

Southern Planning Committee

Agenda

Date: Wednesday, 24th November, 2021
Time: 10.00 am
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

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. 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

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

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio recorded and the recordings will be uploaded to the Council's website.

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

1. Apologies for Absence

To receive apologies for absence.

2. Declarations of Interest/Pre Determination

For requests for further information

Contact: Helen Davies

Tel: 01270 685705

E-Mail: helen.davies@cheshireeast.gov.uk

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 - 10)

To approve the minutes of the meeting held on 27 October 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. **19/4896N, Erection of 73 dwellings, comprising 42 independent living apartments and 31 houses (all affordable homes) with associated access and landscaping, at Land At Former Crewe L M R Sports Club, Goddard Street Crewe for The Guinness Partnership Limited** (Pages 11 - 40)

To consider the above application.

6. **WITHDRAWN: 21/0306C, Proposed siting of miniature railway and associated stations at Glebe Farm at Glebe Farm, Peel Lane, Astbury, Cheshire, CW12 4RQ for Mr. Rob Lomas**

The above application has now been withdrawn.

7. **20/4978C, Change of use land and to formally extend the the curtilage for an area of land that is approximately 6.5m x 16.5m - total area 107.25 Sq metres, at 25, Teddy Gray Avenue, Sandbach CW11 3AR, for Mr. Michael Corfield** (Pages 41 - 48)

To consider the above application.

8. **20/4777C, Change of use of land to residential garden at 33, Teddy Gray Avenue, Sandbach, CW11 3AR for Paula White** (Pages 49 - 56)

To consider the above application.

9. **20/4779C, Change of use of land to residential garden at 29, Teddy Gray Avenue, Sandbach, CW11 3AR for Mr. Ian Windmill. (Pages 57 - 64)**

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, 27th October, 2021 in the Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor A Kolker (Chair)
Councillor S Akers Smith (Vice-Chair)

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

OFFICERS IN ATTENDANCE

Daniel Evans- Principal Planning Officer
James Thomas- Senior Planning & Highways Solicitor
Neil Jones- Development Officer
Helen Davies- Democratic Services Officer

33 APOLOGIES FOR ABSENCE

Apologies of absence were received from Councillor Jill Rhodes
(Councillor Hazel Faddes substituted).

34 DECLARATIONS OF INTEREST/PRE DETERMINATION

There were no declarations of interest.

35 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting 22 October 2021 be accepted as a correct
and accurate record and be signed by the Chair.

36 PUBLIC SPEAKING

There were no members of the public who wished to speak.

**37 19/4873N: LAND SOUTH OF SANDFIELD HOUSE, STATION ROAD,
WRENBURY, CW5 8EX, PROPOSED CONSTRUCTION OF 45
DWELLING HOUSES, ACCESS, OPEN SPACE AND ASSOCIATED
INFRASTRUCTURE FOR MISS J ALLEN, SOVINI HOMES LTD**

Consideration was given to the above application.

(Parish Councillor David Nutting, Wrenbury cum Frith Parish Council,
Sarah Goodwin, Local Resident Objector and Geraint Lyndon Jones, Local
Resident Objector attended the meeting and spoke against the application.

Shaun Taylor, Agent for the Applicant attended the meeting to speak in favour and answer any questions the Committee had.)

RESOLVED:

That, for the reasons set out in the report, the application be APPROVED as recommended subject to S106 Agreement and conditions:

Head of Terms

S106	Amount	Triggers
Affordable Housing	100% Affordable Housing provision (9no affordable rent, 15no Rent to Buy and 21no shared ownership)	All development to accord
Education	Contribution of £257,515 in total. £97,616 towards Primary Education £114,399 towards secondary education and £45,5000 towards special education needs education	50% Prior to first occupation 50% at occupation of 23rd dwelling
Public Open Space	1Provision of Public Open Space, and to be maintained by a private management company 2 Contribution of £45,000 towards the Wrenbury Recreational Ground.	Open space on site prior to first occupation Contribution – 50% Prior to first occupation 50% at occupation of 26th dwelling
Ecology (Bio-diversity Gain)	Contribution of £11,909.10	Prior to first occupation

And the following Conditions:

- 1) Standard Time – 3 years
- 2) Compliance with the Approved plans
- 3) Materials to be submitted and approved
- 4) Surfacing materials to be submitted and approved
- 5) Landscape Scheme to be submitted and approved
- 6) Landscape Implementation

- 7) Details of boundary treatment across the whole site to be submitted and approved
- 8) Tree Protection scheme to be submitted and approved
- 9) AMS to be submitted and approved
- 10)10.Details of retaining structures to be submitted and approved
- 11)11.Lighting strategy to be submitted and approved
- 12)12.Habitat Creation method statement and 30 yr management plan to be submitted and approved
- 13)Updated Badger Survey to be submitted and approved
- 14)Submission of CEMP to safeguard the River Weaver to be submitted and approved
- 15)Ecological Enhancement Strategy to be submitted and approved
- 16)Development to adhere to FRA and mitigation within it
- 17)Detailed strategy/design limiting the surface water runoff generated by the proposal, and associated management /maintenance plan - required prior to commencement
- 18)Levels information required, GFL and FFLs to be submitted and approved
- 19)Foul and surface water to be drained separately
- 20)Travel Information Pack to be submitted and approved
- 21)Electric Vehicle Charging Provision to be submitted and approved
- 22)Soil Importation to be submitted and approved
- 23)Unexpected contaminated land
- 24)Full details of Children's Play equipment, and surfacing details to be submitted and approved
- 25)PD rights removed including surfacing of front gardens
- 26)Visibility Splays as plan and kept obstruction free
- 27)Prior to the first use of any facing or roofing materials a plan to show a looped footpath link within the open space together with a timetable for implementation shall be submitted to the LPA and approved in writing. The footpath shall be provided in accordance with the approved timetable.
- 28)Prior to the commencement of development a scheme of raised tables within the highway to be submitted and approved.
- 29)The developer shall provide 3 Cheshire East wheelie bins for each dwelling.
- 30)The developer shall provide at least 3 litter bins within the site and a timetable for implementation. The bins shall be provided in accordance with the approved timetable.

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	100% Affordable Housing provision (9no affordable rent, 15no Rent to Buy, and 21no shared ownership)	All development to accord
Education	Contribution of £257,515 in total. £97,616 towards Primary Education £114,399 towards secondary education and £45,5000 towards special education needs education	50% Prior to first occupation 50% at occupation of 23 rd dwelling
Public Open Space	3) Provision of Public Open Space and to be maintained by a private management company 4) Contribution of £45,000 towards the Wrenbury Recreational Ground.	Open space on site prior to first occupation. Contribution- 50% Prior to first occupation 50% at occupation of 26 th dwelling.
Ecology (Bio-diversity Gain)	Contribution of £11,909.10	Prior to first occupation

- 38 **20/4532N: WALNUT TREE FARM, RADWAY GREEN ROAD, BARTHOMLEY, CW2 5PQ, RELOCATION OF CHESHIRE MICROLIGHT CENTER FROM ARCLID (SANDBACH) TO WALNUT TREE FARM, BARTHOMLEY EXTENSION OF EXISTING BARN TO STORE MICROLIGHTS AND EXISTING FIELD CURRENTLY USED FOR AGRICULTURAL PURPOSES, CONVERTED FOR A GRASSED LANDING STRIP. FIELD TO BE RETAINED FOR GRAZING FOR MR PAUL ABELL**

Consideration was given to the above application.

(Ward Councillor and the Councillor who called in the application Councillor Steven Edgar, Clare Bland, Leith Planning Ltd, on behalf of Barthomeley Parish Council and Viv Belcher a Local Resident Objector attended the meeting and spoke against the application.

Ian Macbeth a Local Supporter attended the meeting to speak in favour and answer any questions the Committee had.)

RESOLVED:

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

- 1) The proposed development is located within the Green Belt and in the opinion of the Local Planning Authority the proposed development does not preserve the openness of the Green Belt. No very special circumstances have been identified and planning permission should not be granted. The proposed development is therefore unacceptable in principle and conflicts with Cheshire East Local Plan Policy PG3, saved Crewe and Nantwich Local Plan Policy NE.1 and the NPPF.
- 2) No Noise Assessment, proposed flight paths or details of the direction of take off/landing has been submitted as part of this application. The Local Planning Authority consider that insufficient information has been provided in order to adequately assess the noise impact of the proposed development upon residential amenity and a nearby riding school. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with policies BE1, RT16 and NE17 of the Crewe and Nantwich Local Plan and Policies EG2, SC1 and SE12 of the Cheshire East Local Plan Strategy and the NPPF.
- 3) The site is in close proximity to the Midland Meres & Mosses – Phase 2 Ramsar, Oakhanger Moss Site of Special Scientific Interest (SSSI), Black Firs & Cranberry Bog SSSI and Sandbach Flashes SSSI. The application could have potential significant effects on these designated sites, and no Habitat Regulations Assessment has been provided. It is not possible to determine the significance of these impacts and the scope for mitigation. Therefore, the proposed development is contrary to Policy SE3 of the Cheshire East Local Plan Strategy, Policies NE.6 and NE.7 of the Crewe and Nantwich Local Plan and the NPPF.
- 4) The proposed building would be sited on the route of Public Right of Way Barthomley FP9. No details have been provided to demonstrate how the PROW could be diverted. The development would prejudice public access onto the PROW and the proposed development is contrary to Policy RT.9 of the Crewe and Nantwich Local Plan.
- 5) A major hazard pipeline crosses the site, there is a risk of harm to people at the proposed development site and there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case. No information has been provided

to show how the field will be converted to a landing strip together with mitigation to protect the gas pipeline. The proposed development is contrary to Policy BE.21 of the Crewe and Nantwich Replacement Local Plan.

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

The meeting commenced at 10.05 am and concluded at 12.01 pm

Councillor A Kolker (Chair)

Application No: 19/4896N

Location: Land At Former Crewe L M R Sports Club, GODDARD STREET, CREWE

Proposal: Erection of 73 dwellings, comprising 42 independent living apartments and 31 houses (all affordable homes) with associated access and landscaping.

Applicant: The Guinness Partnership Limited

Expiry Date: 30-Sep-2021

SUMMARY

The application site is located within the Crewe settlement boundary. Policy PG2 sets out that Crewe is a Principal Town where significant development will be encouraged to support its revitalisation, recognising its role as one of the most important settlements in the borough. Development will maximise the use of existing infrastructure and resources to allow jobs, homes and other facilities to be located close to each other and accessible by public transport. Policy PG7 sets out that Principal Towns such as Crewe are expected to accommodate in the order of 65 ha of employment land and 7,700 new homes.

Therefore, it is clear that the proposal for residential development is acceptable in principle, however this is subject to compliance with all other relevant policies within the development plan.

In this instance the majority of the site is located on an area of land which is designated as protected open space under policy RT.1: Protection of Open Spaces with Recreational or amenity value. The development would amount to the loss of this playing pitch, and in-line with policy a site has been identified, through the process of a Feasibility Study for an off-site contribution of £80,000 to be spent which would help create a wider improved sports facility at Sutton Lane playing fields. The Green Spaces officer has agreed that this is a suitable mitigation proposal, and Sport England agree subject to them being party to the S106 Agreement. However, at the last Planning Committee Meeting it is acknowledged that the use of the mitigation payment outside of the Crewe area raises concerns, and therefore a pragmatic approach to the S106 Agreement is proposed which would allow the contribution of £80,000 to be held for up to 5 years, to enable a site within the Crewe Area to be found which is policy compliant in line with the NPPF and Sport England Policy. Should a site not be found in that time frame the search area can be widened in line with Policy.

The proposal is for 100% affordable housing and this is a significant benefit of the

development in an area where affordable housing is required. This should weigh heavily in support of the development, and the applicant is a RSL, with funding in place from Homes England, and therefore there is clear indication that the development could be on site relatively quickly. The site is in a very sustainable location within walking distance of most amenities, such as shops, pubs, restaurants, bus stops, railway station, schools, leisure facilities and open space with Crewe Town Centre in walking distance.

A further positive of the scheme is the design which scores highly within the Building for life 12 assessment and the urban design officer considered will be a bench-mark for future affordable housing schemes.

The site has raised no significant issues in relation to landscaping, forestry, amenity, highways safety, impact on protected species, flood risk or drainage, subject to appropriate conditions.

However, the applicant has raised concerns in relation to the viability of the scheme and is unable to contribute towards the normal mitigation required in relation to Education, NHS, POS, or Bio-diversity net gain, and therefore these elements weigh negatively in the balance of the scheme.

It is therefore considered that, on balance the benefit of the affordable housing provision on the site which has been un-used and derelict for over 10 years, with the addition of the mitigation contribution of £80,000 to be put towards the betterment of a playing pitch elsewhere, outweighs the policy harm in relation to the loss of the pitch, and the lack of mitigation for Education, NHS, POS and Biodiversity net-gain.

It is therefore considered that the development is on balance acceptable and recommended for approval accordingly.

RECOMMENDATION

APPROVE subject to S106 Agreement and conditions

DEFERRAL

This application was deferred from the 25th August 2021 Southern Planning Committee meeting, for the following reasons;

- Further discussions involving Crewe Town Council, Ward Councillors, ANSA and ESAR to consider sports provision in Crewe
- Consultation with the anti-social behaviour team about the rear parking courtyards
- Further clarification as to whether the cycle parking for the supported living apartments meets CEC Standards

This update report will address each reason for deferral below, and the actions taken to address the issues raised. An amended recommendation is proposed below.

1. Further Discussion involving Crewe Town Council, Ward Councillors, ANSA and ESAR to consider sports provision in Crewe

A meeting was held on the 20th September 2021, with participants from Crewe Town Council and local Ward Councillors, and officers from Cheshire East Planning and Greenspaces Team, and; officers from ANSA and ESAR, where various sites within the Crewe and surrounding area were proposed as possible locations for the mitigation payments to be used. The Greenspaces and ANSA officers in collaboration with the relevant partners, considered the sites put forward, in relation to their capacity and suitability to accommodate **same or better** provision of 1no. adult football pitch. The research carried out both previously and as a result of the meeting concluded that there are no sites currently available within Crewe area which are policy compliant.

In brief, a number of the sites highlighted by the Crewe TC and Ward Members are areas of Public Open Space which are also part of the Towns Fund Project and will have improvements in terms of play, landscaping and amenity. Other sites are either not suitable due to a range of reasons including contamination issues, not big enough to accommodate a new playing pitch, have no supporting infrastructure or in relation to King George V there is already spare capacity which is not being utilised. Also, Haslington PC have suggested the site on Clay Lane, Haslington however this site is not Council/ANSA owned and is only leased from a private landowner to the Council to use. The lease is due to expire in 2031 preventing any long-term investment in the site.

As, stated in the Update report to committee, the NPPF (para 99) states that;

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

Therefore, the research has not identified any sites within the Crewe area which can accommodate a new pitch at this time or have a current scheme/project in the pipeline which the mitigation payment could be put towards in relation to improvement of pitch provision in the area. Also, no 'other sports' improvements in the Crewe area have been identified either, which would be the next policy compliant route to follow under the Sport England policy. Therefore, from a policy perspective, the site indicated at Sutton Lane, Middlewich is still considered to be the most policy compliant proposal. The mitigation payment would be put towards a wider project for multi sports provision within the area. This solution has been accepted by Sports England, and subject to detailed discussions about the S106 Agreement, would remove their holding objection from the scheme.

However, given the strong indication from the Members that the mitigation money should be spent within the Crewe area; it is proposed to the committee that a pragmatic approach to the S106 Agreement could be reached which would enable a site to come forward in the Crewe Area within a certain time period (up to 5 years) and if a suitable pitch replacement/improvement provision is not found the money will be spent in line with policy elsewhere. It is unlikely that this will be accepted by Sport England as a policy compliant response, however, comments have been sought from their Policy Officers.

Therefore, in conclusion it is recommended to the planning committee members that they accept the mitigation payment is paid towards Sutton Lane, Middlewich as a policy compliant proposal with Sport England approval, as previously recommended; OR alternatively the mitigation payment of £80,000 is secured by legal agreement, to be held for a maximum of 5 years, to enable a policy compliant scheme to come forward within the Crewe Area which would provide or enable the provision of an adult football pitch. Where a site is not identified within the 5 years, the search area can then be widened with the mitigation payment used elsewhere, within Cheshire East on a policy compliant scheme, in line with Paragraph 99 of the NPPF, and Sport England Playing Field Policy.

[It should be noted that the original report, incorrectly stated that if the LPA goes against Sport England's objection, it would have to consult the SOS on the decision. This would only be the case if the land was in the ownership of the Council or an Educational use/setting. As the site is in private ownership this is not necessary, however Sport England do still have the option to call the decision in to the SOS for their consideration.]

2. Consultation with the anti-social behaviour team about the rear parking courtyards

A re-consultation was carried out with Crewe Police in relation to the gated rear parking areas. The Design Out Crime officer withdrew their objection to the scheme based on the rear parking areas being gated only for the use of the occupants of the dwellings, as shown to the committee at the meeting in August, drawing number 1102 Rev H.

Nevertheless, the applicant has chosen to revise their plans due to the concerns raised by the Town, Ward and Committee Members and removed the rear parking areas from the scheme. The applicant has amended the house types of plots 13 – 18 from 6no. 3 bedroom semi-detached dwellings; to 4no. 2 bedroom semi-detached dwellings and 2no. 3 bedroom semi detached dwellings. The amendment has amounted to a shared drive-way being created between plots 13 – 16, and an increase in frontage parking at this part of the site. The 2 bedroom units will only have one parking space per unit which is lower than the standard required within Local Plan policy, however this has been accepted elsewhere on the site where the 2 bedroom properties are located, given the site is sustainably located, and car ownership numbers are low in the area.

The Design Officer has however raised objections to the amended scheme, and notes that the front of plot parking solution is contrary to the principles of the National Design Guide and CEC Design guide; where a mix of parking solutions is encouraged by the Design Guides so that the streetscene isn't dominated by vehicles. The Design Officer notes that the proposal positions the parking spaces to the front of the units within the curtilage; and the knock-on effect to this is the dominance of vehicles on the street scene and minimal green amenity space to the front of the units.

The Design Officer accepts that the rear stand-off distances dictate the position of the homes and so the building line is fixed to an extent. The Design Officer considered that there are only a couple of layout configurations that can be achieved with this constriction unless the developer is willing to think outside the box and design bespoke homes that harness the opportunities within the constraints of the site, or the number of units is reduced.

Furthermore, the Design Officer notes that the removal of the car parking courts to the rear has resulted in fewer parking spaces being allocated which will have a knock-on effect with on street

parking, further cluttering up the street with vehicles and negating any shared space allocated for informal social interactions.

The Highways Officer has commented on the revisions and has raised no objections to the amended scheme. The applicant has been asked to include additional visitor spaces on the site to help alleviate the impact of lower parking provision. The amended plan includes 1 visitor space located off the shared driveway. Nevertheless, the site is located in a sustainable location on a bus route and there are a number of public and private car parks along West Street where visitors could park.

It is considered that on balance, that the revisions proposed are a reasonable and pragmatic response to the issues raised by the members at the last meeting, and whilst the increase in frontage parking is not ideal, there are elements of green infrastructure retained within the frontages, and the shared driveway will not be immediately seen when entering the site. With appropriate conditions in relation to landscaping and surfacing materials, it is considered that the amended plan is acceptable and is a reasonable compromise to enable the level of development proposed, secure suitable level of car parking provision within the site and still achieve high levels of design through-out the wider site.

3. Further clarification as to whether the cycle parking for the supported living apartments meets CEC Standards

The applicant has revised the level of cycle storage provision for the supported living apartments, from 16 spaces originally proposed to 36 spaces in a secure two tier (gas assisted, for ease of use) covered structure. It also includes a wash bay with sink/ taps/ rollout hose at the far end of the unit, with an adjacent a drained hardstanding so cycles can be washed (with a Perspex screen around it to avoid splashing onto parked cars). With regard to security there will be CCTV around the block and lighting to communal areas and the parking area. There will also be passive surveillance as anyone going to / from the cycle store location will pass the rear of the apartment block where there are lots of windows (and in front of plot 25). Although this is not quite 1 per apartment, it is considered to be a significant increase in provision and is therefore considered to be acceptable.

Conclusion of update

It is considered that the above addresses the issues raised at the previous committee meeting, and that on balance the recommendations proposed below are a reasonable and pragmatic approach to the scheme, which will ensure a much needed scheme of affordable housing is provided on a site which has not been available for use as a football pitch for over 10 years. The officer's recommendation therefore remains for approval, as proposed below.

REASON FOR REFERRAL

The application has been referred to the Southern Planning Committee because it is a Small-Scale major development of over 20 units.

PROPOSAL

Full Planning Permission is sought for the erection of 73 dwellings; comprising 42 independent living apartments and 31 affordable dwellings; with associated access and landscaping.

SITE DESCRIPTION

The application site comprises a vacant plot which previously included a sports club building and associated outbuildings including a small grandstand. It is situated on the western side of Goddard Street, Crewe and is largely bound by residential development.

The site is located within the Crewe settlement boundary and is allocated as a protected open space within the development plan.

RELEVANT HISTORY

16/4175N - Erection of 74 one, two and three- bedroom dwellings – Refused 1st February 2017

Reason for Refusal

'The proposed development, by virtue of its detailed design and density would result in the overdevelopment of the site, which in turn, would result in an unacceptable loss of amenity for the future occupiers of the development. The development would therefore be contrary to Local Plan policies BE.1 (Amenity) and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan First Review 2011, Policy SE.1 (Design) of the Cheshire East Local Development Strategy Consultation Draft March 2016, and the NPPF'

12/0194N - Application for Prior Notification of Proposed Demolition – Approval not required 8th March 2012

P07/1181 - 38 Dwelling Houses and Three Flats and Car Parking for 57 Spaces with Cycle Parking, Smoking Shelter and Substation – Withdrawn 15th October 2009

7/09123 - Extension to existing social club premises – Approved 20th July 1982

7/07845 - Alterations and extension – Approved 9th April 1981

PLANNING POLICY

Development Plan

Cheshire East Local Plan Strategy (CELPS);

MP1 (Presumption in favour of sustainable development)

PG1 (Overall Development Strategy)

PG2 (Settlement Hierarchy)

PG7 (Spatial Distribution of Development)

SD1 (Sustainable Development in Cheshire East),

SD2 (Sustainable Development Principles),

SC1 (Leisure and Recreation)

SC2 (Indoor and Outdoor Sports Facilities)

SC3 (Health and Wellbeing)

SC4 (Residential Mix)

SC5 (Affordable Homes)

SE1 (Design)

SE2 (Efficient Use of Land),
SE3 (Biodiversity and Geodiversity)
SE4 (The Landscape),
SE5 (Trees, Hedgerows and Woodland),
SE 6 (Green Infrastructure)
SE13 (Flood Risk and Water Management)
IN1 (Infrastructure)
IN2 (Developer Contributions)
CO1 (Sustainable Travel and Transport)
CO4 (Travel Plans and Transport Assessments)
Appendix C: Parking Standards

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

RES.2 - Unallocated Housing Sites,
RT.1 - Protection of Open Spaces with Recreational or Amenity Value,
RT.3 - Provision of Recreational Open Space and Children's Playspace in new housing developments,
BE.1 – Amenity,
BE.3 - Access and Parking,
BE.4 - Drainage, Utilities and Resources,
BE.6 - Development on Potentially Contaminated Land

National Planning Policy

National Planning Policy Framework (NPPF)
National Planning Practice Guidance

Other Considerations

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

CONSULTATIONS

CEC Head of Strategic Infrastructure (Highways) – No objections, subject to a S106 Agreement to provide a commuted sum of £5,000 for traffic management measures. In addition, a condition seeking the prior approval of a Construction Management Plan, and cycle parking provision implemented as proposed. An informative is also suggested for a S38 agreement regarding the construction and future adoption of the internal layout

CEC Environmental Protection – No objections, subject to a number of conditions/informatives including; implementation of the acoustic mitigation, travel information pack, electric vehicle charging points, ultra low emission boilers, remediation scheme implementation, soil importation materials, unexpected contaminated land and informatives for construction hours, piling foundations, dust management plan, floating floor details,

CEC Flood Risk – No objection in principle, subject to UU completing satisfactory surveys on the surface water sewer network within Dunwoody way. Conditions suggested for surface water management plan and implementation in accordance with the FRA.

CEC Housing – No objections, confirm that the Affordable Housing Statement (as amendment) is now acceptable. Affordable housing provision should be secured by way of S106 Agreement.

CEC Open Space (ANSA) – POS (Public Open Space) and ROS (Recreational Open Space) as well as allotments and GI are required in accordance with Policy SE6 of the CELPS. In the absence of on-site provision for POS and ROS a commuted sum would be required of £93,000 for POS and £31,000 for ROS is required.

Also, loss of playing field requires mitigation and a solution to address Sport England's objections. Offsite contribution proposed to be used towards the Sutton Lane Pitch Improvement Project of £80,000. This is accepted and will be secured by S106 Agreement.

Sport England – Holding Objection withdrawn subject to detailed discussions in relation to the S106 Agreement in relation to Sutton Lane, Middlewich mitigation proposal.

Sport England response outstanding in relation to amended recommendation. (b)

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

NHS Primary Care – Request a contribution of £54,288 to offset the impact from extra demand for housing. Triggers to be 50% upon commencement of development and 50% upon completion of 90% of the dwellings

CEC Education – No objection subject to developer contribution of £146,791. £65,078 for Primary Education, and £81,713 for Secondary Education. There is no SEN contribution required.

Crewe Police – No objections

Haslington Parish council – Proposed mitigation payment is used on site at Clay Lane, Haslington.

Crewe Town Council – Crewe Town Council welcomes the application as a significant improvement on the previous scheme.

- It is requested that consideration be given to the relationship between the houses at the western edge of the site and the neighbouring 4 storey flats with reference to possible overlooking and loss of privacy of occupants of the new dwellings
- Parking restrictions will be required on Goddard Street at the entrance to the site to protect sightlines for traffic emerging from the site.
- The existing granite setts in Goddard Street should be retained and relayed and the existing tarmac patches replaced with matching setts to preserve the local heritage and act as a traffic calming measure.

- The scheme should incorporate appropriate measures as set out below to achieve a net gain in biodiversity in accordance with NPPF para 175 (d) and Policy Env 2 of the Publication Draft SADPD.

Within the structure of the houses:

- swift bricks
- bee bricks
- bat bricks
- house martin cups
- solar panels

Outside the structure(s):

- hedgehog-friendly fences
- water butts
- compost bins
- ponds
- fruit trees
- permeable driveways
- green walls and roofs
- hedges

Elsewhere in the development:

- wildlife verges
- wildlife tunnels under roads
- amphibian-friendly kerbs
- street trees
- native wildflowers and shrubs
- communal green spaces

REPRESENTATIONS

Letters of representation have been received from 7no households. The main issues raised are;

- Redevelopment of derelict site is welcomed,
- Impact on traffic congestion
- Access to the south of the site would be preferable and allow better pedestrian access to nearby facilities
- Development would be too close to neighbouring properties and noise during construction would adversely affect neighbours
- Additional homes are not required in this area
- New infrastructure is required to deal with the large number of new dwellings built in this area
- The loss of this greenspace is unacceptable, it is important for the wellbeing of the community
- Land should be used for a community based project such as a park or community centre
- Concerns raised relating to the location of the site entrance opposite the entrance to Goddard Court and the lowered curb/ambulance parking bay
- Existing sawmill business located adjacent to site and raised concerns that new neighbours will object to the noise created by this existing business on the site.

OFFICER APPRAISAL

Principle of Development

Residential Development

The application site is located within the Crewe settlement boundary. Policy PG2 sets out that Crewe is a Principal Town where significant development will be encouraged to support its revitalisation, recognising its role as one of the most important settlements in the borough. Development will maximise the use of existing infrastructure and resources to allow jobs, homes and other facilities to be located close to each other and accessible by public transport. Policy PG7 sets out that Principal Towns such as Crewe are expected to accommodate in the order of 65 ha of employment land and 7,700 new homes.

Therefore, it is clear that the proposal for residential development is acceptable in principle, however this is subject to compliance with all other relevant policies within the development plan.

Protected Open Space

In this instance the majority of the site is located on an area of land which is designated as protected open space under policy RT.1: Protection of Open Spaces with Recreational or amenity value.

Policy RT.1 states that development will not be permitted which would result in the loss of open space shown on the proposal map, which has recreational or amenity value. An exception may be made where;

- *A carefully quantified and documented assessment of current and future needs has demonstrated that there is an excess of playing field or open space provision in the catchment and the site has no special significance; or:*
- *The proposed development is ancillary to the principal use of the site as a playing field or open space and does not affect the quantity or quality of pitches or adversely affect their use.*
- *The proposed development affects only land incapable of forming part of a playing pitch and does not result in the loss of or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area or any playing pitch, or the loss of any other sporting / ancillary facility on the site.*
- *The playing field or open space which would be lost as a result of the development would be replaced by a playing field or open space of equivalent or greater quality in a suitable location and subject to equivalent or better management arrangements prior to the commencement of the development.*
- *The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or open space.*

Similarly, the NPPF (2021) in paragraph 99 states that;

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

Policy SC1 Leisure and Recreation of the CELPS states that the Council will...*'seek to protect and enhance existing leisure and recreational facilities, unless a needs assessment has clearly proven them to be surplus to requirements to local community needs or unless alternative provision, of equivalent or better quality is to be made'*. Additionally, Policy SE 6 of the CELPS 4 (i) states that development should protect and enhance existing open spaces and sport and recreation facilities.

The former use of the site was a Football Ground, and included a sports club building, associated outbuildings and a small grandstand. However, the site is now vacant with all the former buildings demolished. The applicant states that the site has not been available for sports pitch use since December 2007 and has no public access currently. The former buildings on the site were demolished in 2012. The site is identified as a 'lapsed' site within the Cheshire East Playing pitch Strategy and Action Plan.

Nevertheless, the site is still currently designated as a playing pitch in policy terms, and this designation has been carried forward into the Revised Publication Draft SADPD; albeit limited weight can be attributed to the SADPD at this time.

The applicant has submitted a Sports Need Assessment from 2016, and a Sports Planning Statement with the application, which highlights that during the previous 2016 application on the site, it was accepted that mitigation would be sought to enable the provision of off-site provision elsewhere. This was largely due to the lack of an up to date Playing Pitch Strategy at the time, and the LPA and Sport England considered a commuted sum of £70,000 (this amount has increased to £80,000 now) to be secured by means of a S106 Agreement would be an acceptable form of mitigation. Although, the application was refused at committee, this was on the grounds of design and amenity of the proposed development, not based on the policy departure.

The applicant was proposing the same option in this application, however since the previous application, some 5 years ago, the Council has adopted the Playing Pitch Strategy, and the required mitigation cost has increased to £80,000 as confirmed by Sport England.

Sport England raised a holding objection to the proposal originally based on the lack of detail of how and where the proposed commuted sum would be secured and used. Without this information Sport England state that they need to be confident that the contribution secured as part of this proposal will be used to create a genuine new playing field, to an equivalent or better quality, consistent with the NPPF (99b) and Sport England's Playing Field Policy.

The Council's Greenspaces Officer, states that discussions around the loss of the playing field have taken place over a substantial period of time and have involved in depth discussions with the Cheshire FA, Football Foundation, ESAR and Sport England amongst others. The applicant

engaged the services of a Sports Consultant to fully understand the implication of the loss of this facility in relation to the Playing Pitch Strategy [PPS] and how that loss could be mitigated. Initially the loss was to be mitigated through the payment of a commuted sum to be used in line with the PPS to provide additional capacity elsewhere, however no specific site/sites or projects were identified. That was on review not considered appropriate given the potential absence of suitable sites. The applicant agreed to conduct further work to identify an appropriate site where the commuted sum could be directed to ensure suitable mitigation could be achieved following the loss of Goddard Street.

The Cheshire East Playing Pitch Strategy 2021, has not identified any sites in the local area (Crewe) which have the capacity or ability to accommodate an appropriate additional replacement playing pitch of the same or better provision. Therefore, ANSA in collaboration with relevant agencies, eg. Cheshire FA, Football Foundation, ESAR and Sport England, have been in discussion for some time to try and identify a potential site for the mitigation to be used nearby. Originally a site in Crewe called the Razzer, adjacent to the Cumberland Arena, Crewe was identified and a Feasibility Study was carried out by the applicants. This raised concerns in relation to contaminated land and indicated that the agreed commuted sum of £80,000 would not be sufficient to provide the required mitigation on that site. Other sites in Crewe, including the George's Playing pitch were considered but there simply isn't the space or capacity for the appropriate mitigation to be accommodated. Therefore, the search for a site was widened, in accordance with Policy, and the next alternative site which has been identified by ANSA and partners was the Sutton Lane site, and a Feasibility Study was then commissioned on that site.

The second feasibility study, at Sutton Lane Playing fields, a 20 minute drive from the application site. This feasibility study shows there are no known barriers to the enhancement of the facility, that the commuted sum could be used alongside other funding to improve capacity and quality of the playing fields and in conjunction with other projects, provide a significantly improved sporting offer of substantial benefit.

The commuted sum of £80,000 will be directed to Sutton Lane playing fields to progress Option 2 from the STRI Feasibility Study which will include but is not limited to, cut and fill earthworks and the installation of a new drainage system across the full site. This will make the entire playing field available for play, currently not feasible, and allow more layout options as well as improve pitch quality over the wetter months, thus increasing capacity and providing a better quality site. This alongside a proposed project by ESAR on the site, subject to planning, would make the site a focus for sport.

The Greenspaces Officer notes that to bring Option 2 forward when the full funding pot has been achieved, a detailed scheme will be developed which will also identify the maintenance requirements of the site both during the establishment period and in the longer term, extending the life of the pitches and maintaining quality. For the benefit of the committee, a commuted sum of £222,000 has been secured for use at Sutton Lane via a S106 on an outline application. There are a number of other options in terms of funding including other relevant developments where ROS commuted sums could be directed to Sutton Lane.

A commuted sum of £80,000 in mitigation for the loss of playing fields at Goddard Street will be required on commencement of development and will be secured via a S106 planning agreement. The commuted sum will be used at Sutton lane Playing fields to develop and implement Option 2 of the STRI feasibility study, The Sutton Lane Pitch Improvement Project. The commuted sum will

be used as soon as the required funding is achieved, and CEC will implement the project at the earliest opportunity.

Sport England have confirmed that the second Feasibility Study for Sutton Lane, appears to be acceptable in terms of the site being capable of accommodating the use proposed, and this has addressed their holding objection, subject to detailed discussions during the S106 Agreement.

Nevertheless, given the strong indication from the Members that the mitigation money should be spent within the Crewe area; it is proposed to the committee that a pragmatic approach to the S106 Agreement could be reached which would enable a site to come forward in the Crewe Area within a certain time period (up to 5 years) and if a suitable pitch replacement/improvement provision is not found the money will be spent in line with policy elsewhere. It is unlikely that this will be accepted by Sport England as a policy compliant response, however, comments have been sought from their Policy Officers.

Therefore, in conclusion it is recommended to the planning committee members that they accept the mitigation payment is paid towards Sutton Lane, Middlewich as a policy compliant proposal with Sport England approval, as previously recommended; OR alternatively the mitigation payment of £80,000 is secured by legal agreement, to be held for a maximum of 5 years, to enable a policy compliant scheme to come forward within the Crewe Area (to be defined) which would provide or enable the provision of an adult football pitch. Where a site is not identified within the 5 years, the search area can then be widened with the mitigation payment used elsewhere, within Cheshire East on a policy compliant scheme, in line with Paragraph 99 of the NPPF, and Sport England Playing Field Policy.

Viability

The NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.

The applicant states that the scheme is an 100% affordable housing proposal and therefore the imposition of all the proposed financial contributions would make the scheme unviable, and therefore it supported by a financial viability appraisal.

The Council had this independently appraised. The Council's independent advisor conducted a full review of the financial viability assessment submitted by the Applicant. The review concluded that the scheme generates a negative residual land value of circa -£700,000 against a target benchmark land value (BLV) of £1,080,000, and therefore it appears the Scheme as submitted may not be capable of providing a policy compliant level of S106 contributions.

In terms of the request for S106 contributions there have come from education, NHS, Ecology, Sport England, POS and highways. The contributions are;

1. £80,000 towards the provision of offsite contribution to mitigate for the loss of the playing pitch
2. £5,000 towards traffic management measures
3. £146,791 towards primary and secondary school provision
4. £54,288 towards NHS provision
5. £93,000 towards off site play and amenity facilities (POS)
6. £31,000 towards off site outdoor sport provision (ROS)
7. Circa £50,000 Biodiversity net gain off site contribution

Despite the application having a negative return, the applicant states that they will pay the required Sport England contribution and the Highway contribution, amounting to £85,000.

These two contributions are considered to directly link to ensuring the development is policy compliant, and directly linked to improvements to highway safety. The NHS, Education, POS and Biodiversity requirements are mitigation to offset the impact of the development on the local area.

Therefore, as it stands the proposed development appears to be unviable. However, due to the nature of a social housing development scheme this is not an unusual situation and the development would provide significant benefits in terms of affordable housing provision.

Locational Sustainability

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

The site is within the Crewe Town settlement which is categorised as a Principle Town within Policy PG 2 of the CELPS. The site is considered to be locationally sustainable, and within walking distance of a number of services on Dunwoody Way, and the Town Centre. Within the town centre is a Bus Service Station which links the town to the wider area.

Housing Mix

Paragraph 62 of the Framework states that 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes'.

Policy SC4 of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix).

The recently amended plans show the site is split between the 30 x 1 bedroom apartments, 12 x 2 bedroomed apartment, 10 x 2 bedroomed houses and 21 x 3 bedroomed houses. The development is largely made up the 42 apartments and a mix of semi-detached properties and mews properties. It is therefore considered that the housing mix is reasonable for the location.

Affordable Housing

Policy SC 5 (Affordable Homes) in the Cheshire East Local Plan Strategy (CELPS) sets out the thresholds for affordable housing in the borough. In residential developments, affordable housing will be provided as follows: -

- i. In developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable;*
- ii. In developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sqm) in Local Service Centres and all other locations at least 30% of all units are to be affordable;*
- iii. In future, where Cheshire East Council evidence, such as housing needs studies or housing market assessments, indicate a change in the borough's housing need the above thresholds and percentage requirements may be varied;*

The National Planning Policy Framework states that the provision of affordable homes should not be sought for residential developments that are not major developments. Major developments are defined as housing sites of 10 or more homes, or the site has an area of 0.5 hectares or more.

The CELPS states in the justification text of Policy SC5 (paragraph 12.44) that the Housing Development Study shows that there is the objectively-assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year across the borough.

This is a proposed development of 73 dwellings in a Principal Town, therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 22 dwellings to be provided as affordable homes.

The applicant has advised that they are providing a 100% affordable housing scheme consisting 42 units for independent living at an affordable rent, and 31 units for shared ownership tenure. Therefore, the affordable housing on this site is policy compliant.

The proposed tenures and types of housing are agreed by the Strategic Housing officer.

Other matters

An Affordable Housing Statement has been provided by the applicant which has addressed the Strategic Housing Officers initial concerns following the previous consultation. As such, this AHS has now been approved by Strategic Housing.

The affordable housing should meet the HCA's housing quality indicator (HQI) standards. The affordable housing provision should be secured by Section 106 agreement.

Open Space

Notwithstanding the loss of Open Space on which this development is sited upon, (this is considered within the principle section of this report), consideration is also required of the impact of the development upon local open space capacity in the area.

The Greenspaces Officer states that this application triggers the requirement for the provision of POS for play and amenity, and ROS for recreation and outdoor sports, as well as allotments and Green Infrastructure in accordance with Policy SE6 of the Cheshire East Local Plan Strategy.

There is no public open space provided as part of the scheme, but an area of communal private amenity space has been provided for the use of the apartments. The site is located in close proximity to an existing public open space, Samuel Street Park, which is within 400m of the application site, and includes a children's play area. The Greenspaces Officer confirms that in the absence of onsite provision the payment of commuted sums would normally be required, therefore the offsite contribution for POS for play and amenity provision would be, £93,000 based on family dwellings within the scheme, and ROS for outdoor sport would be £31,000. These contributions would be required prior to commencement of development and should be secured by S106 Agreement.

Without this financial contribution, there would be resultant social dis-benefit. This needs to be factored into the planning balance. This is further considered within the viability section of this report above.

Education

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

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

The Education team consider that the proposed development of 31 family dwellings is expected to generate:

6 primary children (31 x 0.19)
5 secondary children (31 x 0.15)
0 SEN children (31 x 0.51 x 0.023%)

Children's Services has recently begun the process of strategically creating additional primary school capacity in the Crewe area due to an immediate basic need of primary places demographically and pupil projections showing a further need from additional housing in the locality identified in The Council's Local Plan. The two largest expansions being Monks Coppenhall Primary School, by an additional 210 places, and Hungerford Primary Academy by an additional 210 places. Additionally, Children's Services is in the process of creating new Secondary provision in Crewe, namely Oakfield Lodge.

Children's Services is expanding the primary schools by 1 full Form of entry (210 places – 7 classrooms) to assist with finances, minimum disruption to the daily management of the school and to assist with the practicalities of class organisation and teaching standards. The proposed development picks up the primary schools within 2 miles and the secondary school within 3 miles; on this basis Children's Services is seeking a full primary and secondary claim and will receive

the payments for the works paid for by the Council up front to mitigate the 6 primary children and 5 secondary children.

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

6 primary children x £11,919 x 0.91 = £65,078
 5 secondary children x £17,959 x 0.91 = £81,713
 Total education contribution: £146,791

Without a secured contribution of £146,791, Children's Services raise an objection to this application. This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. This is further considered within the viability section of this report above.

Health

The South Cheshire Clinical Commissioning Group (CCG) have sought a S106 Contribution advise that funding is required towards the health infrastructure to support the development of Grosvenor Medical Centre, Milcroft Medical Centre, Earnswood Medical Centre and Hungerford Road Surgery.

The mitigation requested is based on the following formula and the assumption of 74 units of a housing mix of 1, 2, and 3 bed properties.

Size of Unit	Occupancy Assumptions Based on Size of Unit	Health Need/Sum Requested per unit
1 bed unit	1.4 persons	£504 per 1 bed unit
2 bed unit	2.0 persons	£720 per 2 bed unit
3 bed unit	2.8 persons	£1,008 per 3 bed unit
4 bed unit	3.5 persons	£1,260 per 4 bed unit
5 bed unit	4.8 persons	£1,728 per 5 bed unit

The requested contribution is therefore calculated as £54,288. It is therefore considered that the financial contribution can be secured as part of a legal agreement to mitigate the harm.

Without this contribution there is an objection raised to the development. This is further considered within the viability section of this report above.

Residential Amenity

The application site is surrounded by residential development on all sides. The site is bounded by 3 and 4 storey apartment blocks to the south and west of the site, a row of traditional terrace properties back on to the site at the north and on the opposite side of Goddard Street are two storey.

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

the Cheshire East Design Guide allow for a slightly lower standard of separation of front elevations to around 18m. This area of Crewe is mixed in style with tightly compacted terraced properties to the north, 2, 3 and 4 storey apartment blocks to the east, west and south.

The majority of the dwellings will meet the 21m distance with a few slightly below, nevertheless in these cases there is no direct overlooking of principle windows due to the location and orientation of the buildings. The orientation of the dwellings and their fenestration has been designed to avoid significant detrimental impact on existing neighbouring amenity. Furthermore, tree planting is proposed along the northern boundary to help mitigate the impact. It is therefore considered unlikely that the development will have any significantly detrimental impact on neighbouring amenity by means of overlooking or over shadowing.

The Council also has a standard of 50m² garden areas for future occupiers. The plan shows that all the dwellings achieve the required amount. The apartments have no private amenity space, nevertheless the proposal included communal amenity space which is considered sufficient given the local access to public open space is within walking distance of the site.

Environmental Protection have raised no objections to the proposal subject to conditions regarding the implementation of the acoustic mitigation, travel information pack, electric vehicle charging points, ultra-low emission boilers, remediation scheme implementation, soil importation materials, unexpected contaminated land. These conditions are considered to be reasonable.

Highways

Sustainable access

There will be a continuous pedestrian footway from the site to the local centre of West Street where bus stops and a number of services and amenities are located. There will also be a footway connection to Morrisons to the south of the site, and the wider Crewe area including the town centre which is within walking distance.

Approximately 160m south of the site access there is a pedestrian and cycle access off Richard Moon Street providing a connection onto the local off-road cycle path along Dunwoody Way, Morrisons, and the National Cycle Route 451 which is a short distance away off Flag Lane, Victoria Avenue and Queens Park.

The site access is approximately a 70m walk from the bus stops on West Street and 240m from stops on Underwood Lane, which provide regular weekday and weekend services, with up to 7 buses per hour in either direction from early morning to evening. Destinations include the wider Crewe area, Winsford, Northwich, Shavington, Nantwich and Newcastle.

Safe and suitable access

The access has been designed to adoptable standards for this size of development. It will have dropped kerbs and tactile paving and there will be sufficient visibility.

All but one of the residential properties will be provided with off-road parking in accordance with CEC standards which is considered acceptable given the sustainable location.

The 42 apartments include 30 one bed and 12 two bed units and will have below standard provision with 31 spaces. Car ownership data for apartments in this area, which is reflective of the local demographics and sustainable location, is low and indicates that there will be sufficient parking for residents and for visitors. The provision is therefore acceptable.

Amended plans have been submitted which has revised the level of cycle storage provision for the supported living apartments, from 16 spaces originally proposed to 36 spaces in a secure two tier (gas assisted, for ease of use) covered structure. It also includes a wash bay with sink/ taps/ rollout hose at the far end of the unit, with an adjacent a drained hardstanding so cycles can be washed (with a Perspex screen around it to avoid splashing onto parked cars). With regard to security there will be CCTV around the block and lighting to communal areas and the parking area. There will also be passive surveillance as anyone going to / from the cycle store location will pass the rear of the apartment block where there are lots of windows (and in front of plot 25). Although this is not quite 1 per apartment, it is considered to be a significant increase in provision and is therefore considered to be acceptable

The new vehicle access will be located approximately 60m south of West Street which is of sufficient distance. Whilst on a site visit on-street parking was observed to occur on both sides of Goddard Street. There are existing parking restrictions on Goddard Street but additional traffic management measures may be required. Therefore, as with the previous application in 2016, a contribution from the applicant towards this will be required.

Network Capacity

A development of this type and size would generate approximately 30 two-way vehicle trips during either of the peak hours, or up to 1 vehicle every 2 minutes, and any highways impact is considered minimal.

Conclusion

The proposal is for 73 affordable residential units off Goddard Street in Crewe. It is in an urban location with pedestrian access available to local amenities and services, and bus stops.

The proposal access, layout, and parking provision are acceptable and no objection is raised subject to a condition for cycle parking provision **to be implemented as proposed**, CMP and an informative for a S38 Agreement.

Furthermore, a contribution of £5,000 is sought for traffic management measures which should be secured by S106 Agreement.

Landscape

This is a brownfield site to the north west of Crewe. Much of the site is overgrown grassland and scrub with various boundary treatments. There is some hard standing. There are occasional trees /saplings present on the boundaries with a line of mature Cupressus Leylandii (fronting Goddard Street).

Traditional terraced and mixed use development lies to the north, separated by a gated alley, Goddard Street lies to the east (with a traditional sett surface), new apartment developments lie to the west and south east and an area of mounded rough ground to the south west.

The Landscape Officer notes that the Design Officer has been heavily involved in the layout revisions and notes that comments are mainly positive. It is considered that a landscape implementation and maintenance condition should be included in any permission.

Trees

There are some trees present on the site, mainly around the boundaries. These include an offsite Sycamore, some saplings and a line of mature Cupressus Leylandii (fronting Goddard Street).

The Arboricultural Impact Assessment has been updated (now revision B dated 13/8/20). It remains that the Leylandii hedge and a number of saplings would be removed. The revised layout would involve new hard standing in the rooting area of the retained off site Sycamore tree on the western boundary. Supervised precautionary working practices are recommended for this area. In the event of approval of the development, a standard tree protection scheme should be sought by condition, together with a condition requiring arboricultural supervision.

Design

Building for life 12 Assessment of the development has been carried out by the Council's Urban Design officer.

Integrating into the neighbourhood

1. Connections

The proposal is well connected within the existing infrastructure with pedestrian, cycle and vehicular routes. There are clear and easy routes to adjacent existing development on Goddard Street with the development layout providing a looped circulation route. The proposal is well designed and although the constraints of the site do not allow direct connection to the existing developments surrounding the site, the enclosure and legibility aid secure and permeable movement throughout the development. A green therefore is easily awarded.

2. Facilities and Services

The site lies close to the centre of Crewe where a full range of facilities and services can be accessed. There are shops, pubs, schools and local/national transport hubs, within easy walking distance of the site. In addition, there are a number of local parks located within a short walk to the site and a wide range of usable areas of public open space within the wider area. As a result, a green light is readily awarded.

3. Public Transport

The closest bus stops to the scheme are located on West Street, a short distance from the proposed site access. From services found there, access can be gained into Crewe town Centre and to the National Rail station with its excellent services to Manchester and London. As a result, a green light is awarded.

4. Meeting Local Housing Requirement

As a proposal of 100% affordable housing, the proportion and range of affordable housing has been agreed by the Local Planning Authority as meeting the needs of the local housing requirements. Ideally a development should have a diverse range of tenures, open market and affordable to secure a diverse mix of community. Normally, pepper potting shared ownership homes, where the type matches the open market types in styling and size contributes to the diverse mix and organic nature of a development. The quality of design is very high for an affordable development of this nature and raises the standard for future development of affordable homes and investment into the area. The mix and diversity that SC5 and the CEC Design Guide requires is not achieved here. However, over time the development will settle into a range of tenures and the diverse community that SC5 and the design guide aspires to achieve will be realised. As a result of this an amber light is awarded

Creating a place

5. Character

It is acknowledged in Volume 2 of the Cheshire East Borough Design Guide (CEC, 2017ii, pp27-28) that standard house types can 'offer a positive alternative to bespoke units if re-elevated, detailed and where necessary amended to suit the location' as indeed they can. Although it is encouraged in the design guide (house types, making them unique) to take elements of the local vernacular and contextual characteristics and detailing, it is also expected that these elements will be used in such a way as to provide a distinct and unique character to the new development.

A thorough local character study has been undertaken and the approach adopted has been successful in representing local character details and styling throughout the development. The local architectural detailing and styling references have informed the character areas with a mix of traditional and more modern designs in different areas appropriate for the location. A green is awarded here.

6. Working with the site and its context

The development and its concept use the constraints of the site to form the layout of the streets to great effect. The boundary stones have been retained and reused as a feature close to the main entrance, however this detail has somehow become lost within the updated layout design. The constraint of an inward looking and bounded site has been transformed into an asset and resulted in a unique feature of the site in the form of a semi-communal amenity space and looped shared surface street. The site is bounded by existing traditional terraces, and whilst not fully achieving the same connection through to the adjoining development, the design has laid down provision to enable a secure and high-quality green oasis that will serve both communities, raising the bar for future local developments. A green is awarded here.

7. Creating well defined streets and spaces

There is a clear hierarchy leading from the main entrance into and through the site. This is illustrated by the street, boundary and architectural details to reinforce the hierarchy. There are

perimeter blocks with corner turning types that are enhanced by the layering of high-quality boundary treatments and soft landscaping throughout the development. Even though there is a clear hierarchy, the road and surface material details (Hard landscaping plan) do not comply with the specifications as outlined in the Design Guide, and for this reason an amber has been awarded here.

8. Easy to find way around

With the hierarchy, looped main street, and features stationed at nodal points along the main circulation routes make the site highly legible. Corner turning types have provided strong architectural features and designs to enable an increase in legibility across the site. This, in combination with feature buildings at nodal points throughout the layout, help to create easily recognisable unique spaces with which to navigate and orientate. A green is awarded here.

Streets and Homes

9. Streets for all

The loop road incorporates landscaped enhanced pinch points to calm traffic speeds and aid the pedestrian/cycle routes through the development. The material changes along routes also serve as a cue that the spaces belong as much to the pedestrian/cyclist as to the car. At nodal points there are a number of landscaped green spaces which, combined with a change in surface material, denotes a public space that could be used for informal community social events.

The hierarchy is clearly identifiable with surface material changes denoting different character areas such as the primary access street, home zone type areas and shared surface squares. The boundary treatment and the layering of soft and hard structural landscaping further enhances the hierarchy, providing an outstanding level of greening within the development. The development is easily walkable with a circuit provided within the development. A green is awarded here.

10. Car Parking

A mix of parking solutions is encouraged by the CEC Design Guide so that the street scene isn't dominated by vehicles. The amended plans received which have removed the rear parking areas have in the Design Officers opinion had a detrimental impact on the overall design of the scheme, creating a more car dominated proposal which has reduced the amount of Green Infrastructure within the site and therefore creating an environment which is dominated by vehicles. Also, the reduction of allocated parking spaces further exacerbates the issue with potential anti-social behaviour and inconsiderate parking on pavements. The Design Officer considered that the parking proposed is contrary to both National and Cheshire East Design Guide.

The parking court to the rear of the independent living apartments is well landscaped and could provide a unique tree-lined multifunctional community space that could be utilised by the residents for events throughout the year.

Typical parking details show that there is adequate room for circulation to rear of properties for practical purposes ie. Bin storage. It is therefore considered that the amended plans have reduced this from a green rating to an amber.

11. Public and Private spaces

Houses have reasonably sized rear gardens and some space to the front too which is well defined. Boundary treatments are considered and generally appropriate to the character areas. Whilst there aren't any useable pockets of accessible open space across the development, the open aspect amenity space to the rear of the independent living block provides elements of a green square that can be accessed visually by all residents. There are only a couple of the plots where, the rear elevations are open to view from the public spaces on street. An upgrade of these elevations to match the quality of the primary elevations would improve this aspect greatly. On balance an amber light is awarded.

12. External storage and amenity space

As mentioned before, houses have reasonably sized rear gardens, large enough to house the bin/recycling stores that are indicated in the application. These rear gardens have a clear external route to the front of the property for bin collection without the need to go through homes. There is also space for other storage including that of bicycles, particularly useful as the houses are without garages. There are details for the communal stores for the independent living apartments, such as bin and scooter stores. A green light is awarded here.

Conclusion

The site has achieved 8 greens and 4 ambers. There has been a large amount of work undertaken by the design teams, however the recent amendment has caused the Design Officer to raise concerns with the level of front of plot parking. As noted above, these amendments were proposed by the applicant due to the concerns raised by the Planning Committee Members in terms of potential anti-social behaviour, despite the objection from the Crewe Police Officer being removed based on the courtyards being gated.

It is considered that on balance that the revisions proposed are a reasonable and pragmatic response to the issues raised by the members at the last meeting, and whilst the increase in frontage parking is not ideal, there are elements of green infrastructure retained within the frontages, and the shared driveway will not be immediately seen when entering the site. With appropriate conditions in relation to landscaping and surfacing materials, it is considered that the amended plan is acceptable and is a reasonable compromise to enable the level of development proposed, secure suitable level of car parking provision within the site and still achieve high levels of design through-out the wider site.

The Design Officer suggested that conditions are imposed in relation hardsurfacing, and external materials. However, details of hardsurfacing have since been submitted and the Design Officer has agreed they are now suitable and in accordance with the Design Guide. Conditions will be attached to ensure compliance with the details proposed.

Ecology

The application includes a protected species survey, which the Councils Ecologist has considered.

Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. In the absence of mitigation the proposed development would have a localised impact upon this species.

If planning consent is granted the Ecologist recommends that gaps for hedgehogs to be incorporate into any garden or boundary fencing proposed by condition.

Bats

Whilst the application site offers limited opportunities for roosting bats and the site does not appear particularly important for foraging bats, bats are likely to commute and forage around the site to some extent. The Councils Ecologist advises that the tree planting proposed as part of the landscaping of the site would at least partially compensate for the loss of existing habitat for bats.

To avoid any adverse impacts on bats resulting from any lighting associated with the development it is recommend that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Nesting Birds

The Council's Ecologist has suggested a condition is imposed if permission is granted to safeguard breeding birds during construction.

Biodiversity net gain/Defra metric

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. The ecologist recommended that the applicant undertook and submitted an assessment of the residual ecological impacts of the proposed development using the Defra biodiversity offsetting 'metric' methodology.

An assessment of this type would both quantify the residual impacts of the development and calculate in 'units' whether the proposed development would deliver a net gain or loss for biodiversity in accordance with this Local Plan policy.

The applicant confirms that the proposed development would result in a net reduction in biodiversity, (calculated at 1.53 biodiversity units) and sought a net gain. As delivering additional habitat on site has not been possible, a commuted sum for improvements elsewhere was discussed with the Council's Ecologist and the Cheshire Wildlife Trust to deliver habitat creation on land in their control. CWT undertook a Defra Metric calculation of the existing site and advised that CWT would be able to supply the biodiversity net gain (BNG) units required for the cost of £48,992 +VAT. This calculation included a 10% Biodiversity Net Gain (as CWT require this level of increase to get involved with offsetting). The applicant has queried this sum, but no revised amount has been set out.

Nevertheless, as set out above in the Viability section, the application is running at a shortfall, and the applicant is not able to fund the required contribution. Therefore, the scheme fails to deliver a

Biodiversity net gain as required by Policy SE3 of the CELPS. This is another matter which should be added to the planning balance as a negative of the scheme.

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3. Proposals have been submitted for the provision of features for nesting birds and roosting bats and the Ecologist confirms these are acceptable subject to a condition for their implementation.

Air Quality

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

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

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

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

Flood Risk

An FRA was submitted with the application, and the Flood Risk Officers have confirmed that the drainage scheme is acceptable and the development should be implemented in adherence to the scheme.

United Utilities have been consulted on the application have raised no objection, subject to conditions for foul and surface water to be drained separately and a detailed strategy for SUDs to be submitted.

CIL Compliance

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

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

An offsite contribution of £80,000 is required as mitigation for the loss of the Goddard Playing field. The sum is required to address the Policy objection of the loss of a playing field and is therefore directly related to the development. The requirement to secure the commuted sum by legal agreement is considered to be fair and reasonable to ensure the mitigation is secured and used offsite appropriately.

A contribution of £5,000 is required for highways improvements, in relation to traffic management measures in relation to updating existing parking restrictions on Goddard Street. This is directly related to the development to ensure the increased use of the site and access is mitigated by means of highways improvements. This is considered to be fairly and reasonably related in scale and kind.

The development is an affordable housing scheme and therefore given the lack of some of the normal mitigation contributions it is reasonable and necessary to secure the 100% affordable housing by means of a legal agreement. Furthermore, the tenure mix of affordable rent and shared ownership will be secured also. This is considered to be reasonable and fair.

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

PLANNING BALANCE

The application site is located within the Crewe settlement boundary. Policy PG2 sets out that Crewe is a Principal Town where significant development will be encouraged to support its revitalisation, recognising its role as one of the most important settlements in the borough. Development will maximise the use of existing infrastructure and resources to allow jobs, homes and other facilities to be located close to each other and accessible by public transport. Policy PG7 sets out that Principal Towns such as Crewe are expected to accommodate in the order of 65 ha of employment land and 7,700 new homes.

Therefore, it is clear that the proposal for residential development is acceptable in principle, however this is subject to compliance with all other relevant policies within the development plan.

In this instance the majority of the site is located on an area of land which is designated as protected open space under policy RT.1: Protection of Open Spaces with Recreational or amenity value. The development would amount to the loss of this playing pitch, and in-line with policy a site has been identified, through the process of a Feasibility Study for an off-site contribution of £80,000 to be spent which would help create a wider improved sports facility at Sutton Lane playing fields. The Green Spaces officer has agreed that this is a suitable mitigation proposal, and Sport England agree subject to them being party to the S106 Agreement. However, at the last Planning Committee Meeting it is acknowledged that the use of the mitigation payment outside of the Crewe area raises concerns, and therefore a pragmatic approach to the S106 Agreement is proposed which would allow the contribution of £80,000 to be held for up to 5 years, to enable a site within the Crewe Area to be found which is policy compliant in line with the NPPF and Sport England Policy. Should a site not be found in that time frame the search area can be widened in line with Policy.

The proposal is for 100% affordable housing and this is a significant benefit of the development in an area where affordable housing is required. This should weigh heavily in support of the development, and the applicant is a RSL, with funding in place from Homes England, and therefore there is clear indication that the development could be on site relatively quickly. The site is in a very sustainable location within walking distance of most amenities, such as shops, pubs, restaurants, bus stops, railway station, schools, leisure facilities and open space with Crewe Town Centre in walking distance.

A further positive of the scheme is the design which scores highly within the Building for life 12 assessment and the urban design officer considered will be a bench-mark for future affordable housing schemes.

The site has raised no significant issues in relation to landscaping, forestry, amenity, highways safety, impact on protected species, flood risk or drainage, subject to appropriate conditions.

However, the applicant has raised concerns in relation to the viability of the scheme and is unable to contribute towards the normal mitigation required in relation to Education, NHS, POS, or Bio-diversity net gain, and therefore these elements weigh negatively in the balance of the scheme.

It is therefore considered that, on balance the benefit of the affordable housing provision on the site which as be un-used and derelict for over 10 years, with the addition of the mitigation contribution of £80,000 to be put towards the betterment of a playing pitch elsewhere, outweighs the policy harm in relation to the loss of the pitch, and the lack of mitigation for Education, NHS, POS and Biodiversity net-gain.

It is therefore considered that the development is on balance acceptable and recommended for approval accordingly.

RECOMMENDATION:

Either

- (a) Approve subject to heads of terms for a S106 agreement and conditions as set out in the Main/Original Officers report to committee;**

S106	Amount	Triggers
Affordable Housing	100% affordable housing provision 31 dwellings – shared ownership 42 independent living apartments – affordable rent	All development to accord with Affordable Housing Statement
Outdoor sports	Contribution of £80,000 towards the Sutton Lane Playing pitch	Contribution – Prior to commencement of development
Highways	£5,000 towards improvements to Goddard Street	Contribution - Prior to first occupation

OR

- (b) Approve subject to the amended heads of terms for a S106 agreement and conditions (as set out in the original officer report);**

S106	Amount	Triggers
Affordable Housing	100% affordable housing provision 31 dwellings – shared ownership 42 independent living apartments – affordable rent	All development to accord with Affordable Housing Statement
Outdoor Sport	Contribution of £80,000 to be secured for the loss of playing pitch; i) Secured for a maximum of 5 years for a policy compliant scheme to be brought forward in mitigation for the lost football provision within the Crewe area. ii) After 5 years, if a policy compliant scheme is not found, the search area can be widened in stages, to the whole of Cheshire East for the use towards a policy compliant mitigation scheme.	Contribution – Prior to commencement of development
Highways	£5,000 towards improvements to Goddard Street	Contribution - Prior to first occupation

And the following Conditions

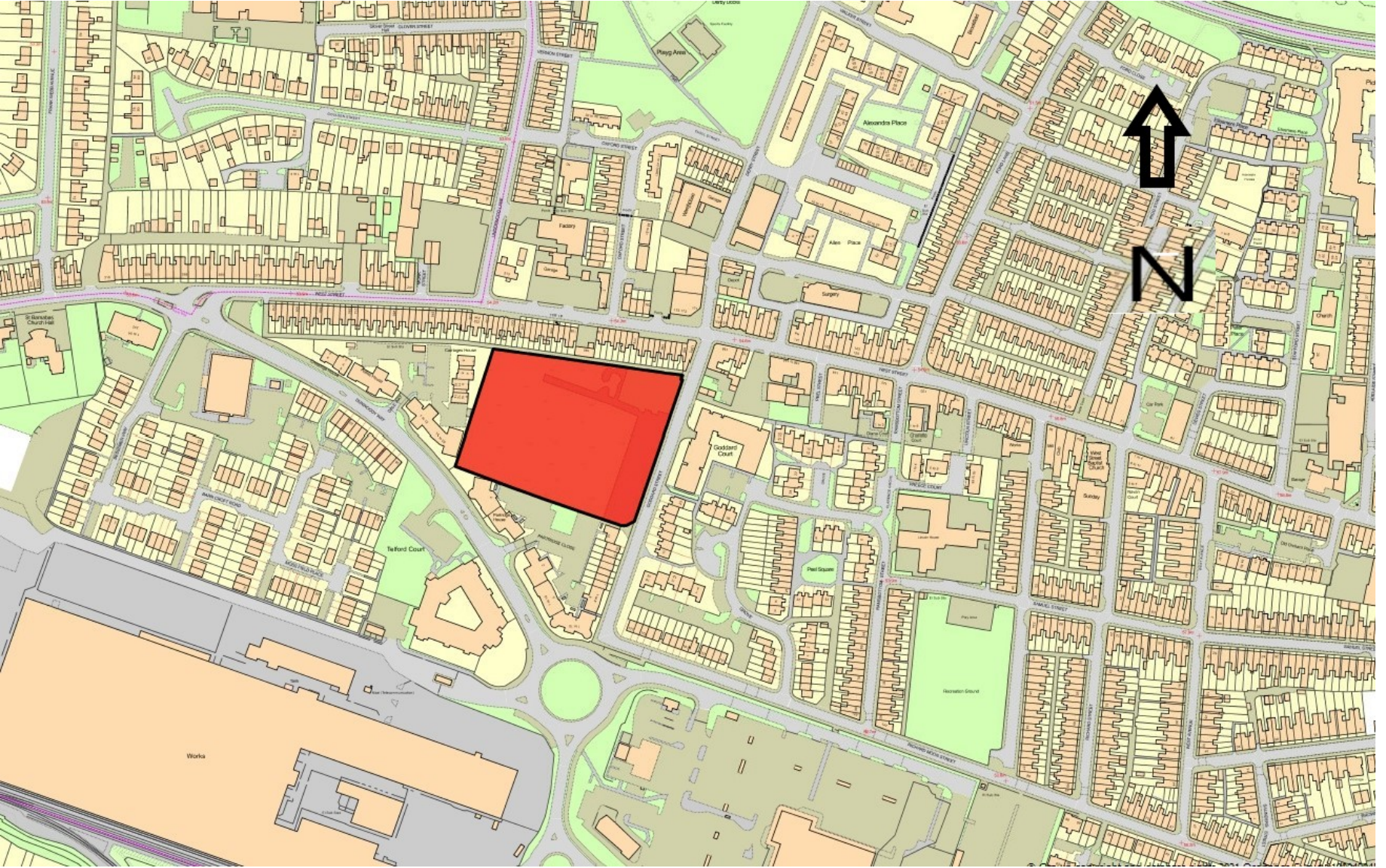
- 1. Standard Time**
- 2. Approved plans**
- 3. Materials**
- 4. Surfacing materials**
- 5. Landscape Scheme**
- 6. Landscape Implementation**
- 7. Tree Protection scheme**
- 8. AIA to be adhered to**
- 9. Bat and bird boxes and gaps for hedgehog are to be provided on site in accordance with the submitted Bat and Bird Box Scheme prepared by Ascerta plan reference P.736.16.04 dated 26/11/2020**

10. Safeguard Nesting Birds
11. Lighting strategy – prior to occupation
12. Cycle parking to be implemented – prior to occupation
13. Prior to commencement – CMP required
14. Detailed strategy/design limiting the surface water runoff generated by the proposal, and associated management /maintenance plan - required prior to commencement
15. Development to adhere to FRA
16. Foul and surface water to be drained separately
17. Contaminated Land – adherence with Remediation scheme / prior to occupation verification report to be submitted
18. Contaminate land – Soil Importation
19. Contaminate land - Unexpected Contamination
20. Noise mitigation to be implemented and retained
21. Travel Information Pack – prior to occupation
22. Prior to occupation – EVI
23. Prior to occupation – Low emission boilers

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

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

S106	Amount	Triggers
Affordable Housing	100% affordable housing provision 31 dwellings – shared ownership 42 independent living apartments – affordable rent	All development to accord with Affordable Housing Statement
Outdoor sports	Contribution of £80,000 towards the Sutton Lane Playing pitch	Contribution – Prior to commencement of development
Highways	£5,000 towards improvements to Goddard Street	Contribution - Prior to first occupation



Application No: 20/4978C

Location: 25, TEDDY GRAY AVENUE, SANDBACH, CW11 3AR

Proposal: Change of use land and to formally extend the the curtilage for an area of land that is approximately 6.5m x 16.5m - total area 107.25 Sq metres

Applicant: Mr Michael Corfield

Expiry Date: 05-Jan-2021

SUMMARY

The application is retrospective, and it is regrettable that vegetation was removed prior to submission of the application. When the vegetation was removed it exposed the properties and fencing on Teddy Gray Avenue and this was not acceptable. The vegetation has since regenerated and now provides an adequate level of screening to Moss Lane.

In terms of ecology, habitat was lost, but it was not optimum habitat due to debris within it. The vegetation has since regenerated and provides a satisfactory habitat. A condition is required for the provision of a bird box, which should have been provided by the original developer.

In terms of amenity, the fact that vegetation has regenerated means that adequate screening is provided between the properties on Teddy Gray Avenue and Moss Lane.

Whilst the development is contrary to Policy H17 of the CBLPFR, as the site is currently designated as being within Open Countryside. However it is included as being within the settlement boundary in the Site Allocations and Development Policies Document and on balance is considered to be acceptable.

RECOMMENDATION

Approve subject to Conditions

REASON FOR REFERRAL

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

- *Contravenes policy PG6 of CE Local Plan Strategy and PC3 of Sandbach Neighbourhood Plan.*
- *Extension of plot into open countryside.*
- *Mature trees have been removed in a wildlife corridor, which was also retained for screening purposes, contrary to planning regulations for the development.*
- *Laurel hedges planted are not in keeping with the rural area.*

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an area of land 16.5m wide and 6.5m deep to the west of the approved garden boundary of the property at 25 Teddy Gray Avenue.

It is currently designated as being within Open Countryside but has been put forward as being within the settlement boundary in the Site Allocations and Development Policies Document (revised publication 2020). The settlement boundary would be moved to the canal to the west of Moss Lane.

DETAILS OF PROPOSAL

The application seeks retrospective planning permission for the change of use of the land to residential garden.

It is not known who actually owns the land and an advertisement has been placed in a local publication to inform any owners of the application. At this point nobody has come forward.

The applicant has enquired with the Council and the developer of the estate as to who has ownership and whether they would be able to purchase the land and has had no response from David Wilson Homes.

RELEVANT PLANNING HISTORY

13/0456C - Amendment to application 11/3956C Replan 49 units, new access onto Moss Lane and redesign of the internal road layout – Approved 11th June 2013

11/3956C - Proposed Residential Development at Land off Moss Lane The Former Fodens Factory Site For 269 Dwellings and Associated Works – Approved 13th July 2012

POLICIES

Congleton Borough Local Plan First Review (2005) (CBLPFR)

PS8 - Open Countryside

GR6 – Amenity and health

H17 – Extension of Residential Curtilages into the Open Countryside or Green Belt

Cheshire East Local Plan Strategy March 2016 (CELPS)

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

MP1 - Presumption in favour of sustainable development
PG1 - Overall Development Strategy
PG6 – Open Countryside
PG7 - Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 - Biodiversity and Geodiversity
SE9 - Energy Efficient Development
SE12 - Pollution, Land contamination and Land Instability

Sandbach Neighbourhood Development Plan (SNDP)

PC1 – Areas of Separation
PC2 – Landscape Character
PC3 – Policy Boundary for Sandbach
PC4 – Biodiversity and Geodiversity
HC1 – Historic Environment
HC2 – Design and Layout

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Sandbach Town Council: Members OBJECT to this application due to the following reasons:

- This application sees an extension of the plot into open Countryside and beyond the edge of the Sandbach settlement boundary.
- Laurel hedges are for urban use, not rural, and so are not in keeping with the area. These should be removed with a suitable replacement reinstated.
- Members would strongly prefer that the land is returned back to nature with the planting appropriately restored.

As a result of the above, this application is in contravention of the following Planning policies: Cheshire East Local Plan Strategy Policy PG6 and Sandbach Neighbourhood Plan Policy PC3.

OTHER REPRESENTATIONS

At the time of report writing 33 representations have been received relating to this application. These can be viewed in full on the Council website and express the following concerns:

Environmental

- Adverse environmental impact
- Impact on wildlife corridor
- Removal of trees
- Removal of hedgerow and damage to UKBAP habitat
- Loss of amenity greenspace
- Majority of trees removed were healthy
- Adverse impact on protected species
- Bird boxes should have been installed

- Taken the town into the countryside
- Contrary to the Cheshire East Green Infrastructure Plan
- Inappropriate non-native planting
- Increase in flooding
- Planning conditions required the retention of the buffer
- Land contamination

Heritage

- Impact on the canal conservation area
- Properties now clearly visible from the canal

Residential Amenity

- Light pollution
- Noise pollution
- Loss of privacy

Other Matters

- Sets a precedent for others to do this
- Should not have been done without permission
- The developer should have put in place plans to maintain the area
- Inaccuracies within the application
- Correct certificates and notifications have not been completed
- Done for personal gain
- Disregard for the planning system
- Unfair that they get the land for free

Three of the submitted representations are in support of the application and make the following points:

- The lane has already been changed by the new housing estate and development on Moss Lane
- The land was in a poor state with trees in danger of falling down

Principal of Development

The site is currently designated as being within open countryside where Policy H17 of the CBLPFR requires that extensions to domestic curtilages should not be permitted unless the land is required to enable a minimum standard of residential amenity to be achieved. The sub-text goes on to explain that it is to avoid incremental encroachment of residential areas into open countryside and this is key to the determination of the application.

The issue here is that the land is to be included within the settlement boundary as set out in the Site Allocations and Development Policies Document (revised publication 2020). Whilst this document has not yet been adopted, it is an important material planning consideration. Given that it is the intention of the Council to include the land within the settlement boundary, on balance, a refusal would be difficult to defend at appeal on the grounds of the development being contrary to Policy H17.

The application is retrospective and the fact that works have already been undertaken should not be seen as a fait accompli. However, it should be noted that carrying out works without planning permission, whilst regrettable, is not an offence and the case must be judged on its merits. It therefore falls to be assessed in terms of harm caused by the works.

Ecology

When the land was cleared it was not part of any planning application and this is regrettable. However as shown in photographs submitted with this application, the area was contaminated with debris from the former fencing to the Fodens site and other detritus and therefore was not optimal, although this does not excuse its removal. Since this was done the vegetation has regenerated and further planting has taken place and this does now provide a habitat for wildlife.

A condition was imposed on the original application (11/3956C), requiring bird boxes, three of which were supposed to be installed on trees on the boundary with Moss Lane. It appears that these were never installed by the developers

If planning permission is granted, a condition should be imposed requiring the provision of a bird box on the boundary with Moss Lane

Amenity/Design

Policy GR6 of the CBLPFR and Policy H2 of the SNDP require that development proposals should not have an unduly detrimental effect on neighbouring amenity through loss of privacy, loss of sunlight/daylight, visual intrusion, noise and disturbance and traffic generation.

When works were originally carried out, it is clear that the rear of the properties on Teddy Gray Avenue became very visible from Moss Lane and the canal, and had it been left like that it would have had an unacceptable impact of the visual amenity of the local area. However, the vegetation has now largely re-grown and regenerated and the properties will soon be well screened.

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

Other Matters

Many of the objections refer to the application being retrospective and the development therefore being illegal. It should be noted that although it is not ideal that it has happened in this way, it is not an offence to do this without planning permission and would only become so if enforcement action was taken and not complied with.

Conclusion

The application is retrospective, and it is regrettable that vegetation was removed prior to submission of the application. When the vegetation was removed it exposed the properties and fencing on Teddy Gray Avenue and this was not acceptable. The vegetation has since regenerated and now provides an adequate level of screening to Moss Lane.

In terms of ecology, habitat was lost, but it was not optimum habitat due to debris within it. The vegetation has since regenerated and provides a satisfactory habitat. A condition is required for the provision of a bird box, which should have been provided by the original developer.

In terms of amenity, the fact that vegetation has regenerated means that adequate screening is provided between the properties on Teddy Gray Avenue and Moss Lane.

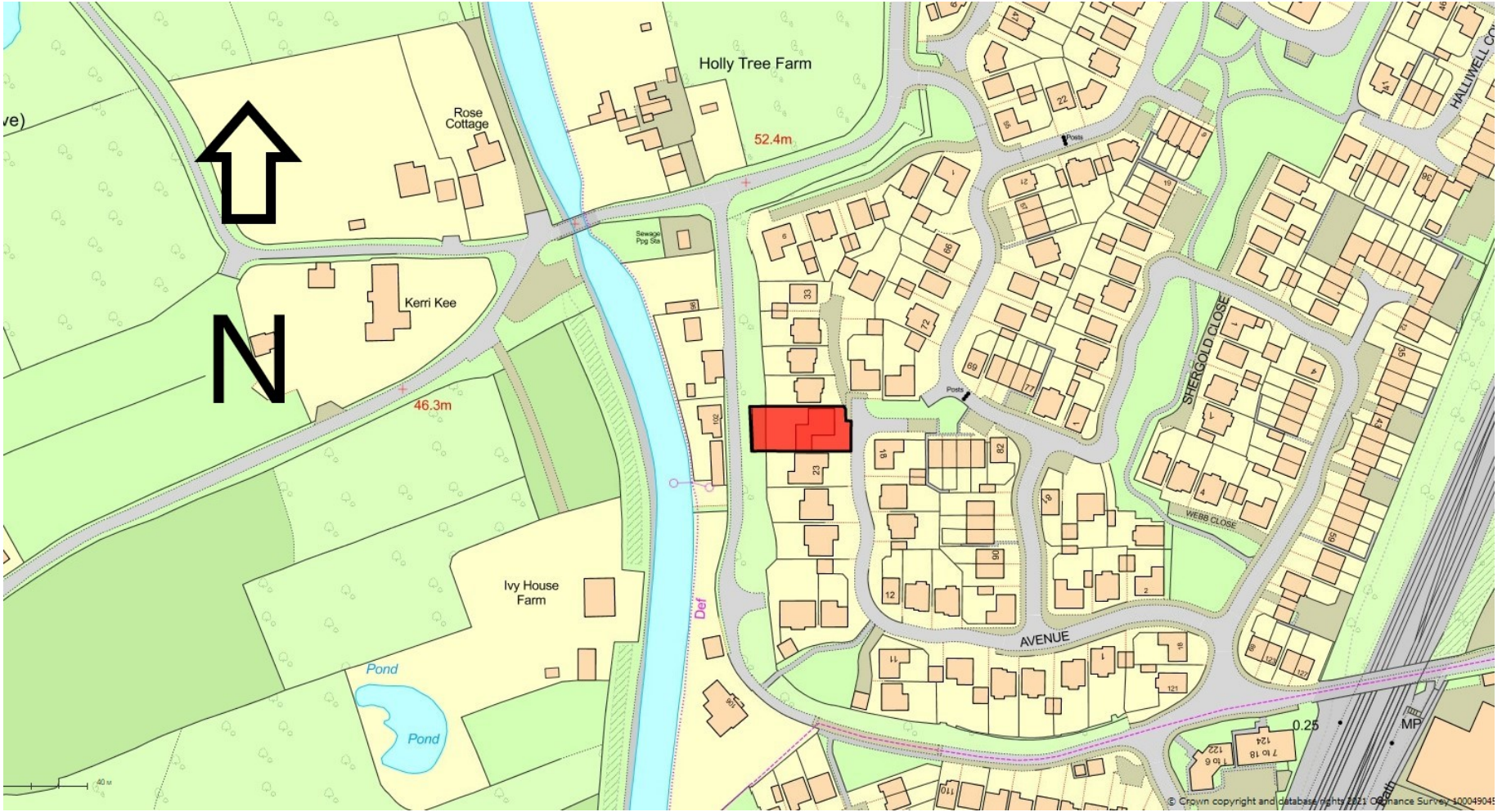
Whilst the development is contrary to Policy H17 of the CBLPFR, as the site is currently designated as being within Open Countryside. However, it is included as being within the settlement boundary in the Site Allocations and Development Policies Document and on balance is considered to be acceptable.

RECOMMENDATIONS

APPROVE subject to the following condition:

1. Provision of a bird box on the boundary with Moss Lane

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 Development Management, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.



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Application No: 20/4777C

Location: 33, TEDDY GRAY AVENUE, SANDBACH, CW11 3AR

Proposal: Change of use of land to residential garden

Applicant: Paula White

Expiry Date: 02-Mar-2021

SUMMARY

The application is retrospective, and it is regrettable that vegetation was removed prior to submission of the application. When the vegetation was removed it exposed the properties and fencing on Teddy Gray Avenue and this was not acceptable. The vegetation has since regenerated and now provides an adequate level of screening to Moss Lane.

In terms of ecology, habitat was lost, but it was not optimum habitat due to debris within it. The vegetation has since regenerated and provides a satisfactory habitat. A condition is required for the provision of a bird box, which should have been provided by the original developer.

In terms of amenity, the fact that vegetation has regenerated means that adequate screening is provided between the properties on Teddy Gray Avenue and Moss Lane.

Whilst the development is contrary to Policy H17 of the CBLPFR, as the site is currently designated as being within Open Countryside. However, it is included as being within the settlement boundary in the Site Allocations and Development Policies Document and on balance is considered to be acceptable.

RECOMMENDATION

Approve subject to Conditions

REASON FOR REFERRAL

This application is refereed to Southern Planning Committee as it is very similar to application 20/4978C which is to referred to committee at the request of Cllr Flavell.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an area of land 10m wide and 5m deep to the west of the approved garden boundary of the property (33 Teddy Gray Avenue).

It is currently designated as being within Open Countryside but has been put forward as being within the settlement boundary in the Site Allocations and Development Policies Document (revised publication 2020). The settlement boundary would be moved to the canal to the west of Moss Lane.

DETAILS OF PROPOSAL

The application seeks retrospective planning permission for the change of use of the land to residential garden.

It is not known who actually owns the land and an advertisement has been placed in a local publication to inform any owners of the application. At this point nobody has come forward.

The applicant has enquired with the Council and the developer of the estate as to who has ownership and whether they would be able to purchase the land and has had no response from David Wilson Homes.

RELEVANT PLANNING HISTORY

13/0456C - Amendment to application 11/3956C Replan 49 units, new access onto Moss Lane and redesign of the internal road layout – Approved 11th June 2013

11/3956C - Proposed Residential Development at Land off Moss Lane The Former Fodens Factory Site For 269 Dwellings and Associated Works – Approved 13th July 2012

POLICIES

Congleton Borough Local Plan First Review (2005) (CBLPFR)

PS8 - Open Countryside

GR6 – Amenity and health

H17 – Extension of Residential Curtilages into the Open Countryside or Green Belt

Cheshire East Local Plan Strategy March 2016 (CELPS)

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

MP1 - Presumption in favour of sustainable development

PG1 - Overall Development Strategy

PG6 – Open Countryside

PG7 - Spatial Distribution of Development

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE3 - Biodiversity and Geodiversity

SE9 - Energy Efficient Development

SE12 - Pollution, Land contamination and Land Instability

Sandbach Neighbourhood Development Plan (SNDP)

PC1 – Areas of Separation
PC2 – Landscape Character
PC3 – Policy Boundary for Sandbach
PC4 – Biodiversity and Geodiversity
HC1 – Historic Environment
HC2 – Design and Layout

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Sandbach Town Council: Members object to this application as it is an inappropriate development on prominent land in Open Countryside. As work commenced on this site prior to the application, Members strongly feel that the destroyed planting should be reinstated with local species appropriate to this area of open countryside.

This application is in contravention of planning policies PS8 and GR6 of the Congleton Borough Local Plan Saved Policies and policy PG6 of the Cheshire East Local Plan Strategy Document.

OTHER REPRESENTATIONS

At the time of report writing 65 representations have been received relating to this application. These can be viewed in full on the Council website and express the following concerns:

Environmental

- Adverse environmental impact
- Impact on wildlife corridor
- Removal of trees
- Removal of hedgerow and damage to UKBAP habitat
- Loss of amenity greenspace
- Majority of trees removed were healthy
- Adverse impact on protected species
- Bird boxes should have been installed
- Taken the town into the countryside
- Contrary to the Cheshire East Green Infrastructure Plan
- Inappropriate non-native planting
- Increase in flooding
- Planning conditions required the retention of the buffer
- Land contamination

Heritage

- Impact on the canal conservation area

- Properties now clearly visible from the canal

Residential Amenity

- Light pollution
- Noise pollution
- Loss of privacy

Other Matters

- Sets a precedent for others to do this
- Should not have been done without permission
- The developer should have put in place plans to maintain the area
- Inaccuracies within the application
- Correct certificates and notifications have not been completed
- Done for personal gain
- Disregard for the planning system

Eighteen of the submitted representations are in support of the application and make the following points:

- An improvement that will get better when mature
- Has improved the area and removed dead and diseased trees
- Good for the environment and wildlife in the area
- When mature the appearance will improve
- Will encourage flora and fauna and support biodiversity
- Area had been left with rubble, rubbish and dangerous trees
- Holly and Hawthorn were cut back and not removed
- Shrubs were full of ivy
- Additional trees have been planted

Principal of Development

The site is currently designated as being within open countryside where Policy H17 of the CBLP states that extensions to domestic curtilages should not be permitted unless the land is required to enable a minimum standard of residential amenity to be achieved. The sub-text goes on to explain that it is to avoid incremental encroachment of residential areas into open countryside, and this is key to the determination of the application.

The issue here is that the land is to be included within the settlement boundary as set out in the Site Allocations and Development Policies Document (SADPD). Whilst this document has not yet been adopted, it is an important material planning consideration. Given that it is the intention of the Council to include the land within the settlement boundary, on balance, a refusal would be difficult to defend at appeal on the grounds of the development being contrary to Policy H17.

The application is retrospective and the fact that works have already been undertaken should not be seen as a fait accompli. However, it should be noted that carrying out works without planning permission, whilst regrettable, must be judged on its merits. It therefore falls to be assessed in terms of harm caused by the works.

Ecology

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When works were originally carried out, it is clear that the rear of the properties on Teddy Gray Avenue became very visible from Moss Lane and the canal, and had it been left like that it would have had an unacceptable impact of the visual amenity of the local area. However, the vegetation has now largely re-grown and regenerated, and the properties will soon be well screened.

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

Other Matters

Many of the objections refer to the application being retrospective and the development therefore being illegal. It should be noted that although it is not ideal that it has happened in this way, it is not an offence to do this without planning permission and would only become so if enforcement action was taken and not complied with.

Conclusion

The application is retrospective, and it is regrettable that vegetation was removed prior to submission of the application. When the vegetation was removed it exposed the properties and fencing on Teddy Gray Avenue and this was not acceptable. The vegetation has since regenerated and now provides an adequate level of screening to Moss Lane.

In terms of ecology, habitat was lost, but it was not optimum habitat due to debris within it. The vegetation has since regenerated and provides a satisfactory habitat. A condition is required for the provision of a bird box, which should have been provided by the original developer.

In terms of amenity, the fact that vegetation has regenerated means that adequate screening is provided between the properties on Teddy Gray Avenue and Moss Lane.

Whilst the development is contrary to Policy H17 of the CBLPFR, as the site is currently designated as being within Open Countryside. However, it is included as being within the settlement boundary in the Site Allocations and Development Policies Document and on balance is considered to be acceptable.

RECOMMENDATIONS

APPROVE subject to the following condition:

1. Provision of a bird box on the boundary with Moss Lane

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 Development Management, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.



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Application No: 20/4779C

Location: 29, Teddy Gray Avenue, Sandbach, CW11 3AR.

Proposal: Change of use of land to residential garden

Applicant: Mr Ian Windmill

Expiry Date: 01-Feb-2021

SUMMARY

The application is retrospective, and it is regrettable that vegetation was removed prior to submission of the application. When the vegetation was removed it exposed the properties and fencing on Teddy Gray Avenue and this was not acceptable. The vegetation has since regenerated and now provides an adequate level of screening to Moss Lane.

In terms of ecology, habitat was lost, but it was not optimum habitat due to debris within it. The vegetation has since regenerated and provides a satisfactory habitat. A condition is required for the provision of a bird box, which should have been provided by the original developer.

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Whilst the development is contrary to Policy H17 of the CBLPFR, as the site is currently designated as being within Open Countryside. However it is included as being within the settlement boundary in the Site Allocations and Development Policies Document and on balance is considered to be acceptable.

RECOMMENDATION

Approve subject to Conditions

REASON FOR REFERRAL

This application is referred to Southern Planning Committee as it is very similar to application 20/4978C which is referred to committee at the request of Cllr Flavell.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an area of land 10m wide and 6m deep to the west of the approved garden boundary of the property at 29 Teddy Gray Avenue.

It is currently designated as being within Open Countryside but has been put forward as being within the settlement boundary in the Site Allocations and Development Policies Document (revised publication 2020). The settlement boundary would be moved to the canal to the west of Moss Lane.

DETAILS OF PROPOSAL

The application seeks retrospective planning permission for the change of use of the land to residential garden.

It is not known who actually owns the land and an advertisement has been placed in a local publication to inform any owners of the application. At this point nobody has come forward.

The applicant has enquired with the Council and the developer of the estate as to who has ownership and whether they would be able to purchase the land and has had no response from David Wilson Homes.

RELEVANT PLANNING HISTORY

13/0456C - Amendment to application 11/3956C Replan 49 units, new access onto Moss Lane and redesign of the internal road layout – Approved 11th June 2013

11/3956C - Proposed Residential Development at Land off Moss Lane The Former Fodens Factory Site For 269 Dwellings and Associated Works – Approved 13th July 2012

POLICIES

Congleton Borough Local Plan First Review (2005) (CBLPFR)

PS8 - Open Countryside

GR6 – Amenity and health

H17 – Extension of Residential Curtilages into the Open Countryside or Green Belt

Cheshire East Local Plan Strategy March 2016 (CELPS)

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

MP1 - Presumption in favour of sustainable development

PG1 - Overall Development Strategy

PG6 – Open Countryside

PG7 - Spatial Distribution of Development

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE3 - Biodiversity and Geodiversity

SE9 - Energy Efficient Development

SE12 - Pollution, Land contamination and Land Instability

Sandbach Neighbourhood Development Plan (SNDP)

PC1 – Areas of Separation
PC2 – Landscape Character
PC3 – Policy Boundary for Sandbach
PC4 – Biodiversity and Geodiversity
HC1 – Historic Environment
HC2 – Design and Layout

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Sandbach Town Council: Members OBJECT to this application due to the following reasons:

- This application sees an extension of the plot into open Countryside and beyond the edge of the Sandbach settlement boundary.
- Laurel hedges are for urban use, not rural, and so are not in keeping with the area. These should be removed with a suitable replacement reinstated.
- Members would strongly prefer that the land is returned back to nature with the planting appropriately restored.

As a result of the above, this application is in contravention of the following Planning policies: Cheshire East Local Plan Strategy Policy PG6 and Sandbach Neighbourhood Plan Policy PC3.

OTHER REPRESENTATIONS

At the time of report writing 28 representations have been received relating to this application. These can be viewed in full on the Council website and express the following concerns:

Environmental

- Adverse environmental impact
- Impact on wildlife corridor
- Removal of trees
- Removal of hedgerow and damage to UKBAP habitat
- Loss of amenity greenspace
- Majority of trees removed were healthy
- Adverse impact on protected species
- Bird boxes should have been installed
- Taken the town into the countryside
- Contrary to the Cheshire East Green Infrastructure Plan
- Inappropriate non-native planting
- Increase in flooding
- Planning conditions required the retention of the buffer
- Land contamination

Heritage

- Impact on the canal conservation area
- Properties now clearly visible from the canal

Residential Amenity

- Light pollution
- Noise pollution
- Loss of privacy

Other Matters

- Sets a precedent for others to do this
- Should not have been done without permission
- The developer should have put in place plans to maintain the area
- Inaccuracies within the application
- Correct certificates and notifications have not been completed
- Done for personal gain
- Disregard for the planning system
- Unfair that they get the land for free

Seven of the submitted representations are in support of the application and make the following points:

- The land was overgrown with poor quality trees being overcome by Ivy and was a dumping ground for rubbish
- The land was left in a disgraceful state by the developer
- More than 75% of what was there was dead or dying causing branches and debris to fall into gardens
- The area now has birds and other wildlife using it
- Area has been aesthetically improved

Principal of Development

The site is currently designated as being within open countryside where Policy H17 of the CBLP requires that extensions to domestic curtilages should not be permitted unless the land is required to enable a minimum standard of residential amenity to be achieved. The sub-text goes on to explain that it is to avoid incremental encroachment of residential areas into open countryside and this is key to the determination of the application.

The issue here is that the land is to be included within the settlement boundary as set out in the Site Allocations and Development Policies Document (SADPD). Whilst this document has not yet been adopted, it is an important material planning consideration. Given that it is the intention of the Council to include the land within the settlement boundary, on balance, a refusal would be difficult to defend at appeal on the grounds of the development being contrary to Policy H17.

The application is retrospective and the fact that works have already been undertaken should not be seen as a fait accompli. However, it should be noted that carrying out works without planning

permission, whilst regrettable, is not an offence and the case must be judged on its merits. It therefore falls to be assessed in terms of harm caused by the works.

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