

Southern Planning Committee

Agenda

Date: Wednesday 5th April 2023
Time: 10.00 am
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

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

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

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

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

1. Apologies for Absence

To receive apologies for absence.

2. Declarations of Interest/Pre Determination

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

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

To approve the minutes of the meeting held on 15 March 2023.

For requests for further information

Contact: Rachel Graves

E-Mail: rachel.graves@cheshireeast.gov.uk

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. **21/5436C - LAND EAST AND WEST OF, CROXTON LANE, MIDDLEWICH, CHESHIRE: The erection of 52 dwellings with associated infrastructure including new vehicular access from Croxton Lane, alterations to existing lay-by on Croxton Lane, hard and soft landscaping, new open space areas with children's play area, Sustainable Urban Drainage system, pedestrian access point to Croxton Park and continued provision of public right of way. (Pages 11 - 42)**

To consider the above planning application.

6. **22/1485C - LAND TO THE NORTH OF 24 CHURCH LANE, SANDBACH CW11 2LQ: Erection of 4 dwellings with associated access and landscaping (Pages 43 - 50)**

To consider the above planning application.

7. **22/3256N - THE CLIFFLANDS, WRINEHILL ROAD, WYBUNBURY, CW5 7NU: Proposed separation of approved residential annex (P06/0986) from the host dwellinghouse (The Clifflands) to create a separate dwellinghouse (Pages 51 - 58)**

To consider the above planning application.

8. **23/0101N - LAND OFF, CREWE ROAD, HASLINGTON: Planning permission for the erection of 5 no. two storey dwellings with associated parking and landscaping (Pages 59 - 74)**

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

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

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 15th March, 2023 in the Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor A Kolker (Chair)
Councillor P Butterill (Vice-Chair)

Councillors M Benson, J Bratherton, S Davies, A Gage, M Hunter, D Marren,
C Naismith, S Pochin, L Smith and J Wray

OFFICERS IN ATTENDANCE

Dan Evans, Principal Planning Officer
Gareth Taylerson, Principal Planning Officer
Paul Hurdus, Highways Officer
Andrew Poynton, Senior Planning and Highways Lawyer
Rachel Graves, Democratic Services Officer

70 APOLOGIES FOR ABSENCE

Apologies were received from Councillor A Critchley. Councillor M Hunter substituted for Councillor Critchley.

71 DECLARATIONS OF INTEREST/PRE DETERMINATION

In respect of application 21/5436C, Councillor S Pochin declared that she knew the applicant and that she would leave the meeting and take no part in the consideration of the application.

In respect of application 21/5436C, Councillor M Hunter declared he was in correspondence with the developer over an issue at another development in Middlewich, on behalf of a member of the public. Councillor M Hunter also declared that he was a non-executive director of ANSA, who were a consultee on the application but had not discussed the application in this capacity.

In respect of application 22/4451N, Councillor A Kolker declared that he was a member of the Economy and Growth Committee which had oversight for the Archives Project and had not taken part in any consideration of the matter at meetings of this Committee.

72 MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 8 February 2023 be approved as a correct record.

73 PUBLIC SPEAKING

The public speaking procedures were noted.

74 22/2692N - LAND OFF, CREWE ROAD, WINTERLEY: RESERVED MATTERS PLANNING APPLICATION (LAYOUT, SCALE, APPEARANCE AND LANDSCAPING) FOLLOWING OUTLINE APPROVAL REFERENCE 19/3889N - OUTLINE APPLICATION FOR THE ERECTION OF UP TO 55 DWELLINGS WITH ASSOCIATED WORKS (ACCESS TO BE CONSIDERED WITH ALL OTHER MATTERS RESERVED) (RESUBMISSION OF 18/2726N)

Consideration was given to the above planning application.

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

Councillor Steven Edgar (ward councillor), Mrs Carol Eardley (objector), Mr Guy Lingford (objector) and Mr Alan Corinaldi-Knott (agent).

RESOLVED:

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

1. Development carried out to the approved plans
2. Obscure glazing to be fitted to side facing en-suite window of plot 1
3. Prior to the installation of any external lighting details to be provided
4. No removal of any vegetation or the demolition or conversion of buildings shall take place between 1st March and 31st August in any year, unless a detailed survey has been carried out to check for nesting birds
5. Development to be carried out in accordance with Arboricultural Method Statement (Urban Green Drawing UG_1511_ARB_AMS_02 dated 17/01/23) submitted to the Council on 26/01/2023.
6. Provision of landscaping plan
7. Landscaping implementation
8. Liaison Group

Informative

The developer to be reminded of the CEMP informative attached to the outline consent.

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 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.

75 22/2403N - COOLE ACRES FISHERY AND LEISURE PARK, COOLE LANE, NEWHALL, CW5 8AY: REMODELLING OF HATCHERY PONDS TO CREATE A NEW LAKE, USE OF LAND FOR THE SITING OF 19 NO. HOLIDAY LODGES, 2 NO. MOBILE CAMPING PODS, ACCESSWAYS, PARKING & ANCILLARY WORKS

Consideration was given to the above planning application.

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

Councillor Rachel Bailey (ward councillor), Sound & District Parish Councillor Paul Griffiths and Ms Sharon Marie Finney (applicant).

RESOLVED:

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

1. Time limit
2. Plans
3. Materials
4. Compliance with the FRA
5. Drainage strategy to be provided
6. Lighting as per approved details with consideration to dark skies/light pollution and ecology
7. Implementation of Great Crested Newt Reasonable Avoidance
8. Implementation of Habitat Creation, Monitoring and Management measures
9. Implementation of ecological enhancement measures
10. Electric Vehicle Charging provision
11. Contaminated land – risk assessment
12. Contaminated land – verification report
13. Contaminated land – soil testing
14. Contaminated land – unexpected contamination
15. Submission of a landscaping scheme including management for the landscaping of southern boundary
16. Implementation of landscaping and management scheme
17. Occupancy condition
18. Log of users
19. Details of hard standing

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 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.

Prior to consideration of the following item Councillor S Pochin left the meeting and did not return.

- 76 **21/5436C - LAND EAST AND WEST OF, CROXTON LANE, MIDDLEWICH, CHESHIRE: THE ERECTION OF 52 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE INCLUDING NEW VEHICULAR ACCESS FROM CROXTON LANE, ALTERATIONS TO EXISTING LAY-BY ON CROXTON LANE, HARD AND SOFT LANDSCAPING, NEW OPEN SPACE AREAS WITH CHILDREN'S PLAY AREA, SUSTAINABLE URBAN DRAINAGE SYSTEM, PEDESTRIAN ACCESS POINT TO CROXTON PARK AND CONTINUED PROVISION OF PUBLIC RIGHT OF WAY.**

Consideration was given to the above planning application.

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

Middlewich Town Councillor Graham Orme, Mr Fraser Whytock (objector) and Mrs Beverley Moss (agent).

During consideration of the application Councillors M Benson and J Bratherton left the meeting and did not return.

RESOLVED:

That the application be deferred the following reasons:

1. Further information on methane trench – information on readings (when taken and what were the readings).
2. Consideration of a crossing point to Croxton Lane
3. Consideration of Biodiversity sum being spent at Croxton Park or on another site in Middlewich

The Committee adjourned for a short break.

77 22/4472N - SOUTH CHESHIRE MAGISTRATES COURT (LAW COURT), AND LAND TO WEST UP TO AND INCLUDING THE LIBRARY BUILDING, PRINCE ALBERT STREET, CREWE:THE DISMANTLING OF THE EXISTING LIBRARY BUILDING (TO BE REPLACED BY A NEW HISTORY CENTRE AS PART OF A SEPARATE APPLICATION BY OTHERS), THE DISMANTLING OF THE EXISTING RAISED CONCRETE DECK BETWEEN THE EXISTING LIBRARY BUILDING AND THE EXISTING LAW COURTS, THE CONSTRUCTION OF A NEW ENTRANCE EXTENSION TO THE WESTERN FACADE OF THE LAW COURT BUILDING AND THE INSTALLATION OF A NEW PUBLIC REALM LANDSCAPE TO REPLACE THE EXISTING CAR PARK WITH CONNECTION TO MEMORIAL SQUARE

Consideration was given to the above planning application.

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

Mr David Trowler (on behalf of applicant).

RESOLVED:

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

1. Commencement of development (3 years)
2. Development in accordance with approved plans
3. Details of materials and finishes
4. Details of lighting/illumination of extension to Magistrates Building
5. Details of secure cycle storage/parking
6. Details of the siting and provision of public artwork
7. Provision of boundary treatment between former sunken garden and rear service area of History Centre
8. Submission/approval of tree planting specification
9. Implementation & maintenance of landscaping
10. Submission and approval of full details of Drainage scheme
11. Contaminated land - Submission and approval of Remediation Strategy
12. Contaminated land - Submission and approval of Verification Report
13. Contaminated land – soil testing
14. Measures to deal with unexpected contamination
15. Submission of updated CEMP
16. Tree Retention
17. Tree Protection scheme
18. Tree Pruning/Felling Specification
19. Arboricultural Method Statement
20. Details of on-site Surface Water drainage scheme, infrastructure and management
21. Details of levels

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chair of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

78 22/4451N - CREWE LIBRARY, PRINCE ALBERT STREET, CREWE, CHESHIRE, CW1 2DH: CONSTRUCTION OF A NEW HISTORY CENTRE (CLASS F1) WITH RELATED ACCESS, SERVICING, LANDSCAPING AND OTHER ASSOCIATED WORKS, FOLLOWING THE DEMOLITION OF THE FORMER CREWE LIBRARY BUILDING

Consideration was given to the above planning application.

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

Councillor Jill Rhodes (neighbouring ward councillor) and Mr Paul Newman (applicant).

RESOLVED:

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

1. Commencement of development (3 years)
2. Development in accordance with approved plans
3. Details of materials and finishes
4. Details of lighting/illumination of building
5. Details of secure cycle storage/parking
6. Submission and approval of full details of Drainage scheme
7. Contaminated land - Submission and approval of Remediation Strategy
8. Contaminated land - Submission and approval of Verification Report
9. Contaminated land – soil testing
10. Measures to deal with unexpected contamination
11. Submission of CEMP
12. Details of on-site Surface Water drainage scheme, infrastructure and management
13. Details of levels

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chair of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

**79 WITHDRAWN - 23/0101N - LAND OFF, CREWE ROAD, HASLINGTON:
PLANNING PERMISSION FOR THE ERECTION OF 5 NO. TWO
STOREY DWELLINGS WITH ASSOCIATED PARKING AND
LANDSCAPING**

The application had been withdrawn from the agenda prior to the meeting taking place.

80 PLANNING ENFORCEMENT UPDATE REPORT

The Committee considered the report on the performance of the Planning Enforcement Services during the period 2021 – 2022, which provided a status report on the cases where formal enforcement action had already been taken.

RESOLVED:

That the report be noted.

The meeting commenced at 10.00 am and concluded at 1.10 pm

Councillor A Kolker (Chair)

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Application No: 21/5436C

Location: Land East and West of, CROXTON LANE, MIDDLEWICH, CHESHIRE

Proposal: The erection of 52 dwellings with associated infrastructure including new vehicular access from Croxton Lane, alterations to existing lay-by on Croxton Lane, hard and soft landscaping, new open space areas with children's play area, Sustainable Urban Drainage system, pedestrian access point to Croxton Park and continued provision of public right of way.

Applicant: Brenig Construction Ltd, Anwyl Land Ltd & Mrs D M Frances-Hayhurst Foundation

Expiry Date: 17-Mar-2023

SUMMARY

The principle of development is considered to be acceptable and the site is allocated for development within Policy MID1 of the SADPD.

The development will not have a detrimental impact upon residential amenity and would comply with Policies HOU12 and HOU13 of the SADPD.

The design of the proposed development has been the subject of revised plans and is now of an acceptable design. The design complies with Policies SE1, SD1 and SD2 of the CELPS, the CEC Design Guide and GEN1 of the SADPD.

The proposal would have neutral impact upon the setting of the adjacent Conservation Area and the proposal complies with policies SE7 of the CELPS, and HER1 and HER3 of the SADPD. The impact upon archaeology could be mitigated via the imposition of a planning condition.

In terms of the POS is considered to be acceptable and would be secured via the completion of a S106 Agreement.

An acceptable landscaping scheme could be secured via the imposition of a planning condition and the development is acceptable in terms of its impact upon ecology. The proposal would comply with Policies SE1, SE3, SE4, SE5, and SE6 of the CELPS, and policies ENV3, EN5 and ENV6 of the SADPD.

The impact upon the trees and hedgerows on the site is considered to be acceptable and complies with Policy ENV6 of the SADPD and SE5 of the SADPD.

The drainage/flood risk implications for this proposed development are considered to be acceptable and the development would comply with policies SE13 of the CELPS and ENV16 of the SADPD.

The proposed access points and the traffic impact are considered to be acceptable. The internal design of the highway layout and parking provision is considered to be acceptable and complies with Policies SD1, SD2, CO2 and SE1 of the CELPS and policy INF3 of the SADPD.

The concerns regarding brine subsidence are noted, but this issue will be resolved at the Building Regulations stage.

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

RECOMMENDATION

APPROVE subject to the completion of a S106 Agreement and subject to conditions.

DEFERRAL

This application was deferred at the Southern Planning Committee meeting on 15th March for the following reasons;

- Further information on methane trench – information on readings (when taken and what were the readings).
- Consideration of a crossing point to Croxton Lane
- Consideration of Biodiversity sum being spent at Croxton Park or on another site in Middlewich

The reasons for deferral are discussed below.

Further information on methane trench – information on readings (when taken and what were the readings)

Following the deferral of the application, further information has been requested from the Environmental Health Officer. The EHO has confirmed that they have now been provided with a Phase I Preliminary Risk Assessment (Report Ref: BM/C3951/7680, Brownfield Solutions, June 2018). The EHO has stated that:

- This report is around five years old. Some confirmation that site conditions have not altered in the period since the report's production should be provided, as this may affect the Conceptual Model.
- The main potential sources of contamination capable of affecting the proposed development have been identified, and a Phase II ground investigation was recommended in order to further assess the potential contaminant linkages.

An updated preliminary geo-environmental investigation report (Report Ref: 19200/PRELIM/REV B, REFA, March 2023), was submitted in support of the application. The EHO states that:

- It is noted that this report represents a preliminary investigation and that a more detailed investigation will follow in due course.

- The ground gas assessment has not accounted for the landfill located 80m north-east of the site (Ravenscroft Silt Tip), however Section 4.3.1 notes *“The positions have been utilised in general ground conditions across the whole site area but we do recognise that in future more detailed ground investigation will be required.”*
- The ground gas assessment should incorporate a discussion of the data utilised (including impact of standing water levels, atmospheric pressure, pressure trends etc.). The updated report does expand on the assessment, however atmospheric pressure trends have not been discussed. We are aware that historical records are available for review, these should be considered in any future submissions using these data.
- The S4UL for Nickel was revised in August 2015 and should be updated accordingly.
- Any assessment utilising criteria dependent on soil organic matter (SOM) should utilise laboratory data for that horizon rather than defaulting to 6% SOM.

The EHO has stated that they are also aware of further information pertinent to an adjacent development (planning references 19172/1 and 19172/A), as follows:

- The properties were developed in the early 1990s and were subject to some investigation. Condition 3 on application reference 19172/1 required a detailed site investigation and assessment to be carried out in connection with possible methane gas seepage from adjoining land, with any measures shown to be necessary, agreed in writing with the council and incorporated into the development proposals.
- Information held on the file for planning application reference 19172/1 shows that no protection measures were considered necessary under this application.
- In the early 1990s, a vent trench was installed by Jones Homes along the eastern boundary of the landfill site as part of a planning obligation for application reference 19172/A, there is however no evidence this trench was extended along the whole eastern site boundary.

Finally, this Contaminated Land Team have obtained ground gas monitoring reports for the adjacent Croxton Lane landfill site, which is monitored on behalf of ANSA. Quarterly monitoring reports are available for this landfill site (2022, no reports are yet available for 2023) and a landfill review was undertaken on behalf of ANSA in December 2021. The Environmental Health Officer has advised as follows:

- The landfill review report of 2021 stated: *“In terms of gas production, Croxton Lane Closed Landfill appeared to be nearing the end of its lifecycle. In-waste monitoring continued to show very little methane generation, with records all below 0.1% v/v. Carbon dioxide concentrations were predominantly below 7.0% v/v. Focusing upon boreholes at the perimeter of the site, most methane concentrations were below 0.1% v/v, with no methane being recorded at most locations on most visits. This may have been the result of some landfill gas migration but could equally be background soil gas occurring naturally in the area. Monitoring was carried out quarterly; this seems appropriate given the relatively low concentrations regularly recorded.”*
- The more recent landfill monitoring reports demonstrate similar conditions, including within boundary boreholes and in particular the one borehole located on the boundary of the former landfill site, close to the proposed development (CH₄ recorded as 0.0% v/v and CO₂ ranging between 0.3-3.6% v/v).

As a result of these lines of evidence, the EHO is satisfied that no significant risks are posed to the proposed development by landfill gas from the former Croxton Lane landfill site adjacent. Further ground investigation is proposed by the consultant, and the EHO is in agreement with

this proposal. The EHO has stated that they would expect the comments above to be addressed in part by these future additional investigations and these investigations can be secured via the use of planning conditions.

Consideration of a crossing point to Croxton Lane

In response to this issue the applicant has provided a highways note, which advises that a PV² Crossing Assessment is used to assess whether a crossing point is needed (this assesses the level of conflict between pedestrians (P) and vehicles (V) at a given location). ADPV² is a more recent modification to the PV² formula which takes into account the number of accidents (A) and the difficulty level of crossing the road (D).

The Highways notes reviews pedestrian and cyclist accident data for the 3-year period and this shows that there have been no accidents.

The difficulty (D) experienced crossing a road is influenced by its width, the speed of traffic and number of lanes being crossed.

The pedestrian volume is weighted to reflect the proportion of young, elderly and disabled persons. The number of pedestrians has been calculated using the Trip Rate Information Calculation System (TRICS). For the purposes of the assessment undertaken, it has been assumed that all pedestrians associated with the eastern and western sites will cross Croxton Lane (in reality only a proportion will cross Croxton Lane).

A survey of vehicles crossing the site was undertaken on Monday 20th March 2023 between 06:30 and 19:10. This indicates that the busiest 4-hour period occurs between 08:00-09:00 and 15:00-18:00.

The ADPV² value demonstrates that a formal pedestrian crossing on Croxton Lane is not justified in the vicinity of the proposed residential development.

Despite these findings the applicant has stated that they are aware of the strength of feeling expressed by Councillors at the Planning Committee relating to the provision of a formal crossing point across Croxton Lane. And with that in mind, they have amended the proposed S278 General Arrangements proposal to demonstrate that a formal crossing is feasibly deliverable in this location. This drawing shows that a zebra crossing could be positioned safely on Croxton Lane between the two proposed new access points which could serve the residential development in both the eastern and western parcels.

The agent has stated that *'Both of the S278 General Arrangement drawings are therefore before the Council as options for the planning application. If, on balance, Councillors are only willing to support the application subject to the provision of a pedestrian crossing, then the latest S278 drawing illustrates how this could be achieved and delivered as part of the S278 highway works pursuant to an appropriately worded condition'*

In response the Councils Highway Officer has stated that he the design of the zebra seems acceptable but this would be subject to S278 technical design check and a safety audit. The Highways Officer would not object to the introduction of the zebra crossing subject to it being secured by condition to be implemented via a S278 Agreement.

Consideration of Biodiversity sum being spent at Croxton Park or on another site in Middlewich

Policy ENV2 of the SADPD states that *'Net gain: development proposals should provide for a net gain in biodiversity in line with the expectations of national policy and be supported by a biodiversity metric calculation'*. The policy justification at paragraph 4.12 then goes onto state that;

'Habitat creation and enhancement will only be possible where opportunities arise and so off-site habitat creation and enhancement may, in some cases, be delivered some distance away from the site of the proposed development'

The case officer has raised the issue about Croxton Park or another site in Middlewich with the Councils Ecologist. The Ecologist has confirmed that Croxton Park is not suitable for restoration of this kind. The Councils Ecologist has visited the site with the ranger and someone from the Wildlife Trust to assess it for this purpose in 2019 and the verdict was that the site is too nutrient rich.

The Councils Ecologist has also stated that he has worked with Middlewich Town Council over the past few years to identify opportunities to spend nature conservation funds. However, as things stand, they have exhausted all known viable opportunities in the area.

The commuted sum for this application is £36,358.20 and whilst the Ecologist would prioritise opportunities closer to the application site, it would need to be spent where the opportunities arise in Cheshire East.

Other issues

Since the deferral of this application, the applicant has revised the submitted plans to ensure that all of the house types are NDSS compliant (see the updated Housing Mix section below).

REASON FOR REFERRAL

This application is referred to Southern Planning Committee as it relates to a residential development of between 20-199 dwellings.

SITE DESCRIPTION

The site of the proposed development extends to 2.26 ha and forms two parts of land on either side of Croxton Lane. The site forms part of MID1 of the SADPD. To the south is residential development fronting Croxton Lane, Nursery Close and Canalside Way. There is also an individual dwelling to the north of the site.

To the north and east is of the site is the Trent and Mersey Canal which is located within a Conservation Area.

Public Footpath Middlewich FP13 crosses the eastern parcel of the site.

To the north-west of the site is the Middlewich Household Waste Recycling Centre.

The majority of the site is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site.

PROPOSAL

This is a full application for the erection of 52 dwellings. Each site would be accessed via a new access from Croxton Lane

The proposed development would have the following housing mix;

- 4 x one bedroom dwellings
- 21 x two bedroom dwellings
- 19 x three bedroom dwellings
- 8 x four bedroom dwellings

All dwellings would be two-stories in height.

The development includes 30.8% affordable housing provision (16 units).

RELEVANT HISTORY

The site has no planning history.

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy (CELPS)

MP1 – Presumption in Favour of Sustainable Development

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG7 - Spatial Distribution of Development

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 7 – The Historic Environment
SE 9 – Energy Efficient Development
SE 13 - Flood Risk and Water Management
IN1 – Infrastructure
IN2 – Developer Contributions

Site Allocations and Development Policies Document

PG9 – Settlement Boundaries
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
HER8 - Archaeology
RUR5 – Best and Most Versatile Agricultural Land
HOU1 – Housing Mix
HOU8 – Space, Accessibility and Wheelchair Housing Standards
HOU12 – Amenity
HOU13 – Residential Standards
HOU14 – Housing Density
HOU15 – Housing Density
INF1 – Cycleways, Bridleways and Footpaths
INF3 – Highways Safety and Access
INF9 – Utilities
INF10 – Canals and Mooring Facilities
REC2 – Indoor Sport and Recreation Implementation
REC3 – Open Space Implementation
MID1 – East and West of Croxton Lane

Middlewich Neighbourhood Plan

The local referendum for Middlewich Neighbourhood Plan was held on the 14 March 2019 and returned a 'no vote'

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. Wide choice of quality homes

126-136. Requiring good design

189-208. Conserving and Enhancing the Historic Environment

CONSULTATIONS

CE Flood Risk Manager: No objection in principle. However, further information is required to manage surface water on the site.

There appears to be some form of flow path or ordinary watercourse on the western boundary. It is important that any proposed properties are situated outside of this pluvial flood risk, with appropriate FFL's in this area to ensure properties are not at risk during extreme storm events. Changes in land levels should be agreed with the LLFA and potentially supported with an appropriate boundary treatment to ensure no transfer or displacement of surface water onto adjacent third-party land.

SuDS are actively promoted on sites where this is practicable. The applicant is directed to the technical standards provided by government relating to the design, construction, operation and maintenance of SuDS that have been published as guidance.

The Flood Risk Officer would expect the drainage strategy for this development to be able to account for 1 in 100-year rainfall event plus 40% allowance for climate change, with the appropriate drainage modelling and calculations to support the chosen method of surface water drainage. Further information will also be required regarding the proposed pond attenuation basins, including design slope stability calculations as necessary to ensure they offer sufficient robustness as a water retaining structure and risk against collapse/failure. Additionally, further discussions will need to take place regarding the catchment the swale is serving to ensure it meets the requirements of the Water Industry Act, as well as the inlet/outlet arrangement for the attenuation pond, particularly if the development is intended to be offered for adoption to United Utilities. The LLFA advises these matters are discussed with United Utilities.

It is noted that the existing highway drain present to the south of the western parcel of site is intended to be diverted. The developer is advised and reminded that this will require formal consent from Cheshire East Highways for these works. If any ordinary watercourses are identified on site, the LLFA should be made aware as any alterations to these structures would require formal consent from ourselves under Land Drainage Act 1991.

Conditions are suggested.

United Utilities: The proposals are acceptable in principle to United Utilities subject to conditions relating to;

- Surface Water Drainage
- Foul and surface water drained on separate systems
- Surface water drainage management

A public sewer crosses the site and UU will not permit building over it. An access strip of 6m (3m either side) will be required. To establish if a sewer diversion is possible then this should be discussed with UU.

Canal & River Trust: Offer the following comments;

- Acknowledge the widening of the planting along the northern boundary buffer to the canal. The boundary hedge/vegetation should be managed/maintained for the lifetime of the development. Any planting shall be native species.

- The excavation of the attenuation pond and the foundations closest to the canal should be carefully managed to ensure that the structural integrity of the canal is safeguarded. Cross-sections should be provided in relation to this matter.
- The submitted layout shows that the properties closest to the canal corridor would have a lower density with side elevations facing the canal. Generally, the C&RT seek to resist such layouts, however given the mature retained vegetation the development would not be visible.
- The formation of the outfall to the canal would require some vegetation clearance along the northern boundary and this will need to be carefully managed to protect the canal and in terms of replacement planting.
- The outfall should be fitted with oil interceptors
- Surface water drainage condition suggested
- The towpath within the vicinity of the site needs to be upgraded in order to fulfil its role identified in the Local Plan. The towpath provides an important leisure and recreational route. The C&RT request a financial contribution for increased maintenance costs or to upgrade the towpath surface.
- A Construction Environment Management Plan should be secured via the imposition of a planning condition.
- Welcome the retention and bolstering of the hedgerow. The LPA should satisfy itself with the submitted Hedgerow Assessment.
- Informatives suggested for the decision notice

CEC Education: The following contributions are required to mitigate the impact of the development;

- £130,741.52 (secondary education)
- £45,500 (SEN)

Strategic Housing Manager: Following the receipt of an Affordable Housing Statement no objection is raised to this development.

Environment Agency: No comments received.

Cheshire Brine Subsidence Board: The Brine Board is of the opinion that the site is within an area which has previously been affected by brine subsidence and future movements cannot be discounted. In addition, there are a number of past claims for damage due to subsidence from brine pumping for properties within the vicinity of the site. The Brine Board recommends that precautions are incorporated within the design of the proposed development.

Such precautions may include;

- Foundations – reinforced concrete raft
- Services – use of flexible materials in service runs; maximise gradients of drains; avoid soakaways
- Superstructure – incorporation of flexibility (flexible couplings within portal frames and maximise use of movement joints).

The board would be willing to discuss alternative design options when a ground dissolution/ brine extraction related risk assessment is submitted, with proposed foundation designs that are designed to overcome the potential effects of brine pumping related subsidence.

As a further requirement the board hereby confirms their request for you to a copy of their consultation response to any document by which the decision on this application is communicated to the applicant. It is important to recognise that there is a second statutory obligation to consult the CBSCB at the Building Control approval stage and that failure to comply at this stage could seriously jeopardise rights of redress, property sales and insurance.

NHS: Request a contribution to mitigate the impact of the proposed development.

Cadent Gas: No comments received.

Archaeology: Standard condition suggested.

PROW: The development if approved will affect Footpaths No 13 and 14 in Middlewich.

The issues with the street furniture being placed along the legal line of the footpath is now resolved.

The only outstanding matter as stated in the previous response relates to details of the specifications of the footpath, surfacing, widths, furniture etc. These have not been provided nor the detail of the future management within a site management plan.

The PROW Officer has no objection to this application.

Strategic Highways Manager: No objections are raised subject to a condition to secure the off-site highway access works including the new footways and speed limit change.

Environmental Health: The following conditions are suggested;

- Implementation of the noise mitigation measures within the acoustic report
- Low emission boilers
- Submission and approval of a Contaminated Land Report
- Submission of a Verification Report before occupation
- Importation of soils
- Unexpected contamination

Public Open Space: Initial concerns have been addressed following the submission of revised plans. All that remains is the LEAP design, natural play elements, artwork and other infrastructure such as seating, planters to be submitted at a later stage.

VIEWS OF THE PARISH COUNCIL

Middlewich Town Council: Objects to the application on the following grounds;

- Issues with ground stability and brine subsidence, as identified in the comments made by the Cheshire Brine Board.
- Development close to the canal should be rejected. The canal bed is believed to be puddled clay and has the potential to be disturbed during construction.
- Risk of subsidence. A ground dissolution/brine related risk assessment must be carried out prior to determination.
- The application site lies in close proximity to a former landfill site. A survey must be undertaken to ensure that the build will not affect the methane drainage system.

- The original area for soakaway enabled a timely absorption of water run-off. The development will decrease absorption and increase the water flow rate and cause the attenuation pond to overflow.
- Not clear what is proposed on the western parcel in terms of flood attenuation
- Impact upon air quality – CEC has committed to reduce NO2 and particulate matter. Levels are increasing in the Chester Road AQMA. The proposal will increase pollution issues.
- EV Charging does not provide direct mitigation
- Additional traffic flows during the construction phase should be addressed.
- Concern over the stability of the bank to the Canal
- Queuing construction traffic on Croxton Lane and concerns relating to access/egress for plant and machinery
- Interactions with users of the waste recycling facility
- Mud and debris will be deposited on road surfaces
- Potential loss of archaeological deposits
- Loss of amenities
- Concerns relating to pedestrian access during construction of the development
- Loss of part of the car-park to the west side of Croxton Lane
- Impact upon school places within the vicinity of the site
- Lack of health care/doctors/dentists provision
- Impact upon leisure facilities
- The site is too far from a bus stop to encourage use
- Potholes in the existing highway
- Concern over the impact upon the PROW

REPRESENTATIONS

Representations have been received from 66 addresses on the following grounds:

- Concern over the impact of development on traffic safety, congestion, disturbance and pollution.
- Access and traffic from the direction of Chester Road will impact air quality in an area already designated an Air Quality Management Area (AQMA).
- The 30mph speed limit zone and electronic speed monitor need moving to the town side of the humpback river bridge.
- Concerns over timing of traffic survey undertaken during the summer months when people still working from home.
- Concerns over traffic impact on Middlewich when the M6 is closed.
- The Middlewich Eastern By-pass needs building first.
- The access is not adequate, limited visibility. Impacts of narrow bridge on visibility.
- Concerns about the impact of HGV traffic on narrow roads.
- There is a need more pelican crossings in the town.
- Objection to the reduction of parking available in the layby used by walkers accessing Croxton Trail, Croxton Park and the Canal.
- Middlewich does not have the infrastructure (including school places / doctors / dentists / pharmacies) for more houses. This should be provided first before development.

- Middlewich has in the Local Plan Strategy (LPS) allocated very substantial housing development. Too many new housing estates and surplus to requirements. Development should be directed towards Congleton and Crewe.
- Object due to impact on recycling centre / tip. It would also result in considerable additional traffic into Middlewich Recycling Centre. The access to Middlewich Recycling Centre is also single lane with no footpath causing a potential hazard to pedestrians.
- Flooding / drainage problems on the site including under the bridge from King Street to Croxton Lane.
- Land should be used to extend the adjacent Croxton Park.
- Object to the loss of greenspace / recreational space.
- A town that already lacks leisure facilities, youth facilities and police presence will not improve with added homes and people.
- Bus services in the town are being reduced.
- Concerned over construction impacts including parking.
- No proposed diversion route for footpath 13. What is the diversion route?
- Development is in the open countryside.
- The applicant relies on the Site Allocations and Development Policies Document (SADPD) which does not grant planning permission. This proposal is premature.
- The canal marks an important heritage constraint. Great weight must be given not only to the heritage asset itself, its presence, but also its setting.
- Concerns of amenity impacts including overlooking, loss of light, privacy and noise impacts.
- Concerns over the poor design of the site - it will present ugliness in this distinctive landscape and countryside. Negative effect on character and appearance.
- The proposal represents unsustainable development.
- There will be a loss of animal habitat, land used regularly for walkers and dog walking and removal of safe car parking.
- There are also issues with subsidence, potential contamination from previous waste treatment and the security of the canal.
- Impact of lighting scheme on ecology.
- Impact on birds.
- Increased risk of flooding.
- Concern over the maintenance of landscaping
- Residents on the Elan Homes Development have to pay to maintain the PROW this will cause extra wear and tear
- Previous objections to the development still stand
- Agree with the objection from Middlewich Town Council
- Lack of visitor parking
- Loss of agricultural land
- Sets a precedence for further residential development upon agricultural land
- Lack of time to consider amended plans
- Proximity to the adjoining properties
- Loss of privacy
- The site would be better used to provide access to the green recycling centre
- Lack of investment in infrastructure – the infrastructure should be provided before the new houses
- Concerns that the site may be abandoned due to rising material prices

APPRAISAL

Principle of Development

The site lies within the Middlewich Settlement Boundary as defined on the adopted proposals map. Policy PG9 states that ‘within settlement boundaries, development proposals (including change of use) will be supported where they are in keeping with the scale, role and function of that settlement and do not conflict with any other relevant policy in the local plan’.

The SADPD also allocates the site for residential development as part of Policy MID1. MID1 allocates the site for residential development and the delivery of around 50 new homes. The development must;

- safeguard and protect, through an undeveloped and open landscaped buffer zone, the existing Trent and Mersey Canal Conservation Area;
- provide an offset from the existing recycling centre and achieve an acceptable level of residential amenity for prospective residents including in terms of noise and disturbance;
- retain existing mature hedgerows around the boundaries of the site as far as possible; and
- provide for improvements to the surface of the canal towpath to encourage its use as a traffic-free route for pedestrians and cyclists between the site and town centre, where this meets the test for planning obligations as set out in the NPPF and CIL Regulations.

The principle of residential development on this site is therefore acceptable.

Housing Mix

Policy SC4 of the submission version of the CELPS 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:

- 4 x one bedroom dwellings
- 21 x two bedroom dwellings
- 19 x three bedroom dwellings
- 8 x four bedroom dwellings

All dwellings would be two-stories in height, including the apartments. The development proposes 30% affordable housing (16 units in total).

Policy HOU1 of the SADPD states that housing development should deliver a range and mix of house types, sizes and tenures. All major developments should respond to housing need, and this includes the indicative house types and tenures and sizes identified at Table 8.1. This is assessed below;

	Market Housing	Intermediate Housing	Affordable Housing for Rent
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	Table 8.1	Proposal	Table 8.1	Proposal	Table 8.1	Proposal
1 bedroom	5%	0%	14%	0%	26%	36.4%
2 bedroom	23%	25%	53%	100%	42%	63.6%
3 bedroom	53%	52.7%	28%	0%	20%	0%
4 bedroom	15%	22.3%	4%	0%	10%	0%
5+ bedroom	3%	0%	1%	0%	3%	0%

Whilst the proposals above do not strictly accord with Table 8.1, it is clear that table 8.1 is indicative. The proposal clearly provides a mix of house types and the mix is considered to be appropriate. It should also be noted that the affordable housing mix is assessed below and complies with the need requirements identified by the housing officer.

Policy HOU3 states that all housing developments providing more than 30 homes should provide a proportion of serviced plots where there is evidence of unmet demand. The Council currently has a sufficient supply of self and custom build units as identified within the Councils Annual Monitoring Report so there is no evidence of unmet demand.

Policy HOU8 of the SADPD states that in order to meet the needs of the Borough's residents and to deliver dwellings that are capable of meeting people's changing circumstances over their lifetime, the following accessibility and wheelchair standard will be applied to major developments;

- At least 30% of the dwellings in housing developments should comply with the requirements of M4(2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings; and
- At least 6% of the dwellings in housing developments should comply with the requirement m4 (3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings

The applicant has confirmed that the proposed development would comply with the requirements of M4 (2) house types (30%) and M4 (3) house types (6%). Determining compliance with the accessibility and wheelchair adaptable standards is the role of Building Control, but the proposed development does comply with Policy HOU8. This matter will be controlled via the imposition of planning conditions.

In terms of dwelling sizes, it is noted that HOU8 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 updated the proposed house types and all house types are now NDSS compliant as can be seen in the table below.

House Type	Size (Bed/Person)	NDSS Standard (m2)	Actual (m2)	Difference NDSS v Actual (+/-) m2	No of Plots
B	3 bed semi 3b4p	84	84	0	6
D	4 bed detached 3b4p	106	110	4	3
F1	4 bed detached 4b6p	106	121	15	1
F2	5 bed detached 4b6p	106	121	15	2
W M4(3)	4 bed detached 4b5p	132	132	0	2
NT2	3 bed detached 3b5p	93	93	0	2
NT3	3 bed detached 3b5p	93	93	0	10
X M4 (3)	3 bed detached 3b5p	93	121	28	1
Y M4 (2)	2 bed semi 2b3p	70	81	11	4
Z1 M4 (2)	3 bed semi/mews 2b3p	70	75	5	5
Z2 M4 (2)	3 bed semi/mews 2b3p	70	72	2	7
L	Ground Floor Flat 2p	50	51	1	2
L	First Floor Flat 2 p	50	63	13	2
J	2 bed mews 2b 3p	70	71	1	5
				TOTAL	52

Affordable Housing

This is a proposed development of 52 dwellings on the edge of a Key Service Centre therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 16 (15.6) dwellings to be provided as affordable homes. The application proposes 16 affordable units and they would be split as follows 11 units as affordable/social rent and 5 units as intermediate tenure. This meets the required split of 65:35.

The current number of those on the Cheshire Homechoice waiting list with Middlewich as their first choice is 388. This can be broken down as below;

	How many bedrooms do you require?						
First Choice	1	2	3	4	5	5+	Grand Total
Middlewich	166	111	74	20	17		388

There is also still a need for Intermediate units that will cater for those 1st time buyers, those making a new household and families who cannot buy on the open market.

The Affordable Housing Statement identifies that the development will provide the following mix;

Rented

4 x one bedroom

7 x two bedrooms

Intermediate Tenure

5 x two bedrooms

The affordable housing provision on site is acceptable, as is the proposed location of the affordable units is acceptable as they are provided in 4 groups within the development. The application complies with Policy SC5 of the CELPS.

Public Open Space

This layout shows that that the proposed development would provide open space to the western parcel, with a smaller amount to the northern parcel. The open space to the western parcel would include the provision of a Locally Equipped Area for Play (LEAP). The open space provision on site would meet the requirements of Policy SE6 of the CELPS, and no objection is raised by the Councils POS officer.

Details of the specifications of the LEAP design, natural play elements, artwork and other infrastructure such as seating and planters could be secured via the imposition of a planning condition.

The management of the POS would be secured as part of a management company secured as part of the outline consent.

Outdoor Sport

The proposed development will increase demand on existing facilities and to mitigate this impact a contribution will be required of £1,000 per family dwelling and £500 per two bed apartment. This will be secured via a S106 Agreement.

Public Rights of Way

The eastern parcel of land includes Middlewich FP13 which crosses the site. This would be retained along its current route within a green corridor and its treatment is considered to be acceptable.

For the western parcel Middlewich FP14 runs beyond the northern and western boundaries and would not be affected by the proposed development.

The PROW Officer has considered the application and raised no objection, subject to details of the specification of the footpath, surfacing, widths and street furniture. These details could be controlled via the imposition of a planning condition.

It is noted that Policy MID1 of the SADPD requires a contribution to the surface of the canal towpath to encourage a traffic free route for pedestrians and cyclists between the site and the town centre. This is provided that the contribution meets the planning obligation tests set out within the NPPF and the CIL Regulations. In this case the applicant does not consider this to be CIL compliant and this is accepted. The towpath is fully surfaced between the site and the town centre as is the only PROW (Middlewich FP13) which runs through the housing estate to the south.

Education

The proposed development of 52 dwellings is expected to generate:

10 - Primary children

8 - Secondary children

1 - SEN children

The development is expected to impact on 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 secondary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places still remains.

The 8 secondary age children expected from this development 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 1 child expected from this development will exacerbate the shortfall.

There are no capacity issues at local primary schools.

To alleviate forecast pressures, contribution of £130,741.52 (Secondary) and £45,500 (SEN) will be required to mitigate the impact of this development and these contributions will be secured as part of a S106 Agreement.

NHS

The potential impact upon healthcare provision in Middlewich is noted and comments from the NHS states that the patient lists are increasing at Oaklands Medical Practice and Water's Edge Medical Centre. The NHS has stated that both practices are 'at capacity' and that expansion of the existing buildings is being considered.

In order to mitigate the impact of this development a contribution has been requested and this will be secured as part of a S106 Agreement. Based on the formula provided within the NHS consultation response a contribution of £62,252 will be required to mitigate the impact of the development.

Residential Amenity

Policy HOU13 of the SADPD includes reference to separation distances as follows

21 metres for typical rear separation distance

18 metres for typical frontage separation distance

14 metres for a habitable room facing a non-habitable room

Eastern Parcel

The main properties affected by this development are those which front Canalside Way to the south of the site.

No 5 Canalside Way has a blank side elevation the side and there would be a separation distance of 6m to the side elevation of Plot 26 which has a blank side elevation facing the site. This relationship is considered to be acceptable.

No's 7-10 Canalside Way have rear elevations facing north, but there would not be any properties directly facing these properties. The nearest relationship is the corner of plot 37 with a separation distance of 21m. The relationship is considered to be acceptable.

No 13 Canalside Way has a side elevation facing the application site. This property has one window to its side elevation facing the site which serves an en-suite. There would be a separation distance of 10.5m (at the closest point) to the side of plot 37 which has a single en-suite window to the side. This relationship is considered to be acceptable.

Western Parcel

To the south of the site is a dwelling known as Ashdene which fronts Croxton Lane and dwellings fronting Nursery Close. To the north is a detached dwelling known as The White House.

Ashdene has two ground floor windows (serving a bathroom and a secondary window serving a kitchen) and Juliette Balcony (serving a landing) facing the application site. There would be a separation distance of 5m (at the closest point) to the blank side elevation of plot 1, and although No 1 would project beyond the front elevation there would be no breach of the 45-degree code. The relationship is considered to be acceptable.

To the properties fronting Nursery Close there would be a separation distance of between 21-29m and the relationship is considered to be acceptable.

The dwellings at plots 20-25 would be over 34m to the front elevation of The White House. This relationship is considered to be acceptable.

The impact upon surrounding residential amenity is considered to be acceptable and complies with Policies HOU12 and HOU13 of the SADPD.

Noise/Disturbance (including the impact from the recycling centre)

Policy MID1 of the SADPD states that the development must provide an offset from the existing recycling centre and achieve an acceptable level of residential amenity for prospective residents including in terms of noise and disturbance. A buffer would be provided in the form of retained hedgerow, additional landscaping/open space and an internal access road. This complies with the requirements of the policy and noise the noise impact is considered to be acceptable as assessed below.

The application site is in close proximity to Croxton Lane (A530) and the Middlewich Household Waste Recycling Centre. In support of this application an Acoustic Report has been provided.

The Acoustic Report shows that there is only a 1-2dB difference between ambient noise levels during periods when the Household Waste Recycling Centre was open and the residual noise levels during periods immediately before/after, when it was closed.

Noise levels closest to Croxton Lane require some mitigation measures for private rear gardens closest to Croxton Lane as well as some modest noise reductions adjacent to the Household Waste Recycling Centre. This will take the form of 1.8m acoustic fencing for certain plots.

Subject to noise mitigation measures being secured, there is no objection to this application.

Air Quality

Air quality impacts have been considered within the air quality assessment submitted in support of the application.

The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses ADMS Roads to model NO₂, PM₁₀ and PM_{2.5} impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

The assessment concludes that the impact of the future development on the chosen receptors will be negligible with regards to all the modelled pollutants.

Middlewich has two Air Quality Management Areas, and as such the cumulative impact of developments in the area is likely to make the situation worse, unless managed.

The Councils Environmental Health Officer has raised no objection to this application and considers that a condition relating to low emission boilers is necessary to ensure that local air quality is not adversely impacted for existing and future residents.

Electric Vehicle Charging points will also be secured via the imposition of a planning condition.

Contaminated Land

The application is for a proposed use that would be particularly vulnerable to the presence of contamination. Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site. This site is within 250m of two known landfill sites or area of ground that has the potential to create gas.

The issue of contaminated land has been considered by the Councils Environmental Health Officer subject to the imposition of planning conditions relating to contaminated land.

Levels

In the interests of residential amenity, the appearance of the site and drainage, the details of the existing and proposed levels will be controlled via a planning condition.

Highways

The access to each of the sites is proposed from priority junctions that are staggered on the A530 Croxton Lane. It is proposed that the western access will cross and sever the existing

parking lay-by, one side will be closed, and the remainder retained with a turning head provided. This off-site work will be subject of a S278 Agreement with the highway authority, where the design is subject to a technical check and safety audit. Vehicle speeds on Croxton Lane have been measured and there is sufficient visibility available at both proposed access points.

There are two single main access points that serve each side of the proposed development the initial section sections are formal 5.5m carriageways with 2m footways and subsequently 4.8m shared surface roads. There are some private parking courts proposed which would not be adopted.

Parking provision for each of the units has been provided in accordance with CEC parking standards and is considered acceptable. The applicant has submitted swept paths and a refuse collection strategy to indicate that all properties can be accessed.

The provision of 52 dwellings does not normally require an assessment of the traffic impact as this is not considered to be a level where a severe capacity impact would arise. However, background traffic counts have been undertaken on Croxton Lane that indicate that flows are well below its link capacity and can accommodate the predicted peak hour traffic generation of 25 trips from the site.

The site will require connection to the existing footpath network, and it is proposed to provide new 2m footway connections on both sides of Croxton Lane to the existing paths from the site access points.

It is also intended to relocate the 30mph speed limit to a location in advance of the canal bridge, this would help reduce speeds prior to the residential area. Whilst this is supported, it is important that the application does not rely on the speed limit TRO and as such has been assessed on current vehicular speeds and visibility requirements. Given that there will be a S278 Agreement, the change in speed limit should be included in this agreement.

The development complies with Policy INF3 of the SADPD and policies SD1 and CO2 of the CELPS.

Trees and Hedgerows

The application site benefits from established hedgerows surrounding the perimeter of both areas of existing agricultural land which is proposed for development, with the Croxton Lane boundaries benefiting from established trees on verges to either side of the highway with occasional trees elsewhere around the site. The site is not afforded any statutory protection but is adjacent to, and visible from the Trent & Mersey Canal, Middlewich Kent Green Conservation Area.

The proposed development for 52 dwellings on the site has been supported by an Arboricultural Impact Assessment. The report has identified the presence of 12 individual and 2 groups of moderate quality B Category trees, 5 individual and 2 groups of low-quality C Category trees, and 3 U Category trees considered unsuitable for retention irrespective of development by virtue of their condition. Of these, 3 trees are shown for removal to accommodate the site access and visibility splays including 2 B Category trees (T5/T15) and C Category tree (T6).

The trees shown for removal is regrettable but accepted given that quite extensive replacement tree planting appears to be indicated throughout the site, although it's considered that tree planting to the Croxton Lane boundary should be enhanced and strengthened to offset the proposed losses in this location.

Policy MID1 of the SADPD states that development must retain existing mature hedgerows around the boundaries of the site as far as possible.

A total of 6 hedgerows have been surveyed on the site and the majority of these hedgerows would be retained as part of the proposed development, whilst approximately 100m of hedgerow will be removed. This is largely due to the formation of the vehicular and pedestrian access points. The proposal would comply with Policy MID1 in terms of the hedgerows on site.

Design

Number of Dwellings/Density

The application proposes 52 dwellings which complies with MID1 of the SADPD which allocates the site for 'around 50 new homes'.

Connections

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

Each site would have its own access point onto Croxton Lane with connections onto the footpaths to the south on for the eastern parcel and to the north and south for the western parcel. This would provide access toward the services and facilities within Middlewich to the south.

The eastern parcel includes the line of FP13 which would be retained along its current route. There would be improvements to the servicing and street furniture to the footpath which would be controlled via the imposition of a planning condition.

The Trent and Mersey Canal adjoins the site. The canal is set at a lower level to the application site and there is a mature hedgerow boundary to the eastern parcel of the site. Given these constraints it is not possible to provide a direct access to the canal from each parcel. However, the proposed development will be able to obtain access via Croxton Lane to the north (on both sides) and via FP13 for the eastern parcel.

Facilities and services

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

The site is allocated for development within the SADPD and it is therefore considered that the has access to facilities and services.

Public transport

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

There are no bus routes along Croxton Lane, but the site does provide good pedestrian and cycle access towards the town centre and Chester Road (where bus stops/services are located).

Meeting local housing requirements

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

This is considered within the housing mix and affordable housing sections above and is considered to be acceptable.

Character

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

Middlewich is located within the Salt & Engineering Towns area and the design cues for this are include the following;

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

There is a variation of house-types adjoin the site. There majority appear to be two-stories in height. To the western parcel of the site is a development which is currently under construction, and the eastern parcel adjoins a site which has recently been constructed. The dwellings in the area predominantly detached and semi-detached, with a mix of hipped and pitched roofs, the material pallet also includes a mix of red brick and render and includes a mix of grey and red tiled roofs. The age of the surrounding dwellings is mixed but is largely post-war in age.

The dwellings in the locality of the site include a number of design features such as projecting gables, bay windows (single storey), porch detailing, window header and sill details, brick banding, ridge tile detailing, and chimneys.

The proposed dwellings would vary from two storey units with a gabled roof design. The roof heights vary across the development which would add some interest.

The proposed development provides two-character areas, the canal area which is located within the eastern part of the eastern parcel. This area includes a lower density to the development where it adjoins the Conservation Area. The canal character area also a variation in materials with the provision of weatherboard cladding (a mix of dark grey and green-grey) and all units would have chimneys. This is considered to be an appropriate design solution.

The remaining part of the site is known as the heart character area. This area includes largely brick units (although render is introduced at some focal points). Many of the design cues within this location are incorporated into the development with features such as projecting gables,

window header and sill details, chimneys, brick banding and porch detailing (although all appear to be open porches/canopies).

Details of external materials and boundary treatment have been provided and are considered to be acceptable. These details would be controlled via the imposition of a planning condition.

Working with the site and its context

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

The site includes a number of natural features such as trees and hedgerows which are located to the boundaries of the site. There are also trees within the Croxton Lane frontage which are an important feature.

The trees to Croxton Lane would be largely retained with limited losses associated with the formation of the access points. All vegetation to the boundaries of the site would be retained. This helps to soften the visual impact of the proposed development.

The eastern part of the site shares a close relationship with the Trent and Mersey Canal and the Canal Conservation Area. Whilst the proposed dwellings do not have an active frontage with the canal, they are largely screened by the tall mature hedgerow boundary. The retention of the hedgerow boundary to the canal is important and the relationship is considered to be acceptable.

Creating well defined streets and spaces

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

The majority of the open space would be to the eastern parcel of the site and would be centrally located and extend to the northern boundary of the site. The proposed dwellings would actively face onto the open space and provide natural surveillance.

A smaller portion would be located to northern boundary of the western parcel and again this would be well overlooked by the dwellings which adjoin this area.

The proposed dwellings would be sited to ensure that they overlook the proposed highway network, the PROW and the open space on the site. The development would use corner-turning units on the corner plots.

Internally within the site the proposed development would include a mix of car-parking solutions. The car-parking to the front of the proposed dwellings would be within small pockets and would be broken up with landscaping. Parking would also be provided to the side of the dwellings and within small parking courtyards.

In terms of the landscaping within the development this is discussed elsewhere within the report and includes a comprehensive scheme of tree-planting.

Easy to find your way around

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

The site is well connected internally and it would be easy to navigate throughout the development.

Streets for all

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

It is considered that the proposed highways design is appropriate and avoids large straight stretches which would encourage speeding. The surfacing materials would be controlled via the imposition of a planning condition.

Car parking

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

Internally within the site the proposed development would include a mix of car-parking solutions. The amount of car-parking to the front of the proposed dwellings would be acceptable with the parking also provided to the side/rear of the dwellings and within parking courtyards.

Public and private spaces

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

The management of the open space and landscape buffers is secured as part of the S106 Agreement.

External storage and amenity space

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

The submitted plan shows that all units on the proposed development would have private amenity space with rear access. A condition will be imposed to secure cycle storage details for the proposed apartments.

Design Conclusion

On the basis of the above assessment, it is considered that the proposed development represents an acceptable design solution. The development would comply with Polies SE1 and SD2 of the CELPS, GEN1 of the SADPD and the CEC Design Guide.

Built Heritage

The application site adjoins the Trent and Mersey Canal Conservation Area and a mature boundary hedge forms to the boundary to the western parcel. To the eastern parcel the access to the Household Waste Recycling Centre separates the site from the Canal.

Policy MID1 states that the development must safeguard and protect, through an undeveloped and open landscaped buffer zone, the existing Trent and Mersey Canal Conservation Area. The hedgerow buffer would be retained, and the landscape master plans shows that it would be supplemented with additional planting (this would be secured via a condition). The proposal complies with this requirement of MID1.

The development of this site has the potential to impact upon the setting of the Conservation Area. As large stretches of the canal are bordered by mature hedgerow boundaries, it is considered that the proposal would have a neutral impact upon the setting of the Conservation Area. This is subject to the imposition of planning conditions relating to materials, landscaping and fenestration details.

Archaeology

The information held on the Cheshire Historic Environment Records highlight a number of items that have been recovered from the proposed development area and the area surrounding the proposed development. These items include a copper alloy annulet from the 17th century and musket ball and powder measure, both recovered from within the proposed development area.

A map regression exercise indicates that there has been very little in the way of landscape alterations in the area of the proposed development, suggesting that there is a high likelihood of potential casual loss artefacts.

The archaeological potential and interest of the site is not sufficient to justify an archaeological objection to the development or to generate a requirement for further predetermination evaluation. It is recommended, however, that if planning permission is granted the site should be subject to programme of further archaeological mitigation, with the work secured by condition.

Landscape

The impact upon the wider landscape is considered to be acceptable and the site is allocated for residential development within the SADPD.

The detailed landscaping for the site can be controlled through the imposition of standard planning conditions.

Ecology

Breeding Birds

If planning consent is granted, a condition could be imposed to safeguard breeding birds as part of this development.

Amphibians

There is a considered low risk that the proposed development may have an adverse impact upon amphibian species which may occur within an adjacent water body. The Councils Ecologist as stated that he is happy that the risks will be adequately mitigated against by the implementation of reasonable avoidance measures detailed within section 4.2.1 of the *Preliminary Ecology Appraisal* (UES, 22/09/2021).

Biodiversity Net Gain (BNG)

Any development proposals must seek to lead to an overall enhancement for biodiversity in accordance with Local Plan policy SE3(5). The applicant has submitted a *Biodiversity Offsetting Report* outlining the results of an assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 3, which predicts a significant loss of biodiversity units.

The submitted ecology report includes a biodiversity net gain calculation which predicts a 2.08 unit loss in habitat units.

This could be addressed by way of a commuted sum secured by a Section 106 agreement to fund offsite habitat creation/enhancement within Cheshire East. As agreed with the applicant's ecologist, in order to achieve a 10% net gain for biodiversity, the commuted sum would be for 2.7 units.

Under the current habitat unit cost calculations of £12,266 per unit, and the council's £1,200 administration fee, the commuted sum would be for:
£33,118.20 (units) + £3,240 (admin fee) = £36,358.20 (total).

Applications next to water courses

The application site is located near a watercourse. Rivers and streams provide wildlife with ecologically important corridors which they use to move between fragmented habitats.

In order to protect the watercourse's function as a wildlife corridor, the applicant should provide a method statement which includes:

- General pollution avoidance measures
- Measures to avoid silt pollution of the watercourse
- A buffer zone of fenced-off, unmanaged semi-natural habitat should be retained along the length of the watercourse to protect it from disturbance during and after the construction phase.

This could be controlled via the imposition of a planning condition.

Wildlife sensitive lighting

This issue could be controlled through the imposition of a standard planning condition.

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. These details could be controlled via the imposition of a planning condition.

Subject to the above the proposed development complies with Policy SE3 of the CELPS and ENV2 of the SADPD.

Climate Change

Policy ENV7 of the SADPD requires that all 'major' residential development schemes should provide for at least 10% of their energy needs from renewable or low carbon energy generation on site unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable. This could be controlled via the imposition of a planning condition.

Brine Subsidence

The concerns raised in terms of brine subsidence are noted. In this case the Brine Board have considered that application and have stated that the site is within an area which has previously been affected by brine subsidence. The Brine Board have suggested a number of precautions in terms of the build design of the proposed development such as foundation design, service design and superstructure design.

The matter of brine subsidence will be dealt with at the Building Regulations stage when the foundation design etc is developed and obtains approval.

An informative will be added to the decision notice, to advise the applicant of the Brine Boards concerns.

Flood Risk

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 outline application.

The application has been considered by the Councils Flood Risk Officer, United Utilities and the Canal and River Trust, who have all raised no objection to the proposed development.

The Councils Flood Risk Officer has noted that there is a flow path or ordinary watercourse to the western boundary of the site. Conditions could be imposed in relation to the finished floor levels as suggested by the Flood Risk Officer together with the condition relating to the detailed drainage design.

The drainage strategy for this development would need to account for 1 in 100-year rainfall event plus 40% allowance for climate change, with the appropriate drainage modelling and calculations to support the chosen method of surface water drainage. This will include further details regarding the attenuation basin and swale details.

The existing highway drain present to the south of the western parcel of site is intended to be diverted. This will require formal consent from Cheshire East Highways for these works.

The Councils Flood Risk Team and United Utilities have been consulted as part of this application. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

PLANNING BALANCE

The principle of development is considered to be acceptable and the site is allocated for development within Policy MID1 of the SADPD.

The development will not have a detrimental impact upon residential amenity and would comply with Policies HOU12 and HOU13 of the SADPD.

The design of the proposed development has been the subject of revised plans and is now of an acceptable design. The design complies with Policies SE1, SD1 and SD2 of the CELPS, the CEC Design Guide and GEN1 of the SADPD.

The proposal would have neutral impact upon the setting of the adjacent Conservation Area and the proposal complies with policies SE7 of the CELPS, and HER1 and HER3 of the SADPD. The impact upon archaeology could be mitigated via the imposition of a planning condition.

In terms of the POS is considered to be acceptable and would be secured via the completion of a S106 Agreement.

An acceptable landscaping scheme could be secured via the imposition of a planning condition and the development is acceptable in terms of its impact upon ecology. The proposal would comply with Policies SE1, SE3, SE4, SE5, and SE6 of the CELPS, and policies ENV3, EN5 and ENV6 of the SADPD.

The impact upon the trees and hedgerows on the site is considered to be acceptable and complies with Policy ENV6 of the SADPD and SE5 of the SADPD.

The drainage/flood risk implications for this proposed development are considered to be acceptable and the development would comply with policies SE13 of the CELPS and ENV16 of the SADPD.

The proposed access points and the traffic impact are considered to be acceptable. The internal design of the highway layout and parking provision is considered to be acceptable and complies with Policies SD1, SD2, CO2 and SE1 of the CELPS and policy INF3 of the SADPD.

The concerns regarding brine subsidence are noted, but this issue will be resolved at the Building Regulations stage.

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

RECOMMENDATION:

APPROVE to the completion of a S106 Agreement with the following Heads of Terms

S106	Amount	Triggers
Affordable Housing	Affordable housing	In accordance with details to be submitted and approved.

Amenity Green Space and Play Provision	On site provision of Open Space and a LEAP. Scheme of Management to be submitted and approved	Shall be provided on the eastern parcel before first occupation. Shall be provided on the western parcel before first occupation.
Outdoor Sports Contribution	£1,000 or £500 per 2+ bed apartment space	To be paid prior to the occupation of the 15 th dwelling
NHS	£62,252	To be paid prior to the first occupation of the 30 th dwelling
Education	£130,741.52 (Secondary) £45,500 (SEN)	Secondary to be provided prior to first occupation SEN to be paid prior to the first occupation of the 30 th dwelling
Biodiversity Net Gain	£36,358.20	To be paid prior to the occupation of the 15 th dwelling

and the following conditions;

1. Standard time 3 years
2. Approved plans
3. Noise mitigation measures
4. PROW details of the specification of the footpath, surfacing, widths and street furniture.
5. Low emission boiler provision
6. Electric Vehicle Charging provision
7. Contaminated Land Assessment to be submitted and approved
8. Contaminated Land Verification Report
9. Contaminated Land Importation of Soil
10. Unexpected contamination
11. Oil interceptors to be provided
12. Detailed drainage strategy / appropriate boundary treatment design / associated management & maintenance plan for the site
13. Land levels to be submitted and approved
14. Materials compliance with the submitted details
15. Boundary treatment compliance with the submitted details
16. Fenestration details including window reveal to be submitted and approved
17. Archaeology details to be submitted and approved
18. Breeding birds – timing of works
19. Amphibians – Reasonable avoidance measures
20. Lighting details to be submitted and approved
21. Method statement for the protection of watercourse
22. Ecological Enhancements to be submitted and approved
23. 10% of energy needs to be from renewable or low carbon energy

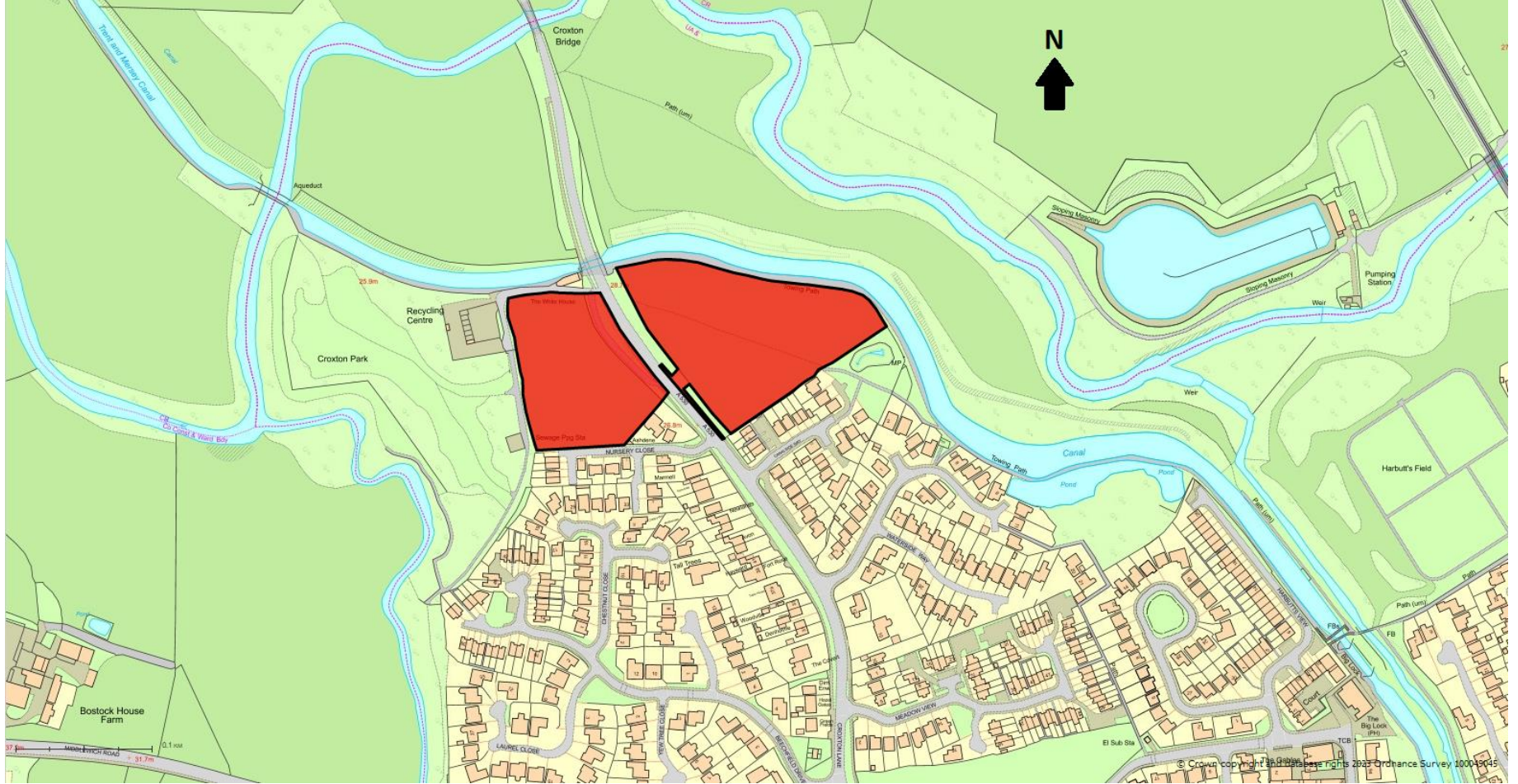
24. Prior to the commencement of development, a timetable for the implementation of the highway works shall be submitted to the LPA for approval in writing. The development shall comply with the approved timetable
25. Bin/Cycle storage details for the proposed apartments
26. Landscaping to be submitted
27. Landscaping to be completed
28. Compliance with the hard surfacing details
29. Details of the specifications of the LEAP design, natural play elements, artwork and other infrastructure such as seating and planters to be submitted and approved.
30. At least 30% of the dwellings in housing developments should comply with the requirements of M4(2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings.
31. At least 6% of the dwellings in housing developments should comply with the requirement m4 (3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings.
32. CEMP for works adjacent to the canal (eastern parcel)

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chair of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

In the event of an appeal, agreement is given to enter into a S106 Agreement with the following Heads of Terms;

S106	Amount	Triggers
Affordable Housing	Affordable housing	In accordance with details to be submitted and approved.
Amenity Green Space and Play Provision	On site provision of Open Space and a LEAP. Scheme of Management to be submitted and approved	Shall be provided on the eastern parcel before first occupation. Shall be provided on the western parcel before first occupation.
Outdoor Sports Contribution	£1,000 or £500 per 2+ bed apartment space	To be paid prior to the occupation of the 15 th dwelling
NHS	£62,252	To be paid prior to the first occupation of the 30 th dwelling
Education	£130,741.52 (Secondary) £45,500 (SEN)	Secondary to be provided prior to first occupation

		SEN to be paid prior to the first occupation of the 30 th dwelling
Biodiversity Net Gain	£36,358.20	To be paid prior to the occupation of the 15 th dwelling



Application No: 22/1485C

Location: Land to the North of 24 Church Lane, SANDBACH CW11 2LQ

Proposal: Erection of 4 dwellings with associated access and landscaping

Applicant: Chelmere Homes Ltd

Expiry Date: 06-Jun-2022

SUMMARY:

The principle of development is considered to be unacceptable as the site is part of a larger site and no affordable housing is proposed, contrary to Policy SC5 and the Housing Supplementary Planning Document.

The design of the proposed development is acceptable and complies with Policies SE1, SD1 and SD2 of the CELPS, the CEC Design Guide and GEN1 of the SADPD.

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

RECOMMENDATION:**REFUSE****REASON FOR REFERRAL**

The application has been referred to Southern Planning Committee at the request of Cllr Corcoran for the following reasons;

- 1) There is no affordable housing. There was affordable housing in the previous permission for the wider site. The loss of affordable housing is not in accordance with the Sandbach Neighbourhood Plan.*
- 2) Drainage on Church Lane not fixed. There needs to be a condition to provide new grids (as shown on the diagrams on the previous application). At present water pools on the road and will not flow off the road, as the verge too high.*
- 3) I remain concerned about the noise levels suffered by the residents of the dwellings, particularly the upper storeys of these dwellings. This was discussed at the appeal on the previous application.*

DESCRIPTION OF SITE AND CONTEXT

The application site is to the rear of four new dwellings located on the eastern side of Church Lane and to the west of the M6 motorway.

The site was previously designated as being within the open countryside but is now designated as being within the settlement boundary for Sandbach as part of the SADPD.

A previous application for 12 dwellings was allowed at appeal on 21st November 2016. This included the provision of 4 affordable housing units on the site.

DETAILS OF PROPOSAL

Full planning permission is sought for the erection of 4 dwellings with associated access and landscaping.

RELEVANT HISTORY

15/5259C Erection of 12 dwellings – Refused 5th May 2016 – Appeal allowed 21st November 2016

14/3624C Erection of 13 dwellings – Refused 24th October 2014 – Appeal dismissed 23rd June 2015

13/5221C Erection of 13 dwellings – Withdrawn 18th March 2014

POLICIES

Cheshire East Local Plan Strategy (CELPS)

MP1 – Presumption in Favour of Sustainable Development

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG7 - Spatial Distribution of Development

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 9 – Energy Efficient Development

SE 13 - Flood Risk and Water Management

IN1 – Infrastructure

IN2 – Developer Contributions

Site Allocations and Development Policies Document (SADPD)

PG9 – Settlement Boundaries
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
HER8 - Archaeology
RUR5 – Best and Most Versatile Agricultural Land
HOU1 – Housing Mix
HOU8 – Space, Accessibility and Wheelchair Housing Standards
HOU12 – Amenity
HOU13 – Residential Standards
HOU14 – Housing Density
HOU15 – Housing Density
INF3 – Highways Safety and Access
INF9 – Utilities
INF10 – Canals and Mooring Facilities
REC2 – Indoor Sport and Recreation Implementation
REC3 – Open Space Implementation
MID1 – East and West of Croxton Lane

Sandbach Neighbourhood Development Plan (SNDP)

PC2 – Landscape Character
PC3 – Settlement Boundary
PC4 – Biodiversity and Geodiversity
H1 – New Housing
H2 – Design and Layout
H3 – Housing Mix and Type
H4 – Housing and an Ageing Population
IFT1 -Sustainable Transport, Safety and Accessibility
IFT2 – Parking
CC1 – Adapting to Climate Change

Other Considerations

Housing Supplementary Planning Document
National Planning Policy Framework
Cheshire East Design Guide

CONSULTATIONS (External to Planning)

Head of Strategic Transport: No objection.

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

Strategic Housing Manager: No objection.

Sandbach Town Council: Members are seriously concerned about the amenity of future residents of this site, given the proximity to underground pipelines and also the M6.

Members also ask if the applicant can please address the graffiti on their acoustic fence, as it does not portray a nice image for Sandbach.

OTHER REPRESENTATIONS

Four representations have been received at the time of report writing, expressing the following views:

- Lack of affordable housing provision
- Already enough housing in Sandbach
- Endless urban expansion
- Schools and doctor's surgeries are unable to cope
- 'Salami slicing' of sites

All the representations can be viewed in full on the Council website.

OFFICER APPRAISAL

Principle of Development

When the original appeal was determined, the site was designated as being within open countryside. At the time the appeal was allowed, the Council was unable to demonstrate a 5-year supply of deliverable housing sites.

The SADPD is the most up-to date development plan document, and the site is now designated as being within the settlement boundary for Sandbach (a key service centre). The site has an extant planning permission for the erection of 12 dwellings and as such the principle of residential development is therefore considered to be acceptable.

Affordable Housing

Policy SC5 of the CELPS and the Housing Supplementary Planning Document set out the requirements for affordable housing provision. As the site is within the settlement boundary and a key service centre, affordable housing provision is only required for developments of 15 or more dwellings or for sites 0.4 hectares in size.

The application site is part of a larger site measuring 0.58 hectares which is in excess of the 0.4 hectares, referred to within policy SC5. As a result, the proposed development requires the provision of affordable housing.

An appeal decision in 2020 for a site in Bedfordshire (APP/P0240/W/20/3247284) was dismissed for a similar split site due to the lack of affordable housing provision. Part of the rationale behind this was the similarity of the proposed development on the split site, the lack of physical features subdividing the two areas and the fact that it is reliant on the access to the adjacent development.

This proposal is therefore considered to be an attempt to avoid the provision of affordable housing and is therefore contrary to Policy SC5 of the CELPS, Policy H3 of the SNP and the Housing Supplementary Planning Document.

Design

The proposed dwellings would be laid out in a linear form, with the five-bedroom unit sited in the northern corner and the 3 four-bedroom units set at an angle to the access road.

The proposal would create 4, two-storey dwellings. The materials would be traditional brick and tile, the details of which should be secured by condition.

The four-bedroom units would be of a fairly traditional design, with a central porch and a dormer above the attached garage, which would have a lower ridge than the main dwelling.

The five-bedroom unit would be double-fronted, with gable features and a balcony to the front, right hand side.

The detached double-garage serving the five-bedroom unit would be of a simple design and sited to the north of this dwelling.

The design is considered to be in keeping with the character and appearance of the neighbouring development and the surrounding area.

The design of the proposal is therefore considered to be in compliance with Policies SD1, SD2 and SE1 of the CELPS, Policy GEN1 of the SADPD and H2 of the SNP.

Highways

Within the application site the proposal differs little from what was previously approved at appeal, including the access, parking, and vehicle turning areas. The proposal has been assessed by CEC Highways, who are satisfied that the proposal is acceptable.

The development complies with Policies HOU12 and INF3 of the SADPD, Policies SD1 and CO2 of the CELPS and IFT1 and IFT2 of the SNP.

Amenity

Policy HOU12 of the SADPD requires that development proposals must not cause unacceptable harm to nearby occupiers of residential properties and future occupiers due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

The properties in closest proximity to the site are those facing onto Church Lane and it is considered that there would be no significant adverse impact on the amenities of these properties. In terms of future occupiers of the proposed dwellings, there would be adequate private amenity space available. The balcony on the five-bedroom unit would not directly overlook the gardens of neighbouring properties.

In terms of air quality, it is considered to be necessary and reasonable to impose conditions relating to electric vehicle charging infrastructure and low emission boilers.

The site is in close proximity to the M6 motorway, and an acoustic report has been submitted with the application. The report recommends noise mitigation measures designed to achieve BS8233: 2014 and WHO guidelines; to ensure that future occupants of the properties are not adversely affected by noise from vehicle traffic on the M6. Environmental Protection Officers are satisfied that the methodology, conclusion and recommendations in the report are acceptable. A condition should be imposed requiring the recommended mitigation to be implemented and retained.

The proposal is therefore considered to be in compliance with Policy SE12 of the CELPS, Policy HOU12 of the SADPD.

Nature Conservation

It is considered that the proposal would have no adverse impact on wildlife subject to conditions relating to breeding birds and the incorporation of features to enhance biodiversity.

The proposal is therefore considered to be in compliance with Policy SE3 of the CELPS, Policy ENV2 of the SADPD and PC4 of the SNP.

CONCLUSIONS

The principle of development is considered to be unacceptable as the site is part of a larger site and no affordable housing is proposed, contrary to Policy SC5 of the CELPS and H3 of the SNP and the Housing Supplementary Planning Document.

The design of the proposed development is acceptable and complies with Policies SE1, SD1 and SD2 of the CELPS, the CEC Design Guide, GEN1 of the SADPD and H2 of the SNP.

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

The proposal is therefore recommended for refusal.

RECOMMENDATION

Refuse the following Reason:

- 1. The proposed development is part of a larger site where there is a requirement for the provision of 30% affordable housing. No affordable housing is proposed within the site and therefore the development is contrary to Policy SC5 of the Cheshire East Local Plan Strategy, H3 of the Sandbach Neighbourhood Plan and the Housing Supplementary Planning Document.**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chair of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



Application No: 22/3256N

Location: THE CLIFFLANDS, WRINEHILL ROAD, WYBUNBURY, CW5 7NU

Proposal: Proposed separation of approved residential annex (P06/0986) from the host dwellinghouse (The Clifflands) to create a separate dwellinghouse

Applicant: Mr Garry Hockenhull

Expiry Date: 17-Oct-2022

SUMMARY

The application relates to an existing detached single storey residential annex within the curtilage of The Clifflands, Wrinehill Road, Wynbunbury within the open countryside.

The application building was approved as a residential annex in 2006 and has been used as such since it was constructed.

This application seeks approval for the separation of approved residential annex from the host dwellinghouse to create a separate dwellinghouse.

Policy HOU.9 of the SADPD states that:

Subdivision of existing dwellings into self-contained residential units will be permitted where the proposals accord with other policies in the development plan and:

1. satisfactory living environments can be created in the new dwellings;
2. sufficient amenity space and car parking is retained; and
3. adequate provision is made in the site for waste and recycling storage.

The application building is permanent, substantial and would not require extensive alteration, rebuilding or extension to facilitate the proposed development.

There are no significant amenity issues with regard to neighbouring dwellings, design or highways.

Therefore, it is considered that the principle of development is acceptable, given that the proposal accords with the Development Plan.

SUMMARY RECOMMENDATION

Approve with conditions

REASON FOR REFERRAL

This application had been referred to the Southern Planning Committee as the application has been submitted by an immediate family member of a staff member employed by Development Management and representations objecting to the application have been received.

DESCRIPTION OF SITE AND CONTEXT

The application relates to an existing detached single storey residential annex within the curtilage of The Clifflands, Wrinehill Road, Wymbunbury within the open countryside.

The application building was approved as a residential annex in 2006 and has been used as such since it was constructed.

DETAILS OF PROPOSAL

This application seeks approval for the separation of approved residential annex (P06/0986) from the host dwellinghouse (The Clifflands) to create a separate dwellinghouse

RELEVANT HISTORY

P06/0986 - Residential Annexe – approved with conditions 2006

P06/0762 - Roof Alteration to Two Storey Extension - approved with conditions 2006

P06/0079 - Two Storey Rear Extension - approved with conditions 2006

7/07277 - Vehicular access - approved with conditions 1980

7/04501 - One detached dwelling – refused 1978

POLICIES

Cheshire East Local Plan Strategy

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

SE7 – The Historic Environment

PG6 – Open Countryside

Site Allocations and Development Policies Document

GEN1 – Design Principles
ENV1 - Ecological Network
ENV3 – Landscape Character
ENV5 - Landscaping
HER1 – Heritage Assets
HER4 – Listed Buildings
HOU8 – Space, Accessibility and Wheelchair Housing Standards
HOU9 - Subdivision of dwellings
HOU12 – Amenity
HOU13 – Residential Standards
RUR11 - Extensions and Alterations to Buildings Outside of Settlement Boundaries
RUR12 - Residential Curtilages Outside of Settlement Boundaries
RUR14 – Re-use of Rural Buildings for Residential Use

Neighbourhood Plan - Wybunbury Combined - Made Plan

H.1 - Location of New Houses
H.4 - Design
E.1 - Woodland, Trees, Hedgerows and Boundary Fencing
E.5 - Landscape Quality, Countryside and Open Views

National policy

NPPF

CONSIDERATIONS (External to Planning)

Head of Strategic Transport: No objection

Environmental Protection: No objection

VIEWS OF THE PARISH / TOWN COUNCIL

Wybunbury Parish Council: No objection

OTHER REPRESENTATIONS

One letter of representation has been received from the occupiers of a neighbouring property which objects to the proposal for the following reasons:

- Preservation of Conservation Area
- Noise from vehicles
- Access and highways problems
- 60 mph speed limit
- Lorries and waggon on country lane
- No pavement

OFFICER APPRAISAL

Principle of Development

The application site is located within the open countryside outside of any settlement boundary.

Policy HOU.9 of the SADPD states that:

Subdivision of existing dwellings into self-contained residential units will be permitted where the proposals accord with other policies in the development plan and:

1. satisfactory living environments can be created in the new dwellings;
2. sufficient amenity space and car parking is retained; and
3. adequate provision is made in the site for waste and recycling storage.

Following on from the above, Policy PG.6 of the CELP 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. The policy then identifies a number of exceptions including *'for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension'*.

The policy exception contained within policy PG6 is then replicated within policy H1 of the WCPNP.

The application building is an existing residential annex which acts as ancillary accommodation to the main dwelling of The Clifflands. The separation of the application building to form a separate dwellinghouse is acceptable in principle provided that the design is acceptable with regards to the surrounding open countryside, and there is no detrimental impact to the amenity of neighbouring properties or the highway.

Design and Open Countryside

The application site sits within the open countryside. Policy PG.6 states that development will be subject to compliance with all other relevant policies in the Local Plan. In this regard, particular attention should be paid to design and landscape character, so the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced.

The application building is an existing detached single storey residential building. It is set back by approximately 50 metres from Wrinehill Road and is behind the substantial dwelling of The Clifflands. Therefore, there will be limited public viewpoints of the proposal.

Following on from the above, there are no external changes or additional built form to the existing building.

The proposed dwelling will be separated from The Clifflands with a 2-metre-high closed board fence forming two separate residential curtilages. A post and rail fence of 1.2 metres in height will be positioned along the access to the proposed development.

Both dwellings would have sufficient private amenity for their size, in accordance with Policy RUR14, HOU9 and HOU13 of the SADPD and H4 of the WCPNP. The proposal would not lead to any encroachment into the open countryside.

A gravel track will access the proposed dwelling and will be taken from the highway via the existing access gate. A parking/turning area will also be provided adjacent to the dwelling also surfaced with gravel.

The materials to be used for the proposed access track are considered to be acceptable to the rural location and will not lead to any undue visual harm.

Overall, as there will be no external changes to the existing building, and the proposed boundary treatment would not be unduly prominent. It is not considered that the proposed development will cause any significant visual impact to the streetscene or the surrounding open countryside.

In addition to to the above, the Council's Conservation Officer is satisfied that the proposed development will not have any harmful impact on the setting of the Listed Building to the south west (The Cliffe).

Amenity

In terms of the amenity of neighbouring residential dwellings the closest neighbouring dwellings are adjacent to the site at approximately 27 meters away to the northeast and 50 metres to the southwest.

Given that there will be no further built form and the use of the application building will be for a single dwelling it is not considered that there will be any material change to the existing amenity situation.

In terms of the issue raised regarding noise caused by vehicles accessing the application site. This will be a relatively low impact and is not considered to be significant enough to justify or sustain a refusal.

Overall, it is not considered that the proposed development will have any significant impact on neighbouring residential amenity.

Policy HOU.8 of the SADPD requires that proposals for new residential development in the borough should meet the Nationally Described Space Standard. These standards prescribe that a single storey two-bedroom dwelling with 3 bed spaces should achieve a minimum gross internal floor space of 70sq metres with built in storage of 2sq metres.

The proposed dwelling has an internal gross floorspace of approximately 101sq metres with built in storage of approximately 5.9 metres. Therefore, the proposed development is in accordance with Policy HOU.8 of the SADPD.

Highways

The Council's Highways Officer considers that the proposal will make use of an existing access onto Wrinehill Road and there will be sufficient parking and turning area within the site. The additional highways impact of the proposal will be minimal, and no objection is raised.

As such, the proposed development will not lead to any significant highways concerns.

Other Matters

The application is not within or adjacent to the Wybunbury Conservation Area.

CONCLUSIONS

It is considered that the proposal is of an acceptable design that would have minimal impact upon the character and appearance of the countryside or the streetscene. No significant harm would be caused to the amenities of the surrounding residential properties or highway safety. The proposed development complies with the Development Plan as a whole.

RECOMMENDATIONS

APPROVE with conditions

1. Three year time limit
1. Approved Plans
2. Materials as per application

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chair of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

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Application No: 23/0101N

Location: Land Off, CREWE ROAD, HASLINGTON

Proposal: Planning permission for the erection of 5 no. two storey dwellings with associated parking and landscaping.

Applicant: Daniel Wright, Vistry Homes

Expiry Date: 17-Mar-2023

SUMMARY

Reserved matters permission was granted ref. 16/1046N in 2016 for a detailed layout of 245 houses. This was varied by approved s.73 application 18/5682N which is therefore the most up to date planning permission on the wider site. The application site has previously been subject to a refused planning application 21/6364N for 17no. apartments arranged into two blocks. Although the site was 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 was deemed outweigh any conflict with PG6 of the CELPS. Following adoption of the SADPD in December 2022 the site is now within the settlement boundary of Haslington, per policy PG9 of the SADPD and the Local Plan Policies Map. The principle of development is considered to be acceptable.

The proposed addition of 5no. houses to the existing housing estate as approved by reserve matters application 16/1046N and variation of condition application 18/5682N would be acceptable in principle and in regard to relevant material considerations of design and amenity. The proposed development is compliant with Policies SE1, SD1, SD2 and SE4 of the CELPS, GEN1, HOU12 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 INF3 of the SADPD and CO2 of the CELPS. The changes, involving the central plot south of the pond, are not significant in design terms and do not impact upon the amenity of adjoining areas and do not change the environmental, social or economic sustainability considerations as part of the original application.

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

RECOMMENDATION

APPROVE subject to conditions and s.106 agreement

REFERRAL

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

Do these properties have adequate parking provision for modern SUVs?

Are the driveways long enough to actually park nose to tail cars without interfering with the footpath or road?

Are the garages capable of taking a modern SUV? (and open the doors) and be classified as a parking space.

What are the plans for Solar Panels, heat pumps etc. The opportunity was lost on the previous application.

What is being planned to support the local community to help replace the loss of the medical centre?

Is it possible to build retirement bungalows instead?

What exactly was the consultation process with the NHS and local doctors? How robust was it?

PROPOSAL

This is an application for full planning permission for the erection of 5no. two storey residential dwellinghouses with associated residential curtilages. The houses would be arranged into 3no. detached houses and 2no. semi detached houses. The principal elevations would face northwards with access taken from Mcmillen Road except plot 1 which would face Canon Ward Way at its principal elevation, although access to this plot would still be taken from Mcmillen Road. The detached houses at plots 2 and 3 would have a ridge height of some 8.2m, and footprints of 9.4m x 10m (approx.) The semi detached house at plots 4 and 5 would have approximate footprints of 10m x 6.2m each, with the building having a ridge height of some 8.2m. The plot 1 dwellinghouse would have a ridge height of some 8.5m and a footprint of 9.8m x 6.1m. A detached garage would serve plot 1.



SITE DESCRIPTION

The application site is located on the eastern edge of Haslington and covers an area of 11.91 hectares. It is currently being developed by Vistry Homes, formerly Bovis, as a residential development of 250 houses with phase 1 already completed and numerous houses being occupied. The northern boundary of the wider site is located to the rear of properties running along Crewe Road, further to the north, the site boundary extends up to the Crewe Road boundary along a projection between a number of these properties. A stream is located along the northern boundary that feeds into Fowle Brook. The western boundary also abuts the built edge of Haslington, with a hedge along the boundary, as well as a ditch. The southern and eastern boundaries have hedgerows and beyond these lies the wider open countryside. The site edged red is drawn around land south of the pond, between Canon Ward Way and Thornton Road.



RELEVANT HISTORY

22/0735N - Non-material amendment to application 17/2045N – Approved 9th 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 8th April 2022

21/6364N - Proposal to construct 17 No. apartments, with associated landscaping and parking on land formally known as Medical Centre Land - Refused 29th September 2022 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 overdevelopment 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.*

2. *Insufficient information has been provided to demonstrate that the proposed development would provide 30% affordable housing on site or a contribution in-lieu of affordable housing. As a result, the proposed development would not represent sustainable development and is contrary to Policy SC5 and IN2 of the Cheshire East Local Plan Strategy, The Housing Supplementary Planning Document and the NPPF.*
3. *Insufficient information has been provided in terms of the Finished Floor Levels of the proposed development together with a cross section for the adjacent drainage basin. As a result, it is not clear whether the development will be the subject of flood risk. The proposed development is contrary to Policy SE13 of the Cheshire East Local Plan Strategy, ENV16 of the Site Allocations and Development Policies Document, Policy NE.20 of the Crewe and Nantwich Local Plan and the NPPF.*

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

20/0720N - Non-Material Amendment to approval 16/1046N for Reserved Matters application for 245 dwellings – Approved 27th 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 7th 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 2nd 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 14th June 2017

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

16/2832N - Erection of 2no advertisement boards to inform public of new residential site – Approved 4th 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 4th 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 31st 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 15th August 2014

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

POLICIES

National Planning Policy Framework (NPPF)

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

Cheshire East Local Plan Strategy (CELPS)

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

PG 2 Settlement Hierarchy

SC 3 Health and Wellbeing

SC 4 Residential Mix

SC 5 Affordable Homes

SD 1 Sustainable Development in Cheshire East

SD 2 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 9 Energy Efficient Development

SE 12 Pollution, Land Contamination and Stability

CO 1 Sustainable Travel and Transport

IN 1 Infrastructure

IN 2 Developer Contributions

Cheshire East Site Allocations and Development Policies Document (SADPD)

GEN 1 Design Principles

HOU 1 Housing Mix

HOU 8 Space, Accessibility and Wheelchair Housing Standards

HOU 12 Amenity

HOU 13 Residential Standards

INF1 Cycleways, Bridleways and Footpaths

INF 3 Highway Safety and Access

INF 9 Utilities

ENV 2 Ecological Implementation
ENV 3 Landscape Character
ENV 5 Landscaping
ENV6 Trees, Hedgerows and Woodland Implementation
ENV16 Surface water Management and Flood Risk
PG 8 Development at Local Service Centres
PG 9 Settlement Boundaries

Haslington Neighbourhood Plan

Regulation 7 stage (no weight)

Other Material Considerations

National Planning Practice Guidance (NPPG)
Cheshire East Borough Design Guide Supplementary Planning Guidance (SPG)

CONSULTATIONS (External to Planning)

Haslington Parish Council - *Haslington Parish Council wishes to object to this application on the following grounds. This site was proposed to house a medical centre and it has clearly been documented by the Planning Inspector when granting permission for this development. it should be used as a medical centre or for local community use. The developer with this application is not following this guidance, they have previously tried to gain permission for 17 flats and this was turned down 21/6364N on 28-09-22. We now have an application for 5 dwellings, 3x 3 bed and 2x 4 bed properties. It is felt that the properties are too tightly bunched and that the dimensions of the garages cannot accommodate a modern vehicle. The parking bays on all properties appear to be very tight and the rear boundary of plot 3 appears to be smaller as so to allow parking at plot 4. The lay out for parking at two of the properties will encourage residents to park on the highway or grass verges. If one property was to be removed, then the site would become easier to develop. If permission is granted then we would like to see bungalows allowed as currently out of 250 new build properties only two are bungalows and there is a local need for an increase in these numbers. As this is a full application for 5 properties we would like to see that electric car points are installed, heat pumps and solar panels. The government are driving us to be more energy efficient and the installation of these would assist in that goal. Other than Section 106 monies, the local community has gained nothing from this development and we would ask for a sizable contribution to be made to a local community building, i.e. The Gutterscroft.*

United Utilities - no objection subject to pre-commencement condition regarding drainage

Environmental Protection - no objection subject to conditions on electric vehicle infrastructure and standard contaminated land conditions.

CONSULTEE RESPONSES

CEC Housing - Requires x2 affordable units

CEC Nature Conservation - no objection subject to pre-commencement condition on nesting birds and biodiversity value

CEC Highways - no objection

Ward Councillor (Cllr Edgar) - letter of representation raising the following points:

- extremely regrettable that the proposed medical centre is now not being taken up by the NHS
- admittedly the proposal is far better than the previous application for 17 flats on the same site.
- reasonable for the developer to put something back into the village and community e.g. refurbish Gutterscroft etc.
- electric vehicle charging, solar panels, heat pumps etc.

The full comments of the ward member can be found on the case file on the Cheshire East planning website under the planning reference for this application.

REPRESENTATIONS

9no. letter of representations have been received raising the following points:

- previous iterations of scheme proposed a medical centre, if this can no longer be provided then an alternative service should be provided e.g. dentist
- affordable housing needed in Haslington and Winterley
- impact on sewers
- the proposed houses alleged not being in keeping with other dwellings in the area
- Developer should contribute to local facilities such as the Gutterscroft
- Garage size
- Net zero e.g. electric vehicle charging points

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 19th 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

Following the adoption of the SADPD the site is located within the Haslington Settlement Boundary. Housing applications within settlement boundaries are acceptable in principle subject to the satisfactory taking into account of remaining material considerations.

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 for the previous application on site for 17no. apartments ref. 21/6364N requested that the developer provides information on what marketing has taken place for the medical centre. The applicant provided a brief letter from First City Property Consultancy which stated that;

- The site was marketed since July 2017
- The property went live on Rightmove on 26th 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 was not considered that the above represented sufficient information on the marketing. However, as noted in the committee report of 21/6364N 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.

Housing Mix

Policy SC4 of the Cheshire East Local Plan Strategy 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:

- 3 x three bedroom units
- 2 x four bedroom units

In terms of dwelling sizes, it is noted that HOU8 of the adopted 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' [HOU6 is now HOU8 in the adopted version of the SADPD].

This six-month lead in has been included in policy HOU8 of the SADPD which was adopted in December 2022.

The NPPG states that for two storeys, three-bedroom houses for 4 persons the minimum GIFA is 84m². The proposed GIFAs at the proposed three-bedroom houses would be approximately 101m² at plots 4 and 5 and approximately 101m² at plot 1. The NPPG states that for two storeys, four-bedroom houses for 5 persons the minimum GIFA is 97m². The GIFA of the proposed four-bedroom houses at plots 2 and 3 would be 155m². The NDSS would therefore be complied with in any case.

Affordable Housing

This is a full application for 5 dwellings and there is a requirement for 30% of dwellings to be provided as affordable dwellings. This is found to be the case in this instance because policy SC 5 on affordable homes states that in residential developments housing will be provided as follows; in developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sq.m) in Local Service Centres and all other locations at least 30% of all units are to be affordable. In this instance the proposed development, whilst considered on its own merits, forms part of a wider development in phases far in excess of 11 dwellings. This therefore in this application equates to a requirement for 2 (30% of 5 = 1.5) dwellings to be provided as affordable homes. 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 the applicant is proposing x2 affordable units in the form of 2 x 30% Discounted for Sale. This is deemed acceptable by the Councils Housing Officer and can be secured by way of Section 106 Agreement.

As such the proposal complies with Policy SC5.

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 m2. and the proposed development includes 33939m2 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.

Residential Amenity

Policy HOU12 on amenity states that development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development.

Some 22m would be retained from plot 5 to the side elevation of the property at the other side of Thornton Road. Given this side elevation does not have a window opening serving a non-habitable room window this is considered more than acceptable as an interface having regard to policy HOU13 of the SADPD on housing standards. To the front elevations of this property there would be no neighbouring habitable room windows or amenity spaces within 21m. The rear elevations of plots 2 and 3 would retain above 21m distance given the space within the rear gardens of the plots at Thornton Road and Canon Ward Way. The rear elevation of plot.1 in terms of window openings has been designed to avoid habitable room windows given the distance to the side elevation of plot 2. The habitable room windows at the side elevations would retain adequate space to allow for light transmission and privacy distances - with approx. 26m retained from the south facing side elevation of plot 1 to the neighbouring property at Canon Ward Way. It is considered reasonable and necessary to condition obscure glazing at first floor bathroom/WC room windows.

The development complies with SADPD Policy HOU12.

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.

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 Issues

The proposal is for 5 residential properties in place of the approved medical centre, with new driveway accesses and off-road parking.

The parking provision will be catered for within the driveways and integral garages. The dimensions of these have been checked and there are adequate to allow cars to comfortably park fully off the highway. The internal dimensions of the garages also meet CEC requirements for parking.

The impact upon the local highway network will differ little when compared to the approved use as a medical centre.

The proposal is acceptable and no objection is raised.

Trees & Hedgerows

No trees would be impacted by the development.

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'

Cheshire East Local Plan Strategy Policy SD2 states that all development will be expected to contribute positively an area's character and identity, creating or reinforcing local distinctiveness in terms of;

- Height, scale, form and grouping
- Choice of materials
- External design features
- Massing of the development (the balance between built form and green/public spaces)
- Green infrastructure; and
- Relationship to neighbouring properties, street scene and the wider neighbourhood

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and, wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings. Policy GEN1 (Design Principles) sets a number of design principles that development proposals should meet. This

includes the following; 1. create high quality, beautiful and sustainable buildings and places, avoiding the imposition of standardised and/or generic design solutions where they do not establish and/or maintain a strong sense of quality and place; 2. create a sense of identity and legibility by using landmarks and incorporating key views into, within and out of new development; 3. reflect the local character and design preferences set out in the Cheshire East Borough Design Guide supplementary planning document unless otherwise justified by appropriate innovative design or change that fits in with the overall form and layout of their surroundings.

The proposal is located within a residential development that is under construction and proposes 4no. buildings serving 5 dwellinghouses, arranged into 2no. semi detached and 3no. detached properties. The proposed dwellinghouses would be of a similar form to those approved within the wider housing scheme. 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). The proposal at hand is significantly less massed than this. 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 not be prominent as you enter the wider development and the proposal is flanked by two-storey dwellings. It would assimilate well into the wider housing estate and would not read as incongruous or overly prominent, as the proposed 17no. apartments in previously refused application 21/6364N were deemed to be.

The proposed plot 1 property would be turned at the corner of the plot to have a principal elevation facing Cannon Ward Way, avoiding a blank gable being perceptible from the access to the wider site. The proposed materials palette, Audley red mix brick and roof slates with close boarded timber fencing at the boundary treatments, is considered to be in keeping and acceptable.

The proposed development would therefore comply with Policy SE1, SD1 & SD2 of the CELPS and Policy GEN1 of the SADPD.

Ecology

Policy SE 3(5) of the CELPS 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. This issue can be controlled via the imposition of a planning condition to require that the applicant submits an ecological enhancement strategy. This is considered reasonable and necessary to append to the Decision Notice in the event of a grant of planning permission in light of the six tests of planning conditions set out in National Planning Practice Guidance (NPPG).

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.

United utilities have recommended planning conditions related to drainage which are considered necessary and reasonable to append to the Decision Notice in the event of a grant of planning permission.

PLANNING BALANCE

The wider site has an extant planning permission for residential development which is currently being built out. The site is within a settlement boundary where such housing development as this is acceptable in principle subject to material considerations. 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.

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 INF3 of the SADPD and CO2 of the CELPS.

An acceptable affordable housing provision would be provided on site and there is no objection from the housing officer.

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

The design would be acceptable in terms of visual and residential amenity.

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

The matter of drainage would be controlled with the imposition of a planning condition.

RECOMMENDATION:

APPROVE subject to the completion of a S106 Agreement with the following Heads of Terms

S106	Amount	Triggers
Affordable Housing	2x affordable units at 30% Discounted for Sale	In accordance with phasing plan.

And the following conditions;

- 1) Time limit
- 2) Approved plans
- 3) Materials
- 4) Biodiversity enhancement
- 5) Levels
- 6) Surface water drainage scheme and a foul water drainage scheme
- 7) Electric vehicle charging
- 8) Contaminated land risk assessment
- 9) Contaminated land Verification
- 10) Contaminated land Unexpected contamination
- 11) Contaminated land Soil

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

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

S106	Amount	Triggers
Affordable Housing	2x affordable units at 30% Discounted for Sale	In accordance with phasing plan.

