

Southern Planning Committee

Agenda

Date:	Wednesday 31st May 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 5 - 10)

To approve the minutes of the meeting held on 5 April 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. **22/4203N - PARKSIDE, BUNBURY LANE, BUNBURY, CW6 9QZ: Outline permission for demolition of one dwelling and erection of up to 25 entry-level homes (First Home dwellings), access off Bunbury Lane and all other matters reserved** (Pages 11 - 34)

To consider the above planning application.

6. **22/4662C - COTTON FARM, MIDDLEWICH ROAD, HOLMES CHAPEL, CHESHIRE, CW4 7ET: Development of 3 no. buildings, totalling 4,422m.sq (use class B8 - storage and distribution), associated infrastructure and landscaping.** (Pages 35 - 52)

To consider the above planning application.

7. **22/4609C - LAND OFF, MEADOWBANK AVENUE, WHEELOCK: Construction of affordable housing** (Pages 53 - 72)

To consider the above planning application.

8. **22/1485C - LAND TO THE NORTH OF 24 CHURCH LANE, SANDBACH CW11 2LQ: Erection of 4 dwellings with associated access and landscaping** (Pages 73 - 82)

To consider the above planning application.

9. **22/3818C - LAND EAST OF, CHELLS HILL, CHURCH LAWTON: Full planning application for periodic use of land on an annual basis (up to 56 days per calendar year) for moto-cross purposes, retention of hardstanding and access, access enhancements, and associated works.** (Pages 83 - 102)

To consider the above planning application.

10. **22/3942C - THE TEARDROP PADDOCK, HALL DRIVE, ALSAGER, ST7 2UD:
Conversion of part of stable block to a single residential dwelling and
ancillary works** (Pages 103 - 112)

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 5th April, 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, A Critchley, S Davies, A Gage, M Hunter,
D Marren, C Naismith, S Pochin and J Wray

OFFICERS IN ATTENDANCE

Dan Evans, Principal Planning Officer
Pau Hurdus, Highways Officer
Rebekah Norbury, Environmental Health
Andrew Poynton, Senior Planning and Highways Lawyer
Rachel Graves, Democratic Services Officer

81 APOLOGIES FOR ABSENCE

Apologies were received from Councillor L Smith. Councillor M Hunter substituted for Councillor Smith.

82 DECLARATIONS OF INTEREST/PRE DETERMINATION

In respect of application 21/5436C, Councillor S Pochin declared that she knew the applicant and that she would not take part in the consideration of the application.

In respect of application 21/5436C, Councillor Hunter 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.

83 MINUTES OF PREVIOUS MEETING**RESOLVED:**

That the minutes of the meeting held on 15 March 2023 be approved as a correct record.

84 PUBLIC SPEAKING

The public speaking procedures were noted.

- 85 **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:

Councillor Jonathan Parry (ward councillor), Mr Fraser Whytock (objector) and Mrs Beverley Moss (agent).

RESOLVED:

That for the reasons set out in the report the application be APPROVED subject to the completion of a S106 Agreement with the following Head 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 including the provision of a Zebra crossing on Croxton Lane 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.
- 31 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

The meeting adjourned for a short break during which Councillor S Pochin returned to the meeting.

86 WITHDRAWN - 22/1485C - LAND TO THE NORTH OF 24 CHURCH LANE, SANDBACH CW11 2LQ: ERECTION OF 4 DWELLINGS WITH ASSOCIATED ACCESS AND LANDSCAPING

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

87 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

Consideration was given to the above planning application.

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

Mr Richard Lee (agent).

RESOLVED:

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

- 1 Three year time limit
- 2 Approved Plans
- 3 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.

88 23/0101N - LAND OFF, CREWE ROAD, HASLINGTON: PLANNING PERMISSION FOR THE ERECTION OF 5 NO. TWO STOREY DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING

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) and Ms Eleanor Lovett (agent).

During consideration of the application the Committee adjourned for a short break.

RESOLVED:

That the application be REFUSED for the following reason:

- 1 The proposed development would result in a cramped over-development of the site causing harm to the character and appearance of the area. The proposed development is contrary to policies SE1, SE4 SD1 and SD2 of the Cheshire East Local Plan Strategy, GEN1 and ENV5 of the Site Allocations and Development Policies Document, the Cheshire East Design Guide and the NPPF.

In 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.

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.

This decision was contrary to the recommendation in the report.

.

The meeting commenced at 10.00 am and concluded at 12.15 pm

Councillor A Kolker (Chair)

Application No: 22/4203N

Location: Parkside, BUNBURY LANE, BUNBURY, CW6 9QZ

Proposal: Outline permission for demolition of one dwelling and erection of up to 25 entry-level homes (First Home dwellings), access off Bunbury Lane and all other matters reserved

Applicant: Roger Ryder

Expiry Date: 24-Jan-2023

SUMMARY

As noted above there is clear conflict between Policies SC5 & SC6 of the CELPS and the NPPF for this type of affordable housing. Planning law requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. In this instance given the absence of reference to this type of housing within the CELPS weight should be given to material considerations. Given the support for this type of housing within the NPPF and the absence of any evidence suggesting the need for this type of housing has already been met within the borough it is considered that the proposal is acceptable in principle.

The proposal would be contrary with BNP Policy H2 as it would be over the 15 dwellings threshold and would be co-located with another consented development.

The development would provide benefits in terms of providing 100% entry level homes, a form of affordable housing and the delivery of economic benefits during construction and through the spending of future occupiers.

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

On balance the benefits of the scheme primarily by proving entry level homes, is considered to outweigh the harm though co-location and a higher concentration of properties in this part of the village.

As such it is considered that the development constitutes sustainable development and should therefore be approved.

RECOMMENDATION
APPROVE

REASON FOR REFERRAL

The application is referred to committee as it exceeds 20 dwellings.

PROPOSAL

Outline permission is sought for the demolition of one dwelling and erection of up to 25 entry-level homes (First Home dwellings), access is included off Bunbury Lane and all other matters reserved.

SITE DESCRIPTION

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

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

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

RELEVANT HISTORY

21/2010N – Outline planning application for demolition of one dwelling – Refused for the following reasons 28-Jul-2021 (dismissed at appeal)

1. *The proposed residential development is unsustainable because it is located within the Open Countryside and does not meet any of the exceptions noted for development within Open Countryside and is contrary to Policies PG6 (Open Countryside), SD1 & SD2 (Sustainable Development in Cheshire East) & SE2 (Efficient Use of Land) of the Cheshire East Local Plan Strategy, Policies H1 (Settlement Boundary) & H2 (Scale of Housing Development) of the Bunbury Neighbourhood Plan, Saved Policy RES5 (Housing in the Open Countryside) of the Crewe and Nantwich Local Plan, the Bunbury Village Design Statement and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use.*

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

3. *The application site includes historic evidence of roosting bats. No bat activity survey has been provided to establish the presence/likely absence of roosting bats. Therefore, insufficient information has*

been provided within the application and the development is contrary to Policy SE3 of the Cheshire East Local Plan Strategy, NE.9 of the Crewe and Nantwich Replacement Local Plan and the NPPF.

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

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE2 (Open Countryside) and RES5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.

2. The Local Planning Authority considers that the scale of the proposed development would be premature following the publication consultation draft of the Bunbury Neighbourhood Plan. As such, allowing this development would prejudice the outcome of the neighbourhood plan-making process and would be contrary to guidance contained at Paragraph 216 of the NPPF and guidance contained within the NPPG.

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

NATIONAL & LOCAL POLICY

National Policy

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

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

Cheshire East Local Plan Strategy – Adopted Version (CELPS)

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

PG1 – Overall Development Strategy
PG2 – Settlement Hierarchy
PG6 – Open Countryside
PG7 – Spatial Distribution
SC4 – Residential Mix
IN2 – Developer Contributions
CO1 – Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SC5 – Affordable Homes
IN1 – Infrastructure
IN2 – Developer Contributions
SC2 – Indoor and Outdoor Sports Facilities

Relevant policies of the Site Allocations and Development Policies Document (SADPD);

PG8 Development at Local Service Centres
PG9 Settlement Boundaries
PG11 Greenbelt Boundaries
GEN 1 Design Principles
ENV 1 Ecological Network
ENV 2 Ecological Implementation
ENV 3 Landscape Character
ENV5 Landscaping
ENV6 Trees, Hedgerows and Woodlands
ENV 7 Climate change
ENV16 Surface Water Management and Flood Risk
HOU1 Housing Mix
HOU3 Self Build and Custom Build Dwellings
HOU 8 Space, accessibility and wheelchair housing standards
HOU10 Backland Development
HOU12 Amenity
HOU13 Residential Standards
HOU14 Housing Densities
HOU16 Small and Medium Sites
INF3 Highways Safety and Access
INF 9 Utilities
REC 2 Indoor sport and recreation implementation
REC 3 Open space implementation

Bunbury Neighbourhood Plan (The original Bunbury NDP was made on the 29 March 2016. This plan still remains a part of the overall development plan for Cheshire East until it is revoked and superseded by the modified plan which is currently out for consultation)

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

BIO 1 – Biodiversity

Supplementary Planning Documents:

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

CONSULTATIONS

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

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

CEC Flood Risk: No objection subject to condition requiring the development to be carried out in accordance with the FRA and requiring a detailed drainage strategy

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

CEC Housing: No objection

CEC Public Open Space: Needs on site provision or contribution towards amenity and play, recreation & outdoor sport & allotment/food growth

United Utilities – No objection subject to conditions regarding a drainage strategy

VIEWS OF THE PARISH/TOWN COUNCIL

Bunbury Parish Council – Objects on the following grounds:

- Nothing has changed since appeal decision
- Conflicts with CELPS & Neighbourhood Plan
- No presumption in favour of entry level units
- Limited employment in the village
- Limited bus service
- Narrow pavements
- Flooding/drainage issues
- Impact on amenity
- Impact on trees

Spurstow Parish Council – Objects on the following grounds:

- Sited within open countryside
- Would impact the rural nature of Spurtow
- Contrary to previous appeal decisions
- Exceeds the 80 dwelling figure in the Neighbourhood Plan Policy H1
- Exceeds the 15 dwelling figure in the Neighbourhood Plan Policy H2
- Access/highway safety concerns

REPRESENTATIONS

135 letters of objection have been received which raise the following issues;

- The proposal has not overcome the harm identified by the planning inspector for the refused scheme
- Harm to rural character of the village
- Loss of open countryside
- Contrary to Policies H1 and H2 of the BNP as the village has already accommodated 108 dwellings well over the 80 threshold and would result in co-location to the site to the north at Oak View
- Presumption in favour of sustainable development does not apply
- Highways safety impacts
- Harm to amenity through overbearing, overlooking and loss of light
- Noise and disturbance from vehicles for the dwellings adjacent to the access point
- Vibrations during construction/damage to neighbouring properties
- No unmet needs for entry level housing
- Impact on house value
- Harm to wildlife
- Drainage issues
- Pressure on existing services/infrastructure within the village
- Development is not needed given that Cheshire East have a 5 year housing land supply
- Would set precedent for future housing development

APPRAISAL

Principle of Development

The site lies largely in the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions may be made where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built-up frontage elsewhere, affordable housing (in accordance with Policy SC6) or where the dwelling is exceptional in design and sustainable development terms.

The proposal seeks new housing which is not one of the acceptable forms of development in open countryside. The exceptions are addressed below:

limited infilling in villages

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

The proposal is not considered to constitute limit infilling in a village as it is not identified within Policy PG10 of the SADPD.

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

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

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

Exceptional in design

The proposal is not considered to be on any exceptional design nor has the application been put forward as such and therefore such does not comply with this part of the policy exception.

Affordable housing in accordance with the criteria contained in Policy SC 6 'Rural Exceptions Housing for Local Needs'

In terms of affordable housing, the proposal seeks to provide entry level homes which is considered a form of affordable housing so complies with the first part of this exception. Therefore the proposal needs to be considered against Policy SC6.

Policies SC5 (Affordable Housing) and SC6 (Rural Exception Sites) are silent when dealing with entry level homes.

Reference to this type of housing is however contained within the 2018 NPPF update which first introduced entry-level exceptions sites into national planning policy. Paragraph 72 of the NPPF (2021) states that:

Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. These sites should be on land which is not already allocated for housing and should:

a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and

b) be adjacent to existing settlements, proportionate in size to them (35)¹, not compromise the Protection given to areas or assets of particular importance in this Framework (36), and comply with any local design policies and standards

First Homes exception sites

In May 2021, a Written Ministerial Statement (“WMS”) was published by the Minister of State for Housing and this introduced a new form of affordable housing called First Homes. The WMS confirmed that from July 2021, a home meeting the criteria of a first home is to be considered to meet the definition of affordable housing as set out in Annexe 2 of the NPPF (see also criteria a of NPPF para 72 as quoted above).

The WMS also confirmed that the entry-level exceptions site policy in the NPPF was to be replaced from July 2021 with a ‘First Homes exception sites’ policy due to concerns that the entry-level exceptions site policy had not delivered affordable housing to the extent originally envisaged.

Local Authorities are therefore encouraged to support the development of First Homes exception sites, suitable for first-time buyers unless the need for such homes is already being met within the local authority’s area.

The WMS includes various criteria for First Homes exceptions sites including that they should:

- be adjacent to existing settlements, be proportionate in size to them, not compromise the protection given to areas or assets of particular importance in the National Planning Policy Framework and comply with any local design policies and standards.
- be discounted by a minimum of 30% against the Market Value (set by an independent registered valuer).
- be sold to a person or persons meeting the First Homes eligibility criteria.
- be at a price no higher than £250,000 after the discount has been applied.
- be secured via a S106 legal agreement which secures the delivery of first homes and ensures that a legal restriction is registered onto a First Home’s title on its first sale and discount is ensured in perpetuity.

The WMS also states that First Homes should, as a matter of course, comply with any other applicable planning policies and / or building regulations.

Planning Practice Guidance

Planning Practice Guidance was last updated in December 2021 to include further guidance on First Homes, including the qualifying and eligibility criteria. As an exception site, the guidance states that First Homes exception sites can come forward on unallocated land outside of a development plan. The PPG

³⁵ Entry-level exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement.

³⁶ i.e. the areas referred to in footnote 7. Entry-level exception sites should not be permitted in National Parks (or within the Broads Authority), Areas of Outstanding Natural Beauty or land designated as Green Belt.

includes model clauses for S106 obligations including exceptions sites. The PPG also states that a developer should be able to show that the homes they intend to sell as First Homes will meet the criteria.

The Development Plan

Planning law requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include national planning policy as identified above.

The development plan currently includes:

- The Local Plan Strategy (“LPS”)
- Site Allocations and Development Policies Document (“SADPD”)
- Saved policies from the Cheshire Waste and Minerals Local Plan (not relevant to this proposal)
- The Bunbury Neighbourhood Plan (“BNP”)

By virtue of the fact that the LPS was adopted prior to the introduction of entry-level exceptions sites in the NPPF 2018 or first homes via the WMS, there are no policies in the LPS specifically relating to entry level exceptions sites or first homes. The SADPD was also submitted for examination before the publication of the WMS. Under transitional arrangements, there was no requirement to address this form of development in the SADPD. The development plan does not reflect national policy for First Homes.

The LPS affordable housing requirement of 7,100 new homes over the plan period does not contain within it a specific requirement for First Homes and without this it is difficult to evidence whether need is being met. To date there have been no planning applications granted for first home developments in the Borough. A pilot scheme funded by Homes England is currently envisaged to deliver 17 dwellings on the Broadmeadow Park site in Sandbach.

The Council has recently adopted its Housing Supplementary Planning Document in July 2022. In respect of First Homes exceptions sites, the SPD states:

‘The First Homes Written Ministerial Statement and PPG have also introduced a First Homes Exception sites policy. Full details of the First Homes Exception Sites policy can be found in the Written Ministerial Statement and PPG and are not repeated here. From 28 June 2021, the Council will consider planning applications for the development of First Homes Exception Sites in accordance with the Written Ministerial Statement and PPG as a material consideration in decision making as references are not currently included in the development plan. The Council will consider the extent to which the proposal complies with national planning policy and whether the introduction of First Homes has any unacceptable impacts, with reference to existing local plan policies in the borough’.

Assessment against the NPPF and Ministerial Statement

In accordance with para 72 of the NPPF footnote 35 the site is not larger than 1 hectare and would not exceed 5% of the size of the existing settlement, nor is it located within a National Park, AONB or Green Belt.

In accordance with the Ministerial Statement the proposal would be located adjacent to an existing settlement, would be proportionate to the size of the existing settlement, would not prejudice protection

of assets, design would be secured at reserved matters stage and tenure would be secured by way of Section 106 Agreement.

Principle conclusion

As noted above there is clear conflict between Policies SC5 & SC6 of the CELPS and the NPPF for this type of affordable housing. Planning law requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. In this instance given the absence of reference to this type of housing within the CELPS weight should be given to material considerations. Given the support for this type of housing within the NPPF and the absence of any evidence relating to need it is considered that the proposal is acceptable in principle.

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

BNP

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

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

As part of the previously refused that was dismissed at appeal, the planning inspector considered the proposal against policies H1 & H2 concluding that *"...although it may result in more than 80 houses being provided within the plan area, as this is not an upper limit this would not be unacceptable. As such, the proposal would comply with the aims and requirements of BNP Policies H1 and H2."*

Whilst the current proposal seeks 10 additional dwellings, following the inspector's conclusion that the figure of 80 is clearly not a sealing point, the same conclusion can only be reached here. Therefore, the proposal complies with Policy H1. It is also noted that this policy is being removed under the initial draft revision of the BNP, although this draft is still under consultation and as such carries very limited weight.

The proposal at 25 dwellings, would be over the 15 dwellings threshold for greenfield sites as contained in Policy H2 of the BNP and would be co-located to a consented site to the north known as Oak Gardens. However, the inspector in refusing the appeal scheme did not find any conflict with Policy H2 in relation to co-location advising that *"the proposal would comply with the aims and requirements of BNP Policies H1 and H2"*.

This is clearly an important consideration for this scheme and given that the current proposal relates to the same site, it is only logical that the same conclusion should be reached here.

It is also considered that any partial conflict with Policy H2 needs to be weighed in the overall planning balance against the benefits of the proposal and the support for this type of housing within the NPPF.

Again it is also noted that this policy is being removed under the initial draft revision of the BNP, although this draft is still under consultation and as such carries very limited weight.

Housing Land Supply

The Council has deliverable supply of housing land in excess of the minimum of 5 years required under national planning policy and the latest published position can be found in the Council's Housing Monitoring Update Report.

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

A less than five year deliverable housing land supply or under-performance gauged through the Housing Delivery Test can result in relevant policies concerning the supply of housing being considered out-of-date with the consequence that the 'tilted balance' at paragraph 11 of the NPPF is engaged. However, because of the Council's strong performance, the 'tilted balance' is not engaged by reference to either of these

Affordable Housing

This is a full application for up to 25 dwellings (net total increase 24 dwellings as it seeks to remove the existing dwelling) and as per Policy SC5 there is a requirement for 30% of dwellings to be provided as affordable dwellings with a split of 65/35 between social rented and intermediate housing.

However, in this instance all the units would provide entry level homes and thus seeks 100% affordable housing provision. The Council do not have any evidence that need for this type of housing has been met within Cheshire East.

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

Education

The development of up to 25 applicable dwellings is expected to generate:

- 5 - Primary children (25 x 0.19)
- 4 - Secondary children (25 x 0.15)

The development is expected to impact on secondary school places in the locality (there are no capacity issues at local primary schools). Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at primary and secondary schools in the area because of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places remains.

The Service acknowledges that this is an existing concern, however the 4 secondary age children expected from this development would exacerbate the shortfall.

To alleviate forecast pressures, the following contributions would be required using the below formula as this is subject to the final number of houses being delivered:

£17,959 per secondary pupil place

Provision would be secured as part of a S106 Agreement.

Health

The South Cheshire Commissioning Group (SCCG) has devolved powers to act on behalf of the NHS. 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. The requested contribution is as noted in the table below to support the development as they consider this planning application will have a direct impact on health care provision within the Primary Care Network boundary of Rural Alliance.

<u>No. of Beds</u>	<u>Amount of Occupants</u>	<u>Correlating Cost</u>
1 bed unit	1.4 persons	£612 per 1 bed unit
2 bed unit	2.0 persons	£875 per 2 bed unit
3 bed unit	2.8 persons	£1,225 per 3 bed unit
4 bed unit	3.5 persons	£1,531 per 4 bed unit
5 bed unit	4.8 persons	£2,100 per 5 bed unit

As a result, the contribution is considered to be both reasonable and necessary and should be secured by way of section 106 agreement.

Open Space

Policy SE6 requires major developments (10 or more) to provide open space in line with Table 13.1. The minimum requirement of 65m² per dwelling consisting of children's play space, amenity green space, food growth and green infrastructure connectivity should be provided on site. The Councils Open Space Officer would expect to see a LAP laid out for young children and sufficient open space for informal recreation in line with the above.

The indicative layout shows that the development would provide open space to the south of the site.

The Councils Open Space Officer has concerns with the amount of Open Space being provided as the habitat plan shows amenity areas equating to verges and planting as part of an acceptable landscape scheme. It does not provide open space in line with policy SE6. However, as the plan is only indicative it is only showing one possible way in which the site could be developed, and it is considered that that a revised scheme based on a maximum of 20 dwellings could provide the required open space provision.

The Policy requires onsite provision in the first instance. However, contributions could be sought for offsite enhancements to mitigate the impact of the development. Contribution requirements are as follows:

Combined amenity and play	-	£3,000 per dwelling
Recreation & Outdoor Sport	-	£1,000 per dwelling

Allotment/food growth - £562.50

It should also be noted a complete review of the Play Pitch Strategy is currently taking place which will form the Playing Pitch and Outdoor Sport Strategy. The PPOS considers additional sports to the original PPS such as tennis, bowling, archery, baseball/softball and athletics. When adopted the additional sports may support active lifestyles within Bunbury.

This will be secured via a S106 Agreement.

Location of the site

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

In this instance no such assessment has been provided with the application. The facilities in the locality are based in the village approx. 400m away to the north. The bus based on the D and G Bus Timetable website, shows that the bus stop at the Co-op located 400m to the north has a service No.70 to Nantwich running x2 services a day Monday to Friday, x2 services Saturday and no services on Sunday.

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

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

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

Residential Amenity

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

The proposal has been submitted in outline form with siting and appearance a reserved matter, however an illustrative plan has been provided which shows one way in which the site could be developed. This shows housing located close to existing properties to the north and eastern boundaries of the site. The plots to the eastern boundary are shown as being 13.5m between main face to side elevations (0.5m shy of required 14m interface) and 19m between main face elevations (2m shy of required 21m interface). It also shows plots to the northern boundary being sited 21m between main face elevations and plots to the south being sited 14m between side elevations.

Some of the plots would need to be revised to increase interface distances and garden areas, this would be addressed at reserved matters stage. However, it does highlight the concern that the site is not large enough to accommodate up to 25 houses given the need to provide the required interface distances, appropriate garden sizes, avoiding shading by existing trees, appropriate amount of public open, space relevant road infrastructure to serve the site, parking areas, planting etc. Therefore, it is considered that the site is overdeveloped/too high density for up to 25 dwellings. It is accepted that the inspector did not find harm in this regard for the scheme subject to appeal, however that was for a scheme of just 15 houses thus less built form/intensity of development to the 25 dwellings currently being proposed.

It would however appear that the site could accommodate up to 20 dwellings as this would remove 5 properties from the layout, which the site would appear to be able to accommodate and provide the relevant amenity, open space and infrastructure requirements.

Therefore, subject to condition limiting the number of dwellings to up to 20 (which has been agreed by the applicant), it is considered that the proposal could be accommodated without causing significant harm to living conditions. Nevertheless, the full amenity impacts will not be known until reserved matters stage.

Amenity to proposed occupants

Most of the plots would appear capable of providing at least the recommended minimum garden area of 50sqm as noted in the SPD. However, some plots would be shy of this at 40sqm. Again, this would be addressed at reserved matters stage but highlights the above concern regarding the ability to accommodate up to 25 units, hence 20 appears more appropriate.

No information has been provided to consider room sizes/access for all, this would be dealt with at reserved matters stage.

Therefore, the proposal complies with Policies HOU12.

Space, Accessibility and Wheelchair Housing Standards

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;

- a) 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
- b) 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.

As layout would not be known until reserved matters stage this can be secured by condition.

Contaminated Land

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

Highways

Sustainable access

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

It is noted that the footways are narrow at parts, and that the bus service is limited and not practical for a lot of uses, but the proposed development is small and the principle of development, from a highway's perspective, was acceptable for the previous two applications one of which was significantly larger.

Safe and suitable access

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

Network Capacity

The proposal is small and will generate approximately 10 to 15 vehicle trips during the peak hour, and the traffic generation therefore does not raise concern, and again is significantly less than one of the previous proposals.

Conclusion

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

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

Landscape

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

The Councils Landscape Officer raised concerns about the impact of the proposal on the local landscape character as part of the previously refused scheme. However the planning inspector did not find any landscape harm advising “...*the appeal site is a small area relative to the village and its surroundings, and I find its contribution is therefore limited. The proposed residential development, although significantly changing the character of the field, would not change the appearance of any surrounding land and as such there would be only a very limited effect on the character and appearance of the surrounding area as a whole*” he therefore concluded “*the proposal would not, by way of its location and the loss of the rural character on site, unacceptably affect the character and appearance of the surrounding area and landscape*”.

Whilst this proposal is for 10 additional dwellings, given the inspectors comments about the landscape impact of the site being limited and that the proposal relates to the same site the same conclusion can only be reached here. The proposal therefore complies with Policies SE4 & ENV3.

Trees

Selected individual and a group of trees within the site are afforded protection by the Cheshire East Brough Council (Bunbury – Land west of Bunbury Lane) Tree Preservation Order. Trees are afforded consideration under Policy SE 5 of the Local Plan and are therefore material to this application.

Policy SE 5 of the LPS and ENV6 of the SADPD require that retained trees should be successfully integrated into the development design and take into account the ultimate mature size of trees and their relationship to buildings and private amenity space to avoid future conflict with residential amenities.

An illustrative plan is provided as part of the Design and Access Statement showing protected trees located adjacent to the northern boundary within gardens of Plots 11, 12 and 16.

BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations identifies at para 5.2 Constraints posed by Trees that all relevant constraints including Root Protection Areas (RPAs) should be plotted around all trees for retention and shown on the relevant drawings, including proposed site layout plans. Whilst the draft layout plan appears to show proposed buildings outside a defined root protection area, above ground constraints have not been taken into account as part of the layout design

Here, the retention of mature high canopy mature trees within residential gardens are likely to lead to conflicts where they dominate plots and to unreasonable shading and loss of light to private amenity space and rooms

This issue is considered in BS5837:2012 Section 5.3.4 and is a key factor to be factored into the design to reduce the risk of requests for felling and / or sever pruning by future occupiers. Such applications are difficult to defend at appeal should they be refused when trees are retained in such close proximity as to cause shading to a large part of the plot. The problems related to buildings and spaces around them having low daylight and sunlight levels is well known and has been the subject of specific guidance in; government circulars; Chartered Institute of Building Service Engineers (CIBSE), British Standards Institute (BSI) and Building Research Establishment (BRE) guidance. All the guidance as a whole points to the need to have sufficient daylight and sunlight both within and around buildings and that this should be part of the site planning for development

The final design should therefore seek to ensure that adequate provision is made for the long-term sustainable retention of trees, by their incorporation within areas of open green space or within gardens of sufficient size that they can be accommodated.

As the site plan provided is indicative only final layout would not be known until reserved matters stage however it appears that the proposal could be accommodated without undue harm to existing trees on site.

The proposal therefore complies with Policies SE5 & ENV6.

Design

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

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

Access

The site is a back land site accessed from Bunbury Lane on the southern approach to the village and this single point of access is accepted.

Site Layout and Density

The indicated density of over 31dph on this edge of village site, located predominantly outside of the settlement boundary, is considered too high in design terms and that the arrangement and density of the blocks would be out of context with the existing urban grain of Bunbury.

Whilst the 'outward looking' layout is appreciated, with the site forming the rural edge of the village, the density to the western boundary, is too high. This is further exacerbated by the form of two short, terraced blocks and the preponderance of frontage parking which would lead to vehicles dominating the street scene. A thinning out of the homes on this boundary would enable side parking and reduce the dominance of cars in the streetscape. There is guidance on settlement edges included in the Cheshire East Borough Design Guide (Vol 2, ii|62-82, pp. 22-23) and on block forms and urban grain (Vol 2, ii|27-34, pp 19-20).

Whilst at this stage the house type designs are not known, the inclusion of corner turning and/or dual aspect blocks is recommended at key locations such those at the gateway to Bunbury Lane and those addressing what appears to be a raised platform junction to the south of the site. It appears that the units shown as 'F' may appear to fulfil this function.

Scale and Massing

It is appreciated that the details re. scale and massing will be addressed at Reserved Matters stage but the indication of a maximum of 2-storey development is considered appropriate in this location in design terms. Massing is more problematic with the terraced forms described above.

Streets

Going forward, streets will need to be designed in accordance with the Cheshire East Borough Design Guide (CEBDG, 2017i) both in terms of design and materiality. Materials palettes for hard surfacing can be found in Vol2 of the CEBDG, on page 52.

Parking

Again, this is only indicative at this stage, but whilst resident parking numbers appear to be broadly adequate there appears to have been no consideration of visitor parking which can, if positioned well, serve to reduce the informal 50:50 kerb/verge parking that can affect the quality of the place. There is also a sense that parking does dominate the development, with a predominance of frontage bays.

Bin and Cycle Storage

As outlined in the Cheshire East Borough Design Guide Vol 2 (CEC, 2017i, ii|119-123, p.30) how this is handled should be detailed in planning applications. As this is an outline application the brief statement in the DAS (p.13) is sufficient but more information will need to be provided through Reserved Matters. At present it is felt that adequate refuse, recycling and cycle storage would be difficult to deliver successfully with the number of properties proposed.

Architecture and Materials

As an Outline application little detail is provided as would be expected, but it is reassuring to see some contextual analysis and reference to the CEBDG and it would be expected that this appreciation of context is continued through the detailed design stages.

Conclusion

It should be noted that the proposal has been submitted in outline form so the final design/layout will not be addressed at reserved matters stage. However, concerns are raised regarding the number of units proposed for this out of settlement site given the need to have regard to local context and density, along with the need to provide the requires parking areas, open space, garden areas etc.

It is however considered that the site could accommodate a smaller number of dwellings. Therefore, it is suggest that any approval should limit the maximum number of dwellings to 20, which can be secured by condition.

Ecology

Hedgerows

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

Grass snake

This species is known to occur in close proximity to the application site. The habitats on site however provide only limited opportunities for this species. The potential impacts of the proposed development are therefore limited to the risk of grass snake entering the site during the construction phase. This impact can be mitigated through the implementation of 'Reasonable Avoidance Measures'. If planning consent is granted, the Councils Ecologist recommends that a condition be attached that requires the submission and implementation of a Method Statement of Reptile Reasonable Avoidance measures with any future reserved matters application.

Bats

Historic evidence of roosting bats was recorded during the initial surveys of the buildings on site. No evidence of bat roosting was however recorded during the subsequent bat activity surveys. The Councils Ecologist therefore advises that roosting bats are not reasonably likely to be directly affected by the proposed development.

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

Great Crested Newts and Badger

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

Biodiversity net gain

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

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

In order to assess the overall loss/gains of biodiversity the applicant has submitted an assessment undertaken in accordance with the Defra Biodiversity 'Metric'. The metric shows that the proposed development would deliver a net gain for biodiversity. There is a possibility that the grassland creation proposed on site may not achieve its target condition, however, even with the target condition lowered the calculation still shows that the development would result in a net gain for biodiversity.

Conclusion

Subject to the conditions listed below, the proposal can be accommodated without any significant ecological harm and complies with Policies SE3, ENV1, ENV2.

- Submission and implementation of a Method Statement of Reptile Reasonable Avoidance Measures in support of any future reserved matters application.
- Each reserved matters application to be supported by a detailed lighting scheme designed to minimise impacts upon bats.
- Habitat Creation method statement and 30-year management plan submitted with reserved matters application to reflect biodiversity metric calculations submitted with outline application.
- Submission with reserved matters application of a strategy for the incorporation of ecological features (bird boxes etc.)

Flood Risk

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

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

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

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

OTHER

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

- Noise and disturbance from vehicles for the dwellings adjacent to the access point – it is not considered that the proposed 25 dwellings would pose any significant harm by reason of noise/disturbance, not was this deemed to be an issue by the planning inspector for the refused scheme
- Vibrations during construction/damage to neighbouring properties – Env Health have requested details of piling which would prevent harm from vibrations. Damage to property would be a civil matter.
- Impact on house value – this is not a consideration relevant to the determination of a planning application
- Would set precedent for future housing development – each case has to be assessed on its own merits
- Lack of meaningful consultation from the applicant – this would not be a reason to withhold planning permission and the Council has undertaken a round of consultation as per the Development Management Procedures Order

PLANNING BALANCE

As noted above there is clear conflict between Policies SC5 & SC6 of the CELPS and the NPPF for this type of affordable housing. Planning law requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. In this instance given the absence of reference to this type of housing within the CELPS weight should be given to material considerations. Given the support for this type of housing within the NPPF and the absence of any evidence suggesting the need for this type of housing has already been met within the borough it is considered that the proposal is acceptable in principle.

The proposal would be contrary with BNP Policy H2 as it would be over the 15 dwellings threshold and would be co-located with other consented development.

The development would provide benefits in terms of providing 100% entry level homes, a form of affordable housing and the delivery of economic benefits during construction and through the spending of future occupiers.

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

On balance the benefits of the scheme primarily by proving entry level homes, is considered to outweigh the harm though co-location and a higher concentration of properties in this part of the village.

As such it is considered that the development constitutes sustainable development and should therefore be approved.

RECOMMENDATION:

APPROVE subject to the following conditions and S106 Agreement with the following Heads of Terms:

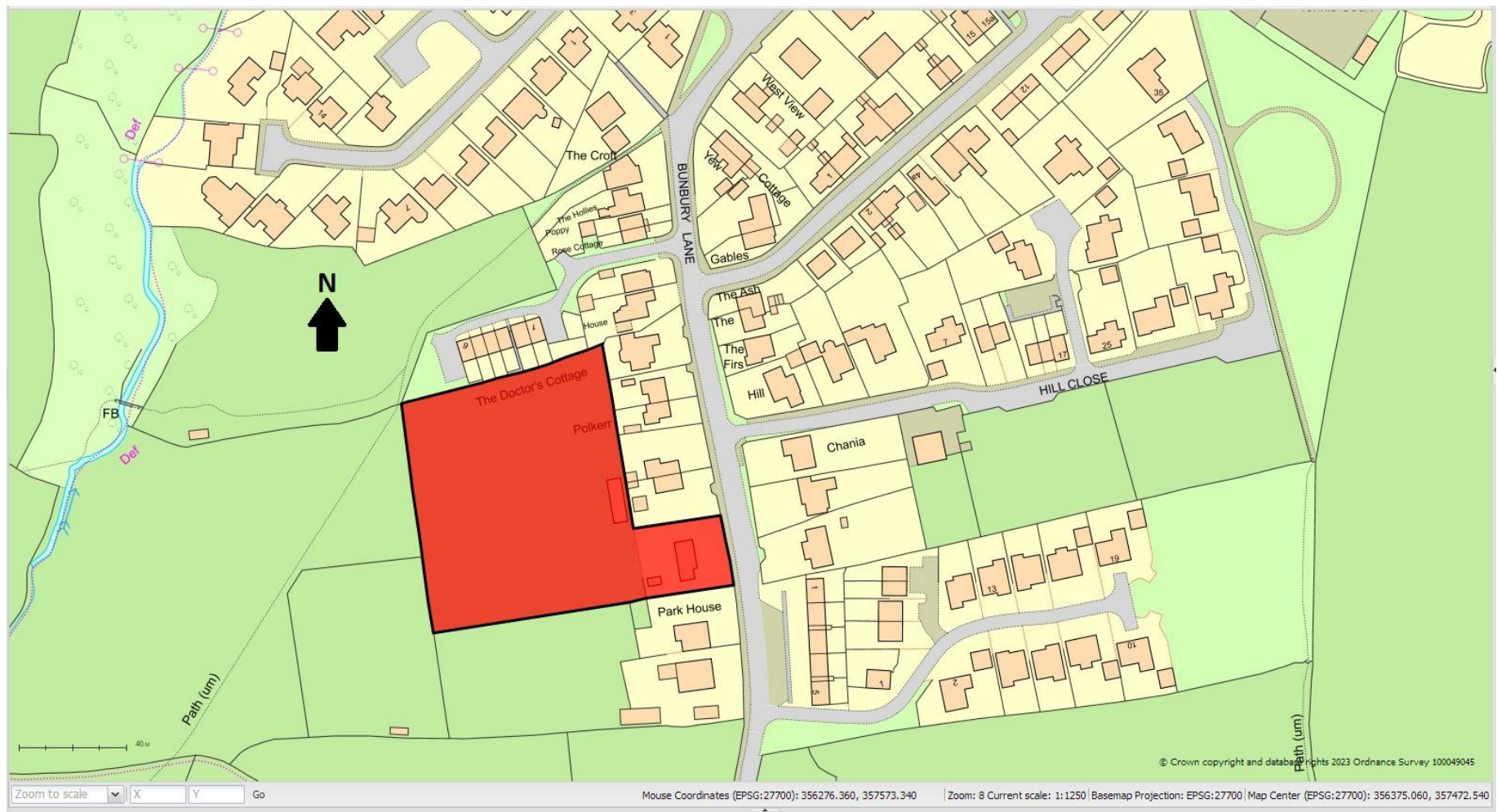
- 1) Approved Plans
- 2) Time limit
- 3) Materials
- 4) Compliance with FRA
- 5) Submission of a Drainage strategy
- 6) SUDS
- 7) Submission and implementation of a Method Statement of Reptile Reasonable Avoidance Measures
- 8) detailed lighting scheme designed to minimise impacts upon bats and neighbouring properties.
- 9) Habitat Creation method statement and 30-year management plan
- 10) Strategy for the incorporation of ecological features (bird boxes etc.)
- 11) The access works should be complete prior to commencement of development
- 12) Piling details
- 13) Boiler details
- 14) Electric Vehicle Charging details
- 15) Contaminated land – risk assessment
- 16) Contaminated land – verification
- 17) Contaminated land – soil
- 18) Contaminated land – unexpected contamination
- 19) Maximum of 20 dwellings
- 20) Reserved matters to include 30% accessible and adaptable dwellings
- 21) Reserved matters to include 6% wheelchair adaptable dwellings

S106	Amount	Triggers
Affordable Housing	100% on site provision	In accordance with phasing plan.
Education	£17,959 per secondary pupil place	To be paid prior to the occupation of the 10th dwelling
NHS	1 bed – £612 2 bed – £875 3 bed – £1225 4 bed – £1531 5 bed – £2100	To be paid prior to the occupation of the 10th dwelling
POS	Combined amenity and play £3,000 per dwelling Recreation & Outdoor Sport £1,000 per dwelling Allotment/food growth £562.50 per dwelling	To be paid prior to the occupation of the 10th dwelling

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

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

S106	Amount	Triggers
Affordable Housing	100% on site provision	In accordance with phasing plan.
Education	£17,959 per secondary pupil place	To be paid prior to the occupation of the 10th dwelling
NHS	1 bed – £612 2 bed – £875 3 bed – £1225 4 bed – £1531 5 bed – £2100	To be paid prior to the occupation of the 10th dwelling
POS	Combined amenity and play £3,000 per dwelling Recreation & Outdoor Sport £1,000 per dwelling Allotment/food growth £562.50 per dwelling	To be paid prior to the occupation of the 10th dwelling



This page is intentionally left blank

Application No: 22/4662C

Location: COTTON FARM, MIDDLEWICH ROAD, HOLMES CHAPEL, CHESHIRE, CW4 7ET

Proposal: Development of 3 no. buildings, totalling 4,422m.sq (use class B8 – storage and distribution), associated infrastructure and landscaping

Applicant: B Newsham, C Evans, A Newsham, S Croker

Expiry Date: 02-Jun-2023

Summary

The proposed development is not essential within the open countryside, it has not been demonstrated that a countryside location is essential and as a speculative development the proposal would not encourage the retention or expansion of an existing business. The proposed development is unacceptable in principle and conflicts with Policies PG6 and EG2 of the CELPS and RUR10 of the SADPD.

In addition to the principle of the development being unacceptable, the proposed development would cause harm to the character and appearance of the area and the wider landscape. Whilst the design and layout of the development would be poor and cramped. The proposal conflicts with policies SD2, SE4, EG2 and SE1 of the CELPS, ENV3, ENV4, GEN1 and RUR10 of the SADPD, CE5 of the HCNP.

In terms of built heritage there would be negligible impact upon the setting of the heritage assets and there would be no conflict with policies SE7 of the CELPS, HER1 or HER4 of the SADPD or CE6 of the HCNP.

The proposed development would have a small shortfall in parking provision, but this is minor and would not sustain a reason for refusal. The impact in terms of traffic generation and highways impact is considered to be acceptable.

The proposed development would not cause harm to residential amenity, trees, ecology or Jodrell Bank and the proposed development complies with the relevant Development Plan policies in relation to these issues.

An update will be provided in terms of the flood risk/drainage implications

The proposed development is unacceptable and as such is recommended for refusal.

Recommendation: REFUSE

REASON FOR REFERRAL

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

‘To consider whether the proposal is consistent with:-

- 1. Open countryside policies in the Local Plan*
- 2. The SADPD*
- 3. The Holmes Chapel Neighbourhood Plan*

If it is not compliant with policy, consideration is required as to whether there is justification for a departure from policy and the principle of plan-led development.’

DESCRIPTION OF SITE AND CONTEXT

The site comprises of an area of existing field which is located to the northern side of Middlewich Road and to the east of Junction 18 of the M6. The site lies adjacent to Cotton Farm which includes a dwelling and a number of buildings to the rear which are currently within employment uses.

The site is bound by hedgerows and trees. To the south it is relatively flat but towards the north levels drop significantly. To the north of the site is an existing moto-cross site. To the south are a number of residential properties to the opposite side of Middlewich Road.

DETAILS OF PROPOSAL

Full planning permission is sought for the erection of 3 buildings which would be subdivided to form 7 units in Use Class B8 (Storage and Distribution). The application includes the associated access and infrastructure.

RELEVANT HISTORY

18/6204C - Change of Use from agricultural to storage and distribution as extension of Cotton Farm Storage and Distribution Estate – Approved 2nd April 2019

17/4867C - Increase size of vehicle and car parking area and regularising boundary – Approved 3rd January 2018

POLICIES

Local Plan Policies

Cheshire East Local Plan Strategy (CELPS)

PG6 Open Countryside
SD2 Sustainable Development Principles
SE1 Design

SE3 Biodiversity and Geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE7 The Historic Environment
SE8 Renewable and Low Carbon Energy
SE12 Pollution, Land Contamination and Land Instability
SE 13 Flood Risk and Water Management
EG1 Economic Prosperity
EG2 Rural Economy
CO1 Sustainable Travel and Transport
Appendix C – Parking Standards

Site Allocations and Development Policies Document (SADPD)

PG8 - Development at Local Service Centres
GEN1 – Design Principles
HER1 – Heritage Assets
HER4 – Listed Buildings
ENV2 – Ecological Implementation
ENV3 – Landscape Character
ENV4 – River Corridors
ENV5 – Landscaping
ENV6 – Trees, Hedgerows and Woodland Implementation
ENV7 – Climate Change
ENV12 – Air Quality
ENV14 – Light Pollution
ENV16 – Surface water Management and Flood Risk
RUR10 – Employment Development in the Open Countryside
HOU12 – Amenity
INF3 – Highways Safety and Access
INF9 – Utilities

Neighbourhood Plan

The Holmes Chapel Neighbourhood Plan was made on 18th April 2017

ES2 – Encourage Greater Employment Opportunities
CE1 – Footpaths and Cycleways
CE2 – Connectivity Links around the Village
CE4 - Trees
CE5 – Character and Design
CE7 - Water Management on New Developments
TT1 - Promoting Sustainable Transport
TT2 – Congestion and Highway Safety
TT3 - Parking

National Policy

National Planning Policy Framework

CONSIDERATIONS (External to Planning)

University of Manchester (Jodrell Bank): Do not intend to comment on this application.

Natural England: No specific comments to make on this application. Refer to the Natural England general advice.

Environmental Health: Conditions suggested relating to contaminated land and electric vehicle infrastructure.

Flood Risk Manager: Numerous drainage queries raised with the applicant.

United Utilities: Drainage condition suggested.

Head of Strategic Transport: No objection subject to the imposition of conditions relating to;

- The provision of a dropped crossing for pedestrians
- The submission and approval of a Construction Management Plan

Cadent Gas: No comments received.

VIEWS OF THE PARISH / TOWN COUNCIL

Holmes Chapel Parish Council: [Revised Comments]

Holmes Chapel Parish Council have considered the revisions made to the above planning application and **have resolved** to continue to object on the following basis:

- The comments in the previous objection dated 21st December 2022 remain and are still valid supported by the CE Local Plan policies and by the SADPD and NPPF. These comments should be taken note of. The site area revisions do not address substantial issues related to highways and pedestrians.
- The Parish Council are very disappointed and shocked to see the latest response from the CE Head of Strategic Transport following the revised plans being issued and wonder whether CE Highways has visited the proposed application site.
- In the applicants own Design and Access statements, they point out that the entrance/exit is less than 200 yards from the M6 Junction 18.
- This road is extremely busy with a lot of HGVs and cars using the route to and from the M6 junction. It has been the subject of many traffic surveys in recent times and will be again due to the HS2 proposals currently before Parliament. In the applicants' statements and the CE Highways comment, there is no current assessment of traffic movements and how these will increase with the vehicles and people that will use the proposed site. The previous CE Highways statement refers to a forecast of additional trips daily which is unsupported by the application. The CE Highways statement mentions an additional 15 daily car trips, yet there will be 59 car spaces provided. There is no evidence of possible usage of the proposed buildings, yet their comments refer to 15 HGV trips daily. These possible movements must be challenged as no evidence has been provided by the applicant.
- Simply putting a drop crossing for pedestrians to provide site accessibility is allowing for a dangerous position to develop when the ability for pedestrians to cross this road will be extremely difficult. Entrance and exit of vehicles from the site will also be dangerous for them and other road users.

- The CE Highways response makes no allowance for the fact that the speed limit at this point is 60mph and typically traffic exiting or crossing the junction will be travelling at speed. The PC would ask that CE Highways review their response again. In addition, the Police and Highways Officers regularly use the verges in the vicinity of the proposed development which also would add to traffic issues and congestion around the proposed crossing.
- Regularly, and regrettably, there are frequent issues on the M6 which causes traffic to divert at the junction and use this part of A54. This exacerbates the potential conflicts for traffic movement and pedestrian access to this site.
- The Parish Council also wishes to raise concerns shared with us by local residents, that they were not informed of these revised plans in good time. They report finding out about them last weekend (13th), meaning they missed the deadline to respond.

[Original comments]

Holmes Chapel Parish Council object to this application to build on land, which is classified as open countryside, and is outside the Holmes Chapel Settlement Zone.

This application contravenes the policies of the Homes Chapel Neighbourhood Plan, the Cheshire East Local Plan Strategy (CELPs) and is contrary to the SADPD policies. The site was not identified in the SADPD as a potential employment site. Holmes Chapel as a Local Service Centre (LSC) is already supplying, through an extensive allocation on the A50, most of the employment land required by the SADPD and CELP for LSC's.

In addition, the Parish Council is concerned that the 'Technical Note' in the application, which is the proposed travel plan assessment, makes mention of up to 59 car parking spaces, articulated HGV traffic and out of hours traffic movement. The access to the site is a narrow single-track entrance and road which is not suitable for this expected substantial traffic movement.

The note also makes mention of 'pedestrian accessibility' – at present this requires pedestrians to cross the extremely busy A54, close to the M6 motorway junction and walk up a driveway with no pedestrian footpath.

The entrance to Cotton Farm is opposite existing houses and there is limited reference to the disturbance the proposed buildings will cause to these residents. The Parish Council disagree that this application is supported by the policy in the NPPF paragraph 85.

The application includes an appraisal of the visual exposure of the proposed buildings but makes little reference to the proposed height which would be visible from some distance away.

OTHER REPRESENTATIONS

Letters of objection have been received from 11 local households which raise the following points;

- Concern over the increase in traffic (employees and commercial vehicles)
- There is too much traffic through Holmes Chapel and the road network cannot cope with any further traffic.
- Increased traffic through Holmes Chapel will pass a primary school and secondary school. Increased risk in accidents.

- Pedestrian crossings are ignored
- Houses are impacted by noise and vibrations from traffic and commercial vehicles.
- If traffic from the site is heading to the M6 then it is difficult to cross Middlewich Road with the National Speed Limit.
- Impact upon biodiversity
- Potential increased risk of flooding
- The proposal is contrary to the Neighbourhood Plan
- Loss of property value
- There is too much development in Holmes Chapel
- Units off Manor Road are not occupied
- Concern over the access bridge over the River Dane and maintenance requirements
- Traffic disruption
- Construction traffic
- Increased pollution
- Unsociable operating hours
- Impact of signage and advertising
- Loss of landscaping
- Lack of a pedestrian walkway or protection to and from the site
- Sleep disturbance
- Light pollution
- Highway damage due to insufficient turning space from Middlewich Road
- Encroachment of traffic on neighbouring property
- Loss of a view
- The existing business is exceeding the site grounds in terms of vehicle access and visitation
- Impact upon outlook. The suggested mitigation measures would not reduce the impact
- Change in the character of the area from farmland to business
- Impact upon mental health
- The proposal is contrary to the Local Plan
- Loss of agricultural land
- Increased risk of pollution to the River Dane
- Harmful impact upon residential amenity
- Poor visibility at the site access point
- Believe that the site does not comply with the hours of operation conditions
- The access to the site is narrow and has resulted in an increase in accidents/incidents near the site entrance
- Impact upon wildlife
- The proposal is contrary to Development Plan policies as the development does not relate to an existing business operating on the site. The development is speculative and no end-users have been identified.
- The site is within open countryside and would cause harm to the open countryside.
- The previous permission on the site did not include the erection of buildings, covered only the rear portion of the site and it is not apparent if it was ever implemented. The current proposal is more visually prominent.
- Harm to residential amenity – noise disturbance from vehicle movements and activities carried out on site.
- Light pollution
- Dust pollution

- Cotton Farm House includes a number of windows which would be impacted by the development.
- The revised plans do not address the previous objections
- Further clarity is required for the proposed road crossing

OFFICER APPRAISAL

Procedural Matters

As noted within the planning history section and within the letters of objection the northern part of the site had an approval as part of application 18/6204C. This permission did not relate to the full extent of the current application site, related to the use of the land for storage and distribution (no buildings) and there is no evidence to show that the permission was ever lawfully implemented. On this basis, this permission can only be given limited weight as a material planning consideration.

Principle of the development

The site is located within the open countryside as defined in the Local Plan. Policy PG6 sets out that only development which is essential for the purposes of agriculture will be permitted. Exceptions may be made where (inter alia), 3(v) *for development that is essential for the expansion or redevelopment of an existing business*.

Policy EG 2 of the CELPS outlines where economic development is acceptable in rural area including the expansion of an existing business. The policy aims to support development which is sustainable and supports the rural economy and could not reasonable be expected to locate within a designated centre by reason of their products sold, would not undermine the delivery of strategic employment allocations; supported by adequate infrastructure; consistent in scale with its location and does not adversely affect nearby buildings and the surrounding area or detract from residential amenity; well sited and designed in order to conserve and where possible enhance the character and quality of the landscape and built form; and does not conflict with other relevant policies of the plan.

Policy RUR10 of the SADPD states that development which is essential for uses appropriate to a rural area may be permitted. Employment development maybe appropriate where;

- i. its scale is appropriate to the location and setting;
- ii. the nature of the business means that a countryside location is essential; and
- iii. the proposals provide local employment opportunities that support the vitality of rural settlements.

Where employment development meets the points above, policy RUR10 then identifies a number of criteria which should be met.

Policy ES2 Point B of the HCNP states that *'proposals for new industrial and commercial use (Use Classes B1, B2 and B8) close to junction 18 of the M6 will be supported. Development should be landscaped so as to ensure that new development is well screened and does not harm the visual amenity of the approach into Holmes Chapel*'.

The supporting Planning Statement and the Design and Access Statement do not identify any end users for the proposed units and the D&A Statement states that the application would provide *'7 new units to compliment the 4 existing Use Class B8 Units found at Cotton Farm'*. On this basis the proposal would be speculative and would not be essential to meet the requirements of an existing business and would be contrary to Policy PG6.

The proposal would provide some opportunities for local rural employment as identified within Policy EG2 (point 1), but it would not encourage the retention and expansion of an existing business (point 3).

Again, as a speculative development, it is not possible to meet the requirements of Policy RUR10 as it is not possible to state that the nature of the business means that a countryside location is essential.

The proposal would be supported in principle by the HCNP Policy ES2 as it relates to a B8 use close to Junction 18 of the M6. However, this is not consistent with policies CELPS PG6 or EG2 and SADPD Policy RUR10. The Neighbourhood Plan was made in April 2017 prior to the adoption of the CELPS (July 2017) and the SADPD (December 2023). In scenarios such as this Paragraph 30 of the NPPF sets out that the policies of an adopted neighbourhood plan take precedence over the non-strategic policies of a local plan unless they are superseded by strategic or non-strategic policies which are subsequently adopted. As a result, policies of the CELPS and the SADPD take precedence over the policies within the HCNP.

Policy PG8 of the SADPD states that Local Service Centres are expected to accommodate in the order of 7 hectares of employment land (there are no figures for individual Local Service Centres). The position for Local Service Centres as at 31st March 2022 was that 6.92 hectares of employment land would be provided with a figure of 0.08 hectares remaining. Taking into account the SADPD allocations 7.35 hectares of employment land would be provided. This is above the indicative total development for all Local Service Centres.

The site allocated as part of HCH1 of the SADPD is not a strategic employment allocation, the nearest would be at Midpoint 18 in Middlewich (LPS44 – which is expected to deliver the phased delivery of 70 hectares of employment land). Given the scale of this development it is not considered that it would undermine the delivery of the Strategic Employment Allocation at Midpoint 18.

There is no evidence within this application as to why this development could not be located within the settlement boundary (specifically site HCH1 or Midpoint 18). As a result, the proposal fails to comply with Policy EG point ii in that it could reasonably be expected to be located within a designated centre by reason of their products sold.

In this case the proposal is not essential within the open countryside, it has not been demonstrated that a countryside location is essential and as a speculative development the proposal would not encourage the retention or expansion of an existing business. The proposed development is unacceptable in principle and conflicts with Policies PG6 and EG2 of the CELPS and RUR10 of the SADPD.

Landscape

The site is located within Open Countryside to the west of Holmes Chapel close to junction 18 of the M6 motorway and is accessed off the A54 Middlewich Road. It is immediately east of Cotton Farm which comprises a traditional brick-built farmhouse and outbuildings plus more recent industrial units. The site is a long, relatively narrow field which extends northward, beyond the farm complex and into the Dane valley. The field is generally flat, but the levels fall quite steeply into the valley at the northern end. There's a fairly tall hedgerow on the roadside and a lower, gappy hedgerow along the eastern boundary with 5 mature trees at its southern end close to the road. There are 8 residential properties immediately opposite the site on Middlewich Road. The grade II* listed Cotton Hall and associated Cotton Hall Barns are located around 300m to the east.

In the 2018 Landscape Character Assessment, the site lies mainly within the Cheshire Plain East Landscape Character Type (LCT) and in the Wimboldsley Landscape Character Area (LCA). The northern part of the site extends into the River Valleys LCT and The Lower Dane LCA. This part of the Dane valley is not within the Local Landscape Designation Area

The Cheshire Plain East LCT is described as a large expanse of flat and very slightly undulating land. Woodland cover is low with small coverts scattered intermittently across the area. It is a working farmed landscape. Settlement is predominantly low-density villages and dispersed farms although there are influences from adjacent urban areas. The lack of woodland cover enables long views across the plain. The Wimboldsley LCA is described as a predominantly flat, large-scale landscape with relatively few hedgerow trees or dominant hedgerows. This combines with a low woodland cover creating an open landscape with long views in all directions to a distant skyline. The Landscape Guidance for the Plain is to:

- Avoid the construction of large-scale buildings which will be widely prominent within the landscape, particularly those with a height above the treeline.
- Protect the setting of valued heritage features including listed buildings
- Retain the strong rural character of the landscape and mitigate/screen intrusive features where possible.

The Lower Dane LCA is described as a shallow valley, where large to medium arable fields slope gently towards the watercourse. The landscape is quite open in aspect and settlement has a very low density with a number of isolated substantial farmsteads that provide local landmarks. A number of woodland blocks are prominent in this large-scale, open landscape but tree cover overall is relatively low. The Landscape Guidance for the River Valleys is to:

- Avoid locating development (buildings and other structures) in visually prominent locations, particularly on the valley slopes.
- Utilise trees and woodland to screen the visual and audial effects of intrusive infrastructure where appropriate

The proposed development consists of three large industrial buildings separated by two service yards for HGV vehicles plus car parks to the north and south of the development. The buildings are set back a reasonable distance from Middlewich Road but are sited close to the eastern boundary. The buildings are over nine metres high (around 2 metres higher than the industrial units at Cotton Farm) and have large footprints, particularly the central building which is 70 metres long. The buildings and hardstandings extend well beyond the existing farm complex to

the north. The northernmost building and car park area encroach into the sloping Dane valley landscape and require retaining structures to achieve a level platform.

The application includes a Landscape and Visual Appraisal by Environmental Associates and a Proposed Landscape Planting Plan which aims to mitigate adverse visual effects in the immediate locality and the wider landscape. The landscape proposals mainly comprise:

- An earth mound on the roadside frontage planted with native woodland species plus some heavy standard specimen trees.
- Gapping-up of the eastern boundary hedge including some feathered trees and eleven heavy standard Oak trees.
- To the south of the development, five heavy standard trees, a native hedgerow with feathered trees on the northern side of the car park and along the base of the proposed retaining wall, and a belt of native woodland on the regraded valley slope.

The Landscape and Visual Appraisal concludes: *'In summary, the impact on the local landscape would be very minor and the largely open, rural character of the area around Middlewich Road, between J18 and the edge of Holmes Chapel will not be undermined by the proposed development. All visual impacts would reduce to minor or negligible with time. Visual impacts on nearby receptors can be mitigated through proportionate landscape planting works which will also improve biodiversity in the mid to long term'.*

The proposed large-scale buildings in the flat, open landscape of the Cheshire Plain East and particularly on the slopes of the Dane Valley would be contrary to the Landscape Character Assessment Guidance and would adversely affect the character and appearance of the local landscape.

- There are no PROWs in the area with views towards the site, but the Dane Valley Way long-distance footpath crosses the A54 onto Broad Lane and there would be a glimpsed view of the development from that junction.
- Cotton Hall and Cotton Hall Barns are screened by vegetation. The conservation officer can comment on any potential impacts on the setting of the Grade II* Hall.

Following completion, the development would be visible from the following areas:

- The eight residential properties on Middlewich Road immediately opposite the site.
- Middlewich Road when approaching from the east.
- The play area, the open space, and a few properties on the edge of the Cotton Fields residential estate to the east.
- A short section of the M6 and the exit slip road.
- Distant views from the edge of the Cranage Hall Hotel complex located 1km to the northeast, but not from the grade II listed Hall itself.
- Potential distant views from residential properties on Armistead Way on the western edge of Cranage.

The development would be prominent in the flat, open landscape until the mitigation planting matured. The northern building and hardstanding would be particularly intrusive and conspicuous in the landscape of the Open Countryside. In the long-term, if the landscape scheme was properly managed to maturity, the proposed landscape scheme would probably screen or filter views from the residential properties opposite the site on Middlewich Road, from the M6 motorway and from the Cranage area. But, due to the scale of the buildings and their proximity to the eastern boundary, the gapped-up hedgerow and trees would provide some

intermittent filtering, but the development would likely remain conspicuous in the long-term in views from Middlewich Road to the east, and possibly from the edge of the Cotton Fields estate, particularly during the winter.

The proposed development would have adverse landscape and visual effects and is contrary to policies SE4 of the CELPS, ENV3 and ENV4 of the SADPD and CE5 of the HCNP.

Built Heritage

As noted within the landscape section above Cotton Farm which lies approximately 320m to the east is a Grade II* Listed Building (together with its curtilage listed barns). The Case Officer has discussed this application with the Councils Built Heritage Officer who has confirmed that due to the separation distance involved and intervening vegetation that there would be negligible impact upon the setting of the heritage assets and there would be no conflict with policies SE7 of the CELPS, HER1 or HER4 of the SADPD or CE6 of the HCNP.

Design

As noted above the proposed development is unacceptable in terms of the impact of the proposed development upon the character and appearance of the open countryside and the wider landscape.

The detailed design of the units is utilitarian, they have simple pitched roofs, with limited fenestration and loading bay doors.

Units 1 and 2 would be most prominent from Middlewich Road and they are orientated so that they face Middlewich Road, behind the parking provision. Travelling north along the access road the long elevation of units 3 and 4 would appear prominent, and although windows are provided to this elevation, they do little to break up the bulk and mass of this elevation. At the head of the access the elevation of Unit 5 would appear prominent, and this is dominated by the servicing area, loading bay and bin storage area.

Other than to the southern and northern boundaries the development appears cramped and the buildings would be sited in close proximity to the site boundaries, there is limited landscaping provision within the site or to the eastern boundary. As a result, the proposed development fails to create high quality, beautiful and sustainable buildings and places and the proposed development conflicts with policies SD2, EG2 and SE1 of the CELPS, GEN1 and RUR10 of the SADPD, CE5 of the HCNP and the NPPF.

Access and Parking

The proposed development will provide 7 units in three buildings with a total floorspace of 4,422 Sq.m. The existing access would be used to access the site from the A54.

The existing access is 7m wide and would be retained for this development. Swept paths have been submitted for both light vehicles and articulated vehicles to access the site and the highways officer has not raised any objection to this.

The previous permission had consent for 40 commercial trips per day and 40 car trips to and from the site. The proposed forecast trip generation 15 HGV trips daily and 15 car trips which would be additional to the previous consent. The level of traffic generation as predicted, spread out throughout the day would not result in any capacity issues on the local road network. Consideration has been given to the provision of a right turn facility; however, the level of traffic generation from the proposed development falls below the threshold where such provision would be required. It is likely that the vast majority of trips to and from the site will be made to west of the site towards the M6 motorway.

The location of the site is isolated outside the central residential area of Holmes Chapel and as such the majority of trips to the site will be vehicle based. However, it is important that sites are made as accessible as possible to both pedestrians and cyclists, the revised site plan now shows, a section of footway would be provided along the initial section of the main access road for pedestrians together with a segregated pedestrian link provided to a crossing point on Middlewich Road. The Head of Strategic Transport has confirmed that the proposals are considered acceptable, and no objections are raised.

There are 59 parking spaces in total on the site which includes 7 disabled spaces, this is slightly below the CEC standards (a shortfall of 6 spaces) based on floorspace. Despite this the Head of Strategic Transport has stated that the level of parking provision is acceptable level for the development proposed. Covered cycle storage is provided at the northern and southern sections of the site and this would be controlled via the imposition of a planning condition in the event of an approval.

In highway terms, the location of the site is well placed for commercial development, with direct access to a principal road and close to the motorway network. The increased floorspace results in a minor traffic impact on the local road network over and above the previous consent and does not result in any capacity problems. The slight shortfall in parking provision is noted and a reason for refusal on these grounds could not be sustained.

There are no objections to the application in terms of its highways impacts and the proposed development complies with Policy INF3 of the SADPD.

Amenity

The nearest residential properties are Cotton Farm which is located to the west of the site and the dwellings fronting Middlewich Road to the south.

The dwelling to the west of the site at Cotton Farm. Plots 1 and 2 would have a separation distance of 25m from the side elevation of Cotton Farm. It is acknowledged that the side elevation of Cotton Farm includes a number of openings at ground floor, first floor and second floor (including rooflights to the outrigger), these are largely secondary and given the separation distance, intervening driveway and tall boundary treatment the proposal would not cause harm to the residential amenity of Cotton Farm.

In terms of the dwellings to the south, there would be a separation distance of 83m between the nearest parts of units 1 and 2 and the nearest dwellings. This separation distance would mean that there would be no harm in terms of loss of privacy, light or outlook.

The proposed development would comply with policy HOU12 of the SADPD.

Noise/Vibration

In support of this application a Noise Impact Assessment (NIA) has been provided. The NIA assesses the background noise levels which exist at the site, which are dominated by road traffic noise from traffic (Middlewich Road and the M6).

The NIA states that the predicted noise levels for the development for the proposed B8 use would be HGV movements, unloading/loading activities and car usage (a worse-case assessment for most operations especially B8). The predicted noise levels would fall below the existing typical background sound levels during daytime and night-time periods at the closest residential receptors. As a result, no noise mitigation measures are required for this development and no objection has been raised by the Councils Environmental Health Officer.

The issue of vibration has been raised by a number of residents objecting to the application. This is an existing issue arising from traffic using Middlewich Road and potentially the M6, it is not considered that demonstrable harm would arise in terms of vibration from this proposed development given the size of the development and the units proposed.

Purely in terms of the noise impact the proposed development complies with the policy SE12 of the CELPS and RUR10 and HOU12 of the SADPD.

Light Pollution

Should the application be approved a condition could be imposed to secure details of any external lighting prior to its installation.

Air Quality

This application is of a small scale, and as such would not require an air quality impact assessment. However, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area and in particular, the impact of transport related emissions on Local Air Quality. The application has been considered by the Councils Environmental Health Officer who has raised no objection to the application subject to the imposition of a condition relating to electric vehicle charging points.

Purely in terms of the noise impact the proposed development complies with the policy SE12 of the CELPS and RUR10 and HOU12 of the SADPD.

Contaminated Land

The application site has a history of agricultural use and therefore the land may be contaminated. The Councils Environmental Health Officer has also stated that she is aware of a potential Foot and Mouth burial pit for this farm, from the 1967 outbreak. According to available records 52 cattle were culled as part of this outbreak. The Environmental Health Officer has no records relating to the exact location of any burial pit, and as such further information regarding this possible pit should be obtained. A risk assessment should be

undertaken into this aspect and submitted to us prior to development commencing, if the application is approved and this could be secured via the imposition of a planning condition.

Flood Risk/Drainage

The application site lies within Flood Zone 1 and has a low risk of flooding. The Flood Risk Officer initially raised a number of queries regarding this proposed development and the applicant has provided a response to these. At the time of writing this report an updated consultation response from the Flood Risk Officer was awaited and this issue will be dealt with as part of an update report.

Trees

The site benefits from established boundary hedgerows and boundary trees, none of which are afforded any statutory protection. The proposal has been supported by an Arboricultural Report which confirms the presence of 1 individual and 1 group of high quality A Category trees, 15 individual and 1 group of moderate quality B Category trees, 3 individual and 1 group of low-quality C Category trees and 3 low quality hedgerows. Of these 100 metres of hedgerow is shown for removal (H4) in addition to 7 moderate quality trees although these are noted to comprise of semi mature and early mature ornamental trees which are not of such significance that they would be considered worthy of formal protection.

While the proposals seem acceptable in principle, the latest updated plans received 18th April show some alterations to the site layout that are evident in the latest Landscape Plan and these revisions would need to feature in an amended Arboricultural Report in the event the application were approved. The alterations include the retention of more of hedgerow H4 with just 15 metres now shown for removal (as opposed to 100m) to accommodate access to parking areas which is welcomed. A small section of hedge is also shown for removal from H3 to the Middlewich Road frontage to accommodate a pedestrian access. Tree T16 a moderate quality Oak, formally shown for removal is now also indicated for retention which would reduce the extent of tree losses in the site to 6. The existing tree protection plans do not make provision to afford protection to boundary hedgerows and given the extent of hedgerow to be retained, proximity of construction and potential excavation for services and landscaping, its considered that protection to hedgerows should feature in any amended tree protection plan.

The Landscape Plan appears to make provision for replacement planting of 22 heavy standard trees which demonstrates a commitment to maintaining and enhancing tree cover on the site in accordance with Policy SE5.

There are no objections to the proposal in terms of the impact upon trees/hedgerows subject to the provision of updated Arboricultural Information which could be secured via the imposition of planning conditions.

Ecology

SSSI Impact Zone

The proposed development falls within Natural England's SSSI impact zone. In this case Natural England have been consulted on the application and have not raised an objection in terms of the impact upon the SSSI.

Breeding Birds

If planning consent is granted, a standard condition could be imposed to safeguard breeding birds.

Other Protected Species

The submitted Preliminary Ecological Appraisal report makes recommendations relating to other protected species. The Councils Ecologist has no objection to this application subject to the imposition of a condition requiring compliance with the recommendations made in Preliminary Ecological Appraisal report.

Biodiversity Net Gain

Any development proposals must seek to lead to an overall enhancement for biodiversity in accordance with Local Plan policy SE3(5). In order to assess the overall loss/gains of biodiversity, an assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 3.1 has been undertaken and submitted with the application.

The submitted Biodiversity Net Gain Assessment and associated biodiversity metric calculator shows, after proposed onsite habitat creation is completed, a gain of 0.15 (2.48%) habitat units and 0.10 (2.08%) hedgerow units is predicted. The proposed habitat creation works could be secured by the imposition of a planning condition.

Wildlife sensitive lighting

In accordance with the BCT Guidance Note 08/18 (*Bats and Artificial Lighting in the UK*), prior to the commencement of development details of the proposed lighting scheme should be submitted to and approved in writing by the Local Planning Authority and this could be secured via the imposition of a 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. If planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

Energy Efficient Development

Policy SE 9 (Energy Efficient Development) of the CELPS sets out that;

‘non-residential development over 1,000 square metres will be expected to secure at least 10 per cent of its predicted energy requirements from decentralised and renewable or low carbon sources, unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable.’

It is considered reasonable to impose a condition on any planning approval for the submission of energy saving requirements in line with the above.

Jodrell Bank

This site is located within the Jodrell Bank consultation zone and in this case the University of Manchester stated that they do not wish to comment on this application. As no objection has been received the proposed development is considered to be acceptable in terms of its impact upon Jodrell Bank.

Other issues

The letters of objection refer to the impact upon property value and the loss of views across the application site. Neither issue is a material planning consideration, and these matters cannot be considered as part of this application.

Planning Balance and Conclusion

The proposed development is not essential within the open countryside, it has not been demonstrated that a countryside location is essential and as a speculative development the proposal would not encourage the retention or expansion of an existing business. The proposed development is unacceptable in principle and conflicts with Policies PG6 and EG2 of the CELPS and RUR10 of the SADPD.

In addition to the principle of the development being unacceptable, the proposed development would cause harm to the character and appearance of the area and the wider landscape. Whilst the design and layout of the development would be poor and cramped. The proposal conflicts with policies SD2, SE4, EG2 and SE1 of the CELPS, ENV3, ENV4, GEN1 and RUR10 of the SADPD, CE5 of the HCNP.

In terms of built heritage there would be negligible impact upon the setting of the heritage assets and there would be no conflict with policies SE7 of the CELPS, HER1 or HER4 of the SADPD or CE6 of the HCNP.

The proposed development would have a small shortfall in parking provision, but this is minor and would not sustain a reason for refusal. The impact in terms of traffic generation and highways impact is considered to be acceptable.

The proposed development would not cause harm to residential amenity, trees, ecology or Jodrell Bank and the proposed development complies with the relevant Development Plan policies in relation to these issues.

An update will be provided in terms of the flood risk/drainage implications

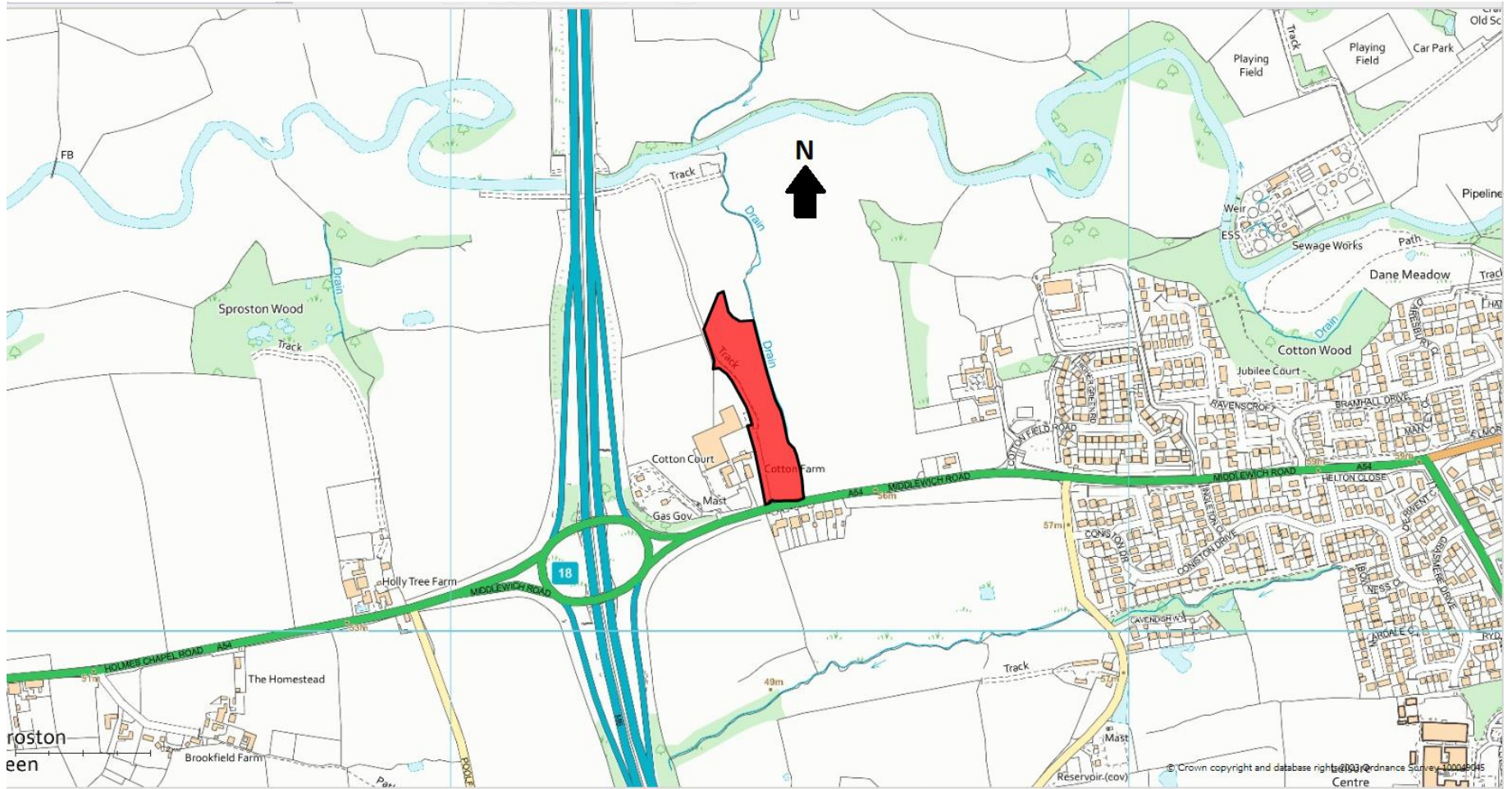
The proposed development is unacceptable and as such is recommended for refusal.

Recommendation

REFUSE for the following reasons;

- 1. The proposal constitutes an urban encroachment into the open countryside which would harm the character and appearance of the area and the wider landscape. The proposal relates to a speculative form of development which does not require a countryside location and it does not relate to the expansion or retention of an existing business. The proposal is contrary to Policies PG2, PG6, SD1, SD2, SE4 and EG2 of the Cheshire East Local Plan Strategy, RUR10, ENV3 and ENV4 of the Site Allocations and Development Policies Document, ES2 and CE5 of the Holmes Chapel Neighbourhood Plan and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use.**
- 2. The proposal represents a utilitarian design which would appear cramped and in addition to the loss of open countryside and landscape harm the proposal fails to create high quality, beautiful and sustainable buildings and places. The proposed development conflicts with policies SD2, EG2 and SE1 of the Cheshire East Local Plan Strategy, GEN1 and RUR10 of the Site Allocations and Development Policies Document, CE5 of the Holmes Chapel Neighbourhood Plan and the NPPF.**

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: 22/4609C

Location: Land Off, MEADOWBANK AVENUE, WHEELLOCK

Proposal: Construction of affordable housing

Applicant: John Stephens & Co. & Jigsaw Homes Group

Expiry Date: 05-Apr-2023

SUMMARY

The site lies within the settlement boundary for Sandbach and the principle of residential development on the site is acceptable. The developments complies with Policies PG2 of the CELPS and PG9 of the SADPD & PC3 of the SNP.

The site is sustainably located and is in easy walking distance of Sandbach Town Centre, public transport and services and facilities within the town. The development complies with Policies SD1 and SD2 of the CELPS.

The site layout is acceptable and would not harm residential amenity. There is no conflict with Policy HOU12 of the CELPS & H2 of the SNP.

The development is considered to be acceptable in terms of its impact upon the highway network. The development complies with C01, C04 of the CELPS, INF3 SADPD, IFT1 & IFT2 of the SNP.

There would be no significant impacts in terms of flood risk drainage or ecology. As such the development complies with SE13 of the CELPS, ENV16 of the SADPD.

The impact upon trees is acceptable subject to the imposition of planning conditions. The development complies with Policy SE5 of the CELPS, ENV6 of the SADPD.

An acceptable design solution has been provided and this would comply with Policy SE1, SD1 and SD2 of the CELPS, GEN1 of the SADPD, H2 of the SNP, the CEC Design Guide and the NPPF.

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

RECOMMENDATION**APPROVE**

REASON FOR REPORT

The application is Southern Planning Committee at the request of Cllr Crane for the following reasons;

'My concerns are around:

- *Access for construction vehicles during the build and refuse wagons / emergency vehicles upon completion.*
- *This area floods regularly.*
- *The impact on the protected wildlife area at the bottom of the current development*
- *Traffic increases, an additional 3rd on top of the number of vehicles already accessing the site from the filter lane and into a narrow road off Crewe road.*
- *Impact on the current dwellings on Zan Drive and Hopol Dr with regard to overlooking and impact on their own infrastructure, the wall of Farm Cottages in particular is over 100 years old and could be undermined by development.*
- *No trees or open spaces are provided for within the plans.*
- *No electric charging points are proposed.*
- *The development is out of character with the neighbouring housing.*
- *I believe the proposed sizes of property are under those recommended.*
- *Impact on local schools and public services also concerns me greatly'*

PROPOSAL

Full planning is sought for the construction of 15 affordable houses.

SITE DESCRIPTION

The application site comprises a small industrial site compromising a number of smaller units

Commercial/industrial units are sited to the south, residential to the west and north and open land to the east with a brook further beyond

Land levels drop significantly to the east outside the site and slope down to the south. Existing access taken off via Crewe Road. Boundary treatment consists of 1.8m high fencing/planting/walls

The site is located in the Settlement Boundary as per the Local Plan

RELEVANT HISTORY

Various applications for commercial/industrial use, most relevant below:

16/5809C – Demolition of existing building and erection of 8 no. dwellings, associated parking and landscaping – Approved 08-Mar-2017

ADOPTED PLANNING POLICY

Development Plan

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

Cheshire East Local Plan Strategy (CELPS):

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

Sandbach Neighbourhood Plan (SNP) made on 12th April 2016

PC1 Local Green Gaps
PC2 Landscape Character
PC3 Settlement Boundary
PC4 Biodiversity and Geodiversity
H1 New Housing
H2 Design and Layout
H3 Housing Type and Mix
H4 Housing and Aging Population
IFT1 Sustainable Transport, Safety and Accessibility
IFT2 Parking
IFC1 Contributions to Local Infrastructure
CC1 Adapting to Climate Change

Site Allocations and Development Policies Document (SADPD)

PG8 Development at Local Service Centres

PG9 Settlement Boundaries
PG11 Greenbelt Boundaries
GEN 1 Design Principles
ENV 1 Ecological Network
ENV 2 Ecological Implementation
ENV 3 Landscape Character
ENV5 Landscaping
ENV6 Trees, Hedgerows and Woodlands
ENV 7 Climate change
ENV16 Surface Water Management and Flood Risk
HOU1 Housing Mix
HOU3 Self Build and Custom Build Dwellings
HOU 8 Space, accessibility and wheelchair housing standards
HOU10 Backland Development
HOU12 Amenity
HOU13 Residential Standards
HOU14 Housing Densities
HOU16 Small and Medium Sites
INF3 Highways Safety and Access
INF 9 Utilities
REC 2 Indoor sport and recreation implementation
REC 3 Open space implementation

Other Material planning policy considerations

National Planning Policy Framework ('The Framework');

The relevant paragraphs include;

11 Presumption in favour of sustainable development
59 Delivering a Sufficient Supply of Homes
124-132 Achieving well-designed places
170-183 Conserving and enhancing the natural environment

Supplementary Planning Documents (SPD)

SPG Provision of Private Open Space in New Residential Developments
SPD Cheshire East Council Design Guide
The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land

CONSULTATIONS

CEC Head of Strategic Infrastructure (Highways) – No objection subject to a s38 Agreement

CEC Flood Risk – No objection

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

CEC Housing – No objection

ANSA – No objection subject to POS provision or contribution

Education – No contribution required

NHS – No comments received at the time of writing the report

United Utilities – No objections subject to drainage conditions & SUDS

Sandbach Town Council – Objection on the following grounds:

- Narrow and limited access on to Meadowbank Avenue which will be inadequate and restricted by parked cars for emergency vehicles and refuse collection
- Numerous concerns raised by neighbouring properties
- High density development within the proposed area of land and off unadopted road
- Narrow road which will be further congested by on-road parking
- Inadequate space for construction traffic
- No electric charging points within proposals
- No provision of open space/greenery
- Design is not in-keeping with surrounding area/location
- Potential impact on wildlife corridor
- Inadequate accessibility and wheelchair access standards
- Flood risk
- Overlooking and impact on amenity of neighbouring homes
- Structural concern due to impact of removing part of an established boundary wall
- Development will not contribute to character of the area
- Lack of accessible properties within design
- Over intensive design for the area of land
- A Cheshire East Council Ward Councillor Call in has been requested
- Overlooking of neighbouring properties
- Without justification within the application of the need for affordable housing, Members seek the Housing Officer's confirmation that the need has not already been met.

REPRESENTATIONS

35 letters of objection based on the initial plans have been received which raise the following issues;

- Application should not have been registered as no affordable housing statement was provided
- Red line boundary not accurate and some plans show 16 dwellings not 15
- Loss of internal wall
- Loss of privacy

- Increase in traffic
- Lack of shop/café so other use more appropriate
- No site visit undertaken
- Contaminated site
- Lack of consultation
- Loss of employment
- Upkeep of existing estates
- Existing Mill on the Zen state is a listed building
- Harm to ecology
- No green space proposed
- Overdevelopment
- Room sizes inadequate
- Conflict of interest of Cllr Hovey
- No housing for disabled/elderly
- Schools over prescribed
- Drainage issues
- Rights over the access over Zan Drive
- New security gates required to prevent trespass
- Noise/dust from construction

APPRAISAL

Principle of Development

Development within the Settlement Zone Line is supported in principle within the CELPS provided that it accords with Policies SD1, SD2 and SE1. These policies seek to ensure, amongst other things, that proposals are not detrimental to neighbouring residential amenity and are appropriate in design and highway terms.

Policy PG9 of the SADPD advises that 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.

Policy PC3 of the SNP advises that new development involving housing, commercial and community development will be supported in principle within the Settlement Boundary.

As such the proposal is considered to be acceptable in land use terms.

Housing Land Supply

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

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

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

Loss of industrial use

The proposal seeks to utilise a small parcel of land which previously housed an older commercial building. This was addressed in the previous application and concluded that given the age and condition of the building and the fact that it has been un-used for some time and that the existing industrial uses would remain it is not considered that the loss of a single unit would pose any significant threat to existing employment levels. As this relates to the same site and use, the same conclusion is again reached here. Therefore, the loss of the building would be weighed in the overall planning balance.

Affordable Housing

This is a full application for 15 dwellings and as per Policy SC5 there is a requirement for 30% of dwellings to be provided as affordable dwellings with a split of 65/35 between social rented and intermediate housing.

In this instance all of the housing are to be affordable.

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

Education

The development of 11 family (2 bedroom plus) dwellings or more could require a contribution towards education.

However, education have confirmed that the proposal has only seven 2+ bedroom dwellings in this development therefore children's services will not require a S106 contribution.

Health

The site is not large enough to require any contributions towards health

Open Space

Policy SE6 requires major developments (10 or more) to provide open space in line with Table 13.1 of this policy, which requires 65m² per dwelling consisting of children's play space, amenity green space, food growth and green infrastructure connectivity to be provided on site in the first instance. However also advises that in some cases, commuted sums generally may be more appropriate for improvement of other open spaces and green infrastructure connectivity.

The Councils Open Space officer advises that 975m² of open space would be required with the preference for this to be provided on site, but she would not expect to see equipped play on this occasion.

However, if no onsite provision is possible then a contribution of £45,000 is required to be spent to increase the capacity at Wheelock playing field and/or Lightley Close open space.

In addition to this the developer contribution for Outdoor Sports Facilities would be £1,000 per dwelling to be spent in line with the Council's Playing Pitch Strategy or subsequent document. It should be noted the Council's PPS is currently undergoing a complete review to form Playing Pitch and Outdoor Sports Strategy to be adopted late Autumn. Until this review is completed it is difficult to ascertain where funds should be directed as new sports will be included.

With regards to allotments/food production a contribution of £562.50 per dwelling is sought.

In this instance the case officer has requested onsite provision, but the applicant has advised that this is not possible. Whilst this is unfortunate the Policy does advise that commuted sums generally may be more appropriate for improvement of other open spaces and green infrastructure connectivity and in this instance, sites have been identified (Wheelock playing field 480m south and/or Lightley Close open space 300m north) where a contribution could be provided to improve existing provision. These sites are location 300m north and 480m south of the site.

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

Housing Mix

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

Policy HOU1 In line with LPS Policy SC 4 'Residential mix', housing developments should deliver a range and mix of house types, sizes and tenures, which are spread throughout the site and that reflect and respond to identified housing needs and demand. In particular it suggests a recommended mix as below as a starting point:

	Market housing	Intermediate housing	Affordable housing for rent
1 bedroom	5%	14%	26%
2 bedroom	23%	53%	42%
3 bedroom	53%	28%	20%
4 bedroom	15%	4%	10%
5+ bedroom	3%	1%	3%

The proposal seeks the following mix:

- 8 x one beds

- 1 x two beds
- 5 x three beds
- 1 x four beds

As can be seen from the table above the mix would not be provided as per the recommendation in Policy HOU1. However, the text makes it clear that this is to be used as a starting point only and is not a ridged standard.

The aim of this policy appears to provide a mix of all housing tenure and bedroom units to suit the needs of all and not to be dominated by larger 4 plus bedroom properties. As noted above the predominantly house types would be 1 bedrooms properties 53%. Or to put it another way the split would be 93% smaller properties (1-3 beds) and 7% larger properties (4 and 5 beds).

As such this mix of housing would provide opportunity for all and thus is deemed to be acceptable.

Space standards

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;

- a) 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
- b) 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.

Plots 2, 4, 6, 10 and 15 demonstrate compliance with 30% assessable dwellings and plot 7 demonstrates compliance with 6% wheelchair adaptable dwelling.

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 NDSS requires:

- 1 bed for 2 people (flats) – 50sqm
- 2 beds for 3 people – 70sqm
- 2 beds for 4 people – 79sqm
- 3 beds for 5 people – 93sqm

The proposal would provide:

1 bed for 2 people (plots 1,3,5,8) – 52 sqm (COMPLIES)
1 bed for 2 people (plots 2,4,6,7) – 48 sqm (2 SQM SHORT)
3 bed for 5 people (plot 9) – 85sqm (8 sqm SHORT)
2 bed for 4 people (plot 10) – 70sqm (9 sqm SHORT)
3 bed for 5 people (plot 11) – 84sqm (9 sqm SHORT)
4 bed for 6 people (plot 12) – 100sqm (6 sqm SHORT)
3 bed for 5 people (plots 13,14,15) – 9 sqm (COMPLIES)

So 7 units fully comply with NDSS and 8 units are short of the standards by between 2 and 9sqm. This is considered to be just a limited shortfall however needs to be weighed against the overall planning balance. The inspectors comments about the 6 month transitional period from 14/12/2022 should also be noted.

Location of the site

Policy SD1 states that wherever possible development should be accessible by public transport, walking and cycling (point 6) and that development should prioritise the most accessible and sustainable locations (point 17). The justification to Policy SD2 then provides suggested distances to services and amenities.

In this case the site is within the Settlement Zone Line for Sandbach. There is a bus stop located within 500m to the west off Crewe Road with regular services to Sandbach, Congleton, Macclesfield and Crewe. There are also some limited amenities within walking distance of the site. As such the site is considered to be sustainable and services and facilities could easily be accessed by non-motorised forms of transport. The site is considered to be sustainably located and complies with Policies SD1 and SD2.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

With regards to neighbouring amenity, Policy HOU12 advises 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 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.

Policy HOU13 sets standards for spacing between windows of 18m between front elevations, 21m between rear elevations or 14m between habitable to non habitable rooms. For differences in land levels it suggests an additional 2.5m for levels exceed 2m.

The main residential properties affected by this development are 30 Meadowbank Avenue, 1 and 3 Hopol Drive, The Coach House/Farm Cottage and properties to the west off Crewe Road (460, 458, 456, 454)

30 Meadowbank Avenue

The nearest plot 1, will be sited between 2 and 3m to the windowless side elevation of No.30. This plot more or less aligns with the build line to No.30 and thus would not cause any significant harm by reason of overbearing/overshadowing or loss of outlook. In terms of privacy there are no side facing windows to No.30 and plot 1 has no side facing windows at first floor with just a single side facing living/dining room window. However, given the siting at ground floor level it is not expected that this will result in any significant harm by reason of loss of privacy.

1 and 3 Hopol Drive

The nearest plot 1, will be sited 12m to the rear elevation or 9.5m to the rear conservatory. This would prevent significant harm by reason of overshadowing/oppressive impact however this does not comply with either the 21m or 14m interface noted in Policy HOU12. However, plot 1 will sit with an oblique orientation to these properties meaning that there is not a direct interface between habitable room windows. Thus, it is not considered that the proposal would result in any significant harm by reason of overlooking between windows. Concerns were raised by the case officer regarding potential overlooking of the garden area of 1&3 Hopol Drive from the proposed first floor windows of plot 1. These have now been revised to include an angled v shaped window which would be part obscured thus preventing any direct overlooking.

Farm Cottage

The nearest plots 8 and 9, would be sited 17m to the side/rear elevation of Farm Cottage. In this instance there are no habitable room windows proposed on the rear elevations of these plots, as the windows at first floor would serve bathroom and utility rooms and thus could be condition to ensure they are fitted with obscure glazing to prevent harm through overlooking. There are rear ground floor windows which would serve living/dining rooms however the siting at ground floor level, land level difference and existing boundary treatment would prevent any harm by reason of overlooking. Given that the application site sits at a lower level than Farm Cottage (as shown on the sections plan), it is not considered that there would be any significant harm by reason of overbearing/overshadowing. There is potential for some overlooking of the garden area of Farm Cottage from the proposed first floor living room window of plot 8, however this would overlook the end section of rear garden area only and some overlooking is to be expected in residential areas.

The Coach House

The nearest plot 10, would be sited 11m to the rear elevation of The Coach House. This distance would prevent harm through overbearing/overshadowing impact. In this instance there are no first-floor side windows to this plot to prevent overlooking and only 1 ground floor side windows are proposed which would serve a toilet so would likely be fitted with obscure glazing to prevent loss of privacy and the boundary treatment would also prevent overlooking. A first-floor bedroom window is proposed which would potentially overlook part of the rear garden area of Farm Cottage, however this would be an oblique angle and would not result in direct overlooking and thus would not be sufficient to justify a refusal of planning permission. The site is also lower than that of The Coach House which would further limit overlooking.

Properties to the west off Crewe Road (460, 458, 456, 454)

The nearest plots 10-15, will be sited 21m to rear facing windows of the bungalow properties to the west. This distance complies with Policy HOU12 to prevent significant harm through overlooking/overbearing/overshadowing impact. The 16m siting to the shared boundary would also prevent any significant harm through overlooking of garden areas.

Future amenity

Policy HOU13 does not set an expected size of garden area but advises proposals for dwellings houses shall include an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the proposed development.

All plots would have at least the 50sqm garden area which could be used by future occupants.

As with the initially consented scheme a noise report has been provided to consider regarding possible noise and disturbance from the existing industrial use. This deems noise impact from the adjacent industrial / commercial use is minimal, however, if the proposed mitigation is implemented (line of site, fencing and glazing) then the development will comply with BS 8233 and there will be no significant impact from noise.

Environmental Protection have confirmed that they agree with the findings and have suggested that the development should only proceed in accordance with the mitigation contained within the submitted report. Therefore, it is considered that noise/disturbance can be suitably mitigated against.

Therefore, the proposal could be accommodated without significant harm to living conditions of neighbouring properties and complies with Policy HOU12 of the CELPS & H2 of the SNP.

Air Quality

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

The impact upon air quality could be mitigated with the imposition of a condition to require the provision of electric vehicle charging points and low emission boilers.

Contaminated Land

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

Highways

The proposal is for 15 residential dwellings with access to be from Meadowbank Avenue which itself provides access to Crewe Road and the wider area. The site has previously had approval for 8 dwellings.

The site will provide pedestrian access to the wider area and the principle of residential development on this site has already been accepted with the previous approval.

Meadowbank Avenue is approximately 5m wide which is sufficient to serve the additional vehicle trips the proposal would generate. The proposal is for 7 units more than that approved, and the additional highways impact will be negligible.

The carriageway width within the site will be 4.8m which is acceptable and there will be adequate parking for each property. Beyond plot 6 the carriageway is unlikely to be adoptable.

No objection is raised from the Councils Highways Engineer with an informative requiring the applicant to enter into a s38 Agreement regarding the construction and future adoption of the internal road layout.

The proposal is therefore considered to comply with Policy SD1 & CO2 of the CELPS, INF3 of the SADPD & IFT1 & IFT2 of the SNP.

Landscape

There are no significant landscape issues. The site is located within the settlement boundary where development is support in land use terms so some landscape impact is inevitable and where it can be viewed from the wider setting would be viewed in the context of the existing commercial development to the south and residential to the north and west.

As such the proposal complies with CELPS Policies SE4, ENV3 & ENV5 of the SADPD and PC2 of the SNP

Trees

Policy SE5 advises that proposals should look to retain existing trees/hedgerows that provide a significant contribution to the area and where lost replacements shall be provided. Policy ENV 6 advises that development proposals should seek to retain and protect trees, woodlands and hedgerows.

The application site was formally considered in terms of trees with approved application 16/5809C. The application site does not benefit from any trees of significance internal to the site boundary but benefits from some established moderate quality and low-quality boundary trees sited outside the site, none of which are afforded any statutory protection. The layout submitted with this application will not arise in any additional tree losses and is not considered to arise in a significantly inferior relationship to that formally considered in terms of the offsite trees.

The application has been supported by an Arboricultural Impact Assessment & Method Statement by Tree Solutions (21/AIA/CHE(E)/237(Rev A). The report appraises the relationship of the layout with trees, makes provision for tree protection throughout any approved construction period and proposes engineer designed solutions to overcome construction of parking spaces within the RPA of one-off site tree. Having viewed the drainage layout this does not appear to arise in any incursion within the RPAs of trees.

As submitted, there are no objections to the proposal subject to adherence with the arboricultural working methodology provided.

Therefore, it is not considered to be significantly harmful to the character/appearance of the area and the proposal complies with Policy SE5 of the CELPS and ENV 6 of the emerging SADPD.

Design

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

The proposal seeks to develop a site that is currently free from development so is clearly going to change the character of the site and locality.

The character of the area consists of a mix of traditional 2 storey and bungalow properties of mixed red brick and render finish in detached and semi-detached form. The proposal seeks to erect 2 storey buildings consisting of red brick finish with a mix of detached and semi-detached properties. Therefore, it is considered that the proposed 15 units could be accommodated without causing harm to the existing pattern of built form.

Representations have been made suggesting that the site is too cramped for the number of units proposed and refer back to the previously consented, yet expired, permission for 8 dwellings.

However, the consented permission has expired and carries limited weight to this application, nor was it considered to set any ceiling point for the number of properties which can be accommodated on the site.

The proposed site plan shows a layout and plot ratio comparable to the consented to the north and the design whilst not spectacular is also similar to the consented development to the north. Final material details can be secured by condition to ensure suitable material is used to match that of the surrounding area.

The site is also enclosed from view from public vantage points by the existing development to the north, west and south and planting buffer to the east and where it can be viewed from the wider setting it would be viewed in the context of the existing development.

The proposal does have some frontage parking to the entry plots 1-5, however this merely mirrors the consented development to the north and parking inside the site is taken to the side of the properties.

Plots 6 & 7 has an active frontage to the road as they are double fronted to helps these focal plots turn the corner.

As such, subject to conditions, the proposal is considered to comply with Policies SD1, SD2 and SE1 of the CELPS, GEN1 of the SADPD, H2 of the SNP & the Cheshire East Urban Design Guide.

Ecology

Biodiversity Net Gain

Any development proposals must seek to lead to an overall enhancement for biodiversity in accordance with Local Plan policy SE3(5). In order to assess the overall loss/gains of biodiversity an assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 3.1 must be undertaken and submitted with the application. In order to achieve net gain for biodiversity it should be ensured that any habitats are higher value (such as ponds and woodland, more species rich grassland etc) are retained and enhanced as part of the development proposals.

If additional habitat creation measures are required to ensure the site achieves a net gain for biodiversity consideration should be given to the creation of additional ponds and species rich grassland. Offsite habitat creation may be required if an appropriate level of habitat creation cannot be delivered on site.

The applicant has recently Defra Biodiversity 'Metric' calculation however comments from the Council Ecologist on this are awaited and will be provided in the update report.

Breeding Birds

If planning consent is granted, the Councils Ecologist suggests a condition to protect nesting birds.

Schedule 9 Species

The applicant should be aware that Himalayan balsam and wall cotoneaster are present on the proposed development site. Under the terms of the Wildlife and Countryside act 1981 it is an offence to cause these species to grow in the wild.

Disturbance of soil on the site may result in increased growth of these species on the site. If the applicant intends to move any soil or waste off site, under the terms of the Environmental Protection Act 1990 any part of the plant or any material contaminated with Himalayan balsam or wall cotoneaster must be disposed of at a landfill site licensed to accept it and the operator should be made aware of the nature of the waste. An informative will be added to this effect.

Ecological Enhancement

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

The above conditions are considered reasonable and necessary and as such can be added to any decision notice.

Therefore, the proposal Policy SE3 of the CELPS, ENV1, ENV2 of the SADPD, PC4 of the SNP.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps and the site area is not over 1 hectare so does not require a Flood Risk Assessment.

United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to conditions requiring a surface water drainage scheme and a foul water drainage scheme. The Councils Flood Risk Team have also been consulted who initially required further information regarding the drainage hierarchy. This has since been provided and they now raise no objection.

Therefore, it would appear that any flood risk/drainage issues, could be suitably addressed by planning conditions and as such the proposal complies with Policy SE13 of the CELPS & ENV 16 of the SADPD.

Land Levels

Given the nature of the site to existing properties and the variation in levels a condition will be attached to ensure that details of the proposed levels are provided.

ECONOMIC SUSTAINABILITY

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

OTHER

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

- Application should not have been registered as no affordable housing statement was provided – *this was received after validation and has been visible since on the Councils website*
- Red line boundary not accurate and some plans show 16 dwellings not 15 – *the applicant advises the red edge is correct and reference to 16 homes has been removed from the plans*
- Loss if internal wall/upkeep of existing estates/ Rights over the access over Zan Drive – *these are civil matters not relevant to the determination of a planning application*
- Lack of shop/café so other use more appropriate – *the Council has to consider the application as proposed*
- No site visit undertaken – *site visit was undertaken by the case officer 28th March 2022*

- Lack of consultation – *public consultation was undertaken in accordance with the development management procedures order (all neighbours who share boundary with the site and site notice displayed)*
- Loss of employment – *no loss of employment on the site*
- Existing Mill on the Zen Estate is a listed building – *no listed buildings near to the site*
- Conflict of interest of Cllr Hovey – *This is matter for Sandbach Town Council.*
- Schools over prescribed – *education have been consulted*
- Noise/dust from construction – *this would be secured outside of planning*

PLANNING BALANCE

The site lies within the settlement boundary for Sandbach and the principle of residential development on the site is acceptable. The developments complies with Policies PG2 of the CELPS and PG9 of the SADPD & PC3 of the SNP.

The site is sustainably located and is in easy walking distance of Sandbach Town Centre, public transport and services and facilities within the town. The development complies with Policies SD1 and SD2 of the CELPS.

The site layout is acceptable and would not harm residential amenity. There is no conflict with Policy HOU12 of the CELPS & H2 of the SNP.

The development is considered to be acceptable in terms of its impact upon the highway network. The development complies with C01, C04 of the CELPS, INF3 SADPD, IFT1 & IFT2 of the SNP.

There would be no significant impacts in terms of flood risk drainage or ecology. As such the development complies with SE13 of the CELPS, ENV16 of the SADPD.

The impact upon trees is acceptable subject to the imposition of planning conditions. The development complies with Policy SE5 of the CELPS, ENV6 of the SADPD.

An acceptable design solution has been provided and this would comply with Policy SE1, SD1 and SD2 of the CELPS, GEN1 of the SADPD, H2 of the SNP, the CEC Design Guide and the NPPF.

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

RECOMMENDATION:

APPROVE subject to S106 and the following conditions:

- 1) 3 year time limit**
- 2) Development in accordance with the approved plans**
- 3) Details of proposed materials**

- 4) Development in complete accordance with the tree protection and special construction measures identified in the Arboricultural Impact Assessment & Method Statement by Tree Solutions (21/AIA/CHE(E)/237(Rev A) dated February 2023
- 5) Dust suppression methods
- 6) Details of piling
- 7) Details of electric vehicle charging points
- 8) Details of low emission boilers
- 9) Contaminated land risk assessment
- 10) Contaminated land verification report
- 11) Contaminated land soil testing
- 12) Contaminated land unexpected contamination
- 13) Surface water drainage scheme and a foul water drainage scheme
- 14) 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
- 15) Submission of an ecological enhancement strategy
- 16) Details of levels
- 17) Rear facing first floor windows on plots 7-9 to be fitted with obscure glazing
- 18) Mitigation measures as per the noise report (fencing and glazing)

S106	Amount	Triggers
Affordable Housing	100% on site provision	In accordance with phasing
POS	<p>Combined amenity and play contribution of £45,000 to be spent to increase the capacity at Wheelock playing field and/or Lightley Close open space.</p> <p>Recreation & Outdoor Sport £1,000 per dwelling</p> <p>Allotment/food growth - per dwelling</p>	To be paid prior to the occupation of the 8th dwelling

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.

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

S106	Amount	Triggers
Affordable Housing	100% on site provision	In accordance with phasing
POS	<p>Combined amenity and play contribution of £45,000 to be spent to increase the capacity at Wheelock playing field and/or Lightley Close open space.</p> <p>Recreation & Outdoor Sport £1,000 per dwelling</p> <p>Allotment/food growth - per dwelling</p>	To be paid prior to the occupation of the 8th 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: 02-Jun-2023

SUMMARY:

The principle of development is considered to be acceptable in principle, as the proposal is for 4 dwellings within the settlement boundary and the council cannot require the provision of affordable housing in such schemes.

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:

Approve subject to conditions

REASON FOR REFERRAL

This application is 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 recently constructed dwellings located to 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 as part of the Site Allocations and Development Policies Document.

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.

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)

Highways: No objection.

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

Strategic Housing: 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 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 0.4 hectares).

The application site is part of a larger site that measures 0.58 hectares. It was until recently in single ownership and it appears that the site has now been split. As the wider site measured more than 0.4 hectares it was considered that affordable housing could be secured. However, following further discussions with the agent and colleagues in Spatial Planning this is not considered to be the case for the following reasons;

- The 0.4 hectares referred to within Policy SC5 is in brackets and this is because of the usual convention where the site area is used in scenarios where the number of dwellings is not specified.
- Policy SC5 was adopted in 2017 and pre-dates the 2021 NPPF. It differs from paragraph 64 of the NPPF which states that affordable housing cannot be required on sites which are not a major development. The legal definition of major development can be found at Paragraph 2 of Part 1 of the Town and Country Planning (Development Management Procedure) Order (England) 2015 which in terms of housing states;
(c) the provision of dwellinghouses where-
(i) the number of dwellinghouses to be provided is 10 or more; or
(ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- The number of dwellings is known and the 0.5-hectare size threshold is not engaged.

Whilst this is disappointing, unfortunately, Policy SC5 is not deemed to be in accordance with the NPPF. As such, paragraph 64 of the NPPF is the most relevant guidance. This makes it clear that that in schemes that are not major developments, within settlement boundaries, affordable housing should not be sought. The site is now designated in the SADPD as being within the settlement boundary. Therefore, as the scheme is for 4 dwellings, the Council cannot require the provision of affordable housing and a reason for refusal on these grounds could not be sustained.

The proposal is therefore considered to be in accordance with the advice given in the NPPF.

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 and Appendix C of the CELPS.

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 (acoustic fencing, glazing specification and ventilation details) 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 and 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 and Policy ENV2 of the SADPD.

Flood Risk/Drainage

An update will report will be provided on this issue, following discussions with the Councils Flood Risk Officer.

CONCLUSIONS

The principle of development is considered to be acceptable in principle, as the proposal is for 4 dwellings within the settlement boundary and the council cannot require the provision of affordable housing in such schemes.

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.

The proposal is therefore recommended for approval.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Time limit**
- 2. Approved plans**
- 3. Approval of details of facing and roofing materials**
- 4. Implementation of the mitigation measures set out in the Noise Impact Assessment**
- 5. Submission of details of low emission boilers**
- 6. Provision of electric vehicle infrastructure**
- 7. Soil and soil forming materials to be tested for contamination**
- 8. Prior to occupation, evidence and verification information (for example: quantity/source of material, laboratory certificates, depth measurements, photographs) shall be submitted to, and approved in writing by, the Local Planning Authority.**
- 9. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.**
- 10. No development (other than demolition and site clearance works) shall commence until:**
 - a) A proportionate risk assessment and (if appropriate) site sampling exercise is undertaken to address the risks posed by land contamination. This should be submitted to and approved in writing by the LPA.**
 - b) Should the above indicate that remediation is necessary, a Remediation Strategy shall be submitted to and approved in writing by the LPA.**

The remedial scheme shall be carried out in accordance with the approved Remediation Strategy unless otherwise agreed in writing by the LPA.

11. No part of the development hereby approved shall be occupied or in use prior to submission and approval in writing of a Verification Report prepared in accordance with the approved Remediation Strategy that covers that part of the development to be occupied or used.
12. Protection for breeding birds
13. Provision of features to enhance biodiversity
14. Submission of landscaping plan
15. Implementation of landscaping scheme

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



© Crown copyright and database rights 2023 Ordnance Survey 100049045

This page is intentionally left blank

Application No: 22/3818C

Location: Land East Of, CHELLS HILL, CHURCH LAWTON

Proposal: Full planning application for periodic use of land on an annual basis (up to 56 days per calendar year) for moto-cross purposes, retention of hardstanding and access, access enhancements, and associated works.

Applicant: A Boote

Expiry Date: 28-Dec-2022

SUMMARY

There would be some very minor benefits raised by the development as identified above. These benefits are given minor weight.

The site is located within the Green Belt and would be inappropriate development. The development would have an urbanising effect upon the locality and would not preserve openness. No very special circumstances have been identified and the proposal is contrary to Policies PG3 of the CELPS, and the NPPF.

The development would detract from the character and appearance of the site and have an adverse impact upon the landscape. The proposed development would conflict with Policies SE4 and SD2 of the CELPS.

The proposed development would not harm protected species/biodiversity and there would be no conflict with policies SE 3 of the CELPS, ENV2 of the SADPD or the NPPF.

The proposed development would generate noise and the proposal would cause harm to residential amenity, whilst the suggested noise mitigation measures would not be enforceable. In addition, the use of the site would cause harm to other users of the open countryside (such as the Canal and local footpath network) in terms of noise generation. As a result, the proposal would conflict with Policies SE12 of the CELPS, HOU12 and RUR6 of the SADPD and the NPPF.

The application is considered to be acceptable in terms of the flood risk implications subject to the imposition of planning conditions.

The less than substantial harm to the heritage assets would not be outweighed by the public benefits of the proposed development. The proposed development is contrary to Policy SE7 of the CELPS, and Policies HER1, HER3 and HER 4 of the SADPD and the NPPF.

The woodland on the site is classed as a priority habitat and there is insufficient information in relation to the arboricultural impacts from this proposed development. The proposed development is contrary to Policies SE3 and SE5 of the CELPS and Policy ENV6 of the SADPD.

The application has demonstrated that a safe and suitable access can be achieved and that adequate car-parking provision is provided. The proposed development complies with Policy INF3 of the SADPD.

The applicant has referred to the use of the site under permitted development. This is noted, but the increased use of the site over and above permitted development allowances would have greater impacts and the application is recommended for refusal.

RECOMMENDATION

REFUSE

REASON FOR REFERRAL

This application is referred to Southern Planning Committee as the site extends to more than 2 hectares.

PROPOSAL

This application relates to the use of land as a moto-cross circuit for up to 56 days per calendar year. The application includes the retention of the hardstanding, access enhancements and associated works.

SITE DESCRIPTION

The application site is a parcel of land located to the eastern side of Chells Hill (B5078).

The site is sloping, and land levels generally rise to the northern boundary adjacent to the Trent and Mersey Canal. The Canal in this location is located within a Conservation Area.

A watercourse is located along the southern boundary of the site and there are areas of the site which are at risk of flooding. The site includes areas of tree-cover/woodland and there are several ponds located on the site.

The site lies within the Green Belt.

RELEVANT HISTORY

20/4166C - Retrospective change of use of the site for use as a moto-cross circuit on an intermittent basis, formation of new access point and widening of existing access point from Chells Hill, formation of hardstanding area for parking, and associated works - Refused 9th December 2020 for the following reasons;

1. *The proposed development represents inappropriate development within the Green Belt, and no very special circumstances have been identified. The development would have an urbanising effect on the Green Belt, it does not preserve the openness of the Green Belt and*

conflicts with the aim of safeguarding the countryside from encroachment. Furthermore, the development would detract from the character and appearance of the site and have an adverse impact upon the landscape. The development is contrary to Policies PG3, SE4 and SD2 of the CELPS and PS7 of the Congleton Local Plan and the NPPF.

2. *There are three ponds present on site, adjacent to good quality terrestrial newt habitat in the form of priority deciduous woodland. No information has been provided to identify whether Great Crested Newts are present on this site. As a result, insufficient information has been provided in relation to this material planning consideration. The proposed development is contrary to Policies SE 3 of the CELPS, NR2, NR3 and RC3 of the Congleton Local Plan and the NPPF.*

3. *Insufficient information has been provided to determine whether the proposed development would have a detrimental impact upon residential amenity due to noise generated. Furthermore, the use of the site would cause harm to other users of the open countryside (such as the Canal and local footpath network) in terms of noise generation. As a result, the proposal would comply with Policies SE7 of the CELPS, GR7 and RC3 of the CLP and the NPPF.*

4. *Part of the application site is located within Flood Zone 3 for Malkins Bank/Lawton Brook. This land is defined as having a high probability of flooding. In addition, there are concerns regarding the ordinary watercourse treatment and potential flood plain impact. Insufficient information has been provided as no Flood Risk Assessment has been submitted in support of this application and as a result the proposed development is contrary to Policies SE13 of the CELPS and the NPPF.*

5. *The development would cause less than substantial harm to the heritage assets (the Canal Conservation Area and Listed Structures) due to the urbanised appearance of the site and the noise and disturbance caused by the proposed use. This harm would not be outweighed by the public benefits of the proposed development. The proposed development is contrary to Policy SE6 of the CELPS, and Policies BH4 and BH9 of the CLP and the NPPF.*

6. *The woodland on site is listed under the Priority Habitat Inventory and contains a pond. An assessment by an ecologist as to the impact on the woodland and ponds by the use as a moto-cross circuit is required in order to assess the potential negative impact on priority habitats. Furthermore, in the absence of a tree survey or an arboricultural impact assessment there is no evidence provided to demonstrate that the impacts on the woodland have considered. The proposed development is contrary to Policies SE3 and SE5 of the CELPS and Policy NR3 of the CLP and the NPPF.*

7. *The application does not demonstrate that a safe and suitable access can be achieved or whether adequate car-parking provision is provided. The proposed development is contrary to Policy GR9 of the CLP and the NPPF.*

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy – Submission Version (CELPS)

MP1 – Presumption in Favour of Sustainable Development

PG2 – Settlement Hierarchy

PG3 – Green Belt
PG6 – Open Countryside
PG7 – Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE 1 - Design
SE 2 - Efficient Use of Land
SE 3 - Biodiversity and Geodiversity
SE 5 - Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 7 – The Historic Environment
SE 12 – Pollution, Land Contamination and Land Instability
SE13 – Flood Risk and Water Management
IN1 – Infrastructure
IN2 – Developer Contributions
CO1 – Sustainable Travel and Transport
EG2 – Rural Economy
SC1 – Leisure and Recreation
SC2 – Indoor and Outdoor Sports Facilities

Site Allocations and Development Policies Document

GEN1 – Design Principles
ENV1 – Ecological Network
ENV2 – Ecological Implementation
ENV3 – Landscape Character
ENV4 – River Corridors
ENV5 – Landscaping
ENV6 – Trees, Hedgerows and Woodland Implementation
ENV7 – Climate Change
ENV12 – Air Quality
ENV14 – Light Pollution
ENV15 – New Development and Existing Uses
ENV16 – Surface water Management and Flood Risk
HER1 – Heritage Assets
HER3 – Conservation Areas
HER8 - Archaeology
RUR5 – Best and Most Versatile Agricultural Land
RUR6 - Outdoor Sport, Leisure and Recreation Outside Settlement Boundaries
HOU12 – Amenity
INF1 – Cycleways, Bridleways and Footpaths
INF3 – Highways Safety and Access
INF9 – Utilities

Neighbourhood Plan

There is no Neighbourhood Plan in Betchton

National Policy

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

Of relevance are paragraphs:

11. Presumption in favour of sustainable development.

84-85 Supporting a Prosperous Rural Economy

189-208 Conserving and enhancing the historic environment

137-151 Protecting Green Belt Land

CONSULTATIONS

Environment Agency: No objection subject to the imposition of a planning condition.

United Utilities: No comments received.

Canal & River Trust: Offer the following general advice;

- The towpath side of Trent & Mersey Canal passes to the north of the application site, where the canal is supported by an embankment and passes over Chels Hill Aqueduct. The C&RT records show that there is a culverted watercourse under the canal which it is presumed to link to the ponds within the development site.
- As part of the previous application, the C&RT outlined that the culvert has been blocked with mud/silt and that measures to prevent localised flooding would be welcomed to prevent localised flooding.
- The Flood Risk Note recommends protection measures for the culvert. The Trust welcomes these measures and their implementation in the event that planning permission is granted.

Flood Risk Manager: No objection in principle but clarification is required in terms of the following issues;

- There is an ordinary watercourse located within the site boundary. Whilst appendix 5 of the Flood Risk Assessment (FRA) identifies an existing route to outfall into the River Wheelock (main river). No proposed routing plan has been submitted as part of the FRA. The developer must submit a proposed routing plan including engineering details, such as: pipe diameters, access chambers, cover levels, and invert levels. Cheshire East Council would discourage any culverting of an open watercourse unless for proposed access.
- Under application 0/4166C Canal and River Trust previously raised concerns regarding the existing culvert becoming frequently blocked with mud/silt. Given the site use, the developer must provide an on-going maintenance/inspection schedule as part of the planning application prior to approval. The developer should also be made aware, under Land Drainage Act 1991, it is their responsibility to ensure an unobstructed flow within sections of ordinary watercourse located within the site boundary.

Head of Strategic Infrastructure: No objection.

Environmental Health: No objection subject to the imposition of conditions relating to noise mitigation and contaminated land.

VIEWS OF THE TOWN COUNCIL

Betchton Parish Council: The Parish Council objects to this application because of noise intrusion to nearby residents which have been experienced and reported by residents to Cheshire East Council and because of potential highway safety issues arising from traffic entering and exiting the site on days of events.

Odd Rode Parish Council: The Parish Council objects to this application for the following reasons;

- The proposal is inappropriate development in the Green Belt and would be detrimental to the amenities of residents of Thurlwood at Rode Heath.
- The Parish Council does not believe that the site has been operating for 20 years and it is worth noting that a Negative Certificate of Existing Lawful Use for motocross on a nearby piece of land was refused in 2008 (CBC decision 08/1831).
- The report on acoustics provided by the applicant's consultant implies that there will be no disturbance to nearby residents. However, this flies in the face of reality: this Council received numerous representations from residents in Thurlwood this Summer, all complaining about the noise emanating from this site. The Council made Planning Enforcement aware of the problem, hence this application. The report on acoustics is flawed and does not provide adequate information to judge the noise nuisance of the proposed development. Sound carries further along the valley and over water and measurements should have been taken at properties by the canal at Thurlwood.
- Also, no measurements were taken on Sunday (the worse day for residents this Summer). The report makes reference to a permission granted to the west of the site (P99/0112). However, this is near to the motorway (which impacts on sound perception) and involved quad bikes (as did the second Appeal that is cited) which create very different sounds to motorbikes. If CEC is minded to grant permission, despite the many objections, it is suggested that it be for no longer than twelve months in order to allow for monitoring and assessment of the real world impact of the development. Also, that the number of riders, the hours and the days of operation be very limited.

REPRESENTATIONS

Letters of objection have been received from 18 local households raising the following points;

- Ongoing excessive, intrusive and continuous noise in garden and home (primarily at weekends and also Bank Holidays)
- The site has been used without planning permission since 2019
- Throughout lockdown there was continuous noise from the site (from mid-morning into the evening)
- The noise from the site is both unpleasant and loud
- Since the earlier application was refused in 2021, the site has continued to be used as a motocross facility in breach of the planning decision. This has been reported to both Environmental Health and Planning Enforcement.
- The noise varies depending on where the bikes are in use on the site, the type of bike and the number of bikes.
- The volume of the bikes drowns out the sound of the radio when played in the garden
- Noise has prevented residents opening windows and caused disturbance to the bedtime routine of young children
- The noise makes it impossible for residents to use their garden and enjoy their home

- The application states the site will rarely be used for a full days duration. The site is currently used for a full days duration and it is unclear how this will be monitored.
- The application states that the site will be predominantly used in Spring and Summer. This will mean twice a week during those times and implies both Saturdays and Sundays. The time when residents are most likely to use their gardens (causing the greatest impact).
- The site was attractive before the commencement of the development
- The use of the site exceeds 28 days (planning breach)
- The site breached Covid restrictions
- Disregard for Health and Safety rules
- If approved there are concerns that the site owner will disregard any further restrictions
- The noise report commissioned by the applicant is not independent. Concerns that the results can be manipulated
- Concerns that the noise mitigation measures cannot be enforced
- Strongly dispute that the site has been continuously used for moto-cross in excess of 20 years
- Proximity of the site entrance to the traffic lights under the bridge and a blind bend.
- Mud is deposited onto the highways
- Noise nuisance is detrimental to the peaceful countryside location
- Signs have been erected at the site.
- A digger has been used to form the tracks on the site
- The letters submitted in support are users of the site and they are not affected by the noise from the development.
- The applicants suggestion that the site would represent a public benefit is not accepted
- The bikes used at the time of the noise survey are not representative of those used ordinarily at the site
- Harm to the Green Belt
- Significant impact upon local wildlife
- No toilets provided on the site
- Barbeques have been held on the site – causing air quality issues
- Flooding issues on the site
- Loss of plants on the application site
- Nothing has changed since the refusal of application 20/4166C
- The supporting reports do not acknowledge the proximity of the site to Rode Heath
- The findings of the Noise Impact Assessment are flawed
- The proposed development is a blot on the landscape
- The development causes noise harm to the users of the canal
- Similar applications within the vicinity of the site have been refused
- During dry periods the use of the site generates a large amount of dust
- A length of mature hedgerow has been removed from the site
- High risk of pollution for the watercourses on the site
- There are sufficient motocross sites in the area (Holmes Chapel and Talke)
- Parked vehicles on the highway cause obstruction.
- People are travelling from outside Cheshire to visit this site
- Pets are afraid of the noise from the site
- Air pollution from the bikes using the site
- Inaccuracies contained within the planning application
- The use of the site is effecting the health and wellbeing of local residents and visitors
- A second point of access has been constructed without planning permission
- Increased vehicular movements
- The proposed development represents inappropriate development in the Green Belt

- The development has caused a noticeable scarring of the landscape. Adverse visual impact of the development.
- Activities on the site will create a distraction to road users
- Adverse impact upon the rural setting of the site and urbanising effect
- As well as resulting in the loss of openness, the proposal would result in harm in spatial and visual terms. There are no very special circumstances associated with this proposed development.
- The application does not include a Heritage Statement.
- The development would have a less than substantial impact upon the surrounding heritage assets
- No Heritage or Archaeological Assessment has been undertaken

(In addition to the points of objection videos, audio clips and a log of activity on the site has been provided)

APPRAISAL

Procedural Matters

The applicant has stated that the site has been used as a moto-cross circuit in excess of 20 years. However, this would need to be proven as part of a Certificate of Lawful Use and no weight can be given to this claim.

Under Permitted Development Rights, Part 4 Class B allows the temporary use of land for any purpose for not more than 28 days in any calendar year. This would include the proposed moto-cross use; however, this would need to be temporary, and the land would need to be able to return to its lawful use outside the temporary period. As a result, any works such as ramps/mounds, car-parking, containers, signage or other ground works are not included within Permitted Development.

It is noted that Part 4 Class B for a temporary use of not more than 28 days excludes 'the holding of a market' and 'motor car and motorcycle racing including trials of speed and the practice for these activities' (for both a 14-day limit is applicable). Case Law in particular *Miles v The National Assembly for Wales and Caerphilly CBC* and previous appeal decisions indicate that there is a distinction to be drawn between motor car and motorcycle racing and practising for these activities. In other words, racing events comprising racing and racing practice at the same venue, and other motor car and motorcycle activities. The former is restricted to 14 days whereas the latter is not restricted and can be carried out for not more than 28 days in total in any calendar year. As a result the use can be carried out for 28 days in any calendar year under Permitted Development Rights.

Green Belt

The application site lies entirely within the Green Belt. National and local policies attach great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The two essential characteristics of Green Belts are their openness and their permanence.

Green Belts serve the following five purposes: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns;

and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. To achieve this, there are restrictions on the types of development which may be carried out.

These are detailed within NPPF paragraph 138 and reiterated within CELPS policy PG 3. Development within the Green Belt is inappropriate, apart from the exceptions identified within Policy PG3 (point 3) and the NPPF (paragraph 149).

Paragraph 150 then goes on to state that engineering operations and material changes in the use of land for recreation/outdoor sport are not inappropriate provided they preserve its openness and do not conflict with the purposes of including land within it.

The openness of the Green Belt has a visual as well as a spatial aspect. The aerial photographs of the site from 2010 and 2016 are shown below.

2010



2016



As can be seen the site in 2010 appeared as farmland and this is supported by the Google Street-View photos from 2009 and 2011 (see below)

2009



2011



From the aerial photograph in 2016 it appears that some moto-cross on the site was taking place, but this has now intensified further. The tracks appear much prominent on the site when the case officer visited the site, a car-park is in the process of being formed, an additional access had been formed and there was a digger on site indicating that there may have been some further engineering works on the site.

The site has a very different appearance due to the proposed use and formation of the track. The track, and car park appear have an urbanising effect on the site which adversely impacts upon the openness of the Green Belt. The additional days proposed as part of this application would intensify the use and create a further urbanising effect and harm to the openness of the site.

The site is visible from Chells Hill (B5078) and the Canal Towpath which runs along the northern boundary of the site and is located within a Conservation Area. The development represents a harmful visual intrusion and encroachment into the open countryside.

The development does not preserve the openness of the Green Belt and conflicts with the aim of safeguarding the countryside from encroachment. The development is inappropriate development within the open countryside which is harmful to the Green Belt.

Accordingly, in order to consider whether very special circumstances exist to justify development within the Green Belt it will be necessary to consider if the harm caused by reason of inappropriateness is outweighed by other considerations. These are considered below.

Built Heritage

The NPPF paragraph 197 identifies that

In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

Policy SE 7 of the CELPS states that ‘*The character, quality and diversity of the historic environment will be conserved and enhanced. All new development should seek to avoid harm to heritage assets and make a positive contribution to the character of Cheshire East's historic and built environment, including the setting of assets and where appropriate, the wider historic environment*’. Policy HER3 of the SADPD states that development affecting the setting of a conservation area must pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

The application site lies adjacent to the Trent & Mersey Canal Conservation Area. Directly to the northern boundary is a Grade II Listed milepost on the canal and a grade II Listed Canal Bridge is located to the north-west, the aqueduct over is a non-designated heritage asset.

The boundary to the Canal Conservation Area is formed by a native hedgerow with some gaps which give views of the application site. During winter months there are greater views of the site when the hedgerow is not in leaf. The development would impact upon the heritage designations

in terms of the visual appearance of the proposed development and the use in terms of the noise and disturbance that has been caused.

The case officer has liaised with the Conservation Officer who has noted that no Heritage Statement has been provided with this application. The impacts of the development would cause a less than substantial impact upon the heritage asset (towards the lower end of less than substantial) due to the change in the character of the site and use of the site (noise and disturbance).

The less than substantial harm would need to be weighed against the public benefits of the proposed development.

Archaeology

Several representations have commented upon the archaeological potential on this site.

As part of this application the Council's Archaeologist has commented that from a first examination of our records, there are no monuments currently recorded on the Historic Environment Record from within the site boundary and an examination of the historic maps has not revealed anything apart from a track crossing the site in connection with historic sand extraction. The Council's Archaeologist has stated that he is not convinced that there is huge potential for undiscovered archaeological remains.

This is not to deny that there may be heritage issues but, at present, the archaeologist suspects that these will centre on the historic built environment, setting, and Listed Structures. These are issues that the Council's Conservation Officer is best placed to advise on (or even the Canal and Rivers Trust). In these circumstances, the suggestion for a formal heritage assessment does not seem unreasonable and this would offer an opportunity to consider the supposed archaeological interest in more detail even if its primary focus was the historic built environment. This matter could be dealt with through the imposition of a planning condition.

Noise

The main impact in terms of residential amenity would be from the noise caused using the site. This would typically be a result of the revving of engines, and other engine noise associated with acceleration and deceleration.

Policy SE12 of the CELPS states that all development should be located so as not to result in a harmful or cumulative impact upon noise which would unacceptably affect the natural or built environment or detrimentally affect amenity.

Policy HOU12 of the SADPD states that development proposals must not cause unacceptable harm to the amenities of adjoining or nearby residential properties or sensitive uses in terms of environmental disturbance or pollution.

Policy RUR6 of the SADPD states that proposals for outdoor sport, leisure and recreation will be permitted provided that they meet a number of criteria including that the proposal *'does not unacceptably affect the amenity and character of the surrounding area or landscape either on its own or cumulatively'*.

In addition the NPPF states at paragraph 185 that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or wider area to impacts that could arise from the development.

The application has generated several objections relating to the noise generated from the site.

The application is supported by a Noise Assessment (NA) which identifies a number of mitigation measures to control noise from the site. The NA states that the mitigation measures may include but not be limited to the following;

- Carry out static testing and restrict the noise level for permitted machines in line with the current Auto Cycle Union regulations. There are currently no restrictions on the noise levels of machines permitted on the track.
- Limit the number of hours during which the machines are permitted to use the track. It '*may be appropriate*' to limit the permitted use to 4-5 hours per day between 11:00-18:00
- Restrict the number of machines on the track at any one time 'This would be dependent on the effectiveness of measures outlined above'

In this case the Environmental Health Officer has considered the application and states that he has no objection to the application based on noise grounds. This is subject to the mitigation measures outlined above, no more than 6 vehicles on the track at any given time and that the agreed mitigation scheme shall be maintained for the purpose originally intended throughout the use of the development.

Despite no objection being raised by the Environmental Health Officer the proposed development would result in increased activity in the countryside that would, at times, be perceived as very noisy. The activity at the site can be heard over a wide area from nearby public footpaths and rights of way, the Trent and Mersey Canal towpath and, this would result in a harmful change to the noise environment of the area. The proposed development would harm the enjoyment of those seeking quieter rural recreational pursuits.

In terms of residential amenity, the nearest residential properties are Chells Hill Farm (134m to the north-west), properties to the north facing Sandbach Road (340m to the north) and at Shelley Close (400m to the south-east). A large proportion of the objections on noise grounds are from residents at Shelley Close (and the nearby residential streets of Low Street and Keats Drive) which is consistent with the prevailing wind direction.

As part of the letters of objection relating to noise, a number of residents refer to a Facebook post where the applicant requested bikes attend the site with silencers when the noise test was being undertaken. It is a legal requirement that all motorcycles that use the highway must be fitted with a silencer. By asking that all riders who turn up on the day of the noise assessment have their silencers fitted is just ensuring the bikes are legal for use on the highway. However, it is accepted that most off-road users often remove them, and this has potential implications for the validity of the noise assessment.

In terms of the nearby properties, the noise assessment identifies a 'substantial and moderate' impact from the use of 10 machines at two locations (AP Nurseries and Betchton Lane) and from the use of 6 machines a 'moderate' impact at one location (AP Nurseries). The assessment

indicates that at all other locations there would be 'no impact or a slight impact'. The Noise Assessment identifies that the predictions for 10 machines would be a worse case scenario and 'in reality there would not be that many machines on the track at any one time'.

The submitted Noise Assessment then considers WHO guidelines and states that a 5dB reduction to the value for living spaces may be appropriate over a 16-hour daytime period. Without the WHO correction the internal and external noise limits would be achieved at all locations for all scenarios with the exception of one location (a dwelling at the junction of Chells Hill and Sandbach Road).

Based on the above the Environmental Health Officer raises no objection to the application based on threshold of 'statutory noise nuisance'. However, it is considered that the protection of residential amenity provides a lower threshold. Local residents have raised concerns in terms of noise from the site and the 'throttle' sound associated with the use of the site is distinctive, with what some might consider to be an annoying character. The facility is likely to be at its busiest at weekends, a time when occupiers of nearby properties might expect to be at home. It is considered that there would be additional amenity harm associated with this application.

Although the Environmental Health Officer (EHO) has raised no objection on statutory noise nuisance grounds it is based on the imposition of the mitigation measures indicated above. The required mitigation measures would raise issues with planning enforcement and it is not considered the measures could be enforced given the significant surveillance which would be required. As a result it is considered that the proposed development would cause harm to the residential amenities of nearby residential properties in terms of noise and disturbance.

It should be noted that there are also other uses surrounding the site (other than residential properties) which would be affected by the noise generated by this development. Specifically, users of the canal and wider footpath network would be affected by noise from the development. This would impact upon users of the natural and built environment and cause harm.

As a result, the proposal would conflict with Policies SE12 of the CELPS, HOU12 and RUR6 of the SADPD and the NPPF.

Air Quality

Given the size of the site it is not considered that the development would cause harm in terms of the impact upon air quality. This is supported by the Environmental Health Officer who has raised no objection on these grounds.

Contaminated Land

The application area has a history of landfill site use with some areas of disturbed ground; therefore, the land may be contaminated. Given the retrospective nature of the application, there are concerns that materials may have been moved around the site, or materials may have been imported to site to form the motocross track or the areas of parking etc. These areas should be demonstrated to be suitable for their proposed use with regards to land contamination.

No information relating to land contamination has been provided in support of the planning application. The Environmental Health Officer has suggested the use of planning conditions in relation to contaminated land issues at the site.

Trees

Woodland on the application site is listed as deciduous woodland in the Priority Habitat Inventory and in the National Forestry Inventory and individual trees are noted to border the roadside boundary between and adjacent to the existing access gates. The absence of a tree survey and arboricultural impact assessment was raised as a concern in Forestry consultation comments submitted with refused application 20/4166C and was specifically referenced in reason 6 of the Decision Notice.

This application has been supported by an Extended Phase 1 Habitat Survey, but this does not provide the expected level of information in terms of impacts to trees on the site. The Phase 1 Habitat Map at Appendix A of the report confirms the presence of individual road boundary trees which are noted to be sited adjacent to a new extended area of hard standing, and areas of semi natural broad-leaved woodland through which the track is sited. The track is anticipated to incur a significant increase in use, close to and across the root protection areas of trees within the woodland. The proposed site plan does not indicate existing trees along the road where the new parking is indicated.

As submitted the proposal does not confirm the presence of existing trees on the site adjacent to the access and Chells Hill, nor does it confirm the position of any trees close to the track or which may require removal or be impacted by increased use of the track as ground becomes increasingly compacted and eroded around tree stems and roots. The application needs to clarify what the impacts of the proposal are likely to be and what if any tree losses, erosion of priority habitat woodland would be likely to occur. The application must demonstrate accordance with Local Plan Policy SE 5 which requires that all developments ensure the sustainable management of trees, woodlands and hedgerows including the provision of new planting within new development to retain and improve canopy cover, enable climate adaptation resilience, and support biodiversity.

In the absence of an appraisal specific to the impact of trees on the site, there is insufficient information to determine what tree losses are likely to arise, what the longer-term impacts to priority habitat woodland on the site would be, and whether adequate levels of mitigation are being proposed. As a result, the development is contrary to Policies SE3 and SE5 of the CELPS and Policy ENV6 of the SADPD.

Landscape

As noted above the site is located adjacent to the canal towpath which is well used and has a rural character. There are views of the site from the canal towpath and these views would be greater during the winter months when the boundary hedgerow is not in leaf.

The site is also visible from Chells Hill (B5078).

The use of the site has resulted in mud tracks within the former grass field, these have created an urban feel to the site. The use of the site will also create a visual distraction from the users of the Canal Towpath and the B5078.

The proposed development is contrary to Policy SE4 of the CELPS which states that all development should conserve the landscape character and quality where possible.

Highways

Chells Hill which is a B-class road and passes under a canal bridge which narrows the carriageway width to single car use. Traffic signals are in place enabling shuttle running for north and south traffic movements, and the site access is approximately 40m south of the signals.

The application proposes a single point of access to the car/trailer parking area, the width of access would be 7m with 6m radii which is a suitable design for the use proposed.

The visibility splays provided at the access (2.4m x 59m to the north and 2.4m x 120m to the south) are consistent with the measured 85%ile approach speeds. There are 6 vans/trailer spaces provided and 4 car parking spaces with a turning area provided at the end of the car park. It is the applicants view that the vehicle parking spaces provided is adequate to serve the demand on site, this is based on current vehicle parking surveys using the site.

The Head of Strategic Transport states that the revised access arrangement is an improvement compared to the existing site access and meets current design standards. The supporting information has indicated that there will not be a material intensification in vehicle parking demand and that the proposed number of parking spaces is sufficient for the use. There are no specific parking standards for the use proposed and given the supporting parking information it is considered that adequate parking is being provided. As a result, the Strategic Transport Manager has raised no objection to this application.

The application is acceptable in terms of the highway implications and car-parking provision. The proposed development is contrary to Policy INF3 of the SADPD.

Ecology

Priority Habitat

The ecology report identifies observed and potential negative impacts to the priority woodland and pond habitats on site as a result of the site's use for moto-cross purposes. The report makes recommendations for measures to mitigate the impacts as follows;

- To define the track area adjacent to the protected habitats using chestnut style fencing. This would ensure that the informal tracks within the woodland, around the ponds and adjacent to the river are no longer used. Club members would need to be made aware of the importance of the habitats on site.
- Temporary barriers attached to the base of the chestnut fencing are used to prevent runoff into the ponds and river.
- The restoration of any damaged areas of the site.

The Councils Ecologist has stated that these measures are acceptable to mitigate the impact upon the priority habitats on site.

Great Crested Newts (GCN)

The submitted Phase1 Habitat Survey report found the ponds on site to be suitable for GCN and the site itself to be composed in places of good terrestrial GCN habitat. However, the eDNA survey

of the onsite waterbodies returned a negative result, and the site is not considered to be well connected to other ponds off site. As such it is not considered likely that the proposals would have a direct, negative impact on GCN.

Breeding Birds

Breeding birds could be safeguarded by the imposition of a standard planning condition.

Schedule 9 Species

Himalayan Balsam is present on the site. Under the terms of the Wildlife and Countryside act 1981 it is an offence to cause this species to grow in the wild. Disturbance of soil on the site may result in increased growth of Himalayan balsam on the site. If the applicant intends to move any soil or waste off site, under the terms of the Environmental Protection Act 1990 any part of the plant or any material contaminated with Himalayan balsam must be disposed of at a landfill site licensed to accept it and the operator should be made aware of the nature of the waste.

Flood Risk

Part of the application site is located within Flood Zone 3 for Malkins Bank/Lawton Brook. This land is defined as having a high probability of flooding.

The application is supported by a Flood Risk Assessment. Although the Flood Risk Officer has raised a number of points of clarification relating to a routing plan (including engineering details, such as: pipe diameters, access chambers, cover levels, and invert levels), the application does not propose an alteration to the existing outfall route to the River Weaver. As a result, a refusal on these grounds cannot be sustained.

In terms of the point relating to the measures to protect the culvert from becoming blocked (as raised by the Canal and River Trust), an on-going maintenance/inspection schedule for the culvert within the site could be controlled via the imposition of a planning condition.

No objection has been raised to the application by the Environment Agency and the application is considered to be acceptable in terms of its flood risk implications.

Benefits

It is noted that the site would provide some limited benefits through some very small employment and leisure/recreation benefits as demonstrated in the letters of representation received. This would need to be weighed in the planning balance.

CONCLUSION/PLANNING BALANCE

There would be some very minor benefits raised by the development as identified above. These benefits are given minor weight.

The site is located within the Green Belt and would be inappropriate development. The development would have an urbanising effect upon the locality and would not preserve openness. No very special

circumstances have been identified and the proposal is contrary to Policies PG3 of the CELPS, and the NPPF.

The development would detract from the character and appearance of the site and have an adverse impact upon the landscape. The proposed development would conflict with Policies SE4 and SD2 of the CELPS.

The proposed development would not harm protected species/biodiversity and there would be no conflict with policies SE 3 of the CELPS, ENV2 of the SADPD or the NPPF.

The proposed development would generate noise and the proposal would cause harm to residential amenity, whilst the suggested noise mitigation measures would not be enforceable. In addition, the use of the site would cause harm to other users of the open countryside (such as the Canal and local footpath network) in terms of noise generation. As a result, the proposal would conflict with Policies SE12 of the CELPS, HOU12 and RUR6 of the SADPD and the NPPF.

The application is considered to be acceptable in terms of the flood risk implications subject to the imposition of planning conditions.

The less than substantial harm to the heritage assets would not be outweighed by the public benefits of the proposed development. The proposed development is contrary to Policy SE7 of the CELPS, and Policies HER1, HER3 and HER 4 of the SADPD and the NPPF.

The woodland on the site is classed as a priority habitat and there is insufficient information in relation to the arboricultural impacts from this proposed development. The proposed development is contrary to Policies SE3 and SE5 of the CELPS and Policy ENV6 of the SADPD.

The application has demonstrated that a safe and suitable access can be achieved and that adequate car-parking provision is provided. The proposed development complies with Policy INF3 of the SADPD.

The applicant has referred to the use of the site under permitted development. This is noted, but the increased use of the site over and above permitted development allowances would have greater impacts and the application is recommended for refusal as set out below.

RECOMMENDATION:

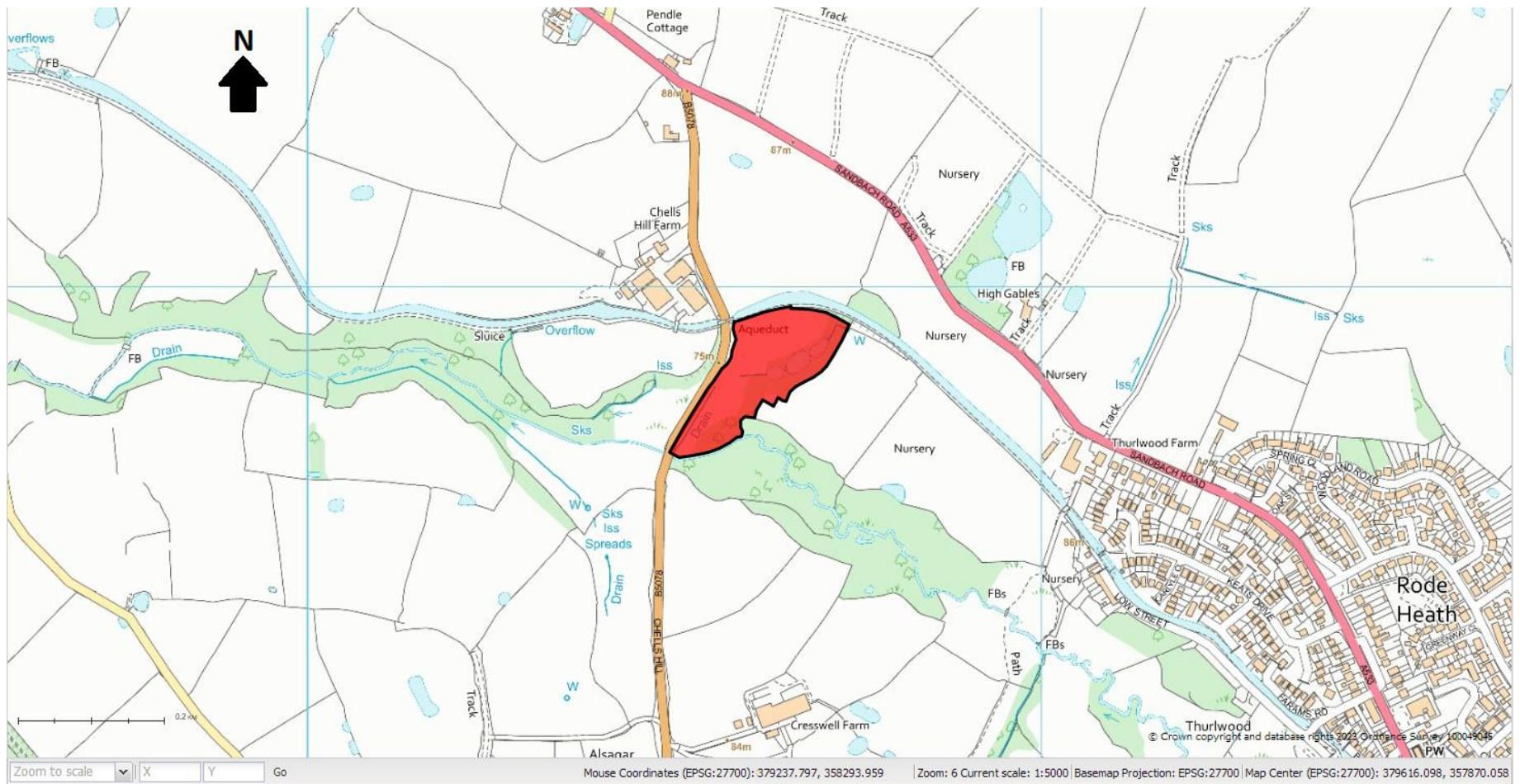
REFUSE for the following reasons;

- 1. The proposed development represents inappropriate development within the Green Belt, and no very special circumstances have been identified. The development would have an urbanising effect on the Green Belt, it does not preserve the openness of the Green Belt and conflicts with the aim of safeguarding the countryside from encroachment. Furthermore, the development would detract from the character and appearance of the site and have an adverse impact upon the landscape. The development is contrary to Policies PG3, SE4 and SD2 of the Cheshire East Local Plan Strategy and the NPPF.**
- 2. The proposal would have a detrimental impact upon residential amenity due to noise and disturbance generated, whilst the suggested mitigation measures are not considered to**

be enforceable. Furthermore, the use of the site would cause harm to other users of the open countryside (such as the Canal and local footpath network) in terms of noise generation. As a result, the proposal would conflict with Policies SE7 of the Cheshire East Local Plan Strategy, HOU12 and RUR6 of the Site Allocations and Development Policies Document and the NPPF.

3. The development would cause less than substantial harm to the heritage assets (the Canal Conservation Area and Listed Structures) due to the urbanised appearance of the site and the noise and disturbance caused by the proposed use. This harm would not be outweighed by the public benefits of the proposed development. The proposed development is contrary to Policy SE7 of the Cheshire East Local Plan Strategy, and Policies HER1, HER3 and HER4 of the Site Allocations and Development Policies Document and the NPPF.
4. The woodland on site is listed under the Priority Habitat Inventory. In the absence of a tree survey or an arboricultural impact assessment there is no evidence provided to demonstrate that the impacts on the woodland or roadside trees have considered or could be retained. The proposed development is contrary to Policies SE3 and SE5 of the CELPS, Policy ENV6 of the Site Allocations and Development Policies Document and the NPPF.

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.



This page is intentionally left blank

Application No: 22/3942C

Location: The Teardrop Paddock, HALL DRIVE, ALSAGER, ST7 2UD

Proposal: Conversion of part of stable block to a single residential dwelling and ancillary works

Applicant: Hilda Baier

Expiry Date: 30-Nov-2022

SUMMARY

Taking the above into account, it is considered the proposal is a sustainable development that complies with development plan policy and the NPPF and is therefore recommended for approval subject to conditions.

RECOMMENDATION

APPROVE with conditions

REASON FOR REFERRAL

This application is referred to Southern Planning Committee as the agent for the application is an immediate family member of a member of staff employed within the development management service area and representations objecting to the application have been received.

DESCRIPTION OF SITE AND CONTEXT

The application refers to a site located on Hall Drive, approximately half a mile south of Alsager town centre. The site contains a detached stables faced in timber cladding, sited in a fairly isolated location away from the highway and away from neighbouring dwellings. The wider site contains significant curtilage. The site lies adjacent to public footpath 13, Alsager.

The site is within the Green Belt, the Open Countryside and the Alsager Neighbourhood Plan boundary

DESCRIPTION OF PROPOSAL

Planning permission is sought for conversion of part of the stable block to form a single residential dwelling and ancillary works. The proposed development would use the same facing material as existing with some alterations to fenestration and access.

The agent has confirmed in writing that the dwelling is to be inhabited by the current stables owner, with the remaining stable block not converted for residential use becoming ancillary to the dwelling.

RELEVANT PLANNING HISTORY

32372/3 – PROPOSED STABLE ACCOMMODATION - Approved with conditions / 06-Nov-2000

31864/3 – GRAZING OF HORSES - Approved with conditions / 12-Jun-2000

RELEVANT POLICIES

Cheshire East Local Plan Strategy (CELPS)

MP 1 - Presumption in Favour of Sustainable Development

PG 2 – Settlement Hierarchy

SD 1 - Sustainable Development in Cheshire East

SD 2 - Sustainable Development Principles

SE 1 – Design

SE 3 – Biodiversity and Geodiversity

PG 3 – Green Belt

PG 6 – Open Countryside

Appendix C – Parking standards

Site allocations and Development Policies Document (SADPD)

PG 9 – Settlement Boundaries

GEN 1 – Design Principles

HOU 11 – Extensions and Alterations

HOU 12 – Amenity

HOU 13 – Residential Standards

INF 3 – Highway Safety and Access

INF 9 – Utilities

RUR 11 – Extensions and Alterations to buildings outside of settlement boundaries

RUR 12 – Residential Curtilage Outside of Settlement Boundaries

RUR 14 – Re-use of Rural Buildings for Residential Use

Alsager Neighbourhood Plan (Alsager NP)

H3 – Infrastructure and Sustainable Housing Development

H6 – Housing Design

TTS3 – Parking and Electric Charging Points

Other material planning considerations

National Planning Policy Framework (updated 20th July 2021)

National Planning Practice Guidance (NPPG)

Supplementary Planning Guidance - Cheshire East Design Guide

CONSULTATION RESPONSES (External to Planning)

Alsager Town Council: This application should be refused as it is in the Green Belt.

Environmental Protection: Request conditions relating to contaminated land and Electric Vehicle Infrastructure as well as informatives relating to hours of construction.

Public Rights of Way: The property is adjacent to public footpath no.13, Alsager as recorded on the Definitive Map held at this office (working copy extract enclosed). It appears unlikely, however, that the proposal would affect the public right of way, although the PROW Unit would expect the planning department to add an advice note to any planning consent to ensure that developers are aware of their obligations

REPRESENTATIONS

12 letters of representation have been received as a consequence of this applications publicity. A summary of the issues raised are set out below:

- The conversion of part of the stable block into a dwelling will cause overlooking and loss of privacy
- The conversion will result in a detrimental effect on the visual amenity of the area
- The conversion would lead to an increase in noise and disturbance
- The conversion would destroy nearby wildlife
- Concerns over the nearby railway bridge, increased traffic and access to the site
- Concerns over ancillary works
- The proposed development defies Green Belt policy
- Concerns regarding creation of isolated home
- Inaccuracies within the application form, bat survey and supporting statement
- Conflict of Interest
- Concerns regarding other potentially unlawful development on site

OFFICER APPRAISAL

Development within the Green Belt

The application site lies within the Green Belt. The Government attaches great importance to Green Belts. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The construction of new buildings is regarded as inappropriate in the Green Belt, in accordance with paragraph 149 of the NPPF (2021) and Policy PG3 of the CELPS. However, there are exceptions as follows;

C - the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; (para.149)

D - the re-use of buildings provided that the buildings are of permanent and substantial construction; (para. 150)

Whilst the Officer is aware of the previously developed land exception, the proposal is only required to meet one of the listed exceptions. In this instance it is considered exception C (para. 149) and D (para.150) are more appropriate than exception G (previously developed land).

CELPs policy PG 3 aligns with the national green belt criteria and the same exceptions are permitted. SADPD policy RUR 14 is also relevant in the assessment of the application.

RUR 14 states that residential re-use of existing rural buildings will be permitted where the building is:

- i. of permanent and substantial construction so as not to require extensive alteration or rebuilding;*
- ii. of a size that is able to accommodate a satisfactory living environment in the new dwelling and any extension required must be in accordance with the requirements of Policy RUR 11 'Extensions and alterations to buildings outside of settlement boundaries'.*

The curtilage of the new dwelling must be limited to the original curtilage of the building unless an extension can be justified under Policy RUR 12 'Residential curtilages outside of settlement boundaries' and must not have a harmful effect on the character of the surrounding countryside.

Creation of new Residential Curtilage

This application would create a new residential curtilage within the green belt, by changing the use of part of the site edged red. The creation of such would not necessarily constitute a greater encroachment into the green belt compared to existing, however the domestication of this land must be considered in relation to harm to the green belt.

In this instance, the site edged red on the proposed plans, correlates to a degree with the placement of post and rail fencing to the front of the site, with the existing access being utilised. This fencing aids in separating the stables from the wider site. In this instance, it is considered the extent of the proposed residential curtilage would be appropriate, with the northern extent of the site comprising parking space. It is worth noting that the neighbouring dwellings adjacent to the site feature more extensive residential grounds, within the same green belt setting. Whilst the change of use would potentially enable a spread of domestic paraphernalia, the relatively modest curtilage in relation to both the wider site and the scale of neighbouring grounds leads the Officer to conclude this would not necessarily cause unacceptable harm to the Green Belt beyond the conditions present on surrounding sites. The removal of appropriate permitted development rights will be imposed by condition in any case to prevent uncontrolled development that could injure the amenity of the countryside by virtue of spread of development.

The Re-Use and Alteration of a Rural Building

The creation of residential curtilage in this instance has been considered acceptable. The next facet to consider in this case would be the appropriateness of converting the existing building it, re-using it as a residential unit. There are four key tests which must be satisfied in this instance to conclude the re-use/alterations would be acceptable:

- 1) The building is of permanent and substantial construction and would not require extensive alterations
- 2) The proposed dwelling must be able to accommodate a satisfactory standard of living accommodation
- 3) The alterations or extensions to create the dwelling must not result in disproportionate additions over and above the size of the original building
- 4) The proposed new dwelling must not disrespect the character of the countryside by virtue of excessive scale, bulk or visual intrusion

Whilst no structural survey has been advanced as part of the submission of this application, the building is currently in use and has stood for over 20-years. Following a site visit, the Officer is confident in concluding that the building is of permanent and substantial construction, the conversion of which into a residential dwelling would not require extensive alteration. The footprint and scale of the existing building would remain unchanged with the existing material palette also retained. The only external alterations are spawned from the introduction of a new style of glazing and door. The vast majority of the existing building character would remain unchanged in terms of appearance; thus, the rural appearance is sufficiently retained. The rural stable use would also be retained and become ancillary to the dwelling.

In terms of satisfactory living accommodation, the proposed development would provide 61.5m² of residential floorspace, which is in excess of the Nationally Described Space Standards which requires a single storey dwelling to provide 50m² for a single bedroom, two-bedspace dwelling, or 61m² for a two-bedroom dwelling which includes one single room and one double room (three bedspaces). The dwelling would contain an adequately sized dining/living area and bedroom with sufficient access to light, with the agent confirming that the doors are to be glazed.

The scale of the development in terms of alterations, and in terms of residential accommodation is considered acceptable.

Isolated Homes

The dwelling lies approximately 110 metres south of the Alsager settlement boundary, separated by a railway bridge, and is accompanied in the vicinity by approximately 8 residential units at Lake View.

The dwelling would be only a short walk from the amenities and services offered by Alsager town centre.

With all of the above considered, it is concluded that the principle of converting part of the existing stables into one residential unit, as well as creating residential curtilage via the change in land use within the green belt is acceptable in this case. The development would not require substantial alteration of the existing building, which is of permanent and substantial construction. The proposed development therefore complies with the NPPF paragraphs 149 and 150, as well as CELPS policy PG 3 and SADPD policies RUR 14.

Design, visual appearance and impact on the character of the area

CELPS Policy SE1 states that “development proposals should ensure a retained sense of place and management of design quality”. CELPS Policy SD2 further details the design matters that

should be considered, including height, scale, form and grouping of development, choice of materials, external design features, massing of development and impact upon the street scene.

The SADPD which forms the second part of the Cheshire East Local Plan also has some relevant policies relating to design and character. Policy GEN 1 states that in line with CELPS policies SE 1 and SD 2, proposals should create high-quality places which maintain a strong sense of quality and place and reflect the principles of the Cheshire East Borough Design Guide supplementary planning document for residential schemes, relevant design policies in Neighbourhood Plans and the Design Guide and National Model Design Code.

Furthermore, SADPD policy HOU 11 states that extensions and alterations should be consistent with the design principles of the Cheshire East Design Guide, whilst being of a scale, character and appearance which is in keeping with the surroundings. HOU 11 also emphasises that extensions should convey a subordinate appearance.

At a more local scale, the Alsager Neighbourhood Plan policy H6 emphasises that developments must demonstrate good quality design that responds to and integrates with the local surroundings and landscape context as well as the built environment.

The scale of the proposed development has already been deemed acceptable within the previous section. The design of the proposed scheme would clearly retain most of the existing building design, with the bulk, scale and majority of the material palette remaining unchanged.

The proposed dwelling is noted considered to alter its appearance to a degree significant enough to erode the character of the existing streetscene. Dwellings of greater prominence are clearly observed along Lake View.

Therefore, with these factors considered it is determined that the proposed development would not unduly impact upon the character of the surrounding area and would therefore comply with the design principles of policies SE 1 (Design) and SD 2 (Sustainable development in Cheshire East) of the Cheshire East Local Plan, SADPD policies HOU 11 (Extensions and Alterations) and GEN 1 (Design Principles) and Alsager Neighbourhood Plan policy H6 (Housing Design).

Impact on the amenity of neighbouring occupiers

Policies SD2 and SE1 of the CELPS seek to ensure an appropriate level of privacy for new and existing residential properties. SADPD policy HOU 11 states that proposed extensions and alterations should not cause unacceptable harm to nearby occupiers or the future occupiers of the dwelling. Furthermore, policy HOU 12 states that development must not incur amenity harm in terms of loss of privacy, loss of light, visual intrusion, pollution or traffic generation and loss of access.

SADPD policy HOU 13 sets out the required space standards between buildings as to protect neighbouring amenity.

Alsager Neighbourhood Plan policy H6 states that development must demonstrate that the amenities of neighbouring dwellings will not be adversely affected through overlooking, loss of light or outlook, over-dominance or general disturbance.

It is noted that representations have been made regarding visual intrusion and loss of privacy to neighbouring dwellings as a consequence of the proposed conversion. The dwelling is sited a significant distance from neighbouring site boundaries (35m at the nearest point), would not have a direct line-of-sight into these dwellings and is single storey, therefore potentially lacks the required elevation to overlook into neighbouring sites (notwithstanding separation distance).

Concerns have also been raised regarding increased noise and disturbance. No evidence has been advanced within the objections as to why the noise level would increase to an unacceptable level via the part conversion of this stable block. The dwelling comprises of one bedroom, with a likely maximum parking demand of two cars. This, when coupled with the separation distance from neighbouring dwellings, would not significantly alter the volume of noise emanating from the site beyond the existing.

Therefore, with these factors considered it is not considered likely that the proposal will result in unacceptable harm to the residential amenity of adjacent and adjoining neighbours in terms of overlooking, loss of privacy, disturbance or overshadowing. As such the proposed development complies with the principles of Cheshire East Local Plan Strategy policies SE1 (Design) and SD 2 (Sustainable Development Principles), SADPD policies HOU 11 (Extensions and Alterations), HOU 12 (Amenity) and HOU 13 (Residential Standards) and Alsager Neighbourhood Plan policy H6 (Housing Design).

Ecological Impact

The site is located within a rural setting, therefore the site potentially carries greater ecological value and increases the potential for wildlife habitation on site. CELPS policy SE 3 states that all development (including conversions and that on brownfield and greenfield sites) must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. When appropriate, conditions will be put in place to make sure appropriate monitoring is undertaken and make sure mitigation, compensation and offsetting is effective.

The Council's Ecologist was consulted as part of this application, with a Bat Survey Report also submitted by the applicant. The Ecological Officer advanced no concerns but requested a condition relating to a scheme detailing Ecological Enhancement for nesting birds and roosting bats prior to any building materials being used.

Again, it is observed that numerous objections have been received in relation to the ecological impact of the development, with representations disputing the findings and conclusions of the report. The Officer would comment that the report was undertaken by a suitably qualified persons, with the Ecological Officer of the Council also offering no objections.

Given this, it is considered the suggested Ecological Enhancement condition is a sufficient mitigation measure.

Drainage and Flooding

Numerous objections point to concerns relating to drainage and flooding issues relating to the railway bridge. The railway bridge is located some 100 metres from the proposed dwelling, and no additional hardstanding is proposed beyond the existing. The site is not defined as an area

at risk of flooding, with the Flood Risk Summary stating the risk of river and surface water flooding on site is very low.

No evidence has been advanced as to why the conversion of a pre-existing building would exacerbate the existing drainage, the roof form remains the same as does the extent of hardstanding. In any case, adequate drainage is a matter dealt with to a more thorough degree at Building Control Stage.

Parking and Highways

CELPS Appendix C identifies minimum Parking Standards for residential development in Principal Towns and Key Service Centres and for the remainder of the borough. The LPA will vary from the prescribed standards where there is clear and compelling justification to do so. SADPD policy INF 3 states that development proposals should comply with the relevant Highway Authority's and other highway design guidance and provide safe access to and from the site for all highway users and incorporate safe internal movement in the site to meet the requirements of servicing and emergency vehicles.

Alsager Neighbourhood Plan policy TTS3 states that all development proposals must provide a minimum level of on-site parking in accordance with Cheshire East's car parking standards. Developments which lead to a net loss of car parking spaces within the town centre will be opposed.

The site contains space for 3 vehicles via the hardstanding space at the front of the dwelling. Highways were consulted as part of this application and concluded that proposal is accessed off a private drive outside of the jurisdiction of CE Highways. Highways further stated the private drive itself is accessed from the public highway via Hall Drive and this access point is considered acceptable given the limited scale of the development.

Objections have been received relating to increased traffic, however no evidence has been advanced as to why a one-bedroom dwelling would result in an unacceptable increase in traffic in comparison to the existing site.

The proposed development therefore is in accordance with the required parking standards as described within appendix C of CELPS and Alsager Neighbourhood Plan policy TTS3.

OTHER MATTERS

It has been observed by objectors that there was a conflict of interest disclosed within the application form. The application agent is a relative of a member of the planning administration team. However, the agent is of no relation to the planning officer who has written this report, therefore the aforementioned relationship has had no influence on the determination of this planning application.

The Local Planning Authority is satisfied that no conflict of interest has influenced the granting of planning permission in this case.

CONCLUSIONS

Taking the above into account, it is considered the proposal is a sustainable development that complies with development plan policy and the NPPF and is therefore recommended for approval subject to conditions.

RECOMMENDATION

Approve subject to following conditions

- 1. Standard Time 3 years**
- 2. Materials as per application**
- 3. Development in compliance with the approved plans**
- 4. Removal of Permitted Development Rights – Classes A, AA, B, C, D and E**
- 5. Ancillary stables**
- 6. Electric Vehicle Infrastructure provision**
- 7. Ecological Enhancement**
- 8. Importation of Soil**
- 9. Unforeseen Contamination**
- 10. Proportionate Contaminated Land Risk Assessment**
- 11. Verification Report**

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.

