

# Southern Planning Committee

## Agenda

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**Date:** Wednesday, 3rd March, 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:

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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 5 - 8)

To approve the minutes of the meeting held on 03 February 2021.

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. **20/1988N Corner of West Street & Vernon Way, Crewe, CW1 2NG** (Pages 9 - 22)

To consider the above application.

6. **20/2609N Land North Of, Access To Alvaston Business Park, Nantwich** (Pages 23 - 36)

To consider the above application.

7. **20/5236N Forget-Me-Not Fields, Adjacent To Old Puseydale, Main Road, Shavington, CW2 5DU** (Pages 37 - 52)

To consider the above application.

8. **20/4803N Former printworks site, Land at, Crewe Road, Haslington, CW1 5RT** (Pages 53 - 62)

To consider the above application.

9. **20/3090C United Utilities, Hassall Road, Alsager, ST7 2SJ** (Pages 63 - 70)

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, 3rd February, 2021 as a Virtual Meeting via Microsoft  
Teams

**PRESENT**

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

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

**Also Present**

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

**40 APOLOGIES FOR ABSENCE**

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

**41 DECLARATIONS OF INTEREST/PRE DETERMINATION**

Several Members of the Committee advised they had received an email from the  
agent in respect of item number five: 20/3436N 414 Newcastle Road,  
Shavington, CW2 5JF, but had not engaged with the agent in any way.

**42 MINUTES OF PREVIOUS MEETING**

RESOLVED: That the minutes of the virtual meeting held on 25 November 2020  
be approved as a correct and accurate record and signed by the Chairman.

**43 PUBLIC SPEAKING**

RESOLVED: That the public speaking procedure be noted.

**44 20/3436N 414 NEWCASTLE ROAD, SHAVINGTON, CW2 5JF**

Consideration was given to the above application.

(Councillor Janet Clowes, the adjacent Ward Councillor, 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 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 40 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 Page 33 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>
Affordable Housing	100% affordable housing	In accordance with details to be submitted and approved.
Health	£36,900	To be paid prior to first occupation of the development.

Education Contribution	£98,056 towards secondary education	To be paid prior to the first occupation of the 10 <sup>th</sup> dwelling.
Open Space Contribution – Improvements to children’s play area at Wessex Close	£25,000	To be paid prior to the first occupation of the 20 <sup>th</sup> dwelling.
Allotment Contribution	£230.70 per dwelling	To be paid prior to the first occupation of the 20 <sup>th</sup> dwelling.
Outdoor Sports Contribution	£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.

**45 20/2857C LITTLE MOSS LANE, SCHOLAR GREEN**

Consideration was given to the above application.

(Mr. Matthew Pardoe, 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 APPROVED for the following reasons:

Approve for the following reasons:

- 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.

The meeting commenced at 10.00 am and concluded at 11.34 am

Councillor J Wray (Chairman)

Application No: 20/1988N

Location: Corner of West Street & Vernon Way, Crewe, CW1 2NG

Proposal: Erect a single-storey fast food drive-thru building and other associated works, including internally illuminated advertisements,

Applicant: Sears, Real Estate Investors Plc

Expiry Date: 09-Jul-2020

### **SUMMARY**

Full planning permission is sought to erect a restaurant and drive-through sited within part of the existing private pay and display car park which is located off West Street on the northern side of the side of the town centre. The car park serves the Market Centre.

Part of the site is allocated for retail development within Crewe Town Centre and the principle of uses including restaurants with drive-through restaurants is therefore acceptable. The development accords with Policies EG.5 of the CELPS and Policy S.6.2 of the Crewe and Nantwich Local Plan.

The design of the proposals have been subject to significant revision during the course of the application to ensure an acceptable relationship with the Market Centre and is an appropriate design solution for this town centre site, in compliance with Policies SE1, SD1 and SD2 of the CELPS and the NPPF.

From the assessment of submitted highway data including the parking demand survey accompanying the application, together with the sustainability of this town centre location, the Highway Officer considers the proposed loss of parking spaces to be justified, access arrangement to be satisfactory and the impact upon the highway to be acceptable.

Taking into account the town centre location of these proposals, and also the objectives of the NPPF and Planning Practice Guidance, there is no planning policy basis or evidence based local planning guidance to warrant the refusal of this application on the grounds of public health.

The development is acceptable in terms of its impact upon the residential amenities of nearby dwellings air quality and trees surrounding the site.

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

### **RECOMMENDATION**

**APPROVE** subject to planning conditions

## REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Anthony Critchley for the following reasons;

*"I note comments from Crewe Town Council 'the building fails to meet requirement 'd' of LPS1 that buildings should be of high design quality. This is a prominent site and the building is highly visible from 3 sides. The building as a whole is a standard corporate design which pays no respect to local vernacular or heritage. It presents a particularly grim elevation to Vernon Way. The Town Council has no issue with corporate branding, but the building design and quality of material on this prominent corner site must be improved. ii. There is a complete absence of soft landscaping within the site. LPS1 'e' requires the provision of green infrastructure. Whilst the site is bounded on two sides by existing landscaping, additional planting, including trees, within the site is required to soften its appearance".*

*These reasons alone in my opinion should be scrutinised by Members of the Planning Committee and the opportunity for the applicant to answer any shortcomings with the application. Other comments made have been regarding the Public Health aspect of the application, in close proximity to an education facility. Whilst I appreciate there has to be an element of personal responsibility, there are grave concerns from members of the public, citing similar planning applications from other Authorities as precedent to reject "Many authorities have blocked similar proposals, including Halifax Derbyshire, Palmers Green and Wallington on traffic grounds, and the High Court intervened in Tower Hamlets Newcastle and Somerset due to the proximity of a school. I hope that you will agree to the advice from Public Health England to oppose this application, please read it, part of it is worth quoting in full: "Both the built and natural environments can have an influence on our health".*

*Further comments passed to me have been regarding the economic and environmental impact of this outlet, should it go ahead. Raising questions of the footfall and the benefits of to the local economy, particularly Crewe Town Centre. One reservation I have in this respect is whether or not the jobs are properly paid (real living wage) with decent contracts. Local people are desperate for decent wage roles in the town*

*Regarding the environmental comments, I refer back to Crewe Town Council, who state "The existing landscaping on West Street and Vernon Way already traps substantial amounts of litter which is hard to remove. The plans propose only 2 litter bins within the red line area. More bins are required" This is absolutely the case and can hopefully be addressed. One local resident has stated that the location of the plans are unsuitable "The location in question is already gridlocked during rush hour and this would exacerbate it." Cheshire East Council has set out strong and ambitious environmental targets regarding decarbonisation and carbon neutrality, these should be taken into account when considering traffic, air pollution and stationary vehicles in this particular location ".*



## **PROPOSAL**

Full planning permission is sought to erect a restaurant and drive-through accommodated within a detached, single storey building. The existing vehicle access serving the Market Centre from West Street will be utilised and new/enhanced pedestrian accesses to the site provided.

The existing pay & display car park is to be remodelled and reduced from a total of 133 parking spaces to a capacity of 73 spaces. A drive-through lane is proposed around the proposed building.

The proposals have been revised during the course of the application. This includes changes to its siting and design and pedestrian access arrangements. In particular this includes changes to its detailed design of elevations and also the re-siting the restaurant unit to a position closer to the main pedestrian route which passes through the Market Centre between West Street and Victoria Street.

## **SITE DESCRIPTION**

The application site comprises part of the existing private pay and display car park which is located off West Street and on the northern side of the side of the town centre. The car park serves The Market Shopping Centre.

The site occupies a slightly elevated position on the corner of West Street and Vernon Way. A service yard and the side elevation of the Market Centre (Argos) lie adjacent to the southern site boundary.

## **RELEVANT HISTORY**

A series of applications relate to development at units of the Market Centre over the years but none are not relevant to the consideration of this application.

## **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  
SC1 - Leisure and Recreation  
SC3 – Health and Well-Being  
CO1 - Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE12 – Pollution, Land Contamination and Land Instability

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

The relevant Saved Policies are:

S.1 – New Retail Development in Town Centres

S.6.2 – The Market Centre Extension, Crewe

BE.1 – Amenity

BE.3 - Access & Parking

BE.4 – Drainage, Utilities and Resources

BE.6 – Development on Potentially Contaminated Land

TRAN.3 – Pedestrians

TRAN.5 – Provision for cyclists

## National Policy

The National Planning Policy Framework

Planning Practice Guidance

## CONSULTATIONS (External to Planning)

**United Utilities:** Drainage conditions suggested.

**Head of Strategic Infrastructure:** No objection subject to a condition requiring details covered cycle parking to be provided and approved.

**CEC Environmental Health:** No objection. Conditions recommended in relation to the provision of Vehicle Charging Points, Use of Ultra Low Emission Boilers and remediation of contaminated land.

## VIEWS OF THE TOWN COUNCIL

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

*Crewe Town Council welcomes the additional investment in the Town Centre, and the opportunity to create an interesting active frontage to this important site at the corner of two main routes through the town. However, the details submitted do not satisfy the site-specific principles set out in Policy LPS1 of the Local Plan Strategy, and as such the Town Council objects to the detail of the currently submitted plans for the following reasons:*

- i. The design of the building fails to meet requirement 'd' of LPS1 that buildings should be of high design quality. This is a prominent site and the building is highly visible from 3 sides. The building as a whole is a standard corporate design which pays no respect to local vernacular or heritage. It presents a particularly grim elevation to Vernon Way. The Town Council has no issue with corporate branding, but the building design and quality of material on this prominent corner site must be improved.*
- ii. There is a complete absence of soft landscaping within the site. LPS1 e requires the provision of green infrastructure. Whilst the site is bounded on two sides by existing landscaping, additional planting, including trees, within the site is required to soften its appearance.*
- iii. There are no obvious safe pedestrian or cycle linkages from the site, with its 68-cover restaurant to the rest of the Market Centre, or to West Street. The development therefore fails to comply with LPS1e and g. It is important that this development is integrated into the town centre, to support footfall in the town centre.*

*In addition to the concerns above, this type of development can unfortunately lead to increased litter in the surrounding areas. The existing landscaping on West Street and Vernon Way already traps substantial amounts of litter which is hard to remove. The plans propose only 2 litter bins within the red line area. More bins are required, and the applicant should be asked to submit a litter management plan to show how litter both on and off-site will be minimised. Contributions to replacement landscaping which is easier to manage would be welcomed.*

## **OTHER REPRESENTATIONS**

A total of 13 letters of objection have been received raising the following points;

- No need to build on car park and should occupy alternative premises within Crewe town centre

- Loss of convenient car parking within town centre and site can be put to better use

- Are the 75 spaces being lost here surplus to requirement or will additional car parking need to be provided within the town centre?

- Increase in traffic and highway safety risks

- Increase in traffic congestion in busy area of the town

- Surrounding area has already numerous takeaways and restaurants

Development will have an adverse impact on the health and wellbeing of the local population

- No need for another fast food outlet given high obesity rates in Crewe and promotion of healthy eating

- Fast food outlet undesirable within the town centre,

- Increase in litter

- Environmental impact resulting from production of Beef cattle products

- Use of petrol and diesel vehicles accessing development due to lack of infrastructure for electric cars will increase carbon dioxide emissions

- No tree planting to offset carbon footprint of the development or absorb fumes from vehicles

- No wildlife habitat

- Development will not benefit the local economy with any jobs created being low paid/part time

- Competition with other outlets which will ensure that units elsewhere (Market Hall or Royal Arcade redevelopment) remain empty

- Will not bring the footfall needed to regenerate the retail in the town centre

- Local Authorities elsewhere have blocked similar proposals elsewhere on traffic grounds and proximity to a school

- Close proximity to Crewe Engineering and Design UTC will render the school's healthy eating policy pointless

- Contrary to advice of Public Health England for authorities to tackle the growth of fast food outlets to ensure that children make healthier choices, whether on their way to and from school or out with friends.

Two representations have been received in support of the proposal;

- Would benefit the town in addition to delivery of proposed town centre redevelopment

A further representation has been received which neither objects or supports the application and raises the following points

- The application site is currently a surface car park, within the Crewe Settlement Boundary and would bring economic benefits to the area it is acceptable in principle.
- Although there are no standalone restaurants or drive through restaurants within the vicinity, the design is complementary to the existing shopping centre and a subordinate addition to the centre.
- Trees along West Street and Vernon Way are retained provide some screening along Vernon Way minimising the impact of illuminated signs on the street scene and highway safety.
- The development being a sufficient distance from the nearest residential properties (131-133 Market Street) to not cause a visual intrusion or environmental disturbance to the residents of this property.
- Crewe has three Air Quality Management Areas (AQMA) and a condition is recommended to ensure electric vehicle the infrastructure is provided and maintained. A scheme to mitigate any dust emissions should also be conditioned.
- Planning Practice Guidance relating to health and well being, requires that Local Planning Authorities have regard “to proximity to locations where children and young people congregate such as schools, community centres and playgrounds” The site is located close to Crewe Engineering & Design UTC and contrary to the Government Planning Practice guidance and is a reason for refusal.
- A cycle/pedestrian route should be provided between the shopping centre and the restaurant to allow for safe access for all users of the site. The number of cycle parking spaces should increase from 4 to 6 as per Cheshire East's Cycling Strategy (2017).
- Pedestrian/cycle link improvements including the provision of an off-road pedestrian/cycle path between Vernon Way and the proposed development, and between the Market Shopping Centre should be secured.
- Whilst siting away from the University Technical College would be preferred, the application has to be weighted in terms of design, amenity and highway concerns. Further information is required of measures the developer will implement to ensure the scheme complies with the Government Planning Guidance relating to health and well being.
- In terms of amenity the development would be contrary to Policy BE.1 of the Local Plan.
- The proposal would be acceptable in regard to design standards and highway safety and adhere with the relevant policies within the NPPF and Cheshire East Local Plan.

## **APPRAISAL**

### **Principle of Development**

The site is within the town centre boundary of Crewe, but outside of the boundary for the Central Crewe Strategic Location under Policy LPS1 as shown in Figure 15.2 of the CELPS.

CELPS Policy EG5 promotes a town centre first approach to retail and commerce, and the Local Plan Strategy notes that town centres will be promoted as the primary location for main town centre uses. Main town centre uses include restaurants and drive through restaurants (Use Classes A3 & A5). Crewe is also a principal town in the hierarchy of retail centres in Cheshire East and will consequently be supported by a range of retail and other town centre type uses.

Therefore, the principle of development of siting the proposed restaurant and drive -through within the defined town centre is acceptable.

The site is partially allocated for relating and/or leisure/entertainment uses by Saved Policy S.6.2 (The Market Centre Extension, Crewe) of the Crewe and Nantwich Local Plan. This notes that development of site S.6.2 will only be permitted where a shortfall in car parking provision can be mitigated through additional provision on site or within walking distance, or alternatively by a commuted sum to fund improvements to public transport and cycle network serving the town centre.

However, this development relates to a small and partial redevelopment of the allocated site, with over 50 % of car parking spaces being retained. As set out in the Highway section below, the proposal itself would not have a shortfall of parking provision and nor would the proposal result in the unacceptable loss of parking spaces in this location following the consideration of parking demand and footfall surveys.

In addition, issues relating to the of the design scheme which has been significantly revised during the course of the application, and matters relating to amenity, traffic generation and health concerns are addressed below.

### **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 and SD2 of the CELPS

The proposals have been subject to significant revision during the course of the application.

The building has been relocated to a less prominent position away from the car park boundary from Vernon Way. This ensures that from the corner of Vernon Way and West Street, the restaurant /drive- through will be viewed against the backdrop of the taller flank elevation of the Market Centre, and will not appear as unduly prominent stand-alone development within the car park. In addition, the repositioning of the building has achieved a much-improved relationship with the main pedestrian route which approaches the Market Centre from the West Street pedestrian crossing.

The proposed pedestrian access arrangements from the main footpath route, combined with an active frontage to the restaurant and provision of external dining space facing towards the Market Centre, ensures greater connectivity between the Market Centre and the development, with greater potential for foot based custom.

In addition, a range of changes have been made to the detailed design and materiality of the building, including the use of a combination of traditional brickwork and detailing, higher quality

cladding and increased areas of glazing. This has ensured an appropriate and more bespoke solution for this town centre site, satisfactorily reducing the standardised, commercial branding of the scheme originally proposed.

It is therefore considered that the development is of a siting and design which complies with Policies SE1, SD1 and SD2 of the CELPS and the NPPF.

## **Highways**

The proposal is for a drive-through restaurant within the existing private pay and display car park located off West Street on the edge of Crewe town centre. The car park caters for The Market Shopping Centre.

The site is a short walk from adjacent shops and there is established footway infrastructure from the site to the wider Crewe area including to the bus station which is approximately a 5 minute walk away.

During the course of the application changes have been made to the layout, parking provision and access.

## **Access**

The existing signalised vehicle access from West Street into the market centre and will remain unchanged.

The proposed development will generate 100 to 150 two-way vehicle trips during the Saturday afternoon peak, and a large proportion of this will be trips already on the network passing by or from customers visiting from other nearby shops. The Highway Officer considers that the impact on the wider impact on the local highway network will be acceptable and no concerns are raised in respect of traffic management or highway safety issues.

The existing access arrangements within the site will however be altered to enable improved pedestrian access to the site from the Market Centre and town centre shopping area to the south. This will enable pedestrian access to the site without having to walk through the existing vehicle access.

An improved pedestrian access from the north will also be provided with the removal of part of the boundary wall adjacent to the existing vehicle access. Again, pedestrians will now be able to walk into the site from the north without having to walk through the vehicle access.

## **Parking**

The development will be built on part of an existing pay and display car park (car park 1) which has an existing capacity of 133 spaces. This car park and the adjacent Market Centre pay and display car parks have a total capacity of 293 parking spaces.

It is acknowledged by the Highway Officer that the development would result in the loss of 60 parking spaces representing 45% of car park 1 and 20% of total car park capacity. This reduces capacity to 73 spaces within car park 1, and a total of 233 spaces respectively. To address this,

the applicant has carried out a parking demand survey to determine if sufficient capacity would remain after the loss of spaces. The survey was carried out on a Saturday afternoon and indicated a demand of 165 spaces.

Importantly, the parking survey was carried out a few days prior to first UK Covid-19 lockdown, and to compensate for any reduction in parking demand the applicant carried out a footfall survey and compared this with footfall surveys undertaken the previous 7 Saturdays. This showed that footfall had reduced by approximately 16%. The parking demand has been re-calculated to take account of this, and indicates that demand would be for 192 spaces, and spare capacity would be 41 spaces.

There would also be additional demand for the Burger King restaurant, but it is considered that a significant proportion of this would be for the drive-through, or from customers already shopping within the town centre.

In term of the drive-through facility, the Highway Officer notes that there is stacking space for 10 cars, not including additional space within the car park if required, and this is considered acceptable.

The Highway Officer also points out that parking restrictions along Vernon Way and West Street will prevent parking adjacent to this busy junction and at the access into the Market Centre.

Sheltered cycle storage for 6 cycles is proposed. However, the Highway Officer considers that the onsite storage needs to be increased to accommodate an additional cycle. It is recommended that a condition is imposed requiring approval of full details of covered, cycle storage provision.

### Summary

From the assessment of submitted data and the parking demand survey, coupled with the sustainability of this location, the Highway Officer considers that the loss of parking spaces is justified and the impact of the proposal on the highway network is acceptable. No objection is raised to the application, subject to a condition requiring details of cycle parking to be submitted and approved.

The proposed development is therefore considered to be in accordance with Policy BE.3 (Access & Parking) of the CNRLP and Appendix C (Parking Standards) of the CELPS.

### **Amenity**

As stated above, the site is located within the defined town centre and as such it is not considered that there would be any adverse impact on residential amenity. Indeed, the nearest residential properties to the restaurant/drive through are located over 60m to the north and beyond the opposite side of West Street.

The Environmental Protection Officer has recommended that conditions be imposed in respect of addressing potential contamination which may have arisen from previous uses of the site, and informatives should be attached to protect against noise, disturbance and dust during the construction of the development.

## **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 Environmental Health Officer has advised that the impact upon air quality will be mitigated with the imposition of a condition requiring the provision of electric vehicle charging points of satisfactory specification and a further condition to ensure that the building will only be served by ultra low emission boilers.

## **Landscape and Trees**

There are existing trees to the north, west and east around the perimeter of the site which make an important contribution to the street scene and which will filter views of the development from Vernon Way and West Street. All the trees lie outside of the defined site boundary, although a few of the tree canopies extend over the site. Although as the trees increase in size, some minor pruning may be required where tree canopies overhang the site, the Tree Officer advises that the proposals will not result in any significant arboricultural impact.

The site layout has been amended to include an area of green space on the frontage of the restaurant and outdoor seated area, which will allow the provision of some tree planting and soft landscaping. A condition is recommended requiring details of the design and specification of the landscaping scheme to be submitted and approved.

## **Health**

Representations have raised concerns in respect of the impact on health from the proposed development, including its proximity to Crewe Engineering and Design UTC on West Street.

A key objective of the NPPF is promoting healthy and safer communities. In terms of improving health, reducing obesity and excess weight in local communities, Planning Practice Guidance (Paragraph: 004 Reference ID:53-004-20190722) states that;

*Planning policies and supplementary planning documents can, where justified, seek to limit the proliferation of particular uses where evidence demonstrates this is appropriate (and where such uses require planning permission).*

And adds;

*Planning policies and proposals may need to have particular regard to the following issues:*

- *proximity to locations where children and young people congregate such as schools, community centres and playgrounds*
- *evidence indicating high levels of obesity, deprivation and general poor health in specific locations*
- *over-concentration and clustering of certain use classes within a specified area*
- *odours and noise impact*
- *traffic impact*
- *refuse and litter*



The proposed restaurant/drive-through is located close to the Crewe Engineering and Design UTC located on the opposite side of West Street. Nevertheless, adjacent pedestrian crossing facilities provides direct pedestrian access to the wider town centre and consequently an existing range of fast food outlets are located on routes to/from the UTC within the locality.

It is important to note that the application site lies within the defined town centre and adjacent to the Market Centre shopping area. In planning policy terms town centre locations are supported for proposed A3/A5 retail uses, including restaurants /drive-throughs. It is also the case that given the distribution of existing uses and premises located within the Market Centre, it is not considered that this development would lead to over a concentration or clustering of A3/A5 uses in this area.

Draft Policy RET 5 'restaurants, cafés, pubs and hot food takeaways' in the publication draft Site Allocations and Development Policies document (SADPD) also notes that where hot food takeaways are located within 400 metres of a secondary school or sixth form college that conditions will be added to guide opening hours. The exception to this policy is where the scheme is located in a town centre. As such, in this case, the draft policy would not apply given its town centre location. In any event, draft policy RET 5 represents an emerging position and therefore, given its status can only be afforded limited weight.

Although the concerns raised with regard to overall health issues, such as obesity, are acknowledged, there is however no planning policy basis or available planning guidance, based on local evidence, which would justify the refusal of this application on the grounds of public health.

### **Litter**

Although two bins are provided within the site, this considered insufficient to satisfactory address litter generated by the proposed development. It is recommended that a condition be imposed requiring a Waste Management Plan to be submitted and approved prior to the commencement in operation of the restaurant/drive, which provides details of additional refuse bin locations and other appropriate initiatives for the control of litter.

### **Other Matters**

Representations have raised concerns as regards the nature and terms of potential employment at the development. However, such matters are governed by other legislation and are not therefore relevant planning considerations.

Issues relating to commercial competition, and preferences for locally independent retailers /restaurant as opposed to national operators, are not relevant planning considerations in respect of this application.

### **CONCLUSIONS**

The site is allocated for retail development within Crewe town Centre and the principle of uses including restaurants with drive-through restaurants is therefore acceptable. The development accords with Policies EG.5 of the CELPS and Policy S.6.2 of the Crewe and Nantwich Local Plan.

The design of the proposals have been subject to significant revision during the course of the application to ensure an acceptable relationship with the Market Centre and is an appropriate design solution for this town centre site, in compliance with Policies SE1, SD1 and SD2 of the CELPS and the NPPF.

From the assessment of the highway data and the parking demand survey accompanying the application, together with the sustainability of this town centre location, the Council's Highway Officer considers the proposed loss of parking spaces to be justified, access arrangement to be satisfactory and the impact upon the highway to be acceptable.

Taking into account the town centre location of these proposals, and also the objectives of the NPPF and Planning Practice Guidance, there is no planning policy basis or evidence based local planning guidance to warrant the refusal of this application on the grounds of public health.

The development is considered to be acceptable in terms of its impact upon the residential amenities of nearby dwellings air quality and trees surrounding the site.

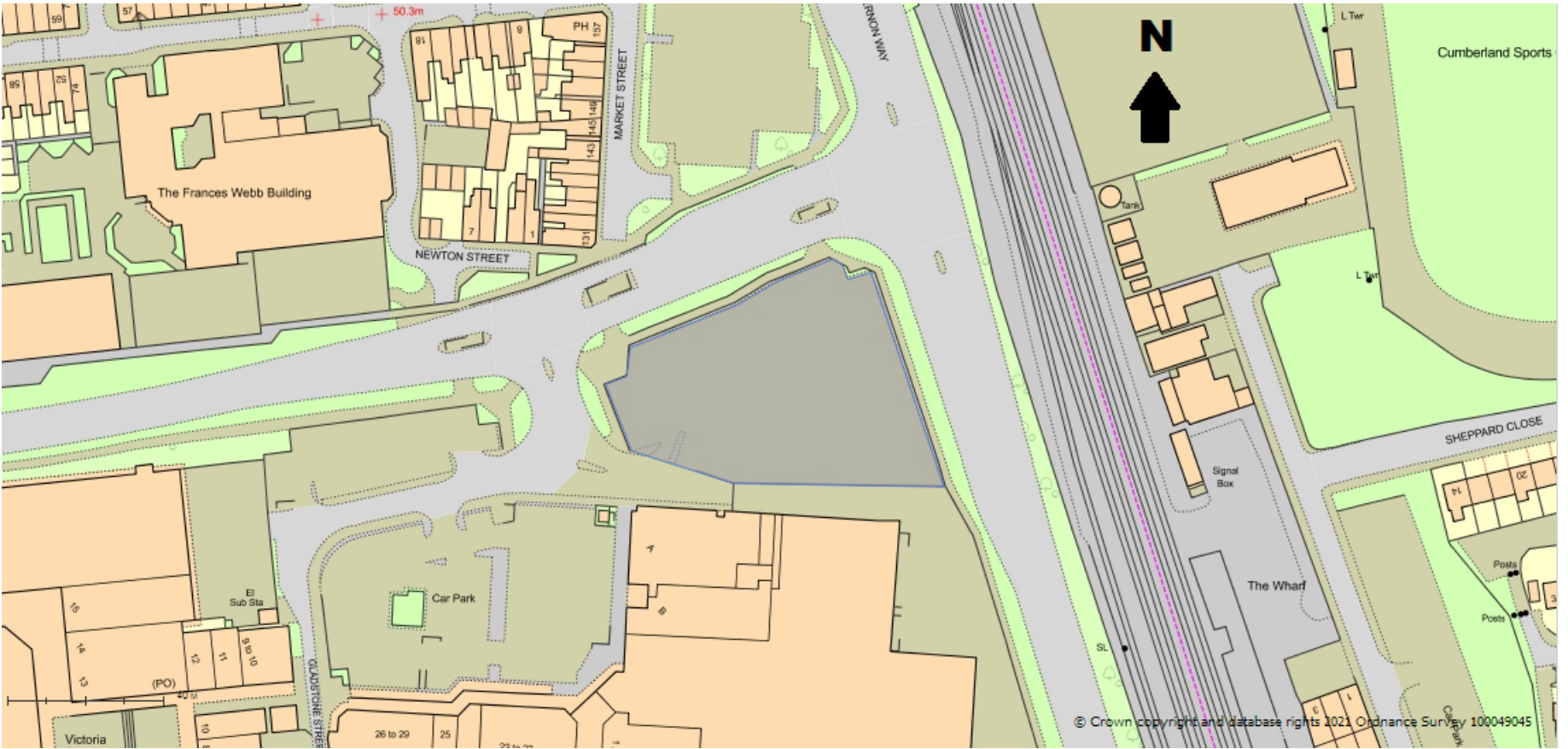
The application would comply with the relevant policies of the Development Plan and is recommended for approval.

## **RECOMMENDATIONS**

**APPROVE with the following conditions;**

- 1. Standard time**
- 2. Approved Plans**
- 3. Materials**
- 4. Landscape Scheme to be submitted and approved**
- 5. Implementation of landscape scheme**
- 6. Cycle parking details to be submitted and approved**
- 7. Provision of Electric Vehicle Charging points**
- 8. Use of Ultra Low NOx Emission Boilers**
- 9. Submission of details for the remediation of contaminated land**
- 10. Submission of Verification Report for Remediation Strategy**
- 11. Details of any soils imported onto the site**
- 12. Works to stop if any unexpected contamination is discovered**
- 13. Surface water drainage scheme to be submitted and approved**
- 14. Foul and surface water shall be drained on separate systems**
- 15. Waste Management Plan to be submitted and approved**

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



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Application No: 20/2609N

Location: Land North Of, Access To Alvaston Business Park, Nantwich

Proposal: Proposed new office development (Use Class B1) consisting of six buildings with associated car parking, access road and landscaping

Applicant: J Beeson, BLOK (UK) Ltd

Expiry Date: 04-Mar-2021

**SUMMARY**

The site lies within the open countryside within which Policy PG6 of the Cheshire East Local Plan (CELP) only permits certain forms of new development. However, the erection of new commercial units is not one of these exceptions. The proposal also seeks the provision of some 1.1ha of employment land in addition to the substantial amounts already provided for in the adopted LPS with no justification/need/lack of other sites demonstrated.

The site is also not proposed to be allocated for any development within the emerging Site Allocations Development Policies Document (SADPD) and is shown as remaining within the open countryside.

As a result, the proposal would represent a departure from the Local Plan and should not be approved unless material considerations indicate otherwise.

In this case, the development would provide positive planning benefits such as economic benefits during the construction phase and economic and social benefits associated with the proposed use.

Balanced against these benefits must be the dis-benefits, which in this case would be the loss of open countryside and the visual harm by developing a site that is currently free from development. The loss of agricultural land.

Issues relating to ecology flood risk, highways would be neutral.

As a result, on balance it would not appear that the benefits outweigh the dis-benefits and there do not appear to be any material considerations which outweigh the harm caused. Therefore, the proposal should be refused.

**RECOMMENDATION****REFUSE**

## **REASON FOR REFERRAL**

The proposed office floor area to be created exceeds the threshold of 5000sqm

## **DESCRIPTION OF SITE AND CONTEXT**

The application site is a vacant part of land sited to the north-east of Alvaston Business Park, Nantwich.

To the south is a public house, to the west are commercial premise and open land to the north and east. The site is located off the Alvaston roundabout

The site is designated as Open Countryside as per the Local Plan.

## **DETAILS OF PROPOSAL**

The proposal seeks consent for new office development (Use Class B1) consisting of six buildings with associated car parking, access road and landscaping.

This consists of x6 free standing units consisting of 5633sqm of new office floor space.

The site area totals 1.105 hectares.

## **RELEVANT HISTORY**

No relevant planning history.

## **POLICIES**

### **National Policy**

National Planning Policy Framework (NPPF)

11. Presumption in favour of sustainable development.

80-82. Building a strong, competitive economy

124-132. Achieving well-designed places

### **Local Policy**

Cheshire East Local Plan Strategy – Adopted Version (CELPS)

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

MP1 Presumption in Favour of Sustainable Development

PG2 Settlement Hierarchy

PG6 Open Countryside

PG7 Spatial Distribution

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

SE 1 Design

SE 2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodlands

SE 12 Pollution, Land Contamination and Land Instability

SE13 Flood Risk and Water Management

EG1 Economic Prosperity

EG2 Rural Economy

EG3 Existing and Allocated Employment Sites

EG5 Promoting a Town Centre First Approach to Retail and Commerce

CO1 Sustainable Travel and Transport

Appendix C Parking Standards

Saved policies of the Crewe and Nantwich Local Plan:

BE1 Amenity

BE3 Access and Parking

BE4 Drainage, Utilities and Resources

E2 New Employment Allocations

BE21 Hazardous Installations

Supplementary Planning Documents:

Design Guide

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

## **CONSIDERATIONS (External to Planning)**

**CEC Environmental Health (Cheshire East):** No objection subject to conditions/informatives regarding contaminated land, working hours, boilers and working hours for construction

**CEC Highways:** No objection subject to conditions regarding the width of pedestrian and cycle footways and a construction management statement and contribution of 80k towards junction improvements at the Alvaston roundabout

**CEC Flood Risk:** No objection subject to condition requiring a drainage strategy

**United Utilities –** No objection subject to conditions regarding foul and surface water drainage and SUDS

**View of the Parish/Town Council:**

**Nantwich Town Council –** No comments received at the time of writing the report

### **Other Representations:**

X2 letters of support advising of a need for further employment on the back of HS2 and existing available office space does not meet the needs of the end user. They also consider the current site an ideal location for office development.

### **OFFICER APPRAISAL**

#### **Principle of Development**

The site lies within the open countryside within which Policy PG6 of the Cheshire East Local Plan (CELPS) only permits certain forms of new development. However, the erection of new commercial units is not one of those exceptions.

The site is also not proposed to be allocated for any development within the emerging Site Allocations Development Policies Document (SADPD) and is shown as remaining within the open countryside.

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

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

#### **Rural economy/employments sites**

Policy EG1 advises that proposals for employment development (Use Classes B1, B2 or B8) will be supported in principle within the Principal Towns, Key Service Centres and Local Service Centres as well as on employment land allocated in the Development Plan.

The Policy also advises that proposals for employment development on non-allocated employment sites will be supported where they are in the right location and support the strategy, role and function of the town, as identified in Settlement Hierarchy, Spatial Distribution of Development and in any future plans, including Neighbourhood Plans, where applicable.

Policy EG2 of the CELPS advises that it will seek to provide opportunities for rural employment that supports the vitality of rural settlements, encourages the retention and expansion of existing business through the conversion of existing buildings and farm diversification and supports the wider strategic interest of economic development within the borough where:

- it would support the rural economy and could not be reasonably expected to locate within a designated centre by reason of their products sold



- would not undermine the delivery of employment allocations
- would not harm the character/landscape of the area.

Policy EG3 of the CELPS seeks to support existing and allocated employment sites. However, the site is not allocated for employment and as such is not supported by this policy.

Policy EG5 advises that proposals for main town centre uses should be located within the designated town centres or on other sites allocated for that particular type of development. Where there are no suitable sites available, edge-of-centre locations must be considered prior to out-of-centre locations. Edge-of-centre and out-of-centre proposals will be considered where:

- i. there is no significant adverse impact on the vitality and viability of the surrounding town centres; and
- ii. it is demonstrated that the tests outlined in current government guidance can be satisfied.
- iii. The sequential approach will not be applied to applications for small scale rural offices or other small scale rural development in line with the government guidance.

### Rural economy/employment sites

In this instance the proposal would not appear to support the vitality of rural settlements or the rural economy as it seeks unrelated office development and users would likely use facilities/amenities within Nantwich itself with no connection to rural enterprise. No justification has been given to consider why the proposal must be sited in this open countryside location given the nature of the use (or nature of products sold) which could be located within a designated centre or employment area. The proposal would also not seek to convert existing buildings but the erection of new ones.

The proposal would also seek to develop a parcel of land that is currently free from development and thus would cause some visual harm to the area/landscape by losing its open nature.

As a result the proposal be contrary to Policies EG2 & EG3 of the Local Plan.

### Economic prosperity and town centre first approach

The application site sits outside of the town centre or other designated centre and is located within open countryside and is not allocated for employment use in the Local Plan.

The site is located at the northern edge but outside of the settlement limits for Nantwich identified in the adopted Local Plan Strategy (LPS). Therefore, Policy PG 6 applies which seeks to protect open countryside from urbanising development. The proposal does not meet the required provisions of this policy. While the LPS does encourage employment development on non-allocated sites (Policy EG 1), this is intended to be on sites within the existing settlement limits for urban areas such as Nantwich. Opportunities for commercial redevelopment and reuse of vacant buildings should be focused primarily on town centres in line with the Council's town centre first approach as per Policy EG5. These are the most sustainable locations from a public transport perspective and this policy approach is required

to assist in retaining their vitality and viability, particularly in view of the need to address wider trends around rising shop vacancies resulting from the increase in on-line shopping.

The application is seeking the provision of some 1.1ha of employment land in addition to the substantial amounts already provided for in the adopted LPS. Overall, the LPS identifies over 380ha of land for employment purpose within the Borough to 2030 (Policy PG 1 & Appendix A), with some 65ha of this land being identified in Crewe and 3ha in Nantwich (Policy PG 7). Within this amount a total of up to 21.16ha of land is specifically allocated for B1 use within the Nantwich / Crewe area, comprising 2ha at Kingsley Fields, Nantwich (Policy LPS 46), 19ha at Basford East, Crewe (Policy LPS 12) and 0.16ha at Basford West, Crewe (Policy LPS 3).

No evidence of employment need for the area, of the type submitted by the Council and accepted by the Local Plan Inspector, has been included with the application to justify a departure from the identified employment land requirement and distribution evidence that underpins the land allocations in the adopted plan. While the application does include a market commentary on the B1 office market around Crewe and Nantwich (that comments on some development sites and the current supply of vacant office accommodation), this represents a snapshot of the existing position without a proper overview of B1 development potential. There is no mention of the B1 allocations at Kingsley Fields and Basford West within this commentary and the reasons given for the dismissal of the strategic site at Basford East is not supported. By their nature, large strategic employment sites take time to be built out. A masterplan for the site was approved a few years ago and it is considered that nearby competing development on unallocated sites outside of existing settlements (of the type proposed by this development) will not assist in bringing forward these plans in a timely manner.

The supporting statements do not provide justification for not complying with the provisions of policy PG6 to that identified in paragraph 7.02 of the original statement. The argument seems to be that as long as development is next to existing employment land then settlement limits can be ignored. This overlooks the fact that there is already an existing allocated employment site (Kingsley Fields) located within the settlement limits of Nantwich that is suitable for this purpose. In addition, national planning guidance is clear that open countryside should be protected for its own sake (recognising its intrinsic character and beauty) and hence the reason for policy PG6.

It is not accepted that the additional justification that is used to show that the proposal conforms with policy EG1. It refers in isolation to the second criterion of the policy. The first criterion sets the framework for the second criterion. The support it identifies for employment proposals are for those “within” the settlement limits of the main towns within the settlement hierarchy (including Nantwich). The reference to “right location” in the second criterion is therefore to sites within the settlement limits except for those settlements in open countryside which don’t have settlement limits.

The additional information seeks to show that there is sequentially no suitable alternative to the application site and hence it conforms with policy EG5. However, the analysis is flawed as it fails to take account of the allocated employment site within the Kingsley Field development (which is within settlement limits) as part of its area of search in paragraph 3.02 of the additional information document. The Kingsley Field site is not only a sequentially better site

but the site which the Council has set aside in an adopted plan for this purpose. In a plan led system this is the site that takes precedence should there be a need for office development in the town. No evidence is provided to show that this allocated site will not come forward and be developed within the plan period to satisfy office demand in the town.

Kingsley Fields is referred to in paragraph 3.19 of the additional information. It comprises two elements. The first is a statement that the site is mostly housing and as such would not be attractive to office users. Mixed use sites are encouraged by guidance for sustainability reasons, as they have the potential to reduce the need for vehicular travel. The A51 is actually being diverted so that the employment element of the site is one side of the road and the housing the other, so it will not be “set amidst a residential development” as claimed. This is a more sustainable site than the application site.

The second element refers to “the availability and deliverability of the land is in question as it is owned by Reaseheath College who it is understood are currently working on an Estate strategy as a whole and may therefore require the land for their own future growth needs rather than it being made available to the open market”. This is speculation. As already stated, there is no evidence that this allocated site will not come forward and be developed within the plan period to satisfy office demand in the town. Should such problems emerge they will be identified as part of the next local plan review. As is appropriate for a plan led system, such issues will be addressed through allocations in a new local plan rather than through unplanned individual planning application approvals.

As such the proposal does not accord with Policies EG1 or EG5 of the Local Plan.

## **Landscape**

The application has been supported by a Landscape and Visual Appraisal report which advises that the landscape can accommodate the proposal with only a minor/moderate impact.

This has been assessed by the Councils Landscape Officer who advises that the application proposes unacceptable significant adverse landscape effects, including:

- loss of agricultural land which would directly reduce our ability to provide food for public consumption. The Council encourages the re-development / re-use of previously developed land and buildings but no evidence has been submitted to show whether brownfield or previously-developed sites have been considered for this development.
- loss of natural soils which are a finite non-renewable resource and which have been preserved and improved for agricultural purposes which sustain the public benefits of ecosystem services (providing food, oxygen, climate-control etc.).
- loss of open rural character of the site and erosion of open rural character of the local landscape.
- visual intrusion over open rural landscape, particularly to the north and east of the site where the existing overhead powerlines prevent trees from reaching their growth-potential and the proposed buildings’ locations would preclude mitigative-planting.

This proposal is therefore contrary to policies Policy SE2 (Efficient Use of Land) and SE4 (Landscape).

## **Ecology**

### Bats

The submitted Ecological Survey & Assessment report (ERAP, June 2020) identified the trees known as T13, T16 and T17 as offering potential for roosting bats. It appears from the site masterplan that these trees will be retained. Should this change bat surveys of any of the impacted trees will be required.

### Breeding Birds

If planning consent is granted, the Councils Ecologist requires a condition preventing removal of vegetation between 1st March and 31st August in any year to protect nesting birds.

### Hedgerow

Hedgerows are a priority habitat and hence a material consideration. If planning consent is granted The Councils Ecologist recommends a landscape condition be attached that includes the retention and enhancement of existing hedgerow where possible, and compensatory native species planting to compensate for any sections of hedgerow unavoidable loss.

### Wildlife sensitive lighting

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

### Ecological Enhancement

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

Therefore any impact to ecology can be suitably mitigated by conditions.

## **Trees**

The application site benefits from established tree cover to the boundaries of the western side of the site. The trees make an important contribution to the amenity of the area and are considered to be former field boundary trees as indicated on the 1875 Ordnance Survey map of the area. The trees are visible from the Nantwich Bypass A51 and Middlewich Road A530.

The application has been supported by an Arboricultural Constraints Appraisal and Arboricultural Impact Assessment by Bowland Tree Consultancy Ltd dated June 2020.

The AIA has identified that three U category trees will be removed regardless of the proposal. Three C category hawthorn (T8, T9 & T10,) two of which are sited outside the site edged red, and hedgerow H1 will be removed to accommodate the development; all other trees are shown to be retained. Trees T13, T16, T17, and T18 Oak have been surveyed as B category trees and it is considered that they have important collective value as a group.

Revised plans and an updated Arboricultural Impact Assessment by Bowland Tree Consultancy Ltd dated August 2020 (Rev A) have been submitted. The proposal has moved Unit 4 approximately 2.5 metres to the south and a little over 2 metres to the east which has moved the direct impacts associated with construction of the proposal to just outside the root protection areas of the trees. Revised drainage detail has not been submitted but if it were placed at 1.8 metres to the west of the elevation of Unit 4 as indicated in the original plans, this would still arise in excavations within the root protection areas of retained trees.

Notwithstanding this, the above ground relationship of B category trees T17 and T18 is still considered close, does not allow for future growth, is likely to require regular maintenance to maintain an acceptable clearance and to arise in issues of shading and reduced light levels to the west facing glazed units of the unit.

The amount of hard surfacing within the root protection areas of retained trees has been slightly reduced to accord with best practice and it's noted that both H1 and H2 are now shown to be retained with just 7 metres removed from H1 to facilitate access to the adjoining field.

The site layout as amended does represent an improvement on the original submission and is now considered to be defensible in terms of trees.

### **Design**

The design/appearance of the units are not untypical of modern office developments with large glazed areas to all elevations. When assessed on their own they are not considered to cause any significant harm to the mixed-use character of the immediate area.

However, the siting of units 1 and 2 in close proximity to the northern boundary would result in a greater visual impact when viewed from the wider setting and would appear cramped to the northern boundary.

Given that this site is within the open countryside and backs onto further open countryside, this boundary is very visually sensitive, therefore the buildings should be set away from this boundary and consideration given to the landscaping of this boundary to provide a visual screen to ensure a smooth rural transition. As it stands the site also appears overdeveloped with large areas of hard surfacing and not much room left to secure any meaningful landscaping.

### **Highway Safety**

#### Access

The current access is unadopted and is a 5.5m wide carriageway and no footway provision on both sides of the road. There is one access point to the development, this serves the internal parking areas, sufficient visibility is available at the access.

As part of the development, a new 2m footway is proposed on the development side of the access linking the site to the existing footway/cycle provision at the Alvaston roundabout. Whilst the provision of the footway is welcomed this should be a 3.0m shared pedestrian/cycle footway at least up to the site access point.

### Parking Provision

The total number of parking spaces is 153 spaces which includes 19 disabled spaces, there are no electric charging spaces currently indicated. Applying CEC standards the recommended number of spaces is 188 for a B1 office development of this size, the applicant has submitted a Trics parking accumulation assessment to indicate that 153 spaces is sufficient for the B1 office use.

There are 21 cycle parking spaces proposed for the site which is in excess of CEC cycle standards.

### Development Traffic Impact

The traffic generated by the proposals have been based upon the Trics database for traffic generated by similar business parks. The development is expected to generate 80 two-way trips (worse case) in the am peak.

It is recognised that there are existing peak capacity problems at the Alvaston Roundabout with some arms experiencing very long queues. CEC have identified Alvaston roundabout as requiring improvement and have considered a range of alternative options to increase the capacity of the roundabout. A number of schemes have been shortlisted and these are detailed below:

Option 2/3: Part signalisation with A530 to A51 South filter lane;

Option 5: Fully signalised roundabout; and

Option 9: Wider approaches only.

Although there have been contributions secured from other developments for Alvaston roundabout further funding is required for the improvement works. Although, the peak hour generation is relatively low there would still be over 500 daily trips to and from the site and the highway authority would not wish to see any extension in queues or congestion at the roundabout. The applicant has confirmed that the roundabout will be operating at over capacity levels in 2025 with development added and with extensive queues on some arms.

Given that this development has a direct impact onto the Alvaston roundabout it should provide funding towards the improvements at this junction and a contribution of 80k is required.

### Summary

The site is accessed from the Alvaston roundabout via an existing private access road. The level of parking proposed for the office use is appropriate and would not likely lead to overspill parking problems on the adopted highway road network.

Improvements to connectivity have been proposed although these should be enhanced by the provision of shared pedestrian/cycleway that connects to the existing facilities at the Alvaston roundabout.

Alvaston roundabout has existing problems with capacity and this leads to queuing and congestion, the development does have a direct impact on the junction and as such it should contribute to planned improvements via a S106 contribution.

There are no objections raised subject to a S106 contribution and conditions.

### **Flooding & Drainage**

The enquiry site lies within a Flood Zone 1. Therefore, if the site area is 1 hectare or more in size a Flood Risk Assessment (FRA) would be required to accompany any subsequent planning application.

An FRA has been provided which concludes that the development will provide betterment compared to the existing situation with acceptable consequences for flooding.

The Councils Flood Risk Team have been consulted and have raised no objection subject to condition requiring a drainage strategy.

United Utilities have also been consulted and have also raised no objection subject to conditions regarding foul and surface water drainage and a SUDS.

Therefore drainage/flood risk issues could be addressed by conditions.

### **Economic & Social role**

There are economic benefits to be derived from the construction of the commercial units in terms of boost to the economy and job creation during construction and employment from use of the offices.

### **Amenity**

With regards to neighbouring amenity, Policy BE.1 of the Local Plan advises that development shall only be permitted when the proposal would not have a detrimental impact upon neighbouring amenity in terms of overlooking, overshadowing, visual intrusion or environmental disturbance.

In this instance the site appears to be sited over 150m away from the nearest residential properties. This distance would appear sufficient to prevent any visual intrusion from the proposed buildings or noise/disturbance from their eventual use.

Therefore, no significant harm to living conditions of residential properties.

## **Agricultural Land**

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

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

In this instance no report has been provided in which to assess the agricultural land quality or to consider the ability of the site to fulfil any agricultural purpose, nor has any justification been given to justify the loss of the agricultural land or evidence of any overriding need for employment development to justify its loss.

## **Planning Balance**

The site lies within the open countryside within which Policy PG6 of the Cheshire East Local Plan (CELPs) only permits certain forms of new development. However, the erection of new commercial units is not one of these exceptions. The proposal also seeks the provision of some 1.1ha of employment land in addition to the substantial amounts already provided for in the adopted LPS with no justification/need/lack of other sites demonstrated.

The site is also not proposed to be allocated for any development within the emerging Site Allocations Development Policies Document (SADPD) and is shown as remaining within the open countryside.

As a result the proposal would represent a departure from the Local Plan and should not be approved unless material considerations indicate otherwise.

In this case, the development would provide positive planning benefits such as economic benefits during the construction phase and economic and social benefits associated with the proposed use.

Balanced against these benefits must be the dis-benefits, which in this case would be the loss of open countryside and the visual harm by developing a site that is currently free from development. The loss of agricultural land.

Issues relating to ecology flood risk, highways would be neutral.

As a result, on balance it would not appear that the benefits outweigh the dis-benefits and there do not appear to be any material considerations which outweigh the harm caused. Therefore, the proposal should be refused.

## **RECOMMENDATION:**

**Refuse for the following reasons:**



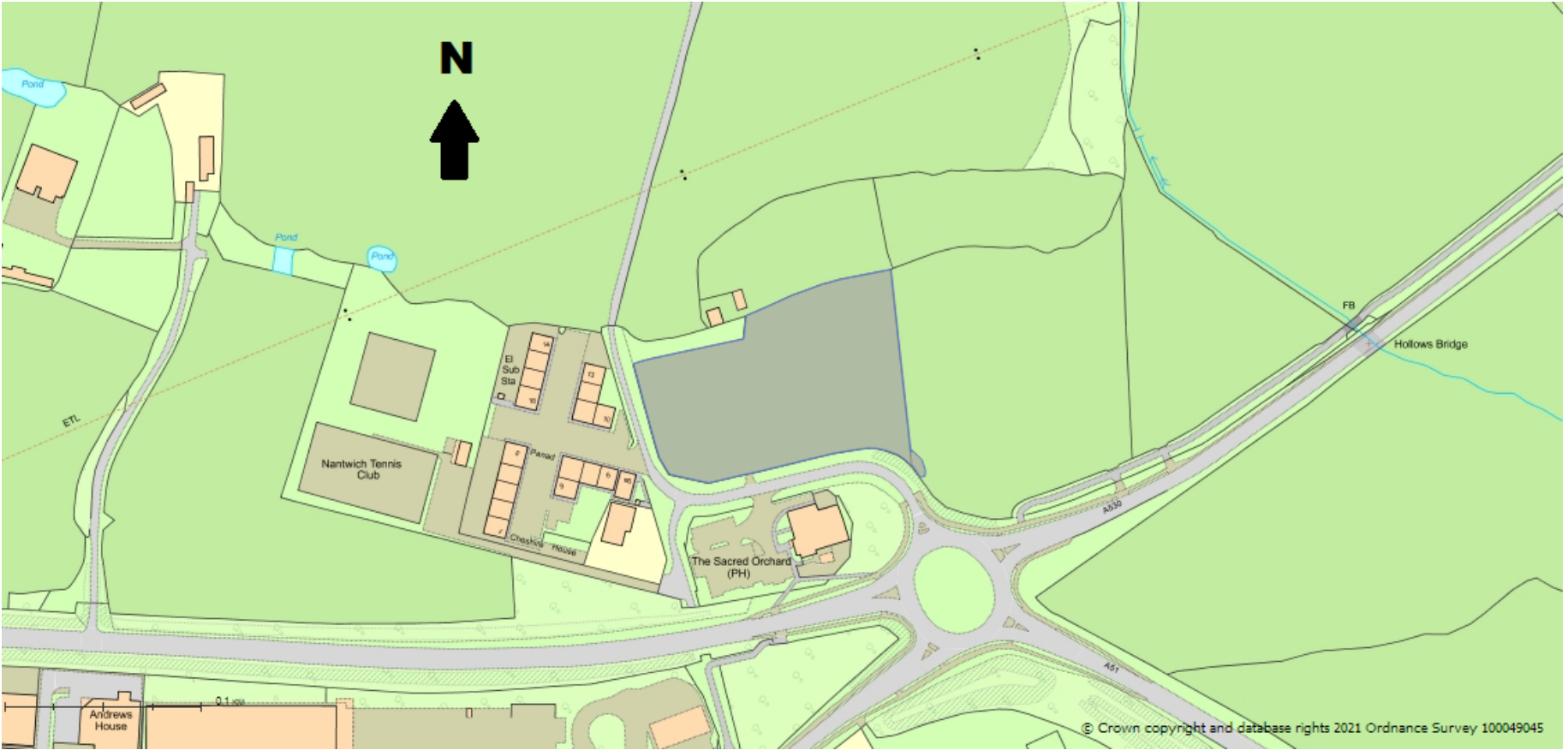
1. The proposed development is not an appropriate form of development in the open countryside as per Policy PG6 nor does not fall within any of the exceptions listed in this policy and thus constitutes an unwarranted form of development in the open countryside. This would result in an urban encroachment into the open countryside which would harm the character and appearance of the area and the landscape. The proposal has not been supported by sufficient information regarding the agricultural land grading and no justification has been provided for the loss agricultural land or evidence provided of any overriding need for employment land to warrant its loss. The proposal is contrary to Policies PG1 (Overall Development Strategy) PG2 (Settlement Hierarchy), PG6 (Open Countryside), PG2 (Settlement Hierarchy), PG7 (Spatial Distribution), SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles), SE2 (Efficient Use of Land) of the Cheshire East Local Plan Strategy and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.

2. The proposal seeks to provide additional office development outside of any defined centre and it has not been proven sequentially why other sites are not available to justify this out of centre location. The site is also not allocated for employment use in either the Local Plan or the emerging Site Allocations Development Policies Document and there is enough employment land allocated in the Local Plan. The proposal is contrary to Policies PG1 (Overall Development Strategy) PG2 (Settlement Hierarchy), PG7 (Spatial Distribution), SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles), EG1 (Economic Prosperity), EG2 (Rural Economy), EG5 (Promoting a Town Centre First Approach to Retail and Commerce) & SE2 (Efficient Use of Land) of the Cheshire East Local Plan Strategy, Saved Policy E2 (New Employment Allocations) of the Crewe and Nantwich Local Plan and the principles of the National Planning Policy Framework.

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

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

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Highways</b>	<b>Contribution of 80k towards junctions improvements at the Alvaston roundabout</b>	<b>50% Prior to first use 50% at occupation of 3<sup>rd</sup> Unit</b>



Application No: 20/5236N

Location: Forget-Me-Not Fields, Adjacent To Old Puseydale, Main Road, Shavington, CW2 5DU

Proposal: Installation of an ecological burial ground with associated access, car parking and associated infrastructure with ancillary facilities

Applicant: Mr & Mrs Clutton

Expiry Date: 22-Feb-2021

### **SUMMARY**

The change of use of the land, pathways and burial plots would not conflict purpose of the Strategic Green Gaps or the Open Countryside as identified within Policies PG5 and PG6 of the CELPS and Policy NE.4 of the C&NLP. However, there would be some minor harm from the building, access and parking areas and these elements would cause some conflict with the above policies.

There is sufficient burial space within the Borough, However, there is an opportunity to create new cemeteries to support the desire for woodland/ecological burial grounds (as identified within the Cemetery Strategy in the Medium Term). There is no such provision within the southern part of the Borough and the ecological burial ground will complement the other traditional cemeteries in the south of the Borough and offer choice to the residents of Cheshire East. This is a benefit of the proposed development.

The proposed development will not be incongruous or adversely affect landscape character. The development is also considered to be of an acceptable design. The proposed development complies with Policy SE4; the landscape requirements of Policy PG5, SE1, SD1 and SD2 of the CELPS and NE.4 of the C&NLP.

The highways impact will be minimal, and the improved access and parking provision are acceptable. The application proposes a safe and suitable access can be achieved, there will be no severe impact upon the local highway network. The proposed development complies with policies BE.3 of the C&NLP, CO1, CO2 and CO4 of the CELPS, TRA1 and TRA2 of the SNP and the NPPF.

The proposed development would not cause such amenity harm to warrant the refusal of the application. The proposed development complies with Policy BE.1 of the C&NLP.

There are no objections in terms of the flood risk/drainage implications of the development. The proposed development complies with Policies SE12 of the CELPS, BE.4 of the C&NLP and ENV3 of the SNP.

There are no implications in terms of the impact upon trees, protected species and habitats. The use of the site would also provide ecological benefits, and this would weigh in favour of the application. The proposed development complies with Policy SE3 of the CELPS, NE.5 of the C&NLP and ENV2 of the SNP.

The minor harm to the Green Gap would be outweighed by the benefits of the scheme in terms of the provision of the natural burial ground in this part of the Borough as well as the ecological benefits of the development. On this basis the application is recommended for approval.

## **RECOMMENDATION**

**APPROVE with Conditions**

## **PROPOSAL**

This application relates to the change of use of land to be used as an ecological burial ground. The Supporting Planning Statement identifies that the site has capacity to offer up to 5500 urn burial plots covering 2.185 hectares of the site. The plot sizes would measure 2.5m x 1.5m.

The application proposes to use the existing access point off Main Road and includes the following works;

- Reception and maintenance building - 17m in length, 6m in width (excluding the overhanging canopies), and a ridge height of 4.3m.
- 29 car-parking spaces (including 4 disabled spaces)
- Introduction of the main and secondary pathways within the site
- Three small timber bridges across the ditches within the site

## **SITE DESCRIPTION**

The application site extends to 3.24 hectares and is located to the west of Main Road, Shavington within the Open Countryside and Green Gap.

The site is relatively flat and includes a number of trees, hedgerows, pond and open ditches. There are four trees to the north-eastern boundary of the site which are protected by a Tree Preservation Order.

The nearest residential properties are located to the east and north-east of the site and front onto or are accessed off Main Road.

To the southern boundary of the site is a PROW Rope FP4.

## **RELEVANT HISTORY**

20/5237N - Advertisement Consent for an entrance sign – Application Undetermined

16/5849N - Proposed Development of Three Detached Dwellings – Refused 30<sup>th</sup> January 2017

14/5883N - New Control kiosk, hardstanding and permanent access – Approved 9<sup>th</sup> March 2015

7/04145 - Siting of residential caravan – Approved 29<sup>th</sup> June 1978

## **NATIONAL & LOCAL POLICY**

### **Cheshire East Local Plan Strategy – Submission Version (CELPS)**

MP1 – Presumption in Favour of Sustainable Development

PG2 – Settlement Hierarchy

PG5 – Strategic Green Gaps

PG6 – Open Countryside

PG7 – Spatial Distribution of Development

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

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 12 – Pollution, Land Contamination and Land Instability

SE13 – Flood Risk and Water Management

IN1 – Infrastructure

IN2 – Developer Contributions

CO1 – Sustainable Travel and Transport

### **Crewe and Nantwich Local Plan (C&NLP)**

The relevant Saved Policies are:

NE4 – Green Gaps

NE5 – Nature Conservation and Habitats

NE9 – Protected Species

NE17 – Pollution Control

NE20 – Flood Prevention

BE1 – Amenity

BE3 – Access and Parking

BE4 – Drainage, Utilities and Resources

BE6 – Development on Potentially Contaminated Land

RT9 – Footpaths and Bridleways

### **Neighbourhood Plan**

The Shavington Neighbourhood Plan is at Regulation 18 stage and can be given moderate weight

ENV1 – Footpaths and Cycleways

ENV2 – Trees and Hedgerows

ENV3 – Water Management and Drainage

TRA1 – Sustainable Transport  
TRA2 – Parking  
ECON1 - Economy

### **National Policy**

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

Of relevance are paragraphs:

11. Presumption in favour of sustainable development.  
83-84 Supporting a Prosperous Rural Economy  
124-132. Requiring good design

### **CONSULTATIONS**

**Environment Agency:** No objection.

**CEC PROW:** It appears unlikely that the development will affect the PROW. An informative is suggested.

**United Utilities:** A large diameter trunk main crosses the site and UU will not permit building over it – an access strip will be required in accordance with the ‘Standard Conditions for Works Adjacent to Pipelines’. Planning conditions are suggested.

**Flood Risk Manager:** No objection subject to the imposition of planning conditions and an informative.

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

**Environmental Health:** Condition and informative suggested relating to contaminated land.

**Parks Services Manager:** Whilst the Council Cemetery Strategy show that the Council is providing sufficient burial space, it is apparent that many small churchyards are filling up and closing. The Council is not planning on building any replacements. The Strategy does suggest that there is an opportunity to create new cemeteries to support the growing desire for woodland/ecological burial grounds.

Therefore, whilst recognising this niche in the burial market, CEC has limited space to create this type of burial ground in our existing cemeteries. (There is a similar privately run cemetery near Mobberley in the north of the Borough.) An additional ecological burial ground in the south of the Borough will complement the other traditional cemeteries in Nantwich and Crewe and offer another choice for our communities.

### **VIEWS OF THE TOWN COUNCIL**

**Shavington Parish Council:** The Parish Council has the following comments to make;

- As this is a 25-year site, could the application be conditioned to enable it to be put into trust at the end of that period so that it remains a burial site.

- The applicant states that burials would be limited to two per day and they do not envisage this being a regular occurrence. Vehicles at each internment are limited to 18, but it is possible that there may be visitors to existing plots and the Parish Council is concerned about the potential increase in traffic.
- Graves to be prepared deeper than indicated.
- Ensure that the Association of Natural Burial Grounds Code of Conduct is followed.
- Could the Parish Council be provided with evidence of the 100 years of environmental benefits.

## REPRESENTATIONS

Letters of objection have been received from 4 households raising the following points;

- The access to the site is insufficient to accommodate two-way traffic and a necessary footpath.
- Visibility onto Main Road is very poor, and vehicles accelerate along this stretch
- Traffic has increased significantly over the last 5 years due to the amount of development in the village
- This access is used by two existing residential properties, farm vehicles and United Utilities
- On bin collection days there can be several bins located at the entrance to the lane
- The hedgerow removed in 2020 needs to be replaced and the removal of the hedgerow has caused damage to the lane
- The Oak trees are protected and should be retained
- The site will need to be kept clear of litter
- Surface water drainage problems exist along this stretch of Main Road especially during heavy rain
- Any development of the site will require sufficient drainage as the land is heavy and can get waterlogged
- Concern over the amount of parking provided and overspill car-parking taking place on Main Road.
- Highway safety
- Two burials a day will cause serious congestion and endanger people
- The proposed access is too narrow
- Concern about the proposed signage
- How close will the burial plots be to the dwellings fronting Main Road?
- The present access layout was agreed as part of planning permission 14/5883N and then diverted in early 2020. This caused damage to a tree, curbing and the road surface.
- The road should be reinstated in accordance with the planning permission 14/5883N.
- Very little information is provided regarding any upgrade of the road layout
- The Transport Statement makes no reference to the tanker access for UU, takes no regard for agricultural vehicles using the access, makes no reference to the proposed signage, takes no account of bin collection for the nearby properties or take account of pedestrian/cyclist safety.
- Lack of consideration for safe pedestrian and disabled access and appears to breach the Equality Act.
- The access is frequently used by UU tankers and vehicles
- Main Road is narrow, and the local bus service cannot pass other large vehicles
- The location of the entrance gate will impact privacy and noise levels
- There are contradictions within the Transport Statement
- If the access is difficult to use, then people visiting the site will park on Main Road
- Concern that works have commenced due to laying of pipes, removal and damage of pipes, storage of surplus curbing and piping on the site, removal of hedgerow, felling of trees on the site, laying of gravel on the site

- The car park is unsafe and would hinder agricultural work taking place
- Mud deposited onto the access and carpark from agricultural fields
- One or two employees will not be able to sufficiently manage the site
- Any delay in opening the gate will mean that vehicles will block the access to Old Pusey Dale and the pumping station
- It will be hard to keep sheep safe on the site with so much activity
- The Green Gap will be greatly affected
- No need for the burial site. In particular there is no need within Shavington
- The development will impact upon the habitat which exists on the site
- Other comparable sites are not within the vicinity of housing
- The building and car-parking will impact upon the Green Gap
- Visual impact of the development
- Harm to wildlife and protected species
- Impact upon nesting birds including woodpeckers
- The sheep will foul on the footpaths and stone markers
- The carpark will cause noise, privacy and pollution issues
- UU's drainage systems are at full capacity and the drainage implications have not been discussed with the neighbours of the site
- There are no waste storage collection details for the site.

## **APPRAISAL**

### **Principle of Development**

Excluding a small part of the proposed access the site lies in the Green Gap and Open Countryside, as designated in the Development Plan.

Policy PG5 of the CELPS identifies that the construction of new buildings or the change of use of land will not be granted where the development would;

- Result in the erosion of a physical gap between any of the settlements named in policy (this includes Willaston/Rope/Shavington/Crewe)
- Adversely affect the visual character of the landscape
- Significantly affect the undeveloped character of the Green Gap, or lead to the coalescence between existing settlements

The above is similar to the wording contained within Policy NE.4 of the C&NLP.

The site is also subject to Policy PG6 of the CELPS, and it is identified that other uses appropriate to a rural area will be permitted. A burial ground is appropriate in a rural area.

The proposed development involves the change of use of land to form a burial ground. The Planning Statement identifies that the deceased will be buried in a biodegradable urn with each plot being marked on a topographical survey of the land so that a GIS System can be cross referenced to ensure that accurate identification of the plots.

All graves will have a Geotag to identify the deceased. The Planning Statement identifies that Geotagging is the process of adding geographical identification metadata to various media (such as photograph or media) which can be uploaded by family or friends. In addition, there is the



option for a small natural stone or a tree (in the designated tree planting area to the north-west of the site) to remember the deceased. There are two types of pathway within the site; main pathways (1.5m in width and formed of compacted grey gravel) and secondary paths (1m in width and maintained mowed grass). The impact of the burial plots, headstone and pathways upon the physical gap between the settlements and the undeveloped character of the Green Gap would be neutral and it could be argued that the tree planting burial area is a benefit.

The main impact upon the Green Gap would be from the proposed reception/store building, access and parking areas. These are clearly ancillary elements of the development and represent a very small part of the development. However, development such as this within the Green Gap would have some impact upon the physical gap between the settlements and the undeveloped character of the Green Gap. The level of harm is considered to be minor due to the small size of the building, carpark and access and these elements are an ancillary part of the development.

The landscape implications of the impact upon the Green Gap are considered separately within the landscape section of the report below.

The change of use of the land, pathways and burial plots would not conflict purpose of the Strategic Green Gaps or the Open Countryside as identified within Policies PG5 and PG6 of the CELPS and Policy NE.4 of the C&NLP. However, there would be some minor harm from the building, access and parking areas and these elements would cause some conflict with the above policies. The harm will need to be considered as part of the planning balance.

### **Need for the Development**

According to the submitted Planning Statement, natural burial is a term used to describe the burial of human remains where the burial creates habitat for wildlife or preserves existing habitats or sustainably managed farmland. The application states that the proposed natural burial site would be the first of its kind in South Cheshire with the nearest being 10 miles to the north at Winsford or 17 miles to the south at Whitchurch.

The application states that there are circa 400,000 cremations per year within the UK and there in particular there are no available sites locally that are not tied to a particular religion or faith.

The CEC Cemeteries Strategy identifies the following grave capacity within the Borough;

Cemetery	Available	Created	Extension	Total
Alderley Edge	322		1,000	1,322
Congleton	792			792
Crewe Coppenhall	0			0
Crewe Badger Avenue	0			0
Crewe Meadow Brook	6,705			6,705
Knutsford	426			426
Macclesfield	2,718			2,718
Nantwich	918			918
Sandbach	115	120		235
Weston	0	26	448	474
Wilmslow	283			283
<b>Totals</b>	<b>12,279</b>	<b>146</b>	<b>448</b>	<b>13,873</b>

Figure 5: Summary of grave capacity

Source: Cheshire East Council Cemetery Records

As stated within the consultation response from the Parks Services Development Manager above, there is sufficient burial space within the Borough. However, he also notes that there is an opportunity to create new cemeteries to support the desire for woodland/ecological burial grounds (as identified within the Cemetery Strategy in the Medium Term).

On this basis the provision of an ecological burial ground will compliment the other traditional cemeteries in the south of the Borough and offer choice to the residents of Cheshire East. The need for this type of development is a benefit which will be weighed within the planning balance.

### Residential Amenity

There are residential properties to the east facing onto Main Road and dwellings located off the access to the site (55, 57 Main Road and Old Pusey Dale).

The use of the site as a burial ground would not cause any harm to residential amenity. Such uses are often located alongside residential properties and do not raise issues such as noise and disturbance.

The proposed access and carpark do have the potential to impact upon residential amenity. However, the level of use and the low level of vehicular movements associated with this use (as discussed within the highways section) would mean that the proposed access and carpark would not cause such harm to warrant the refusal of the application on amenity grounds.

The proposed reception and amenity building would be 40m from the nearest dwelling (Old Pusey Dale). Given the off-set location and existing boundary treatment this would not harm residential amenity.

The proposed development would comply with Policy BE.1 of the Crewe and Nantwich Local Plan.

### **Design**

The proposed building is of a simple design with a pitched roof. It would be finished in timber to soften the impact of the development within the Open Countryside/Green Gap location.

The design of the building and car-parking is acceptable and would not conflict with Policies SE1, SD1 and SD2 of the CELPS.

### **Contaminated Land**

The application site has a history of agricultural use and therefore the land may be contaminated. A standard condition is suggested in relation to unexpected contamination on the site.

### **Trees**

The application site comprises of pastureland which benefits from established hedgerows, small groups of younger trees and occasional mature trees. Several mature Oaks located along the south eastern boundary of the site to the rear of Pusey Dale Close are afforded formal protection by the Borough of Crewe & Nantwich (Main Road, Shavington) Tree Preservation Order 1985.

The site has been supported by a Tree Report by Yew Tree & Gardens. The report has assessed all trees and hedgerows on the site in accordance with BS5837:2012, Trees in relation to design, demolition and construction - Recommendations. The report indicates that the intention is to retain all recorded trees on the site while accommodating the proposed burial ground.

The submitted Landscape Layout suggests that trees and natural features will be retained. While the principal of the proposal appears acceptable, for the avoidance of doubt, the proposed development layout in terms of any level's changes, footpath positions and location of burial plots should be indicated onto a tree constraints plan to clearly identify areas where any conflicts may arise in close proximity to retained trees (this could be controlled via the imposition of a planning condition). An additional condition could be imposed to ensure that burial plots do not occur within RPA's of retained trees on the site.

Subject to the above conditions the development complies with Policies SE3 and SE5 of the CELPS, Policy NE.5 of the C&NLP and Policy ENV2 of the SNP.

### **Landscape**

The application site is undulating pastureland that covers an area of approximately 3.2 hectares with a variety of boundary features including hedgerows, trees and some fencing. There are a number of trees towards the central part of the site and along the rear of properties that lie between the site and Main Road. Footpath FP 4 Rope follows runs along the south-western boundary of the application site.

As part of the application an Outline Landscape and Visual Appraisal has been submitted. The Appraisal identifies the landscape Character of the application site as LCT 7: Lower Wooded Farmland, and specifically LCA 7f Barthomley. The Appraisal provides minimal information on the proposals, but the Support Planning, Design and Access Statement indicates that the application site could accommodate up to 5500 urn burial plots, each plot being 2.5 x 1.5m, which would cover approximately two-thirds of the site

The Statement indicates that the majority of trees will be retained, that natural materials will be used for paths and tracks, along with new tree, hedgerow and scrub planting. It also indicates that each individual site will be identifiable with a Geotag, but that parties may opt for a recessed natural stone or a tree in the designated area of planting. The submitted Landscape Masterplan shows an area towards the northern part of the site for tree planting burials; it will therefore be necessary to have a limited number of tree burials. The same plans identifies the location of the proposed reception/store building and associated car parking area.

There is a trunk main located towards the southern part of the application site. Submitted information indicates that this does not require the removal of any trees and that since footpaths are gravel, and burials 2ft deep and could be dug by hand, that this would cause no issue. There is an easement along such routes (normally 10m) and no burials would take place within the easement of this trunk main.

The Councils Landscape Architect has stated that he would broadly agree with the submitted appraisal that the proposals will not be incongruous in relation to the surrounding landscape character and that the proposals will not adversely affect the landscape character; he would also agree that the visual impacts will be negligible.

The proposed development complies with Policy SE4; and the landscape requirements of Policy PG5 of the CELPS and NE.4 of the C&NLP.

### **Highways**

The site is currently a field with little vehicle movement associated with it, with an existing access off Main Road. The proposal is for a natural burial site for up to which will take 10 to 20 years to fill. The plots will be accessed via an amended access off Main Road and off-road parking will be provided.

The proposal will provide up to 2 urn burials per day and any funeral services will take place off-site prior to the burial.

The site is accessed from Main Road which provides footway connection for pedestrians to the wider Shavington area including bus stops which are a short walk away on Main Road and Greenfields Avenue. The national cycle route 551 runs through the north of Shavington a short distance from the site.

Visibility splays of 43m in both directions would be provided and a site visit confirmed that visibility is sufficient, subject to a hedge of an adjacent property being trimmed back.

The existing access is narrow but will be widened to 5m from the point of access off Main Road to the parking area, which is wide enough for 2 cars to pass each other and is considered acceptable.

The plan shows the access to be gravel but off Main Road it will need to be bounded material which can be secured via the imposition of a planning condition.

The applicant has stated that an urn burial is generally limited to the immediate family, such as partner, children, parents, with no hearse or funeral cortege, and the vehicle movement associated with a burial will be up to 3 vehicles. There will be up to 2 burials per day; one in the morning and another in the afternoon.

The busiest days for visiting burial sites are generally Sundays, and the applicant has stated that there will be no burials or maintenance staff present on a Sunday. They anticipate a maximum of 10 visitors at any given time which is considered reasonable assuming the site is filled, and visits are spread over the course of a year.

Car parking provision for 29 spaces is proposed. Given the number of visitors expected and that burials will not take place on the busiest days, this is considered to be sufficient. The number of spaces will also cater for fluctuations in demand for odd occasion when more visitors attend.

One of the letters of representations refers to alterations to the existing access. This involves the removal of some kerbing as well as other works. This does not affect this application as a scheme for the proposed access is provided within the submitted Transport Statement. A condition will be imposed to ensure that the amendments to the access are provided prior to the first use of the development.

The highways impact will be minimal, and the improved access and parking provision are acceptable. The application proposes a safe and suitable access can be achieved, there will be no severe impact upon the local highway network. The proposed development complies with policies BE.3 of the C&NLP, CO1, CO2 and CO4 of the CELPS, TRA1 and TRA2 of the SNP and the NPPF.

## **Ecology**

### Breeding Birds

In order to safeguard breeding birds a standard planning condition could be imposed regarding the timing of works.

### Habitats

Areas of scrub in the southern section of the site are shown as retained and created on the proposed plans, whilst the pond is labelled as being retained and improved. An ecological method statement should be submitted detailing the proposed habitat creation/retention/improvements and how they will be achieved. This can be secured via the imposition of a planning condition.

### Hedgerow

Hedgerows are a priority habitat and hence a material consideration. If planning consent is granted, a landscape condition can be attached that includes the retention and enhancement of existing hedgerow where possible, and compensatory native species planting to compensate for any sections of hedgerow unavoidable loss.

### Ecological Enhancement

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

### Great Crested Newts (GCN)

There is a pond on site and several in the surrounding area. However, the onsite pond tested negative for GCN eDNA and the ecologist concluded that the proposals are unlikely to present a risk to GCN.

### **Flood Risk/Drainage**

The application site is located within Flood Zone 1. This land is defined as having a low probability of flooding.

The application has been subject to consultation with the Councils Flood Risk Officer, United Utilities and the Environment Agency. All have stated that they have no objection to the development subject to the imposition of drainage conditions.

A condition will be imposed to safeguard the water main on the site and a condition will also be imposed to ensure there will be no burials within the easement.

The proposed development complies with Policies SE12 of the CELPS, BE.4 of the C&NLP and ENV3 of the SNP.

### **PROW**

PROW Rope FP4 is located to the south of the site and would not be affected by the development. An informative will be attached to any approval to protect the PROW.

### **Other issues**

The site will have to adhere to the Institute of Cemetery and Crematorium Management (ICCM) and Government legislation to operate legally. The burial site and burial plots will be managed and operated for a minimum of 25 years from the last burial taking place at the site. The law does permit grant of ownership to be extended and it is good practice for operators to write to plot owners every five years after the 25 year minimum term in order to offer the opportunity to 'top-up' their lease, with all funds being paid into a trust fund that will last for at least the minimum 100 year ownership term. In this manner, the grave can stay in the family for as long as they wish,

though ownership can never be issued for more than 100 years at any one time by law. After the lease expires on any given urn burial plot there should be no subsequent material change to the grazing of the fields by sheep, which will continue to be grazed during the operation of the burial site.

The site will be managed in accordance with the Ministry of Justice's guidance for Natural Burial Ground Operators (2009) and a Management Plan has been provided to confirm this. This will be controlled via the imposition of a planning condition.

## **CONCLUSION/PLANNING BALANCE**

The change of use of the land, pathways and burial plots would not conflict purpose of the Strategic Green Gaps or the Open Countryside as identified within Policies PG5 and PG6 of the CELPS and Policy NE.4 of the C&NLP. However, there would be some minor harm from the building, access and parking areas and these elements would cause some conflict with the above policies.

There is sufficient burial space within the Borough, However, there is an opportunity to create new cemeteries to support the desire for woodland/ecological burial grounds (as identified within the Cemetery Strategy in the Medium Term). There is no such provision within the southern part of the Borough and the ecological burial ground will complement the other traditional cemeteries in the south of the Borough and offer choice to the residents of Cheshire East. This is a benefit of the proposed development.

The proposed development will not be incongruous or adversely affect the landscape character. The development is also considered to be of an acceptable design. The proposed development complies with Policy SE4; the landscape requirements of Policy PG5, SE1, SD1 and SD2 of the CELPS and NE.4 of the C&NLP.

The highways impact will be minimal, and the improved access and parking provision are acceptable. The application proposes a safe and suitable access can be achieved, there will be no severe impact upon the local highway network. The proposed development complies with policies BE.3 of the C&NLP, CO1, CO2 and CO4 of the CELPS, TRA1 and TRA2 of the SNP and the NPPF.

The proposed development would not cause such amenity harm to warrant the refusal of the application. The proposed development complies with Policy BE.1 of the C&NLP.

There are no objections in terms of the flood risk/drainage implications of the development. The proposed development complies with Policies SE12 of the CELPS, BE.4 of the C&NLP and ENV3 of the SNP.

There are no implications in terms of the impact upon trees, protected species and habitats. The use of the site would also provide ecological benefits, and this would weigh in favour of the application. The proposed development complies with Policy SE3 of the CELPS, NE.5 of the C&NLP and ENV2 of the SNP.

The minor harm to the Green Gap would be outweighed by the benefits of the scheme in terms of the provision of the natural burial ground in this part of the Borough as well as the ecological benefits of the development. On this basis the application is recommended for approval.

**RECOMMENDATION:**

**APPROVE** subject to the following conditions;

- 1. Standard Time**
- 2. Approved Plans**
- 3. Breeding Birds – timing of works**
- 4. Ecological Method Statement to be submitted and approved**
- 5. Ecological Enhancement Strategy to be submitted and approved**
- 6. Landscaping to be submitted**
- 7. Landscaping to be implemented**
- 8. Details of any level's changes, footpath positions and location of burial plots should be indicated onto a tree constraints plan**
- 9. Burial plots shall not occur within RPA's of retained trees on the site**
- 10. No more than two burials a day and no burials to take place on a Sunday**
- 11. Provision of the proposed access**
- 12. Surfacing details for the proposed access and parking areas to be submitted for approval (the access should consist of a bound material for the 1<sup>st</sup> 20m off Main Rd to prevent stones and debris being deposited onto the highway)**
- 13. Parking spaces to be provided prior to the first use of the site**
- 14. Unexpected contamination**
- 15. Construction Risk Assessment Method Statement – UU infrastructure**
- 16. Surface water drainage to be submitted and approved**
- 17. No burials within the UU easement**
- 18. Compliance with the submitted Management Plan**

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





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Application No: 20/4803N

Location: Former printworks site, Land at, Crewe Road, Haslington, CW1 5RT

Proposal: Variation of conditions 3,5,6,7,8,9 and 12 on approval 18/3026N.

Applicant: SNV Construction Ltd

Expiry Date: 24-Dec-2020

**SUMMARY:**

The principle of residential development on this site has already been established and does not fall to be re-visited in the determination of this application.

The development would provide affordable housing in accordance planning policy. The mix of units within the open market housing on site is acceptable.

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

The highways impact, internal road layout and parking provision are acceptable.

The ecological impacts, tree impacts, and landscape impacts of the development are considered to be acceptable.

On this basis the application is recommended for approval.

**RECOMMENDATION**

**Approve subject to conditions.**

**DESCRIPTION OF SITE AND CONTEXT**

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

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

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

## **DETAILS OF PROPOSAL**

This is an application to vary conditions 3, 5, 6, 7, 8, 9 and 12 on the reserved matters approval 18/3026N. In summary the changes comprise the following:

### **Plots 8 & 9**

- Reduced house size designs
- Garages now detached

### **Plots 1-3**

- Omit porch to rear of plot 2
- Arch heads added
- Relocated quoining

### **Plots 4, 5, 7, 10 & 11**

- Removal of stone to rear
- Simplify dormer
- Removal of quoining
- Modified chimney

### **Plot 6**

- Flipped plan
- Removal of stone to rear
- Simplify dormers
- Removal of quoining
- Modified chimney

### **Site plan changes**

- Modified turning head
- Relocation of access to plot 6

## **RELEVANT HISTORY**

18/3026N     2019 Approval for reserved matters to 13/5248N

17/4974N     2019 Approval for reserved matters for approved application 13/5248N for Appearance Landscaping Layout and Scale

13/5248N     2015 Appeal allowed for outline application for new residential development of up to 14 dwellings.

12/1535N     2012 Non-material amendment to application number 12/0325N

12/0325N     2012 Approval for replacement dwelling for previously approved residential conversion.

11/3894N     2012 Withdrawn application for conversion to residential

10/4295N     2010 Approval for residential conversion

## **POLICIES**

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

SD 1 Sustainable Development  
SD 2 Sustainable Development Principles  
SE1 Design  
SE 2 Efficient Use of Land  
PG 6 Open Countryside

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

### **Local Plan Policy**

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

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

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

### **Other Considerations**

National Planning Policy Framework  
Cheshire East Design Guide

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

**Highways:** No objection.

**Environmental Health:** No objection.

**Housing:** No objection.

**Flood risk:** No objection.

## **VIEWS OF THE TOWN COUNCIL**

No comments received at the time of report writing.

## **OTHER REPRESENTATIONS**

One representation have been received at the time of report writing, from a local resident questioning whether the trees to the rear of the site would remain in place.

Councillor Steven Edgar has commented on the application, making the following points:

- This was an unwanted application at the northern gateway into Haslington village, but now has reserved matters permission granted in May 2019 after an appeal was lost in 2015.
- Houses will be built at this site, all that can be done is perhaps improve the appearance of the inevitable.
- This application seeks to change the design of the houses and incorporates some improvements to the original design.
- The 3 houses at the entrance are now staggered slightly relieving the appearance of a terrace and have proposed more space in front of each to provide planted screening.
- This extra space at the front will undoubtedly be used as a bin store (the kitchens are at the front of the houses), I would like to see some sort of bin store or feature to hide the bins from view, perhaps at the sides of plots 1 and 3 and at the front of plot 2. A There is ample space for some sort of camouflaging feature.
- I welcome the condition at 4.10 that the affordable housing should be for members of the local community in perpetuity.
- Wheel washing, dust generation and off road parking during construction are covered within the construction method statement and are also welcome as the access is off a narrow section of Crewe Road, just beyond the entrance to the very large Bovis development still under construction.

### **OFFICER APPRAISAL**

#### **Principle of Development**

The site lies in the Open Countryside. However, outline consent for up to 14 dwellings was granted on appeal in 2015. Therefore, the principle of allowing residential development on this site has already been established and cannot be revisited. In addition, reserved matters approval was given for 11 dwellings on the site in May 2019.

#### **Design**

There are very limited changes to the design of the properties.

Plots 8 and 9 have been reduced in size and the garages would now be detached.

On plot 2 the rear porch is removed and for plots 1, 2 and 3 arch heads have been added above the windows on the front elevations and quoin details have been relocated.

Plots 4, 5, 7, 10 and 11 would have stone finishes removed from the rear, quoins removed, simpler dormer design and modification to the design of the chimneys.

Plot 6 would be rotated, stone finishes removed from the rear, quoins removed, simpler dormer design and modification to the design of chimneys.

In terms of layout, the turning head has been slightly amended and the access to plot 6 relocated due to the rotation of the property.

In design terms these are all very limited changes and it is not considered that they would detract from the character and appearance of the development.

The proposal is complies with Policies SD1, SD2 and SE1 of the CELPS.

### **Landscape**

The proposed landscaping of the site is almost identical to that approved under the previous reserved matters application and as such is acceptable.

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

### **Trees**

The loss of protected trees, a Sycamore and Lime forming part of Group G4 of the Crewe and Nantwich Borough Council (Winterley) Tree Preservation Order 1977 were conceded by the Planning Inspector at appeal to facilitate the proposed access. The Inspector (at para 17 of the decision) required Landscaping (including provision of additional tree planting to the front of the site) is to be undertaken.

The revised Landscape Layout now provides for two replacement Lime trees on the Crewe Road frontage, with two at right angles to it to the north of the car park. This revised landscaping scheme now satisfies the concerns of Officers in respect of mitigation for the loss of the two protected trees conceded by the Planning Inspector.

A condition relating to tree protection and retention form part of the outline approval and as such do not require re-imposing as part of this application.

The trees to the rear of the site are to be retained, which addresses the issue raised in the representation by the member of the public.

The proposal is therefore considered to be in accordance with Policy SE5 of the CELPS and NE.5 of the C&NLP.

### **Highways**

The changes only involve minor changes to the turning head and the relocation of the access to plot 6. The Head of Strategic Infrastructure has assessed the revised proposal and is satisfied that it is acceptable.

A Construction Management Plan has been submitted and compliance with the relevant parts (as set out in the appeal decision on the outline application) of it should be controlled by condition.

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

### **Amenity**

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

Having regard to the amenity of future occupiers of the dwellings, they would have adequate residential amenity space. However permitted development rights should be removed from plots 1, 2 and 3 in order to ensure that this residential amenity space is retained.

Conditions relating to air quality (EVC charging points), land contamination and piling were imposed on the outline consent allowed at appeal, as such they do not require re-imposing as part of this application.

The proposal is would comply with Policy BE.1 (Amenity) of the C&NLP.

### **Ecology**

#### *Condition 5 (Landscape Plan)*

The revised landscape plan refers to the ecological report for recommendations relating to the treatment of the area of retained scrub and trees towards the southern end of the site. The revised ecological report (dated 10th December) recommends that the area is to be retained as it currently is. This approach is acceptable.

#### *Condition 9 (Development undertaken in accordance with the recommendation of the submitted ecological reports)*

The revised ecological assessment (10th December) states that it is now proposed to enter the development into Natural England's district licensing scheme for Great Crested Newts, in place of providing compensatory habitat and mitigation on site. Confirmation of acceptance onto the scheme has now been provided. It is considered that this approach is acceptable to maintain the favourable conservation status of the species concerned.

As identified during the earlier applications at this site a sett is known to be present. The ecological assessment has now been revised to detail potential impacts on the retained sett would be mitigated during the construction phase. These proposals are acceptable.

#### *Habitat Regulations*

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

- A licensing system administered by Natural England which repeats the above tests



- A requirement on local planning authorities (“LPAs”) to have regard to the directive’s requirements.

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

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

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

#### Test 1: Overriding Public Interest

The revised ecological assessment states that it is now proposed to enter the development into Natural England’s district licensing scheme for Great Crested Newts, in place of providing compensatory habitat and mitigation on site. This approach is acceptable to maintain the favourable conservation status of the species concerned. The development would provide social and economic benefits in the form of employment during construction, the delivery of housing and the restoration of what is currently a derelict site. Given these benefits the development proposal contributes to meeting an imperative public interest, and that the interest is sufficient to override the protection of, and any potential impact on Great Crested Newts, setting aside any mitigation that can be secured.

#### Test 2: No satisfactory alternative

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

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

The Applicant is to enter the development into Natural England’s district licensing scheme for Great Crested Newts, in place of providing compensatory habitat and mitigation on site. This approach is acceptable to maintain the favourable conservation status of the species concerned.

The submitted Other Protected Species Mitigation Strategy is also satisfactory.

Overall, therefore it is considered that the development contributes to meeting an imperative public interest, there are no satisfactory alternatives, and that the interest is sufficient to override the protection of, and any potential impact on Great Crested Newts and other protected species, setting

aside the proposed mitigation. It is considered that Natural England would grant a licence in this instance.

#### *Condition 12 (Lighting)*

The revised lighting scheme is considered to be acceptable in terms of its impact on wildlife.

#### **Affordable Housing**

There is no change to the affordable housing provision on the site.

#### **Flood Risk**

The Flood Risk management team have assessed the application and raised no issues relating to drainage.

#### **CONCLUSIONS**

The principle of residential development on this site has already been established and does not fall to be re-visited in the determination of this application.

The development would provide affordable housing in accordance planning policy. The mix of units within the open market housing on site is acceptable.

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

The highways impact, internal road layout and parking provision are acceptable.

The ecological impacts, tree impacts, and landscape impacts of the development are considered to be acceptable.

On this basis the application is recommended for approval.

#### **RECOMMENDATION**

**Approve subject to the following conditions:**

- 1. Accordance with the conditions on the outline permission**
- 2. Time limit**
- 3. Approved plans**
- 4. Details of materials to be submitted**
- 5. Compliance with the landscape planting proposals**
- 6. Compliance with the Drainage Strategy**
- 7. Compliance with the Construction Method Statement**
- 8. Compliance with the Badger Mitigation Strategy**
- 9. Prior to the occupation of any of the dwellings hereby permitted, details of features suitable for nesting House Sparrow and roosting bats, to be incorporated into the approved development, shall be submitted to and approved in writing by the Local**

**Planning Authority. Development shall be carried out in accordance with the approved details.**

- 10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Classes A, B, C, D and E of Part 1 Schedule 2 of the Order shall be carried out on plots 1, 2, & 3.**

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



Application No: 20/3090C

Location: United Utilities, Hassall Road, Alsager, ST7 2SJ

Proposal: Installation of the infrastructure to facilitate improvements at Alsager Wastewater Treatment Works, including a change of use of land to Operational.

Applicant: Miss Sarah Allen, United Utilities

Expiry Date: 23-Oct-2020

**Summary**

The proposed development will allow for an improvement to water entering watercourses and will deal with increased wastewater due to increases in population.

There would be no adverse impact on neighbouring residential amenity due to the significant distance to the nearest residential properties.

Satisfactory access and parking provision will still be provided, and the development would not result in 'severe harm' on the local highway network.

The impact on the character of the open countryside is acceptable.

The impact on trees and nature conservation is acceptable.

The proposal is therefore found to be economically, socially and environmentally sustainable.

**RECOMMENDATION**

**Approve subject to conditions.**

**PROPOSAL**

Full planning permission is sought for the installation of infrastructure to facilitate improvements at Alsager Wastewater Treatment Works (WwTW), including a change of use of land to operational land.

## **SITE DESCRIPTION**

The site incorporates both existing operational and non-operational land within the confines of the existing Alsager WwTW fenced boundary. Development is proposed on the area of non-operational land to the southeast within the fenced boundary of the WwTW (approximately 5,400m<sup>2</sup>), which previously housed a large, derelict storage building and existing hardstanding forming part of the access road. The storage building has now been demolished. Dense shrubs and scattered young to middle age trees are present throughout the area and surrounding the building. Development on the operational land is largely within open grassland and existing hardstanding.

The site is designated as being within Open Countryside within the adopted local plan.

## **RELEVANT HISTORY**

20/2540C – Temporary compound to facilitate works at Alsager WwTW– Approved 8<sup>th</sup> February 2021

20/2294N - Demolition of redundant boiler house, F magazine, gauge test centre, effluent plant and indoor range area – Approved 18<sup>th</sup> December 2015

17/2421N – Notification of demolition – Approved 6<sup>th</sup> July 2020

20/1952C – EIA screening opinion – EIA not required – 5<sup>th</sup> August 2020

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

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

### **Development Plan:**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for this area comprises the recently adopted Cheshire East Local Plan Strategy (CELPS), the Congleton Borough Local Plan First Review (CBLPFR) and the Alsager Neighbourhood Plan (ANP).

## **POLICIES**

### **Development Plan**

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

The following are considered relevant material considerations:

PG1 – Overall Development Strategy

PG6 - Open Countryside

PG7 – Spatial Distribution of Development

PG2 – Settlement Hierarchy  
EG1 – Economic Prosperity  
EG3 – Existing and Allocated Employment Sites  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 – Design  
SE2 – Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 – The Landscape  
SE5 – Trees, Hedgerows, Woodland  
SE12 – Pollution, Land Stability and Land Contamination  
SE13 – Flood Risk and Water Management  
IN1 - Infrastructure

**Congleton Borough Local Plan First Review (CBLPFR)**

GR6 – Amenity and Health  
GR7 – Amenity and Health  
GR9 – Accessibility, Servicing and Parking Provision  
GR10 - Accessibility, Servicing and Parking Provision  
GR20 – Public Utilities

**Alsager Neighbourhood Plan (ANP)**

NBE4 – Woodlands, Trees and Hedgerows  
TTS2 – Congestion and Highway Safety  
TTS3 – Car Parking and Electric Vehicle Charging Points  
TTS4 – Accessibility

**CONSULTATIONS:**

**Highways:** No objection.

**Environmental Health:** No objection subject to conditions/informatives relating to land contamination and hours of construction/operation.

**Environment Agency:** No objection.

**Natural England:** No objection.

**Alsager Town Council:** No comment.

**REPRESENTATIONS**

None received at the time of report writing.

**APPRAISAL:**

**Principle of Development**

The site is designated as being within Open Countryside and the development is required for essential works at the Alsager Waste Water Treatment Works. Policy PG6 (Open Countryside) of the CELPS allows for development of public infrastructure and essential works undertaken by public service authorities or statutory undertakers.

As a sewerage undertaker, United Utilities is obligated to provide the appropriate facilities for the treatment and storage of wastewater to the required standard by the Water Resources Act 1991 and the Urban Wastewater Treatment Regulations 1994.

Policy IN1 (Infrastructure), requires utilities infrastructure to be provided in a timely manner to meet the needs of new development.

The proposal is therefore considered to be acceptable in principle.

### **Design and Character**

Policy SE1 of the CELPS advises that proposals should make a positive contribution to their surroundings in terms of sense of place, design quality, sustainable architecture, livability/workability and safety.

Development is proposed outside the operational boundary of the WwTW but still within the fenced boundary of the site.

Outside the existing operational boundary of the site the following are proposed:

- Tertiary Pile Cloth Filters (TPCF) L15.10m x W7.30m x H4.20m
- Moving Bed Biofilm Reactor (MBBR) 2no. 10.25m diameter x H8.00m
- TPCF and MBBR Motor Control Centre (MCC) Kiosk L13.10m x W3.60m x H4.20m
- Sludge holding tank 7.95m diameter x H1.10m
- Rapid mixing chamber L3.00m x W2.00m x H1.50m
- MBBR blowers 2 no. L1.80m x W1.90m x H2.00m
- Power Substation Kiosk L3.00m x W2.50m x H3.00m
- Potable Wash Water Booster Kiosk L2.70m x W2.30m x H1.50m
- Switchboard Kiosk L6.10m x W4.10m x H4.20m
- Inlet works MCC Kiosk L8.20m x W4.20m x H4.20m

Within the existing operational boundary the following are proposed:

- Ferric Dosing Kiosk L15.30m x W4.20m x H3.00m
- Caustic Dosing Kiosk L11.70m x W4.30m x H3.00m

The appearance of the buildings and structures within the site is dictated by their function and as such are of a utilitarian appearance. The site is well screened from public view by vegetation and the proposed development is within the existing fenced area of the WwTW. As such it is not considered that there would be any significant adverse impact on the character and appearance of the area or the open countryside.



The proposal is therefore acceptable in terms of design and character and in compliance with Policies SE1 (Design), SD1 (Sustainable Development in Cheshire East) and SD2 (Sustainable Development Principles) of the CELPS.

### **Amenity**

Policies GR6 and GR7 of CBLPFR requires development to ensure that there would be no unduly detrimental effects on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking.

The development would be in excess of 200m away from the nearest residential property and as such, it is not considered that there would be any adverse impact on residential amenity.

The proposals are therefore in compliance with Policies GR6 and GR7 (Amenity and Health) of the CBLPFR.

### **Highways**

Alterations are proposed to the internal access road including widening and surfacing with tarmac.

No alterations are proposed to the main access to the site and it is not anticipated that the proposed development would lead to an increase in vehicle movements, other than during the construction phase. A temporary construction compound has been approved on the opposite side of the road and vehicles would enter the site via a temporary access opposite this.

The Head of Strategic Infrastructure has no objection to the proposed development. The proposed development is in accordance with Policy GR9 (Accessibility, Servicing and Parking Provision) and Policies TTS2 (Congestion and Highway Safety) and TTS4 (Accessibility) of the ANP.

### **Ecology**

#### *Great Crested Newts and Roosting Bats*

It is considered that these protected species are unlikely to be affected by the proposed development.

Whilst the application site offers limited opportunities for roosting bats, bats are likely to commute and forage around the site to some extent. To avoid any adverse impacts on bats resulting from any lighting associated with the development it is recommended that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

#### *Other Protected Species*

No active setts were recorded on site during the submitted surveys, but other protected species are known to be present in this locality. It is considered that, based on the current status of other protected species on site, this species is not reasonably likely to be affected by the proposed development. As the status of other protected species can change within a short time scale it is recommended that if planning consent is granted a condition should be attached which requires the submission of an updated survey prior to the commencement of development.

### *Hedgerows*

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in a short section of overgrown hedgerow from the frontage of Hassall Road. Replacement planting is proposed in this location.

### *Biodiversity Net Gain*

Local Plan Policy SE 3 requires all development proposals to seek to positively contribute to the conservation of biodiversity. The proposed development will result in the loss of a small area of existing vegetation, whilst replacement planting is proposed as part of the biodiversity and landscaping scheme for the site, it is considered that the proposals are likely to result in a minor loss of biodiversity.

The proposal is therefore in compliance with Policy SE3 (Biodiversity and Geodiversity) of the CELPS and Policy NR3 of the CBLPFR.

### **Trees**

There are existing trees within the vicinity of the proposed development. The submission is supported by an Arboricultural impact Assessment and Method Statement. The proposals would require the removal of several trees, mainly internal to the site although some roadside vegetation would be impacted. The loss of these trees is not considered to be significant.

A condition should be imposed requiring compliance with the submitted tree protection details.

The proposal is therefore in compliance with Policy SE5 (Trees, Hedgerows and Woodland) of the CELPS and Policy NBE4 (Woodland, Trees and Hedgerows) of the ANP.

### **CONCLUSIONS**

The proposal will allow for improvement to water entering watercourses and deal with increased wastewater due to increases in population.

There would be no adverse impact on neighbouring residential amenity due to the significant distance to the nearest properties.

Satisfactory access and parking provision will still be provided, and the development would not result in 'severe harm' on the local highway network.

The impact on the character of the open countryside is acceptable.

The impact on trees and nature conservation is acceptable.

The proposal is therefore found to be economically, socially and environmentally sustainable.

The proposed development complies with the relevant Development Plan policies as a whole and is recommended for approval.

**RECOMMENDATION:**

**Approve subject to the following conditions:**

- 1. Time limit.**
- 2. Approved plans.**
- 3. Materials in accordance with submitted details.**
- 4. Development in accordance with submitted tree protection measures.**
- 5. Compliance with Landscape and Biodiversity Plan.**
- 6. Protection of nesting birds.**
- 7. Submission of updated Other Protected Species Survey prior to commencement of development.**
- 8. Submission of details of any proposed external lighting.**
- 9. Submission and approval of a Phase II Contaminated Land Report**
- 10. Submission and approval of a verification report**
- 11. Details of any importation of soils**
- 12. Unidentified contamination**

**In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chair (or in their absence the Vice Chair) of the 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.**

