

# **Southern Planning Committee**

## **Agenda**

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**Date:** Wednesday 28th September 2022  
**Time:** 10.00 am  
**Venue:** Council Chamber, Municipal Buildings, Earle Street, Crewe  
CW1 2BJ

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

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

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

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

**1. Apologies for Absence**

To receive apologies for absence.

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

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

**3. Minutes of Previous Meeting (Pages 5 - 10)**

To approve the minutes of the meeting held on 31 August 2022.

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Please contact Rachel Graves on 01270 686473

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

#### 4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

A total period of 3 minutes is allocated for each of the planning applications for the following:

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **21/3505N - THE PARKES, MONKS LANE, AUDLEM, CHESHIRE, CW3 0HP: Change of use from use class C3 (residential) to sui generis (wedding venue) and associated parking** (Pages 11 - 32)

To consider the above application.

6. **21/6113C - LAND OFF CLOSE LANE, ALSAGER: Erection of 55 no. dwellings, including access from Close Lane, construction of roads and footways, landscaping, public open space, drainage, and other associated works** (Pages 33 - 62)

To consider the above application.

7. **21/4382N - HUNTERS LODGE HOTEL, 296, SYDNEY ROAD, CREWE, CW1 5LU: Demolition of existing buildings and erection of a residential development (Use Class C3) alongside a care home (Use Class C2) with associated access, parking, landscaping and infrastructure** (Pages 63 - 90)

To consider the above application.

8. **21/6364N - LAND OFF, CREWE ROAD, HASLINGTON: Proposal to construct 17 No. apartments, with associated landscaping and parking on land formally known as Medical Centre Land** (Pages 91 - 108)

To consider the above application.

9. **22/1550C - GLEBE FARM, PEEL LANE, ASTBURY, CHESHIRE, CW12 4RQ: Proposed siting of miniature railway, associated stations and overflow car park at Glebe Farm, Astbury** (Pages 109 - 126)

To consider the above application.

10. **21/2650N - ROSE COTTAGE, 50, STOCK LANE, SHAVINGTON, CHESHIRE, CW2 5ED: Outline planning application for the demolition of converted residential barn and the erection of two detached dwellings and associated works on land to rear of Rose Cottage, 50 Stock Lane, Wybunbury. (Pages 127 - 142)**

To consider the above application.

**THERE ARE NO PART 2 ITEMS**

**Membership:** Councillors M Benson, J Bratherton, P Butterill, A Critchley, S Davies, A Gage, A Kolker (Chair), D Marren, C Naismith, S Pochin (Vice-Chair), L Smith and J Wray

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 31st August, 2022 in the Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

Councillor A Kolker (Chair)  
Councillor S Pochin (Vice-Chair)

Councillors M Benson, J Bratherton, P Butterill, J Clowes, A Critchley,  
S Davies, A Gage, C Naismith and L Smith

**OFFICERS IN ATTENDANCE**

Daniel Evans, Principal Planning Officer  
Andrew Goligher, Highways Officer  
Andrew Poynton, Planning and Highways Lawyer  
Rachel Graves, Democratic Services Officer

The Chair reported a change in the committee membership with Councillor  
Anthony Critchley replacing Councillor Steve Hogben.

**22 APOLOGIES FOR ABSENCE**

Apologies were received from Councillor D Marren and J Wray. Councillor  
J Clowes attended as a substitute for Councillor Wray.

**23 DECLARATIONS OF INTEREST/PRE-DETERMINATION**

In relation to planning application 21/6250N Councillor S Pochin declared  
that she had submitted an objection to this application before she became  
a member of the Committee and that she would speak as a neighbouring  
ward councillor and then leave the meeting and take no part in the debate  
or vote on the application.

In relation to planning application 21/6250N Councillor S Davies declared  
that he had been contacted by the parish council in relation to the  
application but had not come to a view on the application.

In relation to planning application 21/6399C Councillor J Clowes declared  
that before she realised, she would be substitute member of the committee  
she had been contacted by one of her parish councillors to clarify an issue  
as to whether to appeal or not.

In relation to planning application 21/6399C Councillor M Benson declared  
he had received a letter from the applicant which he had copied to the  
planning officer and that he had not come to a view on the application  
even though he had called the application in to the committee.

**24 MINUTES OF PREVIOUS MEETING**

**RESOLVED:**

That the minutes of the meeting held on 3 August 2022 be approved as a correct record.

**25 PUBLIC SPEAKING**

The public speaking procedure was noted.

**26 22/1302N - FIELD TO THE EAST OF AUDLEM ROAD, AUDLEM: THE DEVELOPMENT OF 28 NO. RESIDENTIAL UNITS, INCLUDING 9 NO. AFFORDABLE DWELLINGS, WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPING**

Consideration was given to the above planning application.

The following attended the meeting and spoke on the application:  
Councillor R Bailey (Ward Councillor), Councillor Jeff Seddon (Audlem Parish Council) and Mr Richard Walters (applicant).

**RESOLVED:**

That the application be REFUSED for the following reasons:

- 1 the application is located within the Open Countryside and outside of the Audlem Settlement Boundary. The application is not supported by an up-to-date Housing Needs Survey to identify the need within the Parish. Furthermore, a development of 28 affordable units would exceed the threshold criteria of 10 units identified by Policy SC6. The proposed development would also cause harm to the open countryside/local landscape through urbanisation and countryside encroachment and be contrary to Policy SC6 and PG 6 of the Cheshire Local Plan Strategy, Policy H1 of the Audlem Neighbourhood Plan and the NPPF.
- 2 in absence of an assessment undertaken in accordance with the Defra Biodiversity 'Metric' the overall loss/gains of biodiversity is unknown. There insufficient information has been provided in which to assess the full ecological impacts of the development. The proposal is therefore contrary to Policies NE.9 of the Crewe and Nantwich Replacement Local Plan 2011 and SE 3 of the Cheshire East Local Plan Strategy, D8 of the Audlem Neighbourhood Plan and the guidance contained with the NPPF.
- 3 The design and layout of the proposed development is considered to be poor and fails to take the opportunities available for improving the character and quality of the area. The layout would also fail to provide suitable quantum and quality of open space provision. As a

result, the proposal would not make a positive contribution to the area and would be contrary to Policy SD1, SD2, SE1, SE6 of the CELPS, The Cheshire East Design Guide and Policy D1, CI1 of the Audlem Neighbourhood Plan and the requirements of the NPPF.

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

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

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	30% affordable housing	In accordance with details to be submitted and approved
<b>Amenity Green Space and Play Provision</b>	1,560m <sup>2</sup> on site provision	To be paid prior to the first occupation of the 14 <sup>th</sup> dwelling
<b>Outdoor Sports Contribution</b>	£1,000 or £500 per 2+ bed apartment space	To be paid prior to the first occupation of the 14 <sup>th</sup> dwelling.

**27 21/6399C - 128, CONGLETON ROAD, SANDBACH, CHESHIRE, CW11 1DN: PROPOSED REPLACEMENT DWELLING AND ASSOCIATED OUTBUILDINGS AND ANNEX**

Consideration was given to the above planning application.

The following attended the meeting and spoke in relation to the application:

Mr Nigel Crane (applicant).

**RESOLVED:**

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

- 1 Time Limit
- 2 Approved plans
- 3 Materials in accordance with the submitted details
- 4 Obscure glazing to a minimum of 2m from floor level to bathroom window on the rear, northwest elevation.
- 5 Non-opening obscure glazing to the first-floor windows in the southeast side elevation
- 6 Submission of details of plant and ventilation equipment to the pool house

- 7 All outbuildings within the site shall remain ancillary to the main dwelling house
- 8 Provision of electric vehicle infrastructure
- 9 Tree protection measures
- 10 Submission of a construction management plan
- 11 Landscaping and boundary treatments
- 12 Implementation of landscaping and boundary treatments
- 13 Hours of construction, Mon to Fri 8 am to 6 pm, Sat 9 am to 2 pm, no working on Sundays or public holidays
- 14 Submission of details of any piling operations
- 15 Submission of existing and finished ground and floor levels
- 16 Construction management plan
- 17 Submission of details of external lighting and CCTV
- 18 Submission of an ecological enhancement strategy (provision of bird and bat boxes, gaps for hedgehogs etc.)

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

**28 22/0198N - 35, MOORFIELDS, WILLASTON, CW5 6QY: ERECTION OF A DETACHED HOUSE AND ANCILLARY WORKS**

Consideration was given to the above planning application.

The following attended the meeting and spoke in relation to the application:

Mr Richard Lee (agent).

**RESOLVED:**

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

- 1 Standard Time
- 2 Approved plans
- 3 Materials to be submitted
- 4 Surfacing materials to be submitted
- 5 Landscape Scheme to be submitted
- 6 Landscape Implementation
- 7 Tree Protection scheme to be submitted
- 8 Tree and hedge retention
- 9 Ecological Enhancement Strategy to be submitted
- 10 Lighting Strategy to be submitted
- 11 Low emissions boilers – prior to occupation
- 12 EVI – prior to occupation



- 13 Detailed strategy/design and associated management/maintenance plan – required prior to commencement
- 14 Side windows to be obscure glazes
- 15 Removal of PD for Extensions and Outbuildings
- 16 Parking spaces (2 spaces for each unit to be marked out) and Bin Storage areas to be made available prior to first occupation

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

**29 21/6250N - SEVENOAKS, HEARNS LANE, FADDILEY, CW5 8JL: CHANGE OF USE OF LAND FOR THE SITING OF 4 NO. NEW HOLIDAY LODGES, THE CONVERSION OF AN EXISTING BUILDING TO A HOLIDAY LODGE, AND ANCILLARY WORKS**

Consideration was given to the above application.

The following attended the meeting and spoke in relation to the application:

Councillor S Pochin (neighbouring ward member) Mr Mark Bailey (Clerk to Brindley and Faddiley Parish Council) and Mr Richard Lee (agent).

**RESOLVED:**

That the application be REFUSED for the following reason:

- 1 The proposed development is located within the open countryside and it has not been demonstrated that there is an essential need for the accommodation, that it could not be provided within an existing settlement or is required in conjunction with a particular countryside attraction. The proposed development would be isolated from existing services and facilities and would be contrary to policies PG6, SD1 and EG4 of the CELPS and RUR8 of the SADPD.

*(This decision was contrary to the report recommendation)*

The meeting commenced at 10.00 am and concluded at 12.50 pm

Councillor A Kolker (Chair)



Application No: 21/3505N

Location: THE PARKES, MONKS LANE, AUDLEM, CHESHIRE, CW3 0HP

Proposal: Change of use from use class C3 (residential) to sui generis (wedding venue) and associated parking.

Applicant: Mr Anthony Parker

Expiry Date: 24-Aug-2021

### **SUMMARY**

The application was deferred at the meeting of Southern Planning Committee on 9<sup>th</sup> February 2022 to require the submission of an Acoustic Assessment.

The application site relates to the property known as The Parkes which lies within open countryside to the north of Audlem and accessed via a driveway from Monks Lane. The Parkes was formerly part of the adjoining working Dairy Farm, but this former farmhouse has however been separated from the farm complex for some time.

This application seeks approval for the change of use and renovation of The Parkes to a wedding venue. The proposals have been significantly amended during the course of the application. A previously proposed marquee has been omitted, the scale of wedding events reduced, with events to only take place within the house.

Within the Open Countryside Policy EG.2 of the Local Plan encourages the retention and expansion of existing business, particularly through the conversion of existing buildings. Policy NE.15 and CELPS Policy PG6 also allow for the re-use and adaption of rural buildings for a commercial use NPPF (paragraph 84) further states that planning authorities should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

The Environmental Health Officer has evaluated the submitted Noise Assessment and additional data/information and concluded that the noise impact from the use of the premises as a wedding venue has been satisfactorily assessed and will not therefore adversely affect the amenities or living conditions of nearby properties. In addition, suitable and appropriate noise mitigation measures are specified in the Noise Management Plan, particularly in respect of addressing the impact of the playing of loud, amplified music at the venue. It is considered that the proposed operation of the wedding venue in this location to host relatively small events (60 guests) limited to twice a week, would not result in a significant noise impact that would be harmful to amenity or living conditions of nearby residential properties.

The Highways Officer is satisfied that based on an assessment of the reduced capacity of the venue to 60 guests, and considering the levels of vehicular movements generated by wedding events, the proposals will not have adverse impact on highway safety or cause unacceptable congestion on the local road network.

The proposal would bring positive planning benefits such economic and social benefits through rural diversification and spending in the local economy and complimentary businesses.

Subject to the recommended conditions being imposed, it is considered that the benefits of the proposal outweigh any negative impacts. As such, the proposed application is recommended for approval.

### **RECOMMENDATION**

### **APPROVE WITH CONDITIONS**

### **REASONS FOR DEFERRAL**

The application was deferred from the meeting on 9<sup>th</sup> February 2022 to require the submission of an Acoustic Assessment.

### **UPDATE**

#### Additional Representations

Further letters of objection have been received from 7 properties since the consideration of the application by Southern Planning Committee on 9<sup>th</sup> February, raising points summarised below;

- The acoustic report refers to the venue as a 2 storey building but the plans show he building with 3 floors.
- The 3rd floor appears to have much larger rooms and, for which velux windows are installed Is there an intention to use this for events, either now or later? If so the noise pollution will greater.
- The sound tests detailed in the applicant's acoustic report involved noise generated from rooms 6 and 11 on the ground floor. Room 6 is a catering room whilst 11 is the function room. Are events to be restricted to these rooms?
- Can the Acoustic Assessment be independent as carried out under contract to the applicant ?
- Concern that windows will opened when 60 people are dancing on hot evenings and noise levels will therefore rise exponentially. Will windows in these rooms be locked shut? Will there be adequate air conditioning? How will this be policed?
- How will the Planning or Environmental Department ensure this venue does comply with any condition in the Licence. Concern is raised with the lack of action reported about breaches of a Licence at a Wedding venue in Knutsford and the reprimand Cheshire East received about not resolving complaints over an 11 year term.

- Acoustic report does not include any assessment of support services staff or vehicles and the noise impact of opening and closing doors/moving materials when setting up/closing down an event. The requirement to have all guests offsite by midnight needs to be extended to include all staff.
- The noise survey does not test the noise impacts with windows and doors open. A condition is required that all events must have all windows and doors closed when any music is playing. This needs to be accompanied by evidence that a sufficient air conditioning system is operational to prevent any breaches of the condition.
- A condition is required to ensure that no rooms other 6 and 11 are permitted to have music
- Monks Lane not suitable for the amount of traffic that a wedding venue will generate.
- Noise from increased flows of traffic at unsociable hours.
- Do not agree with Consultation Response with the Councils Environmental Health Officer that *'I am satisfied that there will be no impact on local residents from music/noise overspill'*. and unclear on what scientific information that is based on
- This planning application will have a major negative impact on the village of Audlem and its residents and should be refused.
- Impact of the proposed wedding venue is likely to be above the Observed Adverse Effect Level;
- Location of the monitoring points used in the Applicant's Noise Report are unreliable and fail to account for either the use of our garden (Corbrook Lodge ) nor open windows at our property facing the venue. The distances used in the report are inaccurate.
- Low frequency noise has not even been considered yet the external surfaces of dwellings are less resistant to the ingress of low frequencies. Low frequency sound can be hard to control. It has not been demonstrated that this low frequency noise will be suitably mitigated by the proposed scheme. This noise can cause a significant disruption to amenity, particularly when it is a repetitive beat or present over a prolonged period.
- Adverse impact is likely to increase when certain conditions prevail i.e., calm quiet evenings with a general south-easterly airflow and/or temperature inversions which can focus sound on the ground surface downwind of a source.
- In the later evening the amount of background traffic noise at Corbrook Lodge will decrease whilst the noise at the venue will increase. Significant concerns raised by independent noise consultant (LA Environmental) that as a result of the low existing background noise climate, music noise from the proposed venue, particularly low frequency sound and the sounds of car doors slamming, contractors packing away and vehicles leaving site will be audible at the nearest noise sensitive receptors, and is likely to adversely impact on the health and quality of life of residents.
- Inaccuracies of the applicants' Noise Report as identified LA Environmental report.
- LA Environmental report strongly indicates that each element of the methodology used by the Applicant's acoustics expert has been inaccurately assessed, leading to a combined inaccuracy of even greater proportion.
- Counsels Advice obtained by residents of Corbrook Lodge considers that the recommendations and planning conditions proposed are on a "false footing" such that they are not properly related to the Application, nor do they address its true impact in planning terms.

- Counsel's advice raises concerns over whether the Recommendations and Conditions are properly enforceable. (Including that in the summer all of the windows and doors at the wedding venue will be kept closed)
- Conditions fail to meet the planning "Newbury Test" and policy test set out in Paragraph 56 of the NPPF.
- Cannot rely on the assurances of Applicant, the Environmental Health Officer and the Planning Officer given on last occasion to simply trust the judgment of the Environmental Health Officer. "In my opinion it now transpires that all of this was flawed there will in fact be a huge adverse impact".
- "It is completely fanciful and palpable nonsense to suggest that in the summer all of the windows and doors at the wedding venue will be kept closed. That is impossible to enforce – and even in staff do have time to close them (which of course they won't as they will be busy with other things), hot wedding guests will not tolerate sitting in a sealed venue. Guests will simply throw doors and windows open again (and, as an aside, will probably want to gather outside be that for a cigarette, a drink or to explore the surroundings). It is accepted by both noise experts that this will cause significant loss of amenity."

In addition, the objection received from the resident of Corbrook Lodge was accompanied by a review prepared by LA Environmental of the applicant's Noise Assessment and also Counsel's Advice provided by Mark Howells of Kings Chambers.

One letter has been received which comments on the controls which should be imposed on the operation of the venue as summarised below ;

- There must be thermal double glazing mandated throughout the venue
- Previously proposed marquee is excluded entirely from the development proposals and should not be re-introduced
- The scale of wedding events is reduced (with events to only take place within the house);
- Operating hours do not exceed 08:00hrs – midnight (with all guests off-site by midnight);
- All weddings/celebrations/events will have a contractual agreement which would be venue specific and ensure no fireworks, lasers, pyrotechnics lanterns, times of departure etc.
- No external music;
- Applicant has stated that the venue would host 2 events a week as a maximum - this should be mandated;
- Event guests must be restricted to a maximum of 60.
- Venue windows, doors etc. are closed when any amplified or live music is present within the site.
- All windows and doors should be well fitted and incorporate effective seals around their perimeters to realise their full sound insulating potential;
- Any existing or new external doors to rooms in which loud amplified or live music is present should not be used for access/egress to/from external areas (e.g. smoking areas) during the evening/night-time. Instead, other external doors should be used that are as far away as possible the room within which loud amplified or live music is present;
- All other external doors are closed when loud music is played within the venue, are not held or propped open, and should incorporate suitable automatic closing mechanisms.

- Staff, contractors or other workers at each event/wedding/celebration should not exceed 10 at any one time. Coupled with the above maximum guest capacity of 60, this should mandate a maximum of 70 person(s) on the site at any one time during an event.
- The applicant states that vehicles, transport etc. is usually shared for those attending events, and to further mitigate noise and localised traffic issues, there shall not be more than 40 motor vehicles (including guests, staff vehicles, contractors, suppliers, taxis, minibuses etc.) at the site at any one time.
- A total prohibition on novelty vehicles at all times, such as converted fire engines, converted ambulances, mobile disco/party buses, steam or unusually propelled vehicles or similar.
- No aviation or airborne elements whatsoever

## **AMENITY - Noise Impact**

### Submitted Documentation

A Noise Assessment prepared by Noise Consultants Ltd (NCL) has been submitted in support of the amended proposals omitting a previously proposed marquee. Additional Information dated 18 July 2022 (Ref: J20-13308A-20-M1) was submitted by NCL to address issues raised by the Councils Environmental Health Officer.

In addition, a Noise Management Plan has been submitted together with amended floor plans specifying the uses of all rooms within the proposed venue.

A report prepared by LA Environmental has been submitted on behalf of the residents of Corbrook Lodge. This has reviewed the methodology and conclusions of the applicant's noise assessment (NCL). The critique raises concerns in respect of the accuracy of background sound levels, the positioning of noise monitoring equipment, accuracy and evaluation of predicted noise levels experienced from the venue, inadequacy of mitigation and resulting adverse impact on the nearest sensitive receptors including Corbrook Lodge and the use of its rear garden.

Councils Advice has also been obtained by the residents of Corbrook Lodge. This states that,

1. *I am instructed on a public access basis to advise on the lawfulness of a planning application reference 21/3505N ('the Application') made to Cheshire East Council ('the Council'). The Application is for:*

*'Change of use from use class C3 (residential) to sui generis (wedding venue) and associated parking'*

2. *Specifically, I am asked to advise in relation to the loss of residential amenity caused by the Application due to noise pollution. To do this I have been provided with two expert independent noise reports (together 'the Reports'). One of the reports ('the NC Report') is provided by the applicant in support of the Application. The second report ('the LA Report') is an appraisal of the methodology and conclusions of the NC Report. Clearly, I am not a noise expert and in terms of the expert evidence this Advice is based solely on the Reports.*

*3. This Advice focuses on the lawfulness of the Council's suggested planning conditions and the recommendations of the NC Report.*

The overall conclusion of the submitted Counsel's opinion is that;

*"In conclusion, the expert evidence strongly indicates that each element of the methodology used by the NC Report has been inaccurately assessed, leading to a combined inaccuracy of even greater proportion. This means that the Recommendations and Conditions are proposed on a false footing such that they are not properly related to the Application or address its true impact in planning terms. Even if this is not the case, I have serious concerns over whether the Recommendations and Conditions are properly enforceable, thereby failing to meet the Newbury Test and policy test set out in Paragraph 56 of the NPPF.2*

These documents can be viewed in full on the Council's Website.

### Noise Assessment

The site lies within a rural setting in open countryside. The nearest dwellings affected by this proposal would be those of Monks Lane about 200m directly to the south of the site across agricultural land.

Beyond these dwellings, are properties of Heathfield Road and Monks Lane, and the development (Anwyl) along the A529 Audlem Road/ Cheshire Street, which lie within the Audlem Settlement Boundary around 400m to south and west of the site. In addition several further properties alongside Audlem Road to the north and west, including Corbrook Lodge are located between 230m and 350m from the site boundary. Also, the nearest part of Corbrook Park Nursing Home complex is about 180m from the application site boundary and situated to the north-west of the site.

The Environmental Health team has considered the methodology and findings of applicant's Noise Assessment, and also with regard to specific issues and concerns raised in the review submitted by LA Environmental on behalf of the objector at Corbrook Lodge.

Several principal areas of concern were highlighted by the review prepared by LA Environmental for which further clarification was required by the EHO from the applicant's noise consultant (Noise Consultant Ltd). These issues included questions raised in respect of the accuracy of the background sound level reading given the location of noise measurement equipment, the consideration of low frequency tonal noise, and the requirement for the closure of a large number of windows of the building to mitigate noise impact when live/ amplified music is played coupled with the lack of a Noise Management Plan.

Sound measurement equipment was located on the western side of Corbrook Lodge in direct line of sight of Audlem Road (A529). The report from LA Environmental states that Corbrook Lodge shields its garden from traffic noise, and therefore the background reading provided would be considerably lower. However, as the necessary measurement used for background noise is between 23.00 – 00.00 hours, the Environmental Health Officer considers that traffic levels would be minimal and therefore make no difference in background measurements. The EHO concurs with NCL's view that whilst noise measurement equipment was sited immediately



adjacent Corbrook Lodge, there would not be a significant difference in the background noise levels had they been established within the garden of Corbrook Lodge. If undertaken within the garden of Corbrook Lodge, it would not result in any change to the outcome of the assessment undertaken by NCL. The measuring equipment and metrics applied are therefore considered representative of background sound levels experienced at Corbrook Lodge.

LA Environmental argue that low frequency noise (bass tone) has not been sufficiently considered within the applicant's acoustic assessment. The Environmental Health Officer also requested further information to demonstrate that impact of bass tone at Corbrook Lodge has been satisfactorily taken into account. A further review was undertaken by NCL of the predicted noise levels at Corbrook Lodge, the measured background sound level, and other relevant guidance in addition to the acoustic assessment already completed.

The Environmental Health Officer is satisfied that the additional supporting information provided by NCL on 17<sup>th</sup> July 2022, together with the assessment and findings of the original noise report, demonstrate that there will be no unacceptable noise impact to Corbrook Lodge from low frequency bass tone.

The NCL Noise Assessment requires windows in Room 6 and Room 11/12 to remain closed during the playing of amplified music within these parts of the building, as otherwise the resulting noise level at Corbrook Lodge is expected to exceed the background sound level. Whilst NCL state that, "the reliance on closed windows is a fundamental noise mitigation strategy, employed at a significant number of other existing comparable developments", it is however considered that this would require a large number of windows to be kept closed at the proposed venue. This is not considered to be either practical, enforceable or reasonable, notwithstanding the potential provision of additional mitigation indicated NCL in terms of "sealed windows with enhanced sound insulation performance" or the use of portable air conditioning units".

In response to these concerns, the applicant has submitted amended floor plans of the building which have been updated to show the dedicated spaces for catering, ceremonies/ receptions and music. The uses of all rooms within the building have been identified together with the submission of a Noise Management plan (NMP) proposed by NCL which provides a series of measures to mitigate noise impact.

Significantly, in terms of the playing of loud, amplified music within the venue, as shown by the floor plans and by the NMP this is now limited to Room 6 (small function room) which will be used for small wedding ceremonies, live music or disco. Rooms 11 & 12 (Main function room) will be used for sit-down meals /drinks receptions with background ground music only.

Amplified/live music noise can be effectively contained within Room 6 through closing 2 No. windows and the use of a double door arrangement between Room 6 and adjacent rooms including the main hallway as set out by the NMP. Therefore, the playing of Amplified music within the venue can take place without the need for a large number of windows throughout the building to remain closed as originally recommended by the Noise Assessment.

A planning condition is however required for details of a proposed double-door arrangement to ensure its operation will effectively prevent music noise-breakout from Room 6 and via any adjacent rooms including the main hallway (room 10).

It is therefore considered that the mitigation measures set out by the Noise Management Plan, in restricting the playing of amplified music within room 6 are realistic and therefore enforceable. Furthermore, no other areas inside or outside of the building will be used to play amplified music

The applicant has advised that main activities associated wedding events/functions will be accommodated inside this large house, although it would be unreasonable not to expect some low-key use of outdoor spaces by guests adjacent to the building particularly given its attractive rural setting. The NMP also states that live music within external areas will to be restricted to “small string and wind ensembles, playing at background level (where conversations can be held without the need for raised voices), and cease no later than 19:00 hrs”.

The submitted floor plans also clarify that the first and second floors of the building will accommodate a small number of guest bedroom and bathrooms, which is commonly provided at venues of this kind.

Details of the how wedding events will be managed at the venue has previously been provided by the applicant. This stated that all guests will be off-site (unless staying) by Midnight. Given the anticipated level of vehicle movements which will generated by the venue, addressed in the Highway section of original report below, it is not considered that this will result in unacceptable levels of disturbance to nearby properties along surrounding roads, given that typically not all guests will leave the venue at the same time, with departures staggered during the evening.

The applicant has also stated that “all weddings/celebrations will have a contractual agreement which would be venue specific and ensure no fireworks, lanterns, times of departure etc”. In addition, it is now stated that Wedding Party and Event Guests will be made aware of and provided with a copy of the NMP as part of their contract. The NMP states ;

- No Fireworks at any time.
- Music at background levels in any external areas within the site boundary (as specified in Table 1 of the NMP) .
- Only be allowed amplified music within Room 6 (Table 1 of the NMP) .
- Ensure that the total number of guests invited on-site at any one time during each event does not exceed 60.

In addition, the NMP advises that wedding party/guests are not permitted to;

- Depart the site later than midnight.
- Access the Site between 22:00hrs and 08:00 hrs the following day
- Idle engines unnecessarily
- Congregate in the car parking areas
- Use in-car stereos to generate loud music.

The NMP also states that guests will be reminded and encouraged by Door Staff, other employees and by appropriately located signage to depart the site quietly and with due respect to surrounding residential areas.

Notwithstanding these measures, it is accepted that some level of noise may still be audible from outside the premises on occasions, particularly from patrons and vehicles leaving the premises. However, given the relatively small scale of wedding events which will be held at The Parkes, it is not considered that such noise levels would have an adverse impact on the amenities or living conditions of local residents. However in addition to the measures set out by the NMP, the venue will be subject to planning conditions being imposed, including that operating hour of the venue are restricted to between 08:00 hours to Midnight, and also deliveries to the premises limited from 08:00 hours to 18:00 hours.

The premises would also be subject to the provisions of the Environmental Protection Act, which significantly controls noise nuisance. Furthermore, the wedding venue will be required to be Licensed for the consumption of alcohol and as late-night entertainment/music venue. The Environmental Health Officer has specifically advised that a typical condition of such a Licence is that no music is audible beyond the boundary of the premises.

### Use of Planning Conditions

Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

National Planning Practice Guidance further advises that;

“When used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable”

In this case the findings of the applicant Noise Assessment, together with the provisions of the subsequently submitted Noise Management Plan (NMP) and revised floor plans specifying the use of the building, ensures that necessary, practical and reasonable planning conditions can be imposed to satisfactorily mitigate adverse effects on residential amenities from the operation of the wedding venue. For the reasons set out above the recommended conditions require appropriate measures to be undertaken which mitigate potential noise and disturbance as set out in the NMP (including the playing of live/managed music) as well as limiting the scale of events and controlling the hours of operation/deliveries.

It is therefore considered that the controls required through the recommended planning conditions will allow the premises to effectively and reasonably operate but without adversely affecting the amenities or living conditions of nearby residents in accordance with the Paragraph 55 of the Framework.

## Conclusion

The Environmental Health Officer has evaluated the Noise Assessment and additional data/information and concluded that the noise impact from the use of the premises as a wedding venue has been satisfactorily assessed and will not therefore adversely affect the amenities or living conditions of nearby properties. In addition, suitable and appropriate noise mitigation measures are specified in the Noise Management Plan, particularly in respect of addressing the impact of the playing of loud, amplified music at the venue.

Therefore no objections are raised the proposed re-use of The Parkes as a Wedding Venue are raised on noise or amenity grounds subject to the recommended conditions set out in the amended recommendation below.

## **RECOMMENDATION:**

### **APPROVE subject to conditions**

1. Time (3 years)
2. Plans
3. External lighting to be approved
4. Compliance with Noise Management Plan
5. Events to take place within house only
6. 2 events per week each limited to a maximum of 60 guests
7. Hours of operation - 08.00 Hours until Midnight
8. Deliveries to premises between - 08.00 hours and 18.00 hours
9. No fireworks or outdoor amplified music
10. Details of parking areas
11. Ecological enhancement strategy
12. Details of a proposed double-door arrangement for room 6

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Previously considered Committee Report below

## **REASON FOR REFERRAL**

This application has been referred to the Southern Planning Committee by Cllr Rachel Bailey for the following reasons:

*Significant concern as to impact on amenity of local residents in terms of access/exit to the site, hours of operation and potential levels of noise.*

## **DESCRIPTION OF SITE AND CONTEXT**

The application site relates to a substantial property known as The Parkes, comprising a large former farmhouse, its grounds which includes a tennis court and part of a field on the northern side of the property. The site lies within the open countryside to the north of Audlem.

The Parkes is accessed off Monks Lane, via a private drive. Part of the driveway also accommodates the route of Public Footpath Audlem FP17 which runs northward from Monks Lane.

The Parkes was formerly part of the adjoining working Dairy Farm. The former Farmhouse has however been separated from the farm complex for some time. Farm traffic uses an access road leading off the driveway to the south of The Parkes and was approved under 19/5658N. A small group of traditional farm buildings adjoining the eastern site boundary are within the applicant's ownership, beyond which are operation areas and building of the farm complex.

The farmhouses and its grounds are screened through established wooded boundaries to south and west of the site.

### **DETAILS OF PROPOSAL**

This application seeks approval for the change of use and renovation of this large house and its grounds known as The Parkes as a wedding venue.

The proposals have been significantly amended during the course of the application. A previously proposed marquee to be sited on the tennis court has been omitted from the application. The scale of wedding events has been reduced, and which will only take place within the house.

The proposed change of use would enable year-round indoor weddings, with up to 60 guests to be held within The Parkes. The venue will also include 4 bedrooms for use by guests.

The proposals include the provision of car parking within the application site. Parking areas are located off the private driveway to the south of the existing tennis court and within a small part of a field to the north of the house which will accommodate 70 parking spaces. Grass reinforcement mesh will be used to protect grassy areas used for parking.

### **HISTORY**

There is an extensive history of agricultural operations on this site. The most recent of which is relevant to this proposal;

19/5658N Agricultural determination for a proposed new road 145m in length and 4.5m in width. Approved 02-Jan-2020

14/5155N Proposed Agricultural Entrance, Drive and Passing Bays. Refused 23-Dec-2014

### **POLICIES**

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

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG6 Open Countryside

EG2 Rural Economy  
EG4 Tourism  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
SE1 Design  
SE2 Efficient Use of Land  
SE3 Biodiversity and Geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
CO1 Sustainable Travel and Transport

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

### **Crewe and Nantwich Replacement Local Plan**

NE.5 - Nature Conservation and Habitats  
NE.9 - Protected Species  
NE.13 - Rural Diversification  
NE.15 - Re-use And Adaptation of A Rural Building For A Commercial. Industrial or Recreational Use  
BE.1 - Amenity  
BE.3 - Access and Parking  
BE.4 - Drainage, Utilities and Resources  
RT.9 - Footpaths and Bridleways

### **Audlem Neighbourhood Plan**

The plan was made on the 12 April 2016.

Policy D10: Drainage  
Policy D13: Safe Access  
Policy D15: Reuse of Redundant Buildings  
Policy B2: Redundant Farm Buildings  
Policy B6: Tourism  
Policy T2: Traffic Congestion and Risks to Road Users  
Policy T4: Pedestrian Footways  
Policy CW2 : Community Facilities and Services

### **National Policy**

National Planning Policy Framework (NPPF)

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

**Environmental Health** : No objection to amended proposals subject to conditions.

**Highways** : No objection

**Public Rights of Way** : No objection subject to access to be made good post construction and standard informatives.

**Flood risk** : No objection

**Audlem Parish Council** ; Updated comments as follows in respect of the amended proposals;

Acknowledges the revised plans for the proposed wedding venue in Monks Lane. The removal of the need for a marquee should contribute greatly to noise reduction for neighbouring properties. Should the applicants agree to the proposed operating hours suggested by Cheshire East Environmental Services this again reduces both noise levels and impacts on times of vehicles leaving the venue in the early hours.

However, should the applicants have objections to these operating proposals the Parish Council would like the applicants to advise how they intend to limit the impact on neighbouring properties of vehicles leaving in the early hours of the morning.

The Parish Council would have no objections should these conditions be met.

**Hankelow Parish Council**; Comment as follows (in relation to originally submitted proposals) ;

- The hours of operation for this venue are stated between 0800 hours and 0100 hours. The Parish Council is concerned about the increase in noise levels if this planning application were to be approved on this basis, particularly loud music from the development, and would seek assurance that the music will cease no later than 10.30pm, Sunday-Thursday and no later than 11pm on Friday and Saturday. The Parish Council requests that a noise assessment is carried out before final consideration of this planning application.
- The wedding venue is capable of accommodating up to 300 guests. The Parish Council is concerned about the associated increase in traffic on Monks Lane if this planning application were to be approved and requests that a representative from Highways visit the site to review the Lane and provide an assessment on whether it can accommodate the proposed increased volume of traffic.
- Concern about light pollution and ask that outside lighting should be kept to the minimum required for safety and security. It should be well located and directed downwards, and designed to minimise the impact on the environment and on wildlife.

#### **OTHER REPRESENTATIONS:**

A total 116 representation have been received which object to the proposal for the reasons summarised below:

- Amended details do not demonstrate that this location is suitable
- Not in keeping with quiet, rural setting and local infrastructure will not support the change of use.
- Inappropriate location too close to residential area
- Detrimental to quality of life
- Noise pollution and disturbance from wedding events, including loud music, fireworks, and traffic noise late into the night/early hours

- Noise will carry across open fields particularly in the evenings and summer months when windows at venue remain open
- Noise levels will have a detrimental impact on the amenities, health/medical conditions of residents of Corbrook Park nursing home which incorporates a dementia unit.
- Excessive noise generation from marquee
- Wedding party traffic/revellers leaving venue would disturb residents late into the night,
- Noise/disturbance from contractors/wedding staff leaving in the early hours.
- Disagree with consultation response of the Council's Environmental Health Officer. As no proper analysis of noise levels resulting from music nor consideration of need for sound proofing/glazing/ windows to be kept shut, or the nature of the entertainment proposed. Irrational to conclude that discos/live music/wedding setting up will have no impact on nearby properties.
- The proposed conditions will not have the effect of reducing the impact to an acceptable level
- Without an effective air conditioning system, even though the proposal is to hold events indoor, if windows/doors are kept open this will result in noise escape
- Increase in light pollution
- Exacerbate existing highway safety problems
- Increase in traffic congestion
- Exacerbate problems of traffic congestion at junction of Heathfield Road and Monks Lane due to traffic movements generated by Audlem St. James School and the school nursery also proposed for expansion
- Monks Lane is a largely narrow single-track, unlit country lane, subject to national speed limit (60mph) beyond the village with several blind bends, including one immediately at the entrance to The Parkes.
- Increase in traffic on Monks Lane and Heathfield Road will result in increased highway dangers to pedestrians, school children and cyclists. These roads are very narrow without pavements, lack passing places and are in disrepair.
- Exacerbate existing highway problems resulting from numbers of large agricultural vehicles travelling between Heathfield Road and The Parkes (farm) .
- 14/5155N for an additional access road to be built to Parkes Farm from Monks Lane was rejected because of farm traffic causing severe issues on Monks Lane.
- Additional traffic on A529 and through Audlem
- Hazardous directions to venue will be given SATNAV. If approaching venue from the east of Audlem vehicles will be directed up Heathfield Road past the primary and nursery schools and from the north routed via Monks Lane from Longhill Lane which is a narrow, single track route with very few passing spaces
- Highway & Transport Report inaccurate and underestimates resulting levels of traffic
- Audlem Neighbourhood Plan highlights traffic congestion and risks to road users in Heathfield Road and proposals contrary to policy T2
- The driveway from Monks Lane to The Parkes is a public footpath/right of way resulting in safety risks to users
- Adverse impact on livestock and wildlife
- Number of guests should be restricted to 60 and events limited to 2 per week
- Once venue is established no real assurance there will be no increase in scale, a change of management policy or effective enforcement of the conditions proposed
- Potential for further applications to extend the business.
- No economic benefit to the village and may take business away from venues in the village and others in wider the area



- Proposals are for a hotel given inclusion of 4 bedrooms
- Adverse visual impact of car parking area
- Reduction in property values
- Floor plans do little to inform future use of the building
- Contradictions/Omissions in Design Access and Planning Statement
- Proposals contrary to the objectives and criteria of Policies T2, B2 and CW2 of the Audlem Neighbourhood Plan
- Contrary to Policy PG 6 of Cheshire East Local Plan Strategy
- Contrary to policies of Hankelow Neighbourhood Plan (NB site not within Hankelow Neighbourhood Plan area)
- A Committee site visit is necessary to appreciate how close site is to nearby dwellings and Corbrook Park care home

A total of 3 representations have been received in support of the application for the following reasons;

- Enterprise will bring much needed revenue, jobs and business to Audlem given economic impact over the last 2 years from Covid 19.
- The Parkes is located well away from the village and proposals will not have a detrimental impact
- Provided the stated arrangements are put in place and enforced to protect the environment, these proposals to reuse the building will greatly benefit the local town and businesses and outweigh drawbacks
- With many new young couples moving into the village more this is a perfect location to keep a wedding local
- Audlem village with fantastic local amenities and a beautiful church would benefit from the proposed wedding venue
- Along with the opening of the community pub in Hankelow passing trade, wedding guests etc would support business

### **OFFICER APPRAISAL**

#### **Principle of Development**

The development is outside of the settlement boundary and within the open countryside. The proposals relate to re-use of this substantial, former farmhouse to accommodate a wedding venue.

Saved Policy NE.15 and CELPS Policy PG.6 allow for the re-use and adaption of rural buildings for a commercial use with the relevant criteria being:

Policy NE.15:

- The building is of substantial, sound and permanent construction
- The form, bulk and general design of the building is in keeping with its surroundings
- Any conversion work respects local building styles and materials

CELPS Policy PG.6:

- the building is permanent, substantial and would not require extensive alteration, rebuilding or extension.
- The development is essential for the expansion or redevelopment of an existing business

With the regard to the two Policies above, the existing building is substantial, sound and of permanent construction. Furthermore, the proposed alterations will be minimal, and primarily relate to the renovation of the building, in order to make it suitable for the proposed change of use.

Following on from CELPS Policy PG.6, Policy EG.2 is consistent with the objectives of NPPF (para 84) which states that planning authorities should support economic growth in rural areas in order to create jobs and prosperity. A positive approach should be taken to sustainable growth and expansion of all types of business and enterprise in rural areas, particularly through the conversion of existing buildings. However, it should be ensured that development is sensitive to its surroundings and does not have an unacceptable impact on local roads. Further to this, there should not be any conflict with other relevant Local Plan Policies.

Outside the Principal Towns, Key Service Centres and Local Service Centres, Policy EG.2 allows developments that:

- Provide opportunities for local rural employment development that supports the vitality of rural settlements;
- Create or extend rural based tourist attractions, visitor facilities and recreational uses;
- Encourage the retention and expansion of existing businesses, particularly through the conversion of existing buildings

Will be supported where:

- Supports the rural economy, and could not reasonably be expected to locate within a designated centre by reason of their products sold
- Is supported by adequate infrastructure
- Is consistent in scale with its location and does not adversely affect nearby buildings and the surrounding area or detract from residential amenity
- Is well sited and designed in order to conserve and where possible enhance the character and quality of the landscape and built form

In addition the criteria of ANP policies Policy B2: Redundant Farm Buildings, Policy B6: Tourism and Policy CW2: Community Facilities and Services largely echo the requirements of Policy EG2 above.

It is considered that the proposed development will comply with the first parts Policy EG2 as it provide employment opportunities not only at the site but also with other local services associated with the wedding venue use and will essentially provide a rural based visitor/recreational facility.

In terms of the second part of this policy the proposal would support the rural economy by virtue of being sited in a rural area. The use could not be expected to locate to a designated centre as the nature of the use typically relies on the rural setting. In terms of adequate infrastructure the Highway Officer has confirmed the road network can accommodate the proposed use without resulting in highway safety or management problems. As addressed in amenity section below the revised proposals will not result in an unacceptable impact on the amenities of local residents.

Further to the above criteria, the development will have a minimal impact on the character or appearance of the existing farmhouse and proposed parking areas would not constitute a significant feature with the landscape given screening from existing woodland/vegetation and the backdrop of the adjacent farm complex and building close to the eastern site boundary. It is therefore considered that the principle of the proposed development is in accordance with Policies NE.15 of the C&NLP, PG6 and EG.2 of the CELPS and B2 and B6 of the ANP.

### **Amenity**

Saved Policy BE.1 of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of noise and disturbance.

The site lies within a rural setting in open countryside. The nearest dwellings affected by this proposal would be those of Monks Lane about 200m directly to the south of the site across agricultural land. Beyond these dwellings, are properties of Heathfield Road and Monks Lane, and the development (Anwyl) along the A529 Audlem Road/ Cheshire Street, which lie within the Audlem Settlement Boundary around 400m to south and west of the site. In addition several further properties alongside Audlem Road to the north and west, are located between 230m and 350m from the site boundary. Also the nearest part of Corbrook Park Nursing Home complex is about 180m from the application site boundary and situated to the north-west of the site.

The application has been revised to omit the previously proposed marquee given the potential for significant noise impact, as well as substantially reducing the capacity for the wedding venue. The applicant has confirmed that events will be solely accommodated within this large house. Indicative floor plans have been provided of the building which show dedicated spaces for catering, ceremonies and receptions to accommodate 60 guests.

Further details of the how wedding events will be managed has been provided by the applicant. This states that all guests will be off-site (unless staying) by Midnight. Given the anticipated level of vehicle movements which will be generated by the venue, addressed in the Highway section below, it is not considered that this will result in unacceptable levels of disturbance to nearby properties along surrounding roads, given that typically not all guests will leave the venue at the same time, with departures staggered during the evening.

The applicant has further advised that, "all weddings/celebrations will have a contractual agreement which would be venue specific and ensure no fireworks, lanterns, times of departure etc". In addition the applicant states that given the nature of the business and the setup times required the venue would host 2 events a week as a maximum.

The Environmental Health Officer has considered the noise impact of the amended proposals, and given their limited scale and nature, does not consider it reasonable to require an Acoustic Assessment to be submitted in support of the application.

It is accepted that some level of noise will be audible from outside the premises on occasions, particularly should windows of the buildings be open. However given the relatively small scale of wedding events which will be held at The Parkes and given the distance of the premises from the nearest residential properties, the Environmental Health Officer has advised that noise levels would not have adverse impact on the amenities or living conditions of local residents. This is however subject to planning conditions being imposed, including that operating hours of the venue are restricted to between 08:00 hours to Midnight, and also deliveries to the premises limited from 08:00 hours to 18:00 hours.

In addition conditions are recommended to ensure that all events are to take place within the venue building (farmhouse) with no outdoor music or firework displays. Further conditions are also necessary which restrict the number of a guests at events to a maximum of 60, with no more than 2 events per week (as stated by the applicant).

Importantly the premises would also be subject to the provisions of the Environmental Protection Act, which significantly controls noise nuisance. Furthermore, the wedding venue will be required to be Licensed for the consumption of alcohol and as late-night entertainment/music venue. The Environmental Health Officer has advised that a typical condition of such a Licence is that no music is audible beyond the boundary of the premises.

In terms of addressing potential light pollution from the premises, a planning condition is recommended to be imposed requiring a detailed scheme of the location, specification and level of illumination for external lighting prior to its installation.

Therefore further to assessment of the amended proposals, the Council's Environmental Health Officer has not raised no objections to the reuse of The Parkes Farmhouse as a wedding venue subject to the planning conditions as set out above. Having regard to the location of the site and nearby dwellings and the scale and nature of the events, the noise impact of the proposed use is not considered to be so significant that it would justify a refusal of planning permission. The proposal is therefore considered to comply with saved Policy BE.1.

## **Highways and Parking**

The proposal is for a wedding venue within an existing property in a rural location to the north of Audlem which is located off Monks Lane and includes off-road parking (70 spaces). The proposed wedding venue was initially to cater for a maximum of 300 guests but this has since been reduced to 60 guests.

It is recognised that the site is in an isolated location, with a lack of pedestrian and public transport infrastructure to the site but this is typical of many wedding venues, and the proposal will be a car dominated one for access.

It is proposed that the wedding venue will accommodate a maximum of 60 guests and require approximately 10 wedding staff. The staff would arrive prior to, and after, the event

and the Highway Officer considers that the impact of staff vehicle trips on the highway network will be minimal.

The Highway Officer has advised that Car Sharing to a wedding event is usually high, and assuming 2 guests per car then around 30 to 40 vehicle trips would be generated, and be spread over a 1 to 2 hour period. At worst, this averages to less than a car trip per minute. In addition there will be 4 rooms available within the site for the bride and groom and family who would arrive before most other guests.

Access to the site is from Monks Lane which is a minor unclassified road with little through traffic movement. The Highway Officer accepts that forward visibility and carriageway widths are limited in sections, but this however assists in limiting vehicle speeds. The access to The Parkes provides sufficient visibility in both directions and the access bell-mouth is wide enough to allow 2 cars to rest of the carriageway if necessary.

The majority of guests will likely enter Monks Lane via Heathfield Road which the Highway Officer considers is itself capable of accommodating the small amount of traffic that will be generated. The majority of Monks Lane either has sufficient width for 2-way car movement or there are passing bays to allow passing movement. There is a short section which is single car width but given the limited traffic generation is considered acceptable. In addition, the applicant has stated that no more than 2 events a week would take place.

It is also considered that the site can accommodate sufficient car parking (70 spaces to satisfactorily meet the needs of the business.

The Highway officer concludes that the reduced capacity of the proposed wedding venue to 60 guests will result in traffic generation that the local highway network can safely accommodate, and the proposal is therefore considered acceptable in highway terms. A condition is therefore recommended to limit the number of guests for events at the premises to 60 persons.

Therefore it is considered that the level of vehicular movements generated by the proposal will not have detrimental impact on highway safety or cause unacceptable congestion on the local road network. As a result the proposals accord with Policy BE.3 of the Local Plan and ANP Policies T2 and T4.

### **Public Rights of Way**

Part of the driveway serving The Parks from Monks Lane is also the route of Public Footpath Audlem FP17. It is not considered that the proposed re-use of the farmhouse or provision of car parking areas within the grounds will have an adverse impact on condition of the driveway or route of the footpath.

It is also common that public footpaths are routed along access drives which in this case serves The Parkes and the adjacent farm complex. Given the levels of vehicle movements expected to be associated with events at the proposed wedding venue, and limited to twice a week, it is not considered the proposals will result in unacceptable safety issues for users of the footpath.

The Council's Public Rights of Way Officer has raised no objections to the proposals subject to a standard informative to prevent the footpath being obstructed, and also and that the surface of the driveway is maintained to its current standard following the implementation of development.

## **Design**

The proposal essentially relates to the re-use and renovation of a large farmhouse with minimal external alteration of the building. Therefore the proposed alterations to the building are minor and would not be out of character.

The proposed car parking areas adjacent to The Parkes and within a small part of the field to the north, will be largely screened by existing planting/vegetation and would also be viewed against the backdrop of buildings at The Parkes and the adjacent farm complex to the east. Given that reinforcement mesh will be used to protect grassy areas used for parking, and parking areas will not be used intensively, this will ensure that these areas will retain their existing appearance and not constitute an unacceptable visual feature, particularly when viewed from Audlem FP17.

## **Nature Conservation**

The proposals also include the use of two areas of grassland as parking. The Council's Ecologist has advised that this modest impact on biodiversity can be mitigated for with a simple biodiversity enhancement plan.

### Ecological Enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. A condition should be attached which requires the submission and approval of an ecological enhancement strategy prior to the change of use of grassland to parking on this site, a strategy for the incorporation of features for nesting birds, and native species planting.

## **Planning Balance & Conclusions**

In principle the proposed commercial re-use of the former farmhouses associated with Parkes Farm would accord with Policies EG.2, PG.6 and NE.15. Furthermore as stated by the NPPF (para 84) a positive approach is required to be taken to support economic growth and in create jobs in rural areas, particularly through the conversion of existing buildings.

The Environmental Health Officer raises no objections to the proposed re-use of The Parkes as a Wedding subject to the recommended conditions. It is considered that the proposed operation of the wedding venue in this location to host relatively small events (60 guests) limited to twice a week, would not result in a significant noise impact that would be harmful to amenity or living conditions of nearby residential properties.

The Highways Officer is satisfied that based on an assessment of the reduced capacity of the venue to 60 guests and considering the levels of vehicular movements generated by wedding

events, the proposals will not have adverse impact on highway safety or cause unacceptable congestion on the local road network.

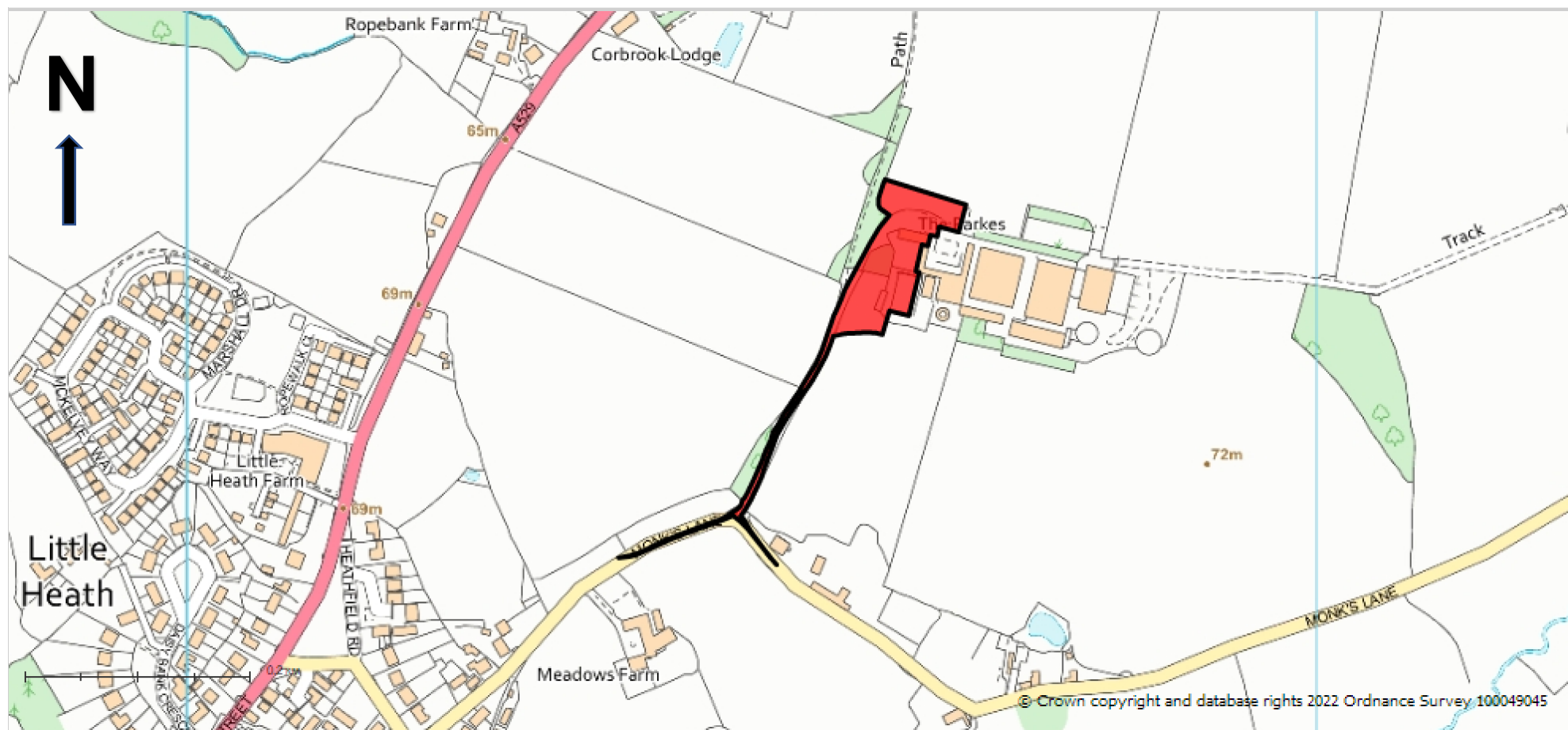
The proposals would bring positive planning benefits such economic and social benefits through rural diversification and spending in the local economy and complimentary businesses.

Consequently, subject to the subject to the recommended conditions it is considered that the benefits of the proposal outweigh any negative impacts.

**RECOMMENDATION:**

**APPROVE subject to conditions**

1. Time (3 years)
2. Plans
3. External lighting to be approved
4. 2 events per week each limited to a maximum of 60 guests
5. Hours of operation - 08.00 Hours until Midnight
6. Deliveries to premises between - 08.00 hours and 18.00 hours
7. Events to take place within house only
8. No fireworks or outdoor music
9. Details of parking areas
10. Ecological enhancement strategy





Application No: 21/6113C

Location: Land Off, CLOSE LANE, ALSAGER

Proposal: Erection of 55 no. dwellings, including access from Close Lane, construction of roads and footways, landscaping, public open space, drainage, and other associated works.

Applicant: Sinclair, Westchurch Homes Ltd

Expiry Date: 08-Aug-2022

### SUMMARY

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

However the submission draft of the SADPD proposes the site to form part of the settlement boundary. This is clearly a material consideration and given its stage of adoption and lack of objections, it is considered to carry at least moderate weight.

The site already has an extant consent for 16 houses so residential development on the northern part of the site has already been established. The site is also bound by development to the east and south with the allocation to the west for further residential development. As such to some degree the proposal could be considered as rounding off the settlement to a landlocked site.

The benefits of the proposal would be the provision of open market housing provision of 100% affordable units which would go towards meeting an identified local need.

The proposal would also provide economic benefits including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

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

The impact upon infrastructure would be neutral as there have been no requests for contributions for health and contributions towards Open Space and Education can be secured by way of Section 106 Agreement. And would comply with Policies IN1, IN2 of the CELPS and RT3 of the CNLP.

The development would not have significant drainage/flood risk implications and would be compliant with SE13 of the CELPS & BE4 of the CNLP.

The proposal will not have any severe highway impacts and as such complies with Policies CO2 & CO4 of the CELPS and BE3 of the CNLP.

With regard to ecological impacts, subject to conditions it is considered that the ecological impacts can be mitigated. As a result the proposal complies with Policies NE5, NE9 of the CNLP and SE 3 of the CELPS.

The development subject to conditions is supported in design terms. The proposal would accord with CELPS policies SD1, SD2, SE1, and with the NPPF in relation to design quality and the requirements of the CEC Design Guide.

The impact on trees and landscape are not fully known at this stage but the layout suggests that the proposal could be accommodated without undue impact.

In conclusion the benefits of the scheme to provide 100% affordable housing in a sustainable local and the limited economic benefits, would outweigh the harm to the open countryside and a slight shortfall in amenity space for some of the dwellings.

## **RECOMMENDATION**

**APPROVE**

## **REASON FOR REPORT**

The application requires committee consideration due to the number of dwellings exceeding the delegated threshold.

## **PROPOSAL**

Full planning for the erection of 55 no. dwellings, including access from Close Lane, construction of roads and footways, landscaping, public open space, drainage, and other associated works.

Although the site is located on the edge of Alsager it falls within the area covered by the former Crewe and Nantwich Local Plan.

## **SITE DESCRIPTION**

The application site comprises part of the garden area serving No.68 Close Lane and the open field to the rear and further land to the south behind 60-68 Close Lane.

Area consists of predominantly residential properties to the north and east, with this side of the road being a row of ribbon development. Open Countryside to the west.

Persimmon Homes are currently constructing a new housing development to the south off Crewe Road and to the west of White Moss Quarry which has been allocated for circa 350 houses under Policy LPS 20 of the Cheshire East Local Plan.

No significant variation in land levels noted on the site.

The existing access is taken off Close Lane between Nos.68 and 70 Close Lane. Access by foot is taken by No.60 Close Lane forming the public right of way.

The site itself consists of two fields with hedgerows and hedgerow trees, divided by a central post and wire fence. Large trees sited on most boundaries including some sited centrally.

The site measures approx. 3.79 acres (1.53 hectares).

The site is located in the Open Countryside as per the Local Plan and contains trees covered by Tree Preservation Order to the North-western boundary.

### **RELEVANT HISTORY**

#### Parcel of land to the rear of No.68 Close Lane

21/1161N – Reserved Matters approval is sought for appearance, landscaping and scale and the discharge of associated planning and S106 conditions pursuant to outline planning permission ref: 16/2993N - Proposed outline residential development of 16 no. dwellings with access and layout applied for – approved 03-Aug-2021

19/4451N – Variation of affordable housing and education contributions on S106 agreement – withdrawn 03-Mar-2021

18/1725C – Proposed residential development of 16 no. dwellings with access and layout applied for, as a re-submission of application 16/2993N – refused 11-Apr-2019

16/2993N – Proposed outline residential development of 16 no. dwellings with access and layout applied for – approved 19-Mar-2018

7/08028 – 5 detached houses with garages – refused 31-Mar-1981 for the following reasons:

- 1) The site is not allocated for any development of the approved development plan which means that it is the local authorities intention that the existing use of land shall remain for the most part undisturbed
- 2) The local authorities policy has been to allow limited infilling of the various gaps in the otherwise built up frontage on the western side of Close Lane but the present proposal consisting of residential development in depth behind the frontage properties, does not constitute infilling and a such would be poorly related to the existing pattern of development along Close Lane
- 3) The local planning authority are not satisfied on the evidence available to them that adequate foul and surface water drainage of the site can be achieved having regard to the shallow depth of the available sewer in Close Lane and to the fact that soakaways are not considered to be satisfactory means of surface water disposal in this area

- 4) There is insufficient frontage available to the county highway which to form access with visibility splays and necessary standards

Remaining parcel of the site

No relevant planning history

**ADOPTED PLANNING POLICY**

**Development Plan**

The Development Plan for this area comprises of the Cheshire East Local Plan Strategy (CELPS) and the Crewe and Nantwich Local Plan (CNLP).

Cheshire East Local Plan Strategy (CELPS):

MP1 – Presumption in Favour of Sustainable Development  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 – Design  
SE2 - Efficient Use of Land  
SE3 - Biodiversity and Geodiversity  
SE4 - The Landscape  
SE5 - Trees, Hedgerows and Woodland  
SE6 – Green Infrastructure  
SE9 - Energy Efficient Development,  
SE12 - Pollution, Land Contamination and Land Instability  
SE13 – Flood Risk and Water Management  
IN1 – Infrastructure  
PG1 - Overall Development Strategy  
PG2 – Settlement Hierarchy  
PG6 – Open Countryside  
PG7 – Spatial Distribution  
SC4 - Residential Mix  
CO1 – Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments  
SC5 – Affordable Homes  
IN1 – Infrastructure  
IN2 – Developer Contributions

Crewe and Nantwich Local Plan (CNLP) Saved Policies:

NE.5 (Nature Conservation and Habitats)  
NE.8 (Sites of Local Importance for Nature Conservation)  
NE.9: (Protected Species)  
NE.10 (New Tree and Woodland Planting)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.6 (Development on Potentially Contaminated Land)

RES.5 (Housing in the Open Countryside)

RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)

Despite proximity to Alsager, the site is not within the Alsager Neighbourhood boundary

Haslington Neighbourhood Plan (HNP)

The Haslington Neighbourhood Plan has only reached Regulation 7 stage and therefore cannot be attributed any weight at this stage

### **Relevant Emerging policies for Site Allocations and Development Policies Document (SADPD)**

*The Site Allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Plan was submitted for examination in April 2021, hearings took place in October and November 2021. Draft Main Modifications were consulted on during April and May 2022. Noting the relatively advanced stage of the SADPD it is considered that at least moderate weight should be applied to relevant policies, including the proposed modifications.*

PG8 Development at Local Service Centres

PG9 Settlement Boundaries

PG11 Greenbelt Boundaries

GEN 1 Design Principles

ENV5 Landscaping

ENV6 Trees, Hedgerows and Woodlands

ENV16 Surface Water Management and Flood Risk

HOU1 Housing Mix

HOU3 Self Build and Custom Build Dwellings

HOU8 Backland Development

HOU10 Amenity

HOU11 Residential Standards

HOU12&13 Housing Densities

HOU14 Small and Medium Sites

INF3 Highways Safety and Access

### **Other Material planning policy considerations**

*National Planning Policy Framework ('The Framework');*

The relevant paragraphs include;

11 Presumption in favour of sustainable development

59 Delivering a Sufficient Supply of Homes

124-132 Achieving well-designed places

170-183 Conserving and enhancing the natural environment

*Supplementary Planning Documents (SPD)*

SPG Provision of Private Open Space in New Residential Developments

SPD Cheshire East Council Design Guide

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

**CONSULTATIONS**

**CEC Head of Strategic Infrastructure (Highways)** – No objection

**CEC Housing** – No objection

**CEC Flood Risk** – Request for further information so awaiting response

**CEC Environmental Protection** – No objection subject to conditions/informatives regarding working hours for construction sites, piling, travel plan, boilers, dust, electric vehicle charging and contaminated land

**CEC Education** – Contribution required for 8 secondary pupils and 1 SEN totaling £176,241.52

**ANSA** – Request for further information so awaiting response

**United Utilities** – No objections subject to drainage conditions

**Natural England** – No objection

**Ward Cllr Edgar** – Objection on the following grounds:

This application site is not in the Cheshire East Local Plan, it is adjacent to White Moss Quarry which is LPS 20. If approved this application would eventually connect LPS 20 to the houses on Close Lane, removing a section of open countryside

Cheshire East Council can demonstrate having a robust 5-year housing land supply. The point of a Local Plan Strategy and a robust housing land supply is to ensure that any new development meets the needs of the local area, and speculative developments are not allowed.

Planning permission in this location was refused in 1981 for 5 homes due to highways issues, problems and with surface water and sewerage. The visibility splay has been widened but the issues remain.

Close Lane is now much busier with new development of hundreds of new houses to the north currently nearing completion.

A planning permission for houses, preadoption of the Local Plan, 16/2993 was approved and access granted for 16, this new application is for 61 and will increase the number of cars gaining access by a factor of 4. In the application it states parking provision for 122 cars. The access was deemed unsuitable in the past, what has changed?

Finally, the application site is 1.5 Hectares, 61 houses on 1.5 Ha is 40 per Ha, this is very dense, it is unreasonable that there are so many affordable homes on such a cramped site

### **Alsager Parish Council** – Objection on the following grounds:

- The site is not in the Cheshire East Council Local Plan
- There is already over 5 years identified land supply for housing until 2030
- The application does not conform to policies H1, H4 and TTS10 of the Alsager Neighbourhood Plan
- The density of the proposal is unacceptable
- Access to the site from Close Lane is on a blind bend
- There is poor landscaping with no impact statement
- Concerns that the site floods. The plan to cap the land drain risks flooding neighbouring properties
- Out of character with the locality
- The site is in the open countryside
- Unsustainable as the site does not improve the character and quality of the area

### **Haslington Parish Council** – Objection on the following grounds:

- The site is not in the local plan
- CEC have demonstrated having a 6.4-year supply of houses
- Previous planning refusal in 1981, planning permission was refused for 5 homes due to highways issues, problems with surface water and sewerage.
- Highways - the site is near an extremely narrow curved section of the lane. In recent years, due to the houses built, traffic has increased in this area, which continues to be one of vehicle accidents and near misses. No traffic calming measures have been suggested, which could be funded by S106 agreements
- Flood risk - Part of the site has a high-water table. Water congregates after heavy rainfall, always in a similar place. A land drain terminates in the site, which is not adopted by UU. The plans mention "abandoning the drain" but this would increase the water saturation. The pond on the first set of plans has been removed. Soakaways were not considered suitable when the application was refused in 1981
- Sewerage - The recent plans contain a pumping station, but we wonder if the ancient, combined waste system on Close Lane can cope
- Density of homes - 61 homes on such a small area of land is high density. Affordable homes should be pepper potted in new estate
- Types of homes - they are only built to Part M regulations (e.g. level access at one entrance, raised sockets, lowered light switches). There is insufficient room in most of the homes to accommodate a curved track stairlift or a through floor lift; both are costly to the resident or Social Care budget to install. There are no plans for solar panels to reduce fuel costs or water butts
- White Moss is designated for homes, yet the planning permission is now extant, and permission for 400 homes at the top has refused at Appeal

- Parking - plans indicate one parking area for a one-bedded home and two spaces for other homes. There is no additional parking on or off site for visitors
- Play areas - there are no designated play areas
- Surrounding area - the surrounding area consists of individually designed homes not semi-detached or terraced homes as described by the developer's team. The High School is oversubscribed
- Privacy issues - Several homes will have a loss of privacy / overlooking

### REPRESENTATIONS

Representations have been received from approximately 68 addresses, on the following grounds:

#### Principle

- Overdevelopment in Alsager.
- Site is not in the Local Plan as an area for development.
- The Council has a five-year supply of housing.
- The site is in the open countryside.
- Previous applications have been withdrawn on the site - application refused in 1981 due to highways, sewage and flooding issues.
- Alsager is at its limit in terms of development.
- S.106 contributions required including education, traffic calming measures and health.
- There are brownfield sites in the surrounding area.
- White Moss Quarry remains an allocation in the Local Plan but previous permissions are now extant.
- Development is contrary to PG2 (settlement hierarchy), PG6 (open countryside), SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), IN1 (Infrastructure).
- Site has built form to only one side.
- Site does not confirm to policies H1 of Alsager Neighbourhood Plan regarding type and mix of new housing.
- Site does not confirm to policy H4 of Alsager Neighbourhood Plan regarding the size, scale and density of new housing developments.
- Site does not confirm to policy TTS10 of Alsager Neighbourhood Plan.
- Policy PG7 (spatial distribution of development) has target for Alsager which has been achieved.

#### Highways

- Close Lane is not suitable nor wide enough.
- Close Lane is a busy lane, narrow in parts, with no lane markings and a 'rat run'.
- Highway safety concerns regarding access on a 'blind bend'.
- Traffic congestion impacts on the surrounding road network including Close Lane, Dunnockfold Road and wider Alsager. The addition of a further 61 dwellings with associated traffic movements (minimum of 120 cars) will worsen the situation.
- Impact on surrounding junctions including B5077.
- Speed limit (30 mph notice) should be considered alongside traffic calming methods.



- Dangerous for pedestrians crossing near to the proposed entrance. Footpath only on one side and considered narrow and dangerous.
- Revised Plans (12/01/2022) show access road overlapping and blocking an existing drop kerb that serves 66 & 68 Close Lane.
- Close Lane popular with walkers and dog walkers, accessing the countryside through rights of way.
- No long-term plan to preserve, protect and upgrade PROW to south of development.
- Alsager has seen a reduction in rail services.
- Public transport is not available late at night for shift workers etc.
- The public footpath runs from Close Lane to Butterton Lane (not Crewe Road as in documentation). The path to the Quarry is impassable at times due to overgrowth, including seeding in of Himalayan Balsam. Maintenance of an accessible footpath by the site during and after construction will be needed.
- Concern regarding access from emergency vehicles and Council bin operatives.
- Volume of lorry movements will increase due to warehouses under construction on Crewe Road.
- Concern over HGV movements in proximity to the entrance.
- The site edges onto an existing PROW. The current proposal means that part of this PROW would effectively become an alley way with 6-foot fences blocking it in. This would be detrimental to the existing hedgerow and the wildlife that inhabits it. It's a potential spot to attract antisocial behaviour, litter and vermin.

### Infrastructure

- Pressure on infrastructure including schools, doctors, dentists etc.
- Pressure on local school places including Alsager High School.
- Pressure on broadband, electrical grid, gas and water facilities infrastructure.
- Public services and facilities planned for White Moss do not exist and plans are extant.

### Ecology

- Loss of wildlife / flora and fauna.
- Impact on birds including protected birds.
- Protected species are present on site.
- Loss of trees and habitat.
- Minimal landscaping hardly replaces the loss of countryside and reduced ecology.
- Greenfield site.
- Proposals should ensure maintenance of current boundary hedgerow

### Green Space / Agricultural Land

- Loss of green space / open countryside.
- Walking areas have been lost.
- Impacts on agricultural land.
- Little amount of open space for children to play / meeting in the proposed development and local surroundings.
- Cranberry Moss has suffered a noticeable increase in path erosion, litter and damage to trees. Further building will only worsen the environmental negatives this area has endured.

## Affordable housing

- Affordable housing already available on other new build estates.
- Number of affordable homes is capped to 10 in the open countryside.
- Application appears unviable.
- Affordable housing should be pepper-potted through new developments. 61 affordable homes in one location are against principles of inclusion.

## Amenity

- Construction impacts.
- Amenity and crime concerns.
- Site backs onto an active aggregate recycling centre (White Moss Quarry).
- Privacy concerns – overlooking / overshadowing of adjacent properties.
- Noise, light and odour pollution concerns.
- Loss of outlook from neighbouring properties.
- Air quality - no monitoring of air particles has been taken from near the Quarry
- The site falls within the blast zone of BAE, a regulated explosive site that produces ammunition.

## Flooding and Drainage

- Flooding and drainage concerns.
- Flood risk report incorrectly terms a drain as redundant. Updates required to the land drainage Plan.
- The building of 61 homes, service roads, and driveways will reduce natural soak away. The removal of trees between the two sites will stop take up of surface water. As saplings will be planted, the amount of water take up will be minimal.
- The flood risk map (Figure 4) outlines an area of surface water omits a couple of ponds.
- Drainage of the site will be needed including management of surface water from the homes and roads, whilst avoiding flooding to the adjacent gardens. The finished level of the site (gardens, footpaths and roads) cannot be raised otherwise off-site flooding will occur to gardens of several adjacent properties
- The sewerage system in Close Lane is an old, combined Waste and Surface Water system. Further alteration may be needed to cope with 61 homes.

## Landscape / Character

- Object to landscape impacts.
- Landscaping provision in the application is poor.
- Application detracts from the character and quality of the area.
- Impact on character and appearance of open countryside.

## Design

- Object to density of scheme in a semi-rural area – houses crowded into 1.5ha site.

- Inadequate space for families. Plans show properties with tiny gardens and minimal new green space.
- Many of the houses afford little space and do not allow for future adaptation.
- No precedent for three storey properties in this area.
- The application is wrong in its assessment of how the proposal site integrates in the local area.
- Layout does not improve the character and quality of the area.
- Site is not sympathetic to local character.
- Power lines run across the site.
- Design is out of character with the locality.

### Climate Change

- Policy SD1 'Sustainable Development in Cheshire East' requires Cheshire East to use appropriate technologies to reduce carbon emissions. The plans omit details of solar panels, electric charging points or water butts to reduce on-site surface water (by storing water from the roof).

### Process

- Application contains omissions and errors
- Dispute over boundary line of development including the planning application

## APPRAISAL

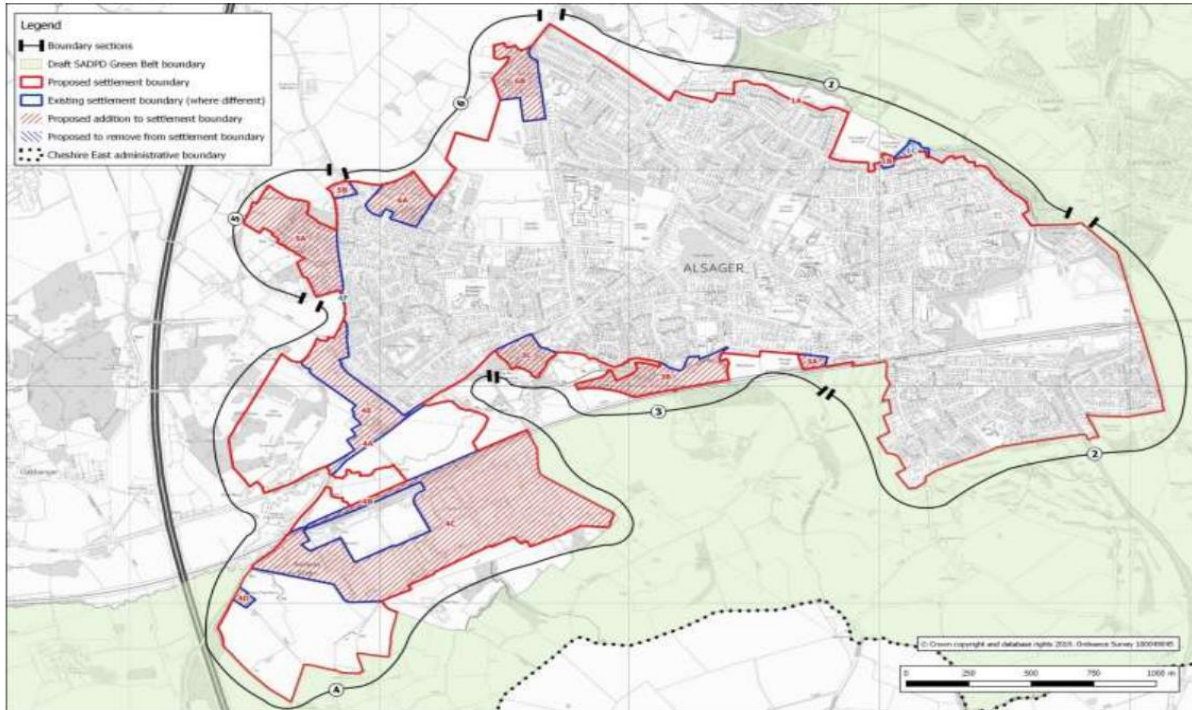
### Principle of Development

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

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

### Site Allocation and Development Plan Document (SADPD)

The submission draft of the SADPD proposes the site to form part of the settlement boundary (see extract plan below). There were some amendments made to the SADPD between the initial publication draft and the revised publication draft version of the document however these did not relate to the application site or the revised settlement boundary. Also, as part of the consultation on Main Modifications to the SADPD no objections were received to this site being included within the settlement boundary.

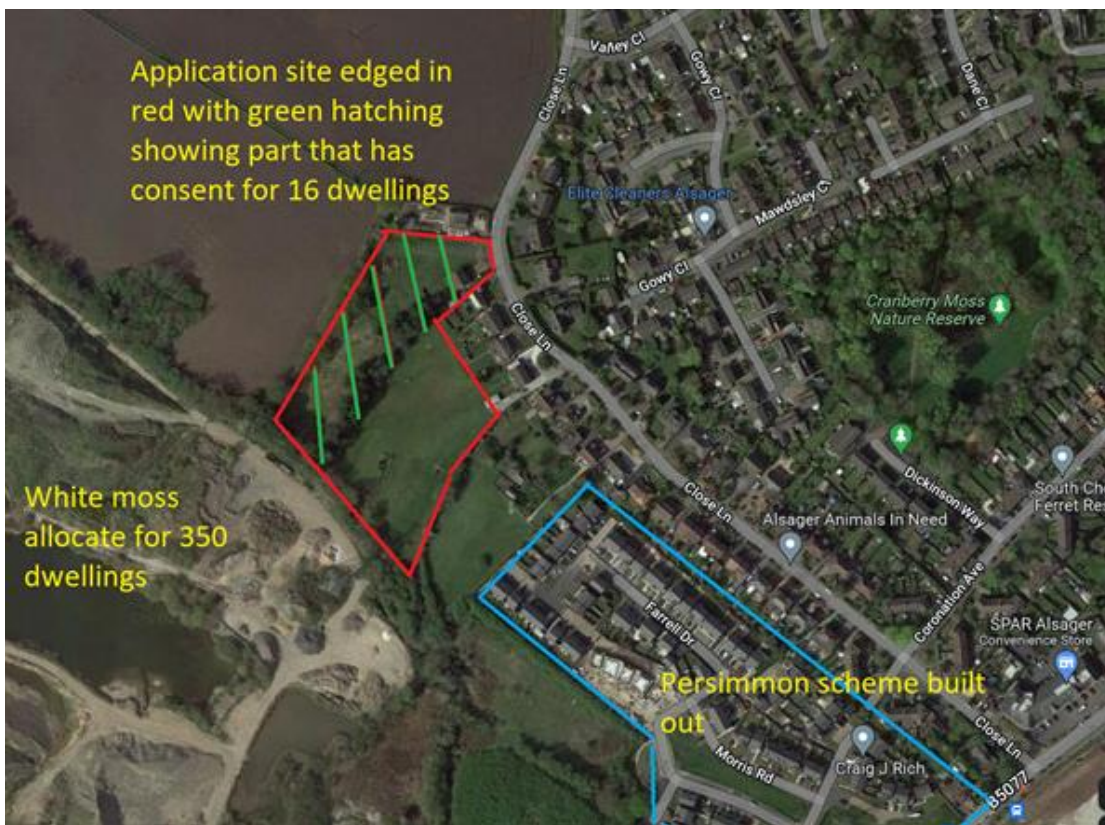


**Map Alsager 10: Existing and proposed settlement boundary**

As a result, the SADPD and the revised settlement boundaries is therefore clearly a material consideration and given its stage of adoption and lack of objections, it is considered to carry at least moderate weight.

### **Site enclosed by development**

Whilst the site is within the open countryside in the local plan, the site already has an extant consent for 16 houses granted under application 21/1161N (see area hatched in red on the plan below) so residential development on the northern part of the site has already been established. The site to the south of the site has been built out by persimmon (see area edged in blue) and white moss to the west is allocated for 350 dwellings (see yellow text). So, the site is bound by development to the east and south with the allocation to the west for further residential development. As such to some degree the proposal could be considered as rounding off the settlement to a landlocked site with a development pattern in keeping with those dwellings noted locally.



## Housing Land Supply

The Council has a supply of deliverable housing land in excess of the minimum of 5 years required under national planning policy. As a consequence of the decision by the Environment and Communities Committee on 1 July 2022, to carry out an update of the Local Plan Strategy (LPS), from 27 July (the fifth anniversary of its adoption), the borough's deliverable housing land supply is now calculated using the Council's Local Housing Need figure of 1,070 homes/year, instead of the LPS annual housing requirement of 1,800 homes.

The 2020 Housing Delivery Test Result was published by the Department for Levelling Up, Housing & Communities on the 14 January 2022 and this confirmed a Housing Delivery Test Result of 300% for Cheshire East.

Under-performance against either of these can result in relevant policies concerning the supply of housing being considered out-of-date with the consequence that the 'tilted balance' at paragraph 11 of the NPPF is engaged. However, because of the Council's housing supply and delivery performance, the 'tilted balance' is not engaged by reference to either of these matters.

## SOCIAL SUSTAINABILITY

### 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 CELP 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 figure should be taken as a minimum.

This is a revised proposed development of 55 dwellings in a Local Service Centre therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 17 (16.5) dwellings to be provided as affordable homes.

This application is stating the reduced amount of 55 units are all to be 100% Affordable Housing.

### Cheshire Homechoice

The current number of those on the Cheshire Homechoice waiting list with Alsager as their first choice is 392. This can be broken down as below;

	How many bedrooms do you require?						
First Choice	1	2	3	4	5	5+	Grand Total
Alsager	<b>213</b>	<b>91</b>	<b>62</b>	<b>15</b>	<b>11</b>		<b>392</b>

### Affordable Housing Mix

Point 3 of policy SC5 (affordable homes) notes that "the affordable homes provided must be of a tenure, size and type to help meet identified housing needs and contribute to the creation of mixed, balanced and inclusive communities where people can live independently longer". Paragraph 12.48 of the supporting text of Policy SC5 (affordable homes) confirms that the Council would currently expect a ratio of 65/35 between social rented and intermediate affordable housing.

The applicant has supplied evidence that the due to the funding requirements from Homes England, the applicant is wishing to swap tenures. This is agreeable due to the way that Registered Providers are funded.

The agreed split is show below:

55 units = 100%  
17 (16.5) units = 30%

65% of 17 units = 12 (11.05)

The Councils Housing officer has been consulted and is agreeable to 12 as rented and the rest (43) as intermediate tenure.

The applicant has also supplied an affordable housing statement that has also accepted by the Housing Team.

Therefore the proposal complies with Policy SC5 and the affordable housing provision can be secured by way of Section 106 Agreement.

### **Housing Mix**

Policy SC4 advises that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

The proposal consists of a mix of semi-detached and town house properties. With a mixture of 2 storey and 2 ½ storey properties. The bedroom mix is noted below:

X7 two bedroom properties (13%)

X36 three bedroom properties (65%)

X12 four bedroom properties (22%)

Based on the above the proposal would provide a reasonable mix of bedroom numbers with the majority being 3 bedroom properties, so is not dominated by larger properties and would provide a reasonable mix of houses for use by all.

### **Open Space**

This development requires a minimum of 40m<sup>2</sup> per family unit each of children's play & Amenity Green Space (AGS), 5m<sup>2</sup> for allotments and 20m<sup>2</sup> for green infrastructure connectivity.

ANSA have been consulted who advised that there was a slight shortfall in provision however a revised proposal/plan has been put forward which seeks to resurface part of the existing PROW which ANSA are currently considering so their comments will be provided in the update report.

The requirement for a contribution would need to be secured by way of Section 106 Agreement.

### **Education**

The development of 55 dwellings is expected to generate

9 - Primary children (61 x 0.19) – 1 SEN

8 - Secondary children (61 x 0.15)

1 - SEN children (61 x 0.51 x 0.023%)

The development is expected to impact on primary and secondary school places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts both in

terms of the increased pupil numbers and the increased capacity at primary and secondary schools in the area because of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places remains.

The Service acknowledges that this is an existing concern, however the 8 secondary age children expected from the development.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The service acknowledges that this is an existing concern, however the 1 child expected from the development will exacerbate the shortfall.

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

$8 \times £17,959 \times 0.91 = £130,741.52$  (Secondary)

$1 \times £50,000 \times 0.91 = £45,500$  (SEN)

Total education contribution: £176,241.52

This can be secured by way of Section 106 Agreement.

### **Health**

No response has been received from the NHS or CCG therefore no evidence to suggest a contribution towards health is required.

### **Location of the site**

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

In this instance the design and access statement has done an appraisal of the location in terms of sustainability. This concludes that a range of local facilities including shops and bus stops are located 0.3 miles from the site with further facilities such as schools located between 0.4-0.9 miles away.

The northern part of the site was also found to be locationally sustainable for the extant housing development. Given that this relates to the same site this conclusion remains relevant here.

As a result, it is considered that the site would be locationally sustainable.

The site was also deemed to locationally sustainable through approval of the surrounding developments and as such it would be difficult to argue that the site in close proximity to these other consents is not sustainable.

### **Residential Amenity**

The main residential properties affected by this development are Nos.58-70 Close Lane and properties 57-59 Close Lane.



### No.70 Close Lane

The nearest plot would be sited 2.2m from the shared boundary and 27m to the rear elevation of No.70 at the closest point. The interface complies with that recommended in the SPG to prevent harm through overlooking between windows. The proposal would have some oppressive impact on the rear garden area of No.70 given that no development currently exists on this part of the site. It is considered that the impact would be partly limited by the 2.2m siting from the shared boundary. No.70 also has a substantial rear garden area therefore any overshadowing/oppressive impact will be limited to the end section of garden area immediately adjacent to the boundary. There is also a detached outbuilding on the side of No.70 which will provide some screening.

In terms of privacy, no side facing windows are proposed to this plot except a ground floor toilet window which would be predominantly screened by the boundary treatment to prevent loss of privacy and no doubt fitted with obscure glazing in any case. Some windows are proposed to the front of this plot which would have potential to result in some overlooking of the rear garden area of No.70, however this level of overlooking is inevitable in residential areas and would also not result in any direct overlooking as the first window would serve a bathroom so the bedroom window would sit further away from the boundary.

### Nos.58-68 Close Lane

All plots would comply with the recommended interface distances to existing neighbouring properties between main face to main face (21m) and main face to side elevations (13.5m).

The plots to the south-western boundary of the site would be sited at least 10m to shared boundaries to properties off Close Lane which would prevent any significant harm by reason of overlooking of the garden areas.

The plot to the south of the site entrance would be sited approx. 2m to the shared boundary with No.68 Close Lane. This has potential for some overbearing impact however this is not an uncommon layout for modern housing estates and is not deemed to be sufficiently harmful. The orientation should prevent any significant harm through overshadowing. This plot would also overlook the garden areas of Nos.66&64 Close Lane, at between 6-8m. However, as the orientation is not direct the interface is not deemed to result in any significant harm through overlooking.

### 57-59 Close Lane

The nearest plots would be sited over 70m away as such it is not considered that the proposal would cause any significant harm to living conditions of occupiers of these properties.

### Future amenity

The majority of the units would be afforded a sufficient standard of private amenity space of at least 50 metres in accordance with Development on Backlands and Gardens Supplementary Planning Document.

However, some of the units would have a garden area shy of this with some garden areas noted at between 35sqm and 45sqm. Whilst some of the plots would be below this recommended garden size, all plots would still be provided with some garden area in which to undertake outdoor activities such as outdoor sitting and clothes drying.

As such, subject to conditions, it is considered that the proposed development would adhere with Policy BE.1 of the Local Plan for the majority of the plots. The remaining shortfall in garden area however needs to be weighed in the overall planning balance.

### **Contaminated Land**

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

### **Highways**

Policy BE.3 requires proposals to provide safe access and egress and adequate off-street parking and manoeuvring.

#### Background

A residential development consisting of 16 dwellings has been approved on part of this site in 2018 using the access point proposed in this application. This application now increases the number of dwellings on site to 55

#### Access

The access position is in the same location as the previously approved access, it will have a 5.5m carriageway and a 2m footway on both sides. This is an acceptable standard of infrastructure to serve the number of units proposed. Turning heads have been provided at the end of the cul-de-sacs and swept paths submitted that refuse vehicles can turn within these areas. Visibility splays at the junction have been provided at the junction in accordance with the existing 30 mph speed limit.

#### Development Traffic Impact

The level of traffic generation has been based upon the trip rates used in the previous consent using TRICS, the number of two-way trips in peak hours is around 30 trips. Clearly, there has been a substantial number of developments previously approved that has increased the traffic levels on Close Lane and the application would add to that traffic. However, the traffic generated by this application is relatively small and would not have a material impact on the link capacity of Close Lane. Additionally, there is an improvement at the B5077 Crewe Road/ Close Lane junction to provide new traffic signals which would provide additional capacity at the junction to cater for this development.

#### Accessibility

The proposed access for pedestrians connects with the existing footpath on the frontage of Close Lane, which is on the development side, there is no current footway on the opposite side of the road. Cyclists would use the main access to the site, there are no segregated cycle paths on Close Lane that this site could provide links to.

#### Highways summary

The suitability of the access location has been deemed acceptable in a previous application albeit that it was for a reduced number of dwellings. This application provides a sufficient standard of infrastructure internally to serve the 55 units proposed and each unit has parking provision in accordance with CEC standards.

The generated traffic does not result in any severe capacity problems on the local road network and it is not considered that there are capacity grounds to refuse the application. The site is accessible to pedestrians as it does link to the existing footpaths on Close Lane, the accessibility of similar residential development near to this site has been accepted at appeal in other applications.

Therefore, whilst this is an increase in the size of the development, the actual highway impact is not of sufficient scale to warrant an objection that would be contrary to the NPPF policy. The proposal is therefore considered to comply with Policies CO2 & CO4.

### **Landscape**

Policy SE4 advises that all development should conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes.

This is an application for the erection of 55 no. dwellings, including access from Close Lane, construction of roads and footways, landscaping, public open space, drainage, and other associated works. The application site is located to the west of Close Lane, Alsager.

While the submission identifies that the site has previously had planning permission approved for 16no dwellings, this application is for 55no dwellings and extends into what is identified in the Cheshire East Local Plan Strategy as Open Countryside and so Policy PG6 – Open Countryside is relevant.

A revised plan and Landscape and Visual Impact Assessment has recently been received and is currently being reviewed by the Councils Landscape Officer. It is expected that her comments will be available in the update report.

### **Trees**

Policy SE5 advises that proposals should look to retain existing trees/hedgerows that provide a significant contribution to the area and where lost replacements shall be provided.

The north-western section of the site edged red of this application is subject to approved planning consent for 16 dwellings with access, layout and plot position being approved under outline application (16/2993N). The most recently approved reserved matters application (21/1161N) finalised appearance, landscape, and scale. It should be noted that trees bordering the north-west boundary are protected by the Crewe & Nantwich Borough Council (Whitemoss Quarry, Radway Green) Tree Preservation Order 1996.

This new application has extended the site boundary to the south-east towards the rear of properties on Close Lane, with the new site edged red being defined by PROW Haslington FP49. The extended south-west boundary abuts the north east boundary of strategic site LPS 20 White Moss Quarry, Alsager.

The application for the development of the site to include 61 dwellings has been supported by an Arboricultural Impact Assessment by Trevor Bridge Associates (MG/6739/AIA&AMS/NOV21). The tree survey has identified a total of 23 trees, 9 groups and 2 hedges on the site comprising of 8 individual high quality A Category trees, 7 individual and 5 groups of moderate quality B category trees and 4 individual and 4 groups of low-quality C category trees. One tree has been identified as a U quality tree unsuitable for retention irrespective of development by virtue of its condition. Of this 1 individual and 5 groups of moderate quality trees and 3 individual and 3 groups of low-quality trees are proposed for removal to accommodate the proposal.

The Councils Forestry Officer raised concerns regarding the social proximity issues from the siting of the plots and garden areas of the northern plots to existing trees on the north-west boundary along with some encroachment into root protection areas. This was deemed to be contrary to the layout for the approved 16 dwellings which retained acceptable relationships to these existing trees. She also raised concerns that the development layout does not adequately mitigate for extensive tree losses proposed.

As a result, a revised plan has been received which shows a revised layout with the concerned plots being pushed further into the site and further away from existing trees to the north-west boundary. The Councils Forestry Officer considers this to be a more acceptable relationship in line with the approved scheme, however she needs to also consider the updated Arboriculture Impact Assessment and Method Statement. Therefore, her comments on these will be provided in the update report.

### **Design**

Policy SE1 advises that development proposals should make a positive contribution to their surroundings in terms of the creating a sense of place, managing design quality, sustainable urban, architectural and landscape design, live and workability and designing in safety. The Cheshire East Design Guide Volumes 1 and 2 give more specific design guidance.

The Councils Urban Design Officer has assessed the proposal and initially raised a number of concerns including the development turning its back onto the open countryside, relationship to existing landscape features, density, relationship to the PROW, quality of the site entrance vista, lack of sense of place, too much frontage parking and lack of information regarding SUDS integration. As such received a number of reds in the Building for Life Assessment.

As a result, revised plans have been received. These now show a number of changes to the scheme including much of the south-western buffer retained to improve visual relationship to the PROW, along with a better relationship to existing trees to the north-west boundary. The 2.5 storey buildings are mainly on the south-western edge to reduce the visual impact.

The number of properties turning the back onto the open countryside have been reduced with the outward facing properties being those to the northern edge as per the approved scheme. The number of units has also been reduced from 62 to 55 to reduce density and allow further space within the site.

Some frontage parking still existing however this has been significantly reduced with properties to the south of the entrance parking to the rear of properties and some side parking occurring to northern properties.

The plots to the site entrance have been reduced and re-orientated to just a pair of front facing properties, compared to the previous side facing relationship. The plots to the rear have also been removed to allow a softer integration to the countryside to the west.

The Design Officer considers these to greatly improve the scheme. He still however has concerns regarding the street materiality which should reflect the hierarchy and that shared surface lanes should be in setts to reflect the specification in the Design Guide.

The applicant has suggested using setts on either streets or lanes to deal with this. The Design Officer advises that there could be scope to reach a positive resolution, and perhaps dealing with the final palette by condition, however in order to do that though we'd need some form of commitment they will work proactively to get as close to the design guide specification as possible. This has been confirmed by the applicant and final pallet can be secured by condition.

The SPD sets out the materiality for the street hierarchy for Silk Cotton and Market Towns at pages 46, 47 and 50 of volume 2. Streets should be in bitmac with a gutter detail in tegula setts (harvest), whilst lanes should be surfaced in tegula setts (traditional). Pavements in lanes could be in bitmac but for streets should be Charcon stonemaster flags (however, there have been some adoptability issues with that so that might be an area for negotiation on materiality). Shared surface feature areas (such as the feature space in this scheme) should be in Tegula cobbles, but again adoption issues have been associated with that, namely block depth prevents adoptability, so a different colour tegula sett such as harvest would be acceptable. Also, banks of frontage parking and shared parking courts should also be in setts, but this may be an aspect for negotiation as part of information required by a planning condition, as mentioned above.

The design officer also advises that as much effort as possible is needed to positively landscape the pumping station area as even below ground facilities can be unsightly (fencing and sterile hard surfaces). Final details of this can be secured by condition.

As such, subject to conditions, the proposal is considered to comply with Policies SD1, SD2 SE1 or the Cheshire East Urban Design Guide.

## **Ecology**

### Statutory Designated Sites

The application site falls within Natural England's SSSI Impact Risk Zones and is located in close proximity to Oakhanger Moss SSSI which forms part of the Midland Meres and Mosses Phase 2 Ramsar. Natural England were consulted on the application and have advised that a Habitat Regulations Assessment is required to inform the determination of the application.

This assessment has been undertaken. The assessment concludes that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated. Consequently, a more detailed Appropriate Assessment is not required.

Natural England have also advised that they concur with the results of the assessment.

### Non-statutory sites

The application site is located in close proximity to White Moss Local Wildlife Site. The Councils Ecologist advises that the proposed development is unlikely to result in a significant adverse impact upon the Local Wildlife Site.

### Great Crested Newts

A number of ponds are present within 250m of the application site. No evidence of great crested newts was recorded during surveys of these ponds. The Councils Ecologist advises that this species is not reasonable likely to be present or affected by the proposed development.

### Grass Snakes

This species is known to be present in the broad locality of the application site. The habitats present on site are of limited value for this species. The Councils Ecologist advises that reptiles are not reasonable likely to be significantly affected by the proposed development.

### Other protected species

An updated other protected species survey has been submitted. An active sett is present a short distance from the application site boundary and a disused sett is present on the site boundary. Other setts are also known to be present some distance from the application site boundary and evidence of activity was previously recorded on site during earlier surveys.

In order to avoid other protected species being harmed during the construction phase the applicant's ecologist has recommended that the active sett be closed under the terms of a Natural England license prior to any potentially disturbing works. The survey report also includes other measures to reduce the risk posed to other protected species. If planning consent is granted the Councils Ecologist advises that this approach is acceptable.

The Councils Ecologist advises that the proposed development would result in a low-level adverse impact upon other protected species as a result of the loss of suitable foraging habitat.

The status of other protected species can change in a short timescale therefore if planning consent is granted The Councils Ecologist advises that a condition be attached which requires the submission of an updated badger survey prior to the commencement of development.

### Bats

A further bat roost assessment of the trees to be removed as part of the proposed development has been submitted. None of the trees proposed for removal have potential to support roosting bats. The Councils Ecologist advises that roosting bats are unlikely to be directly affected by the proposed development.

### Lighting

Whilst the application site offers limited opportunities for roosting bats, bats are likely to commute and forage around the site to some extent. To avoid any adverse impacts on bats resulting from any lighting associated with the development The Councils Ecologist advises that a detailed lighting scheme is submitted in support of the application. This can be secured by condition.

### Invertebrates

The submitted ecological assessment advises that the site may support priority invertebrate species. The application site is however unlikely to be significantly important for these species.

### Hedgehogs

This priority species may be present on the application site on a transitory basis. If planning consent is granted the incorporation of features to facilitate the movement of this species can be incorporated into the scheme through the ecological enhancement features condition as requested below.

### Biodiversity Net Gain

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. The Councils Ecologist advises that the applicant must undertake and submit an assessment of the residual ecological impacts of the proposed development using the Natural England Biodiversity 'metric' methodology version 3.1.

An assessment of this type would both quantify the residual impacts of the development (after identified potential impacts have been avoided, mitigated and compensated for in accordance with the mitigation hierarchy) and calculate in 'units' whether the proposed development would deliver a net gain or loss for biodiversity.

Offsite habitat creation measures may be required if suitable provision to achieve a biodiversity net gain cannot be delivered on site.

### Ecological Enhancement features

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.

The Councils Ecologist advises that the applicant submits an ecological enhancement strategy prior to the determination of the application or if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

The above conditions are considered both reasonable and necessary to mitigate the impact of the development.

A Biodiversity Net Gain Assessment has been recently provided and is currently being considered by the Councils Ecologist. Comments on this will be provided in the update report. Any requirement for habitat creation of contributions towards such can be secured by Way of Section 106 Agreement.

Therefore the proposal Policy SE3 of the CELPS, excluding the yet to be considered Biodiversity Net Gain Assessment.

### **Power Lines/Safety**

Overhead power lines cross the site. These are to be diverted underground and would be dealt with under legislation outside of planning.

Cadent Gas have also been consulted who have offered advisory notes to the applicant.

## **Flood Risk**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps but the site area is over 1 hectare so requires a Flood Risk Assessment.

This has been provided and advises that the risk if flooding from all sources is considered to be very low, therefore no site specific mitigation measures are considered necessary.

Surface water run off will be discharged to a ditch in the southern extent of the site. Drainage should be made at the 1 in 1 year greenfield run off rate of 5.3 l/s.

It is proposed to divert the existing 150mm public sewer which crosses the site. Attenuation storage will be provided to accommodate the 1 in 100 year plus 40% climate change event. Foul flows will be discharged to the public foul sewer in Close Lane via a pumped solution.

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

Councils Flood Risk Team have also been consulted who raised no objection to the principle however require further clarity as they discourage below ground storage structures and recommend the developer amends the proposal to include above ground storage, they also request the applicant consider daylighting the section of public sewer which crosses the site and for the applicant to consider the use of above ground SuDS attenuation systems and daylighting the existing culvert within the site boundary.

Further detail has been provided to the Council Flood Risk Officer which will be provided in the update report.

Therefore, it would appear that any flood risk/drainage issues, could be suitably addressed by planning conditions and as such the proposal complies with Policy SE13.

## **ECONOMIC SUSTAINABILITY**

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

## **OTHER**

The majority of comments received though representations have been dealt with above in the report. However, some remain unaddressed so are dealt with below:

- White Moss is designated for homes, yet the planning permission is now extant – *noted however the site still is allocated for circa 350 dwellings in the local plan which is a material consideration*
- Construction impacts – *this is dealt with under legislation outside of planning*



- Crime concerns – *this is dealt with under legislation outside of planning*
- Dispute over boundary lines – *this is a civil matter*
- What is happening with existing power lines – *they are being diverted underground and would be dealt with outside of planning*

## **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.

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

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

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

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

## **PLANNING BALANCE**

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

However, the submission draft of the SADPD proposes the site to form part of the settlement boundary. This is clearly a material consideration and given its stage of adoption and lack of objections, it is considered to carry at least moderate weight.

The site already has an extant consent for 16 houses so residential development on the northern part of the site has already been established. The site is also bound by development to the east and south with the allocation to the west for further residential development. As such to some degree the proposal could be considered as rounding off the settlement to a landlocked site.

The benefits of the proposal would be the provision of open market housing provision of 100% affordable units which would go towards meeting an identified local need.

The proposal would also provide economic benefits including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

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

The impact upon infrastructure would be neutral as there have been no requests for contributions for health and contributions towards Open Space and Education can be secured by way of Section 106 Agreement. And would comply with Policies IN1, IN2 of the CELPS and RT3 of the CNLP.

The development would not have significant drainage/flood risk implications and would be compliant with SE13 of the CELPS & BE4 of the CNLP.

The proposal will not have any severe highway impacts and as such complies with Policies CO2 & CO4 of the CELPS and BE3 of the CNLP.

With regard to ecological impacts, subject to conditions it is considered that the ecological impacts can be mitigated. As a result the proposal complies with Policies NE5, NE9 of the CNLP and SE 3 of the CELPS.

The development subject to conditions is supported in design terms. The proposal would accord with CELPS policies SD1, SD2, SE1, and with the NPPF in relation to design quality and the requirements of the CEC Design Guide.

The impact on trees and landscape are not fully known at this stage but the layout suggests that the proposal could be accommodated without undue impact.

In conclusion the benefits of the scheme to provide 100% affordable housing in a sustainable local and the limited economic benefits, would outweigh the harm to the open countryside and a slight shortfall in amenity space for some of the dwellings.

## RECOMMENDATION:

### APPROVE subject to S106 with the following Heads of Terms

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	100% affordable housing	In accordance with details to be submitted and approved.
<b>Amenity Green Space and Play Provision</b>	1,560m <sup>2</sup> on site provision	To be paid prior to the first occupation of the 27 <sup>th</sup> dwelling.
<b>Outdoor Sports Contribution</b>	£1,000 or £500 per 2+ bed apartment space	To be paid prior to the first occupation of the 27 <sup>th</sup> dwelling.
<b>Education</b>	Contribution required for 8 secondary pupils and 1 SEN totalling £176,241.52	To be paid prior to the first occupation of the 27 <sup>th</sup> dwelling.

and the following conditions:

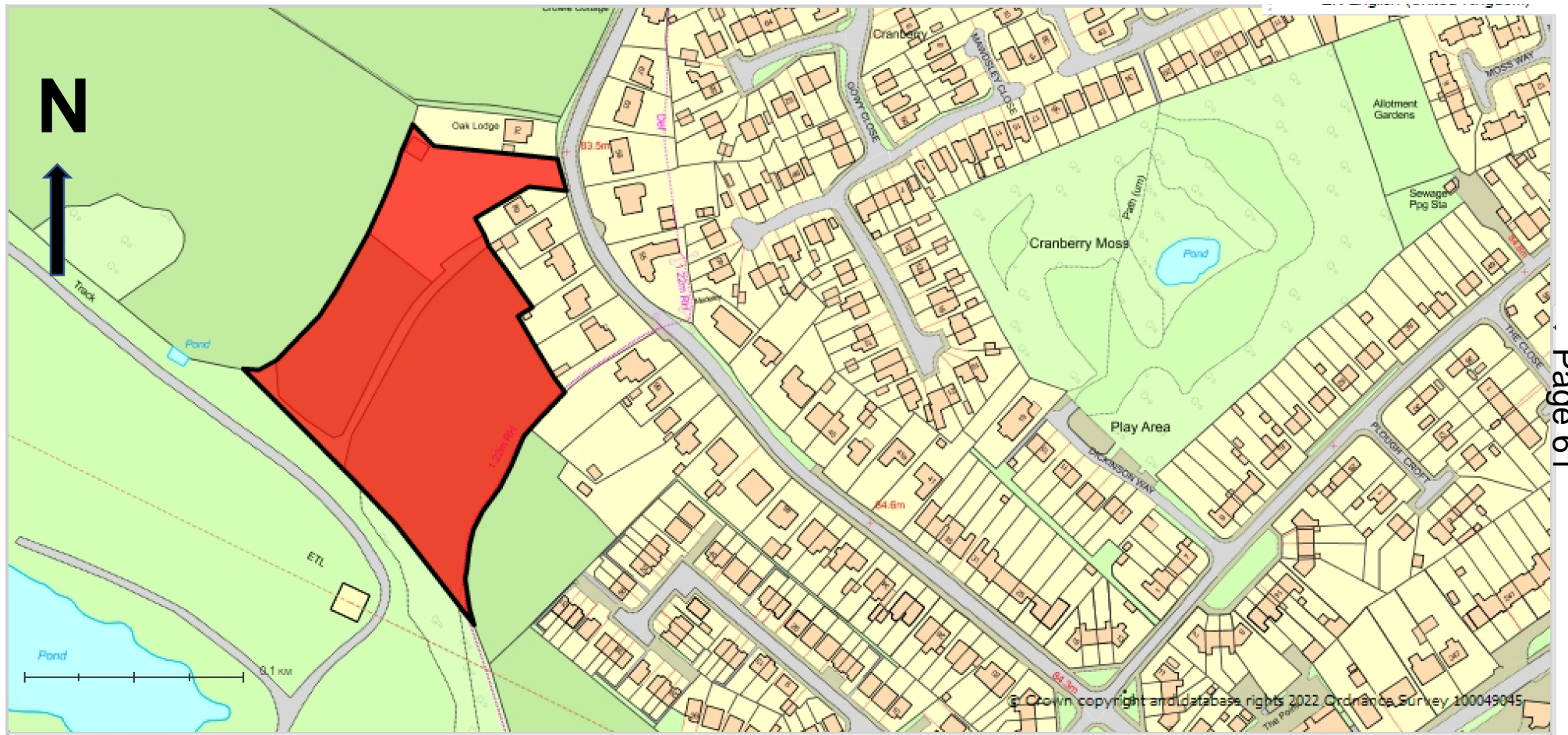
- 1) 3 year time limit
- 2) Development in accordance with the approved plans
- 3) Details of proposed materials
- 4) Details of piling methods
- 5) Dust suppression methods
- 6) Details of travel planning
- 7) Details of electric vehicle charging points
- 8) Details of low emission boilers
- 9) Contaminated land risk assessment
- 10) Contaminated land verification report
- 11) Contaminated land soil testing
- 12) Contaminated land unexpected contamination
- 13) Details of a sustainable surface water drainage scheme and a foul water drainage scheme
- 14) Sustainable drainage management and maintenance plan
- 15) Submission of an updated badger survey
- 16) Detailed lighting scheme
- 17) Submission of an ecological enhancement strategy
- 18) Details of final material pallet
- 19) Details of levels
- 20) Removal of permitted development rights for outbuildings and extensions

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

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

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	100% affordable housing	In accordance with details to be submitted and approved.
<b>Amenity Green Space and Play Provision</b>	1,560m <sup>2</sup> on site provision	To be paid prior to the first occupation of the 27 <sup>th</sup> dwelling.
<b>Outdoor Sports Contribution</b>	£1,000 or £500 per 2+ bed apartment space	To be paid prior to the first occupation of the 27 <sup>th</sup> dwelling.
<b>Education</b>	Contribution required for 8 secondary pupils and 1 SEN totalling £176,241.52	To be paid prior to the first occupation of the 27 <sup>th</sup> dwelling.





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Application No: 21/4382N

Location: HUNTERS LODGE HOTEL, 296, SYDNEY ROAD, CREWE, CW1 5LU

Proposal: Demolition of existing buildings and erection of a residential development (Use Class C3) alongside a care home (Use Class C2) with associated access, parking, landscaping and infrastructure

Applicant: Seddon Homes Ltd

Expiry Date: 30-Sep-2022

## SUMMARY

The application site is located largely within the Crewe settlement boundary, with part of the red edge including an agricultural field to the north and east which is located within the Open countryside and Green Gap.

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.

The amended plans show largely the open space and ecological area located within the open space to the north and with small area of the site to the north and the east slightly protruding into the open countryside/Green Gap. It is considered that the location of the open space including a LEAP complies with Policy PG6 as outdoor recreation and therefore is acceptable in principle.

The small incursion in relation to a pathway, tree planting and a small parking allocation, and single storey element of the care home, will have some impact on the open countryside, however as noted below, have been designed to help to create a positive rural transition. Whilst there is some incursion into the Green Gap on the edges, it is considered that on balance, the development as amended, is acceptable in principle. The development as proposed is therefore considered to comply with policies PG5 and PG6, of the Cheshire East Local Plan Strategy and RES.5 of the Crewe and Nantwich Local Plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications are made in accordance with the Development Plan

unless material considerations indicate otherwise, these matters are discussed further below.

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

The layout and size of the of the scheme is now considered to be more in keeping with the character and appearance of the area and rural edge. The Design Officer has raised concerns over some of the house types and details in terms of landscaping and planting and surfacing materials, however the scheme is largely acceptable and subject to conditions for materials, boundary treatment, hardsurfacing, landscaping and tree planting the scheme is acceptable.

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.

The scheme will contribute towards the normal mitigation required in relation to Education, NHS, POS, and Affordable Housing (and Biodiversity net gain – if required).

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

## **RECOMMENDATION**

**Approve subject to S106 Agreement and conditions**

## **REASON FOR REFERRAL**

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

## **PROPOSAL**

Full Planning Permission is sought for the demolition of the existing buildings on the site and the erection of 55 (reduced from 68 originally) dwellings and a care home.

## **SITE DESCRIPTION**

The application site relates to the Hunters Lodge, Sydney Road, Crewe. The application site is a former hotel. The existing buildings are accessed off a driveway and include hotel rooms and a function rooms.

The application site lies to the east of Sydney Road, towards the eastern edge of Crewe. To the east of the side is the wider rural landscape. The application site comprises a building that was formerly the Hunters Lodge Hotel, a car parking area and an area of agricultural grassland which forms part of a larger field that extends to the east, there is an area of woodland along the northern boundary.



The site is located partly within the Crewe settlement boundary (the existing built development site) with the northern and eastern boundary and field being located within the Open Countryside and Green Gap.

## **RELEVANT HISTORY**

12/4494N - Outline planning approval for up to 44 No. dwellings, vehicular access, associated garaging, car parking and landscaping. (All matters reserved except access) – Refused 22<sup>nd</sup> February 2013 – Dismissed at Appeal 29<sup>th</sup> July 2014

P02/0264 – Ground and First Floor Extensions, 37 Additional Bedrooms and New Leisure Facility – Approved with conditions 13<sup>th</sup> May 2002

P96/0826 – Linen store – Approved 22<sup>nd</sup> November 1996

7/19329 – Two storey and 1st floor extension to form 18 bedrooms – approved with conditions 7<sup>th</sup> February 1991

7/17331 – 18 no bedroom extension to motel – approved with condition 3<sup>rd</sup> August 1989

7/16006 – 18 no bedroom motel extension – approved with conditions 5<sup>th</sup> October 1988

7/15668 – One post mounted pictorial sign – approved with conditions 4<sup>th</sup> August 1988

7/16263 – Hotel sign – approved 7<sup>th</sup> December 1988

7/14234 – Alterations and extensions to provide additional dining area, central kitchen, staff changing rooms, lounge for motel residents – approved with conditions 6<sup>th</sup> May 1987

7/10902 – 12 additional bedrooms – Approved with conditions 30<sup>th</sup> April 1984

7/11022 – 2 no externally illuminated signwritten boards. – approved with condition 7<sup>th</sup> June 1984

7/11482 – Small conference room – approved 18<sup>th</sup> October 1984

7/05630 – Extension to form lounge, toilets, kitchen and cellars – approved with conditions 19<sup>th</sup> July 1979

7/05917 – Beer store – Approved 11<sup>th</sup> October 1979

7/04047 – Residential development – refused 11<sup>th</sup> September 1978

7/04056 – Extensions, car parking and landscaping schemes – approved with conditions 29<sup>th</sup> June 1978

## **PLANNING POLICY**

### **Development Plan**

*Cheshire East Local Plan Strategy (CELPS);*

MP1 (Presumption in favour of sustainable development)  
PG1 (Overall Development Strategy)  
PG2 (Settlement Hierarchy)  
PG5 (Strategic Green Gaps)  
PG6 (Open countryside)  
PG7 (Spatial Distribution of Development)  
SD1 (Sustainable Development in Cheshire East),  
SD2 (Sustainable Development Principles),  
IN1 (Infrastructure)  
IN2 (Developer Contributions)  
EG3 (Existing and Allocated Sites)  
EG4 (Tourism)  
SC1 (Leisure and Recreation)  
SC2 (Indoor and Outdoor 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),  
SE6 (Green Infrastructure)  
SE8 (Renewable and Low Carbon Energy)  
SE9 (Energy Efficient Development)  
SE11 (Sustainable Management of Waste)  
SE12 (Pollution, Land Contamination and Land Instability)  
SE13 (Flood Risk and Water Management)  
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)*

NE.4 - Green Gaps  
NE.5 - Nature Conservation and Habitats  
NE.9 – Protected Species  
BE.1 – Amenity,  
BE.3 - Access and Parking,  
BE.4 - Drainage, Utilities and Resources,  
BE.6 - Development on Potentially Contaminated Land  
RES.2 - Unallocated Housing Sites,  
RES.5 – Housing in the Open Countryside

RT.2 – Equipped Children’s Playgrounds

RT.3 - Provision of Recreational Open Space and Children’s Playspace in new housing developments,

RT.5 – Allotments

CF.3 – Retention of community Facilities

### **Cheshire East Draft Site Allocations and Development Policies Document (SADPD)**

The Site allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Plan was submitted for examination in April 2021, hearings took place in October and November 2021. Draft Main Modifications were consulted on during April and May 2022. Noting the relatively advanced stage of the SADPD it is considered that at least moderate weight should be applied to relevant policies, including the proposed modifications.

PG9 Settlement Boundaries

PG13 Strategic Green Gaps

GEN 1 Design principles

ENV 1 Ecological network

ENV 2 Ecological implementation

ENV 3 Landscape Character

ENV 5 Landscaping

ENV 6 Trees, hedgerows and woodland implementation

ENV 15 New Development and existing uses

ENV 16 Surface water management and floodrisk

HER 8 Archaeology

RUR 6 Outdoor sport, leisure and recreation outside of settlement boundaries

HOU 1 Housing Mix

HOU 2 Specialist housing provision

HOU 10 Amenity

HOU 12 Housing Density

HOU 13 Housing delivery

INF 3 Highway Safety and access

REC 2 Indoor sport and recreation implementation

REC 3 Open space implementation

### **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 condition for a zebra crossing and secure cycle storage for the development.

**CEC Environmental Protection** – No objections to the proposal subject to conditions regarding electric vehicle charging points, ultra-low emission boilers, travel plan, Phase II contaminated land report, remediation scheme implementation, verification report, soil importation materials, unexpected contaminated land.

**CEC Flood Risk** – No objection in principle. Conditions suggested for surface water management plan and drainage scheme, and levels details

**CEC Housing** – No Objections

**CEC Open Space** (ANSA) – No objections in principle to revised scheme. Outdoor Sport contribution required for family dwellings at £1,000 or £500 per 2 + bed apartment in line with the Council's Playing Pitch Strategy. If approved full hard and soft landscape details required with LEAP Play facility and community orchard included.

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

**NHS Primary Care** – Request a contribution of £60,264 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 £121,424.0. £75,924.03 for Primary Education, and £45,500 for SEN. There is no Secondary Education contribution required.

**Natural England** – No objections

**Cadent Gas** – No objection subject to informative in relation to applicant responsibility's

**Brine Board** – No objections, subject to informative regarding the need for specific foundations and services.

**Archaeology** – No archaeological recommendations for this proposed development.

**Crewe Town Council** – Most recent consultation response (12/9/2022)

Crewe Town Council has expressed its opposition to the proposal and remains in opposition to the proposal on open greenfield land, which is not identified within the Cheshire East Local Plan for development.

*Comments from 23<sup>rd</sup> March 2022*

The committee confirmed its previous objection to the principle of development and proposals, including concerns relating to accessibility for active travel due to dangers crossing a busy main road, the concerns raised by residents in response to the consultation and the loss of green space and open countryside.

*Original comments dated 22<sup>nd</sup> September 2021*

The committee recognises and supports residents' concerns relating to this application and therefore objects to the application on the following points:

- i. The proposals represent over development of the site
- i. The development does not demonstrate net biodiversity gain as per Planning Authority Policy
- ii. Boundary treatments do not provide wildlife permeability
- iii. Lack of parking for the residential home – does not provide adequate parking for staff and visitors will lead to on street parking and impact amenity of the development
- iv. Inadequate provision for deliveries to the car home element causing safety risk during maneuvers as well as potential impact on residential amenity
- v. The development does not provide community compensation (CIL or Section 106)
- vi. The peninsula design of the proposals does not provide permeability for active travel, which does not support the active travel policies of Cheshire East or reflect the Climate Crisis as recognised by Cheshire East Council
- vii. Previous applications on the site have been declined
- viii. The development will result in the destruction of greenfield land not identified for development within the Cheshire East Local Plan

## **REPRESENTATIONS**

Letters of representation have been received from 25no households and Cllr Brookfield and Cllr Bratherton. The main issues raised are;

- Objection to development within the Green Gap
- Objection to development in the open countryside
- Objections to the loss of the existing building which could be converted for other uses, such as, a nursing home/care facility
- Overly dense development
- Lack of infrastructure in the area to cope with any further development, eg no doctors, schools,
- Unsustainable location
- Too much housing development in this area
- Highways safety concerns in an area which is saturated by cars, air pollutions and noise from additional vehicle movements in the area
- Impact on wildlife and protected species
- Impact on neighbouring amenity by means of overlooking, over bearing and visual impact
- Site was refused previously for housing and was not allocated within the plan – should not be approved
- Does not accord with planning policy
- Loss of green spaces
- Concerns over potential flooding in the area caused by new development
- Lack of parking provision shown within the site
- Properties are located directly onto Sydney Road
- Lack of greenspace for children to play
- No safe crossing for children to access park on the Lansdowne Estate

- The council has a 5 year housing land supply so no new dwellings are needed
- Applicants felled a number of mature trees before the application was submitted and lack any respect for the environment
- Site was rejected by neighbours when consulted in 2012/13 on the LPS
- Play area is within the Green Gap and therefore should be rejected
- It is an over development of the site, and out of character with the surrounding area
- Concerns raised over the stability of the land due to the land being at high risk of subsidence
- Revisions have not taken into account neighbours objections and concerns
- Loss of agricultural land
- Sydney road is a main route for emergency vehicles and traffic is already an issue

## **OFFICER APPRAISAL**

### **Principle of Development**

The majority of 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.

The majority of the site is considered to be a brownfield site with an existing Hotel and Bar located down a long driveway with landscaping to either side. Whilst the floorspace created by the new development will exceed the floor space of the existing building, given the site is located within the settlement boundary this is not a requirement, as development is acceptable in principle, subject to compliance with all other relevant policies of the development plan.

### *Green Gap*

The red edge of the site, to the north and east, includes areas of the Crewe / Haslington Strategic Green Gap as identified in LPS policy PG5 'Strategic Green Gaps' and Figure 8.3 of the Local Plan Strategy. LPS policy PG5 'Strategic Green Gaps' identifies that planning permission will not be granted for the construction of buildings that would:-

- i. Result in erosion of a physical gap between any of the settlements; or*
- ii. Adversely affect the visual character of the landscape; or*
- iii. Significantly affect the undeveloped character of the Green Gap, or lead to the coalescence between existing settlements*

Exceptions to this policy are only considered where it can be demonstrated that no suitable location is available.

Amended plans have been received which have removed the majority of the build development outside of the Green Gap, with largely only the Open Space and Ecological areas proposed within the green gap. There is a small area on the edge which has some development including, a pathway, landscaping and a small 3 bay car parking area, and the single storey part of the care home projects into the Green Gap. Therefore, there is some protrusion into the Green Gap, but the scheme is much reduced from the original proposal.

## *Open countryside*

The same area of land is also noted as being outside of any defined settlement boundary<sup>1</sup> in policy PG 6 'open countryside' of the LPS. In the open countryside, only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

Policy RES.5 of the Crewe and Nantwich Local Plan sets out where residential development may be acceptable within the open countryside. This includes infill plots and agricultural workers dwelling.

The amended plans show largely the open space and ecological area located within the open space to the north and with small area of the site to the north and the east slightly protruding into the open countryside. It is considered that the location of the open space including a LEAP complies with Policy PG6 as outdoor recreation and therefore is acceptable in principle.

The small incursion in relation to a pathway, tree planting and a small parking allocation, and single storey element of the care home, will have some impact on the open countryside, however as noted below, have been designed to help to create a positive rural transition.

Whilst there is some incursion into the Green Gap on the edges, it is considered that on balance, the development as amended, is acceptable in principle. The development as proposed is therefore considered to comply with policies PG5 and PG6, of the Cheshire East Local Plan Strategy and RES.5 of the Crewe and Nantwich Local Plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications are made in accordance with the Development Plan unless material considerations indicate otherwise, these matters are discussed further below.

## **Housing Land Supply**

The Council has a supply of deliverable housing land in excess of the minimum of 5 years required under national planning policy. As a consequence of the decision by the Environment and Communities Committee on 1 July 2022, to carry out an update of the Local Plan Strategy (LPS), from 27 July (the fifth anniversary of its adoption), the borough's deliverable housing land supply is now calculated using the Council's Local Housing Need figure of 1,070 homes/year, instead of the LPS annual housing requirement of 1,800 homes.

The 2020 Housing Delivery Test Result was published by the Department for Levelling Up, Housing & Communities on the 14 January 2022 and this confirmed a Housing Delivery Test Result of 300% for Cheshire East.

Under-performance against either of these can result in relevant policies concerning the supply of housing being considered out-of-date with the consequence that the 'tilted balance' at paragraph 11 of the NPPF is engaged. However, because of the Council's housing supply and delivery performance, the 'tilted balance' is not engaged by reference to either of these matters.

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<sup>1</sup> as listed in table 8.3 'settlements with a defined settlement boundary' in the LPS

## 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 within Sydney, 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 site as amended is split between the 12 x 1 bedroom apartments, 6 x 2 bed room dwellings/apartments, 30 x 3 bed roomed houses and 7 x 4 bed roomed houses. There is also a 6-bed specialist care home on the site. All 12 of the 1 bed apartments are to be affordable homes (rented), 2 of 2-bedroom dwellings are proposed as affordable houses (not defined) and 2 of the 2 bed apartments are proposed to be affordable shared ownership units. The development has been amended significantly from the original proposal and there is good mix of apartments, semi-detached, and detached dwellings with a mix of 1, 2, 3 and 4 bedroom properties amongst the scheme.

In terms of dwelling sizes, it is noted that HOU6 of the SADPD requires that new housing developments comply with the Nationally Described Space Standards (NDSS). As part of the SADPD Inspectors post hearing comments he accepts this requirement but states that;

*‘as advised in the PPG, a transitional period should be allowed following the adoption of the SADPD, to enable developers to factor the additional cost of space standards into future land acquisitions. Given that the intention to include the NDSS in the SADPD has been known since the Revised Publication Draft was published in September 2020, a 6-month transitional period for the introduction of NDSS, following the adoption of the SADPD, should be adequate. This should be included as an MM to criterion 3 of Policy HOU 6’*

The case officer has requested a table to show the dwelling sizes and whether they comply with the NDSS. This will be provided as an update report.

### *Provision of C2 and older persons accommodation*

Criteria 3 of LPS policy SC4 ‘Residential Mix’ states that development proposals designed specifically for the elderly and people who require specialist accommodation will be supported



where there is a proven need; they are located within settlements; accessible by public transport; and within a reasonable walking distance of community facilities such as shops, medical services and public open space.

In this instance the use proposed under C2 is for adults with disabilities, and although the site is reasonably accessible in terms of walking distancing to some facilities, local Doctors and Schools are some distance away, as are local supermarkets, convenience stores etc. The applicant states that this site has been selected due to its location on the edge of the town with good links with the town and semi-rural location. The majority of the building is located within the settlement boundary although the single storey element protrudes into the Green Gap/open countryside. The proposal is in general compliance with policy SC4 and therefore is considered on balance to be acceptable in this instance. Furthermore, the affordable 1 bed units are linked to the C2 use in that they are to be used as a step-down provision for adults who require less care but still an element of help is needed and the carers from the Care home will also be managing elements of care for the occupants of the apartments.

### **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 CELP 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.

The applicant has come back with a revised proposal. The new amount on site has been reduced to 55 units in total, with 16 affordable units and 6 bedrooms within the care home. The C2 element is included as part of the overall provision and should be included in providing the 30% Affordable Housing quota. This is based on the Rectory Homes High Court Ruling.

The proposal would provide 16 affordable where 30% would amount to 16.5 units. The applicant has proposed making up the 0.5 reduction as a financial contribution for the cost of half a 2-bedroom unit. The Strategic Housing officer has agreed to this proposal and therefore it is considered that the proposal is in line with policy SC 5.

The affordable housing provision and contribution must be secured by S106 Agreement.

## **Open Space**

The Council's Green spaces officer has considered the proposal as set out and based their comments on the Landscape Strategy Plan, reference: 525C-16 Rev E.

The Council's Green Spaces Officer considers that the revised design submitted 19 August 2022 is greatly improved with a LEAP set in increased open space, including connectivity and space allocated for food growth, and is therefore supportive of this application in its current format.

However, the LEAP – Precedent Imagery inset of the Landscape Strategy Plan does not promote a fully inclusive scheme via either the equipment or surfacing. The paths should be a resin bound gravel not rolled stone to give good accessibility. The LEAP does enjoy good natural surveillance and has the required minimum buffer set out by Fields in Trust.

The Landscape Strategy Plan currently shows species rich grassland surrounding the LEAP however, the Green Spaces officer states that whilst she is happy for the periphery to be sown this way the majority is more suited to wear tolerant amenity grass. Although this flowering mix benefits pollinators including bees, hoverflies etc. it is not ideal for children playing informal games.

Further, seating and a welcome introduction of orchard tree planting has been incorporated to support community use. The applicant previously indicated raised beds could be incorporated where appropriate to support community cohesion which would also support residents who are less mobile which would be most welcome.

Therefore, the Greenspaces officer considers that should the committee deem this development acceptable in its current format, a full hard and soft landscape details should be submitted by condition along with details of the LEAP play facility and community orchard space.

Furthermore, Outdoor Sport contributions are required for family dwellings of £1,000 or £500 per 2+ bed apartment space to be spent in line with the Council's Playing Pitch Strategy. This should be secured by Legal Agreement.

## **Education**

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 development of 43 family dwellings is expected to generate:

- 7 - Primary children (43 x 0.19) (- 1 SEN)
- 7 - Secondary children (43 x 0.15)
- 1 - SEN (43 x 0.51 x 0.023%)

The development is expected to impact on primary and secondary school places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts

both in terms of the increased pupil numbers and the increased capacity at primary and secondary schools in the area because of agreed financial contributions. The analysis undertaken has identified that a shortfall of primary school places remains.

The Service acknowledges that this is an existing concern, however the 7 primary age children expected from Hunters lodge hotel scheme will exacerbate the shortfall.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Service acknowledges that this is an existing concern, however the 1 child expected from the Hunters lodge hotel scheme, application will exacerbate the shortfall.

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

$7 \times £11,919 \times 0.91 = £75,924.03$  (Primary)

$1 \times £50,000 \times 0.91 = £45,500$  (SEN)

Total education contribution: £121,424.03

Without a secured contribution of £121,424.03 Children's Services raise an objection to this application.

## 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, Millcroft Medical Centre and Earnswood Medical Centre, Haslington Surgery and Hungerford Road Surgery.

The mitigation requested is based on the original proposal of 68 dwellings. Using the following formula the contribution amount should be amended to £49,428 to accommodate the reduced number of units of 55 and the current housing mix.

<b>Size of Unit</b>	<b>Occupancy Assumptions Based on Size of Unit</b>	<b>Health Need/Sum Requested per unit</b>
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 £49,428. 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.

## **Residential Amenity**

The application site is surrounded by residential development, the Brethrens Meeting House and open countryside. The site is bounded by two storey dwellings to the northwest and south west located off Sydney Road and Bentley Drive.

The Council's separations standards, set out in the Development on Backland and Gardens SPD suggests a separation distance of 21m between opposing principle windows and 13.5m principle 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 a general mix of detached, and semi-detached dwellings. Some with large gardens and others with smaller gardens.

The separation distance between all the existing dwellings on Sydney Road and Bentley Drive exceed 21m and therefore meet the required spacing standards. The only house with a lower standard is 11 Bentley Drive which is principle to a side elevation with non-principal windows which is distance of 14m which accords with the required 13.5m. Therefore the proposed development will not impact on neighbouring amenity in terms of overlooking or overbearing impact.

Internally most the dwellings meet the 21m standards however some to the lower part of the site are lower front to front of 17m. Given this is an internal arrangement this is considered to be acceptable.

The Council also has a standard of 50m<sup>2</sup> garden areas for future occupiers. The plan shows that all the dwellings achieve the required amount. The apartments have communal amenity space, and the site will provide an area of public open space to the north.

Environmental Protection have raised no objections to the proposal subject to conditions regarding electric vehicle charging points, ultra-low emission boilers, travel plan, Phase II contaminated land report, remediation scheme implementation, verification report, soil importation materials, unexpected contaminated land. These conditions are considered to be reasonable.

## **Highways**

The site is on the edge of Crewe off Sydney Road where access is taken from. The proposal is to demolish the existing hotel and replace it with 55 new residential properties which includes apartments. A 6-bedroom care home is also proposed and 12 of the apartments will be linked to the care home and will provide independent living space for occupants.

The existing access off Sydney Road will be amended and upgraded to serve the development.

### *Sustainable access*

There are existing pedestrian connections to the surrounding area including to nearby bus stops, and the PROWs north and south of the site access that provide links into Haslington. There is also footway and a PROW on the opposite side of Sydney Road which leads into the urban area of Crewe and towards Hungerford Primary School.

## *Safe and suitable access*

The amended access onto Sydney Road will have a carriageway width of 5.5m with 2m footways either side which is sufficient to serve a development of this size. The access also has sufficient visibility.

Sydney Road is a busy C-class road and given the scale of the development and that the majority of the destinations are on the opposite side of Sydney Road, a zebra crossing has also been proposed, along with widening of the footway between the crossing and the site access and the PROW. The crossing will also be subject to a Road Safety Audit during the technical approval process.

## *Network Capacity*

The proposed development will generate approximately 40 vehicle trips in a peak hour but the existing hotel would also have generated trips, and the net highways impact will be minimal.

## *Layout*

The internal access is 5.5m wide and narrows further in to 4.8m with shared surfaces which is acceptable. There is also sufficient car parking and turning areas within the site.

For the care home, there will be a maximum of 12 staff on site at any given time. Given the numbers of staff and rooms the CELPS car parking requirements would be for 8 spaces. Seven spaces are proposed and with being just a single space below standards and not off a main road is considered acceptable. Car parking demand surveys of other care homes also indicate that the provision will be adequate.

It's not clear if cycle parking is proposed for the apartments or care home staff and visitors, and this should be conditioned.

## *Conclusion*

The Strategic Highways Officer therefore considers that the proposal is acceptable, subject conditions which require the proposed zebra crossing to be implemented prior to first occupation, and details of secure cycle storage to be approved.

## **Landscape**

This is an application for the demolition of existing buildings and erection of a residential development (Use Class C3) alongside a care home (Use Class C2) with associated access, parking, landscaping and infrastructure. The application site lies to the east of Sydney Road, towards the eastern edge of Crewe. To the east of the site is the wider rural landscape. The application site comprises a building that was formerly the Hunters Lodge Hotel, a car parking area and an area of agricultural grassland which forms part of a larger field that extends to the east, there is an area of woodland along the northern boundary

As part of the submission a Landscape and Visual Impact assessment has been submitted, this indicates that it has been undertaken in accordance with the Guidance for Landscape and Visual

Impact assessment (GLVIA3), Third Edition, 2013. This identifies the landscape baseline as identified in the Cheshire East Landscape Character Assessment 2018, in this case LCT 4: Cheshire Plain East and specifically LCA 4d Wimboldsley.

The Landscape Assessment indicates that the landscape sensitivity for the site and its immediate surroundings is medium-low and for the site itself low and that the resulting effects upon completion would be minor adverse for the site and immediate surroundings and would be minor beneficial on the site itself; the assessment indicates that this would reduce to negligible for the site and immediate surroundings and moderate-minor beneficial for the site after a period of fifteen years. The Visual Assessment identifies that the visual effects on completion are negligible for five of the chosen receptors and minor adverse for two – FP3 Crewe and motorists and pedestrians using Crewe Road and that after 15 years the visual effects will be negligible for all but two receptors, users of FP38 Haslington and FP/Bridleway 43 Haslington, which would be minor beneficial. The Landscape Officer considered that that the northern part of the application site would have a medium-low rather than a low sensitivity and therefore the effects upon completion would be minor adverse rather than minor beneficial, but apart from that agreed broadly with the assessment of landscape and visual effects identified in the submitted LVIA.

The LVIA and submitted Planning statement identify that while the majority of the site lies within the settlement boundary of Crewe that the part of the northern and part of the eastern site lie outside the settlement boundary and in the area identified as Strategic Green Gap – Policy PG 5 and Open Countryside – Policy PG 6 in the Cheshire East Local Plan Strategy. The Landscape Officer previously confirmed that the proposals are acceptable across the majority of the site, e.g. within the settlement boundary, however considered that the proposals in the northern part of the site appeared to be contrary to Policy PG5 since they would adversely effect the visual character of the landscape.

The amended plans have taken the build development out of the Green Gap part of the site, with only the LEAP and minor built incursions on the edge. An update to the LVIA has been submitted with the revised plans, which outlines that the revised scheme will not result in any additional harm to landscape character, views or to the Strategic Green Gap.

It is therefore considered that the impact of the development will be acceptable and subject to detailed conditions in relation so soft and hard landscaping, levels and details of boundary treatment is considered to be acceptable.

### **Trees**

The revised layout has been supported by an updated Arboricultural Impact Assessment and Method Statement by E3P Ltd (80-481-R1-5) Dated 19/8/2022. The revised layout has resulted in a slightly improved relationship between plots and boundary trees T11-T13. The proposed position of the care home has arisen in a greater separation between the building and that formally proposed with the residential dwelling although the 14 metre high tree will now stand to the rear of the apartments with bedrooms and the ground floor quiet room and main access to the garden facing south directly towards the A Cat Oak. It is accepted that the build footprint is further away to that previously proposed with earlier layouts, although the configuration of the building and outside amenity space for residence stands to be heavily shaded and dominated by the tree.

It is noted that the AIA and MS have now made provision to identify and accommodate the areas of existing hard surfacing along the southeastern boundary which will require supervision in terms of breaking out the existing tarmac areas. The reduction in dwellings and increase in area of open space has allowed for an increase in tree planting as indicated on the updated Landscape Strategy Plan. The new tree planting would provide mitigation for losses proposed on the site and felling that took place prior to submission of the application.

Whilst the Forestry Officer remains of the view that the layout could be improved further regarding tree T16, it is accepted that no statutory protection applies to the trees on and adjacent to the site and that all construction is sited outside the RPAs, therefore the relationships indicated are considered broadly defensible.

Should the application be approved an updated Tree Protection and special construction measure scheme, levels and service/drainage layout details should be submitted by condition.

### **Design**

The application has been subject to revised plans which have reduced the scheme from 68 to 55 dwellings.

In line with LPS policy SD 2 'Sustainable Development Principles', criteria 1(ii) the scheme should be considered in how it contributes to the area's character and identify, creating or reinforcing local distinctiveness.

Reference should also be made to the extent to which the scheme uses appropriate design, construction, insulation, layout and orientation to create developments that are resilient to climate change, minimise energy use and support the policy objectives set out in LPS policy SD2 'Sustainable Development Principles', Criteria 1(viii).

Residential developments are also expected to provide open space, access to public transport, key services and facilities and encourage sustainable travel in line with the requirements of LPS policy SD2 'Sustainable Development Principles', criteria 2 and reference to table 9.1 'access to services and facilities.

Comments on urban design, with respect of the proposals compliance with the Design Guide SPD, LPS policy SE 1 'Design' including the building for life assessment will help the consideration of the suitability of the design of the scheme. This will also help to consider the site in terms of LPS policy SE2 'efficient use of land', and how the site, as a windfall development, considers impacts on landscape and townscape.

The Design Officer has considered that amended scheme has improved since the earlier 68 unit scheme and has the following comments to make. The layout has significantly improved in design terms from the original submission, creating a more cohesive design and one that better utilises the site having regard to previously developed land and land designated as green gap. The scheme is acceptable in layout terms. It is acknowledged that the applicant has responded in several fundamental areas and hopefully this will lead to a place where residents will experience a decent living environment whilst also creating a development that exists more successfully within its context.

The Design Officer considers that the area where there has been least improvement is in the general design of housetypes. Again, a little more innovation in the architecture and realising the potential of the site on the rural edge and in relation to landscape within the scheme, would have resulted in a more distinct place and would have added another layer to the liveability and enjoyment of the development for its residents. The Design Officer considers that several of the house types are a little weak, but on the whole the Case Officer considers that the design of the development is acceptable

In landscape terms the scheme has more significantly improved and will achieve greener streets and a stronger approach to landscape and play provision, better respecting the interrelationship with the rural edge and the policy considerations for the site. More meaningful play can be provided and there are opportunities for informal interaction within the layout. The Design Officer encourages a more creative design for the play, perhaps reflecting the relationship to the protected area for nature to the north of the POS. Some local growing opportunities have been created by proposed orchard planting and perhaps residents can extend and take this forward over time. A semiprivate landscaped courtyard for the specialist housing has been designed into the scheme, although this could have been more imaginatively conceived and detailed. This arrangement will provide a positive, defensible area for the specialist housing, whilst enabling occupants to feel part of the wider community.

Some informal sitting/meeting points have been included but there is further opportunity in relation to the main area of POS, both the play but also the less formal POS. This can be addressed in detailed landscape proposals by condition.

There are still locations however where more trees in front gardens could be secured and it is strongly encourage that as part of the detailed landscape design, that more trees are included. Also, the frontage landscaping of hedges, trees and other planting types should be subject to a 10 year management condition to help protect it from removal before full establishment.

It is unfortunate that the applicant has not sought to characterise the landscape of the scheme by using more innovative approaches driven by environmental considerations, such as rain gardens. This would have helped elevate the quality and distinctiveness of the place.

The Design Officer states that in regard to boundaries, within streets, rear garden boundaries should run in line with the dwelling and not step forward, enabling the space in front to be positively used to help green streets. There are a few examples where they should be set back to enable this. Boundaries adjacent to streets should be in brick (no timber infill) with positive landscaping to base, whilst adjacent to open space they should be in hit and miss fencing with a positive landscape in front, such as a meaningful native hedge, to help soften the interface. This can all be addressed as part of the detailed landscaping.

In terms of street materiality lanes should not be designed with bitmac, as this does not meet the objectives of the CEC design Guide. The primary street can be in bitmac but should include a gutter detail, therefore the approach to hardscape needs refinement to get as close as possible to that set out in the design guide. The approach to facing materials also feels a tad arbitrary and it is suggested that this be considered by condition along with refinement of the street materials.



In conclusion, the Design Officer considers that there has been substantive improvement from the original submission but there remain areas, as highlighted, where the design quality could be elevated to further improve the scheme. These elements can largely be dealt with by conditions in relation to materials, boundary treatment hard and soft landscaping, and surfacing materials.

### **Ecology**

The application includes a protected species survey, which the Councils Ecologist has considered. These comments are updated and reflect the revised plans and additional information submitted in support of this application.

#### Statutory Designated Sites

The application site falls within natural England's SSSI impact risk zones for residential developments. Natural England have been consulted on this application and raised no concerns.

#### Bats

No evidence of roosting bats was recorded during the surveys of the buildings on site and it is advised that roosting bats are not reasonable likely to be affected by the proposed demolition. A number of trees with bat roost potential were also recorded on site, however the trees that are reasonable likely to support bat roosts are retained as part of the proposals.

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.

#### Water vole, Otter and Great Crested Newt

It is advised that these species are not reasonable likely to be present or affected by the proposed development.

#### Reptiles

The risk of reptiles being present at this site is low. Grass snakes are the only species likely to occur in this locality, but the majority of habitats on site are unsuitable for this species. The potentially most suitable habitat is the area of scrub on the northern boundary. This area is retained as open space under the latest proposals, but the area scrub is not shown as being retained on the submitted landscape plan.

The ecologist has recommended that the landscape plans are updated to show the area as retained on the landscape plan.

#### Hedgerows

Native species hedgerows are a priority habitat and hence a material consideration. Two native species hedgerows are present on site.

A second hedgerows (identified as TN8 on the Phase One Habitat plan and hedgerow H4 on the tree report) would be lost as a result of the proposed development. It is recommended that in order to avoid a loss of biodiversity this hedgerow must be retained. If the loss of the hedgerow is considered unavoidable then the submitted landscape plan includes sufficient compensatory hedgerow planting to address its loss.

### Nesting Birds

If planning consent is granted a condition is required to safeguard nesting birds.

### Biodiversity Net Gain

In accordance with Local Plan policy SE3(5) all development proposals must seek to lead to an overall enhancement for biodiversity. In order to assess the overall loss/gains of biodiversity an assessment undertaken in accordance with the Defra Biodiversity 'Metric'.

The applicant considers that the site will provide the required biodiversity, however if following its revision the metric still shows a loss of biodiversity additional habitat retention/creation proposals will be required to ensure the scheme delivers a net gain. If a net gain cannot be achieved on site a section 106 agreement will be required to secure delivery at an offsite location. This matter will be updated to the committee.

Furthermore, 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. It is therefore recommended that the applicant submits an ecological enhancement strategy prior to the determination of the application or if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

Natural England have also commented on the application and have raised no concerns with the proposed development.

It is therefore considered that subject to clarification on the Biodiversity net gain, an amended landscape scheme and conditions in relation to lighting, breeding birds and a biodiversity enhancement scheme the development would not have an adverse impact on protected species and is in accordance with the development plan.

### **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**

The Strategic Flood Risk team have confirmed that there are no objections in principle to the revised proposals.

However, firstly, as land levels are being raised circa 300-700mm along existing boundaries, there is a potential requirement for boundary treatment to manage any adverse surface water runoff associated with these elevation changes. This should be included within the submission. The flood Risk officer has confirmed that this can be supplied by condition.

Secondly, the LLFA would expect at discharge of conditions stage for the surface water route to outfall to be clearly illustrated. The LLFA would need to be satisfied that the route is sustainable and adequate for the lifetime of the development. This submission must also include any third-party landowner agreements required for the surface water sewers routing. Please note that connection to the ordinary watercourse will also be subject to a land drainage consent application, under Land Drainage Act 1991.

The Flood Risk Team also note that the applicant has continued to propose the use of the attenuation tank. However, there is now an area of POS/open space land, and given Cheshire East is looking towards a more sustainable approach to flood management, the LLFA would strongly encourage above ground attenuation and the application of SuDs on sites where this is practicable. The LLFA suggest the applicant re-considers this as part of their discharge of conditions of the scheme.

Therefore, subject to a condition for a detailed drainage strategy to be submitted and levels details to be confirmed the proposal is considered acceptable.

United Utilities have been consulted on the application have raised no objection, subject to conditions for the implementation of the drainage scheme, 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.

A LEAP and a contribution of £40,000 towards outdoor sports provision is required in terms of Policy. 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 £75,924.03 towards Primary and £45,500 towards SEN provision. Which is a total education contribution of £121,424.03 in terms of mitigation for 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 £75,924.03 towards Primary and £45,500 towards SEN provision. Which is a total education contribution of £121,424.03 in terms of mitigation for 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 £49,428 is required to mitigate the impact on the NHS. This is directly related to the development to ensure the increased use of the site and access is mitigated. This is considered to be fairly and reasonably related in scale and kind.

The development will provide just short of 30% affordable housing provision, 16 Dwellings. It is considered necessary to ensure this is provided. 4 dwellings intermediate tenure and 12 affordable rental. This is 0.5 lower provision than the policy requirement and therefore a contribution of half a two bedroom unit will also be required. 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 largely within the Crewe settlement boundary, with part of the red edge including an agricultural field to the north and east which is located within the Open countryside and Green Gap.

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.

The amended plans show largely the open space and ecological area located within the open space to the north and with small area of the site to the north and the east slightly protruding into the open countryside/Green Gap. It is considered that the location of the open space including a LEAP complies with Policy PG6 as outdoor recreation and therefore is acceptable in principle.

The small incursion in relation to a pathway, tree planting and a small parking allocation, and single storey element of the care home, will have some impact on the open countryside, however as noted below, have been designed to help to create a positive rural transition.

Whilst there is a some incursion into the Green Gap on the edges, it is considered that on balance, the development as amended, is acceptable in principle. The development as proposed is therefore considered to comply with policies PG5 and PG6, of the Cheshire East Local Plan Strategy and RES.5 of the Crewe and Nantwich Local Plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications are made in accordance with the Development Plan unless material considerations indicate otherwise, these matters are discussed further below.

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

The layout and size of the of the scheme is now considered to be more in keeping with the character and appearance of the area and rural edge. The Design Officer has raised concerns over some of the house types and details in terms of landscaping and planting and surfacing materials, however the scheme is largely acceptable and subject to conditions for materials, boundary treatment, hardsurfacing, landscaping and tree planting the scheme is acceptable.

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.

The scheme will contribute towards the normal mitigation required in relation to Education, NHS, POS, and Affordable Housing (and Biodiversity net gain – if required).

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

#### **RECOMMENDATION:**

**Approve subject to S106 Agreement to secure:**

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	<b>30% affordable housing provision (16 Dwellings)</b>  <b>4 dwellings intermediate dwellings</b> <b>12 affordable rental</b>  <b>Contribution of half a two bedroom unit</b>	<b>Contribution – prior to commencement</b>  <b>Affordable Housing - All development to accord with Affordable Housing Statement</b>
<b>Public Open Space</b>	<b>Contribution of £40,000 towards outdoor sports provision</b>  <b>Provision of LEAP and Management scheme</b>	<b>Contribution – Prior to occupation of the 25<sup>th</sup> unit</b>  <b>Open Space and LEAP to be provided and available for use prior to occupation of the 25<sup>th</sup> dwelling</b>

<b>Education</b>	$\pounds 11,919 \times 0.91 = \pounds 75,924.03$ (Primary) $\pounds 50,000 \times 0.91 = \pounds 45,500$ (SEN)  <b>Total education contribution:</b> $\pounds 121,424.03$	<b>Primary Contribution -</b> <b>Prior to commencement</b>  <b>SEN Contribution –</b> <b>Prior to occupation of</b> <b>the 25<sup>th</sup> unit</b>
<b>NHS</b>	<b>Contribution of £49,428</b>	<b>Contribution - Prior to commencement</b>

**And the following Conditions**

1. Standard Time
2. Approved plans
3. Materials
4. Surfacing materials
5. Revised Landscape Scheme with a 10 year management plan
6. Landscape Implementation
7. Landscape plan to include details for LEAP play facility and community orchard
8. Boundary Treatment
9. Tree Protection scheme and special construction measures
10. Levels survey
11. Service/drainage layout
12. Biodiversity enhancement features
13. Safeguard Nesting Birds
14. Lighting strategy – prior to occupation
15. Details of secure and covered cycle parking – prior to occupation
16. Drainage Scheme
17. Detailed strategy/design limiting the surface water runoff generated by the proposal, and associated management /maintenance plan - required prior to commencement
18. Levels Details
19. Foul and surface water to be drained separately
20. Contaminated Land – Phase II report and remediation scheme
21. Contaminated Land – verification report to be submitted
22. Contaminate land – Soil Importation
23. Contaminate land - Unexpected Contamination
24. Travel Information Pack
25. Prior to occupation – EVI
26. Prior to occupation – Low emission boilers
27. Removal of PD
28. Zebra Crossing to be implemented prior to first occupation of the site

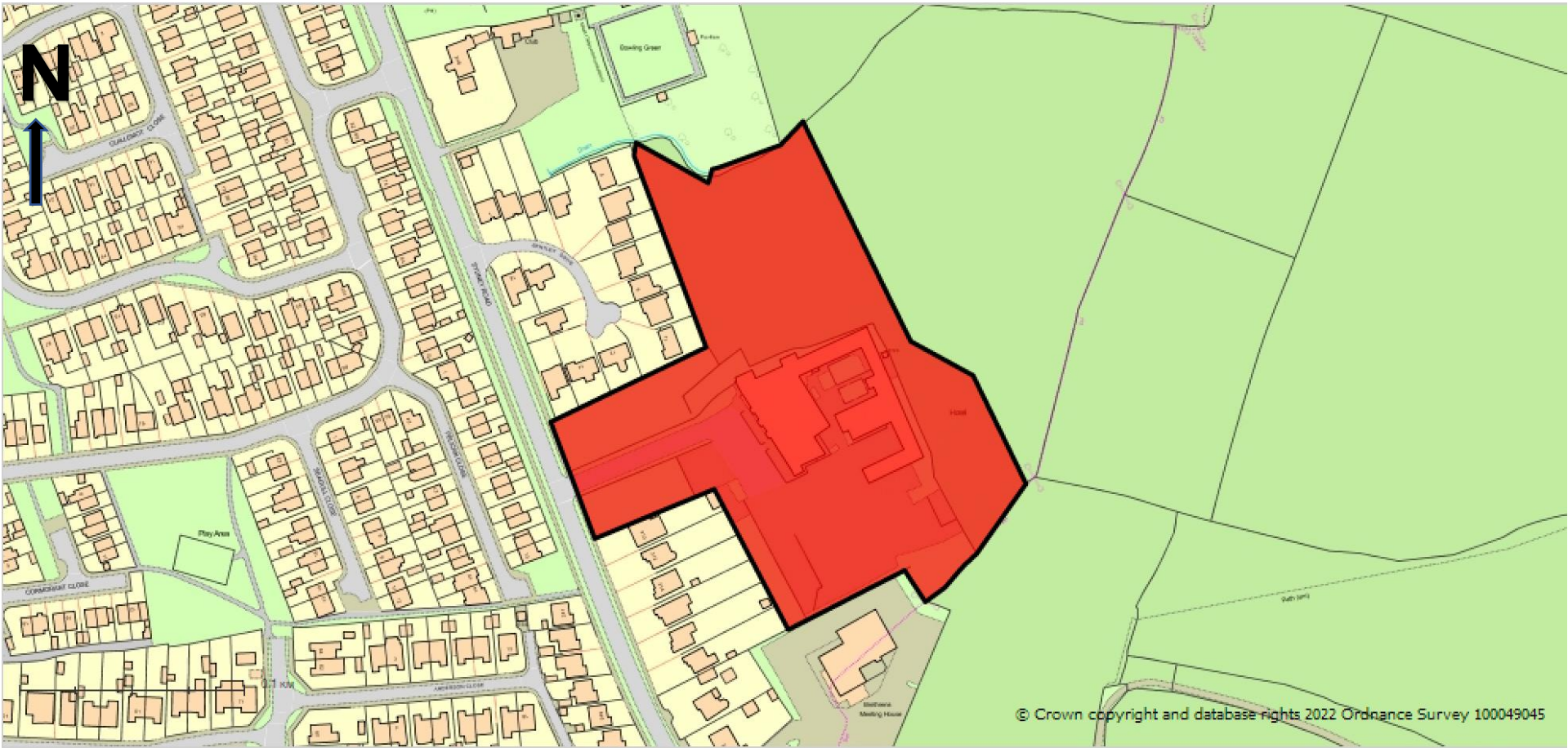
In order to give proper effect to the Southern Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution,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

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	<b>30% affordable housing provision (16 Dwellings)</b>  <b>4 dwellings intermediate dwellings</b> <b>12 affordable rental</b>  <b>Contribution of half a two bedroom unit</b>	<b>Contribution – prior to commencement</b>  <b>Affordable Housing - All development to accord with Affordable Housing Statement</b>
<b>Public Open Space</b>	<b>Contribution of £40,000 towards outdoor sports provision</b>  <b>Provision of LEAP and Management scheme</b>	<b>Contribution – Prior to occupation of the 25<sup>th</sup> unit</b>  <b>Open Space and LEAP to be provided and available for use prior to occupation of the 25<sup>th</sup> dwelling</b>
<b>Education</b>	<b>£11,919 x 0.91 = £75,924.03 (Primary)</b> <b>£50,000 x 0.91 = £45,500 (SEN)</b>  <b>Total education contribution: £121,424.03</b>	<b>Primary Contribution - Prior to commencement</b>  <b>SEN Contribution – Prior to occupation of the 25<sup>th</sup> unit</b>
<b>NHS</b>	<b>Contribution of £49,428</b>	<b>Contribution - Prior to commencement</b>







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Application No: 21/6364N

Location: Land Off, CREWE ROAD, HASLINGTON

Proposal: Proposal to construct 17 No. apartments, with associated landscaping and parking on land formally known as Medical Centre Land.

Applicant: Mr Daniel Wright, Vistry Homes Ltd

Expiry Date: 30-Sep-2022

### **SUMMARY**

Although the site is technically located within the open countryside. The wider site has an extant planning permission for residential development which is currently being built out. Together with the SADPD this is an important material planning consideration which would outweigh any conflict with PG6 of the CELPS. The previous application/appeal decision/S106 is noted, however there is no mechanism which can be used to require the provision of a medical centre or community use. The principle of the application is considered to be acceptable.

Insufficient information is provided in relation to affordable housing provision, but negotiations are continuing with the Councils Affordable Housing Officer. An update will be provided in relation to this issue.

The Open Space provision on the wider development site is acceptable and would serve this proposed development.

The proposed development by reason of its height, scale and bulk would not respect the character and appearance of the wider development. The proposal is also considered to be a dense, over-development of this part of the site with a car-dominated frontage and lack of landscaping. The proposed development is an unacceptable design which would harm the character and appearance of the area. The proposed development is contrary to Policies SE1, SD1, SD2 and SE4 of the CELPS, GEN1 and ENV5 of the SADPD, The Cheshire East Design Guide and the NPPF.

The highways impact was considered as part of the outline application and is considered to be acceptable. The parking provision and access to serve the development complies with BE.3 of the C&NLP and CO2 of the CELPS.

The impact upon trees, ecology and amenity are considered to be acceptable.

The matter of drainage could be controlled with the imposition of a planning condition. Further information is awaited in relation to the FFL of the development and an update will be provided.

Due to the issues raised above the application is recommended for refusal as it does not comply with the Development Plan as a whole.

**RECOMMENDATION**

**REFUSE**

**REFERRAL**

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

*'This application was originally refused by the Planning Committee and later approved by a Planning Inspector. The inclusion of a Medical Centre went some way to influence the inspector's decision in to build in a village that is struggling to provide medical and other services.*

*The loss of the medical centre is of great concern, but to replace it with a block of 3 story flats is preposterous. It is size is overbearing on the rest of the site, likely to be an eyesore as you drive in and does nothing to replace the loss of a promised facility, it is not in keeping with the rest of the estate either.*

*I have called this application in to be heard by committee, it needs to be understood as to why the medical centre was not adopted and what process the developer went through to market it. If the medical centre proves to be untenable, then the site should be turned over to provide some much needed facilities in Haslington, for example, a youth centre, a village hall, a leisure centre. Anything to put something back into the community instead of just more homes.*

*I've spoken to a number of residents who are quite angry at this loss. Some even bought houses on the 'promise' of a facility on site, they are quite peeved at the fact'*

**PROPOSAL**

This is a full planning application for the erection of 17 apartments on a residential development which is currently under construction.

The proposed development forms 2 three-storey blocks which are linked by a single-storey section, there would also be a two-storey wing to one side. A total of 17 car-parking spaces would be provided within a central courtyard and to space at either side.

This application proposes the following mix;

One bedroom – 12 units

Two bedrooms – 5 units

**SITE DESCRIPTION**

The wider site of the proposed development extends to 11.91 ha and is located to the southern side of Crewe Road. To the north and west of the site is residential development (fronting Crewe Road, Brookfield and Ashley Meadow).

The application site is surrounded by residential development, which is largely under construction to the east, south and west. To the north is an area of open space/ecological mitigation.

The approved development has commenced and is well advanced.

## **RELEVANT HISTORY**

22/0735N - Non-material amendment to application 17/2045N – Approved 9<sup>th</sup> March 2022

22/0734N - Non-Material Amendment (change in roof tile) to approval 18/5682N for Variation of Condition on approval 16/1046N - Reserved Matters application for 245 dwellings, highways, public open space, play facility and associated works following Outline application 13/4301N – Approved 8<sup>th</sup> April 2022

21/4562N - Non-material amendment to application 17/2045N – Approved 18<sup>th</sup> January 2022

20/0720N - Non Material Amendment to approval 16/1046N for Reserved Matters application for 245 dwellings – Approved 27<sup>th</sup> February 2020

18/5682N - Variation of condition on approval 16/1046N - Reserved matters application for the erection of 245 dwellings, highways, public open space, play facility and associated works following approved outline application (13/4301N) APP/R0660/A/14/2213304 – Approved 7<sup>th</sup> February 2019

17/3126N - Variation of condition 8 on application 16/1046N - Reserved matters application for the erection of 245 dwellings, highways, public open space, play facility and associated works following approved outline application (13/4301N) APP/R0660/A/14/2213304 – Approved 2<sup>nd</sup> November 2017

17/2045N - Approval of reserved matters (appearance, landscaping, layout and scale) on approval 13/4301N - erection of no.5 dwellings and associated works – Approved 14<sup>th</sup> June 2017

16/3197N - Prior approval of proposed demolition – Determination Not Required 15<sup>th</sup> July 2016

16/2832N - Erection of 2no advertisement boards to inform public of new residential site – Approved 4<sup>th</sup> August 2016

16/1889N - Reserved matters for erection of 9 dwellings and associated garages, highway works, attenuation basin - Outline Planning Application for Demolition of existing structures and foundations of a partly constructed building, and the erection of up to 250 dwellings, medical centre/community use, public open space, green infrastructure and associated works – Withdrawn 4<sup>th</sup> November 2016

16/1046N - Reserved matters application for the erection of 245 dwellings, highways, public open space, play facility and associated works following approved outline application (13/4301N) APP/R0660/A/14/2213304 – Approved 31<sup>st</sup> October 2016

13/4301N - Outline Planning Application for Demolition of existing structures and foundations of a partly constructed building, and the erection of up to 250 dwellings, medical centre/community use,

public open space, green infrastructure and associated works – Appeal against Non-Determination  
– Appeal Allowed 15<sup>th</sup> August 2014

13/2451S - EIA screening for proposed residential development of up to 250 dwellings – EIA Not  
Required 20<sup>th</sup> November 2013

## **NATIONAL & LOCAL POLICY**

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

PG1 – Overall Development Strategy  
PG2 – Settlement Hierarchy  
PG6 – Open Countryside  
PG7 - Spatial Distribution of Development  
SC4 – Residential Mix  
CO1 Sustainable Travel and Transport  
CO4 – Travel Plans and Transport Assessments  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 6 – Green Infrastructure  
SE 8 – Renewable and Low Carbon Energy  
SE 9 – Energy Efficient Development  
SE12 – Pollution, Land Contamination and Land Instability  
SE 13 Flood Risk and Water Management  
IN1 – Infrastructure  
IN2 – Developer Contributions

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

The relevant Saved Policies are:

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

### **Cheshire East Draft Site Allocations and Development Policies Document (SADPD)**

The Site allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Plan was submitted for examination in April 2021, hearings took place in October and November 2021. Draft Main Modifications were consulted on during April and May 2022. Noting the relatively advanced stage of the SADPD it is considered that at least moderate weight should be applied to relevant policies, including the proposed modifications.

PG8 – Development at Local Service Centres

PG9 – Settlement Boundaries

GEN1 – Design Principles

ENV2 – Ecological Implementation

ENV3 – Landscape Character

ENV5 – Landscaping

ENV6 – Trees, Hedgerows and Woodland Implementation

ENV16 – Surface water Management and Flood Risk

RUR5 – Best and Most Versatile Agricultural Land

HOU1 – Housing Mix

HOU10 – Amenity

HOU11 – Residential Standards

HOU12 – Housing Density

HOU13 – Housing Density

HOU14 – Small and Medium Sized Sites

INF1 – Cycleways, Bridleways and Footpaths

INF3 – Highways Safety and Access

INF9 – Utilities

### **Haslington Neighbourhood Plan**

In this case the Haslington Neighbourhood Plan is at Regulation 7 stage and can be given no weight.

### **National Policy**

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

Of particular relevance are paragraphs:

11. Presumption in favour of sustainable development.

60-80. Delivering a Sufficient Supply of Homes

126-136. Achieving Well Design Places

### **Supplementary Planning Documents:**

Cheshire East Design Guide

## **CONSULTATIONS**

**CEC Strategic Highways Manager:** No objection subject to the imposition of a planning condition relating to cycle storage.

**CEC Flood Risk Manager:** No objections in principle to the current proposals. However, no surface water drainage arrangements have been submitted as part of the application. Given the existing surroundings are currently being built out, if surface water flows have been considered within the wider drainage arrangements this information should be submitted now to avoid prior to

commencement. Additionally, given the proximity to attenuation basin, finished floor levels must be set 600mm above top water level as included within CIRIA guidance (SuDS Manual), this should be confirmed prior to determination.

**Strategic Housing Manager:** The application is showing to be short of the required 30% as providing 5 units but this is 0.1% of the required 30%. Either a full unit is to be provided or we can look at a commuted sum contribution of 0.1% of a dwelling.

No Affordable Housing Scheme has been provided and so the tenure split is unknown.

The affordable units contain communal areas (entrances and stairwells). The active Registered Providers in Cheshire East have noted that these are not preferred due to the added communal costs.

Until the concerns are addressed, the Strategic Housing Manager objects to this application.

**United Utilities:** Drainage conditions suggested.

**Environment Agency:** No comments received.

**NHS:** No comments to make.

**Education:** Only 6 of the 17 apartments are 2+ bedrooms; therefore the proposal does not meet the minimum 11 dwellings of 2+ bedrooms for S106 contributions.

**Cadent Gas:** Standard information provided.

**CEC Environmental Health:** Conditions suggested relating to Travel Plan, Electric Vehicle Infrastructure, Low Emission Boilers, and contaminated land.

## **VIEWS OF THE PARISH COUNCIL**

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

- Over development of the site
- Inadequate parking within the site
- Overbearing impact of the development on the street scene.
- No amenity space within the development, especially for children
- No amenity space for residents within the development
- No parking provision for service or delivery vehicles

## **REPRESENTATIONS**

Letters of objection have been received from 93 local households raising the following points:

- The provision of a medical centre was a selling point when purchasing a property on the development
- A block of 17 apartments on the doorstep of a nature reserve will be detrimental to wildlife
- The best use of the site is as a medical centre
- Healthcare provision in Haslington is inadequate to meet the current population



- Residents were informed that if the site is not used as a medical centre then it should be used for community use
- Increased strain on infrastructure
- Narrow nature of the roads within the development with no passing places
- Overcrowded parking
- Increased risk to pedestrians (including children and pets)
- Loss of privacy/overlooking
- Loss of light
- Impact upon outlook
- Disruption on the main access into the estate
- Noise nuisance
- Impact upon property value
- Development sites get altered to easily
- The development does not meet the requirements of the original S106 Agreement
- Lack of parking provision for this development and the wider estate
- Three-storey development is not in-keeping with the wider development
- Older peoples accommodation would be more beneficial
- Police attendance at some homes within the development
- The site should be planted and returned to wildlife – not used to increase developers profits
- Lack of effort to ensure that the medical centre was built
- The provision of a medical centre is essential
- Increased traffic
- The application includes the provision of a medical centre/community use
- The reserved matters application report to SPB states that *'in the event that the land allocated for a Medical Centre is not used for such purposes then the land shall be used for community uses'*
- Not enough effort was made to find a developer/occupant for the medical centre
- Lack of amenity space for the apartments
- No EV Charging provision for the flats
- Speeding vehicles
- No affordable housing scheme
- Preference for private homes over social housing
- Lack of cycle storage
- Increased anti-social behaviour
- The highways comments are not realistic
- The application should be determined by Strategic Planning Board and not Southern Planning Committee
- Has the developer approached the village medical centre
- Increased vermin/fly-tipping
- Breach of contract by not providing the medical centre
- The local community has received nothing from this development
- The information provided in terms of marketing is not adequate
- Has the developer contacted the local GP or the NHS Trust
- Question whether Rightmove is the correct site to market a GP practice site
- Evidence of the advert on Rightmove should be provided
- Do the apartments meet the space standards to obtain a mortgage
- The accommodation schedule is not accurate
- Insufficient bin storage
- Due to the Covid pandemic enough time has not been allowed to provide an occupier for the medical centre

- The site is too small to accommodate the proposed development

An objection has been received from Cllr Edgar which raises the following points;

- The revised plans do nothing to counter the objections raised by local residents
- The site was destined for use as a medical centre
- Residents have bought properties on the site expecting a medical centre to be built
- Overdevelopment of the site
- Not in keeping with the area
- Inadequate parking
- The nearest medical centres have not received information about the site
- If the site is not a medical centre then it should be developed as a village hall or community use
- Perhaps a couple of houses could fund a village hall
- The proposal is out of context
- The appeal decision refers to community use

One letter of general observation has been received from Hungerford Medical Centre which raises the following points;

- Surprised that the plot of land has not been discussed within the local CCG and amongst medical practices
- Space in primary care is always limited and the option for a medical centre presents an opportunity for the local community
- No particular view on the proposed flats but ask how the original use was approved and what consultation has taken place with the local medical community/CCG
- Has the original approved use been fully explored
- The original use should be fully explored and offered before the land is used for another purpose. Evidence should be provided
- Given that space for health care premises is often not available it seems a shame to lose a potential opportunity for expanding health care provision in the local area, without it being fully explored.

## **APPRAISAL**

### **Planning History**

As noted above and within the representations received as part of this application this wider site was granted outline planning permission as part of application 13/4301N for the erection of up to 250 dwellings, medical centre/community use, public open space, green infrastructure and associated works. This Outline planning permission was allowed at appeal following an appeal against non-determination.

As part of application 13/4301N, the S106 Agreement requires the following;

- *To identify the medical centre land as part of any application for reserved matters approval which will result in the overall number of dwellings that are approved being more than 150.*
- *To use its reasonable endeavours for a period of 3 years from the date of approval of the reserved matters identifying the Medical Centre Land to dispose of the Medical Centre Land to a provider of medical facilities by way of freehold or long leasehold interest for the benefit of the development*

As part of the appeal decision for the outline application the Inspector considered the Unilateral Undertaking and planning conditions and at paragraph 54 states that;

*'The provision of land for a medical centre to be marketed for 3 years does not appear to be CIL compliant and I have therefore given it little weight'*

The appeal decision does not make any reference to the term 'community use' and neither does the completed S106 Agreement.

Reserved Matters approval was granted for the majority of the site (245 dwellings, highways, public open space, play facility and associated works) as part of application 16/1046N. This Reserved Matters application identifies the medical centre land and this is what this current application relates.

Reserved Matters application 16/1046N was approved by the Strategic Planning Board at the meeting on 19<sup>th</sup> October 2016 and as part of this decision the following informative was attached to the decision notice;

*'The Strategic Planning Board would advise that in the event that the land allocated for a Medical Centre is not used for such purposes then the land shall be used for community uses'*

The informative is noted, but this does not require the developer to provide a site for 'Community Use', it just expresses the advice of the Strategic Planning Board at that time.

## **Principle of Development**

The site is located within the Open Countryside as defined by the Crewe and Nantwich Local Plan but lies within a consented development which is under construction. As part of the SADPD the application site and the wider development will be incorporated into the Haslington Settlement Boundary. As things stand the proposed development would be contrary to Policy PG6, but would not cause harm to the wider Open Countryside, whilst the SADPD is a material planning consideration which can be given moderate weight.

Haslington is a Local Service Centre which are identified to accommodate 3,500 new homes. Policy PG8 of the SADPD identifies that these new homes will be '*addressed by windfall going forward*' provided that they comply with other policies contained within the Development Plan

The case officer requested that the developer provides information on what marketing has taken place for the medical centre. The applicant has provided a brief letter from First City Property Consultancy which states that;

- The site was marketed since July 2017
- The property went live on Rightmove on 26<sup>th</sup> July 2017 until September 2019. The statistics show that this resulted in 1,676 views of the detailed information
- Only 6 direct contacts from prospective purchasers were received via e-mail. A response was given to each with a follow up telephone call/e-mail, but none resulted in any further interest, or any offers being received
- The statistics demonstrate that the site received significant exposure on the open market but no offers were received.

It is not considered that the above represents sufficient information on the marketing. However, the requirement for marketing was not considered to be CIL Compliant by the Inspector who determined the outline application. Although this is included within the S106 it is not considered that it can be relied upon as a mechanism to require the provision of the medical centre. There is no reference whatsoever to the term 'community use' other than within the description of development with no reference in the Inspector's decision, conditions or S106 Agreement and there is no mechanism to secure this.

The planning history for the site is noted but this is a standalone housing application and has to be assessed on its own merits. Although technically contrary to Policy PG6, given the location of the site within a wider development the harm to the open countryside will be limited. Furthermore, the site is intended to be incorporated within the settlement boundary as part of the SADPD which can be given moderate weight. Therefore, the principle of the development is considered to be acceptable.

### **Housing Mix**

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). In this case the development would provide the following mix:

- 12 x one bedroom units
- 5 x two bedroom units

The proposal is not dominated by larger executive homes and the proposed mix is considered to be acceptable (for application 16/1046N 22% of the approved dwellings were 1 or 2 bedrooms).

In terms of dwelling sizes, it is noted that HOU6 of the SADPD requires that new housing developments comply with the Nationally Described Space Standards (NDSS). As part of the SADPD Inspectors post hearing comments he accepts this requirement but states that;

*'as advised in the PPG, a transitional period should be allowed following the adoption of the SADPD, to enable developers to factor the additional cost of space standards into future land acquisitions. Given that the intention to include the NDSS in the SADPD has been known since the Revised Publication Draft was published in September 2020, a 6-month transitional period for the introduction of NDSS, following the adoption of the SADPD, should be adequate. This should be included as an MM to criterion 3 of Policy HOU 6*

The applicant has provided the following table to show the current position in terms of the house types and NDSS compliance.

NATIONALLY DESCRIBED SPACE STANDARDS						
FLAT NUMBER	Number of bedrooms	of bed spaces	Total Area	Single Bedroom dimensions	Double Bedroom dimensions	Built in storage
A1	1	2	53m <sup>2</sup>	N/A	12m <sup>2</sup> / 3.3m (wide)	1.8m <sup>2</sup>
A2	1	2	53m <sup>2</sup>	N/A	12m <sup>2</sup> / 3.3m (wide)	1.8m <sup>2</sup>
A3	1	2	53m <sup>2</sup>	N/A	12m <sup>2</sup> / 3.3m (wide)	1.8m <sup>2</sup>
A4	2	3	55m <sup>2</sup>	7.8m <sup>2</sup> / 2.5m (wide)	9.8m <sup>2</sup> / 3.1m (wide)	1.7m <sup>2</sup>
A5	2	3	55m <sup>2</sup>	7.8m <sup>2</sup> / 2.5m (wide)	9.8m <sup>2</sup> / 3.1m (wide)	1.7m <sup>2</sup>
A6	2	3	55m <sup>2</sup>	7.8m <sup>2</sup> / 2.5m (wide)	9.8m <sup>2</sup> / 3.1m (wide)	1.7m <sup>2</sup>
A7	1	2	53m <sup>2</sup>	N/A	12.8m <sup>2</sup> / 3.3m (wide)	1.8m <sup>2</sup>
A8	1	2	53m <sup>2</sup>	N/A	12.8m <sup>2</sup> / 3.3m (wide)	1.8m <sup>2</sup>
A9	1	2	53m <sup>2</sup>	N/A	12.8m <sup>2</sup> / 3.3m (wide)	1.8m <sup>2</sup>
A10	1	2	53m <sup>2</sup>	N/A	12.8m <sup>2</sup> / 3.3m (wide)	1.8m <sup>2</sup>
A11	1	2	53m <sup>2</sup>	N/A	12.8m <sup>2</sup> / 3.3m (wide)	1.8m <sup>2</sup>
A12	1	2	53m <sup>2</sup>	N/A	12.8m <sup>2</sup> / 3.3m (wide)	1.8m <sup>2</sup>
A13	1	2	55m <sup>2</sup>	N/A	16m <sup>2</sup> / 5.5m (wide)	1.7m <sup>2</sup>
A14	2	3	55m <sup>2</sup>	7.8m <sup>2</sup> / 2.5m (wide)	12.8m <sup>2</sup> / 3.3m (wide)	1.7m <sup>2</sup>
A15	2	3	55m <sup>2</sup>	7.8m <sup>2</sup> / 2.5m (wide)	12.8m <sup>2</sup> / 3.3m (wide)	1.7m <sup>2</sup>
A16	1	2	60m <sup>2</sup>	N/A	13.7m <sup>2</sup> / 3.3m (wide)	3m <sup>2</sup>
A17	1	2	60m <sup>2</sup>	N/A	13.7m <sup>2</sup> / 3.3m (wide)	3m <sup>2</sup>

This shows that all units would be NDSS compliant apart from A4, A5, A6, A14 and A15 which are 6m<sup>2</sup> below the standard. Given the 6-month transitional period referred to by the SADPD Inspector this is considered to represent an acceptable compromise.

### Affordable Housing

This is a full application for 17 dwellings and there is a requirement for 30% of dwellings to be provided as affordable dwellings. This equates to a requirement for 6 (5.1) dwellings to be provided as affordable homes. Four units should be provided as affordable rent and 2 units should be provided as intermediate tenure.

The current number of those on the Cheshire Homechoice waiting list with Haslington as their first choice is 85. This can be broken down as below;

	How many bedrooms do you require?						
First Choice	1	2	3	4	5	5+	Grand Total
Haslington	32	34	9	5	5		85

In this case no Affordable Housing Statement or plan to show the affordable housing provision and tenure mix has been provided.

The applicant has been in discussions with the Councils Affordable Housing Officer and is attempting to make a case that an contribution should be provided in lieu of providing affordable housing on site. An update will be provided in relation to this issue.

### Public Open Space

As noted within the report for Reserved Matters application 16/1046N *'the amount of open space required as part of this development is circa 4900 m sq and the proposed development includes*

33939m<sup>2</sup> POS which would easily exceed the required level of POS. As such the development is acceptable in terms of the POS provision'.

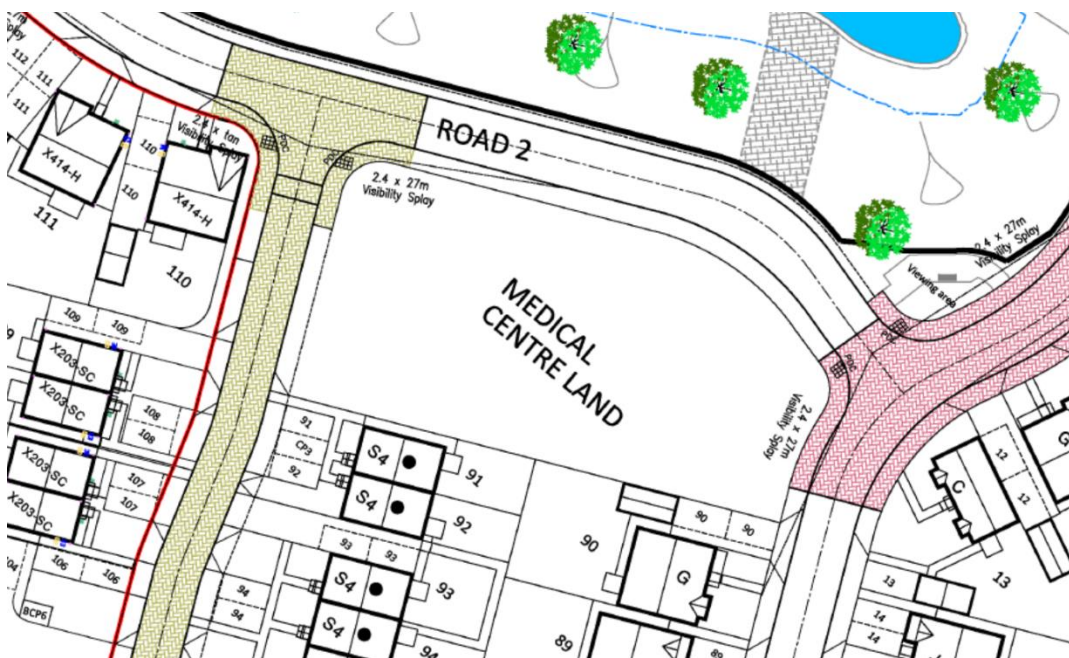
Given the over provision of open space being provided on the wider site, it is not considered necessary to require further provision as part of this application.

## Education

Only 6 of the 17 apartments proposed will have more than one bedroom. As a result, the proposal does not meet the minimum 11 dwellings of 2+ bedrooms which has been set for S106 contributions.

## Residential Amenity

In terms of the surrounding residential properties, these are located within the approved development which have been constructed or have consent.



To the south of the site are the dwellings on plots 90 and 91. At the time of the case officers site visit, these plots had yet to have been constructed. The side elevation of plot 90 includes a single window serving a bathroom and the side elevation of plot 91 is blank. The middle section of the proposed development would have a distance varying from 13.7m-14.8m to the side boundaries of plots 90 and 91 and the relationship is considered to be acceptable (the C&N SPD accepts a distance of 13.5m should be maintained between the flank elevation of a two or three storey extension and a principal window in a neighbouring dwelling).

To the west of the site are the dwellings on plots 109 and 110. At the time of the case officers site visit, these plots had yet to have been constructed. Plot 110 has a secondary living room window at ground floor level and a first floor en-suite window facing the site, and plot 109 has a front elevation facing the site with kitchen window at ground floor and a bedroom window at first floor level. The proposal would have a separation distance of 15.8m-16.3m to the side elevation/boundary with plot 110. Given that the windows to the side are secondary/non-principal

the relationship is considered to be acceptable. Plot 109 would be off-set and the relationship is also considered to be acceptable.

To the east of the site is the dwelling at 15 Canon Ward Way, this property has been constructed and is now occupied. No 15 Canon Ward Way is positioned at an angle and is a corner turning unit, the front elevation faces south and does not directly face the site and the side elevation faces north-west. The front corner of 15 Canon Ward Way would have a separation distance of 17.5m to the nearest part of the proposed apartment block. Given the off-set relationship and the angled nature of No 15 Canon Ward Way it is considered that the proposed relationship is acceptable.

To the north is the open space and habitat creation. There would be no amenity impact to this side.

The proposed development complies with Policy BE.1 of the C&NLP.

### **Land Levels**

No land levels details have been provided as part of this application and this matter would be controlled via the imposition of a planning condition.

### **Air Quality**

The concerns raised in relation to air quality are noted. In this case the impact would be mitigated by the imposition of the following conditions; Travel Plan, Electrical Vehicle Infrastructure and Low Emission Boilers.

There is no objection from the Environmental Health Officer in terms of the impact upon air quality.

### **Contaminated Land**

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The issue of contaminated land is controlled through the imposition of a conditions as suggested by the councils Environmental Health Officer.

### **Highways**

The concerns raised by local residents are noted in terms of access and parking provision.

The proposal is for residential apartments in place of the approved medical centre, with a single access into the parking courtyard, and additional off-road parking at the sides of the building.

The access is 4.5m wide to allow for 2-way car movement and only serves 9 car parking spaces off a residential street. The Councils Highways Officer has confirmed that this is considered acceptable.

The parking provision is at 1 per apartment with 2 spaces for the two-bed apartments. The provision complies with the Councils Parking Standards contained within the CELPS.

A cycle store is shown on the plan, but details are limited and the provision unclear, and this could be controlled via the imposition of a planning condition.

Therefore, the current proposals are acceptable in terms of the highways impact and parking provision. The proposed development is compliant with Policy BE.3 of the C&NLP and CO2 of the CELPS.

### **Trees and Hedgerows**

No trees would be impacted by this application.

### **Design**

The importance of securing high quality design is specified within the NPPF and paragraph 126 states that:

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

The proposal is located within a residential development that is under construction and proposes a single U-shaped block which would be largely three-stories in height (although smaller parts would measure two-stories and single-stories in height). The roof design of the proposal would be part hipped and part pitched. The proposal would measure 12.6m to the highest part of the ridge and 8.2m to the highest part of the eaves.

The wider residential development is largely two-stories in height. Although 5 bungalows are approved within the development and application 16/1046N gave approval for 6 x two and half storey dwellings (10.4m to ridge and 5.9m to eaves). Four of the two and a half storey units were then removed from the scheme as part of application 18/5682N. The remaining 2 two and a half storey units are to the south of the site at plots 134 and 135.

The wider development shares a relatively narrow frontage to Crewe Road, with a sweeping entrance to the site flanked by attenuation basins/ponds/ecological areas and open space. This proposal would be prominent as you enter the wider development and the proposal is flanked by two-storey dwellings.

It is considered that the proposed development would appear overly tall and bulky in comparison to the surrounding two-storey dwellings which are domestic in scale. The proposal would appear incongruous and jarring within the context of the wider two-storey development. Furthermore, the existing two-storey units by reason of their plot widths, depths and heights provide a rhythm within the street-scene which the proposed development would not respond to. The height, bulk and scale of the proposed development would not be consistent with the wider development and cause harm to the character and appearance of the area.

In addition to the above the proposed development would be set back by just 0.7m from the back of the pavement at the north-east corner and 0.8m at the north-west corner. This gives no opportunity to provide any landscaping to soften the proposed development within the street-scene.



Car parking would be provided within an internal courtyard (11 spaces), to the east (3 spaces) and west (8 spaces). The amount of parking provided dominates the proposed development especially to the western street-scene where it would be car-dominated. There is limited space within the development to provide any meaningful landscaping or amenity space to the proposed development. What landscaping/amenity space provided is limited to narrow strips which would have limited benefit.

The fact that a large proportion of the site would be taken up by the large building, access and parking areas leads to the conclusion that this proposal represents an over-development of the site.

On the basis of the above assessment, it is considered that the proposed development represents an unacceptable design solution. The proposed development is contrary to Policies SE1, SD1, SD2 and SE4 of the CELPS, GEN1 and ENV5 of the SADPD, The Cheshire East Design Guide and the NPPF

### **Landscape**

As noted within the design section above, the proposals now involve a continuous area of parking along both sides of the road, an expansive area that would also be devoid of any meaningful landscaping, offering a very hard and urban alternative.

The proposed development is contrary to Policies SE1, SD1, SD2 and SE4 of the CELPS, GEN1 and ENV5 of the SADPD, The Cheshire East Design Guide and the NPPF.

### **Ecology**

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. This issue can be controlled via the imposition of a planning condition to require that the applicant submits an ecological enhancement strategy.

A number of residents raise concerns that the proposal would impact upon the nature conservation area to the north. However, it is not clear how this development would have a negative impact given that the site is allocated for development.

### **Flood Risk/Drainage**

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. A Flood Risk Assessment (FRA) was submitted as part of the previous outline application and judged to be acceptable at that stage by the Planning Inspector.

The comments made by the Flood Risk Officer are noted, in terms of the surface water drainage arrangements this could be controlled via the imposition of a planning condition.

The site appears relatively level and at the same height as the surrounding residential development. In terms of the Finished Floor Level (FFL), the Flood Risk Officer has requested that a cross section is provided for the adjacent drainage basin with the 1:100-year flood event, and the

FFL to be provided. This has been requested and details will be provided as part of an update report.

## **PLANNING BALANCE**

Although the site is technically located within the open countryside. The wider site has an extant planning permission for residential development which is currently being built out. Together with the SADPD this is an important material planning consideration which would outweigh any conflict with PG6 of the CELPS. The previous application/appeal decision/S106 is noted, however there is no mechanism which can be used to require the provision of a medical centre or community use. The principle of the application is considered to be acceptable.

Insufficient information is provided in relation to affordable housing provision, but negotiations are continuing with the Councils Affordable Housing Officer. An update will be provided in relation to this issue.

The Open Space provision on the wider development site is acceptable and would serve this proposed development.

The proposed development by reason of its height, scale and bulk would not respect the character and appearance of the wider development. The proposal is also considered to be a dense, over-development of this part of the site with a car-dominated frontage and lack of landscaping. The proposed development is an unacceptable design which would harm the character and appearance of the area. The proposed development is contrary to Policies SE1, SD1, SD2 and SE4 of the CELPS, GEN1 and ENV5 of the SADPD, The Cheshire East Design Guide and the NPPF.

The highways impact was considered as part of the outline application and is considered to be acceptable. The parking provision and access to serve the development complies with BE.3 of the C&NLP and CO2 of the CELPS.

The impact upon trees, ecology and amenity are considered to be acceptable.

The matter of drainage could be controlled with the imposition of a planning condition. Further information is awaited in relation to the FFL of the development and an update will be provided.

Due to the issues raised above the application is recommended for refusal as it does not comply with the Development Plan as a whole.

## **RECOMMENDATION:**

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

- 1. The proposed development by reason of its height, scale and bulk would result in a development that would appear incongruous and jarring within the context of the wider two-storey development. Furthermore, the dense form of development which would be car-dominated with a lack of soft landscaping and amenity space for the future occupiers is due to an over-development of the site. The proposed development is a poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The proposed development is contrary to**

Policies SE1, SD1, SD2 and SE4 of the Cheshire East Local Plan Strategy, GEN1 and ENV5 of the Site Allocations and Development Policies Document, The Cheshire East Design Guide and the NPPF.

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

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

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	To be confirmed	To be confirmed



Application No: 22/1550C

Location: GLEBE FARM, PEEL LANE, ASTBURY, CHESHIRE, CW12 4RQ

Proposal: Proposed siting of miniature railway, associated stations and overflow car park at Glebe Farm, Astbury.

Applicant: Rob Lomas

Expiry Date: 30-Sep-2022

## **SUMMARY**

The proposed development does not preserve the openness of the Green Belt. The proposed development is inappropriate within the Green Belt and no very special circumstances have been identified. The proposed development is therefore unacceptable in principle and conflicts with CELPS Policy PG3 and saved CLP Policy PS7.

The proposed development would have unacceptable adverse impacts on the character and appearance of the area. The proposed development is contrary to Policies SD1, SD2 and SE4 of the CELPS, and P13 and P26 of the A&MNP and the NPPF.

Insufficient information has been provided in relation to trees and the proposed development is contrary to Policy SE 5 of the CELPS, and P12 of the A&MNP and the NPPF.

The proposal would relocate the overflow carpark outside the Conservation Area and on this basis the Councils Built Heritage Officer has raised no objection to the proposed development. The proposed development complies with Policies SD1, SD2, SE1 and SE7 of the CELPS, Policy BH9 of the CLP and Policy P18 of the A&MNP

The Council Highways Officer has raised no objection in terms of the impact upon the local highway network and the parking implications of the development. The proposed development complies with Policy CO2 of the CELPS, GR9 of the CLP and P21, P22 and P24 of the A&MNP.

The proposed development would cross two public footpaths and the Councils PROW Officer has confirmed that she has no objection to the development. The proposed development complies with Policy GR16 of the CLP.

The development is acceptable in terms of the impact upon residential amenity and ecology.

The issue of flood risk/drainage will be the subject of a planning update.

The benefits of the development and the representations in support have been noted but these do not outweigh the harm identified within this report.

## **RECOMMENDATION**

### **REFUSE**

## **DESCRIPTION OF SITE AND CONTEXT**

The application site is located to the southern side of Peel Lane. The site consists of a working farm which has diversified to include caravan storage, retail units, café, farm shop and open farm.

The site is located within the Green Belt and the Astbury Conservation Area.

The existing farmhouse at Glebe Farm is a Grade II\* Listed Building. There are other Listed Buildings in close proximity to the application site including St Marys Cottage (Grade II) and the Church of St Mary (Grade I). The grounds of the Church of St Mary also include a number of Listed structures such as tombs, sundial and gateway (Grade II and Grade II\*).

PROW Newbold Astbury FP24 runs through the site.

## **DETAILS OF PROPOSAL**

This application seeks permission for a proposed miniature railway. The railway will be constructed using steel rails, wooden sleepers and granite and recycled ballast.

The width of the tracking will be 26cm with a maximum height of 55mm from ground level. A trench measuring 120cm in width and 15cm in depth will be excavated as part of the construction of the railway. Protective barriers and fencing will be constructed alongside the railway where it borders public areas to protect passengers and bystanders.

The supporting D&A Statement identifies that a number of small locomotives will be operated on the railway (steam, diesel and battery locomotives). The trains will be wide enough to allow two passengers to be seated next to each other within the carriages.

Two stations are included within the design of the railway. This will allow passengers to board the train at one section and disembark at another.

The stations will be constructed at ground level (not raised). The station located nearest to the farm buildings will be equipped with a water bowser to allow for the trains to be re-filled following each journey. Each station will be enclosed by picket fencing.

The plans showing the proposed stations identifies that the platforms would measure 2m x 10m (excluding access ramps).

The plans also include one level crossing which is to be installed on the existing car park onsite. The level crossing will incorporate a barrier and flashing light board for safety reasons.

The application also proposes an extension to the car-parking on site with an overflow car-park to be provided adjacent to the south station.

## **RELEVANT HISTORY**

21/0306C - Proposed siting of miniature railway and associated stations - Withdrawn 23<sup>rd</sup> November 2021

19/5714C - Prior approval of Installation of a 48.6kW Solar PV system - Approved 26<sup>th</sup> February 2020

16/1980C - Listed building consent for extension of established agricultural diversification to improve coffee lounge and kitchen facilities, canopy to courtyard, change of use of former agricultural

buildings to craft / workshops / retail units, and additional / overflow car parking with permeable surface (part retrospective) - Approved 24<sup>th</sup> June 2016

15/5854C - Expansion of established agricultural diversification to improve coffee lounge and kitchen facilities, canopy to courtyard, change of use of former agricultural buildings to craft / workshops / retail units, and additional / overflow car parking with permeable surface (part retrospective) - Approved 19<sup>th</sup> April 2016

10/3039C - Proposed change of use of redundant agricultural buildings to form farm shop, as amendment to approval ref 08/0582/cou (22.08.2008) by omission of ancillary sales of tractors and associated machinery - Approved 28<sup>th</sup> October 2010

08/0582/COU - Change of use of redundant agricultural buildings for the repair, maintenance & ancillary sales of tractors & associated machinery for agricultural & domestic purposes - Approved 22<sup>nd</sup> August 2008

08/0180/FUL - Variation of condition 8 of permission 05/1009/FUL to allow storage of motor-homes - not exceeding 3.05m in height, in addition to caravans - Approved 6<sup>th</sup> May 2008

06/0072/FUL - Variation of condition 8 of permission No. 05/1009/FUL to allow storage of motorhomes - not exceeding 3.05m in height, in addition to caravans - Approved 21<sup>st</sup> March 2006

05/1009/FUL - Change of use of existing cubicle building to internal caravan storage. Change of use of silage bays screened external caravan storage and provision of customer parking within existing farmyard - Approved 29<sup>th</sup> November 2005

26001/5 - Certificate of lawfulness for parking of HGV's in general use as opposed agricultural use - Approved 23<sup>rd</sup> May 1995

14122/3 - Overhead line - Approved 4<sup>th</sup> June 1982

## **POLICIES**

### **Local Plan Policy**

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

MP1 - Presumption in Favour of Sustainable Development

SD1 - Sustainable Development in Cheshire East

SD2 – Sustainable Development Principles

PG3 - Green Belt

PG6 - Open Countryside

SE1 - Design

SE3 - Biodiversity and Geodiversity

SE4 - The Landscape

SE5 - Trees, Hedgerows and Woodland

SE6 - Green Infrastructure

SE7 - The Historic Environment

SE12 - Pollution, Land Contamination and Land Instability



SE13 - Flood Risk and Water Management  
CO1 - Sustainable Travel and Transport  
CO2 - Enabling Business Growth through Transport Infrastructure  
SC1 - Leisure and Recreation  
SC3 - Health and Well-Being  
EG1 - Economic Prosperity  
EG2 - Rural Economy  
EG4 - Tourism

### **Cheshire East Draft Site Allocations and Development Policies Document (SADPD)**

The Site allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Plan was submitted for examination in April 2021, hearings took place in October and November 2021. Draft Main Modifications were consulted on during April and May 2022. Noting the relatively advanced stage of the SADPD it is considered that at least moderate weight should be applied to relevant policies, including the proposed modifications.

GEN1 – Design Principles  
ENV2 – Ecological Implementation  
ENV3 – Landscape Character  
ENV5 – Landscaping  
ENV6 – Trees, Hedgerows and Woodland Implementation  
ENV7 - Climate Change  
ENV12 - Air Quality  
ENV14 - Light Pollution  
ENV16 – Surface water Management and Flood Risk  
HER1 - Heritage Assets  
HER3 - Conservation Areas  
HER4 - Listed Buildings  
HER8 - Archaeology  
RUR2 - Farm Diversification  
RUR5 – Best and Most Versatile Agricultural Land  
RUR6 - Outdoor Sport, Leisure and Recreation Outside Settlement Boundaries  
HOU10 - Amenity  
INF1 – Cycleways, Bridleways and Footpaths  
INF3 – Highways Safety and Access  
INF9 – Utilities

### **Adopted Congleton Borough Local Plan First Review**

- 1.
2. GR6 & GR7 – Amenity and Health
3. GR9 - Accessibility, Servicing and Parking Provision
4. GR13 - Public Transport Measures
5. GR14 - Cycling Measures
6. GR15 - Pedestrian Measures
7. GR18 - Traffic Generation
8. PS7 - Green Belt
9. PS8 - Open Countryside
10. RC4 - Countryside Recreation Facilities
11. BH4 - Listed Buildings (Effect of Proposals)
12. BH9 - Conservation Areas

### **Astbury and Moreton Neighbourhood Plan**

The A&MNP was made on 17<sup>th</sup> August 2017

P9 - Scale, Design and Amenity

P11 - Countryside and Open Views

P12 - Woodland, Trees and Hedgerows

P13 - New Development in the Open Countryside or Green Belt

P18 - Historic Environment

P19 - Footpaths

P21 - Traffic

P22 - Parking

P23 - Public Rights of Way

P24 - Traffic in the Conservation Area and Rural Lanes

P25 - Built Environment

P26 - Landscape Quality

### **Other Material Considerations**

National Planning Policy Framework

## **CONSULTATION RESPONSES**

**Strategic Highways Manager:** No objection.

**Environmental Health:** No objection subject to the imposition of a contaminated land informative.

**Historic England:** Do not wish to offer any comments. It is suggested that the Council seeks advice from its own specialist conservation advisors.

**CEC Flood Risk:** No objection in principle to this development but details of the surfacing and drainage for the overflow carpark is required.

**CEC PROW:** No objection and look forward to working with the landowner to install the gates as agreed.

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

**Astbury and Moreton Parish Council:** The Parish Council considered this planning application at its last meeting and while it acknowledges the attempts to accommodate the concerns raised about earlier applications, the Parish Council cannot agree to the current proposal, primarily on the grounds that it does not conform to the requirements of the Astbury Neighbourhood Plan, in particular:

- Policy P11 Countryside and Open views: While the proposed planting scheme reduces the visual impact of the railway, it undermines the openness of the green belt.
- Policy P13 New development in the open countryside or Green Belt: The application does not protect and enhance the open countryside.
- Policy P18 Historic Environment: The application does not protect and enhance the nearby historic heritage asset, namely the Grade I listed church of St Mary's and the Grade II listed Glebe Farm farmhouse.

- Policy P22 Parking and P24 Traffic in the conservation area: The new application, unlike 21/0306C, proposes an additional overflow parking site to compensate for a reduction in the size of the main parking area and existing overflow parking area and for some additional parking. Note that the current overflow parking area is already heavily used much of the time and so is effectively part of the main car park.
- Policy P26 Landscape Quality: Where the track would not be concealed by the proposed planting, it would degrade landscape quality to an extent.
- Saved Congleton Borough Local Plan - Policy GR6 clause (IV) environmental disturbance or pollution: Our concern is that smoke, diesel fumes and particularly the noise of whistles and horns will create an unacceptable disturbance for neighbouring properties, particularly in Peel Drive. Residents have already reported concerns over noise from the existing test track. Further, the application does not cover the disposal of coal ash from steam engines.
- Policy GR6 clause (V) traffic generation, access and parking: see NP policy P22 and P24, above.

## **OTHER REPRESENTATIONS**

Letters of support have been received from 96 households which raise the following points;

- Great addition for children
- Look forward to the arrival of the railway
- No concerns over noise from the test track (noise barely noticeable)
- Due to the boundary treatment and field shelters the proposal is barely visible
- The proposal will not spoil the view of the farmhouse or church
- No concerned by the fumes from the proposal (trains will only use 20kg of coal a day)
- The proposed overflow carpark is preferable to its current use for farm storage
- Most of the objections are subjective rather than objective
- Asset for the local community
- Miniature railways bring joy to all ages
- The proposal will increase visitor dwell time at the site
- The proposal will have a greater appeal to more visitors
- Noise will be for a short 'toot'
- Smoke and smell is not an issue
- Ensure the sustainability of Glebe Farm
- Increase in local employment
- Should embrace change
- Improved leisure/recreation provision
- The development will soon become part of the landscape
- Will attract new visitors to the area
- The small miniature railway was an asset to the site
- Provides children with an opportunity to learn about transport
- Will not adversely impact upon the Green Belt
- The site will operate in accordance with health and safety legislation
- Ash will be disposed of via CEC waste collection
- Do not agree with the comments from the Parish Council

A letter of support has been received from Astbury St Marys Primary School which raises the following points;

- Children from the school regularly visit.
- The train would be an excellent addition to enhance their visits

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

- Increased vehicular movements through the village and congestion at the single lane section by the church
- An area which was once fields is now earmarked as a car-park extension
- The train has been running for selected days on a short track and on certain days this causes diesel odour to nearby dwellings
- The whistle has blown 8 times an hour as part of the trial run
- Support is largely from people who don't live adjoining to the site
- There is a miniature railway at Rudyard Lake that people can visit if they wish
- Astbury is a historic village and the addition of a fairground ride would lower the tone
- The exit from Glebe Farm is hazardous and an accident risk
- Glebe Farm is a business operating 7 days a week
- There are lots of people moving around the site
- There are already tractor rides taking place on the site - so no need for a train
- Further loss of grazing ground
- Additional visitors will increase traffic problems
- Glebe Farm has reached its capacity
- This will increase traffic, noise and pollution from Glebe Farm to the surrounding area
- There is not the infrastructure to support this development
- What might be a charming railway station to some will be a noisy intrusion to the local residents

## **OFFICER APPRAISAL**

### **Principle of Development**

The application site is in the Green Belt.

NPPF Paragraph 149 specifies that the provision of *'appropriate facilities (in connection with the existing use or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'*.

CELPS Policy PG3 3 ii of the Cheshire East Local Plan Strategy 2010-2030 (July 2017) replicates the Framework's approach to development within the Green Belt.

CLP Policy PS7 sets out certain exceptions of development which are acceptable within the Green Belt, which includes "facilities for outdoor sport and outdoor recreation". However, the relevant assessment within PS7 appears to set a higher bar than that within PG3 and the NPPF in that the development must be 'essential' rather than 'appropriate'.

Policy P13 of the A&MNP requires the applicant to demonstrate how the development proposed will protect or enhance the open countryside.

The second part of PG3 3ii requires that development *"preserves the openness of the Green Belt and not to conflict with the purposes of including land within it"*. Similar wording is included with Policy PS7 ii.

The site is currently a farm which includes a range of farm/independents shops, caravan storage and play area. The part of the site which includes the proposed development includes a number of

small paddocks, fencing and field shelters which house animals which visitors to the site are able to view and the car-parking area.

The formation of the railway, station platforms and associated infrastructure such as the barriers and water bowser as an engineering operation would have some minor impact upon openness.

The proposed site plan show that an additional area of overflow parking would be provided at the site, and this would be located to the south-west of the site. This area of land has no planning history and aerial photographs taken from 1999-2003 show that it formed part of a field, by 2010 it was being used for the external storage of largely hay bales and by 2015-17 it had grown in size and was largely vacant with some external storage. It is now finished with hardstanding and is used for external storage associated with the existing site. There is no evidence to show that this is a lawful use.

It is considered that the operation of the miniature railway running in a loop around the site and regularly crossing the site frontage with Peel Lane, together with the area covered by the proposed overflow carpark would result in an urbanisation of the site which would also result in the loss of openness.

The development would remain visible from users of the highway network, the PROW crossing the site and visitors to the site. This would lead to a spatial reduction in the visual aspect of the Green Belt.

As a result, the proposed development does not fall within the exceptions set out in paragraph 149/150 of the NPPF. In accordance with paragraph 147 of the NPPF inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. This is consistent with the recent appeal decision at the Brownlow Inn.

### Very Special Circumstances

The supporting D&A Statement does not demonstrate any very special circumstances other than general comments relating to farm diversification/economic benefits.

The contents of the representations in support are noted in that it will be valued by local people who visit the site as well as providing some (unquantified) economic benefits.

Bearing all the above in mind, it is considered that the application does not preserve the openness of the Green Belt and on this basis the development represents inappropriate development in the Green Belt. It is not considered that very special circumstances have been identified and planning permission should not be granted. The proposed development is therefore unacceptable in principle and conflicts with the NPPF, CELPS Policy PG3 and saved CLP Policy PS7.

### **Landscape**

Policy SD1 states that wherever possible development should 'provide a locally distinct, high quality, sustainable, well designed and durable environment'.

Policy SE4 of the CELPS states that *'all development should conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes'*.

Policy P26 of the A&MNP states that all new development will be expected to respect and enhance the local landscape quality.

The proposal includes the layout of a track of steel rails laid on wooden sleepers and set in ballast along with barriers. The development also includes two stations with platforms of 21m in length and a level crossing. The submission indicates that the rails will be approximately 55mm above ground level and that a number of trees and hedgerows will be planted.

The submission includes a number of plans, the Existing Site Plan, the Proposed Site Plan, the Overall Location Plan and a plan showing the proposed stations and platforms – Plan 3.

The application site includes a number of PROW. FP 24 Newbold Astbury runs along the eastern part of the site, this is intersected by FP 23 Newbold Astbury in what appears to be a central part of the application. FP 37 Newbold Astbury joins both footpaths at what appears to be a very short distance to the west of the proposed development. There will inevitably be an impact on users of these PROWs, both visually – and it should be noted that such receptors are normally deemed to be the most sensitive receptors, this has not been addressed.

While reference is made to additional tree and hedge planting, this has not been shown in any detail, nor is it apparent that there will be any mitigation, or scope for mitigation for those properties along Peel Drive, to the immediate east of the proposed development.

The Councils Landscape Architect has previously stated that he does not consider that sufficient information has been submitted for him to offer a more complete response to this application. This still applies to this current proposal.

The proposed development is contrary to Policies SD1, SD2 and SE4 of the adopted local plan (CELPS), P11 and P13 & P26 of the A&MNP and ENV5 of the SADPD.

### **Design/Built Heritage**

The site is located within the Astbury Conservation Area. The existing farmhouse at Glebe Farm is a Grade II\* Listed Building. There are other Listed Buildings in close proximity to the application site including St Marys Cottage (Grade II) and the Church of St Mary (Grade I). The grounds of the Church of St Mary also include a number of Listed structures such as tombs, sundial and gateway (Grade II and Grade II\*).

The Conservation Area was reviewed in 2008, and this states that the boundary of the Conservation Area has been set so that a visual control is maintained over the views in and out of the village. Notable views include *'views from Peel Road across Glebe Farm to the rear of the Church'*.

It then goes on to state that *'Open space around Glebe Farm is important and the pond attracts wildlife and increases biodiversity in the area. These open spaces also allow vistas into the open countryside emphasising the relationship Astbury has with the countryside and the importance of open space to the semi rural character of the area'*.

Paragraph 199 of the NPPF states that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'*.

This is echoed within Policy SE7 of the CELPS which states that *'all new development should seek to avoid harm to heritage assets and make a positive contribution to the character of Cheshire East's historic and built environment, including the setting of assets and where appropriate, the wider historic environment'*.

Policy P18 of the A&MNP states that *'designated heritage assets and their settings will be protected from harmful development. New development shall enhance the asset's contribution to local distinctiveness, character and sense of place'*.

The site is somewhat cluttered to the front paddocks where the proposed railway is proposed due to the children's farm currently in operation on the site. However, the site does appear open when viewed from both Peel Lane and Peel Drive with views out into the open countryside.

The Council's Built Heritage Officer has stated that the proposed development lacks detail but that there are no objections to the principle due to the current use of the land and that the railway will not add additional structures to the front paddocks.

The open spaces around Glebe Farm and views across the land were noted within the 2008 Conservation Area Appraisal.

The proposed overflow car park does not include structures. Given that the existing overflow car park is within the Conservation Area and this proposal will move it outside without structures the impact on the Conservation Area would be lessened than if this was an additional car park. Historically the site for the overflow car park has been used to store farm machinery and seldom used items, should consent be granted this area needs to be landscaped to protect the green views to and from the Conservation Area from the PROWs.

Further definitive details are needed of the structures (signals, signage and crossing gates as well as fences that will be required for safety purposes) included in this application. Therefore, the Built Heritage Officer has no objection to the scheme subject to further details of all landscaping, structures/signage etc proposed as a part of the development via condition.

The proposed development would not conflict with Policies SE1 and SE7 of the CELPS, BH9 of the CLP, Policy P18 of the A&MNP, HER3 and HER4 of the SADPD and guidance contained within the NPPF.

### **Trees and Hedgerows**

Policy SE5 of the CELPS states that development which would result in the loss of hedgerows that provide a significant contribution to the amenity, or landscape character of an area will not be permitted except where there are overriding reasons for allowing the development and there are no suitable alternatives.

Policy P12 of the A&MNP states that *'Any new development that involves the loss or damage to local woodland, trees, hedgerows and wide verges that contribute to the character and amenity of the plan area must demonstrate the need for the development proposed and provide for appropriate replacement planting of native species on the site together with a method statement for the ongoing care and maintenance of that planting'*

There are mature trees sited onto the boundaries of the site which are protected due to their location within the Conservation Area

The submitted plans do not accurately show the location/canopy spread of the trees and there is no tree survey or arboricultural impact assessment. There is no site survey/ topographic survey. In this respect the submission does not accord with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations. Without this information the full arboricultural implications are not apparent. Based on the information provided it is not possible to determine whether the proposed development could be provided whilst retaining the trees on the site.

On this basis there is insufficient information contained within this application. The proposed development would not comply with Policy SE 5 of the CELPS and P12 of the A&MNP.

### **Amenity**

There are residential properties located to the east of the site fronting Peel Drive and to the north of the site fronting Peel Lane.

The proposed railway would be screened by the existing boundary treatment and would project just 55mm above existing ground levels. The stations/platforms would be sited away from the boundaries with the residential properties. On this basis the proposed development would not cause harm to the residential amenity of the surrounding properties.

The operation of the railway has the potential to cause noise, air quality and disturbance to the surrounding residential properties. In this case there would be some level of disturbance caused by the existing use of the site and the Councils Environmental Health Officer has not raised any objection on these grounds.

Conditions could be imposed to restrict the hours of operation of the trains and to restrict the use of any train horns.

The proposal would therefore be in compliance with saved Policy GR6 of the Congleton Borough Local Plan.

### **Ecology**

The Councils Ecologist has been consulted as part of this application and stated that he does not anticipate there being any significant ecological issues associated with the proposed development. On this basis the proposed development complies with Policy SE3 of the CELPS.

### **Highways**



The concerns raised in relation to the impact caused by increased traffic to the site are noted. This includes additional vehicular movements through the village which would need to navigate an existing pinch point by Astbury Church.

The specific concerns relating to traffic in the Parish, Village and Conservation Area is noted within the A&MNP. Policy P21 of the A&MNP states that *'new employment development should be accompanied by a mitigation statement that provides an objective assessment of the impact of the additional traffic that will be generated by the proposed development'*. Policy P24 states that *'Where existing or proposed development adds to congestion and vehicle speeds in the village, or brings inappropriate or heavier traffic on rural lanes in the plan area, proposals should be brought forward to mitigate any traffic impact and/or contribute funding towards local transport schemes'*.

The existing access arrangements are to be used in this application which is off Peel Lane, there is an existing car parking off the main access drive and it is proposed to provide an overflow car park at the north west corner of the site.

The existing access is constructed to a reasonable standard and would cater for increased traffic generation as a result of the proposals.

The highways officer has raised no objection to the application and considers that the impact in terms of traffic generation and parking would not raise any issues.

The road narrowing opposite the Egerton Arms is an existing pinch point but there are no PIA's recorded in this section of road and it can be assumed to operate safely, additionally the background traffic flows are not high (there are sufficient gaps in the flow for this section of road to operate without causing congestion). It is not considered that the addition of a miniature railway at Glebe Farm will have a significant material effect on the traffic generation and cause congestion problems on Peel Lane.

The proposed development complies with Policies CO2 of the CELPS, Policy GR9 of Congleton Borough Local Plan and P21, P22 & P24 of the A&MNP.

## **Flood Risk**

The site is located within Flood Zone 1 (low probability of flooding) according to the Environment Agency Flood Maps. However, site possesses some high surface water risk (topographic low spots) and there is some additional surface water risk in close proximity to the site boundary.

In this case there would be no buildings constructed and there would be limited increased risk of surface water run-off.

The Councils Flood Risk Officer has stated that he has no objections in principle to this development as per the comments made as part of application 21/0306C. However, as an overflow carpark has been added to the proposals, they require clarification of the construction material ensuring a permeable surface is being used as well as the method of drainage. This information has been requested and an update will be provided.

## **Public Rights of Way**

There are a number of PROW within the vicinity of the site as follows;

- Newbold Astbury FP24 runs along the access to the farm heading north
- Newbold Astbury FP23 runs across the south-west corner of the site.
- Newbold Astbury FP37 clips the far south-west corner of the site

Policy GR16 of the CLP states that *'planning permission will be refused for developments which fail to take account of the existing footpath, bridleway and cycleway network'*.

The proposed railway would cross the footpaths on the site on 4 occasions, and the applicant has advised that;

- There will signs for both pedestrians and drivers warning of a crossing. Train drivers will not be allowed to operate the train until they are full trained and familiar with the track. There will be a crossing sign to warn them of a crossing anyway. On the pedestrian side of the crossing, there will be multiple signs warning them of a crossing and to take care. This will take the form of a white sign with black writing saying; "railway crossing" with a large red cross above or below it. These will be placed on every approach to a crossing.
- Public footpath gates will be provided and closed before setting off; this should not be a problem at Glebe farm as the footpath gate close automatically, however it is still good practice to check.
- There will be no HGV's crossing any public crossings
- The crossing would not present a trip hazard. The path could be built up to the height of the railway or there could be a slight slope on the boards to create a slight slope up to the level of the railway. Either way the tripping hazard will be minimized.

Based on the above the Councils PROW Officer has confirmed that she has no objection to the development and the proposal complies with Policy GR16 of the CLP.

## **Other issues**

There is support for this application from a large number of residents/patrons for this site as well as miniature railway enthusiasts nationally and these are given some weight. However, objections have been received from a number of residents living in close proximity to the application site as well as the Parish Council, it is considered that these objections can be given greater weight in the determination of the application.

Despite the above, it is accepted that the site will offer a visitor/tourism facility for the local community and visitors to Cheshire East. This represents a planning benefit which can be given limited weight.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposed development does not preserve the openness of the Green Belt. The proposed development is inappropriate within the Green Belt and no very special circumstances have been identified. The proposed development is therefore unacceptable in principle and conflicts with CELPS Policy PG3 and saved CLP Policy PS7.

The proposed development would have unacceptable adverse impacts on the character and appearance of the area. The proposed development is contrary to Policies SD1, SD2 and SE4 of the CELPS, and P13 and P26 of the A&MNP and the NPPF.

Insufficient information has been provided in relation to trees and the proposed development is contrary to Policy SE 5 of the CELPS, and P12 of the A&MNP and the NPPF.

The proposal would relocate the overflow carpark outside the Conservation Area and on this basis the Councils Built Heritage Officer has raised no objection to the proposed development. The proposed development complies with Policies SD1, SD2, SE1 and SE7 of the CELPS, Policy BH9 of the CLP and Policy P18 of the A&MNP

The Council Highways Officer has raised no objection in terms of the impact upon the local highway network and the parking implications of the development. The proposed development complies with Policy CO2 of the CELPS, GR9 of the CLP and P21, P22 and P24 of the A&MNP.

The proposed development would cross two public footpaths and the Councils PROW Officer has confirmed that she has no objection to the development. The proposed development complies with Policy GR16 of the CLP.

The development is acceptable in terms of the impact upon residential amenity and ecology.

The issue of flood risk/drainage will be the subject of a planning update.

The benefits of the development and the representations in support have been noted but these do not outweigh the harm identified within this report.

**REFUSE for the following reasons;**

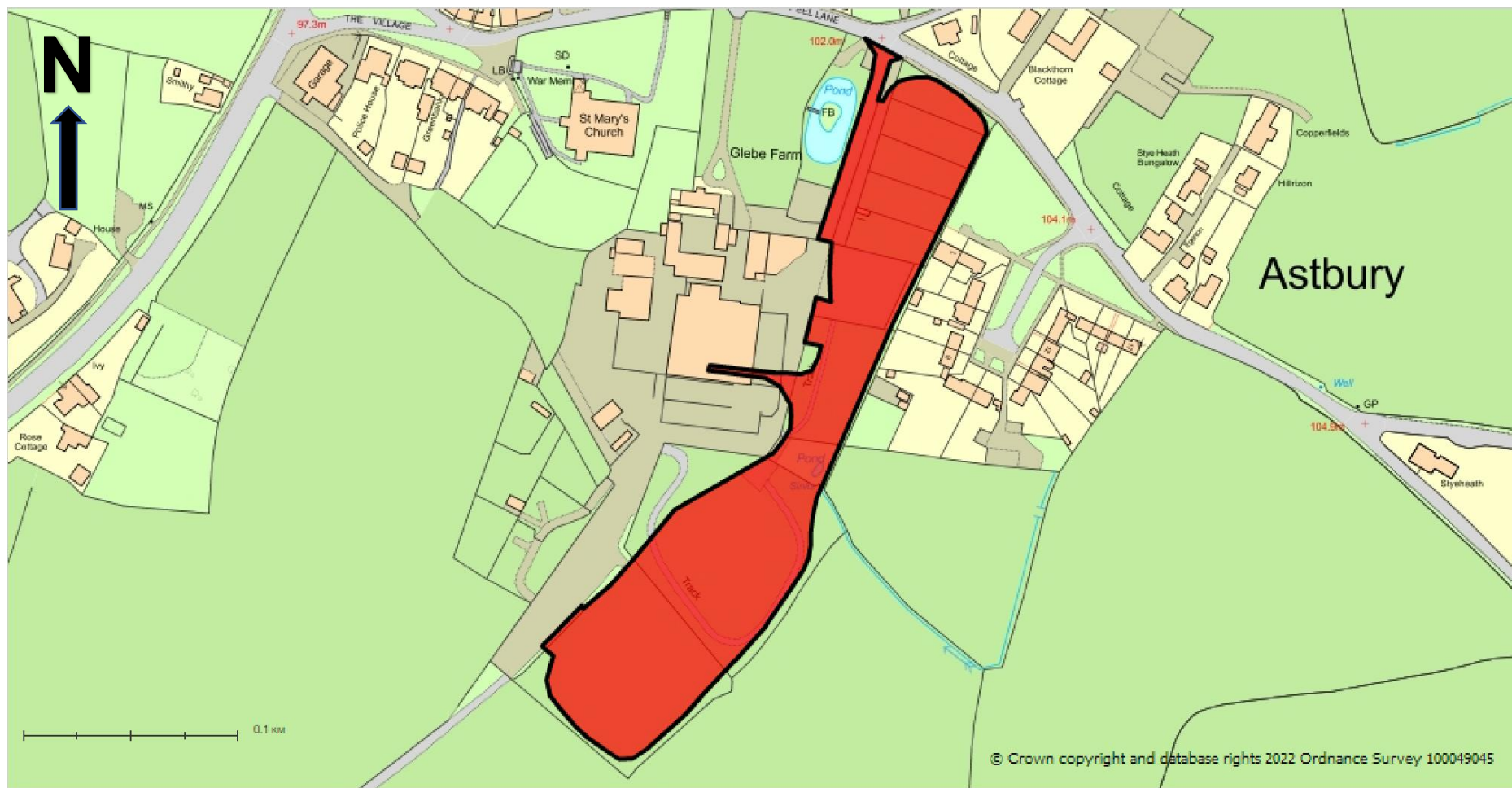
**1. The proposed development is located within the Green Belt and in the opinion of the Local Planning Authority the proposed development does not preserve the openness of the Green Belt. No very special circumstances have been identified and planning permission should not be granted. The proposed development is therefore unacceptable in principle and conflicts with the NPPF, Cheshire East Local Plan Strategy Policy PG3 and saved Congleton Local Plan Policy PS7.**

**2. The application site is located within the open countryside/green belt. There are open views across the site from the highway network and public rights of way crossing the site. The development will result in an urban form of development which would be visible from the most sensitive receptors. Insufficient information has been submitted to enable a consideration of the landscape impact and limited landscape mitigation has been provided. The proposed development is contrary to Policies SD1, SD2 and SE4 of the Cheshire East Local Plan Strategy, and P13 and P26 of the Astbury and Moreton Neighbourhood Plan and the NPPF.**

**3. There are a number of mature trees within the site. The application does not include an arboricultural impact assessment/ topographic survey. In this respect the submission does not accord with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations. Based on the information provided it is not possible to determine**

**whether the proposed development could be accommodated on site whilst retaining the trees and hedgerows. There is insufficient information contained within this application and proposed development would not comply with Policy SE 5 of the Cheshire East Local Plan Strategy, and P12 of the Astbury and Moreton Neighbourhood Plan and the NPPF.**

**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.**



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Application No: 21/2650N

Location: ROSE COTTAGE, 50, STOCK LANE, SHAVINGTON, CHESHIRE, CW2 5ED

Proposal: Outline planning application for the demolition of converted residential barn and the erection of two detached dwellings and associated works on land to rear of Rose Cottage, 50 Stock Lane, Wybunbury.

Applicant: Mr M Beeston

Expiry Date: 19-Jul-2021

### **SUMMARY**

The proposal seeks outline approval for the siting of 2 dwellings within the rear garden of No.50 Stock Lane. The application site is located within the settlement boundary for Shavington as defined by the Wybunbury Combined Parishes Neighbourhood Plan. As a result, the proposal for residential development is acceptable in principle, however this is subject to compliance with all other relevant policies within the development plan.

The siting of a pair two storey detached dwellings in this location would be in keeping with the character and appearance of the surrounding area, given the recent development of the Shavington/Wybunbury triangle allocation LPS 9 to the north and west and also future development to the east.

The proposal is acceptable in terms of highway safety, ecology, trees and drainage/flood risk subject to conditions being imposed.

The dwellings will be located an acceptable distance from all the surrounding residential dwellings in line with the separation distances set out in the development plan, and is located sufficient distance to result in any potential overbearing impact or be visually intrusive from neighbouring properties. In addition, the dwellings are sited with large plots occupying a reasonably discrete site being screened from POS and play space within the Shavington Park development to the north by existing tree cover and boundary vegetation and as a result would have no adverse impact on the provision or use of these facilities.

It is therefore considered that the proposal is acceptable and in general accordance with the Development Plan and therefore recommended for approval accordingly.

**RECOMMENDATION – Approve with conditions**

## REASON FOR REFERRAL

This type of planning application would normally be dealt with under Delegated Authority, however the application is referred to committee at the request of Cllr Janet Clowes for the following reasons:

- *The land is currently open countryside and so, technically, not developable, however it is recognised that there is currently housing development taking place adjacent to the site (The Persimmon Shavington Park Estate, phases 1 and 2).*

- *The proposal is for two large 4-bed houses which it is claimed will have no impact on amenity. It is true that distances from other dwellings are sufficient but fails to explain that these properties will lie adjacent to the principle amenity areas that will serve the whole Shavington Park development, an area that was specifically designed to be set apart from houses in order to limit noise nuisance and maximise its amenity value for the residents of the 360 homes under construction.*

- *The applicant's design and access statement states that "...the land is level and set well into the new development by Persimmon Homes. All mains services are available at the site". Unfortunately, many Persimmon properties in this area have now had to be built on raised ground levels in order to solve the significant drainage issues in and around this site. This includes adjacent properties and roadways being built on raised land levels 1.5m higher along this part of Stock Lane.*

- *This will be to the further detriment of the public amenity sites currently under construction and adjacent to the west of the site (MUGA, allotments and play area), to which there will be no right of access from this application site.*

- *Two raised, two-storey dwellings will be in close proximity to single storey dwellings on the Persimmon development which may create further design issues.*

- *The flood report is inadequate in the light of the flood and drainage issues that have been experienced on the adjacent site. The start of phase 2 has been delayed for over two years whilst CEC planning officers have worked with Persimmon Homes to design complex flood and drainage mitigation systems to accommodate housing on this site (including raising the land levels, pumping stations, attenuation pond, French drains and holding storage). It must not be assumed that this application can be 'tied in' to the Persimmon development who only heard of the application at the Residents Liaison meeting on 21st June 2021.*

- *There is no consideration of how foul drainage will be managed. The three properties accessed by the Rose Cottage driveway, are served by a foul sewer that comes down the drive and crosses the back gardens of two properties on Stock Lane before joining the main sewer on Stock Lane itself. The foul sewer from the properties had to be repaired during the construction of the third property as foul sewage was leaking to the surface of the gardens in Stock Lane. These systems need to be assessed in terms of their longevity and capacity for what will be four substantial properties. A full drainage and flood report must be commissioned prior to any development on this site taking place.*

- *The applicant's design statement suggests that environment, ecology and tree reports are not required and draws instead on the Persimmon Reports of 2013/14/18. These are now out of date and inappropriate in the context of a new application on a site that was not included in those reports.*



*- Bearing in mind that this application site is NOT part of the Shavington Park development, the access to the site, via a long and narrow driveway means that this is 'backfill development'. It will create an encapsulated nucleus of houses that lack direct connectivity with either community.*

*- The access is onto Stock Lane. Stock Lane has a 40 mph speed limit (not 30mph as stated in the application design statement).*

*- This access was originally the single driveway to Rose Cottage but which now serves the barn conversion and a third property built on the eastern part of the site. Under P06/1232, a passing bay was to have been provided but this was not delivered. There have been ongoing issues associated with vehicles having to reverse (in either direction) as there is no room to pass. The driveway is "nominally" 4.5m wide. This is disputed for part of its length and has implications for refuse and emergency vehicles.*

*- The Access and Design statement states that the driveway will widen at its western end to provide extra width and turning space however refuse vehicles do NOT currently access this drive. Residents currently have to wheel their bins down to the junction of Stock Lane. It is unreasonable to expect the residents of the proposed new dwellings to wheel full bins along what will be a considerable distance to Stock Lane.*

*- Due to the lack of detailed, current reports in this application, and the failure to address the recognised concerns regarding access, foul and surface water drainage and impact of neighbouring amenity spaces and services, I respectfully ask that this application is refused.*

## **PROPOSAL:**

The application is in Outline with all matters reserved including access. The proposals relate to the construction of two detached, two-storey 4-bedroom dwellings within the paddock area to the rear of Rose Cottage .

The application also includes the demolition of a partially converted barn subject to planning approval P06/1232 to enable access to the new dwellings

Site access will be via the existing private driveway from Stock Lane serving Rose Cottage (No 50 Stock Lane) and also 52 A Stock Lane. It is proposed that this widened to facilitate a passing bay.

## **SITE DESCRIPTION:**

The application site (0.28 HA) currently a grassed paddock which essentially forms part of the rear residential curtilage of Rose Cottage (No.50 Stock Lane). A former barn on the eastern side of Rose Cottage has been partially converted to a dwelling under planning approval P06/1232, but the scheme has not been completed.

Rose Cottage and the adjacent detached bungalow ( No.50A Stock Lane) , are accessed via a private driveway leading from Stock Lane.

The application sites' northern, western and eastern site boundaries adjoin a large residential development site. This is known as the Shavington/Wybunbury triangle which is the subject of allocation LPS 9 of the Cheshire East Local Plan Strategy, much of which is either developed or under construction. Shavington Park (Phase 1 & 2) is being developed by Persimmon Homes and lies to the north and west of the site. A scheme for Anwyl homes (21/4136N - Phase 3) adjoining the eastern site boundary was resolved to be approved by SPB earlier this year subject to the location of required off-site habitat being agreed and the completion of a S106 Agreement.

Hedgerows and extensive tree cover lie alongside the site boundaries, including a group of mature Black poplars. An existing drainage ditch (ordinary watercourse) passes alongside the eastern and northern site boundaries.

### **RELEVANT HISTORY:**

P06/1232N - Barn Conversion To One Dwelling, Redundant Barn At Rose Cottage 50 Stock Lane Shavington. Approved 19-Dec-2006

### **POLICIES**

#### **National Planning Policy**

National Planning Policy Framework

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

MP1 Presumption in favour of Sustainable Development  
PG1 Overall Development Strategy  
PG2 Settlement Hierarchy  
PG6 Open Countryside  
PG7 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
SE1 Design  
SE2 Efficient Use of Land  
SE3 Biodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE9 Energy Efficient Development  
SE12 Pollution, Land Contamination and Land Instability  
SE13 Flood Risk and Water Management  
IN1 Infrastructure  
CO1 Sustainable Travel and Transport

#### **Saved Policies of the Crewe and Nantwich Local Plan**

BE.1 – Amenity  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources

BE.6 – Development on Potentially Contaminated Land  
NE.5 – Nature Conservation and Habitats  
NE.9 – Protected Species

**Wybunbury Combined Parishes Neighbourhood Plan**

Made on the 6<sup>th</sup> April 2020.

Policy H1: Location of New Houses  
Policy H4: Design  
Policy H5: Adapting to Climate Change  
Policy E1: Woodland, Trees, Hedgerows and Boundary Fencing  
Policy E3: Biodiversity  
Policy TI1 - Traffic Management  
Policy TI2: Parking  
Policy TI3: Traffic Generation  
Policy TI4: Drainage

**Relevant Emerging policies for Site Allocations and Development Policies Document (SADPD)**

*The Site allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Plan was submitted for examination in April 2021, hearings took place in October and November 2021. Draft Main Modifications were consulted on during April and May 2022. Noting the relatively advanced stage of the SADPD it is considered that at least moderate weight should be applied to relevant policies, including the proposed modifications.*

PG9 Settlement Boundaries  
GEN 1 Design Principles  
ENV5 Landscaping  
HOU8 Backland Development  
HOU10 Amenity

**CONSULTATIONS:**

**United Utilities:** No objections subject to a condition requiring the approval of drainage details.

**CEC Environmental Health:** No objection, subject to conditions for EVI and contaminated land with informatives for construction hours, pile foundations and site specific dust management plan.

**Highways:** No objection

**Flood Risk Officer:** No objections in principle subject to conditions for the submission of a detailed drainage strategy and for Ground levels and Finished floor levels.

**Wybunbury Parish Council:**

Object and comment as follows:-

- 1.0 The planning application states that Stock Lane is a 30 mph road when in fact it is a 40 mph road.
- 1.0 Length of drive without a passing bay as stipulated in original Barn planning application P06/1232 has never been implemented & requires implementing to comply with the previous application.
- 2.0 Width of drive (less than 4.5m) for construction, fire service and refuse collection.
- 3.0 The application states they will control the height & the splay of the fencing etc. at the mouth of Rose Cottage drive, how are they going to achieve this when they don't own the land at this point or show any covenant applying to the owners of No 52 or 48 Stock Lane.
- 4.0 There are current problems with the foul sewer from the existing properties down Rose Cottage drive, 3 No at present this would make the No 4.
- 5.0 Using Persimmon Environmental Impact, Protected species surveys and Arboriculture Impact Assessment this application does not comply as there should be a separate survey & assumptions should not be used.
- 6.0 The application states there are no wet areas or ponds which is incorrect as there is a ditch & wet areas by the Prow & at the head of the paddock.
- 7.0 The proposed 2 No new dwellings will be adjacent to the Children's play area, has this been considered with relation to noise generation & the effects on the two new properties.
- 8.0 The application says the site is well screened then it talks of removing existing trees for safety reasons & replanting the areas where they have been removed from & close board fences.
- 9.0 They say that the proposed properties would match in with others in the area when in fact they will be an isolated group of dwellings along with Rose cottage so should match in with the design of Rose cottage & the barn that is proposed to be removed.
- 10.0 They quote the EA flood risk area knowing full well that persimmon are having surface water flooding & water removal & the fields to the North currently in the ownership of Anwyl Homes always has a lot of standing water in the winter months.
- 11.0 They have not said how they propose to remove or dispose of the surface water generated on the site as soakaways cannot be used on this site, if it's the intention to dispose of it to any ditch or the Cheer Brook have the advised Persimmon homes as it could affect their surface water disposal calculations.
- 12.0 Is this back garden development or rear land infill??
- 13.0 What effect will this development have on Phase 3 of the Shavington Park development?

Wybunbury PC objects to this application on the grounds that the information is incorrect & misleading & should be refused.

## **REPRESENTATIONS:**

Letters of objection have been received from 2 neighbouring properties. The main issues raised are;

- Stock Lane has become a very busy road due to new housing developments in the area. Stock Lane has a 40 mph speed limit NOT 30 mph as stated in the planning application.
- Access onto Stock Lane has limited visibility with very minimal splay towards No 48 to the left. There is no splay to No 52 on the right. This cannot be altered due to existing boundaries.
- obstruction and safety hazard from additional bin collection at end of driveway on Stock Lane
- Repetition of damage to boundary fence at the entrance by traffic entering the driveway to No 50

- Damage to driveway by the heavy equipment using the drive for the build
- Access driveway of inadequate width to serve development being less than 4.5m wide.
- Inadequate access for Construction and Emergency vehicles.
- Passing bays not provided in accordance with approval for barn conversion ( P06/1232)
- Detrimental to highway safety as lack of passing bay would result in vehicles reversing onto Stock Lane .
- No drainage details
- Exacerbate existing foul drainage/sewerage problems
- Loss of privacy due to overlooking of properties alongside accessway from passing construction vehicles

## OFFICER APPRAISAL

### Principle of Development

The application site is situated within the open countryside as designated by Policy PG6 of the CELPS and also by the Adopted Crewe and Nantwich local plan. However this small site is essentially landlocked between the existing settlement boundary and the development of the surrounding Shavington/Wybunbury Triangle (LPS 9). The site is becoming enclosed by built form and associated features of the allocated site, and consequently its open countryside function is minimal.

The site has therefore been included within the revised Shavington settlement boundary defined by the draft SADPD. This can now be given significant weight as modifications to proposed settlement boundaries have not been required by the SADPD Inspector.

The village settlement boundary proposed by the draft SADPD importantly reflects that of the made Wybunbury Combined Parishes Neighbourhood Plan (WCPNP) which also includes the application site, No.50 Stock Lane and the entire Shavington/Wybunbury triangle. Policy H1 of the WCPNP states that

*“Within the Settlement Boundary of that part of Shavington that falls within the designated area (See Fig 2i), housing proposals will be supported where they are in keeping with the scale, role and function of that settlement and of the neighbourhood plan area as a whole”*

Given its relationship with the allocated site (LPS 9) and existing residential properties along Stock Lane, it is considered that the small-scale development of the application site with two dwellings would be visually, physically and functionally related to the settlement.

The site is also within walking distance of Shavington which has shops, public houses, a primary and secondary school and a regular bus service to the wider range of facilities and employment opportunities available in Crewe and Nantwich. As such it is considered to be locationally sustainable

In this instance as the Cheshire East Local Plan Strategy was adopted 12 July 2017 and the WCPNP was Made in 2020, the Neighbourhood Plan is the most up to date document in respect of the defined Shavington Settlement boundary and therefore must be given full weight.

It is therefore considered that the proposed development of the application site is acceptable in principle. The main issues of this outline application are therefore the impact of the

development on local character, integration of the development with its surroundings, amenity, highway safety, nature conservation and drainage/flood risk.

### **Impact on the character and appearance of the area**

The application site is a small paddock within the residential curtilage to the rear of No.50 Stock Lane, where a pair of detached houses are proposed. It is therefore characterised as a form of backland development.

There are no specific policies within the Wybunbury Combined Parishes Neighbourhood Plan which identify if Backland development is considered to be acceptable or not. However, Policy H4 relates to the design of new housing, requiring it to respond to and integrate with local surroundings, adjoining development and landscape context as well as the wider built environment.

Emerging Policy HOU 8 Backland development of the SADPD (main modifications version) states that;

*Proposals for tandem or backland development will only be permitted where they:*

- 1. demonstrate a satisfactory means of access to an existing public highway in accordance with Policy INF 3 'Highway safety and access' that has an appropriate relationship with existing residential properties;*
- 2. do not cause unacceptable harm to the amenity of the residents of existing or proposed properties; in accordance with Policy HOU 10 'Amenity'*
- 3. are equal or subordinate in scale to surrounding buildings, particularly those fronting the highway; and*
- 4. are sympathetic to the character and appearance of the surrounding area through its form, layout, boundary treatments and other characteristics.*

The application site is essentially part of the large rear garden of No.50 Stock Lane. The site is adjoined by the allocated Shavington/Wybunbury triangle development (LPS 9) to the west, north and east. Proposed allotments of the allocated site (Persimmon - Shavington Park) adjoin the western site boundary with Public Open Space (Village Green) and a Multi-use play area (MUGA) to the north. The existing ribbon of development alongside Stock Lane, lies beyond Rose Cottage and 50A to the south.

Indicative plans have been submitted to show the siting of a pair of detached houses within a relatively large plots. Although the site layout will be addressed at the Reserved Matters stage, it is the case that a rear garden depth of around 18m can be achieved with the northern site boundary. Existing vegetation and trees alongside site boundaries will largely screen the site from the proposed MUGA and POS of Shavington Park to the north, as well as from future development of Phase 3 of the LPS 9 to the west. Therefore given this relationship it is not considered that the development of two detached houses within this reasonably discrete site will have a harmful impact on the provision of POS/play facilities within the Shavington/Wybunbury triangle development.

Similarly given the size of the site, it is further considered that the siting of the dwellings can easily be adjusted to provide a greater off-set distances from site boundaries such as with the

allotment site adjoining the western boundary or the watercourse (ditch) to the north and east

There is no direct access between the site and the Shavington triangle development. However, access into Shavington Park is available via a pedestrian link following the route of a public footpath from Stock Lane which is within easy walking distance of the site.

The siting of a pair of detached houses within this site will achieve an acceptable relationship with the adjoining development, and also be of a character which satisfactorily reflects the sites context.

Given the siting of the houses to the north and behind Rose Cottage, this would not result in an unacceptable impact on the street scene of Stock Lane or from any other public vantage points. It is therefore considered that the proposal would have no significant impact on the character or appearance of the area.

## **Design**

Policy SE1 (Design) of the CELPS advises that the proposal should achieve a high standard of design and wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings. This policy is supplemented by the Cheshire East Design Guide SPD.

Whilst all matters are reserved in respect to this application however, indicative plans show a pair of detached, two-storey dwellings, which is considered to be appropriate in its context and achieve an acceptable relationship with the adjacent Shavington Triangle development. The proposals are acceptable and would not appear out of character with the area, and detailed matters including appearance, layout and landscaping will be addressed at the Reserved Matters stage.

As such, the proposal is considered to adhere with Policy SE1 of the CELPS.

## **Amenity**

The Design Guide and Emerging SADPD set out the generally acceptable spacing standards between windows in residential dwellings. A separation distance of around 18m between front elevations, increasing the 21m for rear elevations is acceptable, and 13m between principal and secondary windows/blank gables is acceptable.

The nearest dwelling (two storey house) of the Shavington Park development (Persimmon Phase 2) is Plot 210. This is located 23m to the south-west of the southern site boundary. Plot 53 is the nearest property of the approved Anwyl Homes development which will constitute Phase 3 of the Shavington triangle allocation. This is located about 18m from the north-eastern corner of the site.

The scheme can therefore readily achieve the required separation distances with dwellings of the Shavington/Wybunbury Triangle development.

In addition, the indicative site plan also demonstrates that an acceptable relationship with Rose Cottage can be achieved with a separation distance of 21m being provided between facing principal windows.

Representations have raised concerns in respect of large construction/delivery vehicles passing close by to properties along the driveway access resulting in a loss of privacy from overlooking. However, given this is a small-scale development vehicle movements of this kind would only occur on a few occasions over the temporary and short period of construction, and consequently would not therefore result in an unacceptable loss of amenity.

Whilst the new houses may need to be constructed at higher levels as set out in the flood risk section below, it is not considered that this would have any detrimental impact on the amenities of nearby properties or have an unacceptable visual impact on the appearance of the locality.

It is therefore considered that the proposed development would not have any significant impact on neighbouring amenity in terms of overlooking, loss of light to principal windows or visual intrusion.

## **Highways**

The proposal is to demolish the existing partially converted barn and erect 2 dwellings with off-road parking while utilising an existing access off Stock Lane. Stock Lane is a classified B-road with a 40mph speed limit.

The existing access is currently used by 2 dwellings, and also potentially by a third unit should the approved barn conversion be completed. As part of the previous barn conversion proposal, and as a form of highways mitigation, a passing bay along the drive was proposed, but this was never implemented.

The access is a private drive of single car width and is approximately 70m long and the proposal would therefore result in an extra unit using it. To mitigate the impact of the additional vehicle movements, the applicant has proposed to make the access wider by removing the conifers that run along both sides of it and tarmac these sections. In addition, approximately half-way along the access, the width will be increased again to 5.2m for the remaining length of the drive (approx. 16m) by trimming back the conifers / hedging to thereby allow 2 cars to pass. A turning area for service vehicles will also be provided at the northernmost end of the driveway.

The Highway Officer advised that access visibility onto Stock Lane is acceptable and is currently considered to operate safely. In view of the proposed mitigation, (driveway widening) and that the proposal would only result in a net increase of 1 additional dwelling being served by the access drive, no objections are raised by the Highway Officer. A condition is recommended to ensure that the proposed increased width of the access is included as part of a Reserved Matters application.

The proposal is therefore considered to be acceptable in Highway Safety terms and no objection is raised.



## **Ecology**

The Council's Ecologist has considered the application and addressed the following ecological issues associated with the proposed development.

### Great Crested Newts

A number of great crested newt surveys have been undertaken of the ponds located in the proximity of the proposed development with no evidence of great crested newts having been recorded. The submitted ecological assessment identifies a further waterbody that was not included in the most recent round of surveys. Considering the lack of any evidence of great crested newts being recorded in the past and the scale of the current proposals the Council's Ecologist is satisfied that great crested newts are not reasonable likely to be present on site or affected by the proposed development.

### Other Protected Species

No evidence of other protected species was recorded during the submitted survey. The Council's Ecologist has advised that this species is not reasonable likely to be affected by the proposed development.

### Bats

Evidence of bats was recorded within one of the outbuildings on site and both outbuildings on site were identified as offering potential to support roosting bats. Further bat activity surveys have been undertaken during the course of the application which did not record any recent evidence of roosting bats. The Council's Ecologist has therefore advised that roosting bats are not reasonable likely to be affected by the proposed development.

The status of roosting bats can change on a site over time. As bats have historically roosted within the buildings on site, it is recommended that a condition be attached which requires any future reserved matters application to be supported by an updated bat survey of the buildings on site.

The preliminary Ecological appraisal prepared by Cheshire Ecology Ltd, identified trees on the eastern boundary of the site with moderate potential to support roosting bats. If these trees are anticipated to be removed as part of the development of this site a further survey of these to establish the presence/absence of roosting bats will be required prior to the determination of the application. The agent has however confirmed that there are no proposals to remove these trees.

### Hedgerows

Native hedgerows are a priority habitat and hence a material consideration. The hedgerows on site are partly ornamental and partly native species. Although no landscape details have been submitted in support of this outline application, these hedgerows are located on the site boundaries and it seems feasible for them to be retained as part of the proposed development. If any native hedgerow is unavoidable lost as part of any future reserved matters application,

compensatory planting sufficient to address its loss will be required to be provided as part of the landscaping scheme for the site .

### Biodiversity Net Gain

Local Plan policy SE 3 requires all development to contribute positively to the conservation of biodiversity. The habitats on site are predominantly domestic in nature and so of limited biodiversity value. In this case, an enhancement of biodiversity can be achieved by using native species in the landscaping scheme and the provision of bird boxes etc . A condition is recommended that any future reserved matters application to be supported by a strategy for the incorporation of features to enhance the biodiversity value of the proposed development.

In summary, the Council's Ecologist does not consider there to be any significant ecological issues associated with the proposed development subject to conditions being imposed to enhance biodiversity and the submission of an updated bay survey, and also that landscape/hedgerow issues are addressed at the Reserved Matters stage .

### **Landscape and Trees**

The Landscape Officer has raised no objections to the scheme and considers that the proposal would not result in any significant landscape or visual impacts. Details of landscaping will be submitted at the Reserved Matters stage.

The application site is presently bordered to the north, east and west by established tree cover comprising of a linear group of mature, moderate quality B Category Hybrid Black Poplar which were designated as G10 of the survey associated with approved Reserved Matters application 18/2492N (Persimmon Phase 2 ) for residential development within the Shavington /Wybunbury triangle allocation to the west. The trees are visible from outside the site boundary and contribute to the landscape character of the area.

The tree Officer accepts that the position and present height of the trees would stand to dominate the plots as indicated on the submitted proposed site plan. The Design and Access Statement submitted with the application states that the intention is to fell some or all of the tall poplar trees; *due to the present and perceived 'danger of falling' on to the proposed dwellings, properties, and allotments of the adjacent Persimmon site.* Although arboricultural information demonstrating the current condition of the trees, issues of safety or provides clarification as to the anticipated extent of tree losses the Tree Office considers that this can be addressed as part of any future reserved matters application. This will need evaluate the trees and provide a site specific appraisal of their relationship with the proposed site layout on which to justify losses, and ensure that appropriate levels of mitigation are provided.

The submitted indicative block plan does however show several trees on the site boundary, that and all existing trees/hedgerow to be retained. The Tree officer therefore recommends it reasonable to impose conditions relating to tree retention and provision of a tree protection scheme.

### **Flood Risk and Drainage**

The site is situated within Flood Zone 1, which is deemed to have a low probability of flooding

The Council's Flood Risk officer has assessed the proposal and has raised no objections to the principle of the development. However, details of surface water drainage and levels will need to be dealt with at the Reserved Matters stage when details of the site layout will be considered.

The Flood Risk Officer advises that ordinary watercourse modelling does identify some potential 1 in 100 year + CC% flooding along the eastern and northern site boundaries from an existing drainage ditch. This requires that property threshold levels need to be set at an appropriate level to avoid any additional risk. In addition, as works are being undertaken close to an existing watercourse embankment the LLFA recommends an easement of 8m from top of bank. Although, if this cannot be achieved the developer will need to demonstrate suitable maintenance plans are in place once constructed.

A condition is recommended that prior to the commencement of development, details of an overall detailed strategy / design limiting the surface water runoff generated are submitted and approved for the proposed development.

In addition a condition is required for the submission and approval of detail of ground levels and Finished floor levels (FFLs) for the dwellings. It is considered that levels information should accompany a Reserved Matters application.

United Utilities have been consulted and raised no objections with the scheme but highlight that the drainage hierarchy should be followed in respect of the surface water drainage scheme.

Whilst representations have raised issues in respect of foul drainage problems experienced at nearby properties, including blocked drains, matters relating to the operation and performance of the mains sewerage system are the responsibility of United Utilities as the relevant Statutory Undertaker. Whilst details of foul drainage arrangements have not been finalised, the applicant has pointed out that a connection to the existing main sewer in Stock Lane is available from end of the existing driveway access.

Therefore, subject to a condition for a detailed drainage scheme and levels information, the proposal is considered to be acceptable in terms of flood risk and drainage.

## **Other Matters**

Most comments/objections which have been raised within the representations and by the parish council have been addressed within the main body of the report.

Issues raised in respect of ongoing development within the adjoining site (Shavington park – Persimmon), such as in respect of levels and drainage provision for specific plots, are not however relevant to the consideration of this application which should be considered on its own individual merits.

A condition has been recommended below for Electrical vehicle Infrastructure to be included. Waste bins will be contained within the site during the week, and pulled out to the end of the driveway on bin collection days, in the same manner as currently occurs for the existing properties, and it is not considered that the collection of additional bins will have any significantly greater impact.

## **CONCLUSION**

The proposal seeks outline approval for the siting of 2 dwellings within the rear garden of No.50 Stock Lane. The application site is located within the settlement boundary for Shavington as defined by the Wybunbury Combined Parishes Neighbourhood Plan. As a result, the proposal for residential development is acceptable in principle, however this is subject to compliance with all other relevant policies within the development plan.

The siting of a pair two storey detached dwellings in this location would be in keeping with the character and appearance of the surrounding area, given the recent development of the Shavington/Wybunbury Triangle allocation to the north and west and future development to the east.

The proposal is acceptable in terms of highway safety, ecology, trees and drainage/flood risk subject to conditions being imposed.

The dwellings will be located an acceptable distance from all the surrounding residential dwellings in line with the separation distances set out in the development plan, and is located sufficient distance to result in any potential overbearing impact or be visually intrusive from neighbouring properties. In addition, the dwellings are sited with large plots occupying a reasonably discrete site being screened from POS and play space within the Shavington Park development to the north by existing tree cover and boundary vegetation and as a result would have no adverse impact on the provision or use of these facilities.

It is therefore considered that the proposal is acceptable and in general accordance with the Development Plan and therefore recommended for approval accordingly.

## **RECOMMENDATION: Approve with conditions**

- 1. Standard Time Limit (Outline)**
- 2. Submission of Reserved Matters**
- 3. Reserved Matters application made within 3 years**
- 4. Approved plans**
- 5. Boundary treatment**
- 6. Implementation of landscaping**
- 7. Updated Bat survey**
- 8. Ecological Enhancement Strategy to be submitted**
- 9. Drainage strategy to be submitted and approved**
- 10. Levels to be submitted and approved**
- 11. Land contamination – Submission of risk assessment and remediation strategy if necessary**
- 12. Land contamination - Verification report**
- 13. Land contamination - Unexpected**
- 14. Land contamination - Importation of Soil**
- 15. Tree protection scheme to be submitted**
- 16. Tree and hedge retention**
- 17. Electric vehicle charging infrastructure**
- 18. Bin Storage to be provided prior to first occupation**

**19. Driveway widening details**

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

