

Southern Planning Committee

Agenda

Date: Wednesday, 28th July, 2021
Time: 10.00 am
Venue: The Ballroom, Sandbach Town Hall, High Street, Sandbach, CW11 1AX

PLEASE NOTE – This meeting is open to the public and anyone attending this meeting will need to wear a face covering upon entering and leaving the venue. This may only be removed when seated.

The importance of undertaking a lateral flow test in advance of attending any committee meeting. Lateral Flow Testing: Towards the end of May, test kits were sent to all Members; the purpose being to ensure that Members had a ready supply of kits to facilitate self-testing prior to formal face to face meetings. Anyone attending is asked to undertake a lateral flow test on the day of any meeting before embarking upon the journey to the venue. Please note that it can take up to 30 minutes for the true result to show on a lateral flow test. If your test shows a positive result, then you must not attend the meeting, and must follow the advice which can be found here:

https://www.cheshireeast.gov.uk/council_and_democracy/council_information/coronavirus/testing-for-covid-19.aspx

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.

Please contact Helen Davies on 01270 685705

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

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

1. Apologies for Absence

To receive apologies for absence.

2. Declarations of Interest/Pre Determination

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

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

To approve the minutes of the meeting held on 23rd June 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. 21/2010N, Land West of Parkside, Bunbury Lane, Bunbury, CW6 9QZ, Outline planning application for demolition of one dwelling and erection of up to 15 dwellings, access off Bunbury Lane and all other matters reserved for Roger Ryder

To consider the above application.

6. 20/1132N Weston Hall Commercial Complex, Main Road, Weston, Removal of condition 9 on approval 18/4123N - Change of use of buildings and areas of hardstanding to B8 (Storage & Distribution) use, replacement of redundant buildings and erection of new buildings and areas of hardstanding for B8 (Storage & Distribution) use, ancillary offices, and associated works c/o WSP Indigo

To consider the above application.

7. **20/5581N 437, Crewe Road, Winterley CW11 4RF, Demolition of existing buildings and construction of 2 no. new residential dwellings, for Mr. Richard Williamson**

To consider the above application.

THERE ARE NO PART 2 ITEMS

Membership: Councillors S Akers Smith (Vice-Chair), M Benson, P Butterill, S Davies, K Flavell, A Gage, A Kolker (Chair), D Marren, C Naismith, J Rhodes, L Smith and J Wray

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 23rd June, 2021 at The Assembly Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor A Kolker (Chair)

Councillors M Benson, P Butterill, S Davies, K Flavell, A Gage, D Marren,
C Naismith, J Rhodes, L Smith and J Wray

OFFICERS IN ATTENDANCE

Daniel Evans- Principal Planning Officer

James Thomas- Solicitor

Andrew Goligher- Highways Officer

Helen Davies- Democratic Services

8 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Suzie Akers-Smith.

9 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interests of openness and transparency, Councillor Stan Davies advised that in respect of item six: 20/5014N Former Agricultural Unit Wrenbury Hall Farm, Wrenbury Hall Drive, Wrenbury, CW5 8EJ Retrospective change of use of land and agricultural building for Premier Development, he was the Ward Councillor and had registered to speak against the application. He would retire from the room once he had spoken and not take part in any debate or vote.

In the interests of openness and transparency, Councillor David Marren declared an interest in item seven: 20/5236N Forget-Me-Not Fields, Adjacent To Old Puseydale, Main Road, Shavington, CW2 5DU in his capacity as the Chairman of Orbitas Bereavement Services Ltd. and President of the Federation of Burial and Cremation Authorities (FBCA).

Councillor Marren noted that this application had previously been to this Committee on 3 March 2021, and following the meeting, he was contacted by the Applicant to discuss the Council's approach to the application and he sent the applicant a link to the Federation Magazine which was focused on Environmental impact and some information about rapid environmental assessments.

Councillor Marren was clear he made no suggestion of either supporting nor opposing the application as he would determine that on the day.

Ahead of the application coming to this Committee today, Councillor Marren had spoken to Suzanne Webster (a Local Resident Objector) at length who had advised him he had been named in the supporting statement of the report, Councillor Marren wished it to be noted that he did not regard Cheshire East Council or himself as a lead in this particular field.

In the interests of openness and transparency, Councillor Penny Butterill declared an interest in item seven: 20/5236N Forget-Me-Not Fields, Adjacent To Old Puseydale, Main Road, Shavington, CW2 5DU in her capacity as Director of Orbitas Bereavement Services Ltd.

10 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the meeting held on 26 May 2021 be approved as a correct and accurate record and signed by the Chairman.

11 PUBLIC SPEAKING

RESOLVED: That the public speaking procedure be noted

12 **20/5014N - FORMER AGRICULTURAL UNIT, WRENBURY HALL FARM, WRENBURY HALL DRIVE, WRENBURY, CW5 8EJ, RETROSPECTIVE CHANGE OF USE OF LAND AND AGRICULTURAL BUILDING, FOR PREMIER DEVELOPMENT**

Consideration was given to the above application.

(Mr. Zac Robinson, the Agent for the Applicant attended the meeting and spoke on behalf of the application).

RESOLVED:

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

1. Cladding work to finish within 3 months of decision
2. Retained to the approved plans
3. Operational hours 830am-530pm Monday to Friday and 9am-2pm Saturdays and not at all Sundays/Bank Holidays
4. Parking area to be provided within 3 months of decision
5. No outdoor working/storage
6. Use restricted to B8 and E(g)
7. No amalgamation of the units hereby approved without the submission and approval of a separate planning application.

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.

13 **21/1920N - FORGET-ME-NOT FIELDS, ADJACENT TO OLD PUSEYDALE, MAIN ROAD, SHAVINGTON, CW2 5DU, INSTALLATION OF AN ECOLOGICAL BURIAL GROUND WITH ASSOCIATED ACCESS, CAR PARKING AND INFRASTRUCTURE WITH ANCILLARY FACILITIES, FOR SIMON CLUTTON**

Consideration was given to the above application.

(Ms. Suzanne Webster, a Local Resident Objector attended the meeting spoke against the application, and Russell Adams the Agent for the Applicant also attended the meeting and spoke on behalf of the application).

RESOLVED:

That, for the reasons set out in the report, the application be APPROVED as recommended 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 1st 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
19. Details of CCTV cameras (siting, direction of vision, appearance and location) to be submitted and approved in writing. There shall be no overlooking of the neighbouring dwellings.

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.

Councillor David Marren requested it be noted that he voted against the proposal to grant this application, because he had proposed a motion for a site visit after the proposal to approve (the application) had been moved and seconded and he hoped to gain support for his proposal.

The meeting commenced at 10.00 am and concluded at 12.06 pm

Councillor A Kolker (Chair)

Application No: 21/2010N

Location: Land West of Parkside, BUNBURY LANE, BUNBURY, CW6 9QZ

Proposal: Outline planning application for demolition of one dwelling and erection of up to 15 dwellings, access off Bunbury Lane and all other matters reserved

Applicant: Roger Ryder

Expiry Date: 28-Jul-2021

SUMMARY

The proposed development would be contrary to Policies PG6 & SD1 of the CELPS & Policy RES5 of the Crewe and Nantwich Local Plan as the development would result in development in the open countryside and would not meet any of the exceptions noted within open countryside Policy PG6. Given that Cheshire East can demonstrate a 5-year supply of deliverable housing sites, significant weight is given to these factors.

The proposal is also contrary to Policies H1 & H2 of the BNP as the site is not considered to be within or immediately adjacent to Bunbury village, would not enhance its role as a sustainable settlement and does not protect the surrounding countryside. The site would also be co-located with the consented Oak Gardens site to the north-west.

Although there is some conflict between Policy PG6 of the Local Plan and Policies H1 & H2 of the BNP, when this occurs section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan. In this instance the Local Plan is the most up to date document and is therefore given more significant weight in the decision-making process.

The proposal would also result in some landscape harm for all but one receptor and there will be adverse effects and for most receptors the longer-term visual effects will remain adverse.

The development would provide limited benefits in terms of open market housing and delivery of economic benefits during construction and through the spending of future occupiers. The proposal would also provide some benefit in terms of affordable housing provision, however the weighting to be attached to this benefit is considered to be limited given the siting within the open countryside and given the strong affordable housing provision within Cheshire East which is exceeding the expected level of provision for the Local Plan period.

The development would have a neutral impact subject to conditions upon flooding, living conditions, design, highway safety, air quality and contaminated land.

The proposed development is contrary to the Development Plan. In the light of section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be refused unless material considerations indicate otherwise. It is not considered that the benefits outweigh the adverse impacts and there are no material considerations which outweigh the harm caused. As such it is considered that the development does not constitute sustainable development and should therefore be refused.

RECOMMENDATION

REFUSE

REASON FOR REFERRAL

The application is referred to committee at the request of Cllr Pochin for the following reasons;

- 1. The site is outside the settlement boundary of the village and therefore in Open Countryside and is therefore contrary to the CELPS.*
- 2. The LPS has allocated 80 houses to Bunbury between now and 2030; in fact 106 houses have either been built or are in the process of being built or are approved. Therefore this is contrary to the LPS and is not needed.*
- 3. The site would have a negative visible impact on this end of Bunbury village which already has planning permission granted for 45 houses.*
- 4. This application is contrary to the recommendations in the Bunbury NHP.*
- 5. There are highways safety concerns with visibility splays on leaving the site.*
- 6. This is prime agricultural land and is not needed for housing in that CE have proved a 6.4 year land housing supply.*

PROPOSAL

Outline planning application for demolition of one dwelling and erection of up to 15 dwellings, access is included off Bunbury Lane and all other matters reserved.

SITE DESCRIPTION

The application site currently houses an existing dwelling off Bunbury Lane, Bunbury and an associated paddock. The area is predominantly residential area with properties both sides and front with open land to the rear

The application site is flat and boundary treatment consists of a mixture 2m high planting and post and rail fencing. There are trees located to the northern boundary of the site.

The site is located in the Open Countryside as designated by the Local Plan

RELEVANT HISTORY

14/5255N – Detailed planning application for the proposed development of 52 dwellings, access and public open space – refused and dismissed at appeal 19th October 2016

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE2 (Open Countryside) and RES5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version 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 Local Planning Authority considers that the scale of the proposed development would be premature following the publication consultation draft of the Bunbury Neighbourhood Plan. As such, allowing this development would prejudice the outcome of the neighbourhood plan-making process and would be contrary to guidance contained at Paragraph 216 of the NPPF and guidance contained within the NPPG.

14/4880S – Screening Opinion for 50 residential units, open space and access – approval not required 31-Oct-2014

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

- 11. Presumption in favour of sustainable development.
- 59. Delivering a Sufficient Supply of Homes
- 124-132. Achieving well-designed places
- 170-177 Conserving and enhancing the natural environment

Cheshire East Local Plan Strategy – Adopted Version (CELP)

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

- MP1 – Presumption in Favour of Sustainable Development
- SD1 – Sustainable Development in Cheshire East
- SD2 – Sustainable Development Principles
- SE1 – Design
- SE2 – Efficient Use of Land
- SE3 – Biodiversity and Geodiversity
- SE4 – The Landscape
- SE5 – Trees, Hedgerows and Woodland
- SE6 – Green Infrastructure
- SE9 – Energy Efficient Development,
- SE12 – Pollution, Land Contamination and Land Instability
- SE13 – Flood Risk and Water Management
- PG1 – Overall Development Strategy
- PG2 – Settlement Hierarchy

PG6 – Open Countryside
PG7 – Spatial Distribution
SC4 – Residential Mix
IN2 – Developer Contributions
CO1 – Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SC5 – Affordable Homes
IN1 – Infrastructure
IN2 – Developer Contributions

Crewe and Nantwich Local Plan

NE.5 (Nature Conservation and Habitats)
NE.8 (Sites of Local Importance for Nature Conservation)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.6 (Development on Potentially Contaminated Land)
RES.5 (Housing in the Open Countryside)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

Bunbury Neighbourhood Plan (BNP Made 29 March 2016)

H1 – Settlement Boundary
H2 – Scale of Housing Development
H3 – Design
LC1 – Built Environment
LC2 – Backland Development
ENV4 – Landscape Quality, Countryside and Open Views
BIO 1 – Biodiversity

Supplementary Planning Documents:

Cheshire East Residential Design Guide SPD (Parts 1 and 2)
The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Development on Backland and Gardens
National Planning Practice Guidance
Bunbury Village Design Statement

CONSULTATIONS

CEC Highways: No objection subject to condition requiring the access works to be complete prior to commencement of development.

CEC Environmental Health: No objection subject to conditions/informatives offered in all other regards such as working hours, electric vehicle charging, piling, dust and contaminated land

CEC Flood Risk: No objection subject to condition requiring the development to be carried out in accordance with the approved outline drainage strategy (Ref: 6561/R1 - completed by Lees Roxburgh) dated April 2021 and requiring a detailed drainage strategy

CEC Public Right of Way (PROW) – No objection subject to informative note reminding the applicant of their obligations to the PROW

CEC Housing: No objection subject to provision of x5 affordable units

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

VIEWS OF THE PARISH/TOWN COUNCIL

Bunbury Parish Council – Objects on the following grounds:

- The development is outside the settlement boundary
- 106 homes have already been committed or built which meets the housing requirement set out in the CELPS
- The proposed widening of the footpath and visibility splays will cause significant issues on Bunbury Lane
- The planning application includes numerous incorrect statements
- Failure to mention the BNP in the planning statement
- No public transport links to wider settlements
- Impacts of the refused scheme still relevant for this smaller proposal
- Site is outside the settlement boundary in the BNP
- Harmful to amenity
- Pedestrian links in the village are narrow
- No mention of climate change credentials/benefits
- Proposal contrary to the Local Plan and BNP
- CIL money would not be spent in Bunbury
- CEC has a 5 year housing land supply so no presumption in favour
- Transport statement inadequate

Spurstow Parish Council – Objects on the following grounds:

- Overlooking of existing properties
- Visible from roads and public footpaths
- Previously refused at appeal and should remain the case given the strong 5 year housing land supply position
- BNP has already exceeded its March 2030 need/limit of 80 houses, since 106 houses have already been built
- Highways safety concerns

REPRESENTATIONS

X108 Letters regarding the following:

- The proposal has not overcome the harm identified by the planning inspector for the refused scheme in terms of harm to the landscape and viewpoints within the village
- Harm to rural character of the village
- Loss of open countryside
- Contrary to Policies H1 and H2 of the BNP as the village has already accommodate 108 dwellings well over the 80 threshold and would result in co-location to the site to the north at Oak View
- Presumption in favour of sustainable development does not apply
- Highways safety impacts
- Harm to amenity through overbearing, overlooking and loss of light
- Noise and disturbance from vehicles for the dwellings adjacent to the access point
- Vibrations during construction/damage to neighbouring properties
- Affordable housing provision contrary to policy as only 4 proposed
- Impact on house value
- Harm to wildlife
- Drainage issues
- Pressure on existing services/infrastructure within the village
- Development is not needed given that Cheshire East have a 5 year housing land supply
- Would set precedent for future housing development
- Lack of meaningful consultation from the applicant

APPRAISAL

Principle of Development

Local Plan Policy PG6

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

limited infilling in villages

It is not considered that the proposal complies with the exception relating to limited infilling in villages as the site is not located within a village settlement boundary but seeks to extend the existing cluster of ribbon development further into the open countryside to the west and thus appears more an isolated development which is set away from the main built form to the north. Given the location of the site outside of a village with no built form to west and south, it is also not considered to present limited infilling as there is no gap in which to infill. The scale of development is also not considered to be limited as it would result in a larger intensity of development at this particular location which is predominantly ribbon development generally 1 row of properties deep.

It is noted that a number of appeal decisions for similar schemes have concluded that the siting within the village boundary should not be the determinative factor as to whether or not a site should be considered within a village and should also consider whether or not it is functionally and visually related to a village.

The site is currently free from permanent built form and is also open to the west and south, thus the site has more visual affinity with the open countryside than the development to the north and therefore is considered visually, functionally and physically related to the wider countryside. It is not part of nor does it relate to the built environment. Therefore, the site is neither functionally nor visually part of a village for the purposes of this assessment.

As such the proposal is not considered to constitute limit infilling in villages.

Infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere

The site has no development to the south and west with this land being open barring non-permanent structures as noted above. As such there is no gap between buildings in which to be considered either a small gap which is capable in being infilled.

Therefore, the proposal is not considered to constitute infilling of a small gap in an otherwise built up frontage.

Affordable housing / exceptional in design

The proposal does not seek to provide affordable dwellings in excess of that required by Policy SC5 and the proposal is not considered to be on any exceptional design nor has the application been put forward as such and therefore such does not comply with this policy exception.

BNP

Policy H1 of the BNP advises that Planning permission will be granted for a minimum of 80 new homes to be built in Bunbury in the period from April 2010 to March 2030. Development in the Neighbourhood Plan Area will be focused on sites within or immediately adjacent to Bunbury village, with the aim of enhancing its role as a sustainable settlement whilst protecting the surrounding countryside.

Policy H2 expands on this advising that new development will be supported in principle provided that it is small scale, and in character with the settlement phased over the period of the Plan and falling within certain categories the most relevant is below:

Greenfield Development – A maximum of 15 new houses on any one available and deliverable greenfield site immediately adjacent to the village. Such developments should not be co-located with other new housing developments unless there are demonstrable sustainable benefits from doing so.

The Bunbury Neighbourhood Plan was adopted in March 2016 prior to the adoption of the LPS (July 2017). The Neighbourhood Plan at the time of preparation took into account the Crewe and Nantwich Replacement Local Plan 2011 and also the strategic aspects of the emerging Cheshire East Local Plan Strategy (“LPS”).

The LPS is acknowledged in the introduction to the Bunbury Neighbourhood Plan. The Neighbourhood Plan states (page 12) that “delivering a choice of homes to meet Housing Requirements, including low cost market housing, is a key issue and Bunbury recognises the need for a small amount of sustainable housing development in scale and character to reflect Policy PG2 in the Cheshire East Local Plan. Whilst it is not the intention to cap the overall amount of development, the rate of sustainable growth should be in line with the forecast that some 80 houses will need to be accommodated over the Local Plan Period 2010–2030 to reflect organic growth of Bunbury. It is against this background and the views of the community that the housing policies have been formulated”.

The Neighbourhood Plan policy H1 clearly reflects the above information and mentions “planning permission will be granted for a minimum of 80 homes to be built in Bunbury in the period from April 2010 to March 2030”.

The Neighbourhood Plan policy H2 directs where new growth should be located to accommodate the number of new houses forecasted over the Local Plan period.

The figure of 80 dwellings was provided to Bunbury Parish Council as the most up-to-date evidence available at that time during the preparation of the LPS. Indeed, the Bunbury Neighbourhood Plan (page 10) acknowledges that “this figure may change as work proceeds on the revisions to the Local Plan and that there may be a slightly higher housing requirement across the Council area although at the time of writing the only figure we can work to is the minimum of 80 new houses in the plan area.”

In the Examiners Report on the Bunbury Neighbourhood Plan the following was noted with regard to the housing requirement: “whilst I recognise that there is an emerging Local Plan and that housing land matters have not been resolved at the Borough wide level, it is clear to me that, by providing for the expansion of Bunbury, rather than just for infilling – as per the adopted Local Plan – and by setting a minimum housing target, rather than seeking to place a cap on development, the Neighbourhood Plan has been positively prepared with the aim of providing for sustainable growth. Not uniquely, in the context of forward planning, there are landowners and developers who would like to see more land allocated for development. However, in terms of providing for new homes, the Neighbourhood Plan meets the basic conditions. There is no requirement for it to impose a higher minimum housing target than it does. Planning is dynamic. Housing numbers in adopted land use planning policies will inevitably change in the future. However, it is not the role of the Neighbourhood Plan to predict what might happen with regards Borough-wide housing numbers”.

Bunbury completions and commitments at 31 March 2020 are 108 dwellings as seen in the published completions and commitments summary table, which far exceeds the 80 figure contained in the Bunbury Neighbourhood Plan.

Whilst it is accepted that the 80 figure is not an sealing point, there clearly will become a point where the benefits from further housing would be limited given that the Council has a strong 5 year housing land supply position and is exceeding affordable housing provision targets for the plan period, thus less weight is attached to any perceived benefits.

Policy H1 also advises that development will be focused on sites within or immediately adjacent to Bunbury village, with the aim of enhancing its role as a sustainable settlement whilst protecting the surrounding countryside. The current application site is not within Bunbury Village and the site is not considered to be immediately adjacent to the village as it extends further away from the village boundary. Whilst the site to the north-west of the site known as Oak Gardens has consent for 15 dwellings, this site

still forms part of the open countryside and only limited weight can be given to any settlement boundary changes in the Emerging SADPD. The current proposal would result in the loss of this open countryside site and with less weight attached to the perceived benefits it is not considered to enhance Bunburys role as a sustainable settlement.

Policy H2 also advises that new development will be supported in principle provided that it is small scale, and in character and when dealing with greenfield sites only a maximum of 15 new houses on any one available and deliverable greenfield site immediately adjacent to the village. Such developments should not be co-located with other new housing developments unless there are demonstrable sustainable benefits from doing so.

As noted above the site is not considered to be immediately adjacent to the village but extends away from it. The site would also be co-located with the consented Oak Gardens site to the north.

As such the proposal appears to conflict with Policies H1 & H2 of the BNP.

Conflict between Local Plan and BNP

As a result there is some conflict between Policies` PG6 of the Local Plan and Policies H1 & H2 of the BNP. When this occurs section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan, in other words the most up to date plan takes precedence.

In this instance the Local Plan was adopted 27 July 2017 and the BNP was adopted on 29 March 2016. Therefore, the Local Plan is the most up to date document and is therefore given more significant weight in the decision-making process.

SADPD

LPS Policy PG7 'Spatial Distribution of Development' expects Local Service Centres ("LSCs") to accommodate in the order of 7 hectares of employment land and 3,500 new homes. These figures are intended as a guide and are neither a ceiling nor a target (paragraph 8.73 of the LPS). The LPS goes on to state that development requirement for individual LSCs are to be disaggregated in the SADPD (paragraph 8.77 of the LPS).

The Site Allocations and Development Policies Document ("SADPD") is the second part of the Cheshire East Local Plan. The SADPD provides further detailed and non-strategic policies and includes land allocations, where necessary, in line with the strategy set out in the LPS.

The council published the Revised Publication Draft SADPD for representations between the 26th October 2020 and 23 December 2020. The Revised Publication Draft SADPD has now been submitted for examination.

Policy PG 8 'Spatial Distribution of development: Local Service Centres' of the Revised Publication Draft SADPD proposes that local service centres are expected to accommodate in the order of 7ha of employment land and 3,500 new homes. It is expected that the remaining housing element will be addressed by windfall going forward, in line with other policies in the Local Plan, and the employment element will include an allocation at Homes Chapel (Site HCH 1 'Land east of London Road') as well as

windfall in line with other policies in the Local Plan. Given the status of the SADPD, as an emerging Plan, it can only be given limited weight in decision taking at this stage.

In any case the site is shown as not being brought forward and remains in the open countryside outside of the settlement boundary in the Bunbury Settlement Report (ED 25) August 2020.

Previous appeal decision

The appeal decision was made under a different planning context when the Council has not adopted the Cheshire East Local Plan and when the Council could not demonstrate a 5-year supply of housing land.

This is not the case today as the Council has an adopted Local Plan and can demonstrate a deliverable five-year housing land supply of 6.4 years. Therefore, the overall context is different to the current application, with even greater weight attached to the policies relating to housing.

Principle conclusion

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.

Housing Land Supply

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

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

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

- Where a local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with appropriate buffer) or:
- Where the Housing Delivery Test Measurement 2020 indicates that the delivery of housing was substantially below (less than 75% of) the housing required over the previous three years.

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council’s most recent Housing Monitoring Update (base date 31 March 2020) was

published on the 11th March 2021. The published report confirms a deliverable five-year housing land supply of 6.4 years.

The 2020 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19 January 2021 and this confirms a Cheshire East Housing Delivery Test Result of 278%. Housing delivery over the past three years (8,421 dwellings) has exceeded the number of homes required (3,030). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

In the context of five-year housing land supply and the Housing Delivery Test, relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged.

Affordable Housing

This is a full application for up to 15 dwellings (net total increase 14 dwellings as it seeks to remove the existing dwelling) and as per Policy SC5 there is a requirement for 30% of dwellings to be provided as affordable dwellings with a split of 65/35 between social rented and intermediate housing.

In order to meet the Council's Policy on Affordable Housing there is therefore a requirement for 5 dwellings to be provided as affordable dwellings with 3 units provided as Affordable/Social Rent and 2 units as Intermediate tenure.

The exact mix and location of the affordable dwellings can be detailed in the Reserved Matters application, with the provision secured as part of a S106 Agreement.

Education

No comments received at the time of writing the report. Formal comments will be provided in the update report.

Any provision could be secured as part of a S106 Agreement.

Health

The proposal is not large enough to require any contributions towards the above

Open Space

The proposal is not large enough to require any contributions towards the above

Location of the site

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

In this instance no such assessment has been provided with the application. The facilities in the locality are based in the village approx. 400m away to the north. The bus based on the D and G Bus Timetable

website, shows that the bus stop at the Co-op located 400m to the north has a service No.70 to Nantwich running x2 services a day Monday to Friday, x2 services Saturday and no services on Sunday.

The nearest bus stop is sited 400m away to the north. This distance is within the acceptable walking distance of 500m as noted in Policy SD2, although the frequency of this service is limited.

As a result, on balance the site would appear to meet a number of threshold contained with Policies SD1&SD2 in terms of locational sustainability.

Nevertheless, locational sustainability is not the determinative factor in its own right.

Residential Amenity

The main residential properties affected by this development are those located to the north and east off Bunbury Lane

The proposal has been submitted in outline form with siting and appearance a reserved matter, however an illustrative plan has been provided which shows one way in which the site could be developed.

This plan shows that the majority of plots could provide the required 13.5m and 21m interface distances as recommended in the SPD.

One of the plots to the eastern boundary facing Holmleigh is shown as achieving an interface between main face elevations of just 18.5m which is slightly shy of the recommended 21m interface. However, given the size of the application site it is considered that this distance could be accommodated.

Similarly, the plots to the north-eastern boundary facing Doctors Cottage show an interface of approx. 13m. Given the 90-degree orientation shown between the properties this relationship is deemed to be acceptable without direct overlooking between windows. There is some potential for overlooking of the rear garden area of this property however again any overlooking would not be direct, and the final layout would not be set until reserved matters stage. Nevertheless, the application site appears capable of increasing the distance to this boundary to prevent significant harm through overlooking.

Amenity to proposed occupants

The plots would appear capable of providing at least the recommended minimum garden area of 50sqm as noted in the SPD.

Contaminated Land

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. As such Environmental Health Officers have requested conditions dealing with contaminated land.

Highways

Sustainable access

There is existing pedestrian infrastructure providing access to the wider Bunbury area including to the local centre with a number of destinations including a local retail shop.

It is noted that the footways are narrow at parts, and that the bus service is limited and not practical for a lot of uses, but the proposed development is small and the principle of development, from a highways perspective, was acceptable for a significantly larger development thus the proposal could not be resisted on locational sustainability grounds.

Safe and suitable access

Visibility splays reflecting both the speed limit and those agreed with the previous application have been provided and remain acceptable here. To accommodate the visibility splays it has been proposed to build out the footway. The resultant carriageway width will remain above 6m and is considered sufficient, and the details of the proposal will be subject to a Road Safety Audit if the application is approved.

Network Capacity

It is noted that the applicant's traffic surveys were carried out at a time with traffic numbers may have been suppressed by the Covid-19 restrictions. Nevertheless, the proposal is small, and the traffic generation does not raise concern, and again is significantly less than the previous proposal.

Conclusion

As a result, the Councils Highways Engineer has raised no objection subject to condition requiring the proposed access works to be complete prior to commencement of development.

The proposal will not result in any significant harm to the existing highway network.

Landscape

The application site is formed by Parkside – a residential property located along Bunbury Lane along with an agricultural field which is located to the rear of parkside. The Ecological Appraisal notes a hedgerow along the northern boundary and western boundary and three mature Oak trees along the northern boundary. The site is bound to the east and north by existing residential dwellings; to the south and west is the wider rural landscape.

The submission includes a Landscape and Visual Appraisal, this indicates that it has been based upon the Guidelines for Landscape and Visual Impact Assessment, third edition (GLVIA3), published by the Landscape Institute and the Institute of Environmental Management and Assessment, 2013. The appraisal identifies the baseline landscape, that the application site is located within NCA 62 – Cheshire Sandstone Ridge and also that the site is located with the area identified in the Cheshire East Landscape Character Assessment 2018 as LCT4: Cheshire Plain East and more specifically LCA 4b: Ravensmoor.

The appraisal indicates that the landscape value of the site is medium, that the landscape susceptibility of the site to change is medium and that the landscape sensitivity of the site is medium. The appraisal indicates that following completion there will be a medium magnitude of change, with a moderate adverse effect on the site and its immediate context, reducing to a minor/moderate effect in the longer term. The appraisal indicates that on landscape features there will be a negligible magnitude of change and as landscape planting matures the result will be a minor beneficial effect in the longer term. The effect on landscape character areas is identified as negligible.

The visual appraisal identifies 8 viewpoints and identifies that for receptor B users of Bunbury Lane with views that the effect is moderate adverse, reducing to minor/moderate adverse in the longer term. For Receptor C – users of Bunbury FP14 this is identified as Moderate/major adverse, reducing to minor/moderate; for Receptor D – users of Spurstow FP18 this is identified as minor adverse, reducing to minor adverse/negligible; for Receptor E – users of Bunbury FP16 and FP17 minor adverse reducing to negligible and for Receptor F – public footpaths in the Peckforton Hills as negligible, remaining negligible.

This is an outline application and the Final Scheme Plan as shown in the Design and Access Statement is purely illustrative, since all matters besides access are reserved matters. The Landscape and Visual Appraisal states that the design objectives are to provide a high quality attractive landscape setting for the proposed development; to maintain and protect the landscape and biodiversity of the site; to provide tree lined streets; to follow the recommendations of the Cheshire East Design Guide and to minimise landscape and visual effects of the built development on peripheral residential development. These objectives would be achieved by the retention of the western boundary hedge and trees along the northern boundary, new tree planting, along with garden planting.

The Councils Landscape Officer would broadly agree with the appraisal's assessments regarding site landscape value, susceptibility and sensitivity as well as the location of the receptors and the landscape objectives, however this is an outline application and so while the existing western hedgerow and northern boundary trees may be retained, it is impossible to determine what tree planting or planting generally may be achieved, what the final layout might be and how effective that may be on minimising the landscape effects that the proposals may have – on both the peripheral residential development, but also on the immediate rural landscape. Consequently, it is unclear how the appraisal can claim that there will be a minor beneficial effect in the longer term. The visual appraisal identifies that for all receptors – apart from Receptor F – Peckforton Hills, approximately 3km to the west of the site, that there will be adverse effects and for most receptors the longer term visual effects will remain adverse.

Policy SE4 – The Landscape of the Cheshire East Local Plan Strategy identifies the high quality of the built and natural environment is recognised as a significant characteristic of the borough. It states that all development should conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made features that contribute to local distinctiveness of both rural and urban landscapes.

It is not clear how the proposals will conserve the landscape character and quality, or how they will enhance them since apart from retaining some elements of the existing landscape features any landscape proposals are unclear, in addition the appraisal itself notes that there will be adverse visual effects in both the shorter and longer term.

As part of the appeal for the refused scheme, the planning inspector noted “... *the appeal proposal would significantly detract from the spacious and rural character of the area when approaching Bunbury village along its southern gateway. The proposed development would also be visible in the gaps between dwellings that form the linear development on Bunbury Lane leading towards the village centre. This would detract from the spacious pattern of development that contributes to the rural character of the lane. The rural character of the lanes close to the village is a particular feature of Bunbury and one that local policies, such as the Bunbury Village Design Statement (March 2009) seeks to maintain so that the rural character of the village is not eroded (p. 14 and 15). The appeal proposal would therefore be significantly harmful to the rural character of Bunbury in this respect*”. These comments are considered relevant to the current appeal also.

It would therefore appear that in their current form the proposals are contrary to Policies SE4 & PG6.

Trees

The application site comprises of equestrian grazing which benefits from established and mature tree cover to the northern boundary of the site and which is afforded protection by the Cheshire East Borough Council (Bunbury – Land west of Bunbury Lane) Tree Preservation Order 2015. Established hedgerows border the western and northern boundaries.

This outline application has not been supported by any arboricultural information, although it is noted that all trees and hedgerows are shown to be retained. The illustrated layout within the Design and Access Statement and Proposed Site Layout PA/B/PSL/01 dated 1/6/2021 both indicate housing layouts which will place the mature and protected trees located on the northern boundary (Group G1 and T1 of the Order) within private ownership.

The indicative plan suggests that the northern plots would be sited outside of any route protection areas. There is potential for some overshadowing of parts of the rear gardens of these northern plots however the dwellings appear set sufficient distance away to impact on light serving any rear facing windows and the garden area affected is the end tip of the gardens which would not overshadow the main usable garden areas and the northern orientation means overshadowing would be limited. Also given the size of the plot it would appear that the dwellings could be sited sufficient distance away from these trees to prevent any harmful impact.

The Councils Forestry Officer has suggested that if outline consent is granted, any future reserved matters application must be supported by a detailed Arboricultural Impact Assessment in accordance with Sections 5.4 (BS5837:2012), Tree protection Plan (Section 5.5 BS5837:2012) and where appropriate an Arboricultural Method Statement (Section 6.1 BS5837:2012) to ensure the successful integration of trees and implementation of Tree Protection measures.

Again final layout would not be known until reserved matters stage however it appears that the proposal could be accommodated without undue harm to existing trees on site.

Design

Policy SE1 (Design) of the CELPS states that development proposals should make a positive contribution to their surroundings. Policy RES.11 states that development should respect the setting, design, scale, form and materials of the original dwelling.

In this instance as the application has been submitted in outline form, no details of design, appearance or layout have been provided and thus such impacts would be addressed at reserved matters stage.

Connections

The proposed scheme is surrounded by established residential areas to the west and north, and approved and approved 15 houses to the north also. The site will have direct pedestrian and vehicular access from Bunbury Lane and has potential to link to adjacent to Public Footpaths Bunbury Nos.14 and 15.

Facilities and Services

A range of local facilities can be found within 400m of the site, including community, bus stop, shops, coffee shop, public house. This can be assessed from a public footpath.

Public Transport

The application site benefits from a bus service located 400m north of the site. Bus service No.70 connects to Nantwich running x2 services a day Monday to Friday, x2 services Saturday and no services on Sunday. This distance is within the acceptable walking distance of 500m as noted in Policy SD2, although the frequency of this service is limited.

Meeting Local Housing Needs

The indicative plan shows x12 detached properties and x3 townhouse style properties. The exact mix of properties will be determined at Reserved Matters stage, however the supporting statement also advises that a range of homes would be proposed.

Character

The proposed scheme includes up to 15 new dwellings (net increase 14) within a total site area of 0.8 hectares, a density of approximately 19 dwellings per gross hectare. The indicative plan shows that the aesthetic of the proposed scheme reflect local vernacular and street scenes in terms of densities and plot ratios. The layout also shows that the plots to the western boundary would have an active frontage with the open countryside as they would have their front elevations facing the open countryside to the west. The plots to the north and west would back onto existing/consented sites and as such the need to front onto to these developments is not considered necessary. Details of appearance/design will be addressed at reserved matters stage.

Working with the Site and its Context

The proposal will sit on vacant agricultural land between existing/consented residential properties. Existing trees to the northern boundary are shown as being retained. Existing trees and hedgerows to the western boundary will also provide a natural buffer between the proposed development and open countryside, though further planting would be required.

Creating Well Defined Streets and Spaces

Throughout the scheme, the buildings predominantly face the public realm and the mixed orientation of properties would give natural surveillance and active frontages. The plan does not however indicate use of double frontages to help properties turn concerns however design/appearance would be addressed at reserved matters stage. New trees could also help define the boundary between dwelling and street, with private gardens, where possible, located to the rear of properties.

Easy to Find Your Way Around

A primary access road runs east to west and to the centre, with a clear hierarchy defining pedestrian and vehicular routes. The change in surface material and limited size of the site, will highlight and define routes allowing the users to easily orientate themselves.

Streets For All

Road widths to the north and west of the scheme are narrower to promote slower vehicle speeds and allow for functional social space. A pavement is also shown running through the site entrance.

Car Parking

The illustrative plan suggests x2 parking spaces per dwelling, with a mixture of detached garages, side of building parking and off road parking. Whilst trees and landscaping are shown to the front of dwellings in an attempt to soften the visual impact of parked cars it remains a concern that some plots would be too dominated by car parking which would need to be addressed at reserved matters stage.

Public and Private Spaces

Public and private spaces will be clearly defined throughout the site, with the use of active frontages and landscaping. Natural surveillance appears to be permitted by front doors and habitable room windows overlooking public space and roadway, ensuring the safety of residents and visitors moving around the site. Clear thresholds, road and paving hierarchy and fencing will further indicate the distinction between public and private space and maintain security for residents. This could be secured at reserved matters stage.

External Storage and Amenity Space

Storage for amenity is not shown but is assumed that it will be provided within the curtilage of each individual dwelling, with access to connect rear gardens to the street to allow for rubbish collection. A number of properties will also have detached garages to provide additional external storage. Again final details will be secured at reserved matters.

Ecology

Grassland Habitats

A further botanical survey has been undertaken of the grassland habitats on site. The grassland habitats on site do support a few species indicative of higher quality habitats, but are not a significant constraint on the development of this site.

Hedgerows

Native species hedgerows are a priority habitat and hence a material consideration. There are existing hedgerows on two of the site's boundaries. Based on the submitted illustrative layout plan it appears feasible for these to be retained. However, if any existing hedgerow is lost as part of the detailed design for the site then adequate compensatory planting must be provided at the reserved matters stage.

Grass snake

This species is known to occur in close proximity to the application site. The habitats on site however provide only limited opportunities for this species. The potential impacts of the proposed development are therefore limited to the risk of grass snake entering the site during the construction phase.

These types of impacts could be mitigated through the implementation of 'Reasonable Avoidance Measures' which can be secured by condition.

Bats

Historic evidence of roosting bats was recorded during the initial surveys of the buildings on site. The Councils Ecologist therefore advises that a bat activity surveys undertaken in accordance with the BCT guidelines must be undertaken to establish the presence/likely absence of roosting bats.

A report of the survey results and mitigation and compensation measures to address any adverse impacts on roosting bats must be submitted prior to the determination of the application.

Excessive lighting has the potential to have an adverse impact upon roosting bats. If outline consent is granted a condition would be required to ensure that a suitable lighting strategy is submitted with any future reserved matters application

Badger and Great Crested Newts

The Councils Ecologist advises that these species are not reasonable likely to be affected by the proposed development.

Biodiversity net gain

In accordance with Local Plan policy SE3(5) all development proposals must seek to lead to an overall enhancement for biodiversity.

To increase the biodiversity value of the developed site the application is supported by outline proposals for the creation of grassland habitats and scrub planting within the open space area of site.

In order to assess the overall loss/gains of biodiversity the applicant has submitted an assessment undertaken in accordance with the Defra Biodiversity 'Metric'.

The metric shows that the proposed development would result in the loss of -0.09 biodiversity units which is -5.87%.

In order to ensure that the proposed development delivers a net gain for biodiversity the Council may consider accepting a commuted sum to fund off-site habitat creation. This would be calculated on the basis that the number of biodiversity units required to deliver net gain is rounded up to the nearest unit. In this case only a single biodiversity unit would be required.

Using figures from the CEC Draft Biodiversity SPD this would be costed as £10,035 per unit for habitat creation and £1,200 admin fee per unit. Total commuted sum of £11,235.00.

If the Council is minded to approve this application a section 106 agreement or UU would be required to secure the payment of this commuted sum. A planning condition would also be required to ensure detailed proposals are submitted for the creation of the proposed grassland and scrub habitats on site and for the long term management of these habitats.

This planning application also provides an opportunity to incorporate features (such as bat and bird boxes, gaps for hedgehogs etc.) to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3.

If outline consent is granted, a condition must be attached which requires the submission of an ecological enhancement strategy in support of any future reserved matters application.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps and the site area is under 1 hectare, therefore no Flood Risk Assessments required.

The Councils Flood Risk Team have been consulted and have raised no objection subject to conditions requiring the development to be carried out in accordance with the approved outline drainage strategy and requiring an overall detailed strategy.

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

As a result it is not considered that the proposal would pose any significant drainage/flood risk issues and drainage details could be secured by condition.

OTHER

The majority of neighbour responses have been addressed in the report above. The following issues remain which will be addressed below:

- Noise and disturbance from vehicles for the dwellings adjacent to the access point – it is not considered that the proposed 15 dwellings would pose any significant harm by reason of noise/disturbance
- Vibrations during construction/damage to neighbouring properties – Env Health have requested details of piling which would prevent harm from vibrations. Damage to property would be a civil matter.
- Affordable housing provision contrary to policy as only 4 proposed – 5 dwellings would be secured by S106 Agreement
- Impact on house value – this is not a consideration relevant to the determination of a planning application
- Would set precedent for future housing development – each case has to be assessed on its own merits
- Lack of meaningful consultation from the applicant – this would not be a reason to withhold planning permission and the Council has undertaken a round of consultation as per the Development Management Procedures Order

PLANNING BALANCE

The proposed development would be contrary to Policies PG6 & SD1 of the CELPS & Policy RES5 of the Crewe and Nantwich Local Plan as the development would result in development in the open countryside and would not meet any of the exceptions noted within open countryside Policy PG6. Given that Cheshire East can demonstrate a 5-year supply of deliverable housing sites, significant weight is given to these factors.

The proposal is also contrary to Policies H1 & H2 of the BNP as the site is not considered to be within or immediately adjacent to Bunbury village, would not enhance its role as a sustainable settlement and does not protect the surrounding countryside. The site would also be co-located with the consented Oak Gardens site to the north-west.

Although there is some conflict between Policy PG6 of the Local Plan and Policies H1 & H2 of the BNP, when this occurs section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan. In this instance the Local Plan is the most up to date document and is therefore given more significant weight in the decision-making process.

The proposal would also result in some landscape harm for all but one receptor and there will be adverse effects and for most receptors the longer-term visual effects will remain adverse.

The development would provide limited benefits in terms of open market housing and delivery of economic benefits during construction and through the spending of future occupiers. The proposal would also provide some benefit in terms of affordable housing provision, however the weighting to be attached to this benefit is considered to be limited given the siting within the open countryside and given the strong affordable housing provision within Cheshire East which is exceeding the expected level of provision for the Local Plan period.

The development would have a neutral impact subject to conditions upon flooding, living conditions, design, highway safety, air quality and contaminated land.

The proposed development is contrary to the Development Plan. In the light of section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be refused unless material considerations indicate otherwise. It is not considered that the benefits outweigh the adverse impacts and there are no material considerations which outweigh the harm caused. As such it is considered that the development does not constitute sustainable development and should therefore be refused.

RECOMMENDATION:

Refuse for the following reasons:

- 1) The proposed residential development is unsustainable because it is located within the Open Countryside and does not meet any of the exceptions noted for development within Open Countryside and is contrary to Policies PG6 (Open Countryside), SD1 & SD2 (Sustainable Development in Cheshire East) & SE2 (Efficient Use of Land) of the Cheshire East Local Plan Strategy, Policies H1 (Settlement Boundary) & H2 (Scale of Housing Development) of the Bunbury Neighbourhood Plan, Saved Policy RES5 (Housing in the Open Countryside) of the Crewe and Nantwich Local Plan, the Bunbury Village Design Statement 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.

- 2) The proposed development would result in some landscape harm for all but one receptor with some adverse effects and for most receptors the longer-term visual effects will remain adverse. This proposal is also an outline application and so while the existing western hedgerow and northern boundary trees may be retained, it is impossible to determine what tree planting or planting generally may be achieved, what the final layout might be and how effective that may be on minimising the landscape effects that the proposals may have – on both the peripheral residential development, but also on the immediate rural landscape. Therefore the proposal in its current form is contrary to Policies SE4 (The Landscape) & PG6 (Open Countryside) of the Cheshire East Local Plan, Policy ENV4 (Landscape Quality, Countryside and Open Views) of the Bunbury Neighbourhood Plan, the Bunbury Village Design Statement and the NPPF.

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:

S106	Amount	Triggers
Affordable Housing	36% (65% Affordable Rent / Intermediate)	In accordance with phasing plan. No more than 80% open market occupied prior to affordable provision in each phase
Education	To be confirmed	To be confirmed
Ecology (net gain biodiversity)	£10,035 per unit for habitat creation and £1,200 admin fee per unit	Prior to first occupation

Application No: 20/1132N

Location: Weston Hall Commercial Complex, MAIN ROAD, WESTON

Proposal: Removal of condition 9 on approval 18/4123N – Change of use of buildings and areas of hardstanding to B8 (Storage & Distribution) use, replacement of redundant buildings and erection of new buildings and areas of hardstanding for B8 (Storage & Distribution) use, ancillary offices, and associated works

Applicant: c/o WSP Indigo

Expiry Date: 07-May-2020

SUMMARY

The application site comprises the Weston Hall Commercial Complex which extends to approximately 2.7 hectares and is accessed from Main Road. It has a longstanding history of commercial use. The proposals approved under 18/4123N related to the re-use of existing buildings and provision of new warehouse buildings associated with B8 employment use.

The Highway Officer has advised that the operation of the Weston Hall on a 24/7 basis will not result in traffic generation which will have an adverse highway impact on the local highway network or increased risks to highway safety. Furthermore, the potential cumulative impact with HS2 construction and other development may have on the local highway network in the future, is not a reasonable basis on which to withhold planning approval.

From an economic sustainability perspective, it is recognised that increased flexibility of 24/7 operations will potentially assist in attracting companies to locate to approved storage and distribution facilities (Class B8) at Weston Hall and sustain the long-term operation of the site. This would secure employment opportunities in the local area, and together with other economic benefits which would derive from that employment provision, is an important material consideration.

The Council's Environmental Health Officer has advised that the submitted Acoustic Report is satisfactory in its assessment of noise levels which would result from the 24/7 operation of the site. This is subject to the mitigation measures recommended by the acoustic report being fully undertaken to mitigate impact upon the amenity of neighbours and locality by virtue of the noise disturbance.

Although the applicant considers that this will cause "potential" difficulties in securing long term tenants for the premises, it is nevertheless considered that a condition limiting 24/7 working to a 2 year temporary period provides the

appropriate balance between economic benefits of allowing the operation of this (Class B8) with unrestricted operating hours and the need to safeguard the amenities of nearby properties. This condition will enable a review of the effectiveness of noise mitigation measures from site operations over a sustained period and thereby ensure that amenity is safeguarded over the longer term .

On this basis, the proposed condition is considered to pass the tests of Paragraph 55 of the NPPF and is considered reasonable, necessary and enforceable in planning terms.

This ensures that the proposals will accord with the Development Plan and national policy and there are no material planning considerations which would outweigh that assessment.

RECOMMENDATION: APPROVE Subject to conditions

REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Steven Edgar and Cllr Janet Clowes for the following reasons;

Cllr Steven Edgar

The 24-hour operation from this site will seriously affect the residents of the houses at the entrance and also to residents of the new houses being built to the north.

It is another attempt to industrialise the rural locations within the Parish of Weston.

We have a very similar problem at the Basford Creamery site in Hough, it is now a major industrial site. This one has progressed without proper permission for over 4 years

Cllr Janet Clowes

Summary

- i) this application lacks sufficient information regarding the proposed future uses of this site for any informed decision to be made and so should be refused.*
- ii) this lack of material information undermines the weight that may reasonably be placed on what is effectively an incomplete noise impact assessment. The application should be refused.*
- iii) the lack of evidence of a full, two-year marketing strategy suggests that this application is premature and so should be refused.*
- iv) No consideration has been addressed to the impact of 24/7, 365 days a year operations on the wider rural area in terms of nocturnal noise (tonality, impulsivity and intermittency), or HGV movements throughout the 24 hour period (of variable intensity yet to be defined).*
- v) No consideration has been addressed to the cumulative impacts of this site and others in close proximity, on the immediate and wider rural environment and its communities, should this Condition be removed. We believe these to be significant adverse.*

I ask that this Application be refused.

The call-in requests can be viewed in full on the Councils website

DESCRIPTION OF SITE AND CONTEXT

The site comprises the Weston Hall Commercial Complex which extends to approximately 2.7 hectares, and is accessed from Main Road (A531).

Planning approval 18/4123N was granted on 30th November 2018 for the redevelopment of the existing complex with a storage and distribution development (Class B8). This included the change of use of existing buildings and areas of hardstanding to B8 (Storage & Distribution) use, the replacement of redundant buildings and erection of new warehouse units with areas of hardstanding and ancillary offices.

An extensive belt of woodland lies alongside Basford Brook beyond the western site boundary. The site is bound by agricultural land to the north, whilst the eastern site boundary is adjoined by the residential curtilage of The Cottage and the former grounds of Weston Hall which was burnt down in 2005. Dense areas of tree planting lie between the southern boundaries of the site with Newcastle Road and Main Road.

A pair of semi-detached houses (1 & 2 Weston Hall Cottages) are located to the south of the complex.

The existing access to the complex from Main Road was retained to serve the development. A total of 52 parking spaces and parking bays for 18 no. HGVs are proposed throughout the site. In addition, 20 No. covered cycle parking spaces will be split evenly and provided adjacent to the two new build warehouses

DETAILS OF PROPOSAL

The current occupier of the site is Van Merksteijn Fencing Uk Ltd for operations relating to the storage and distribution of security fencing. The approved development under 18/4123N provided increased floor space and hardstanding, and particularly the creation of fit-for-purpose warehousing which was critical in meeting immediate and longer-term needs of the company (Use Class B8) .

Following the implementation and completion of new buildings (units 1 and 2) of planning approval 18/4123N, the supporting statement explains that the existing operator's commercial aspirations have changed and consequently a marketing exercise has been undertaken to secure occupiers for the approved warehouse units. However, the applicant considers that the marketing exercise reveals that the restricted operating hours for the Weston Hall complex permitted under condition 9 has resulted in a lack of interest from B8 operators to occupy vacant floorspace here.

The applicant states that “unrestricted operation is required to attract a long-term operator to the site and also safeguard the landowner's interests in the site”.

Permission is therefore sought to remove condition 9 (hours of operation) in respect of the warehouse development and Class B8 – storage & distribution use of Weston Hall Commercial complex which is subject to planning approval 18/4123N.

Condition 9 requires;

Operations on the site including deliveries shall be restricted to the following hours:

<i>Monday- Friday</i>	<i>07.30 hrs until 19.00 hrs</i>
<i>Saturday</i>	<i>08.00 hrs until 17.00 hrs</i>
<i>Sunday</i>	<i>08.00 hrs until 17.00 hrs</i>

Reason: To avoid noise from giving rise to significant adverse impacts on health, quality of life and amenity.

In summary, this application seeks the removal of condition 9 to facilitate the 24-hour operation of the approved development (Class B8 Storage and Distribution) on this site, 7 days a week, 365 days a year.

RELEVANT HISTORY

18/4123N - Change of use of buildings and areas of hardstanding to B8 (Storage & Distribution) use, replacement of redundant buildings and erection of new buildings and areas of hardstanding for B8 (Storage & Distribution) use, ancillary offices, and associated works. Approved 30 November 2018

P03/0369 - Change of Use From Agricultural Storage to General Storage/Distribution. Approved 28 August 2003

P06/0203 - Change of Use from Agricultural Storage to General Storage/Distribution. Approved 20 April 2006

POLICIES

Cheshire East Local Plan Strategy

Policy SD 1 - Sustainable Development in Cheshire East

Policy SD 2 - Sustainable Development Principles

Policy SE 1 - Design

SE2 - Efficient use of land

SE3 - Biodiversity and Geodiversity

SE4 - The Landscape

SE5 - Trees, Hedgerows and Woodland

SE12 - Pollution, Land Contamination and Land Instability

SE 13- Flood Risk and Water Management

PG6 - Open countryside

PG7 - Spatial distribution of development

EG1 - Economic Prosperity

EG2 - Rural economy

CO1 - Sustainable travel and transport

Crewe and Nantwich Replacement Local Plan

The relevant Saved Policies are: -

NE5 (Nature conservation)
NE.9 (Protected Species)
NE13 (Rural diversification)
NE.15 (Re-use and adaptation of a rural building for a Commercial, Industrial or recreational use)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.6 (Development on Potentially Contaminated Land)

Weston and Basford Neighbourhood Plan

The Weston and Basford Neighbourhood Plan was Made on the 16 November 2017. The relevant Policies are;

E1 – New Business
E3 – Use of Rural Buildings
LC2 – Landscape Quality, Countryside and Open Views
LC3 – Woodland, Trees, Hedgerows and Walls
LC6 – Weston and Basford's Wildlife Corridors
LC8 – Biodiversity
D2 – Environmental Sustainability of Buildings
D3 – Employment Development
D5 – Adapting to Climate Change
T2 – Traffic Congestion
T3 – Improving Air Quality

Other Considerations:

National Planning Policy Framework (NPPF)

CONSULTATIONS (External to Planning)

Environmental Health - No objection subject to conditions

Highways - No objection

VIEWS OF THE PARISH/TOWN COUNCIL

Weston Parish Council – Object, and comments as follows;

- The Parish Council was content with the original conditional approval which tightly controlled this use;
- the removal of Condition 9 which restricts the hours of operation including deliveries, to a situation which would enable a 24 hour operation, 7 days a week and 365 days per year would be the thin end of the wedge and totally unacceptable. The Parish Council considers this to be a very sensitive

site and does not want to see a repeat of the nearby uncontrolled Basford Creamery operation which is still unresolved in planning terms;

- The application should be refused due to the following;

- *The details of the types of proposed warehousing / distribution uses are currently unknown which means that unrestricted access to this site would be highly detrimental to amenities of the occupiers of the three dwellings living in the immediate vicinity. Given the prevailing south/ south-westerly wind this would also be potentially detrimental to the residents of Weston Village - witness the problems constantly experienced with Basford Creamery.*
- *Unrestricted access would in the Parish Council's opinion only exacerbate the already fraught situation relating to traffic movements and consequent noise and nuisance caused as a result of the extensive construction and infrastructure works already taking place and shortly to take place within the vicinity of this site - land off East Avenue Weston and the forthcoming HS2a construction routes in the vicinity of Chorlton. There would also be nothing to prevent or control HGVs from passing through Main Road Weston at any hour of the day or night, again much to the detriment of the amenities of local residents.*
- *Local residents of this area have already experienced to their detriment the results of uncontrolled activities relating to Basford Creamery, and consider that the tightest controls should continue to be exercised in relation to this proposed use.*

Hough & Chorlton Parish Council – Objects and comments as follows;

- Removing these conditions means that the site can operate for 24 hours everyday throughout the year. This extra traffic noise and activity would impact significantly on the developments of Wychwood Park, Wychwood Village, Weston village and the future HS2a construction routes. Also the site is abut to a long distance footpath “Two Saints Way” the quality of which needs to be kept intact.
- Nearby on the Newcastle Road is the village of Hough whose Parish Councillors have previously objected to the Basford Creamery which is operating in an uncontrolled way without approved planning constraints. This development is extremely close to the Weston Hall development. The Parish Council considers that the current proposal could be of a similar scenario.
- Hough and Chorlton Parish Council fully endorse Weston and Basford Parish Council and we would urge the Local Planning Authority to refuse permission for this Planning Application.

REPRESENTATIONS

A total of 4 representations have been received from the residents of neighbouring properties.

Two representations have been received from The Cottage, Weston Hall, Main Road in objection to the application and raise the following issues and concerns;

- Constant noise and air pollution from heavy goods vehicles;
- Condition 9 should not be removed as noise intrusion is a significant issue;
- The Noise Impact Report appears to rely on assumptions that may not prove correct;
- Whilst background noise levels were measured over the period of 26th – 29th January 2018 (over a week-end prior to the original application) all actual noise levels and predictions appear to be

entirely derived from theoretical calculations with no attempt made to record the actual levels from HGVs and fork lift trucks whilst the plant is at maximum intended operation;

- The noise report makes reference to a theoretical 'attenuation' from a partially open bedroom window, but every HGV that arrives on site and every Forklift truck reversing warning can be heard from bedroom of The Cottage;
- On occasions significant noise preventing sleep has been experienced (specific examples provided);
- The noise report makes no reference to the level of activity on the site, but these have varied hugely over the last couple of years from virtually no traffic and imperceptible noise on some weekdays to almost continuous vehicle movement and fork lift operations on others;
- The noise report makes reference to day & night, and appears to assume 'day' operation between the hours of 07.00 – 23.00 (even though existing Condition 9 specifies 07.30 to 19.00);
- The report mentions that *"The precise location of fork lifts and HGVs on Site is not known so calculations have relied upon fork lifts being located in the centre of the yard areas which represents an average scenario"* Fork lifts work all over the site and the impact of those that work close to site boundary are much more intrusive than those elsewhere such as the far side or the 'average' middle;
- Most fork-lifts have been modified to 'white-noise' reversing warnings, but are still clearly audible from The Cottage and bleeper noise is extremely irritating during loading and unloading operations;
- The noise report makes reference to the site's previous farm use. whilst the noise from tractors etc during the day was at a similar level to existing site use, there were seldom vehicle movements during the night. The only night-time noise occurred on a very few days in the year (normally no more than a week at the most) when the grain driers had to run continuously if the weather was poor at harvest time. As this was a continuous steady noise it was considerably less intrusive and annoying than the intermittent noise from HGVs and particularly Fork Lift trucks reversing. Even during daytime the farm had no beepers or white noise, so the overall impact was much less than that from current operations;
- Mitigation recommendations remain unchanged from the original January 2018 report;
- The recommendation that reversing alarms be disabled during night-time operation is welcomed albeit subject to acceptance of Health and Safety Executive;
- A Health and Safety report is not included in the application;
- Acoustic fencing is not provided alongside the site boundary with The Cottage
- Existing daytime operations have a significant 'impact on quality of life' and unable to enjoy garden;
- Potential for increased operation of plant within the site at night including more frequent movements forklift trucks with intrusive reversing warnings;
- The objective of this application is to make the site more marketable. The requirements of future occupiers are unknown with the potential for significantly increased vehicle movements;
- Main Road not suitable for heavy HGV use;
- damage to road surface;
- HGVs continue to use Main Road as a short cut through Weston which will be exacerbated by movements during the night resulting in noise and inconvenience for residents;
- Increase in light pollution from 24-hour operations;
- 24 hour working on this site would have adverse impact on securing a replacement of Weston Hall;

Representations have been received from Nos. 1 & 2 Weston Hall Cottages in support of the application and are summarised below;

- As the closest neighbours to the new development, no concerns are raised regarding any loss of amenity from the removal of condition 9. The site is well screened and acoustic fencing has been installed between these properties and the commercial site;
- Employment opportunities resulting from new buildings are welcomed;
- Comments in the letter of objection from Weston & Basford Parish Council, including that removal of Condition 9 “would be highly detrimental to amenities of the occupiers of the three dwellings living in the immediate vicinity” do not represent the views of the occupiers of 1 & 2 Weston Hall Cottages.

APPRAISAL

Principle

The application site has a longstanding history of commercial use. The proposals approved under 18/4123N related to the re-use of existing buildings and provision of new warehouse buildings associated with the expansion of B8 employment use at the Weston Hall commercial complex.

The B8 storage and distribution use of this site was therefore established under planning permission 18/4123N and determined to be acceptable planning policy terms. Consequently, given the principle of the development has already been established, this application does not present an opportunity to re-examine issues relating to the B8 use of the site.

Policy EG2 of the Local Plan Strategy supports developments in rural areas but seeks to ensure that economic activity in such areas complies with various criteria including not detracting from the amenity of adjacent residents.

It is important to note that in respect of the need to protect employment sites policy EG 3 states;

1. Existing employment sites will be protected for employment use unless:

- i. Premises are causing significant nuisance or environmental problems that could not be mitigated; or*
- ii. The site is no longer suitable or viable for employment use; and*
 - a. There is no potential for modernisation or alternate employment uses; and*
 - b. No other occupiers can be found*

In respect to clause (ii) (b) footnote 43 states that, “to demonstrate that no other occupiers can be found, Policy EG 3 requires the site to be marketed at a realistic price reflecting its employment status for a period of not less than 2 years. The council will require evidence that a proper marketing exercise has been carried out including a record of all offers and expressions of interest received”.

However, this application is not proposing the loss of an employment site but is proposing that it operate on 24/7 basis to assist in attracting occupiers to vacant floorspace within this existing employment site. Therefore, a two-year marketing strategy is not required to support these proposals.

A marketing exercise has been undertaken to secure occupiers for the approved warehouse units. However, given limited interest from B8 operators, the applicant has determined that the restricted operating hours of these premises under Condition 9, “makes the commercial operation of this

level of floorspace in this semi-rural location complete unviable". Therefore, the removal of condition 9 is required by the applicant to enable "maximum flexibility to potential operators and therefore substantially enhance marketability of the development".

Details of the ongoing marketing exercise undertaken since February 2002 have been provided but for reasons of commercial confidentiality are not in the public domain. This information does however include a marketing opinion from Legat Owen which comments that;

"We are now in a position where the B8 sector, driven by e-commerce and the move away from "just in time" delivery is experiencing serious supply shortages. The market must deliver more units in all size ranges. These units need to be flexible in their offer as possible. This should include unencumbered operational restrictions, such as hours of operation."

In addition, feedback received from a national distribution operator agrees with the applicant's and marketing agent's assessment of the difficulty in attracting occupiers to these premises (Use Class B8) due to the restricted operating hours of condition 9 .

Concerns have been raised by the Parish Councils and Ward Members as regards issues arising from the operation of the Basford Creamery premises located nearby. However, there is no interrelationship or operational connection between the application site and the Basford Creamery. Furthermore, the Weston Hall complex is restricted to B8 storage and distribution use and Basford Creamery is not permitted to operate on a 24/7 basis. Consequently, issues of "cumulative impact" from the operation of Weston Hall and other sites would not therefore arise. As a result, issues at Basford Creamery have no bearing on the consideration of this application, which should be assessed on its own individual merits.

The main issue in the consideration of this application is whether the operation of the premises on a 24 hour/7day basis would have an unacceptable impact on the agents of nearby residents. In addition, other matters relating to traffic generation and HS2 are also addressed below.

Planning legislation requires every planning application to be determined on its own individual merit having regard to all material planning considerations. This means that this variation of planning condition application can be considered afresh on its own individual merit and a judgement reached on the merits of this proposal.

Noise Impact

NPPF (para 180) states that, *"decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

a) mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life "

Saved Policy BE.1 requires that proposals for new development will be permitted provided that do not prejudice the amenity of the occupiers of adjacent properties by reason of noise or disturbance.

Residential properties are located adjacent to the site access from Main Road (1 & 2 Weston Hall Cottages) and adjoin the western site boundary (The Cottage).

An Addendum Acoustic Report (AC105005-2r0 dated 29/11/2018) has been submitted in support of the application to assess the noise impact arising from the operation of these storage and distribution premises (Use Class B8) on a 24 hour/7-day basis on residential amenity and within a rural area.

The Environmental Health Officer has advised that impact of the noise from warehousing operations has been assessed in accordance with BS4142:2014 Methods for rating and assessing industrial and commercial sound. This is an agreed methodology for assessing noise of this nature.

The acoustic report recommends mitigation designed to ensure that occupants of nearby properties are not adversely affected by noise from the development. To ensure the noise levels from the site are kept to a minimum, the following mitigation measures are proposed in respect of effective site management;

- All HGV engines should be switched off when not in operation;
- Reversing alarms should be disabled during the night-time period or replaced with an alternative low noise model;
- Whilst unloading/loading operations are taking place, the service bays/dock leveller furthest from the receptors should be used, where practicable, i.e. when only one HGV is present;
- Signage installed along the perimeter of the yard reminding HGV drivers and yard;
- Operatives to keep noise levels to a minimum particularly during the night-time period;
- Staff and operatives who work in the yard area should be informed, as part of on-going inductions and on-going training to keep noise levels to a minimum.

The Environmental Health Officer has confirmed that the conclusions of the acoustic report and methodology used are acceptable. In particular, it is further pointed out that the background noise readings (Fri – Mon) have been taken at the quietest time to show the potential impact of noise i.e. comparing difference of site at noisiest (calculated) against quietest (actual readings). The acoustic assessment has endeavoured to consider the “worst case scenario” in terms of the anticipated nature and extent of traffic movements generated and on-site operations, given the number of unknowns/variables.

The EHO has concluded that the proposed mitigation as set out by the acoustic report have been designed to achieve BS8233: 2014 and WHO guidelines; to ensure that occupants of nearby properties are not adversely affected by noise from the development use/ transportation noise sources. To safeguard amenities of neighbouring properties, and in accordance with the recommendations of the acoustic report, a condition is required to secure the following;

- The mitigation recommended in the acoustic report AC105005-2r0 dated 29/11/2018 shall be implemented in full prior to use.
- The above is supplemental to the mitigation previously recommended in acoustic report AC105005-1r3.

- The agreed mitigation scheme shall be maintained for the purpose originally intended throughout the use of the development.

However, it is recognised that the proposed mitigation measures depend on effective site management. Given that new occupiers will operate from this site, it is clearly important and reasonable that the effectiveness of noise mitigation measures are reviewed after a sustained period of time. The Environmental Health Officer has agreed that a condition limiting 24/7 operation to a temporary period of 2 years should be imposed to enable the noise impact to be re-assessed. The two-year period will also allow sufficient time for the premises to be occupied and operate on a 24-hour basis.

After the 2 year period, operating hours will revert back to those permitted under condition 9. A further application will be required to demonstrate that the noise mitigation measures are effective in safeguarded the amenities of nearby dwellings and the locality from operations at the Weston Hall complex.

In terms of wider impact of 24/7 hours operations, it is important to note, that site access is close to the roundabout junction of Main Road, A531 and Newcastle Road. The A531 provides direct access via the A500 (Bathomley link) to Junction 16 of the M6. It is also considered that the level of vehicle movements generated by the premises during the late evening, night and early morning would not have an appreciably greater noise impact on the wider area than traffic already using the road network at this time.

Furthermore, an approved Site Management Plan required under Condition 20 of 18/4123N and which was subsequently discharged under 20/3423D specifically requires drivers to enter the site by turning left off Main Road and exit the site by turning right (with appropriate signage installed) onto Main Road, therefore avoiding HGVs travelling through the village of Weston. A condition is recommended requiring the Site Management Plan to be updated in order that it takes account of the temporary period of 24/7 operations.

Highways

Following consideration of the Transport Assessment accompanying Planning approval 18/4123N, the Highway Officer was satisfied with its methodology, analysis and findings. The site access from Main Road was considered to be of an appropriate standard of design to accommodate HGV vehicle movements. Furthermore, given the location of the site, the level of generation from the premises can be accommodated on the local highway network without causing capacity or safety problems.

The Highway officer has further advised that change to 24hr working would not change the capacity impact of the site, as most movements will occur during daytime hours. It is therefore considered that traffic generation resulting from the 24/7 operation of the site would not have an adverse highway impact. The applicant has also pointed out that it is the operation of plant and workers within the site which requires unrestricted operating hours.

Furthermore, Main Road is a public highway, and as such normal traffic use including that of large commercial vehicles cannot be restricted. Representations have nonetheless raised concerns that Main Road through Weston is not suitable for heavy HGV use. However, as referred to above, this issue was addressed in the consideration of planning approval 18/4123N and a condition (20) was

imposed requiring a Site Management Plan for the complex. The Site Management Plan has been approved under discharge of conditions application 20/3423D. This includes measures to ensure that HGV drivers enter the site by turning left off Main Road and exit the site by turning right (with appropriate signage installed) onto Main Road, therefore avoiding travelling through the village of Weston. Also, all HGV drivers will be advised of the access and egress requirements for the site in advance of journeys to the site. It recommended that a condition is imposed to ensure that an updated Site Management Plan which takes account of the temporary period of 24/7 operations is submitted and approved.

HS2

The site is located outside the safeguarded zone for HS2 (phase 2A) which extends to the western bank of Basford Brook.

Concerns have nevertheless been raised by Hough & Chorlton and Weston & Basford Parish Council regarding the impact of “unrestricted” operation of the site and additional traffic from these premises on future HS2a construction routes and resulting cumulative traffic implications of HS2 construction.

This issue was addressed in the determination of 18/1423N. it was accepted that as HS2 construction is projected to take place well into the future, and over several years, the extent of such cumulative traffic or highway impact cannot yet be accurately quantified. In these circumstances, this would not therefore be a reasonable basis on which to withhold approval of this application which relates to the extended operating hours of the site.

Air quality

The air quality impact of the development and B8 use of the Weston Hall complex was assessed at in the consideration of planning approval 18/4123N. The Council's Environmental Protection officer considered the supporting Air Quality Assessment to be satisfactory and the provision of an electric vehicle charging point for each unit would be sufficient to mitigate the impact on local air quality. A site plan identified five parking spaces suitable to accommodate charging for electric vehicles and a condition was imposed to ensure these were installed to the appropriate specification prior to the occupation of Buildings 1 and 2 and thereafter retained.

It is considered that the 24/7 operation of the site will not have any appreciably greater impact on air quality and no objections have been raised by the Environmental Protection Officer. Although there will be a small increase in overall vehicle movements, as the applicant points out that it is the operation of plant and workers within the site which essentially requires unrestricted operating hours.

Other Issues

Given that premises will operate during the night-time, to safeguard the impact on nearby properties a condition is recommended that prior to its installation details of additional external lighting are submitted to and approved by the LPA.

PLANNING BALANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan; the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

The principal of the development of the site for Warehouse development and B8 storage and distribution use is already accepted and this application is not an opportunity to revisit that principle.

The Highway Officer has advised that the operation of the Weston Hall on a 24/7 basis will not result in traffic generation which will have an adverse highway impact on the local highway network or increased risks to highway safety. Furthermore, the potential cumulative impact with HS2 construction and that other development may have on the local highway network in the future, is not a reasonable basis on which to withhold planning approval.

From an economic sustainability perspective, it is recognised that increased flexibility of 24/7 operations will potentially assist in attracting companies to locate to approved storage and distribution facilities (Class B8) at Weston Hall and sustain the long-term operation of the site. This would secure employment opportunities in the local area, and together with other economic benefits which would derive from that employment provision, is an important material consideration.

The Council's Environmental Health Officer has advised that the submitted Acoustic Report is satisfactory in its assessment of noise levels which would result from the 24/7 operation of the site. This is subject to the mitigation measures recommended by the acoustic report being fully undertaken to mitigate impact upon the amenity of neighbours and locality by virtue of the noise disturbance.

Although the applicant considers that this will cause 'potential difficulties' in securing long term tenants for the premises, it is nevertheless considered that a condition limiting 24/7 working to a 2 year temporary period provides the appropriate balance between economic benefits of allowing the operation of this (Class B8) with unrestricted operating hours and the need to safeguard the amenities of nearby properties. This condition will enable a review of the effectiveness of noise mitigation measures from site operations over a sustained period and thereby ensure that amenity is safeguarded over the longer term.

On this basis, the proposed condition is considered to pass the tests of Paragraph 55 of the NPPF and is considered reasonable, necessary and enforceable in planning terms.

This ensures that the proposals will accord with the Development Plan and national policy and there are no material planning considerations which would outweigh that assessment.

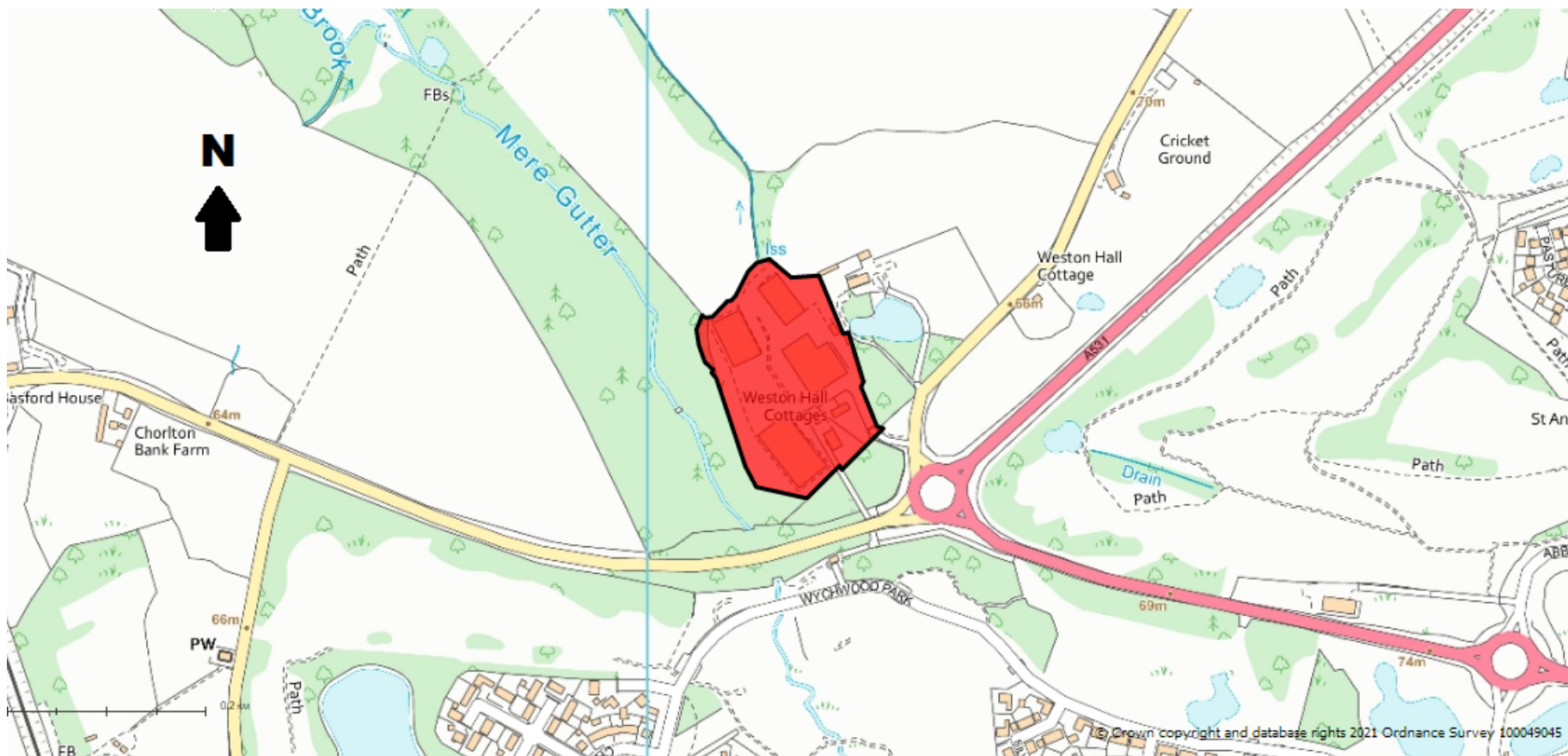
RECOMMENDATION:

APPROVE Subject to the following conditions;

- 1. Development in accordance with approved plans on 18/1432N except as varied by this permission**
- 2. Provision of noise mitigation**
- 3. Hours of operation - 24 hour/7-day operation temporary for 2 years**
- 4. Electric Vehicle Charging provision and retention**

5. Provision of features for breeding birds as approved under 19/5120D
6. Surface water drainage as approved under 19/0423D
7. Implementation of landscaping as approved under 20/3423D
8. Site to operate in accordance with an updated Site Management Plan
- 9 Details of external lighting

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



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Application No: 20/5581N

Location: 437, CREWE ROAD, WINTERLEY, CW11 4RF

Proposal: Demolition of existing buildings and construction of 2 no. new residential dwellings.

Applicant: Mr Richard Williamson

Expiry Date: 30-Jul-2021

SUMMARY:

The site is within open countryside and the proposal would be contrary to Policy PG6 of the CELPS. It is, however an untidy, previously developed site and it is considered that, allowing the construction of two bungalows would significantly improve the character and appearance of the area, which is an important material consideration that is considered to justify approval of the application as a departure to Policy PG6. It is also noted that there is support for the redevelopment of previously developed land within policies SD1 and SE2 of the CELPS and the NPPF.

The development would have a neutral impact upon design, living conditions, trees, landscape, highways, ecology, air quality and contaminated land.

The proposal is therefore recommended for approval.

RECOMMENDATION:

Approve subject to conditions.

REASON FOR REFERRAL

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

*Application is outside the settlement boundary
Overlooking and amenity issues for adjoining properties.
Overcrowding of site.*

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a building and builders yard to the west of Crewe Road, Winterley. The site is partially within the settlement boundary of Winterley and partly within Open Countryside.

DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of the existing buildings and construction of 2 no. new residential dwellings in the form of detached bungalows.

RELEVANT HISTORY

P01/1134 Approval for renewal of application number P98/0252 – Approved 8th January 2002

P98/0252 Outline approval one dwelling – Approved 25th June 1998

POLICIES

Cheshire East Local Plan Strategy (CELPS)

PG 6 Open Countryside
PG 7 Spatial Distribution of development
SD 1 Sustainable Development
SD 2 Sustainable Development Principles
SE1 Design
SE 2 Efficient Use of Land

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

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

Other Considerations

National Planning Policy Framework
Cheshire East Design Guide

CONSULTATIONS (External to Planning)

Highways: No objection.

Environmental Health: No objection subject to conditions/informatives relating to noise and disturbance, air quality and contaminated land.

United Utilities: No objection subject to drainage conditions.

Haslington Parish Council: No comments received at the time of report writing.

OTHER REPRESENTATIONS

Four representations have been received at the time of report writing. One objection on the grounds of development in the Open Countryside, one making general comments about the retention of the buildings for use as garaging and two in support of the proposals.

OFFICER APPRAISAL

Principle of Development

The site lies partly in the Open Countryside and partly within the Settlement Boundary. One of the proposed dwellings would be located within the Settlement Boundary and one would be located within the open countryside. The site is previously developed land.

The dwelling which would be sited within the Settlement Boundary is acceptable in principle.

The dwelling to the rear of the site would be sited within the Open Countryside and would not comply with any of the exceptions listed in Policy PG6 of the CELPS. Having said that Policy SD1 (point 15) of the CELPS states that development should make efficient use of land and make use of previously developed land where possible. Policy SE2 then states that the Council will encourage the redevelopment/re-use of previously developed land and buildings.

In addition to the above the NPPF (paragraph 84) states that *'the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'*. The site is well related to the settlement boundary of Winterley and complies with this part of the NPPF.

It is also considered that the development of the site for two dwellings would significantly improve the appearance of the site. This is an important material consideration in the determination of the application as the site currently contributes nothing to the intrinsic character of the open countryside and in fact detracts from it. Paragraph 12 of the NPPF does state that *'Local planning authorities may take decisions that depart from an up-to-date development, but only if material considerations in a particular case indicate that the plan should not be followed.'*

Design

The proposal is for two bungalows on the site, one adjacent to the boundary with the rear of No.435 Crewe Road and one to the west of that. Both would be of a relatively simple design and be constructed of brick and tile and would have a ridge height of 4.5m.

The patterns of development in the area is generally dwellings fronting onto Crewe Road. However, there are examples of dwellings sited to the rear at Woodcote Place and Frederick Howarth Drive. The siting of two dwellings to the rear of 435 Crewe Road is considered to be acceptable.

Crewe Road is characterised by existing residential development which fronts onto the road. There is no strong vernacular in this area and the housing varies in height from single to two-storey with varied roof forms (hipped and pitched) and varied materials (brick and render).

The Ward Councillor has raised the issue of overcrowding of the site. It should be noted that both properties would be bungalows and would have in excess of the 50sqm of useable private amenity space. It is also of a similar density to the neighbouring Woodcote Place and as such it is considered that the proposal would not represent an over-development of the site.

It is considered that the simple, low level design of the buildings is acceptable on this site as it would be in keeping with the character and appearance of the local area, where there is a mix of house types.

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

Trees

There are trees to the west of the site, not subject to a tree preservation order and outside of the site edged red. The site is currently laid to hardstanding and the nearest bungalow to the trees would be 7m away. As such, it is not considered that the proposed development would have any adverse impact on the trees.

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

Highways

There is an existing footway on both sides of Crewe Road accessible from the site, which allows for safe pedestrian access to the nearby bus stops and other destinations within the local area.

As a builders yard the applicant has stated that on a typical day there would be around a half dozen van movements, as well as daily deliveries of materials, and on occasion a skip arrival and departure.

The access width is just under 4m and is wide enough for only one vehicle to travel along at a time. Given the vehicle movements associated with the existing use and the small scale of the proposal the access is considered acceptable. In addition, if required, the presence of a marked out and continuous parking bay along Crewe Road outside of the access allows manoeuvring space for a car to wait while another exits.

The access is wide enough to allow a car to pass a pedestrian and there is sufficient parking and turning area within the site.

As originally submitted, the proposal only showed 1 parking space per dwelling and the parking standards require 2 spaces. This has now been rectified as there is enough space within the site for the parking of 4 vehicles.

A condition should be imposed requiring submission of details of cycle storage provision prior to first occupation of the dwellings.

The proposal is therefore considered to be acceptable and no objection has been raised by the Head of Strategic Infrastructure.

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

Amenity

In terms of the surrounding residential properties the layout of the site means that all the requisite separation distances can be achieved.

Plot 1 would have a private amenity space of 67sqm (the garden and patio area) and plot 2 would have a private amenity space of 164sqm. Having regard to the amenity of future occupiers of the dwellings, they would have adequate private residential amenity space.

Conditions relating to air quality (EVC charging points), land contamination and piling should be imposed should the application be approved.

It is considered that a condition should also be imposed, requiring the boundary treatments to the rear boundary with No.435 Crewe Road, to be in place prior to any other construction taking place on the site.

In terms of the impact on 143 Crewe Road, the bungalow adjacent to the boundary would be 10.5m away from the rear elevation. However, given that the proposed building would be a bungalow and there would be screening between the two properties, it is not considered that there would be any adverse impact in terms of privacy light or outlook.

In terms of the impact on 3 Woodcote Place, the front kitchen window of the proposed bungalow would face the blank side elevation of this property, which would not be ideal. However, the ground floor kitchen, dining room and lounge would be open plan, with extensive glazing to the rear. As such it is considered that conditions for the future occupiers of the bungalow would be acceptable.

The proposal is therefore considered to be in compliance with Policy BE.3 of the C&NLP.

Ecology

A Bat Survey has been submitted and no bat roosts were identified that would be impacted by the proposals. Therefore, the development will not have any adverse impact on bats.

An assessment by a qualified ecologist considers it unlikely that Great Crested Newts are present on the site. As such it is considered that the proposed development would not have an adverse impact on this species.

A condition should be included relating to breeding birds.

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 therefore recommended that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

Affordable Housing

There is no policy requirement to provide affordable housing provision on the site.

CONCLUSIONS

The site is within open countryside and the proposal would be contrary to Policy PG6 of the CELPS. It is, however an untidy, previously developed site and it is considered that, allowing the construction of two bungalows would significantly improve the character and appearance of the area, which is an important material consideration that is considered to justify approval of the application as a departure to Policy PG6. It is also noted that there is support for the redevelopment of previously developed land within policies SD1 and SE2 of the CELPS and the NPPF.

The development would have a neutral impact upon design, living conditions, trees, landscape, highways, ecology, air quality and contaminated land.

The proposal is therefore recommended for approval.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Time limit**
- 2. Approved plans**
- 3. Submission of full details of materials**
- 4. Soil imported for use in gardens to be tested and verified**
- 5. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.**
- 6. Provision of a risk assessment and if appropriate site sampling to address the risks posed by land contamination, followed by a remediation strategy if necessary**
- 7. Provision of electric vehicle infrastructure**
- 8. Boundary treatment to the rear boundary of No.435 Crewe Road, to be in place prior to any other construction work taking place.**
- 9. Protection of breeding birds**
- 10. Compliance with the mitigation methods set out in the submitted Ecological Assessment by Kingdom Ecology Ltd dated 30th June 2021**
- 11. Submission of a strategy for the incorporation of features to enhance the biodiversity value of the development, including provisions for nesting birds, including house sparrow and roosting bats**
- 12. Cycle Parking to be submitted and approved**
- 13. Surfacing materials to be submitted and approved**

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.

