

# CHESHIRE EAST COUNCIL

## STRATEGIC PLANNING BOARD – URGENT ITEM

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**Date of Report:** 14 December 2016  
**Report of:** David Malcolm – Head of Planning (Regulation)  
**Title:** 14/5671N – Former Gorstyhill Golf Club, Abbey Park Way, Weston

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### **1.0 Purpose of Report**

- 1.1 To consider this item as a matter of urgency to allow the part withdrawal of the reasons for refusal relating to outline planning application 14/5671N at the former Gorstyhill Golf Club.
- 1.2 This has been brought to Strategic Planning Board as an ‘Urgent Item’ due to the impending appeal timescales and the need for a speedy decision to minimise the risk of costs to the Council. Proofs of evidence required to defend the reasons upon which the Council resolved to refuse the application are being prepared and need to be completed by 3rd January 2017.

### **2.0 Decision Required**

- 2.1 To agree to the part withdrawal of the reasons for refusal in respect of the impact on Barn Owls and to instruct the Head of Planning (Regulation) not to contest that issue at the forthcoming Appeal.

### **3.0 Background**

- 3.1 On the 24<sup>th</sup> August 2016, Strategic Planning Board considered an outline application for approximately 900 dwellings, associated employment development, new primary school, indoor and outdoor recreational facilities, supporting retail development and landscaped open space, including details of access. All other matters reserved for future consideration and the application is subject to an Environmental Impact Assessment.
- 3.2 The Applicant lodged an appeal on grounds of non-determination prior to a decision being made by the Council. The minutes of the meeting of 24<sup>th</sup> August 2016 state that the Strategic Planning Board would have been minded to refuse the application, for the following reasons:

*1. The proposed residential development is unacceptable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local*

*Plan Strategy – Consultation Draft March 2016 and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*

*2. In the opinion of the Local Planning Authority, the proposed development, by virtue of the proposed density, layout, distribution of uses and lack of connectivity would be detrimental to the character and appearance of the countryside. The proposal fails to deliver an environmentally sustainable scheme which would significantly and demonstrably outweigh the economic and social benefits of the scheme notwithstanding the shortfall in housing land supply. The development is therefore contrary to Policy BE2 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 Policy MP1 of the Cheshire East Local Plan Strategy – Consultation Draft March 2016 and guidance contained within the NPPF and The Cheshire East Borough Design Guide (Consultation Draft) January 2016.*

*3. Insufficient information has been provided that demonstrates that the proposal provides adequate levels of open space and appropriate children's play space for future residential development of the scale proposed contrary to policy RT3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.*

*4. Insufficient information has been provided that demonstrates that the existing level of barn owl activity on site can be safeguarded contrary NE5 of the Borough of Crewe and Nantwich Replacement Local Plan 2011*

*5. The proposal constitutes a premature development which would compromise the Spatial Vision for the future development of the rural areas within the Borough, contrary to Policies PG2 and PG6 of the Cheshire East Local Plan Strategy – Consultation Draft March 2016 and guidance within the NPPF.*

- 3.3 The fourth reason refers to a lack of information concerning the impact on Barn Owls. Since the Committee resolution a Barn Owl Mitigation Strategy has been submitted which includes proposals for the enhancement of foraging habitats for barn owls, the provision of two additional barn owl boxes and the provision of a 50m undeveloped buffer around the identified tree that supports the barn owl roost.
- 3.4 Following assessment of the additional information which has been received, The Council's ecologist is now satisfied that the submitted outline method statement is sufficient to address the potential impacts of the proposed scheme on the barn owl roost and that such mitigation proposals could be satisfactorily addressed at the reserved matters stage and secured through an appropriate planning condition.
- 3.5 On this basis, it is recommended that this reason for refusal can be withdrawn.

## **4.0 Recommendation**

4.1 To agree to the part withdrawal of the reasons for refusal in respect of barn owls and to instruct the Head of Planning (Regulation) not to contest that issue at the forthcoming Appeal.

4.2 The appeal will still be defended on the following grounds;

*1. The proposed residential development is unacceptable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Consultation Draft March 2016 and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*

*2. In the opinion of the Local Planning Authority, the proposed development, by virtue of the proposed density, layout, distribution of uses and lack of connectivity would be detrimental to the character and appearance of the countryside. The proposal fails to deliver an environmentally sustainable scheme which would significantly and demonstrably outweigh the economic and social benefits of the scheme notwithstanding the shortfall in housing land supply. The development is therefore contrary to Policy BE2 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 Policy MP1 of the Cheshire East Local Plan Strategy – Consultation Draft March 2016 and guidance contained within the NPPF and The Cheshire East Borough Design Guide (Consultation Draft) January 2016.*

*3. Insufficient information has been provided that demonstrates that the proposal provides adequate levels of open space and appropriate children's play space for future residential development of the scale proposed contrary to policy RT3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.*

*4. The proposal constitutes a premature development which would compromise the Spatial Vision for the future development of the rural areas within the Borough, contrary to Policies PG2 and PG6 of the Cheshire East Local Plan Strategy – Consultation Draft March 2016 and guidance within the NPPF.*

**Also resolve to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.**

**S106 Heads of Terms:**

## Affordable housing:

- 30% of the total dwellings to be provided as affordable housing
- 65% of the affordable dwellings to be provided as either social rent or Affordable rent
- 35% of the affordable dwellings to be provided as intermediate tenure
- Affordable housing to be provided on site
- 1-5 bed units to be provided
- Affordable rented or social rented dwellings to be transferred to a Registered Provider
- The affordable dwellings to be provided as a range of property types to be agreed with Housing
- Affordable housing to be pepper-potted in small groups, with clusters of no more than 10 dwellings.
- The affordable housing to be provided no later than occupation of 50% of the open market dwellings, or if the development is phased and there is a high degree of pepper-potting the affordable housing to be provided no later than occupation of 80% of the open market dwellings. Affordable dwellings transferred to an RP and to comprise a mix of 1-4 bed roomed properties.

- Provision of minimum 29,750 sq m of shared recreational open space and children's play space to include –
  - MUGA x2 located with the NEAP
  - Children's formal play provision
  - NEAP – located to provide a focus for the new community and alongside other new and existing community facilities
  - LEAPS and LAPS – a minimum of 2 LEAPS and 4 LAPS, final numbers, contents and location to be agreed at submission of reserved matters but to ensure formal play provision is easily accessible and within FiT recommended guidelines
  - Teen skate / BMX
  - Areas for social play and informal recreation
  - Playing Fields
  - Changing facilities
  - Accessible hard surfaced routes across the site with consideration to lighting key routes
  - An area for allotments or community gardens
  - Seating and activity / event areas
  - Interpretation and public art
  - Future management and maintenance opportunities
  - Reflect the adopted Green Space Strategy and national best practice on POS provision
  - All to be in accordance with an Open Space and Green
  - Infrastructure strategy to be agreed prior to the submission of any reserved matters and to identify all maintenance and management options to all green infrastructure
  - Private residents management company to maintain all on-site open space, including footpaths and habitat creation areas in

- perpetuity
- Education Contribution:

£2,496,000 (primary)  
 £653,708 (secondary taking into account proportionate share  
 of SEN pupils)  
 £637,000 (SEN)

And a level, fully serviced, accessible and uncontaminated site suitable for a 2 form entry primary school in accordance with the Department for Education Area guidelines for mainstream schools document Building Bulletin 103)

- Highways Contribution of £1,850,000 as a contribution to the dualling of A500 link road
- The direct provision of an hourly bus service Monday to Saturday (08.00 to 18.00 hrs) for 5 years from 1st occupation of the 200<sup>th</sup> unit on site
- Travel Plan monitoring fee of £10000 (£1000 per annum for 10 years)

## **5.0 Risk Assessment and Financial Implications**

- 5.1 There is a risk that if the Council continues to pursue the Appeal on lack of information grounds in terms of Barn Owls, a successful claim for appeal costs could be made against the Council on the grounds of unreasonable behaviour.
- 5.2 There would also be an implication in terms of the Council's own costs in defending the reasons for refusal.

## **6.0 Consultations**

None

## **7.0 Reasons for Recommendation**

- 7.1 To avoid the costs incurred in pursuing an unsustainable reason for refusal at Appeal

### ***For further information:***

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### ***Background Documents:***

*Application 14/5671N*

