of these are affordable
- Contaminated land on the site
- The Housing Officer objects to the application
- Proposals should be for small schemes (fewer than 10 dwellings)
- Drainage problems on Newcastle Road
- When there is an accident on the M6 traffic is diverted along Newcastle Road
- Proximity of the access to the traffic lights

**Hough & Chorlton Parish Council:** The Parish Council object to the application on the following grounds;

- The adjacent area is classified as Local Green Gap which has been designated to prevent further development between Shavington and Wybunbury. The Development is contrary to Policy GG1 of the WCPNP
- The site is located outside the settlement boundary and is contrary to Policy PG6 of the CELPS
- The number of dwellings is in excess of the exception criteria contained within SE6 of the CELPS
- Cheshire East is able to demonstrate a 5-year housing land supply of over 5 years
- The design and layout have not materially changed from the previous application and is unacceptable
- There is no safe pedestrian crossing point on Newcastle Road
- If approved, then conditions should be imposed to remove permitted development rights and to secure electric vehicle charging points.

**Wybunbury Parish Council:** Wybunbury Parish Council object to the application on the following grounds;

- The development will not enhance the local settlement and there is no need for further housing. There are two other developments providing similar types of development
- The site is within the open countryside and outside the settlement boundary. The development is contrary to the Shavington Neighbourhood Plan
- It will create infill on the side of the road which includes only scattered properties
- The properties to the opposite side on Newcastle Road have enjoyed open views which would be lost by this development
- The adjoining fields are designated as Green Gap within the WCPNP.
- The application should be refused

## **REPRESENTATIONS:**

Letters of objection have been received from 15 local households raising the following points;

## Principle of Development

- Overdevelopment within Shavington
- The SoS has approved 1000 dwellings at Stapeley which will meet local needs
- The Council can demonstrate a 5-year housing land supply
- Erosion of this rural gap
- The site is within the open countryside
- The development is too large
- A similar application has been refused on this site
- Loss of the Green Gap
- The site is outside the settlement boundary
- No need for further affordable housing
- Potential for future applications to extend the development if approved
- There is no Housing Survey to demonstrate the need for this development
- Loss of green space separating Shavington and Wybunbury

## Highways

- The location of the proposed access is not clear
- Difficulty exiting driveways onto Newcastle Road
- Safety concerns for pedestrians
- Speeding traffic along Newcastle Road
- Increased traffic generation
- Lack of pedestrian crossing points
- Amount of new access points onto Newcastle Road
- Newcastle Road is in a poor condition
- Constant roadworks along Newcastle Road
- The Transport Statement submitted with the application is inadequate
- Lack of public transport serving Shavington
- The visibility splays cannot be achieved
- Poor visibility at the site entrance
- Traffic congestion
- Lack of a cycle network
- The site entrance is opposite Diamond Close and in close to the existing petrol filling station

## Design

- Inaccuracies within the D&A Statement

## Green issues

- Impact upon Wybunbury Moss National Nature Reserve and SSSI
- Landscape impact
- Loss of wildlife

## Infrastructure

- Doctors surgeries are at capacity/increased waiting times
- Lack of children's play provision within the development
- There is no capacity at local schools

## Amenity



- Residents have been subject to three years of noise and disturbance following the development of Diamond Close

### Drainage/Flood Risk

- There are areas surrounding the site which are at risk of flooding
- The surrounding fields are subject to flooding in winter months
- Run-off from this site will exacerbate flooding the locality of the site
- Drains in the area are constantly blocked
- Surface water flooding along Newcastle Road
- There is a land drain running just beyond the boundary of the site. Any trees/hedgerow/shrubs should not be planted along the western boundary which may damage the drain

### Other issues

- A high-quality boundary fence will be required with the adjacent livery
- Loss of a view
- Loss of property value

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

- The adjacent area is classed as Green Gap within the WCPNP
- The site lies outside the settlement boundary and is contrary to Policy PG6 of the CELPS and GG1 of the WCPNP
- The number of dwellings exceeds the exception criteria of Policy SE6
- There is no up-to-date Housing Needs Survey
- Shavington has been the subject of significant housing development with adherence to the 30% affordable housing requirement
- Cheshire East has a housing land supply of over 7 years
- The development is not a rural exception site
- The design of the development has not materially changed since the previous refusal. It remains a poor design. The development is contrary to Policy SE1 of the CELPS, the CEC Design Guide and the NPPF
- Lack of a safe pedestrian crossing on Newcastle Road for future residents. This is required to access services and facilities in Shavington.
- If approved the permitted development rights should be removed and electric vehicle charging points should be provided.
- It is requested that the application is refused.

## **APPRAISAL**

### **Principle of Development**

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

There have been a number of material changes in circumstance since the last application was determined, including the adoption of the Cheshire East Local Plan Strategy (CELPS), the advancement of the Neighbourhood Plans, the publication of the revised National Planning Policy Framework (NPPF) associated Planning Practice Guidance (PPG) and the council's updated five

year housing land supply position. These are matters to be considered in the assessment of the application.

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

This is acknowledged in the NPPF at paragraphs 2 and 12. Paragraph 12 states that 'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

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

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

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

### Emerging Policies

The Site Allocations and Development Plan Policies Document (SADPD) is the second part of the council's Local Plan and it will contain more detailed development management policies as well as identifying additional sites to ensure that the overall development needs of the borough are met, as set out in the LPS. The application site would lie within the Open Countryside according to the Revised Publication Draft SADPD (September 2020).

### **Neighbourhood Plan**

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

The vast majority of the site is covered by the Shavington Neighbourhood Plan (SNP) which is at Regulation 18 stage and is given moderate weight.

The SNP identifies that the site would be within the open countryside. Policy HOU1 identifies that only development, which is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions may be made for affordable housing in accordance with the criteria contained within Policy SC6.

The SNP has been subject to examination and the examiners report suggests changes to the opening sentence of Policy HOU1 and paragraphs 8.7 and 8.8 of the justification. Paragraph 8.8 would be amended to refer to two supporting documents of the documents of the SADPD and that the reports make it clear that no further sites need to be allocated for housing at Shavington in the emerging SADPD.

Hough is covered by the Wybunbury Ward Combined Parishes Neighbourhood Plan (WCPNP) and is made. Policy H1 of the WCPNP states that in order to meet local needs and to remain on a scale appropriate to the rural character of the plan area, well-designed small-scale housing which is accessible to services will be supported provided;

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

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

In this case the relevant policies of the WCPNP are noted. However, the site only involves very small parts of the application site.

### **Housing Land Supply**

The Cheshire East Local Plan Strategy was adopted on the 27<sup>th</sup> 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 7<sup>th</sup> 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 2020 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the and this confirms a Cheshire East Housing Delivery Test Result of 278%. Housing delivery over the past three years (8,421 dwellings) has exceeded the number of homes required (3,030). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

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

### **Affordable Housing**

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

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

In this case the application is for 40 units and as such it would exceed the number allowed under Policy SC6 by a significant margin (SC6 allows for small schemes of 10 dwellings or fewer). Also, it is important to note that the application does not include an up-to-date Housing Needs Survey to identify if there is a need within the Parish. It is also worth noting that there have been a significant number of approvals within Shavington which provide affordable housing. As a result, the proposed development is contrary to Policy SC6 of the CELPS.

Affordable housing delivery at the 31 March 2020 is now 4,247 dwellings. This is equivalent to an annual average of 425 dwellings per annum, comfortably exceeding the requirement of 355 affordable homes established by the CELPS. Accordingly, there is satisfactory delivery of affordable housing at the borough wide level. It should be noted that the CELPS affordable housing need of 7,100 new homes over the plan period is not disaggregated at the settlement level.

The Strategic Housing Officer has stated that he has no objection to the tenure mix its location and type of housing proposed. However, this does not negate the requirements of Policy SC6 in terms

of the requirement for an up-to-date Housing Need Survey and that the proposed development exceeds the threshold of 10 units.

The provision of affordable housing is a benefit. However as Cheshire East is meeting and exceeding the Borough targets and the applicant has not provided any information on local need then this carries less weight.

### **Highways Implications**

This application resembles application 13/4675N which was for a slightly higher number of units on this site (47 in comparison to the 40 now proposed). Application 13/4675N was approved in 2014 and was not objected to by the Head of Strategic Infrastructure or refused on highways grounds.

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

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

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

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

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

### **Amenity**

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

The proposed site plan shows that from the front elevation of the proposed dwellings to the front elevation of the existing dwellings which front onto Newcastle Road there would be a separation distance of 26-37 metres. This distance exceeds the separation distance of 21 metres between

principle elevation as set out in the SPD on Development on Backland and Gardens. The impact upon the properties which front Newcastle Road is therefore considered to be acceptable.

To the west of the site is a detached dwelling known as 396 Crewe Road. The layout shows that the nearest property on the application site would be the two-storey apartments. The apartments would have just 1 first floor bathroom window to the side elevation facing 396 Crewe Road with a separation distance of 10 metres. This relationship between side elevations is acceptable.

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

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

### Noise

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

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

The mitigation measures proposed are as follows;

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

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

### Contaminated Land

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

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

A Phase II ground investigation report has been submitted in support of the planning application. This investigation was designed to supplement the previous ground investigation reports undertaken on the site to address previous comments made by the Councils Environmental Health Officer (EHO). This report is generally satisfactory according to the EHO. However, there are

some minor comments which should be addressed prior to developing a remedial strategy for the site and these matters could be controlled through the imposition of planning conditions.

### Air Quality

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

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

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

### **Trees and Hedgerows**

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

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

The proposed development has similar tree/hedgerow implications to application 18/5798N. The Councils Tree Officer has advised that in the event of approval a revised Arboricultural method Statement, revised tree protection plan and revised tree works schedule would need to be secured by condition to reflect the final layout.

### **Landscape**

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

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

The layout plan shows a linear strip of proposed landscaping adjacent to the south western boundary is to be open space acting a buffer with adjacent fields. In places this strip is relatively narrow (south of plots 13 and 14 in particular). It is not clear if this intended to be public or private open space. This is a minor weakness in the design of the scheme.

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

The landscape scheme is generally considered to be acceptable.

## **Design**

The number of dwellings has been reduced from 44 to 40 since the previous refusal on this site. However, the layout is very similar to that which was previously refused on design grounds.

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

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

This is supported by the Cheshire East Design Guide SPD and Policies SE1, SD1 and AD2 of the CELPS.

### Outline approval (Number of Dwellings/Density)

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

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

### Connections

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

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

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

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



#### Facilities and services

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

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

#### Public transport

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

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

#### Meeting local housing requirements

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

The development would provide 100% affordable housing provision.

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

- 8 x one bed units
- 2 x two bed units
- 19 x three bed units
- 11 x four bed units

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

#### Character

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

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

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

The dwellings opposite the site front onto Newcastle Road and projecting bay windows (single storey), projecting gables, brick banding, pitched roofs, header and sill details and a mix of materials (red brick and render).

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

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

#### Working with the site and its context

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

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

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

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

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

#### Creating well defined streets and spaces

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

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

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

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

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

As noted within the landscape section of the report above a linear strip of proposed landscaping adjacent to the south western boundary is to be open space acting a buffer with adjacent fields. In places this strip is relatively narrow (south of plots 13 and 14 in particular). It is not clear if this intended to be public or private open space. This is a minor weakness in the design of the scheme.

#### Easy to find your way around

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

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

#### Streets for all

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

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

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

#### Car parking

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

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

#### Public and private spaces

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

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

#### External storage and amenity space

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

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

### Design Conclusion

In its present form, the development could not be supported in design terms for the reasons set out above. The proposal would not accord with CELPS policies SE1, SD1 or SD2 nor would it accord with the NPPF in relation to design quality and the requirements of the CEC Design Guide.

## **Ecology**

### Statutory Designated Sites

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

### Great Crested Newts

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

### Hedgerows

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

### Reptiles

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

### Bats

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the buildings proposed for demolition during surveys undertaken in 2018. Further surveys undertaken in 2020 have confirmed that there remains a similar, but slightly increased, level of bat roosting activity occurring on site.

The 2020 surveys were undertaken late in the season, but the usage of the building by bats is likely to be limited to small numbers of animals using the buildings for relatively short periods of

time and there is no evidence to suggest a significant maternity roost is present. The loss of the roosts associated with the buildings on this site, in the absence of mitigation, is likely to have a low impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

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

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

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

(b) no satisfactory alternative and

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

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

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

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

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

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

In terms of the Habitat Directive tests;

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

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

### Nesting Birds

A standard condition could be imposed to safeguard breeding birds as part of this proposed development.

### 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 his policy.

A planning condition could be imposed to secure a scheme of ecological enhancements.

### **Public Open Space**

This application for up to 40 dwellings should provide 40m<sup>2</sup> per dwelling combined amenity green space and children's play space in line with Policy SE6, there is also a requirement for allotment provision of 5m<sup>2</sup> per dwelling and 20m<sup>2</sup> for green infrastructure/connectivity.

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

Since the previous refusal the SNP has advanced and has now been through examination and can be given a moderate amount of weight. Policy COM3 requires that all development must at comply with the CELPS requirements for open space. The justification to Policy COM3 then goes onto identify that there is a shortage of certain types on open space within the Parish. Subject to a minor change in the wording of this COM3 this was policy has been accepted by the Neighbourhood Plan Examiner.

As there is a shortfall within this site. This issue will now form a reason for refusal given the additional weight which is applied to the SNP Policy.

The POS Officer has stated that if the application is deemed acceptable then a contribution of £3,000 will be required per family dwelling and this could be used to increase capacity and accessibility at the Wessex Close Play Area. The applicant has disputed this figure and it is considered that a reasonable approach would be to require a contribution of £25,000 as per the previous approval as part of application 13/4675N.

Contributions would be required to secure off-site improvements towards allotment and outdoor sports facilities within the Parish.

## **Education**

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

In order to mitigate the impact upon local secondary schools a contribution of £98,056 has been requested. This will be secured as part of a S106 Agreement.

## **Health Infrastructure**

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

In order to mitigate the impact at Rope Green Medical Centre the NHS have requested the provision of a commuted sum of £36,900. This sum will need to be secured as part of a S106 Agreement.

## **PROW**

There are no PROW affected by this proposed development.

## **Flood Risk and Drainage**

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

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

## **CIL Regulations**

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

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

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

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

The development would not provide the required level of Public Open Space/allotment provision on this development in accordance with Policy SE6. On this basis and to mitigate the impact of the development a contribution is required. This is necessary and fair and reasonable in relation to the development.

The development would result in increased demand for outdoor sports provision in Shavington. In order to increase capacity in line with the Playing Pitch Strategy an off-site contribution would be required. This is necessary and fair and reasonable in relation to the development.

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

## **PLANNING BALANCE**

The application site is located within the open countryside as defined by the adopted Development Plan (the CELPS and the C&NLP). The proposed development would be contrary to these policies and would result in the loss of open countryside.

Policies PG6 and SC6 identify that affordable housing will be permitted as an exception to other policies relating to the countryside to meet locally identified affordable need. However, no up-to-date Housing Need Survey has been undertaken in support of this application and the development exceeds the threshold of 10 dwellings identified within Policy SC6. The proposed development would not comply with Policies PG6 and SC6. The provision of affordable housing is a benefit. However as Cheshire East is meeting and exceeding the Borough targets and the applicant has not provided any information on local need then this carries less weight.

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

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

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

With regard to ecological impacts, the impact is neutral as mitigation would be secured there would neutral impact upon hedgerows, Great Crested Newts, reptiles and nesting birds. However, the proposed development would result in the loss of a bat roost and have a low impact upon the conservation status of this species. The proposed development fails two of the tests contained within the Habitats Directive and as a result would also be contrary to Policies NE.9 of the C&NLP and SE 3 of the CELPS.



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

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

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

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

In conclusion the provision of 100% affordable housing is given some weight. However, it is not considered that this would outweigh the harm to the open countryside, the lack of open space and the unacceptable design of the proposed development.

## **RECOMMENDATION**

### **REFUSE for the following reasons;**

**1. The application site is located within the Open Countryside and outside of the Shavington Settlement Boundary. The application is not supported by an up-to-date Housing Needs Survey to identify the need within this Parish. Furthermore, a development of 44 affordable units would exceed the threshold criteria of 10 units identified by Policy SC6. The proposed development would cause harm to the open countryside and be contrary to Policy SC6 and PG6 of the Cheshire East Local Plan Strategy, Policy HOU1 of the Shavington Neighbourhood Plan and the NPPF.**

**2. There is a minor roost of Bats within one of the buildings to be demolished as part of this proposed development and this proposed development would result in a Low Level adverse impact on this species as a result of the loss of the roost and the risk of any bats present on site being killed or injured during the construction process. The proposed development fails two of the tests contained within the Habitats Directive and as a result would also be contrary to Policies NE.9 of the Crewe and Nantwich Replacement Local Plan 2011 and SE 3 of the Cheshire East Local Plan Strategy and guidance contained within the NPPF.**

**3. The design and layout of the proposed development is considered to be poor and fails to take the opportunities available for improving the character and quality of the area. As a result, the proposal would not make a positive contribution to the area and would be contrary to Policy SE1 of the CELPS, The Cheshire East Design Guide and Policy HOU4 of the Shavington Neighbourhood Plan and the requirements of the NPPF.**

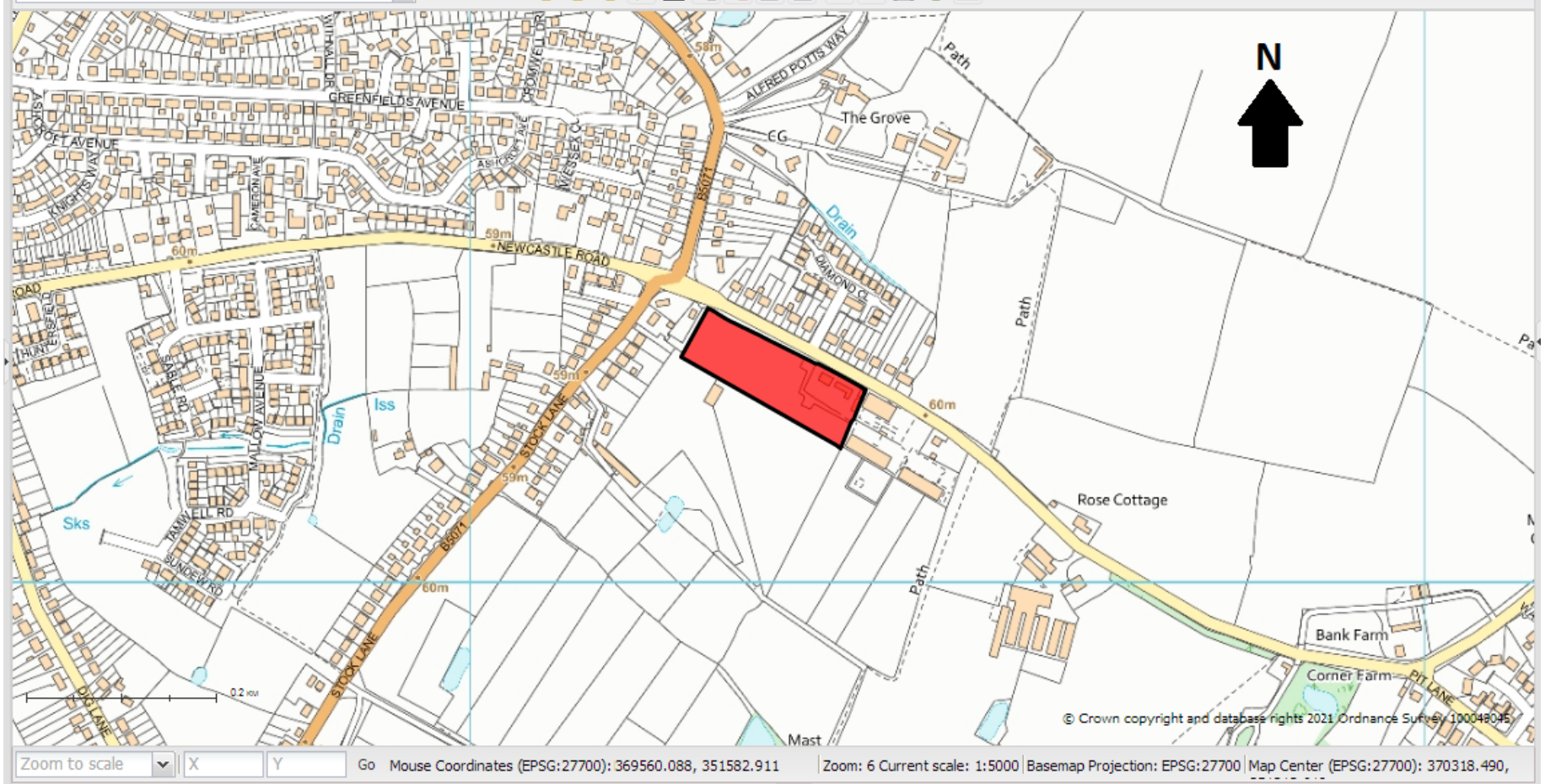
**4. The proposed development would not provide any public open space and there is a shortfall of provision within the Parish of Shavington. Therefore, the proposed development does not represent a sustainable form of development and is contrary to**

**Policies SE6 of the Cheshire East Local Plan Strategy and COM3 of the Shavington Neighbourhood Plan and the NPPF.**

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

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

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	100% affordable housing	In accordance with details to be submitted and approved.
<b>Health</b>	£36,900	To be paid prior to first occupation of the development.
<b>Education Contribution</b>	£98,056 towards secondary education	To be paid prior to the first occupation of the 10 <sup>th</sup> dwelling.
<b>Open Space Contribution – Improvements to children's play area at Wessex Close</b>	£25,000	To be paid prior to the first occupation of the 20 <sup>th</sup> dwelling.
<b>Allotment Contribution</b>	£230.70 per dwelling	To be paid prior to the first occupation of the 20 <sup>th</sup> dwelling.
<b>Outdoor Sports Contribution</b>	£1,000 per family dwelling and £500 per two bed dwelling	To be paid prior to the first occupation of the 20 <sup>th</sup> dwelling.



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Application No: 20/2857C

Location: Land north of 24, LITTLE MOSS LANE, SCHOLAR GREEN

Proposal: Proposed erection of three detached bungalows and garages.

Applicant: Powell Family

Expiry Date: 08-Feb-2021

## **SUMMARY**

The site lies within the settlement zone line for Scholar Green and the principle of residential development on the site is acceptable. The developments accords with Policies PG2 and SE2 of the CELPS and Policy PS5 of the CLP.

The site is sustainably located and is in easy walking distance of the services and facilities within the Scholar Green. The development complies with Policies SD1 and SD2 of the CELPS.

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, and there would be limited conflict with the SPG but compliance with the later CEC Design Guide.

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 TRA-1 and TRA-2 of the ORNP.

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.

The development would have a very limited impact upon the historic hedgerow through the new access points and the visibility splays. However, the hedgerow would largely be retained along its existing line, and the limited harm would be outweighed by the benefits of the proposed development. The development complies with Policy SE5 of the CELPS and ENV-5 of the ORNP.

The design has addressed the concerns raised within the previous appeal decision and is considered to be acceptable and complies with Policy SE1 of the CELPS and the CEC Design Guide.

The impact upon the setting of the heritage assets (the Canal Conservation Area and the Listed Milepost) is considered to be acceptable and the development would not cause harm to either. The proposed development complies with Policy SE7 of the CELPS, policies BH4 and BH9 of the CLP and the NPPF.

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

## **RECOMMENDATION**

**APPROVE subject to the imposition of planning conditions**

## REASON FOR REFERRAL

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

- *SE5 Trees Hedgerows and Woodland; the boundary hedge on Little Moss Lane has a 30 years protection order implemented in 2001. It is deemed "important" under Hedgerow Regulations 1997.*
- *Planning History of refusal. Two bungalows refused in March 2000 due to;*
  - *adverse visual relationship to the Conservation Area.*
  - *change from grass field to residential buildings would be materially harmful to the area's character.*
  - *the bungalows would radically transform the appearance of the site.*
  - *recognition there is no automatic acceptance of development within this Settlement Zone.*
- *PS8 /PPG2 Ensure any infill does not have an adverse effect on the character of the village concerned.*
- *GR6 Amenity/Health;*
  - *no footpaths, no safe walking route to amenities as per CE policy to promote walking and cycling.*
  - *poor bus links with Congleton and Alsager*
- *NR3 Habitats; the field houses badgers and is home to bats and owls and multiple other species.*

## PROPOSAL

Full planning permission is sought to erect three bungalows each with a detached garage. The proposed bungalows would be accessed off Little Moss Lane and each would have its own driveway.

The three bungalows are of slightly different designs but each includes three bedrooms.

## SITE DESCRIPTION

The application site is roughly triangular in shape and located to the eastern side of Little Moss Lane. A native hedgerow forms the boundary to Little Moss Lane with a taller hedgerow to the eastern boundary.

To the east of the site is the Macclesfield Canal Conservation Area. The Canal is set at a much lower level to the application site. Beyond the eastern boundary of the site and within the Conservation Area is a Canal Milepost which is a Grade II Listed Structure.

The canal towpath beyond the eastern boundary is a public footpath (Odd Rode FP57).

The site is surrounded by residential properties to the south and west. These properties are of varied styles and heights.

The site is located within settlement zone line of a village which is inset in the Green Belt

## RELEVANT HISTORY

11/0106C – Erection of three family homes – Refused 1<sup>st</sup> March 2011 – Appeal Lodged – Appeal Dismissed 16<sup>th</sup> November 2011. Reasons of Refusal as follows;

*1. The proposal represents an intrusive form of development on this Greenfield site. The height, scale, form, bulk, and massing of the proposed development would introduce an alien and suburban form of development that would unacceptably harm the rural character and visual amenities of the area. The proposal is thereby contrary to policies PS5, H5, GR1 and GR2 of the adopted Congleton Borough Local Plan First Review as well as guidance contained within PPS1 and PPS3.*

*2. The proposed development by virtue of its size, form, siting and design would have an unacceptable impact on views into and out of the adjacent Macclesfield Canal Conservation Area. The proposal would neither preserve nor enhance the character or appearance of the Conservation Area and is therefore contrary to Policy BH9 of the adopted Congleton Borough Local Plan First review (2005).*

*3. The proposed development would fail to provide any affordable housing, of which 1 unit (or equivalent contribution in lieu) would be required. As such, the proposal is contrary to the Council's 'Interim Planning Statement on Affordable Housing' and as such is also at variance with Policy H13 of the adopted Congleton Borough Local Plan First Review (2005).*

09/2282C – Proposed residential development of two-storey dwellings – Withdrawn 21<sup>st</sup> September 2009

31297/1 – Construction of two detached bungalows with garages – Refused 27<sup>th</sup> September 1999 – Appeal Lodged – Appeal Dismissed 27<sup>th</sup> March 2000. Reason for Refusal as follows;

*1. In the opinion of the Local Planning Authority, residential development on this site would not comply with the requirements of Policies PS8 and H10 of the Congleton Local Plan which require development to be sympathetic to the existing character of the area, and also the proposal would have detrimental effects on the appearance and character of the adjoining Macclesfield Canal Conservation Area contrary to the requirements of Policy ECA16 of the Local Plan.*

30736/1 – Erection of up to 4 private residential dwellings (houses/bungalows) – Refused 12<sup>th</sup> April 1999. Reason for Refusal as follows;

*1. In the opinion of the Local Planning Authority, residential development on this site would not comply with the requirements of Policies PS8 and H10 of the Congleton Local Plan which require development to be sympathetic to the existing character of the area, and also the proposal would have detrimental effects on the appearance and character of the adjoining Macclesfield Canal Conservation Area contrary to the requirements of Policy ECA16 of the Local Plan.*

## **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:

PS5 Villages in the Open Countryside and Inset in the Green Belt  
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  
BH4 Listed Buildings – Effect of Proposals  
BH9 Conservation Areas  
NR3 Habitats  
NR5 Habitats

### **Neighbourhood Plan**

The Odd Rode Neighbourhood Plan (ORNP) is at Regulation 14 stage and can be given limited weight.

HOU-1 Design  
HOU-2 Type and Mix of Houses  
HOU-3 Location of Housing Development  
ENV-1 Landscape Character and Setting  
ENV-2 Views  
ENV-3 Biodiversity Net Gain

ENV-5 Trees and Hedgerows  
HER-1 Designated Heritage Assets  
HER-2 Non-Designated Built Heritage Assets  
HER-3 Canals  
TRA-1 Sustainable Transport  
TRA-2 Parking  
TRA-3 Footpaths and Bridleways  
TRA-5 Surface Water Management

### **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

193 - 202 Conserving and Enhancing the Historic Environment

### **Other Considerations**

Cheshire East Design Guide

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2017

Odd Rode Parish – Design Statement

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

**United Utilities:** Drainage conditions suggested.

**Canal & River Trust:** The proposed development could result in adverse loading upon the cutting slope which could increase the risks of land instability and movement towards the canal. In order to mitigate this risk it is essential that the method of construction and associated foundations take account of the risk. The C&RT request that supporting information is provided prior to the commencement of the development to demonstrate that the works will not result in an increased risk of land instability. The C&RT suggest a condition relating to this issue.

Conditions suggested relating to a Construction Management Plan and surface water drainage.

The Canal forms part of the wider Macclesfield Canal Conservation Area. Due to the presence of an existing hedgerow between the site and the canal the direct impact upon the setting of the canal should not be significant. A condition should secure the retention of the existing hedgerow.

An informative is suggested relating to the C&RT Code of Practice for Third Party Works.

**United Utilities:** Drainage conditions suggested.

**Head of Strategic Infrastructure:** No objection subject to the imposition of an informative.

**CEC Flood Risk:** No objection subject to the imposition of a planning condition.

**CEC Environmental Health:** Conditions suggested relating to noise mitigation measures, Dust Management Plan, Electric Vehicle Charging Points, and contaminated land.

## **VIEWS OF THE PARISH COUNCIL**

**Odd Rode Parish Council:** Object to this application on the following grounds;

- The proposals are more in keeping with the local character than the previous refusal in 2011. However, the proposal will still negatively impact upon views to and from the Canal Conservation Area.
- There have been three previous refusals on this site
- Although the height has been reduced the linear footprint of the dwellings has increased when viewed from the Conservation Area.
- Whilst height was an aggravating factor in the 2011 refusal it was not the sole aspect out of scale. The number of dwellings and the spread also contributed to the detrimental impact.
- Two detached dwellings were refused in 1999 therefore three detached bungalows would have a detrimental impact.
- The proposed dwellings would be visible from both the Canal and the Canal Bridge. This was acknowledged within the Conservation Officer and Forestry/Landscape comments in 2011.
- The Inspector also noted the importance of the view from the bridge and the inadequacy of the hedge for screening.
- The Delegated Report in 2011 accepted that the view from the bridge will be compromised by dwellings on the site.
- The loss of open land will be intrusive within the Conservation Area.
- The hedges on both sides of the development are important. If permission is granted the hedgerows will be exempt from the protection of the Hedgerow Regulations 1997 as they will form part of the residential curtilages. It would be detrimental to the rural nature of the street scene if three sections of hedgerow were lost to form the access points and visibility splays
- The highway at this point is not suitable for the extra traffic that will be generated by the development (especially when the application for two dwellings to the north of this site is considered – 20/2039C). Little Moss Lane at this point is narrow, has no footway and regularly floods. It is not possible to turn a vehicle in this lane and the width is reduced further by parked cars.

## **OTHER REPRESENTATIONS**

Letters of objection have been received from 16 local households raising the following points;

### Principle Issues

- There has been a dramatic increase in the number of houses in Scholar Green
- Three new houses would spoil the peaceful charm of the area
- No need for further houses
- There have been a number of previous refusals on this site – 30736/1, 31297/1 and 11/0106C
- With the development of Phase 2 (39 houses) the development will result in the loss of the only remaining area of open space to the western side of the canal from Portland Drive
- The development does not constitute infilling or rounding off
- Previous refusals are still valid
- Scholar Green is no longer a village and has become a small town
- The housing being built is not affordable

- The application is for monetary gain
- This is the only parcel on undeveloped land off Little Moss Lane
- Inaccuracies contained within the planning application
- The only other approved developments along Little Moss Lane have been replacement dwellings
- The site borders the Green Belt and was never designated for housing
- Development of the site has been rejected twice on previous appeals
- Cheshire East now has a 7 year supply of housing
- The development is contrary to the Local Plan

### Highways Issues

- Little Moss Lane is a narrow non-through road
- Safety issues for pedestrians including children walking to school and elderly residents
- Parked vehicles represent a hazard to pedestrians and delivery vehicles
- Little Moss Lane is only suitable for single file traffic.
- There are existing difficulties with delivery vehicles
- Difficulty exiting driveways opposite due to the narrow nature of Little Moss Lane
- Little Moss Lane is well used by ramblers
- The application does not consider the additional parking requirements for larger families
- Traffic problems in Scholar Green if there is an accident on the M6
- There have been two serious accidents along Little Moss Lane
- Concern over access for emergency vehicles
- More driveways will result in an increased risk of accidents
- Farm vehicles already have difficulty accessing Little Moss Lane due to parked cars
- Insufficient parking provision as part of the proposed development
- There is limited public transport within Scholar Green
- It is difficult to take a caravan along Little Moss Lane
- It is difficult for delivery vehicles to access the site

### Infrastructure

- The Primary School fails to cope with the amount of children at present

### Amenity

- The cross-section plan is misleading. The actual land level of the site is actually higher than the dwellings opposite
- Loss of light
- Loss of privacy
- The dwellings opposite are a metre lower than the application site
- Light pollution caused by the proposed development
- Concern over the height of the bungalows
- A Construction Management Plan should be secured if approved

### Green Issues

- Impact upon wildlife
- Protected species are present on the site – Barn Owls, Bats and amphibians
- The hedges on the site are protected
- The hedgerow to Little Moss Lane was replanted after a Hedgerow Replacement Order was issued in 2001. The hedgerow would automatically be classed as important after 30 years and a protection order should remain in place for 30 years

- The hedgerow to the canal would be drastically cut down in height by the occupants of the dwellings which would open up views of the Conservation Area and make the site more visible
- The hedgerow to the canal is deciduous and the site will be more visible in winter
- The boundary hedgerows form part of the attractive countryside setting of this part of Scholar Green
- An important hedgerow can only be removed in exceptional circumstances
- Odd Rode Conservation Strategy seeks to preserve hedgerows
- The application is contrary to the CEC Environment Strategy
- The Macclesfield Canal acts as a wildlife corridor
- Green spaces such as these have become invaluable during lockdown

### Design Issues

- The proposed development would adversely affect the character and appearance of the area and harm views in and out of the Conservation Area
- The levels and slopes on the site are actually steeper than shown on the submitted drawings
- The Macclesfield Canal Society have objected to this application
- Application 11/0106C was refused due to the detriment to the character of the area
- The design of the dwellings are identical and lacklustre and do not match the individuality of the existing properties along Little Moss Lane
- Loss of views from Little Moss Lane towards Mow Cop

### Other Issues

- Risk to the historic Canal Bridge is used by heavy goods vehicles
- During heavy rain Little Moss Lane floods in places
- More housing will impact upon existing drainage problems
- Loss of view
- Lack of environmental credibility such as rainwater harvesting or heat pumps
- Concern over the safety of the development due to the impact upon the Canal Bank
- Impact upon the mental well-being of residents
- Potential for a landslide from the site towards the canal (there was a landslide further up the canal)
- Concern over surface water run-off
- Lack of consultation

A letter has been received from Fiona Bruce MP including a copy of one of her constituents. The letter asks that the concerns raised by the resident are recorded (this has been done and the comments are listed above).

An objection has been received from the Macclesfield Canal Society raising the following points;

- The proposed development would extend the urban sprawl of Scholar Green and would affect the amenity value of the Canal and its towpath
- At present users of the Canal can enjoy the peaceful ambience of the canal
- The future dwellings would overlook the canal and this is likely to be detrimental to the enjoyment of the canal by its users
- The hedgerow to the boundary with the canal could be compromised
- The proposed development would ruin the amenity value of the canal at this point
- It is requested that the application is rejected on grounds that it severely undermines the value of the Canal Conservation Area

## APPRAISAL

### Principle of Development

The application site is located within the settlement zone line for Scholar Green which is a village settlement inset within the Green Belt. Policy PS5 of the CLP states that within these areas, development will only be permitted where it is appropriate to the local character in terms of use, intensity, scale and appearance whilst not conflicting with other relevant development plan policies. The justification to Policy PS5 then goes on to state that *'the boundaries of the Settlement Zone Lines around these villages have been drawn to accommodate future growth and also to protect the surrounding countryside from further encroachment'*.

Within the CELPS Scholar Green falls within the category 'Other Settlement and Rural Area'. Policy PG2 states that within the other settlements growth 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'*.

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 HOU-3 of the ORNP states that new infill development will be supported within the Scholar Green infill boundary as defined in the SADPD (the site is within the infill boundary line of the SADPD).

The principle of residential development on this site in the settlement zone line is therefore considered to be acceptable. This is consistent with the comments made by the Inspector as part of the previous appeal for application 11/0106C where she stated at paragraph 14 that *'being within an identified settlement zone the site is suitable in principle for residential development'*.

### 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 within walking/cycling distance of a number of facilities such as a shop, public houses, medical centre, primary school, bus stops, hairdressers, village hall and church.

There is a greater range of facilities available within the adjacent settlement of Kidsgrove. The site is considered to be sustainably located and complies with Policies SD1 and SD2 of the CELPS.

### **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.

### **Affordable Housing**

Policy SC5 requires that developments with a floor space of more than 1,000sqm should provide at least 30% of all units as affordable dwellings. This development would fall below that threshold and there is no requirement for affordable housing as part of this application.

### **Highways Implications**

The proposed dwellings would each have a driveway off Little Moss Lane. The submitted plans show that visibility splays of 2m x 20m would be provided for each access point. The highways Officer has confirmed that the visibility splays are acceptable and would provide a safe and suitable access for each of the dwellings.

Comments have been received regarding the suitability of Little Moss Lane for additional vehicle movements. However, the additional movements as a result of the development will be minimal and Little Moss Lane received no through traffic. It is also worth noting that the previous applications have not been refused on highways grounds.

The CEC parking standards require a parking provision of 2 spaces per dwelling. Off-road parking provision exceeds CEC standards and the turning areas are sufficient with an acceptable width.

Details of secure cycle parking for each dwelling will be controlled through the imposition of a planning condition.

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 TRA-1 and TRA-2 of the ORNP.

### **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)

The main impact is upon the dwellings to the opposite side of Little Moss Lane. The submitted plan shows that the development would have the following separation distance;

- Plot 1 – 22m to the front elevation of 21 Little Moss Lane and 21m to the front elevation of 23 Little Moss Lane.
- Plot 2 – 19m to the nearest point of 25 Little Moss Lane
- Plot 3 – 26m to the nearest point of 27/29 Little Moss Lane

The separation distances largely meet the required standards with the minor exception being No 25 Little Moss Lane, although the separation distance falls below the standard within the SPG it does meet the requirements of the CEC Design Guide. It is also worth noting that the proposed development is for single storey dwellings, and there would be no privacy impact from first floor. In such circumstances the lower separation distance is acceptable.

As part of the previous appeal decision (11/0106C) for two-storey dwellings (which met the required spacing standards) the Inspector stated at paragraph 7 that;

*'During my site visit, however, I saw that they would be clearly visible from the gardens and front rooms of some of the houses opposite. In particular No. 27 relies on the front aspect for its outlook. Whilst the outlook from these dwellings would alter and the existing views to the surrounding countryside would be impeded I do not consider this a reason in itself for refusal'*

The same statement is considered to apply to this current proposal.

To the south of the site 24a Little Moss Lane has a blank side elevation and a detached garage to the boundary with the site. The relationship to this dwelling is considered to be acceptable.

With regards to private amenity space, the minimum recommended standard detailed within SPG is 65 square metres. The proposed private garden spaces are commensurate with the size of the dwellings as proposed and meet the requirements of the SPG.

### **Noise**

A railway line lies to the east of the site to the opposite side of the Macclesfield Canal. An Acoustic Report has been submitted in support of this application. The Acoustic Report has been assessed by the Councils Environmental Health Team who have raised no objection subject to the imposition of a planning condition to secure double glazing and trickle vents.

### **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.



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 issue of contaminated land could be dealt resolved through the imposition of planning conditions.

### **Trees and Hedgerows**

The only trees affected by this application are to the northern end of the site and they appear to be sited on land to the east of the site. These trees are unaffected by the development.

The site is enclosed by hedgerows and these form prominent features to the boundary with Little Moss Lane and the Canal Conservation Area.

The hedgerow to the Little Moss Lane frontage was the subject of an appeal dated 5<sup>th</sup> November 2001 following the issue of a Hedgerow Replacement Notice by the former Congleton Borough Council. A letter from the former Congleton Borough Council dated 13<sup>th</sup> June 2001 provided by one objector states that the replacement hedgerow will *'automatically qualify as 'important' under the Hedgerow Regulations 1997 for a period of 30 years following its planting. This means that the removal of the hedgerow would only be considered for exceptional reasons, such as public safety'*.

In this case Policy NR3 of the CLP states that proposals that would result in the loss or damage of important hedgerows will only be allowed if there are overriding reasons for allowing the development, and the likely effects can be mitigated or the habitat successfully recreated or there are no suitable alternatives.

Policy SE5 of the CELPS states that development which would result in the loss of, or threat to the continued health and life expectancy of hedgerows will not normally be permitted except where there are clear overriding reasons for allowing the development and no suitable alternatives.

In this case the Inspector who determined the appeal against application 11/0106C found that

*'I have noted the earlier decision and replacement notice for the hedgerow bordering Little Moss Lane, including the need for this to be protected for 30 years. The Council has not referred to these in its submissions and I have little information as to their implications. In any event the proposal would retain a substantial majority of the hedgerow'*

As part of this application the access points and visibility splays would result in some loss of hedgerow. However, a substantial majority of the hedgerow would be retained with some additional planting to maintain the width of the hedgerow where it would be reduced to provide visibility splays. The line of the historic hedgerow would be retained.

As a result, the harm through loss of an important hedgerow would be limited and any harm would be outweighed by the benefits of the proposed development. The proposed development complies with Policy SE5 of the CELPS and Policy ENV-5 of the ORNP.

## **Landscape**

There are no significant landscape issues. Details of boundary treatment and landscaping could be sought by condition.

## **Land Levels**

Finished floor levels of the proposed dwellings have been provided on the submitted plans. The plans show that the dwellings on plots 1 and 2 would be sited at a lower level than the existing site but would have a Finished Floor Level higher than Little Moss Lane (this is to address the risk of surface water flooding as discussed below).

The proposed levels would not cause any harm in terms of appearance or residential amenity and are acceptable.

## **Design**

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

*'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'*

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 and HOU-1 of the ORNP.

The Odd Rode Village Design Statement (ODVDS) is a material planning consideration; paragraph 3.2.11 that *'there is no coherence of building style and no vernacular. Preferred style has changed throughout time right up to current development preferences with a noticeable absence of the use of true contemporary style and technology'*. The ODVDS then gives the following building guidelines;

- Development is encourages on infill and brownfield sites. It must be well designed and of a scale comparable to the surroundings
- Where appropriate materials used should be in harmony with the traditional brick and roofing materials used in nearby existing structures
- Off street parking should be encouraged where possible, provided it does not detract from the character of the streetscape.

As explained elsewhere in this report this site has been the subject of two previous appeal decisions. This first following the refusal of application 31297/1 was in 2000 and this related to an outline application with all matters reserved for two bungalows. As part of this appeal decision the inspector stated that the 'change from a grass field to domesticated sites with residential buildings would in my view be materially harmful to the area's character' and the Inspector concluded that this would be contrary to Policy PS8 of the Congleton Local Plan 1998.

Over 20 years have now passed since the determination of this appeal and planning decisions are now made when considering proposals against different Development Plans and different National Planning Guidance. The weight to be attached to this previous appeal decision is therefore very limited.

The appeal decision following the refusal of application 11/0106C related to a full application for three two-storey dwellings, this decision was made under the current Congleton Local Plan but prior to the adoption of the CELPS and the NPPF. As part of her appeal decision the Inspector stated that the proposed dwellings;

*‘would be well spaced with the narrow tip of the site remaining undeveloped. Nevertheless, to my mind their large scale and eye-catching appearance would result in them being conspicuous, obtrusive elements in Little Moss Lane, uncharacteristic of its generally low-key character and the more modest dimensions and form of most of the existing dwellings. The proposed development would not, therefore, be appropriate to the local character in terms of its height, scale, appearance and visual relationship to the street scene, contrary to Local Plan Policies PS5, H5 and GR2’*

Consistent with the ORVDS there is no coherent building style or local vernacular along Little Moss Lane. The dwellings vary from detached-semidetached, single-storey to two-stories in height, some include dormers and the roof-styles vary from hipped to pitched. The material palette is also varied and includes red brick, buff brick, render, grey tiles and brown tiles.

The proposed dwellings would be bungalows and do not include any accommodation within the roof-space. The dwellings would each have a detached single garage to the side and there would be a gap 8-8.5m between the side elevations of the proposed dwellings. This spacing is greater than that to the opposite side of Little Moss Lane and in terms of the density the development would not appear out of character in this locality.

The proposed dwellings would have an eaves height of 2.7m and a ridge height of 6.3m, this compares to the scheme which was dismissed as part of application 11/0106C which had an eaves height varying from 4.8m-5.4m and a ridge height of 7.6m.

The detailed design of the dwellings includes features such as a projecting gable, bay-window, header and sill details and a covered entrance to the front doors. The dwellings would have simple pitched roofs. The design of the proposed bungalows is simple and uncluttered they would be appropriate to the local character along Little Moss Lane.

Since the previous appeal decision, the height of the development has been reduced and the dwellings would be adequately spaced along Little Moss Lane. The detailed design is relatively simple and would not detract from the local character. It is considered that the proposed development represents an acceptable design solution on this site and would not cause harm to the character and appearance of the area or the street-scene.

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

### **Built Heritage**

As stated above the site lies adjacent to the Macclesfield Canal Conservation Area and there is a listed structure (Canal Milepost) to the east of the site. Policy SE7 identifies that all new developments should *'seek to avoid harm to heritage assets and make a positive contribution to the character of Cheshire East's historic and built environment, including the setting of assets'*.

In accordance with the NPPF it is necessary to consider the level of harm to the heritage assets (if any).

As part of this appeal decision 31297/1 the inspector stated that *'I consider that the proposed buildings would impinge markedly on the canal environment'*, the inspector then concluded that the development would materially affect the setting of the Conservation Area causing harm to its character and appearance.

Following the refusal of application 11/0106C the Inspector stated that

*'The site's canal-side boundary is also screened by a well established and tall hedgerow. I saw at my visit, however, that there are clear views from the canal towpath into the site through the hedge. It is mainly deciduous and I consider it likely that the proposed dwellings would be considerably more visible during the later and early parts of the year when branches were bare of leaves. They would also be clearly seen from the bridge north of the site from where, by reason of their height, bulk and design, they would be unduly dominant, harmful elements in the outlook.'*

*'Whilst its proximity to the conservation area does not rule out development on the site, in this case I consider that the proposed dwellings' prominence in views would have a detrimental effect upon the appearance of the conservation area. The proposed development would, therefore, be contrary to Local Plan Policy BH9'*

The application site lies within an elevated position to the Canal and its towpath which are sited within a cutting to the eastern boundary of the site. When viewed from the canal towpath and the bridge over the canal the site largely screened by the existing vegetation and boundary hedgerow, however it is accepted that the site would be more visible in the winter months (it appears that the vegetation has matured since the earlier appeal decisions). There is also likely to be some maintenance of the hedgerow by future residents which would mean that the site would be more visible.

If the hedgerow was reduced in height or during winter months when viewed from the Canal Bridge then the existing side elevation of 24A Little Moss Lane would be visible as would the residential development to the opposite side of Little Moss Lane. The scale of the development being single-storey and lower than some of the adjacent dwellings would mean that the development would not be unduly dominant. The development would be seen in the context of the adjacent residential development.

From the canal towpath the level changes, boundary treatment, siting and single-storey nature of the development would again mean that the dwellings would not appear prominent when viewed from the Conservation Area and the Listed Milepost.

The applicant has taken on-board the comments from the previous inspector (for 11/0106C) and reduced the scale of the development whilst the detailed design is now simpler and would not appear over-bearing or cause harm to the setting of the Conservation Area of Listed Milepost. In

this case it is noted that both the Council Conservation Officer and the Canal & River Trust have considered the impact upon the Conservation Area and raised no objection to the application (although there is an objection from the Macclesfield Canal Society). This is subject to satisfactory materials being agreed and this can be controlled through the imposition of a planning condition.

The proposed development would not cause harm to the designated heritage assets and complies with policy SE7 of the CELPS, policies BH4 and BH9 of the CLP, policies HER-1 and HER-3 of the ORNP and the NPPF.

## **Ecology**

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of hedgerow to facilitate the proposed driveway access points. In the event that this loss is considered unavoidable the development proposals for the site must include compensatory planting to address that lost.

### Nesting birds

If planning consent is granted a condition could be imposed to safeguard nesting birds.

### Ecological enhancement

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3.

If planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

## **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. However, the representations received do identify that some surface water flooding occurs within the highway along Little Moss Lane. The revised plans show that the Finished Floor Levels (FFL) of the dwellings would be set at 128.90 AOD. These levels demonstrate that the levels are set above the existing Little Moss Lane ground levels, and as such this would address the risk of flooding for the proposed dwellings.

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.

## **Public Rights of Way**

The canal towpath beyond the eastern boundary is a public footpath (Odd Rode FP57). The development would not lead any obstruction or require any diversion of the PROW. The impact upon the PROW is considered to be acceptable.

### **Other Issues**

Concerns have been raised in terms of the impact of the construction traffic upon the canal bridge and the stability of the land to the Macclesfield Canal. The imposition of conditions would deal with these matters.

As stated within the design section the appeal decision as part of application 31297/1 is only given very limited weight. This decision was made against a previous Development Plan and National Planning Policy.

### **CONCLUSION**

The site lies within the settlement zone line for Scholar Green and the principle of residential development on the site is acceptable. The developments accords with Policies PG2 and SE2 of the CELPS and Policy PS5 of the CLP.

The site is sustainably located and is in easy walking distance of the services and facilities within the Scholar Green. The development complies with Policies SD1 and SD2 of the CELPS.

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, and there would be limited conflict with the SPG but compliance with the later CEC Design Guide.

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 TRA-1 and TRA-2 of the ORNP.

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.

The development would have a very limited impact upon the historic hedgerow through the new access points and the visibility splays. However, the hedgerow would largely be retained along its existing line, and the limited harm would be outweighed by the benefits of the proposed development. The development complies with Policy SE5 of the CELPS and ENV-5 of the ORNP.

The design has addressed the concerns raised within the previous appeal decision and is considered to be acceptable and complies with Policy SE1 of the CELPS and the CEC Design Guide.

The impact upon the setting of the heritage assets (the Canal Conservation Area and the Listed Milepost) is considered to be acceptable and the development would not cause harm to either. The proposed development complies with Policy SE7 of the CELPS, policies BH4 and BH9 of the CLP and the NPPF.

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

## **RECOMMENDATIONS**

**APPROVE with the following conditions;**

- 1. Standard time**
- 2. Approved Plans**
- 3. Breeding birds – timing of works**
- 4. Ecological Enhancement Strategy**
- 5. Tree/Hedgerow Protection to be submitted and approved**
- 6. Submission and approval of a drainage strategy**
- 7. Land levels in accordance with the approved plans**
- 8. Compliance with acoustic mitigation measures**
- 9. Electric Vehicle Charging points**
- 10. Details of any soils imported onto the site**
- 11. Works to stop if any unexpected contamination is discovered**
- 12. Boundary Treatment to be submitted and approved**
- 13. Landscape Scheme (including replacement hedgerow planting) to be submitted and approved**
- 14. Landscaping implementation**
- 15. Materials to be submitted**
- 16. Remove Permitted Development Rights – Extensions, Outbuildings and Roof Alterations**
- 17. Construction and Environment Management Plan to be submitted and approved**
- 18. Land Stability Assessment to be submitted and approved**
- 19. Retention of the existing hedgerows and removal of permitted developments to replace with walls or fences**
- 20. 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**

