

# **Southern Planning Committee**

## **Agenda**

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**Date:** Wednesday 31st July 2024  
**Time:** 10.00 am  
**Venue:** Council Chamber, Municipal Buildings, Earle Street, Crewe  
CW1 2BJ

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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.

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

It should be noted that Part 1 items of Cheshire East Council decision 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 interests, other registerable interests, and non-registerable interests in any item on the agenda and for Members to declare if they have pre-determined any item on the agenda.

**3. Minutes of Previous Meeting (Pages 5 - 8)**

To approve the minutes of the meeting held on 5 June 2024.

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For requests for further information

**Contact:** Rachel Graves

**E-Mail:** [rachel.graves@cheshireeast.gov.uk](mailto: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. **24/1108C - THE ORCHARDS FARM, TWEMLow LANE, HOLMES CHAPEL, CREWE, CHESHIRE, CW4 8DS: Proposed use of land for a zoo & wildlife conservation park including amenity buildings, visitor centre, animal enclosures, storage containers, access, parking, and ancillary works (Resubmission of 22/1435C) (Pages 9 - 44)**

To consider the above planning application.

6. **23/2129C - HOUSING DEVELOPMENT SITE, LINLEY ROAD, ALSAGER: Erection of 70no. affordable homes, with associated access, car parking, landscaping, and public open space (Pages 45 - 86)**

To consider the above planning application.

7. **23/4597C - LAND OFF, WRIGHTS LANE, SANDBACH: Erection of 13no. dwellings, associated parking, open space, and landscaping (Pages 87 - 110)**

To consider the above planning application.

8. **24/1598C - 477, CREWE ROAD, SANDBACH, CW11 3RT: Change of use from hot food takeaway to office for taxi company (Pages 111 - 122)**

To consider the above planning application.

9. **24/0214N - SANTUNE MEADOWS, LAND ADJACENT TO OLD PUSEYDALE, MAIN ROAD, SHAVINGTON, CW2 5DU: Variation of conditions 2 and 18 on application 21/1920N: To allow for coffin burials to respond to demand (Pages 123 - 142)**

To consider the above planning application.



10. **24/1906C - OFFICE FIRST FLOOR, THE HUUB BUILDING, MANCHESTER ROAD, CONGLETON: Change of use to the first floor only from office and restaurant to residential HMO (Pages 143 - 158)**

To consider the above planning application.

11. **Cheshire East Borough Council (Goldford Lane -Bickerton No1) Tree Preservation Order 2024 (Pages 159 - 184)**

To consider whether to confirm the Tree Preservation Order on Goldford Lane, Bickerton with no modifications.

## **THERE ARE NO PART 2 ITEMS**

**Membership:** Councillors J Bird, J Bratherton (Chair), L Buchanan, A Burton, L Crane, R Fletcher, A Gage, A Kolker (Vice-Chair), R Morris, M Muldoon and J Wray

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 5th June, 2024 in the Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

Councillor J Bratherton (Chair)  
Councillor A Kolker (Vice-Chair)

Councillors L Buchanan, A Burton, J Clowes, L Crane, A Harrison, A Gage,  
G Marshall and J Wray

**OFFICERS IN ATTENDANCE**

Richard Taylor, Principal Planning Officer  
Andrew Goligher, Highways Officer  
Andrew Poynton, Planning and Highways Lawyer  
Rachel Graves, Democratic Services Officer

**1 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors J Bird, R Fletcher, R Morris and M Muldoon. Councillors G Marshall, J Clowes and A Harrison attended as substitutes.

**2 DECLARATIONS OF INTEREST/PRE DETERMINATION**

Councillor J Bratherton declared a non-pecuniary interest in relation to application 23/2158C and stated that the land was to the rear of where she lived but the application did not affect her as a resident and that she had not pre-determined the application.

**3 MINUTES OF PREVIOUS MEETING****RESOLVED:**

That the minutes of the meeting held on 1 May 2024 be approve as a correct record.

**4 PUBLIC SPEAKING**

The public speaking time procedure was noted.

**5 23/2158C - LAND TO REAR OF 203 AND 205, MIDDLEWICH STREET, CREWE, CHESHIRE: ERECTION OF 2 NO. DWELLING HOUSES WITH ASSOCIATED ACCESS AND LANDSCAPING**

Consideration was given to the above planning application.

The following attended the meeting and spoke in relation to the application:  
Sarah Foster (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 submitted
- 4 Landscaping submission of a scheme (including native planting to the public area)
- 5 Landscape implementation
- 6 Submission of boundary treatments (including gaps for hedgehogs)
- 7 Removal of PD rights (Classes A, AA, B, C and E)
- 8 Provision of EV charging points
- 9 No removal of vegetation between 1 March and 31 August
- 10 Submission of ecological enhancement
- 11 Finished floor levels
- 12 Testing of imported soil
- 13 Reporting of not previously identified land contamination
- 14 Access and Parking to be provided and made available for use prior to first occupation.
- 15 Development to be implemented in accordance with the submitted Drainage Strategy and Drainage Layout.

In order to give proper effect to the Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning 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.

- 6 **23/2528N - YEW TREE FARM, CLAY LANE, HASLINGTON, CW1 5SQ: CONSTRUCTION OF A NEW WAREHOUSE FOR B8 USE, INTERNAL ACCESS ALTERATIONS FROM THE EXISTING SITE, LANDSCAPING, AND ASSOCIATED WORKS.**

Consideration was given to the above planning application.

**RESOLVED:**

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

- 1 Approved Plans
- 2 Materials as application
- 3 Submission of Updated Drainage Strategy (within 3 months of date of permission)
- 4 Submission of Details of Petrol/Oil Separators in Drainage Strategy (within 3 months of date of permission)

- 5      Within 3 months of the date of this decision, any soil or soil forming materials brought to site for use shall be submitted and approved.

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

The meeting commenced at 10.00 am and concluded at 10.40 am

Councillor J Bratherton (Chair)

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Application No: 24/1108C

Location: THE ORCHARDS FARM, TWEMLOW LANE, HOLMES CHAPEL, CREWE, CHESHIRE, CW4 8DS

Proposal: Proposed use of land for a zoo & wildlife conservation park including amenity buildings, visitor centre, animal enclosures, storage containers, access, parking and ancillary works (Resubmission of 22/1435C)

Applicant: Mr & Mrs Mews, Zoo2U

Expiry Date: 19-Jul-2024

### **SUMMARY**

The proposed development seeks approval for use of the land for a zoo & wildlife conservation park including amenity buildings, visitor centre, animal enclosures, storage containers, access, parking and ancillary works (Resubmission of 22/1435C)

The proposal results in encroachment into the Open Countryside and would remove the open characteristics of the land and would have negative visual effects on the surrounding area. Furthermore, the proposal fails to make best use of existing infrastructure.

The proposal would not cause harm to residential amenity, the highway network, ecology, the PROW, or trees.

The application is therefore recommended for refusal.

### **RECOMMENDATION**

### **REFUSE**

### **REASON FOR REFERRAL**

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

*‘The rationale behind this request stems from several key factors that underscore the importance of this project to the community. Foremost among these is the substantial local interest that has been expressed, indicating a collective desire for the proposal to be deliberated upon in a more open and participatory manner. The high level of local support is demonstrated by our existing business (Zoo2U's) 6000+ online follower base. More specifically in 2 recent events 483 supporting signatures were collected for this planning application. 255 of these are from Cheshire East residents.*

*In addition, the zoo project presents numerous benefits that extend beyond its immediate scope. These include social benefits, by providing a new space for community engagement and education; sustainable benefits, through the incorporation of environmentally friendly practices and conservation efforts; economic benefits, by contributing to local employment and tourism; and community benefits, by offering new opportunities for volunteering and community engagement / participation.*

*Furthermore, it is essential to consider the unique nature of such a project and the limited alternatives for its location. Put simply, where else would you put a zoo? Following a lengthy search and over 90 sites reviewed, Cheshire East representatives concluded the best location would be a farm. The proposed site is at Bidlea Dairy in Twemlow and will support the farm's diversification efforts. The specific requirements and sensitivities associated with zoo operations, including the need for appropriate environment should be assessed by committee.*

*In light of these considerations, I believe that the application warrants a thorough and inclusive review, one that adequately reflects the interests and concerns of the community. This action would not only demonstrate a commitment to democratic processes and community engagement but also ensure that all potential impacts and benefits of the proposed zoo are fully considered.'*

## **DESCRIPTION OF SITE AND CONTEXT**

The application relates to open land to the north east of Bidlea Dairy on Twemlow Lane. The site is currently free from development and is situated in the Open Countryside. The site is 1.3km to the north of Holmes Chapel and 1.1km to the south of Goostrey. The Jodrell Bank Observatory is situated at an elevated location 3km to the north east.

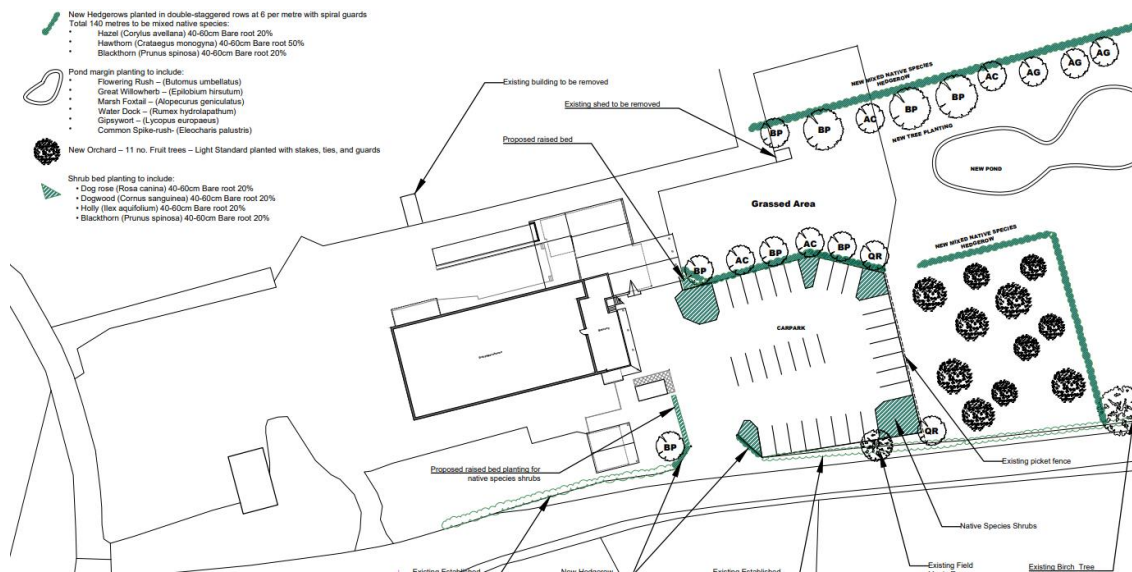
## **DETAILS OF PROPOSAL**

The application seeks permission for the proposed use of land for a zoo and wildlife conservation parking including amenity buildings, visitor centre, animal enclosures, storage containers, access, parking and ancillary works.

The application is a resubmission of refused application 22/1435C. The application was refused as the proposal was considered to result in encroachment into the open countryside and was not required in conjunction with a particular countryside attraction as the existing facilities and hardstanding were unlawful. The application was also considered unacceptable as the development removed the existing open character and appearance of the site and would not result in a positive contribution to the surrounding area.

Since the previous refusal, an application was approved (23/1714C) for the use of the land and buildings at Bidlea Dairy to the southwest of the site as an ancillary farm shop/café/ice cream parlour. The plan below shows the block plan of the previous approval. The car park and planting to the east of the building fall outside of the red line boundary for the current application.





## RELEVANT HISTORY

22/1435C - Proposed use of land for a zoo & wildlife conservation park including amenity buildings, visitor centre, animal enclosures, storage containers, access, parking and ancillary works- Refused - 27-Mar-2023. The reasons for refusal were as follows:

1. *The proposed development would result in encroachment into the open countryside through development of open land and cause harm to its character and appearance. The development cannot be seen to make the best use of existing infrastructure or be required in conjunction with a particular countryside attraction as the existing facilities and hardstanding are unlawful. The proposal therefore fails to accord with Policies EG4 (Tourism) and PG6 (Open Countryside) of the Cheshire East Local Plan Strategy, Policy RUR10 (Employment Development in the Open Countryside) of the Site Allocations and Development Policies Document and Paragraph 84 of the National Planning Policy Framework.*

2. *By virtue of design and layout, the proposed development would remove the existing open character and appearance of the site from the surrounding area. The elongation of built form would enclose the land and remove its open characteristics. The blank elevation of built form present from Twemlow Lane would also not result in a positive contribution to the surrounding area due to its lack of features and simplicity. The proposal would therefore have a significant impact on the character and appearance of the surrounding area, contrary to Policy SE1 (Design) and SD2 (Sustainable Development Principles) of the Cheshire East Local Plan, Policy GEN1 (Design Principles) of the Site Allocations and Development Policies Document, and the National Planning Policy Framework.*

### Adjacent but overlapping site:

23/1714C - Use of the land and buildings as an ancillary farm shop/café/ice cream parlour and associated extensions and outbuildings (retrospective application) - Approved with conditions / 20-Feb-2024

## **POLICIES**

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

EG2 – Rural Economy

EG4 - Tourism

MP 1 - Presumption in Favour of Sustainable Development

PG6 – Open Countryside

SD 1 – Sustainable development in Cheshire East

SD 2 - Sustainable Development Principles

SE1 - Design

SE2 – Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE4 – The Landscape

SE5 – Trees, Hedgerow and Woodland

SE7 – The Historic Environment

SE13 – Flood Risk and Water Management

SE14 – Jodrell Bank

Appendix C Parking Standards

### **Site Allocations and Development Policies Document (SADPD)**

GEN1 – Design Principles

GEN5 – Aerodrome Safeguarding

ENV1 – Ecological Network

ENV2 – Ecological Implementation

ENV3 – Landscape Character

ENV5 – Landscaping

ENV6 – Trees, Hedgerow and Woodland Implementation

ENV16 – Surface Water Management and Flood Risk

HER1 – Heritage Assets

HER9 – Jodrell Bank World Heritage Site

HOU12 – Amenity

HOU13 – Residential Standards

RUR6 – Outdoor sport, Leisure and recreation outside of settlement boundaries

RUR10 – Employment Development in the open countryside

INF3 – Highway Safety and Access

### **Neighbourhood Plan**

There is no Neighbourhood Plan in Twemlow.

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

National Planning Policy Framework (The Framework)

National Planning Practice Guidance

## **CONSULTATIONS (EXTERNAL TO PLANNING)**

**Jodrell Bank** – No comments received.

**Twemlow Parish Council** – No comments received.

**Natural England** – No comments received.

**Environmental Protection (CEC)** – No objection subject to conditions and informatives.

## **REPRESENTATIONS**

272 objections, 73 letters of support and 2 general observations have been received as part of this application.

The letters of objection are summarised below:

- Tear up the countryside and zoo is already existing in Alsager.
- Preserving the land/nature more important in current climate.
- Captivity of animals.
- Additional traffic to the area and pollution.
- Loss of green spaces.
- Site unsuitable for extensive building work due to flooding concerns and access.
- Contrary to Policy REC1 of the SADPD.
- Modern styled buildings not in keeping with the surrounding area.
- Zoos are outdated.
- Business on premises of local badger cull director.
- Concerns regarding noise and smells and disruption on local roads.
- Park will not help conservation.
- Diseases could be easily spread.
- Animals will be enclosed and on view with little or no privacy and therefore not exhibiting normal behaviour.
- Likely to be newts, toads and frogs in the area as there is a pond in the field.
- Area with bars, owls, nesting birds, therefore their food requirements should be present.
- Animals proposed not endangered.
- Encroachment into the countryside
- The accidental escape of non-native species at Zoo2u could have severe consequences on UK wildlife.
- Up to 95% of animals in British zoos are not endangered.
- failure to demonstrate how it would improve the economic, social and environmental conditions of the area.
- Increase in visitors will demand more than the local infrastructure can sustainably support, from roads to healthcare services, without significant investment and planning.
- About time that this application is put to rest permanently.
- Already developed some buildings without planning consent.
- Climate change problems and there will be extreme heats and lack of water in the summer months.
- What would happen if the kookaburras and meerkats should escape from the planned enclosures? Such an accident (or even by deliberation - of an animal rights group for example) could cause a major problem with unknown consequences.
- Outrageous that the applicants are planning to cage red squirrels, these animals in the wild travel via trees.
- Risk to local waterways as a result of drainage will be high and has the potential to destroy the landscape and ecosystem of the surrounding areas.
- Pollution from the site will get into watercourses.

- If approved, to promote tourism in Cheshire East Council and to promote sustainable travel, S106 funding should be sought to provide a bus service as a minimum of every 90 minutes to Holmes Chapel and to a railway station (Goostrey or Holmes Chapel) Monday-Saturday.
- The roads around Twemlow Green are not suitable for the heavy traffic.
- Although an Ecological Assessment has now been submitted, as required, recommending certain ecological mitigation factors, there is no obligation for the Applicant to implement them.
- Big impact on the surrounding neighbourhood's, who would have problems accessing their normal routes to Holmes Chapel shops, and to the schools with the added volume of traffic.
- Cars will inevitably be parked on the road causing reduced visibility.
- Site is unsuitable for a large-scale business as proposed.
- An eyesore in the countryside.
- The devastating impact this development, if allowed, would have upon the lives of animals is incontrovertible.
- The access the Zoo is using was installed as a farm track, not an access road for a zoo.
- The lane is also used by local cycle groups as well as local families with small children on bikes using the lane for leisure purposes.
- The disposal of animal waste also needs to be questioned.
- Meerkats are natives of South Africa where they live in rocky crevices and in large burrow systems on plains in a harsh desert habitat. The meerkat is listed as Least Concern on the IUCN Red List so there is no argument for conservation.
- Meerkats are omnivores and their diet includes small birds and eggs, so any escape could be an ecological disaster.

The applicant has also provided a document outlining support from Cheshire East and Non-Cheshire East residents, totalling 1,376 signatures.

## **OFFICER APPRAISAL**

### **Principle of development**

The site lies entirely within the Cheshire Open Countryside and is subject to Policy PG6 of the CELPS. Policy PG6 point 2 allows 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.

Policy PG6 point 3 then lists exceptions to development within the open countryside, which includes 'for development that is essential for the expansion or redevelopment of an existing business'.

Permission was granted under LPA reference 18/3624C for the change of use from agriculture and farm shop building to Sui Generis (Zoo operator and A1) at Alsager Hall Farm, Unit 1, Crewe Road. This was approved in September 2018 and comprised of one skunk enclosure, one meerkat enclosure, one reptile room and an admin/food prep area.

The applicants are looking to move their small collection of animals to this new site from their previous premises at Hall Farm. Zoo2U started trading 10 years ago as an "animal encounters"

business. In the first 5 years the business grew rapidly, leading to a growing animal collection and the need to employ staff due to increasing demand for its services.

Information submitted by the agent shows how the number of species have grown over time since the business commenced in 2012, through its tenure at Hall Farm and up to present. The information shows that over time, focusing on from 2016, the number of mammals has grown from 15 to 24, birds from 6 to 12 and reptiles from 17 to 28. The businesses has also increased their number of species by 8 since 2016. This information demonstrates the growth of the business as demand for its services necessitated an increase in the number of individual animals and species.

Zoo2U's outreach services include curriculum-based school/college/university workshops, therapy sessions in care and residential homes as well as special needs groups, children's parties, static animal displays at fairs and fetes, photoshoots and media.

At their former premises at Hall Farm, Alsager, Zoo2U offered animal experiences with meerkats, skunks and reptiles. They also offered junior and adult zookeeper educational experiences. They have taken on apprentices, full time and part time staff and have supported volunteers and work experience. Zoo2U has outgrown its premises at Hall Farm and is looking to relocate to a site at The Orchards Farm to broaden its wildlife conservation activities. The proposed zoo will initially be run with 6 staff and some volunteers.

The businesses premises at Hall Farm offered a limited amount of space. The growth of the business and the end of the businesses lease at Hall Farm means a new location is necessary.

In terms of Policy PG6, it is accepted that the keeping of animals is typically a use appropriate to a rural area. This proposal would house small mammals, skunks, meerkat, tortoise, reptiles and birds, all of which would be caged and would not be free to roam or graze. However the keeping of animals on this scale is considered to be appropriate within the open countryside.

Policy EG2 of the Local Plan states outside of principal towns, key service centres and local service centres, developments that encourage the expansion of existing businesses will be supported. This is supported by Paragraph 88 of the NPPF which states planning decisions should enable the sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed new buildings and should enable sustainable rural tourism and leisure developments which respect the character of the countryside.

Policy RUR10 of the SADPD states employment development in the open countryside will be supported where:

- the proposals make the best use of existing infrastructure such as existing buildings, utilities, parking and vehicular access;
- additional buildings, structures and ancillary development are restricted to the minimum level reasonably required for the existing or planned operation of the business; are well-related to each other and existing buildings and do not form isolated or scattered development;
- the proposal does not unacceptably affect the amenity and character of the surrounding area or landscape (including visual impacts, noise, odour, design and appearance) either on its own or cumulatively with other developments; and



- appropriate landscaping and screening is provided.

The proposed development would be situated to the northeast of Bidlea Dairy. The Planning and Heritage Statement confirms the proposal would complement and support the ongoing farm diversification at Bidlea Dairy and support the local tourist economy. The proposal would make use of an existing vehicular access from Twemlow Lane but would result in new buildings and a new parking area that would be separate from the parking area associated with Bidlea Dairy. An existing area of hardstanding would be used for coach parking, however new hardstanding would be constructed to provide a pedestrian route to the enclosures and private car parking. A new vehicular access has been created to the east of Bidlea Dairy for the entrance to the site by car, which was not present in 2021. This access has not received permission and is thus currently unlawful. Images from June 2021 and May 2022 below.



The proposal is thus not considered to make the best use of existing infrastructure and thus would not accord with Policy RUR10 in this regard.

The buildings and structures associated with the proposed zoo would result in harm to the open countryside through significant encroachment onto land that is undeveloped and had no existing permission. The proposed development is therefore not considered to make the best use of existing infrastructure through the increase in hardstanding and built form. The additional structures would be situated approximately 45m to the northeast of Bidlea Dairy and would be situated on which is very open in nature. The structures are thus considered to result in a scattered form of development which causes harm to the character and appearance of the area.

As a result the proposals are not considered to comply with Policy PG6 and EG2 of the Local Plan and RUR10 of the SADPD.

## **Tourism**

Policy EG4 of the Local Plan states proposals for tourist development outside the Principal Towns and Key Service Centres will be supported where:

- i. Either:
  - a. They are located within a Local Service Centre; or
  - b. They are located within an existing or replacement building; or

c. There is evidence that the facilities are required in conjunction with a particular countryside attraction.

ii. And:

- a. The scale, design and use of the proposal is compatible with its wider landscape or townscape setting and would not detract from the character or appearance of the area; and
- b. It would not be detrimental to the amenities of residential areas; and
- c. The proposals are served by adequate access and infrastructure; and
- d. The site has access to local services and employment.

With regards to the first criterion, the farm shop/café/ice cream parlour adjacent to the site has now obtained planning permission (for a much-reduced scale than originally proposed and constructed. On balance, it is accepted that the proposal is required conjunction with a countryside attraction has been provided on the adjacent ste.

In relation to the second criterion, the proposal is considered to detract from the character and appearance of the area as the proposal would result in encroachment into the open countryside and remove the open character of the site. The proposal thus fails to accord with Policy EG4 and thus tourist development in this location would not be supported.

## **Heritage**

Policy SE7 of the CELPS refers to the Historic Environment. The crux of Policy SE7 is to ensure all new development avoids harm to heritage assets and makes a positive contribution to the character of Cheshire East's historic and built environment, including the setting of the assets and where appropriate, the wider historic environment.

Policy HER1 of the SADPD states all proposals affecting heritage assets and their settings must be accompanied by proportionate information that assesses and describes their impact on the asset's significance. Policy HER9 states development proposals within the Jodrell Bank World Heritage Site, its Buffer Zone or its setting that would lead to substantial harm to its significance should be wholly exceptional and will only permitted in the circumstances set out in national planning policy.

The Orchards Farmhouse is located on the opposite side of the road to the southwest of the proposed development. The building does appear on the Tithe Map of the area and should be considered as a non-designated heritage asset. However, the proposal does not directly affect this building.

The location of the site is within a view of Jodrell Bank Observatory, a listed structure within a world heritage site. It is not considered that the proposed development would create a detrimental effect on the setting of the heritage asset on the basis of the separation distance and the scale of the development.

## **Design and Landscape**

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and: wherever possible, enhance the built environment. It should also respect the pattern,

character and form of the surroundings. Policy SD2 of the CELPS states that development should contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of; height, scale, form and grouping, choice of materials, external design features, massing of development, green infrastructure and relationship to neighbouring properties and street scene. These policies are supported by the Cheshire East Design Guide SPD. Policy GEN1 of the SADPD states development proposals should create buildings and spaces that function well and be accessible and inclusive.

Policy SE4 of the Local Plan states the high quality of the built and natural environment is recognised as a significant characteristic of the borough. All development should conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes.

This is supported by Policy ENV3 of the SADPD which states development proposals should respect the qualities, features and characteristics that contribute to the distinctiveness of the local area.

### *Layout and Scale*

All of the proposed animal enclosures would be single storey and the reptile and small mammal enclosure would be the tallest with a maximum height of 3.7m. The built structures would be constructed in timber cladding to respect the rural setting of the countryside.

The proposal animal enclosures would be situated over 50m from Twemlow Lane and would be to the northeast of Bidlea Dairy. The existing boundary treatment along Twemlow Lane and the new hedgerow to the south, east and north of the proposed development would reduce views of the proposal from the surrounding area. However, the proposal would be situated on undeveloped land and therefore the proposal development would alter the existing open character and appearance of the site. The elongation of built form specifically along the south, east and west elevations, which have not been altered beyond the previous refusal, would enclose the land and remove its open characteristics from the surrounding area and countryside. It would also not result in a positive contribution to the character of the open countryside due to the blank elevation present from Twemlow Lane.

It is noted on the plans that hedgerow and tree planting will further screen the site. However, elevations showing the impact of this additional planting have not been provided and thus the impact of the screening implied is unknown.

### *Landscape*

The Cheshire East Landscape Character Assessment states development should:

- Retain the character of the narrow rural lanes and avoid the over-engineering of roads which could create an urbanising influence within the strongly rural landscape.
- Ensure new and changing land uses do not degrade form the traditional rural character of the area



- Retain the sense of enclosure and high levels of tranquillity with the landscape and screen the visual and audible effects of existing and new intrusive features within the landscape where possible/appropriate.

The proposals are not considered to compliment the character area and do not appropriate conform to the above landscape character issues and guidance.

The proposal, its mass, layout, rectangular site layout, large areas of hardstanding, inevitable illumination of routes/buildings/pens, layout of pens and other associated buildings, structures, do not sit cohesively and sensitively into the surrounding existing character area well. The existing character area is Lowland Wooded Farmland.

The proposals would be quite visually exposed, being visible from local highways/footpaths and possibly residential properties. The local landscape is mostly flat with little in the way of intervening woodland or topography to adequately screen proposals.

The proposals are located somewhat alone, scattered in the landscape setting, resulting in encroachment into the countryside and would not have a strong character relationship with neighbouring buildings.

The proposals would have a moderate negative visual effect on the surrounding area, especially in winter months. The visual montages provided do not seem to follow the guidance as laid out in the Landscape Institute GLVIA3. The Landscape Visual Impact statement is weak in structure and does not follow best practice guidelines regarding methodology and judgements.

Increased traffic would reduce the tranquillity of the lanes surrounding the site, impacting adversely on the local landscape character and the landscape plan would not offer sufficient screening of the development.

The hedgerow mix would do little to screen the development during winter due to its shallow width and use of mostly deciduous species and the location and number of trees is vague.

The proposed trees as shown are few in number, and the landscape design is poorly articulated in places, resulting in squashed boundary planting, no adequate woodland screening or bunding, very few trees along access roads or in the parking areas. This would lead to large areas of hardstanding, some quite visible from the public footpaths and highways, which would result in a negative change in character from that of open pastoral fields. Moderate adverse landscape effects on local receptors are most likely.

### *Parking*

Parking levels are considered to be appropriate for this location and the spaces are located to the south of the proposed enclosures. The parking area would be set back from Twemlow Lane with hedgerow proposed for screening, and thus it is not felt that cars would dominate the street scene.

## *Summary*

The proposed development would result in a detrimental impact upon the character of the surrounding area, contrary with policies SE1, SE4 and SD2 of the Cheshire East Local Plan, Policy GEN1, ENV3 and ENV5 of the SADPD and the NPPF.

## **Amenity**

CELPs Policy SE1 states that development should ensure an appropriate level of privacy for new and existing residential properties. Policy HOU12 of the SADPD states development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive users 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.

By virtue of separation distance to surrounding residential properties, there are not considered to be any impacts in terms of loss of light or privacy.

In support of the application, the applicant has submitted a Noise Impact Assessment (NIA). The impact of noise from potential on-site noise sources, visitors, deliveries & zoo animal noise of the proposed development has been assessed in accordance with: BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings · BS4142:2014 Methods for rating and assessing industrial and commercial sound. The reports methodology, conclusion and recommendations are accepted. The Environmental Health Team recommend a condition requiring the mitigation recommended in the acoustic report to be implemented in full prior to the occupation of each unit. The Environmental Health Team have also recommended conditions in relation to the hours of operation and deliveries, lighting, and EV infrastructure.

The proposals will not result in unacceptable harm to the residential amenity of adjacent neighbours in terms of overlooking, loss of privacy or overshadowing and as such complies with the principles of policies SE1 and SE12 of the Cheshire East Local Plan and Policy HOU12 and HOU13 of the SADPD.

## **Highways**

Policy CO1 of the CELPS considers matters of highway safety. Appendix C of the Cheshire East Local Plan 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.

The location is remote and with a lack of public transport and pedestrian infrastructure within the vicinity of the site, the proposal will be car dominated. There will be occasional coach arrivals from schools which the internal layout has catered for.

An entrance only point to the east of the site would be provided. An exit to the west of the site for customers would be provided, which will also be an entrance for coaches. Additional signage will be required for this to be made clear and should be conditioned. There would be a one-way operation within the site, with signage and surface markings to indicate this and the exit would provide visibility splays of over 200m which is acceptable subject to a condition for them to be kept clear.

The site will also be accessible from Goostrey to the north via the existing PROW.

The applicant has been operating the zoo at a different site near Alsager for 5 years and has provided information regarding staff numbers and likely vehicle trips.

Once the zoo establishes and grows it expects to have 13 employees and a small number of volunteers. At any given time, a maximum of 9 staff and 2 volunteers are expected on site.

The zoo is expected to attract 500 visitors per week during the peak months with 73% arriving by car with a car occupancy rate of 3 per car, which will result in approximately 100 cars arriving at the site per week. Tickets will be issued online for visits which are for 2 hours in either the morning or afternoon sessions.

Weekends are around twice as busy as weekdays and after customer numbers are split into morning and afternoon sessions, visitor car peak demand will be approximately 10. In addition, there will be a maximum of two pre-booked coaches per week during weekdays for school visits. Coaches will not be allowed unless they are pre-booked for a visit.

33 car parking spaces are proposed which is adequate to cater for the 10 visitors and 11 staff, with additional capacity if required as numbers will fluctuate week to week. Cycle parking is also shown on the site plan, adjacent to the car parking area.

Additional vehicle trips would be from delivering fresh food which will be via a car or van once a week; frozen food once per month; live food once every 2 weeks; refuse collection once every 2 weeks; and animal waste/biproducts fortnightly.

Twemlow Lane is a C-class road with an approximate width of 5.5m and is capable of catering for the limited number of vehicle trips the proposal would generate.

The proposal would therefore be in accordance with the parking standards as set down in Appendix C of the Cheshire East Local Plan and would not be detrimental to road safety or result in an undue loss of amenity to other road users.

### **Public Rights of Way**

The development would affect Public Footpath 4 Twemlow as recorded on the Definitive Map and Statement of Public Rights of Way.

A plan has been received detailing how the public right of way would be altered by the proposal. The proposed PROW would include a new pedestrian crossing across the coach entrance and exit access with a 2m wide pedestrian route through the site to the east of this access.

Additionally, signage is proposed on either side of the crossing to indicate that pedestrians have the right of way. The proposal would therefore reduce the distance that pedestrians must walk within the access.

Regarding the proposed new footpath link to Goostrey, this will form part of a separate planning application by the landowner as part of accessibility improvements relating to the ongoing farm diversification proposals. It is envisaged that the path will be permissive.

The Definitive Map Officer had confirmed the PROW details plan is satisfactory and the Public Right of Way Team have agreed the proposed configuration of the plan incorporating a safe route for pedestrians using the public footpath.

For advice on the type of signage, it is recommended the applicant contacts the PROW Officer. Way markers may be supplements by more overt signage.

It is advised that the permissive nature of the footpath link is made clear or that further advice is sought on permissive paths. However, as this part of the link would form part of a separate application, no further detail in this regard is required. An informative will be attached to remind the applicant that the footpath link to Goostrey has not been approved under this application and requires separate permission.

### **Trees and Hedgerows**

Policy SE5 of the CELPS relates to trees, hedgerows and woodland. The crux of the policy is to protect trees that provide a significant contribution to the amenity, biodiversity, landscape or historic character of the surrounding area.

The site is not within a conservation area and there are no preservation orders. No trees are required to be removed to accommodate the proposal and new planting would be included to the boundaries of the site for screening. The proposal is acceptable in this regard.

### **Ecology**

Policy SE3 of the CELPS requires all development to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests.

The Nature Conservation Officer has reviewed the proposal and can confirm the following:

- The site does not fall within the Cheshire East Council ecological network core areas which forms part of the SADPD.
- The site is not covered by a statutory or non-statutory nature conservation designation.
- We have no records of priority habitats or species present on site that are proposed to be impacted by works.

The site and local area have the potential to support nocturnal wildlife, including foraging and commuting bats. A sensitive lighting plan is therefore recommended to be conditioned to safeguard nocturnal wildlife, should any external lighting be proposed. A breeding bird survey is also advised in order to safeguard any nesting birds that could potentially utilise the site.

Additionally, biodiversity enhancement measures are recommended in line with Local Plan Policy SE 3(5), which require all developments to aim to positively contribute to the conservation of biodiversity.

Native hedgerows are a priority habitat and hence a material consideration. The proposed development would result in the loss of section of hedgerow to facilitate the site access points. If the loss of hedgerow is considered unavoidable, sufficient compensatory hedgerow planting should be proposed to compensate for that lost. A revised landscaping scheme can be secured by condition.

This application was received prior to the introduction of mandatory Net Gain. Local Plan Policy SE3(5) however requires all developments to aim to positively contribute to the conservation of biodiversity and SADPD Policy ENV2 requires development proposals to achieve a Net Gain for Biodiversity. In order to assess the losses and gains of biodiversity resulting from the development the applicant has undertaken an assessment using the Defra biodiversity 'metric' methodology.

The metric as submitted shows that the proposed development would result in a net gain of 20.46% for area-based habitats and 225.33% for hedgerows and so comply with SE3(5) and ENV2.

A condition is recommended requiring the submission of a habitat creation method statement and a 30-year habitat management plan for the retained and newly created habitats on site.

### **Flood Risk**

United Utilities records show that there are no known public sewers in the vicinity of the proposed development.

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

United Utilities will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public sewer is acceptable.

### **Jodrell Bank**

Jodrell Bank have not provided comment on the application, suggesting they have no objection to the proposal.

## **Other matters**

In response to points raised by objectors which have not already been addressed:

Animal Welfare matters are not a material planning consideration under this application as to whether permission should be granted. The location of Chester Zoo is noted; however, it is not considered to impact the decision of the application.

No objections have been raised by the Strategic Transport Team, Ecologist or United Utilities in relation to highway safety, nature conservation or flood risk.

## **CONCLUSIONS**

For the reasons set out above, and having taken account of all matters raised, the development is not a sustainable proposal that complies with development plan policies and is recommended for refusal.

### **Refuse for the following reasons:**

- 1. The proposed development would result in encroachment into the open countryside through development of open land and cause harm to its character and appearance. The development cannot be seen to make the best use of existing infrastructure. The proposal therefore fails to accord with Policies EG2 (Rural Economy), EG4 (Tourism) and PG6 (Open Countryside) of the Cheshire East Local Plan Strategy, Policy RUR10 (Employment Development in the Open Countryside) of the Site Allocations and Development Policies Document and the National Planning Policy Framework.**
- 2. By virtue of design and layout, the proposed development would remove the existing open character and appearance of the site from the surrounding area. The elongation of built form would enclose the land and remove its open characteristics. The blank elevation of built form present from Twemlow Lane would not result in a positive contribution to the surrounding area due to its lack of features and simplicity. The proposal would not sit cohesively or sensitively into the surrounding existing character area. The development would be visually exposed from local vantage points and would have negative visual effects on the surrounding area. The proposal would therefore have a significant impact on the character and appearance of the surrounding area, contrary to Policy SE1 (Design), SE4 (The Landscape) and SD2 (Sustainable Development Principles) of the Cheshire East Local Plan, Policy GEN1 (Design Principles), ENV3 (Landscape Character) and ENV5 (Landscaping) of the Site Allocations and Development Policies Document, and the National Planning Policy Framework.**

**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.**

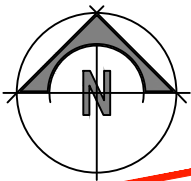




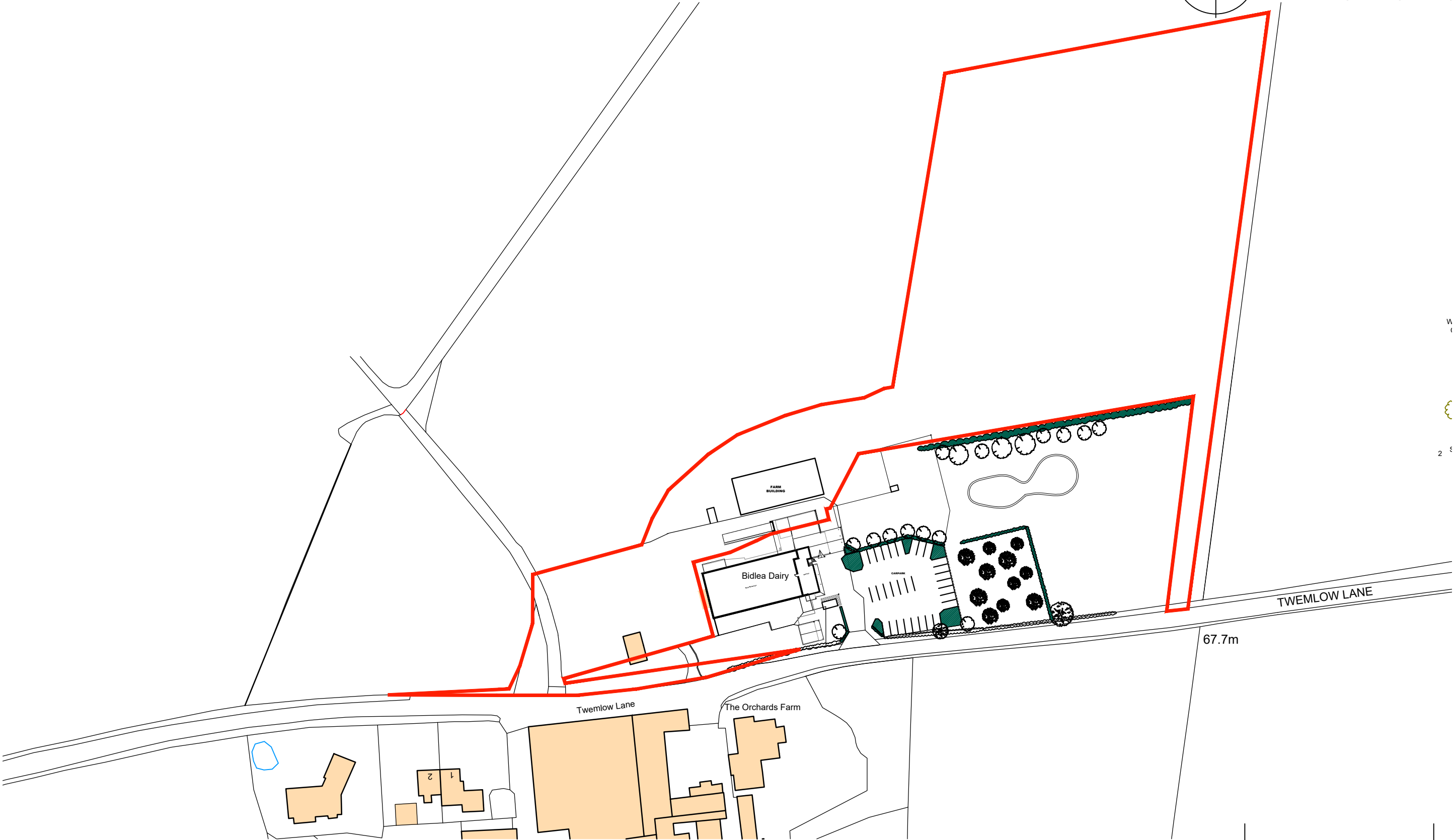


24/1108C

THE ORCHARDS FARM  
TWEMLOW LANE  
HOLMES CHAPEL  
CW4 8DS



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LOCATION PLAN

SCALE 1:1250

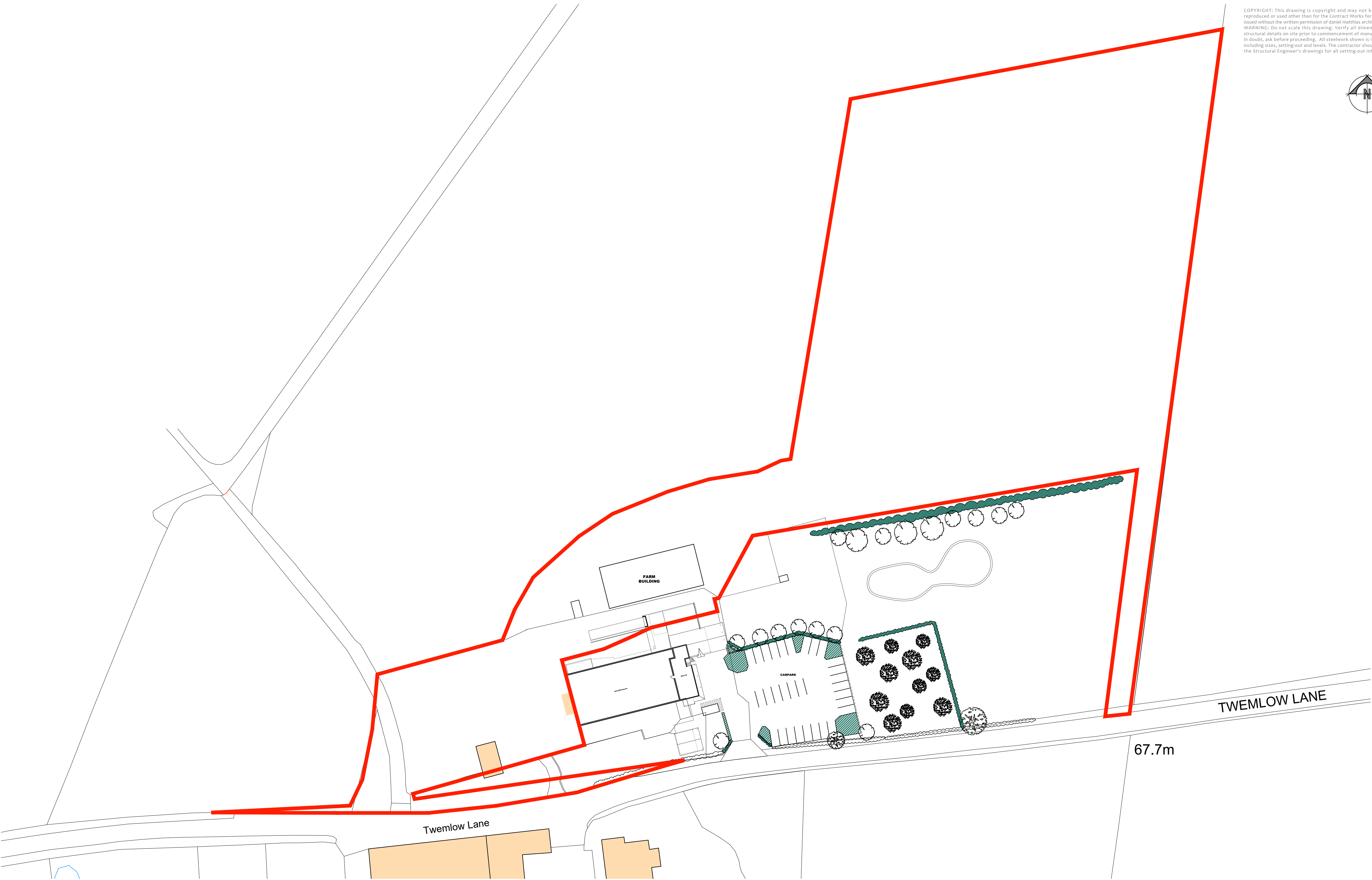
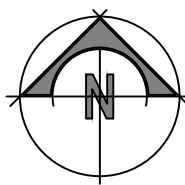
Rev	Description	Drawn	KKD	Date



DANIEL MATTHIAS  
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Mr & Mrs Mews The Orchards Farm, Twemlow Lane, Holmes Chapel, CW4 8DS	23 November 2022	Drawn by KM	PROJECT No.	Existing Location Plan	Rev *
	1:1250 @ A3 Planning		959	E-LP001	



SITE PLAN  
SCALE 1:500

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**DMA** DANIEL MATTHIAS  
ARCHITECTURE

Mr & Mrs Mews  
The Orchards Farm, Twemlow Lane, Holmes Chapel, CW4 8DS

March 2024  
1:500 @ A1

Drawn by HB

PROJECT No.

959

Existing Site Layout Plan  
**E-LP002**

Rev  
\*

Rev	Description	Drawn	CKD	Date
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LANDSCAPE PROPOSALS

New Hedgerows – circa 520 linear metres

All new hedgerow to be mixed native species:

- Hazel (Corylus avellana) 40-60cm Bare root 10%
- Hawthorn (Crataegus monogyna) 40-60cm Bare root 50%
- Holly (Ilex aquifolium) 30-40cm 2 Litre 10%
- Dog Rose (Rose canina) 40-60cm Bare root 10%
- Crab Apple (Malus) 40-60cm 2 Litre 10%
- Guilder Rose (Viburnum opulus) 40-60cm 2 Litre 10%

All hedgerows to be planted at 6 plants per linear metre in double staggered rows with canes and spiral guards.

Native species shrub planting - circa 1350 sq metres

- Blackthorn (Prunus spinosa) 40-60cm Bare root 20%
- Bird cherry (Prunus padus) 40-60cm Bare root 10%
- Dog rose (Rosa canina) 40-60cm Bare root 10%
- Dogwood (Cornus sanguinea) 40-60cm Bare root 20%
- Hazel (Corylus avellana) 40-60cm Bare root 10%
- Holly (Ilex aquifolium) 30-40cm 2 Litre 10%
- Hawthorn (Crataegus monogyna) 40-60cm Bare root 20%

All shrubs to be planted in staggered rows with canes and spiral guards at 1 metre centres.

New Tree Planting

All new trees to be planted with stakes, ties, and guards. Native tree species as indicated to comprise a mix of:

- Silver Birch (Betula pendula) 60-80cm Bare root - 15%
- Alder (Alnus glutinosa) 60-80cm Bare root - 15%
- Field Maple (Acer campestre) 60-80cm Bare root - 15%
- English Oak (Quercus robur) 60-80cm Bare root - 30%
- Silver Birch (Betula pendula) 150-175cm Bare root - 10%
- Alder (Alnus glutinosa) 150-175cm Bare root - 5%
- English Oak (Quercus robur) 150-175cm Bare root - 5%
- Beech (Fagus sylvatica) 150-175cm Bare root - 5%

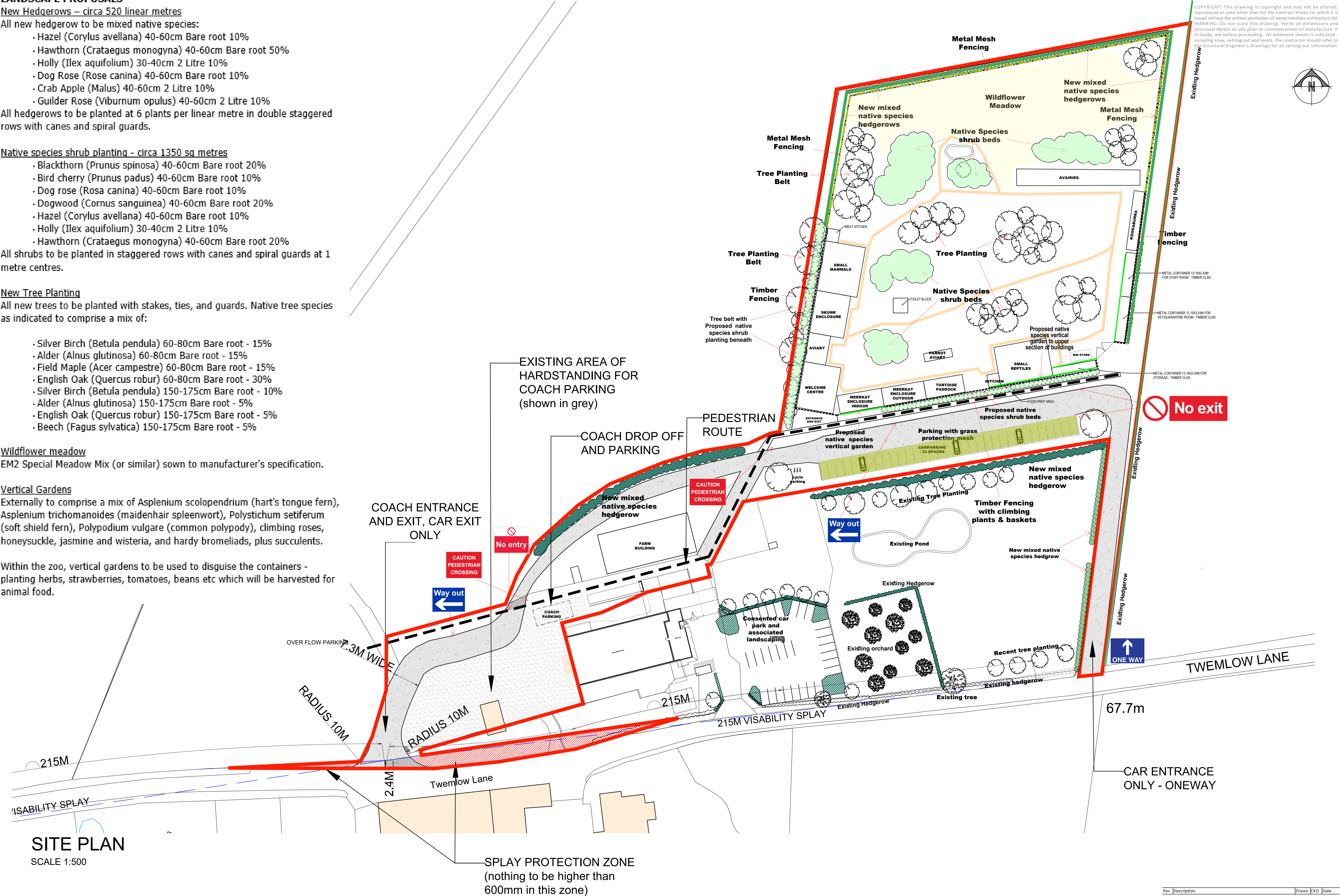
Wildflower meadow

EM2 Special Meadow Mix (or similar) sown to manufacturer's specification.

Vertical Gardens

Externally to comprise a mix of Asplenium scolopendrium (hart's tongue fern), Asplenium trichomanoides (maidenhair spleenwort), Polystichum setiferum (soft shield fern), Polypodium vulgare (common polypody), climbing roses, honeysuckle, jasmine and wisteria, and hardy bromeliads, plus succulents.

Within the zoo, vertical gardens to be used to disguise the containers - planting herbs, strawberries, tomatoes, beans etc which will be harvested for animal food.

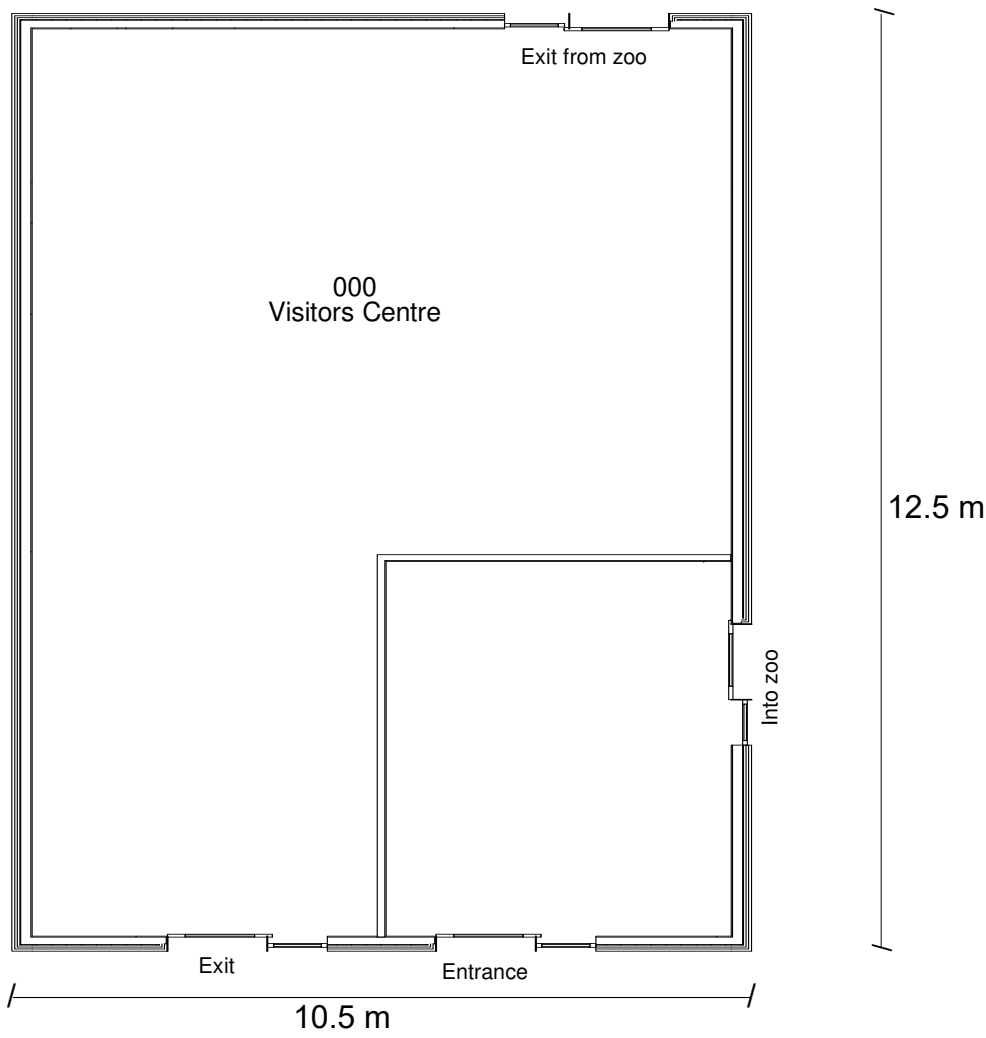


SITE PLAN  
SCALE 1:500

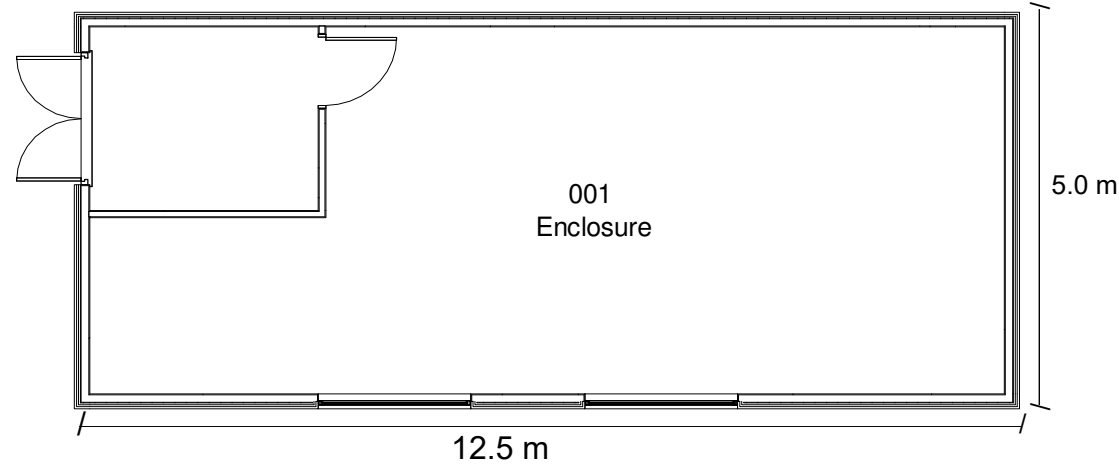




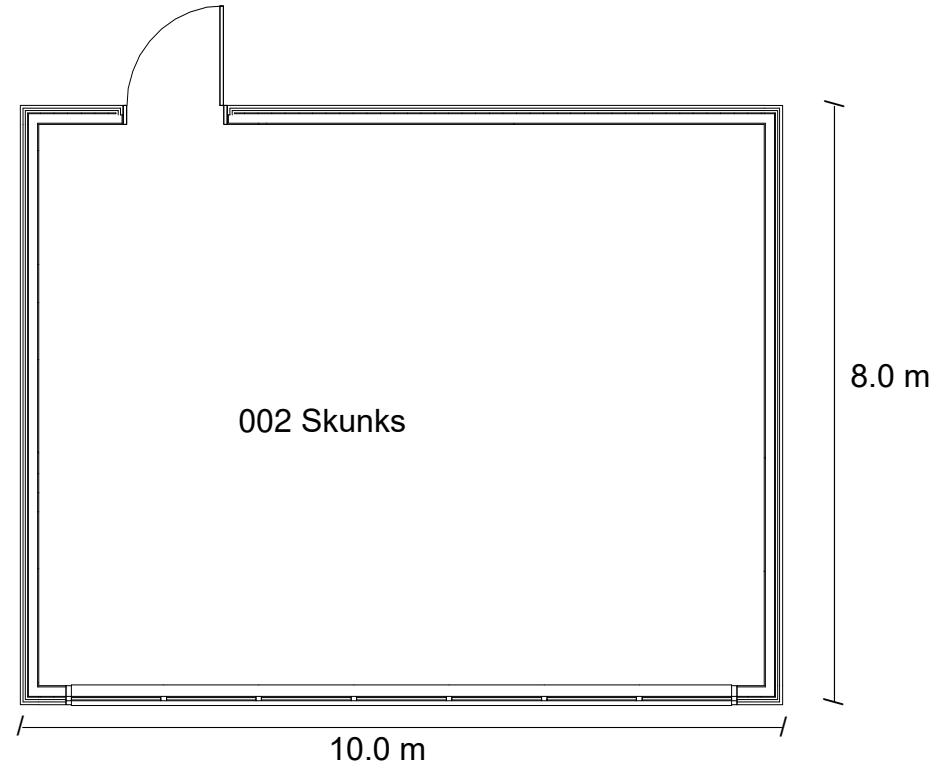
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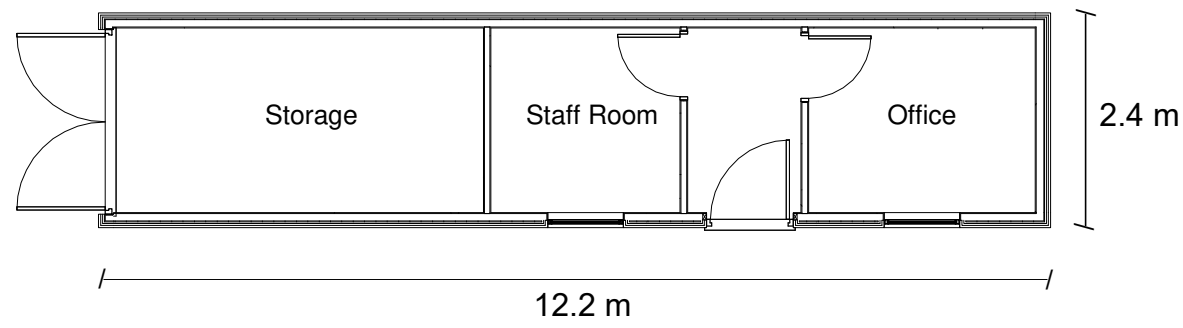
16 000 Visitors centre  
1 : 100



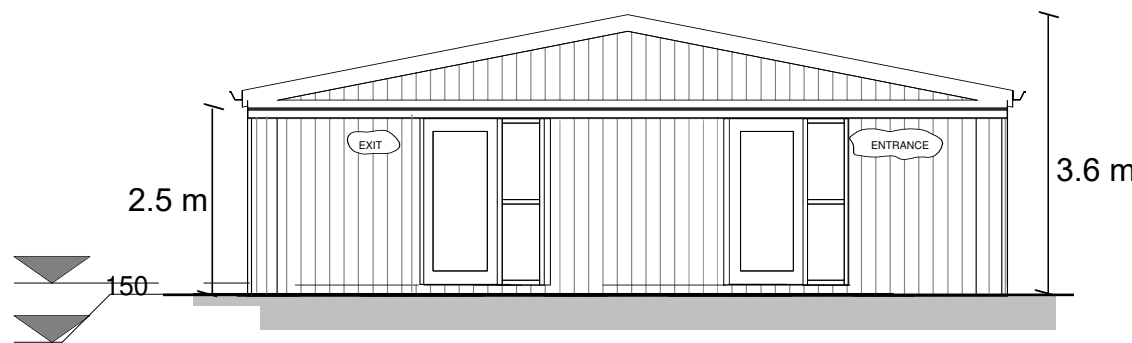
1 001 Indoor Meerkat/Tortoise enclosure  
1 : 100



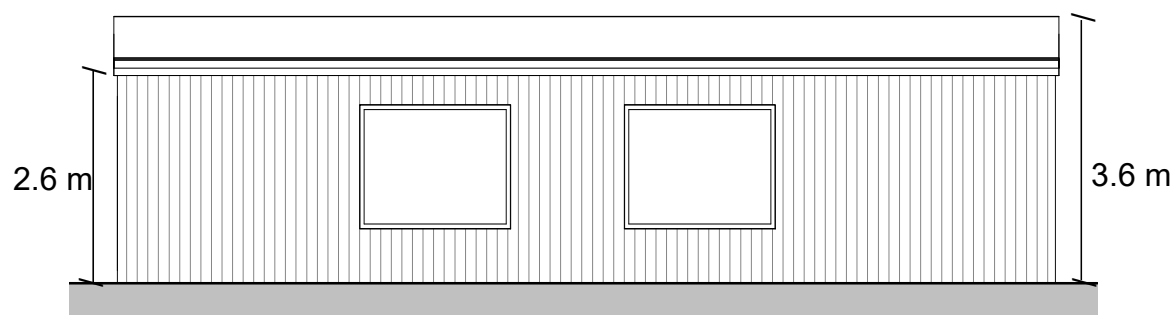
6 002 Skunks  
1 : 100



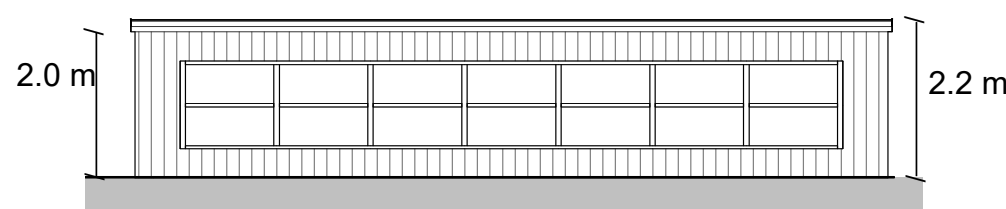
11 002 Container  
1 : 100



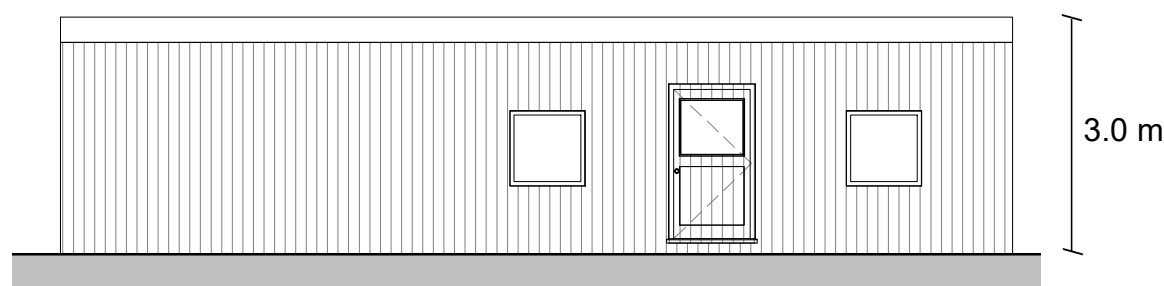
17 Front Proposed  
1 : 100



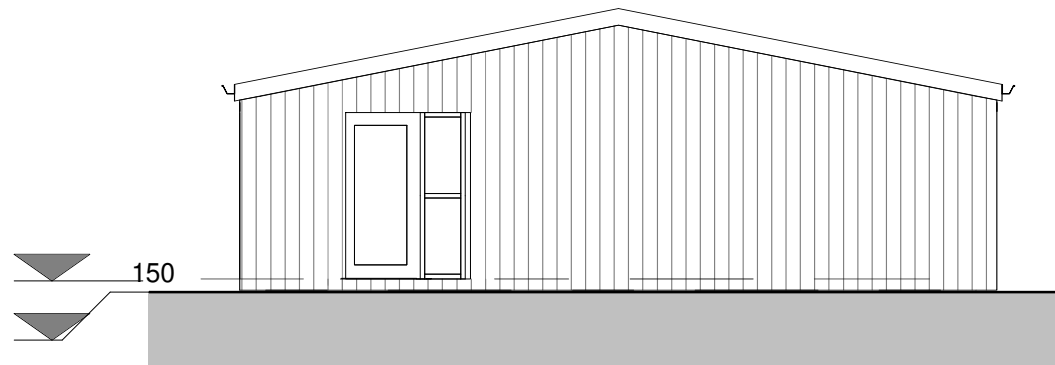
2 Front Proposed Meerkat  
1 : 100



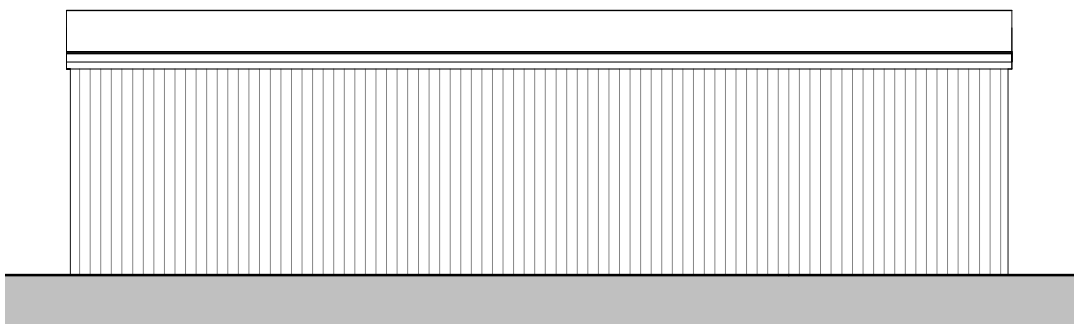
7 Front Proposed Skunks  
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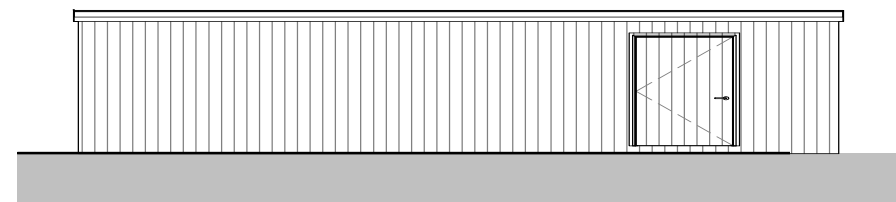
12 Front Proposed Container  
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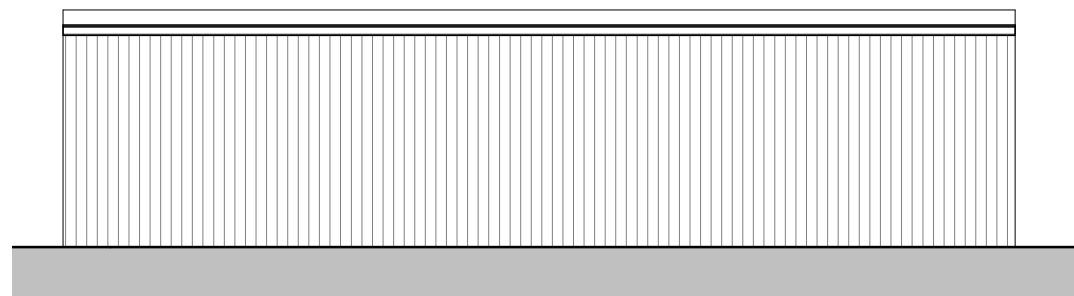
18 Rear Proposed  
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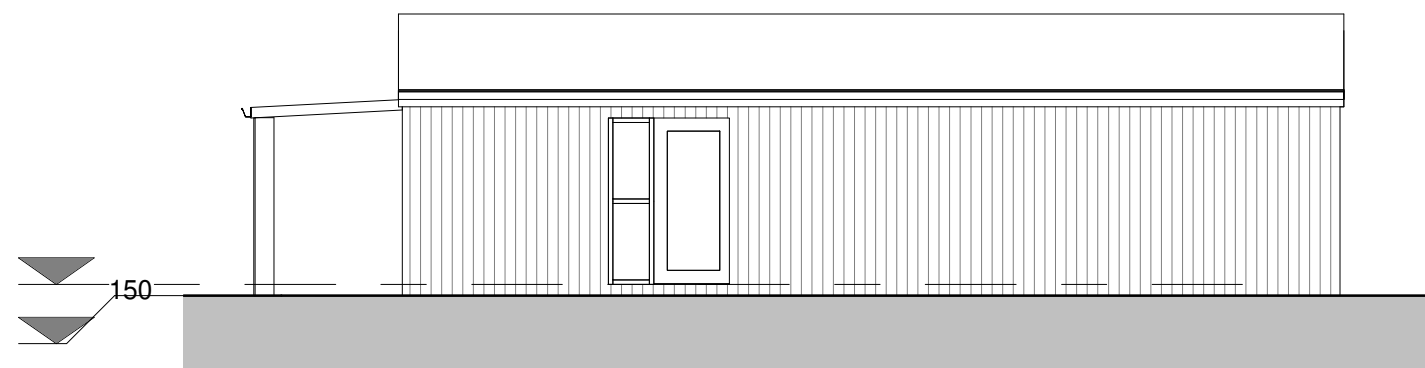
3 Rear Proposed Meerkat  
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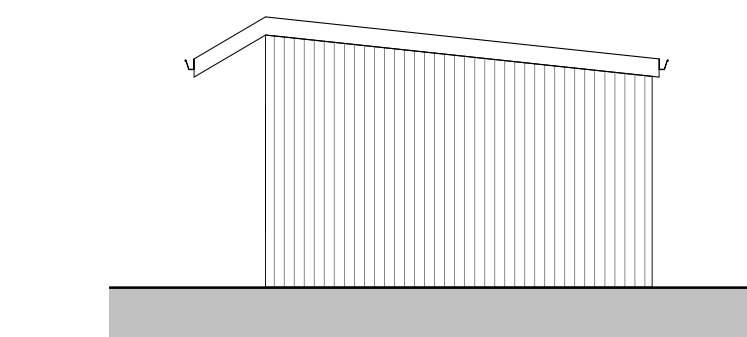
8 Rear Proposed Skunks  
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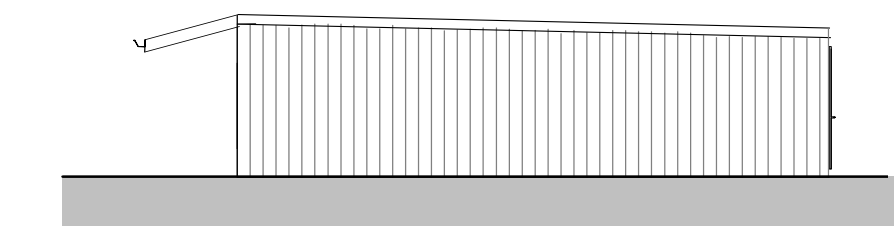
13 Rear Proposed Container  
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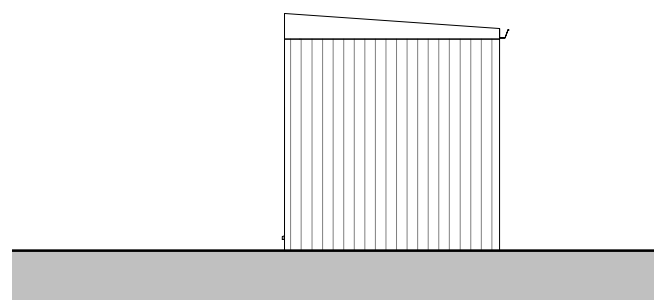
19 Side N Proposed  
1 : 100



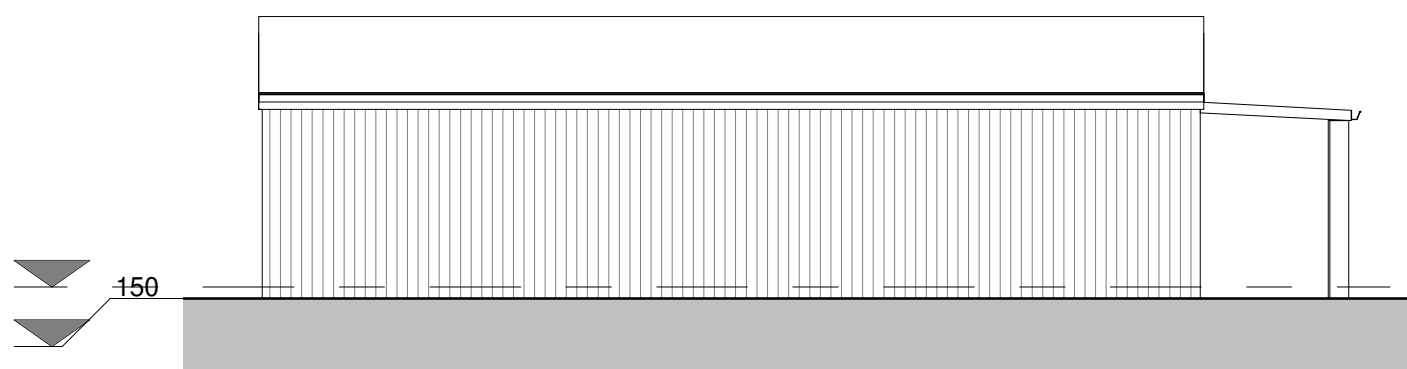
4 Side Proposed Meerkat  
1 : 100



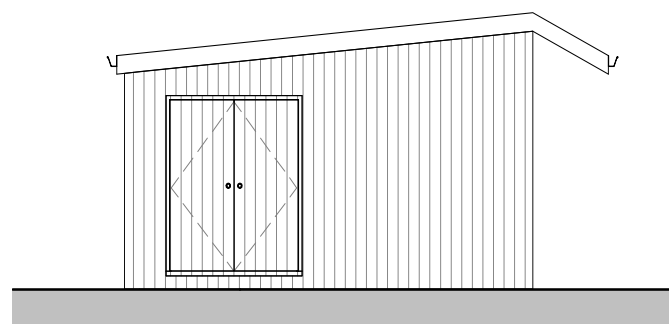
9 Side Proposed Skunks  
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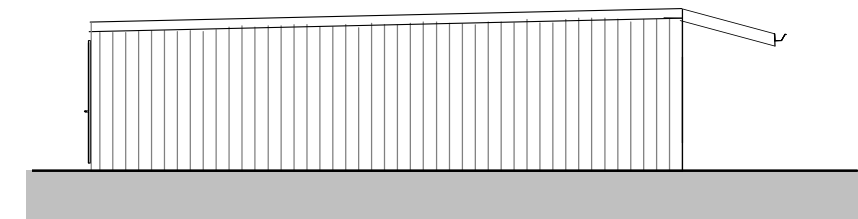
14 Side Proposed Container  
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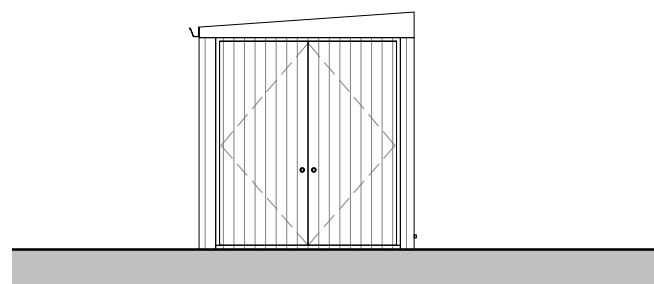
20 Side S Proposed  
1 : 100



5 Side Proposed Meerkat  
1 : 100



10 Side Proposed Skunks  
1 : 100



15 Side Proposed Container  
1 : 100

Material list  
Walls - Vertical Swedish Spruce boards  
Roof - Flat low pitch GRP  
Rainwater goods - Black plastic  
Doors - Timber frame finished in stain to match the cladding  
Windows - Timber frame finished in stain to match the cladding  
Posts - Oak posts

NOTE: Dimensions are not to be scaled from this drawing. All measurements to be checked on site prior to work commencing. Any discrepancy to be reported to Plan and Design immediately.

Elevation & Floor Plans: Welcome Centre Meerkat Enclosure Skunk Enclosure Container Units		Client Mr and Mrs Mews Project The Orchards, Farm Twemlow Lane, CW4 8DS	Date 11.03.22	Scale 1 : 100	Project No 22-562	Drawing No 003	Rev A	Drawing title Elevation & Floor Plans Drawing status Planning Permission	House Extension Plans Free initial advice/visit richard@plananddesign.co.uk www.plananddesign.co.uk 07971835660
Rev	Revision	Date							

D

C

B

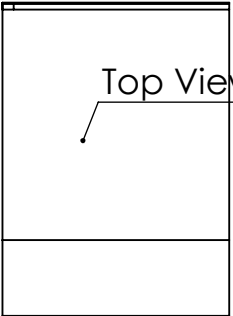
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D

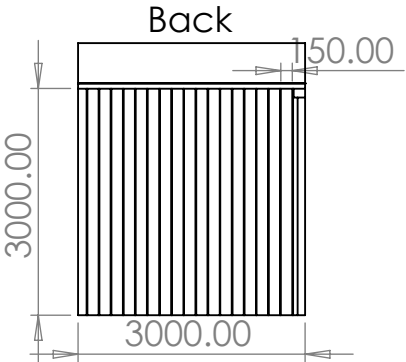
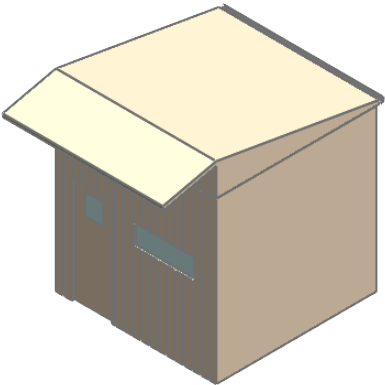
C

B

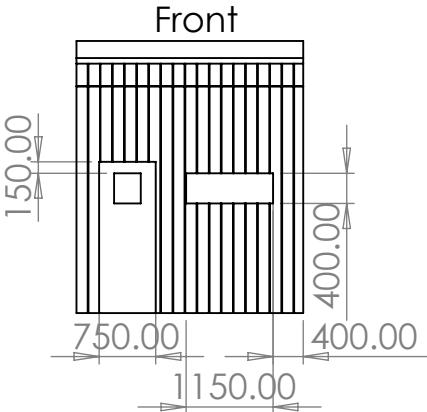
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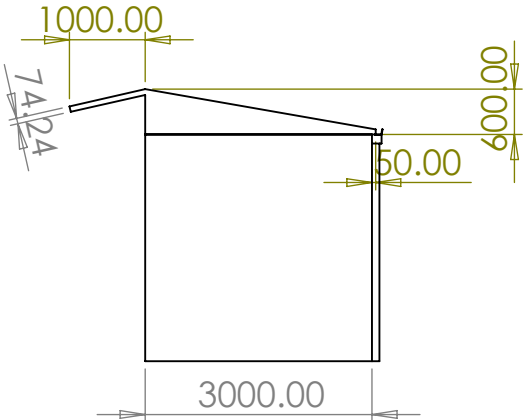
Top View



Back



Front



UNLESS OTHERWISE SPECIFIED: DIMENSIONS ARE IN MILLIMETERS SURFACE FINISH: TOLERANCES: LINEAR: ANGULAR:				FINISH:		DEBURR AND BREAK SHARP EDGES		DO NOT SCALE DRAWING		REVISION A			
								TITLE:					
DRAWN				NAME		SIGNATURE		DATE				DWG NO.	
CHK'D												Kitchen	
APPV'D												A4	
MFG													
Q.A								MATERIAL:					
								WEIGHT:		SCALE:1:100		SHEET 1 OF 1	

D

C

B

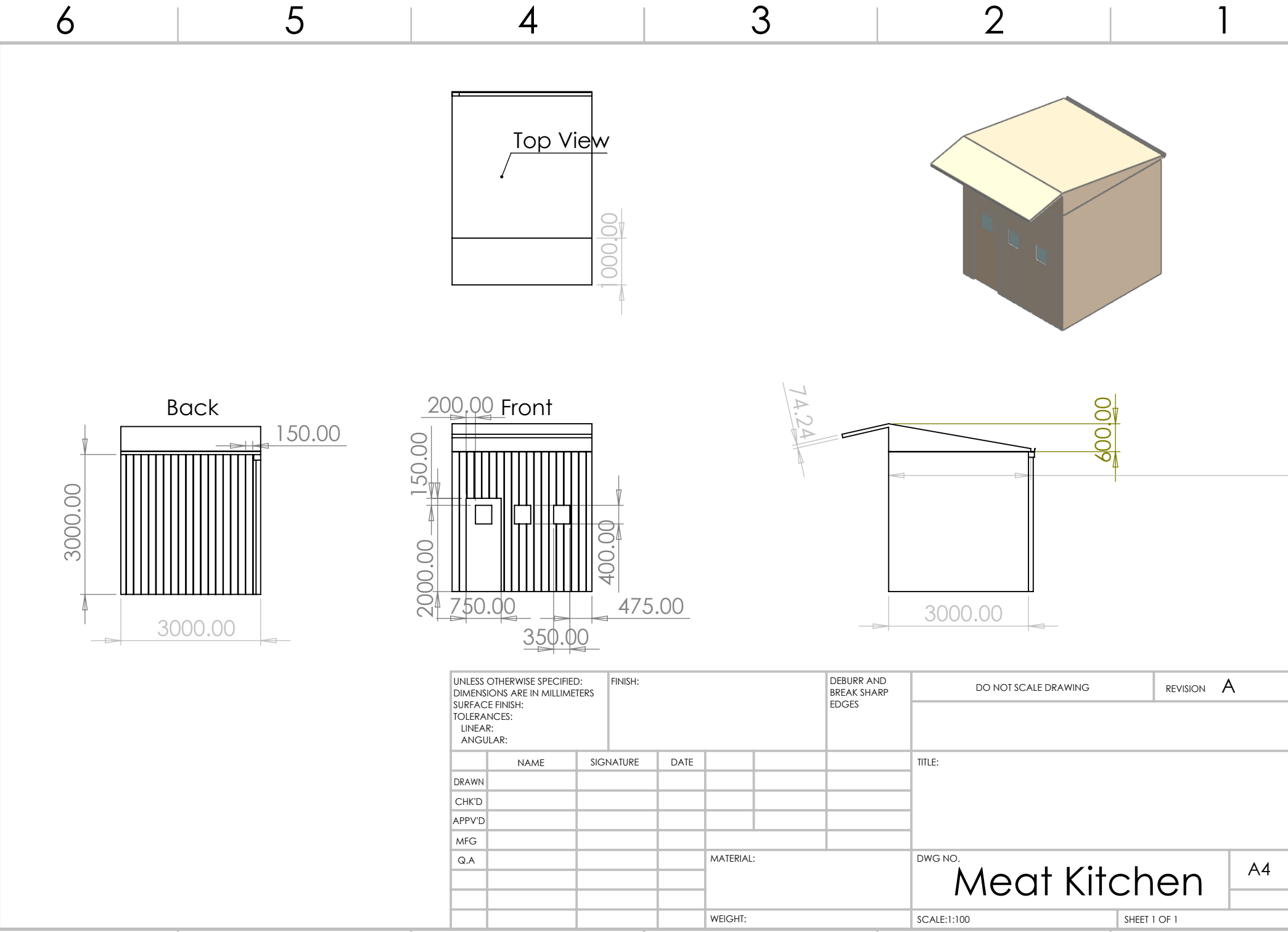
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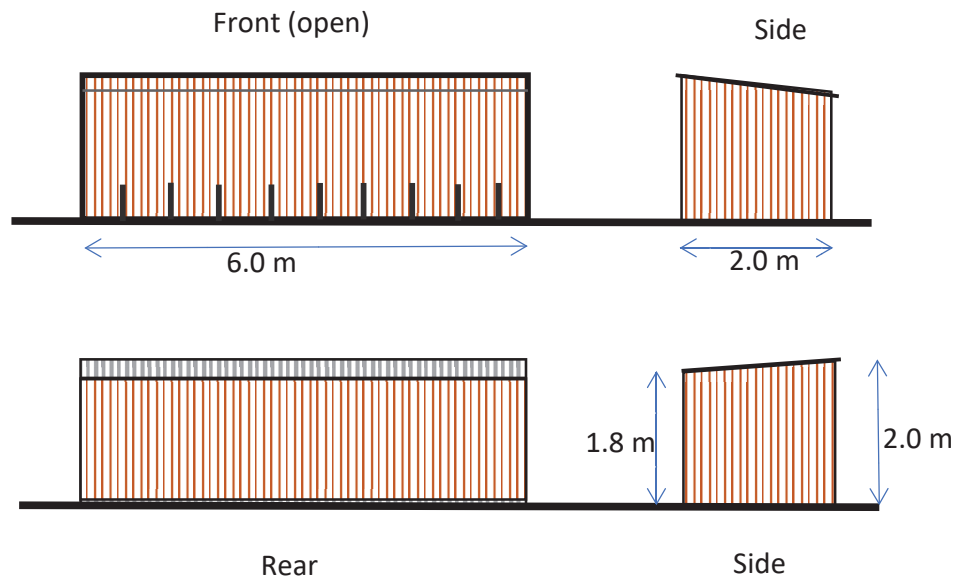
B

A



UNLESS OTHERWISE SPECIFIED: DIMENSIONS ARE IN MILLIMETERS SURFACE FINISH: TOLERANCES: LINEAR: ANGULAR:				FINISH:		DEBURR AND BREAK SHARP EDGES		DO NOT SCALE DRAWING		REVISION	A
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										SHEET 1 OF 1	





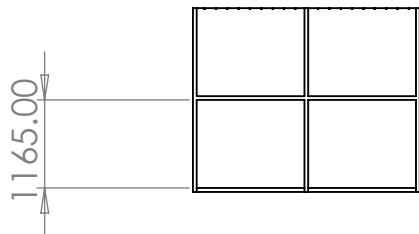
#### Materials

- Timber walls
- Profile steel roof
- Tubular steel cycle rack
- Gravel base

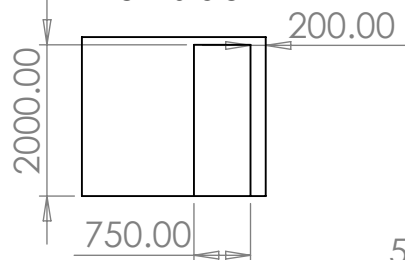
## **PROPOSED CYCLE SHELTER**

Scale 1:100 @ A4

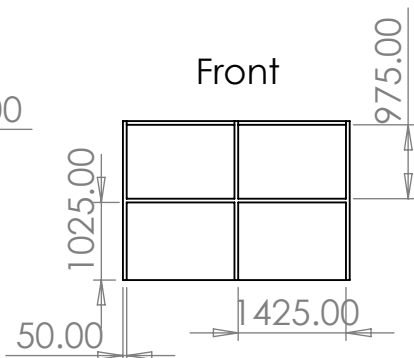
Top



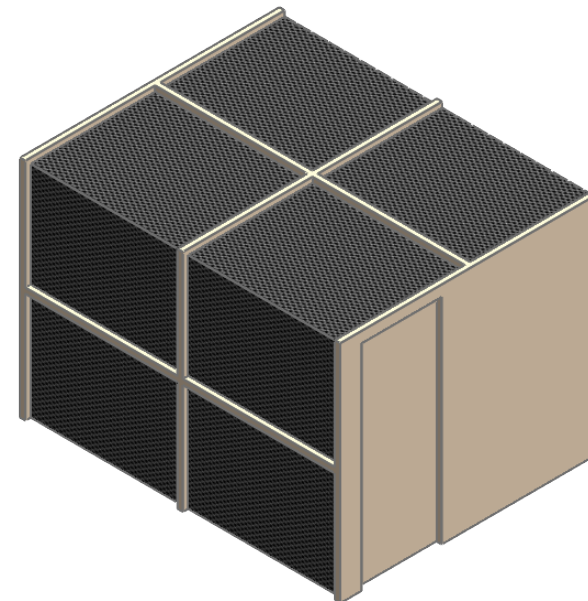
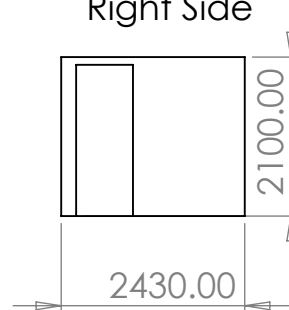
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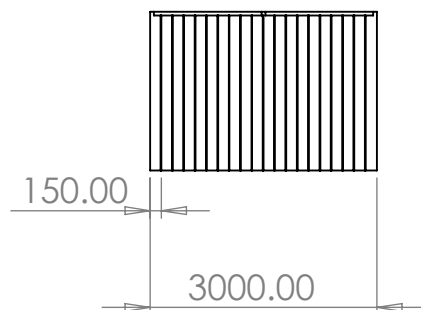
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EDGES

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DATE \_\_\_\_\_

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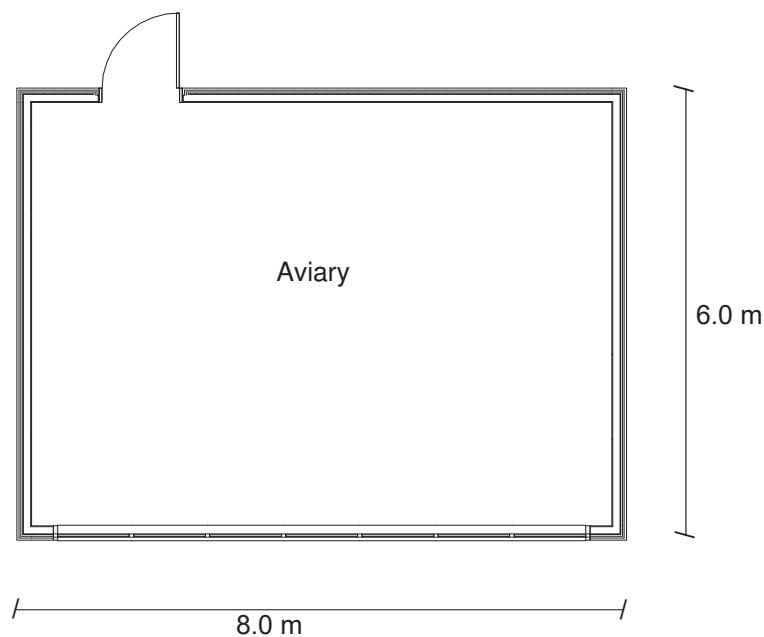
## Kookaburra & Small Aviary

A4

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SHEET 1 OF 1



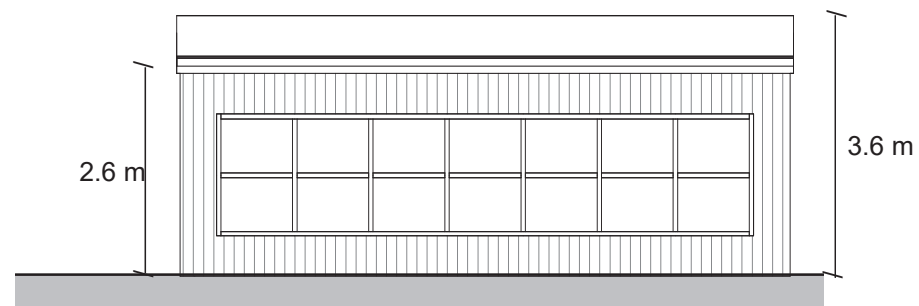
002 Aviary  
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**Material list**  
Walls - Vertical Swedish Spruce boards  
Roof - Flat low pitch GRP  
Rainwater goods - Black plastic  
Doors - Timber frame finished in stain to match the cladding  
Windows - Timber frame finished in stain to match the cladding  
Posts - Oak posts

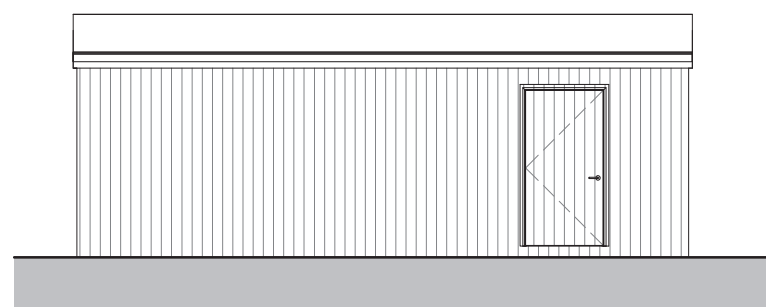
NOTE: Dimensions are not to be scaled from this drawing. All measurements to be checked on site prior to work commencing. Any discrepancy to be reported to Plan and Design immediately.

Client: **Mr and Mrs Mews**

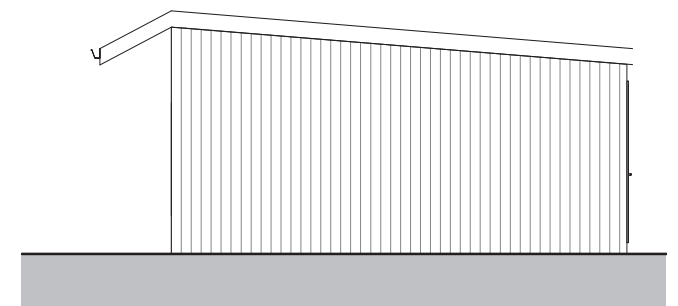
Project **Proposed Zoo & Conservation Park at  
The Orchards, Farm Twemlow Lane.  
CW4 8DS**



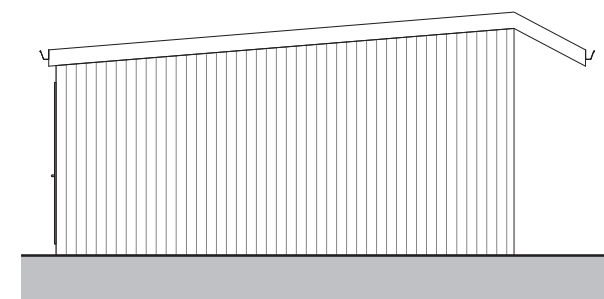
Front Proposed Aviary  
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Rear Proposed Aviary  
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Side Proposed Aviary  
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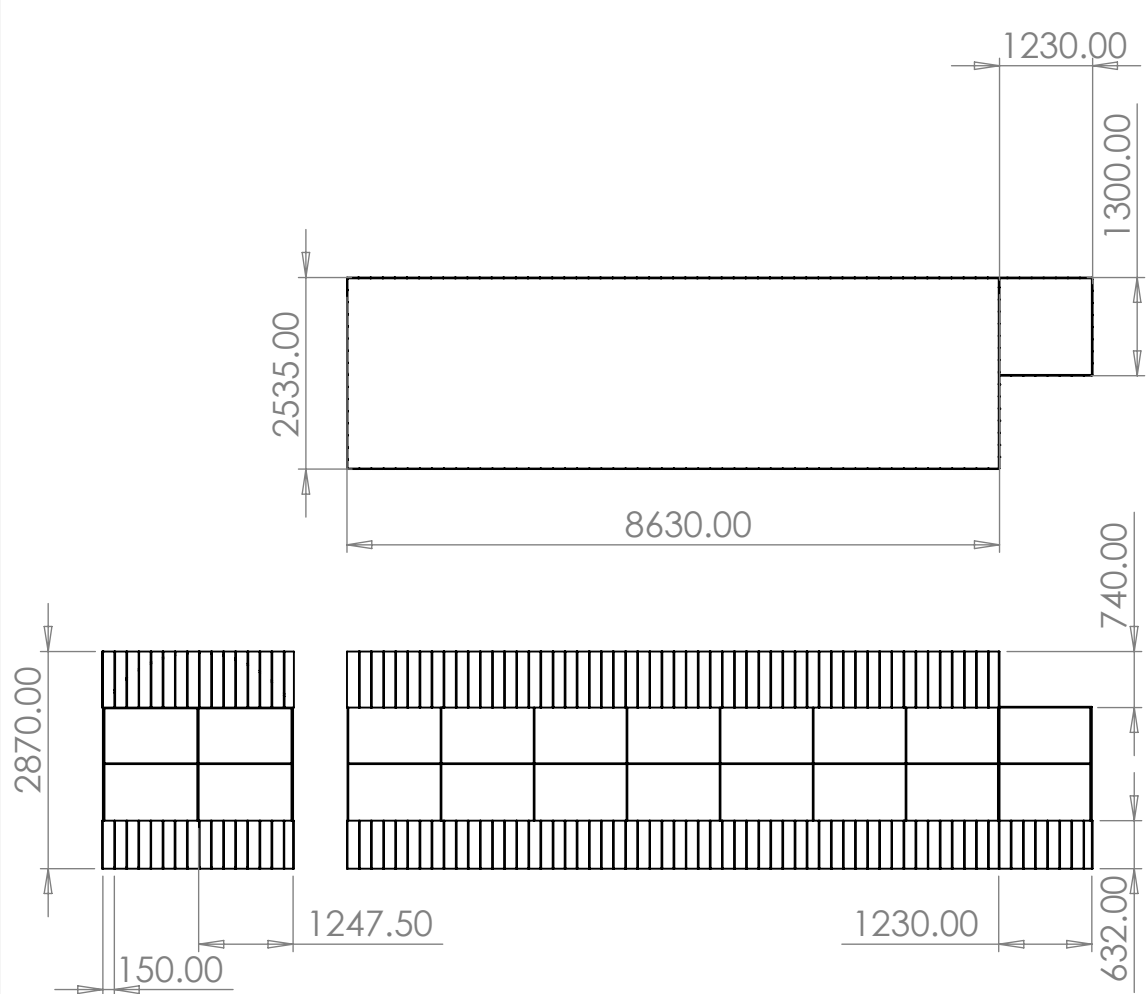
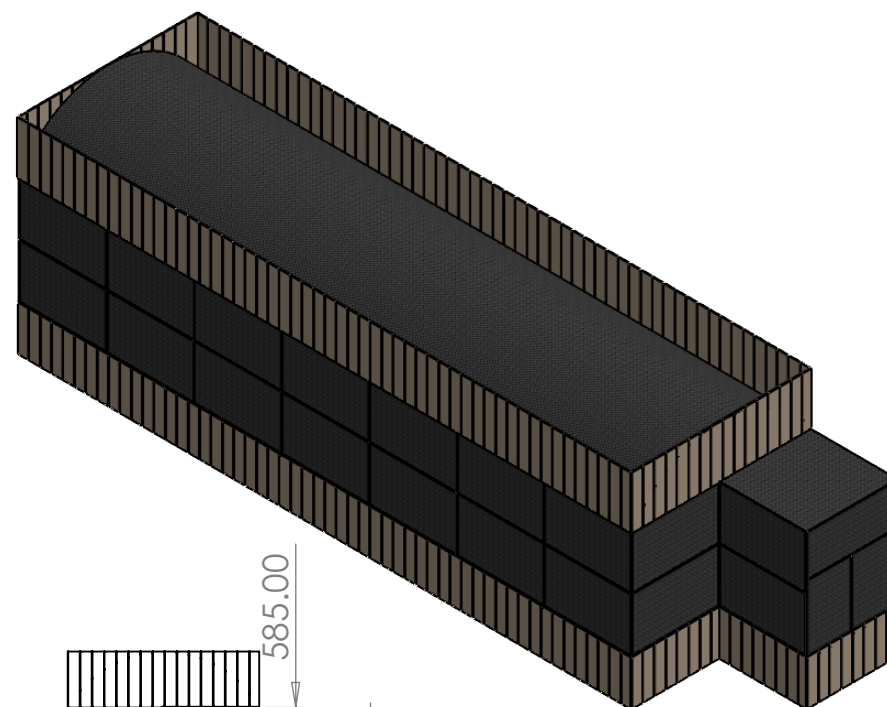


Side Proposed Aviary  
1 : 100

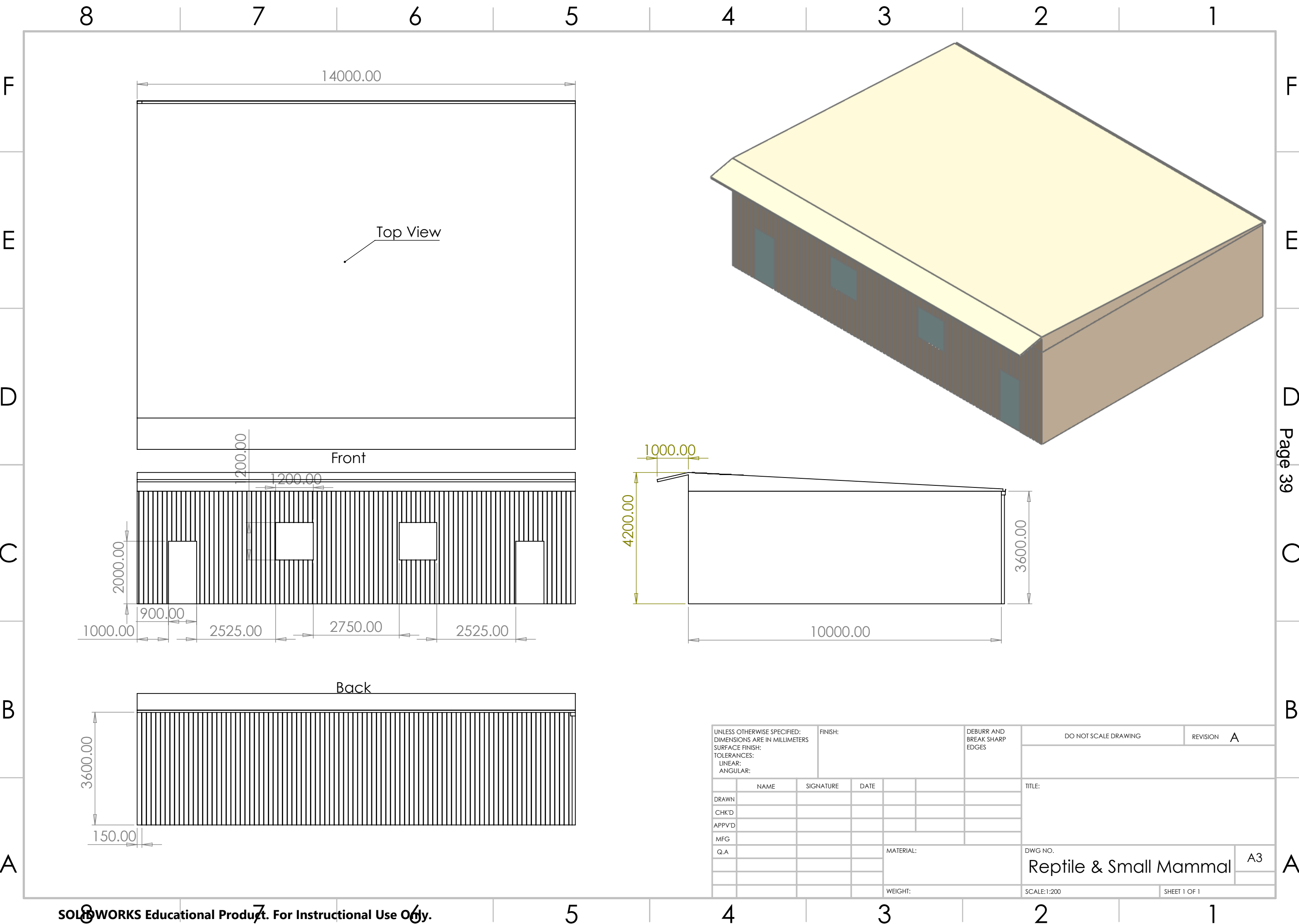
Drawing title **Floor Plan & Elevations: Aviary Rev A**

Drawing status **Planning Permission**

Scale 1:100 @ A3



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Page 40   

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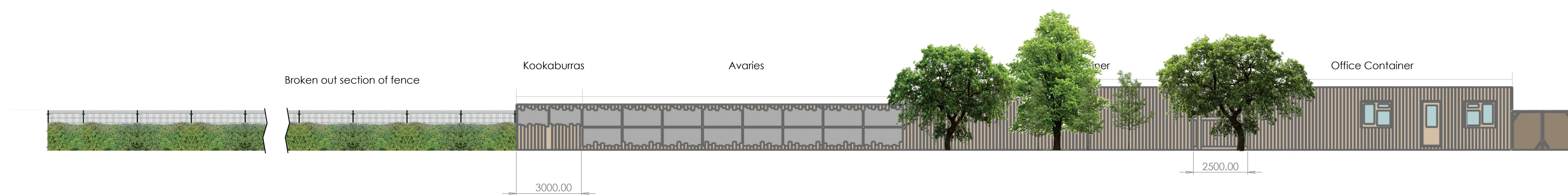
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Page 41

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## Inside View

Broken out section of fence

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1800.00

### Outside View

Broken out section of fence

Scale: 1:200

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MATERIAL:

Melissa & Ben  
Mews

## PROPOSED ZOO ELEVATIONS

DWG NO.

d. North Fence

A3

WEIGHT:

SCALE:1:100

SHEET 1 OF 1

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Inside View

Container

Meerkat

Outdoor Meerkat Enclosure

Welcome Centre

Broken out section of fence

12000.00

200.00

50.00

Welcome Centre

Meerkat Enclosure

Small Reptile Enclosure

Container

7000.00

12000.00

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Broken out section of fence

800.00

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Outside View

Scale: 1:100

DO NOT SCALE DRAWING

Melissa and Ben Mews  
Proposed Zoo Elevations

DWG NO.

Southern Side

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Page 43

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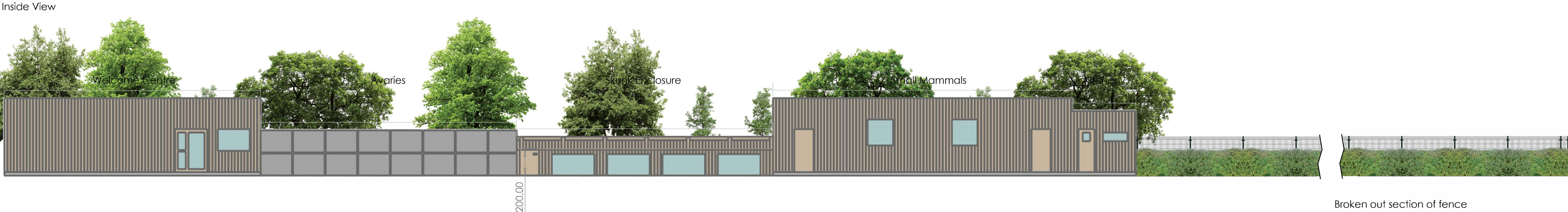
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Scale: 1:100

Melissa and Ben Mews		TITLE: PROPOSED ZOO ELEVATIONS	
DWG NO. 1		West Side	
SCALE: 1:500		SHEET 1 OF 1	



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Application No: 23/2129C

Location: HOUSING DEVELOPMENT SITE, LINLEY ROAD, ALSAGER

Proposal: Erection of 70no. affordable homes, with associated access, car parking, landscaping and public open space.

Applicant: Plus Dane Housing Ltd.

Expiry Date: 01-Aug-2024

## SUMMARY

The site is located within the Settlement Boundary for Alsager, as such Policy PG9 of the SADPD identifies that within the Settlement Boundary proposals 'will be supported where they are in keeping with the scale, role and function of that settlement and do not conflict with any other relevant policy in the local plan'. The site also forms part of the allocation LPS21. The principle of development within the settlement boundary is therefore accepted. The proposal is also within the target housing figure of around 550 homes as per bullet point 1 under allocation Policy LPS 21.

Whilst the viability of the scheme is not contested the proposal would not mitigate the full impacts of the proposal in terms of education and NHS provision and highway improvement works with the impact of such being felt by the local community and ultimately Cheshire East would be left to fund the shortfall, which is contrary to Policies SD1, SD2, IN1, IN2 of the CELPS and TTS6 of the ANP.

The proposal fails to meet key criteria A, E, F, H within allocation Policy LPS 21

The benefits of the proposal would be the provision of 100% affordable housing and the limited economic benefits during construction. However, the weight to be given to the benefit of affordable housing provision is only moderate given that the Council is meting and exceeding its affordable housing targets.

The proposal would not provide a suitable mix of housing and would not provide wheelchair adaptable dwellings contrary to SC4 CELPS, SADPD Policy HOU8 and H1 ANP.

The development will not result in harm to living conditions of neighbouring properties and complies with SADPD Policy HOU12. However, the proposal would not private sufficient size of private garden areas contrary to SADPD Policy HOU13.

The proposal would not cause harm to existing landscape features and complies with CELPS Policies SE5, SADPD ENV6 & NB4E of the ANP.

The proposal would not result in any significant ecological harm and complies with CELPS Policies SE3 AND SADPD ENV1 & ENV 2.

The proposal would cause harm to the character/appearance of the area by reason of poor design contrary to CELPS Policies SE1 & SADPD GEN1, H6 of the ANP and the Design Guide SPD.

The proposal would result in the loss of an existing area of protected open space with no improvements made to the overall open space provision within Alsager contrary to Policy SE6 of the CELPS, REC1 of the SADPD and the guidance within the NPPF.

The development would not have significant drainage/flood risk implications and would be compliant with CELPS SE13 & SADPD ENV16.

The proposal would not result in any severe highway impacts and complies with Policy SD1, CO2 of the CELPS and TTS2, CW3 of the ANP

In conclusion the benefits of the scheme to provide affordable housing and the limited economic benefits, would not outweigh the harm through lack of contributions to mitigate the impacts of the development, harm from a design perspective, lack of suitable housing mix and lack of wheelchair adaptable dwellings and lack of suitable private garden areas.

#### **RECOMMENDATION**

**REFUSE**

#### **REASON FOR REFERRAL**

The application is referred to committee as it exceeds the delegated threshold of 20 dwellings.

#### **PROPOSAL**

This is a full application for the erection of 68 affordable homes with associated access, car parking, landscaping and public open space.

#### **SITE DESCRIPTION**

The application site comprises a parcel of land off Linley Road, Alsager and extends to 2.48 hectares. The area consists of predominantly residential properties to the south and west, railway to the north and Cardway Business Park to the east.

Land levels on the site rise slightly from properties to the south, and the site is also enclosed by planting to the north and eastern boundaries.

The site is located in the Settlement Boundary as per the Local Plan and forms part of allocation LPS21 (Twyfords and Cardway, Alsager).

## **RELEVANT HISTORY**

Various applications for the former commercial use. However, the most relevant to this application are:

16/2229C – Reserved matters application following outline application 11/4109C; for access (off Linley Lane), appearance, landscaping, layout and scale – approved 16-Dec-2016

15/2101C – Outline planning application for a phased development of up to 110 dwellings – approved 6<sup>th</sup> July 2017

13/4081C – Outline planning application for residential development for up to 110 dwellings – refused 24-Oct-2014

11/4109C – Outline Planning Permission with some Matters Reserved for up to 335 Residential Units and Access off Lawton Road and Linley Lane – approved 15-Nov-2013

11/3575W – Inert and Excavation Waste Recycling Centre with Erection of Site Portacabin – withdrawn 13-Jan-2012

12169/1 – Reclamation of land: 1.07 hectares of landscaped open space, 1.30 hectares residential development and 1.06 hectares allotments – Withdrawn 30-Dec-1980

16497/3 – Reclamation of disused sidings for part residential use, part industrial use, part allotments and walkway – Approved 05-Feb-1985

CY/8/08/0731/OUT – Development of four 464sq m (B1, B2 and B8) units and up to 108 dwellings – Objected to 03-Nov-2008

14431/3 – CHANGE OF USE TO SHOOTING RANGE – approved 26-Oct-1982

## **PLANNING 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 – (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  
LPS 21 – Twyfords and Cardway, Alsager

#### **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  
REC1 Open Space Protection  
REC 2 Indoor sport and recreation implementation  
REC 3 Open space implementation

**Alsager Neighbourhood Development Plan (ANDP) made 15 April 2020**

H1 Type and mix of new housing  
H2 Climate change and housing  
H3 Infrastructure and sustainable development  
H4 Size, scale and density of new housing developments  
H5 Affordable housing  
H6 Housing design  
BE1 Open space and recreation  
NBE2 Local landscape quality, countryside and open views  
NBE3 Alsager's wildlife corridors  
NBE4 Woodlands, trees and hedgerows  
NBE5 Wildlife and housing  
CW2 Health and leisure facilities  
CW3 Safe and accessible routes  
TTS1 Promoting sustainable transport  
TTS2 Congestion and highway safety  
TTS3 Car parking and electric charging points  
TTS4 Accessibility  
TTS6 Infrastructure  
TTS9 Drainage Sustainable Urban Drainage Systems (SUDS) design and management  
TTS10 Surface water

**CONSULTATIONS**

**CEC Highways:** No objection subject to condition requiring a plan which shows pedestrian connections to the adjacent site to the east and for the applicant to enter into a s106 Agreement in the amount of £110,000 for highways improvements in the Alsager area. The applicant will be required to enter into a s38 Agreement regarding the construction and future adoption of the internal road layout.

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

**CEC Flood Risk:** Further information required.

**CEC Housing:** No objection subject to the rented accommodation being agreed upon before entering into a S106.

**CEC Education:** No objection subject to contribution of £241,612.28 towards secondary education and SEN.

**CEC Public Open Space:** Further information required.

**CEC PROW:** No objection.

**Cadent Gas:** No objection but informative notes offered to the applicant.

**NHS:** No objection subject to contribution of £81,122 to support Cedars Medical Centre and Merepark Medical Centre.

**United Utilities:** No objection subject to conditions requiring compliance with the FRA.

**Network Rail:** Suggest condition to protect railway and embankment.

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

Alsager Town Council – Following comments made:

- The junction to the secondary entrance needs to be widened to improve visibility.
- There should be a contribution to local primary education, please note Excaliber would be the local school in walking distance.
- There should be a contribution to the medical centres in Alsager.
- Walking and cycling routes should be a condition to improve traffic and to provide connectivity to the station and town centre.
- There should be a bus route to Leighton Hospital considered.
- There is a strong concern that there will be a significant increase on an already busy road. The Town Council strongly advises that a traffic mitigation assessment is carried out on Talke Road.
- Removal of Japanese knotweed must be a condition prior to construction.

## **REPRESENTATIONS**

49 letters of objection to initial scheme and 15 letters of objection to the revised scheme which raise the following issues;

- Pressure on school and GP places
- Traffic/highway safety impacts
- Loss of existing green space used for dog walking
- Ecological impacts
- Drainage/flooding/sewage issues
- Lack of notification
- Contamination
- Units would not actually be affordable
- Damage to exiting road network would be made worse
- Gardens are too small
- Harm to character/appearance
- Lack of housing mix
- Structural stability of the site
- No heritage assessment
- Error in FRA
- Want a contribution for improved bus service
- Overlooking to 135, 167 Talke Road
- Loss of service road for informal parking
- Impact to existing allotments
- Too high density



- Los of trees
- Noise from construction
- Impact on house value
- Alsager already at capacity

1 letter of support

- Good public transport options
- Will provide much needed affordable housing

## **APPRAISAL**

### **Principle of Development**

The site is located within the Settlement Boundary for Alsager, as such Policy PG9 of the SADPD identifies that within the Settlement Boundary proposals 'will be supported where they are in keeping with the scale, role and function of that settlement and do not conflict with any other relevant policy in the local plan'.

The site is also allocated for development under CELPS Policy LPS 21 (Twyfords and Cardway, Alsager), which advises that development over the Local Plan Strategy period will be achieved through:

1. The delivery of around 550 new homes.
2. Retention of existing office development (approximately 3,000 square metres).
3. Incorporation of green infrastructure.
4. An appropriate level of amenity open space and children's play space.
5. Potential to include:
  - i. An extra care development providing housing for the older population.
  - ii. Appropriate retail provision to meet local needs.
6. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities, including improved pedestrian links to the town centre, the railway station and Talke Road.
7. Open space provision to accommodate the need for enhanced or new indoor and outdoor sports facilities to accommodate the additional demand from the housing. Provision should be in accordance with an adopted up to date and robust Playing Pitch Strategy and Indoor Sports Strategy.

The current proposal seeks to provide 68 affordable homes. The site to the north of the railway, which also forms part of the allocation, received outline consent under ref 11/4109C for up to 335 dwellings. However, the reserved matters application approved under ref 16/2229C was for just 268 dwellings and this is largely built out.

15/2101C for the Cardway Business Park site also granted permission for up to 100 dwellings. However, no reserved matters application has been received so this permission now appears to have expired.

Therefore, the total number of dwellings across the allocation would total 336 which is within the target figure. Even if the Cardway site was included this would still only total 446. As such the proposal complies with bullet point 1 and is acceptable from a land use perspective under allocation Policy LPS 21.

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 including compliance with other bullet points within the allocation.

### **Affordable Housing**

Policy SC5 of the CELPS and H5 of the ANP advise that in residential developments affordable housing will be provided as follows:

- i. In developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable;
- ii. In developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sq.m) in Local Service Centres and all other locations at least 30% of all units are to be affordable

### Threshold

This is a proposed development of 68 affordable dwellings in the Key Service Centre of Alsager, therefore, in order to meet the Cheshire East Local Plan Strategy Policy (CELPS) SC5 on Affordable Housing there is a requirement for 21 dwellings to be provided as affordable homes if this was to be a market housing led application. In this instance, this application is being made via a Registered Provider (RP) and all 68 dwellings are confirmed to be Rented and Shared Ownership and so this is meeting and exceeding the requirement for the provision of Affordable Housing.

### Tenure mix

The mix of tenures proposed is to be 38 rented dwellings and 30 intermediate dwellings. This mix has been deemed acceptable by the Councils Housing Officer.

### Rented Dwellings

The Affordable Housing Statement in section 7.39 states that the units would be for Affordable Rent but later in the same statement in section 7.40 advises that the applicant is willing to discuss the rental units before entering into a S106 as this is yet to be determined. The Councils Housing officer has no objection in agreeing to the detail further into the planning application. He would like to see the rental units comply with the Housing Supplementary Planning Document (HSPD), paragraph 6.18 (see below).

*“6.18 There is a clear need to ensure that rented affordable dwellings can be let at rent levels which are truly affordable. Whilst housing schemes across the borough have previously been let at social rent or affordable rent (up to 80% of market rent), Cheshire East Council have an ambition and are now seeking to support rent levels which do not exceed either the Local Housing Allowance (LHA) for the area, or Regulator for Social Housing target rent amounts – whichever is lowest. This total rent amount is inclusive of additional service charges which are added to rent schedules. LHA rates are subject to change throughout the lifetime of this document; therefore it is recommended that the most recent figures are obtained and observed when providers are securing housing schemes. The purpose of the change to LHA or target rental rates is to ensure that rented accommodation remains truly affordable, across the borough, for those in housing need. A clear viability justification will be*

*required where applicants seek to demonstrate that LHA rates are not deliverable for a scheme, but it is deliverable at 80% of market rent”.*

### Local Need in Alsager

The current number of those on the Cheshire Homechoice waiting list with Alsager as their first choice is 463.

From this data there is a shown need for 1-, 2-, 3-, and 4- bedroom dwellings as rented accommodation.

There is also still a need for Intermediate units that will cater for those who cannot buy on the open market.

The proposed housing will assist in meeting the local need in Alsager.

### House Types

The RP has provided the below table of the bedroom types and tenures proposed for this application.

	Sqm	Rented	Intermediate
Flats	All flats	11	0
2 bed house	80	11	12
2 bed house	81	4	4
3 bed house	104	11	11
4 bed house	121	2	3
4 bed house	127	1	0
		40	30

The flats mentioned are to be 1- bedroom 2 person dwellings and 2-bedroom 3 person dwellings.

All the proposed house types are meeting or exceeding the NDSS standards and so are meeting that required under policy HOU 8 of the SADPD.

### Conclusion

The Councils Housing Officer raises no objection subject to the rented accommodation being agreed which can be resolved as part of the Section 106.

The proposal therefore complies with Policy SC5 of the CELPS and H5 of the ANP.

However, the weight to be given to the benefit of affordable housing in excess of that required by Policy is considered moderate in this instance given that the Council are meeting and exceeding its yearly housing target set in the Annual Monitoring Report.

## Education

The development of 68 applicable dwellings is expected to generate:

12 - Primary children ( $68 \times 0.19$ ) – 1 SEN child

10 - Secondary children ( $68 \times 0.15$ )

1 – SEN child ( $38 \times 0.51 \times 0.023$ )

The development is expected to impact on primary and secondary school places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at primary and secondary schools in the area because of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places remains.

The Education Service acknowledges that this is an existing concern, however the 10 secondary age children expected from the development will exacerbate the shortfall.

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

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

$12 \times £17,959 \times 0.91 = £196,112.28$  (Secondary)

$1 \times £50,000.00 \times 0.91 = £45,500.00$  (SEN)

Total education contribution: £241,612.28

These contributions would be secured as part of a S106 Agreement.

## Health

The NHS have been consulted who advise that the GP Practices most directly affected by this large-scale housing development are Cedars Medical Centre and Merepark Medical Centre. Overall, patient list sizes in the area have continued to increase without necessary provision to support the infrastructure of the Health Centres that service the population. The table below clearly demonstrates the considerable strain in relation to capacity of premises the GP Practices are facing:

Practice	Patient List	GIA	NHSE Guidance	Shortfall
Cedars Medical Centre	10,794	1298.0m2	1500	14%
Ashfields Primary Care Centre	27,192	1690m2	2300	27%
Haslington Surgery	5,710	301.0m2	500	40%
Waters Edge Medical Centre	4,728	372.0m2	450	18%
Oaklands Medical Centre	11,229	351.0m2	850	59%
Greenmoss Surgery	4,712	947.0m2	-	0%
Merepark Medical Centre	6,991	1227.0m2	-	0%

Therefore, increases in housing in and around the surrounding areas have a direct detrimental impact and therefore in order to mitigate the impact of this development a contribution has been requested based on the formula below:

Size of Residential Unit	Developer contribution per unit at April 2023
Health Infrastructure - 1 bed unit	£713.00 per 1 bed unit
Health infrastructure - 2 bed unit	£1,019.00 per 2 bed unit
Health infrastructure - 3 bed unit	£1,426.50 per 3 bed unit
Health infrastructure - 4 bed unit	£1,783.00 per 4 bed unit
Health infrastructure - 5 bed unit	£2,445.50 per 5 bed unit

The proposal seeks the below mix:

1 beds – 4 (flats)	£713 x 4 = £2,852
2 beds – 36 (7 of which are flats)	£1019 x 36 = £36,546
3 beds – 23	£1426.50 x 23 = £32,809
4* beds – 5	£1783 x 5 = £8,915
	Total £81,122

As a result the required contribution is £81,122, which is considered to be both reasonable and necessary and should be secured by way of section 106 agreement.

### Open Space/Protected 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 65m<sup>2</sup> 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.

Policy REC 1 advises that development proposals that involve the loss of open space, as defined in Criterion 2 below, will not be permitted unless:

- i. an assessment has been undertaken that has clearly shown the open space is surplus to requirements; or
- ii. it would be replaced by equivalent or better open space in terms of quantity and quality and it is in a suitable location; or
- iii. the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss.

The indicative layout shows that the development would provide a main area of open space to the centre of the site.

The site forms part of a protected area of open space as per Policy REC1. It also forms part of an allocation within the Local Plan under Policy LPS21. The site specific principles within this allocation include:

“b. The existing open space on the Cardway site will be substantially retained or improvements made to the overall open space provision in Alsager”.

Therefore there are three elements to this application 1) to substantially retain the existing open space or improve overall open space in Alsager as per LPS 21, 2) to show the existing open space is surplus to requirements or would be replaced by equivalent or better quality in terms of quantity and quality in line with Policy REC1 and 3) to provide open space in line with Policy SE6 as per any major (10 or more) development

If the proposal was considered in isolation the quantum of open space required by Policy SE6 as a minimum in terms of combined amenity and play is just over 500m<sup>2</sup> short. However, the G.I Connectivity element is above the minimum requirement.

In reference to the two elements which form this application.

- 1) to substantially retain the existing open space or improve overall open space in Alsager.

The existing open space on site which would be lost totals approximately 13,845m<sup>2</sup>. The open space proposed totals 6,252m<sup>2</sup>. As such the from a pure quantitative perspective the proposal results in a significant loss of open space by over half which would not substantially retain the existing open space and is contrary to the allocation. The viability of the scheme means that no contributions would be provide for provision elsewhere in Alsager.

- 2) to show the existing open space is surplus to requirements or would be replaced by equivalent or better quality

No assessment has been provided to demonstrate the site is surplus to requirements. As noted above the proposal would result in the loss of over half of the existing protected open space therefore given the significant reduction in existing open space the Council Open Space Officer does not consider the proposal would be replaced by equivalent or better quality given the sheer loss of open space. Indeed the open space provided simply provides the minimum area required for a standard site. This does not compensate for the loss of the whole site.

3) to provide open space in line with Policy SE6 as per any major (10 or more) development.

Although there is a small under provision in terms of quantum, the Councils Open Space Officer considers effort has been made in terms of quality which outweigh the slight shortfall. Therefore, quality space has been delivered in line with Policy SE6 for the site viewed in isolation.

However, whilst the proposal would deliver the policy required open space for the site in isolation, the proposal does not deliver sufficient quantum or quality of open space to mitigate the loss of the existing open space on site with no ability to provide this elsewhere off site. The proposal is also unable to deliver the policy requirement of £103,259.64 for outdoor sport contribution in line with the Council's Playing Pitch and Outdoor Sports Strategy and Policy SE6.

Therefore the proposal is considered to be contrary to Policy SE6.

### **Location of the site**

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

In this instance the supporting statement has provided a brief appraisal of the nearby amenities/facilities which advises that there is a shop and public house off Talke Road, health centre 850m away and school 0.5km from the site entrance and high school 2.2km away to the north-west. Based on the D and G Bus website there is a bus stop located outside the site off Talke Road to the south which is served by the number 317 bus which has 4 services Monday to Friday. Whilst this service is considered to be limited the bus stop can be reached within the target walking distance of 500m as noted in Policy SD2.

Alsager Railway Station is also located 700m to the west with services to Crewe, Kidsgrove, Stoke and beyond.

In addition, as the site has been allocated for residential development, the site has already been deemed locationally sustainable.

As a result, on balance the site would appear to be locational sustainability.

### **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%

Policy H1 of the ANP New homes on developments of 10 or more should comprise a mix of house types, with one third being detached two and three storey properties, the remainder being flats, bungalows, terraced and semi-detached properties unless other material considerations support a robust justification for a different mix. This mix of house types must support a sustainable neighbourhood and meet the needs of a diverse range of household types and incomes and foster community cohesion.

The proposal seeks to provide 68 units broke down as follows:

- 1 beds – 4 (flats) this equates to 6% FAIL
- 2 beds – 36 (7 of which are flats) this equates to 53% COMPLIES
- 3 beds – 23 this equates to 33% COMPLIES
- 4\* beds – 5 this equates to 7% FAIL

The proposed housing mix therefore fails to provide sufficient mix of 1 bedroom units and is contrary to Policy SC4 of the CELPS and HOU1 of the SADPD and H1 of the ANP.

### 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 properties 167-129 (odd only) off Talke Road and 1 Linley Road and 1-17 Linley Grove.

The site plan suggests that the majority of the proposed properties would exceed the required 14/21m interface distances to existing residential properties.



Plot D1 located to the south-eastern boundary would have its front elevation windows located just 15.5m to the side elevation of No.1 Linley Road, this serves 2 ground floor and 1<sup>st</sup> floor window. It has not been possible to identify what room these windows serve. However, they are likely to be secondary or non-habitable room windows. This would comply with 14m interface required by Policy HOU13 assuming the window does not serve a habitable room or if habitable it would be shy of the 18m interface required between windows serving hittable rooms. This interface would not be direct given the orientation between properties, the proposed intervening planting which would provide an element of screening, and as such it is not considered that this interface would result in significant harm through loss of privacy.

Plot D1 would also be sited approximately 9m to the boundary shared with No.1 and 3 Linley Grove. Whilst ideally 10m distance should be achieved, the interface between the properties would not be direct, therefore the proposed interface would not result in significant harm through overlooking of the garden area of the neighbouring property.

Environmental Protection have also raised no objections subject to conditions regarding piling, dust, travel plan, electric vehicle charging points and contaminated land. They have also suggested conditions to deal with road noise and that from nearby commercial use.

As a result, the layout suggests that the proposal could be provided without significant harm to living conditions of neighbouring properties.

#### Amenity to proposed occupants

39 out of the 68 plots appear capable of providing at least the recommended minimum garden area of 50sqm as noted in the SPG. However, 32 plots (47%) are shy of this standard with plots providing between 48sqm and 31sqm. Of these 29 substandard plots 16 (24%) are below 40sqm, 16 (24%) are below 50.

Whilst Policy HOU13 does not provide a set size of garden area it does advise that properties should include an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the proposed development.

Given the significant number of plots providing less than the figure in the SPD it is not considered that plots would be provided with sufficient size of garden areas to provide a high-quality living environment.

Therefore, the proposal conflicts with Policy HOU12.

#### **Space standards/Wheelchair access**

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.

Policy HOU8 also requires compliance with requires that new housing developments comply with the Nationally Described Space Standards (NDSS)

The planning statement confirm that 100% of the properties are M(42) accessible and adaptable. The proposal does not deliver 6% M4(3) wheelchair adaptable. Whilst his needs to be balanced with the 100% provision of M(42) this does not provide the mix required for access for all. The Policy also notes that this would not be required if demonstrated that step free access is not viable, however this has not been demonstrated.

The supporting statement confirm that all dwellings comply with the NDSS.

Whilst the proposal complies with the NDSS it does not provide 6% wheelchair adaptable dwellings and conflicts with Policy HOU8.

### **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.

### **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.

Environmental Health Officers have been consulted who advise should the application be recommended for approval, condition relating to electric vehicle charging points would be necessary to ensure that local air quality is not adversely impacted for existing and future residents.

Subject to conditions the proposal would comply with Policy SE12.

### **Highways**

Policy INF3 advises proposal 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.

### **Sustainable access**

The site is a short walk to the railway station to the west, to nearby bus services, and to the centre of Alsager and the range of shops and amenities located here.

### Safe and suitable access

The site will have two access points off Talke Road in the same location as the previous approval. Both will be built to adoptable standards, have pedestrian access and sufficient visibility and therefore do not raise a highways safety concern.

The site is within the urban area of Alsager and existing footway access is available to the wider area, where vehicle access is available via Talke Road and Linley Road which have a width of approximately 5.5m and whilst on-street parking does occur the majority of properties have parking available within their driveways. The development would typically generate 35 to 40 vehicle trips during a peak hour and in addition would generate trips from pedestrians, cyclists, and public transport users. The previous approval on this site obtained contributions towards public transport and highways improvements, reflecting Local Plan requirements. To mitigate its own impact upon the highway this current development should also contribute on a level reflecting the previous one, adjusted for inflation. In total, this equates to £110,000.

### Layout

The carriageway widths within the site are acceptable and will be to adoptable requirements and there will be adequate turning areas for larger vehicles. There is also adequate parking for each unit including cycle parking for the apartments.

The Cardway Cartons site to the east forms part of the Local Plan site and pedestrian connections to this should be safeguarded should this residential site come forward in the future. These connections should therefore be conditioned.

### Conclusion

The Councils Highways Engineer therefore raises no objection to the application. The proposal is therefore considered to comply with Policy SD1, CO2 of the CELPS and TTS2, CW3 of the ANP

### **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.

Emerging Policy ENV 6 advises that development proposals should seek to retain and protect trees, woodlands and hedgerows.

The site is located to the south of the railway line and comprises of the southern section of strategic site LPS 21 (Twyfords and Cardway Site). The area is extensively colonised by young to semi mature naturally regenerated native species trees, none of which are afforded any statutory protection.

This full application has been supported by an Arboricultural Impact Assessment (JC/354/230328) dated 28th March 2023. The principle of the loss of young to early mature, relatively low-quality tree cover on this site is accepted to accommodate development. However as submitted the report does not quantify the extent of losses for the purpose of evaluating whether adequate mitigation is being offered in the context of proposed landscaping including the enhancement of existing boundaries and the provision of new tree planting in open space areas.

Tree cover along the northern boundary is shown for retention with tree protection and an associated construction methodology to address new surfacing within the RPAs (root protection areas) is proposed. It is noted that the Tree Protection Plan is annotated to indicate that additional works will be required to the south of trees located along the northern boundary (graded slope). The raising of levels should be avoided within the RPAs of retained trees and while it is suggested that the exact detail will be dealt with by condition, it is recommended that a levels condition is applied to demonstrate the feasibility of retaining the trees along the northern boundary.

Given the extent of tree removals it is considered that the retention of the trees along the northern boundary is a priority to maintain some form of screening between the development and the railway line.

The Biodiversity Impact Assessment suggests that tree loss has been accounted for and that the development will deliver BNG in accordance with national and local planning policy irrespective of the extent of vegetation loss proposed.

Subject to confirmation that tree loss has been accurately accounted for within the BNG calculations and that the replacement planting as indicated on the Landscape Plan adequately demonstrates appropriate mitigation for tree losses and accordance with Policy SE5 the Councils Forestry officer raises no objection to the proposal.

The proposal therefore complies with Policies SE5 of the CELPS, ENV6 of the SADPD, NB4 of the ANP.

## **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.

## **Connections**

The scheme makes use of the existing access points from Talke Road.

The access road terminates at the Western edge of the site, where the existing allotment access sits.

To the East of the site, future links through to the Cardway site have been indicated – with a focus on pedestrian/cycle routes to provide better connections to the wider area.

## **Facilities & services**

There are a few smaller shops/restaurants in the surroundings, though further facilities are available closer to the centre of Alsager which is roughly 1km from the site entrance.

Public transport

The entrance to the site is around 600m from Alsager train station, allowing for easy access to public transport and links to the wider region. Additionally, bus stops along Talke Road service bus route 317 between Leighton Hospital, Sandbach, and Alsager.

### Housing mix

The scheme is for 68 affordable units, with a mix of detached, semi-detached, terraced and apartment units. There are no design concerns with the proposed mix, and the variety of units is generally supported.

### Character

The proposed scheme incorporates modular elements, based on pre-existing house types. It is noted that the modular basis of the design partially necessitates pre-designed units as a baseline, with room to adapt to the context. As such, the question here is whether the modular houses sufficiently reflect the local context and contribute to the sense of place within the development.

The properties at corner plots are predominantly devoid of any windows/features to help properties turn the corner as advocated in Figure iii:01 and Table iv:01 of the Design Guide SPD and results in large expanses of brick work in prominent locations which would not result in an attractive visual appearance.

The layout also fails to provide focal point buildings for long stretches of road/views as advocated in para iii|44 of the Design Guide SPD to frame views and aid legibility.

Perimeter blocks of buildings are also dominated by parking/rear boundary fencing which is contrary to the aims of para ii|29 of the Design Guide SPD which requires the creation well defined urban blocks with clear outward looking public fronts.

Some plot also have their rear boundaries and boundary treatments backing onto the street scene contrary to para ii|151 of the Design Guide SPD.

The internal road design is considered to be over-engineered with footway provision and the lack of shared surfaces.

### Context

The scheme results in the loss of the existing green space, though it is noted that the intent behind the design is to provide higher quality green space across the site – with both the green heart and spine contributing to the open space. In design terms this is positive, though there is potential for further improvement. Whilst the revised scheme has extended the size of the 'Green Heart', there is a concern regarding the lack of a legible pedestrian route through the centre of the site. It is noted that there are informal routes across the lawn area to the north, however there is no dedicated route outside of the play area. Whilst the play area technically bridges the gap between the West and East of the site, the gates on either end and the need for safety sit at odds with the need for a legible pedestrian route. Incorporating a separate pedestrian route across this space is necessary to ensure that safe pedestrian access is available.

As part of the landscaping strategy, there is potential for the inclusion of Sustainable Drainage Systems (SuDS) to reduce the impact of surface water runoff. It should be noted that SuDS should be intentionally designed as part of a wider approach to water management, and the inclusion of soft surfaces doesn't make the most of opportunities for SuDS as both placemaking features and effective tools for reducing surface water run-off.

In terms of house design however it is not considered that the proposed design reflects local character or provides any local distinctiveness typical to this section of Alsager or indeed the wider area. As can be seen in the Design Guide SPD in para ii|176 notes the design cues for Alsager being Victorian villas with rows of terraces and features found include single and full height bay windows, ridge detailing and prominent, chimney stacks and properties set back behind low brick walls. These features do not appear to have been utilised here therefore it is not considered that the proposal; responds to local context of provides local distinctiveness.

### Streets and spaces

The use of a shared surface to the east is supported, reinforcing the potential of the site for pedestrian/cycle access – particularly with regards to future links to the Cardway site. The green space has pedestrian access along the front of houses and the edge of the road, allowing for better separation between pedestrian and cycle infrastructure – though it isn't clear if either is intended to be a dedicated cycle route.

There is potential for the inclusion of SuDS features such as swales and rain gardens to help define the space whilst reducing surface water runoff. This could positively contribute to the sense of place and tie into the wider landscaping strategy.

However the layout of streets appears very overengineered with large unnecessary areas of roadways and pavements, in some cases footways on both sides of the road where single footway would suffice and area of footway towards the rear of cul-de-sacs where it appears unnecessary. The result of which results in an overengineered appearance dominated by large areas of tarmac.

### Wayfinding

The landmark buildings positively impact wayfinding across the scheme, and the green spine helps to define the key route through the site.

Corner turning opportunities are somewhat well considered, with some dwellings rotated to address the primary route whilst introducing elements such as bay windows to provide a level of activity across two elevations.

### Car parking

The revised scheme has removed two units, allowing for a greater degree of visibility and permeability across the rear parking court to the south. This is further improved by the increased separation distances between the terraced units, helping to further improve the levels of passive surveillance and permeability. Further revisions have moved the parking at the corner of the Signal House.

However many of the streets would be dominated by frontage parking, in particular just off the site entrance. This does not result in very attractive street scenes and is contrary to the aims of para ii|71 of the Design Guide SPD.

### Public and private space

The rear of the apartment block has been revised to incorporate further detailing and a climbing plant wall, helping to contribute to the sense of place within the amenity courtyard.

### External Storage

Bin stores are indicated on the site plan, with a mix of front and rear storage.

### Conclusion

The site appears overengineered with large unnecessary areas of road/footways, street scenes dominated by frontage parking, poor outlook of parking to permitter blocks, lack of feature buildings on focal points, lack of building suitable for turning corners and rear boundaries prominent in the street scene. Until these issues have been addressed, the proposed is unsupportable from a design perspective.

As such the proposal is considered to be contrary to Policies SD1, SD2 SE1 of the CELPS, GEN1 of the SADPD, H6 of the ANP & the Cheshire East Urban Design Guide.

## **Ecology**

### Ecological Network

The application site is located within a Restoration Area of the CEC Ecological Network. SADPD policy ENV1 requires development proposals within Restoration Areas to increase the structural connectivity between stepping- stone sites. As the proposed development would result in the loss of existing habitats on site the Biodiversity Metric as discussed below should be used to determine whether the proposals comply with this requirement by increasing the quality of available habitat.

### Other Protected Species

No setts were recorded during the submitted survey. Other protected species are active in this locality. The Councils Ecologist advises that based upon the current status of other protected species on site, the proposed development is likely to result in a minor adverse impact as a result of the loss of occasionally used foraging habitat.

As the status of other protected species on a site can change in a short timescale, The Councils Ecologist recommends that if planning consent is granted a condition should be attached which requires the submission of an updated survey prior to the commencement of development.

### Nesting Birds

The Councils Ecologist advises that the application site is likely to support breeding birds, potentially including more widespread priority bird species, which would be a material consideration for planning.



The loss of scrub habitats on site is likely to result in a localised adverse impact upon breeding birds. If planning consent is granted it must be ensured that adequate compensatory habitat is provided for the loss of scrub habitat at this site. This can be determined using the Biodiversity Metric as discussed below. If consent is granted a condition is also required to safeguard nesting birds.

### Lighting

Whilst the application site offers limited opportunities for roosting bats, bats are likely to commute and forage around the site to some extent. To avoid any adverse impacts on bats resulting from any lighting associated with the development the Councils Ecologist recommends that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the local planning authority.

### Biodiversity Net Gain

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity and ENV2 requires developments to achieve a Biodiversity Net Gain. In order to assess the potential losses and gains of biodiversity resulting from the development the applicant has submitted a report of an assessment undertaken using the Defra biodiversity version 4.0 'metric' methodology.

The submitted metric calculation shows a net gain for biodiversity of 12.31 units (3.42%). There is only very limited existing hedgerow habitats are present on site consequently the hedgerows proposed as part of the landscaping scheme for the development therefore delivers a net gain for hedgerows.

The Biodiversity Net Gain metric however shows that the metric 'trading rules' are not satisfied, this occurs when there is failure to replace lost habitats with new habitats of the required type or quality. In this instance this has occurred due to the loss of scrub from the site, which is not being replaced by similar or higher value habitat. Schemes that fail to comply with the trading rules cannot be said to achieve a net gain. The Councils Ecologist therefore recommends that the landscaping scheme and Biodiversity Metric calculation be revised to avoid down-trading errors despite the overall calculation showing a net gain. If this cannot be achieved on site, offsite habitat creation proposals will be required.

If sufficient habitat cannot be provided on-site to deliver a net gain for biodiversity off-site habitat delivery will be required. This could be achieved on land within the control of the applicant or through the purchasing of BNG units from a suitable provider.

The applicant has confirmed that there is no opportunity to make any further enhancements on site and therefore they need to look at either off-site improvements, or the purchase of BNG credits. This has been agreed in principle by the Councils Ecologist as this is the approach to mandatory BNG some a similar approach can be adopted here. Final details will be provided in the update report.

If planning consent is granted a condition will be required requiring the submission of a 30-year management plan to ensure the proposed on-site biodiversity benefits are delivered.

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the development in accordance with Local Plan Policy SE 3.



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

Subject to the suggested condition the proposal would appear capable of being provided with significant ecological impact, BNG would need to be secured through either off-site improvements or the purchase of BNG credits which could be secured by condition requiring the applicant to enter into a section 106 agreement to deliver BNG.

## **Flood Risk**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps with a low probability of flooding from rivers and the sea. However, as the site area is over 1 hectare, a Flood Risk Assessments (FRA) is required.

An FRA has been provided and concludes as follows:

- The proposed drainage network manages surface water run off up to the 100 year plus 45% climate event with no discharge exceeding 10l/s.
- Long terms storage is provided within the oversized sewer network and attenuation storage tanks and run off rates are controlled through inclusion of flow controls.
- The proposed drainage network includes SUDS as far as practicable given the nature of the site.
- Through the implementation of the proposed drainage strategy the site does not increase flooding within or downstream of the catchment.
- The proposed drainage network is considered to satisfy the requirement of local and national planning policy.

The LLFA have been consulted who have requested further information regarding the hydraulic calculations, permeable paving areas, updated plan with finish floor levels, private network connections to permeable paving, impermeable area plan and exceedance flow plan. This has been requested from the applicant and when received will be provided in the update report along with formal comments of the LLFA.

United Utilities have been consulted and have raised no objection subject to conditions requiring compliance with the submitted FRA, drainage strategy and SUDS.

As a result, it is not possible to conclude the drainage/flood risk impacts at this time. Further consideration will be provided in the update report.

## **Viability**

The proposal requires the following contributions to off-set the impacts of the development:

- Provision of 30% affordable units on site
- Contribution of £241,612.28 towards secondary education and SEN
- Contribution of £110,000 for highways improvements in the Alsager area
- Contribution of £81,122 towards Cedars Medical Centre and Merepark Medical Centre

- Contribution of £103,259.64 for outdoor sport and recreation

The proposal will provide 100% affordable housing so would provide its affordable housing contribution. However, the application is supported by a Viability Assessment undertaken by Roger Hannah Ltd (RH), which concludes that the proposal is not able to deliver any of the other contributions as noted above.

This Council instructed Keppie Massey (KM) to undertake an independent review of the viability assessment. This resulted in an updated assessment from RH which was re-evaluated by KM. A summary of their findings/conclusion are noted below:

The main area of difference relating to the applicant's viability assessment was the benchmark land value (BLV). The applicant had not addressed the mandatory requirements contained in the RICS Professional Standard Financial viability in planning: conduct and reporting whereby the applicant must confirm the existing use value (EUV), the landowner premium and supporting evidence.

Roger Hannah (RH) confirm that they have adopted an EUV based on agricultural land values at £10,000 per acre. This is applied to the gross site area of 6.13 acres to give an EUV for the site of £61,300. In terms of the landowner premium, they have adopted a figure of £140,000 applied to the gross site area which equates to £858,200. Overall, the BLV is £920,000 which equates to £150,000 per acre or 15 times EUV applied to the overall site area.

It is worth remembering that the viability appraisal acknowledges that the site in its existing use is effectively scrub land. Therefore, it does not have an EUV based on values for prime arable land at £10,000 per acre. The Q4 2023 Carter Jonas Farmland Market update confirms that value for low quality pastureland in the northwest is £6,500 per acre. Given the lack of use, overgrown nature of the land, its quality and also the constraints of the subject site KM would expect a further discount to this figure. Their judgement is that based on these circumstances an EUV in the region of £5,000 per acre would be reasonable in this case.

For a greenfield site the landowner premium is typically based on a multiple of EUV. The premium is also only normally applied to the developable area of the site which in this case is 4.5 acres. A landowner premium of between 10 and 15 times EUV is typically applied to greenfield sites however the PPG is quite clear that the BLV should reflect the implications of abnormal costs and site-specific infrastructure costs. RH have provided no explanation of how abnormal costs have been taken into consideration in their assessment of the landowner premium and BLV. Therefore, KM question whether RH have in fact considered this at all.

The abnormal costs associated with the site are £1,724,522 which equates to £383,227 per net developable acre or £24,636 per plot. This is a significant cost and should rightly be reflected in the BLV assessment. Having regard to the quantum of abnormal costs KM consider a multiplier that is below the typical range would be appropriate and hence taking all factors into consideration KM have adopted a multiplier at 8 x EUV applied to the net developable area. KM assessment of the BLV is therefore as follows:

BLV (applied to developable area)	$£5,000 \times 8 \times 4.5 \text{ acres} = £180,000$
Undevelopable area	$£5,000 \times 1.63 \text{ acres} = £8,150$

Total BLV = £188,150 which KM have rounded to £190,000.

Absent of a satisfactory explanation of the BLV from the applicant KM adopted a BLV of £1 in their previous advice. Based on this, the appraisal from February demonstrated that the scheme could support a total S106 contribution of £145,405. Having considered the explanation provided by RH as to how they have assessed the BLV, KM conclusion is that a BLV at £920,000 is too high. A realistic assessment of the BLV in this case would be £190,000. KM have therefore prepared a further appraisal to understand the impact on viability and planning contributions of a BLV at £190,000. The appraisal that KM have prepared excludes any planning contributions. The residual land value generated by the appraisal is only £142,729 compared to the BLV of £190,000. This demonstrates that even absent of planning contributions the residual land value generated by the appraisal is less than the BLV.

RH have now provided an explanation of their approach to assessing the BLV. KM consider that there are deficiencies in the approach that they have taken and as a result the BLV is overstated. Taking a more realistic position KM have assessed the BLV to be £190,000. Adopting this BLV KM have prepared a revised appraisal for the application scheme this demonstrates that absent of planning contributions the residual land value generated by the appraisal is £142,729 which is less than the BLV. Therefore, KM conclude that the application scheme is not therefore sufficiently viable to support any planning contributions.

#### Officer appraisal of viability

Given that the scheme has been found to be financially unviable to deliver any contributions by RH and the independent assessment by KM, the Council have no reason to dispute this and therefore weight shall be attached to this in the overall planning balance.

However, whilst the viability of the scheme is not contested the proposal would not mitigate the full impacts of the proposal in terms of education and NHS provision and highway improvement works with the impact of such being felt by the local community and ultimately Cheshire East would be left to fund the shortfall which is contrary to Policies SD1, SD2, IN1, IN2 of the CELPS and TTS6 of the ANP.

This also needs to be weighed in the planning balance.

#### Assessment of Policy LPS 21

Policy LPS 21 – Twyford and Cardway, Alsager, advises that development over the Local Plan Strategy period will be achieved through:

1. The delivery of around 550 new homes;

**COMPLIES** – the proposal would be under the 550 target taking into account other consented sites

2. Retention of existing office development (approximately 3,000 square metres);

**COMPLIES** – proposal would not result in the loss of the existing office development.

3. Incorporation of green infrastructure;

**COMPLIES** – there is sufficient green infrastructure within the site.

4. An appropriate level of amenity open space and children's play space;

**COMPLIES** – complies for the site when considered in isolation.

5. Potential to include:

- i. An extra care development providing housing for the older population.
- ii. Appropriate retail provision to meet local needs.

**NEUTRAL** – Does not provide extra care development but does provide some adaptable dwellings. Retail element has been met on the site to the north

6. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities, including improved pedestrian links to the town centre, the railway station and Talke Road.

**COMPLIES** – provides new pedestrian links to Talke Road

7. Open space provision to accommodate the need for enhanced or new indoor and outdoor sports facilities to accommodate the additional demand from the housing. Provision should be in accordance with an adopted up to date and robust Playing Pitch Strategy and Indoor Sports Strategy.

**CONFLCITS** – the proposal requires a contribution of £103,259.64 for outdoor sport And recreation. However for viability reasons, the scheme is unable to deliver any contributions

#### Site Specific Principles of Development

- a. Contributions to improvements to town centre accessibility.

**CONFLICTS** – the proposal would not provide the contribution towards highway improvement/accessibility

- b. The existing open space on the Cardway site will be substantially retained or improvements made to the overall open space provision in Alsager.

**CONFLCITS** – the proposal would result in the loss of just over half of the existing protected open space and due to viability would not be able to provide provision elsewhere in Alsager to mitigate the loss

- c. Retention and incorporation in any development of the woodland areas to the north and east of the site.

**COMPLIES** – removes planting but not to site boundaries

- d. Further archaeological investigation on the site shall be carried out in relation to the heritage asset in the north east area of the site.

**NEUTRAL** – the application site relates to the southern part of the site

- e. Contributions towards or delivery of improvements to junctions within the town, bus services and public transport facilities to and from the site, including bus stops, and a new or extended Alsager town centre bus service to and from the site.

**CONFLICTS** – the proposal would not provide the contribution towards highway improvement/accessibility

- f. Contributions to education and health infrastructure.

**CONFLICTS** – the proposal would not provide contributions towards education or health infrastructure

- g. The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC 5 'Affordable Homes'.

**COMPLIES** – the proposal would provide 100% affordable housing

- h. Contributions towards improvements to the public right of way and informal path to Alsager Railway Station.

**NEUTRAL** – This was provided as part of the Twyfords Housing site

- i. The site will be developed only where it can be demonstrated that there is no adverse impact on the Midland Meres and Mosses Phase 2 Ramsar and Oakhanger Moss SSSI, particularly in relation to changes in water levels and quality and recreational pressures. This should include a Habitats Regulations Assessment of the direct and indirect impacts of the development on the features of special interest. Where impacts cannot be avoided, appropriate mitigation measures will be required to ensure no adverse effects on the integrity of sites.

**COMPLIES** – no objection raised by the Councils Ecologist. The location of this part of the site means that there is no need to consult Natural England for proposed residential development.

- i. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated. Further work, including a site investigation, may be required at a pre-planning stage, depending on the nature of the site.

**COMPLIES** – A Phase I Preliminary Risk Assessment & A Phase II ground investigation has been provided and deemed to be acceptable by the Councils Contaminated Land Officer in Environmental Protection, further conditions also required.

## **OTHER**

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

- Lack of notification – immediate neighbours were consulted, and site notice was displayed outside the site
- Contamination – to be dealt with by condition
- Units would not actually be affordable – affordability set as part of legal agreement
- Damage to exiting road network would be made worse / junction improvements – contribution requested for highway improvements
- Structural stability of the site – this would be considered with under Building Regulations
- Error in FRA – the descriptive error has no bearing on the remainder of the report
- Want a contribution for improved bus service – no contribution request by the Councils Highways Engineer
- Overlooking to 135, 167 Talke Road – proposal complies with required interface distances to prevent significant harm through overlooking
- Loss of service road for informal parking – no individual right to park on land outside of your property
- Impact to existing allotments – plans show access for allotments remaining
- Noise from construction – informative note for working hours but controlled outside of planning
- Impact on house value – this is not a consideration relevant to the determination of a planning application
- Alsager already at capacity / no heritage assessment – the site is allocated for development in the Local Plan so accepted that the site can accommodate some development
- There should be a bus route to Leighton Hospital considered – this has not been requested from the Councils Highways Engineer
- Removal of Japanese knotweed must be a condition prior to construction – this has not been requested by the Councils Ecologist

## **PLANNING BALANCE**

The site is located within the Settlement Boundary for Alsager, as such Policy PG9 of the SADPD identifies that within the Settlement Boundary proposals 'will be supported where they are in keeping with the scale, role and function of that settlement and do not conflict with any other relevant policy in the local plan'. The site also forms part of the allocation LPS21. The principle of development within the settlement boundary is therefore accepted. The proposal is also within the target housing figure of around 550 homes as per bullet point 1 under allocation Policy LPS 21.

Whilst the viability of the scheme is not contested the proposal would not mitigate the full impacts of the proposal in terms of education and NHS provision and highway improvement works with the impact of such being felt by the local community and ultimately Cheshire East would be left to fund the shortfall, which is contrary to Policies SD1, SD2, IN1, IN2 of the CELPS and TTS6 of the ANP.

The proposal fails to meet key criteria A, E, F, H within allocation Policy LPS 21

The benefits of the proposal would be the provision of 100% affordable housing and the limited economic benefits during construction. However, the weight to be given to the benefit of affordable housing provision is only moderate given that the Council is meeting and exceeding its affordable housing targets.

The proposal would not provide a suitable mix of housing and would not provide wheelchair adaptable dwellings contrary to SC4 CELPS, SADPD Policy HOU8 and H1 ANP.



The development will not result in harm to living conditions of neighbouring properties and complies with SADPD Policy HOU12. However, the proposal would not provide sufficient size of private garden areas contrary to SADPD Policy HOU13.

The proposal would not cause harm to existing landscape features and complies with CELPS Policies SE5, SADPD ENV6 & NB4E of the ANP.

The proposal would not result in any significant ecological harm and complies with CELPS Policies SE3 AND SADPD ENV1 & ENV 2.

The proposal would cause harm to the character/appearance of the area by reason of poor design contrary to CELPS Policies SE1 & SADPD GEN1, H6 of the ANP and the Design Guide SPD.

The proposal would result in the loss of an existing area of protected open space with no improvements made to the overall open space provision within Alsager contrary to Policy SE6 of the CELPS, REC1 of the SADPD, NBE1 of the ANP and the guidance within the NPPF.

The development would not have significant drainage/flood risk implications and would be compliant with CELPS SE13 & SADPD ENV16.

The proposal would not result in any severe highway impacts and complies with Policy SD1, CO2 of the CELPS and TTS2, CW3 of the ANP

In conclusion the benefits of the scheme to provide affordable housing and the limited economic benefits, would not outweigh the harm through lack of contributions to mitigate the impacts of the development, harm from a design perspective, lack of suitable housing mix and lack of wheelchair adaptable dwellings and lack of suitable private garden areas.

## **RECOMMENDATION:**

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

- 1) The proposal by not providing the policy required financial contributions towards health, education and highway improvements would not mitigate the impacts of the development on the local community. The proposal is therefore contrary to Policies SD1, SD2, IN1, IN2, SC2, SE6, LPS 21 of the CELPS and REC2 of the CELPS, H3, TTS6 of the ANP and the NPPF.**
- 2) The proposal appears cramped as nearly half (47%) of the proposed dwellings have insufficient private amenity space which would not result in the creation of a suitable living environment for future occupiers. The proposed development is contrary to Policies SE1, SD1 and SD2 of the CELPS, GEN1 & HOU13 of the SADPD and the NPPF.**
- 3) The design and layout of the proposed development is considered to be poor and fails to take the opportunities available for improving the character and quality of the area. As a result, the proposal would not make a positive contribution to the area and would be contrary to Policy SD1, SD2, SE1 of the CELPS, The Cheshire East Design Guide SPD, Policy GEN1, HOU10 of the SADPD, H6 of the ANP and the requirements of the NPPF and the requirements of the NPPF**



- 4) The proposal would not provide a suitable mix of property types given the limited number of 1 beds and no justification has been provided for the local need for this mix of housing. The proposal also fails to provide 6% wheel chair adaptable dwellings. As such the proposal is contrary to Policy SC4 of the CELPS, HOU8 of the SADPD, H1 of the ANP and guidance contained within the NPPF.
- 5) The proposal would result in the loss of an existing area of protected open space with no improvements made to the overall open space provision within Alsager. As a result the proposal is contrary to Policy SE6 of the CELPS, REC1 of the SADPD, NBE1 of the ANP and the guidance within the NPPF.

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:

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	100% on site provision	In accordance with phasing
<b>Education</b>	£241,612.28 towards secondary education and SEN	To be paid prior to the occupation of the 34th dwelling
<b>NHS</b>	£81,122 to support Cedars Medical Centre and Merepark Medical Centre	To be paid prior to the occupation of the 34th dwelling
<b>POS</b>	6,252m <sup>2</sup> of combined amenity and play provision on site  £103,259.64 for outdoor sport contribution Recreation	To be paid prior to the occupation of the 34th dwelling



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23/2129C

HOUSING DEVELOPMENT  
SITE

LINLEY ROAD

ALSAGER





**Notes**

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**Refer to landscape architect drawings:**  
Landscape GA Plan - 200000  
Landscape Planting Plan - 210000  
Hardscape Plan - 200300

Footpath to south side of mews street for future connection to Cardway site. (Pedestrian access)

P6	05.07.24	PLANNING UPDATES	JR
P5	14.03.24	PLANNING UPDATES	JR/JP
P4	25.05.23	PLANNING ISSUE	JR/GH
P3	29.03.23	PLANNING ISSUE	JR/GH
P2	22.03.23	Draft Planning Issue	JR
P1	10.03.23	Draft Planning Issue	JR
Rev	Date	Description	Drawn / Checked

Project name

## LINLEY ROAD PLUS DANE

Drawing number

3845A - LB - LR - 00 - D - A - 110000 **P6**

Drawing

### Proposed Site Plan FOR PLANNING

Purpose of issue

Scale  
1 : 500 @ A1

Client  
Plus Dane

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+44 (0)161 669 6740

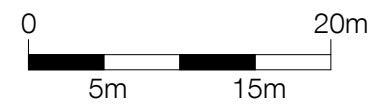
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House Types Schedule - Proposed Site Plan		House Types Schedule - Proposed Site Plan		House Types Schedule - Proposed Site Plan	
Dwelling Sub-Type	Count	Dwelling Sub-Type	Count	Dwelling Sub-Type	Count
A1	3	Cardinham-D	3	Rockingham-A	3
A2	1	Cardinham-E	1	Rockingham-A.w	1
B1	2	Holt-A	5	Thetford-A	8
B2	2	Holt-A.w	1	Thetford-A.w	3
B3	1	Holt-B	2	Thetford-B	6
C1	1	Holt-C	5	Thetford-B.w	6
C2	1	Holt-C.w	4	Grand total: 68	
Cardinham-A	1	Holt-D	5		
Cardinham-B	2	House Type A - Signal House	1		

Dwelling Sub-Types		Dwelling Sub-Types		Dwelling Sub-Types	
A1	Cardinham-D	Holt-C	Rockingham-A.w		
B1	Cardinham-E	Holt-C.w	Thetford-A		
B2	Holt-A	Holt-D	Thetford-A.w		
Cardinham-A	Holt-A.w	House Type A - Signal House	Thetford-B		
Cardinham-B	Holt-B	Rockingham-A	Thetford-B.w		

Landscape Features		Highways Adoption	
Proposed trees	Existing trees to be retained	Extent of proposed highways adoption zone - where zone is planted	
Existing trees RPA			

Public Open Space 6252m<sup>2</sup>







1 | Landscape GA Plan  
1 : 500

**LEGEND**

Site Boundary

Extent of proposed highways adoption zone where zone is planted (white dash)

Existing tree to be retained RPZ (grey dash)

Proposed tree

**SOFTSCAPE LEGEND**

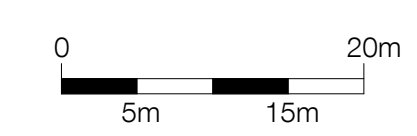
- PL01- Main Entrance Mix
- PL02- Street Mix
- PL03 - Apartment Block Mix
- PL04 - Northern buffer Mix
- PL05 - Green Spine Mix
- PL06 - Courtyard Parking Mix
- PL07- Wildflower meadow grassland
- PL08 - Climber Mix
- PL09 - Green Heart Mix
- PL10- Lawn
- PL11- Native hedgerow
- PL12- Scrub Mix

Please read in accordance with 3845A Plant schedule for detailed planting species for each mix.

**HARDSCAPE LEGEND**

- P01-Bitmac Carriageway and Parking
- P02- Asphalt
- P03 - Concrete Setts (in roads)
- P04 - Concrete Sett Paving (front paths)
- P05 - Rubber mulch play surface. Mixture of shredded and EPDM rubber crumbs. Range of colours

Cellweb required in key locations to protect existing tree RPAs. Refer to drawings by Jon Coe Tree Consultancy



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**NOTE**

Refer to Sutcliffe drawings for proposed highways work, proposed drainage and levels, further detail will be submitted as part of S278works application post planning

Refer to Rachel Hacking Ecology report for BNG calculation and ecological assessment

Refer to Jon Coe Tree AIA and tree constraint plan for existing trees to be removed or retained and the cellweb detail

External lighting design will be developed post planning

Ecological enhancement to be detailed with ecologist post planning.

P7	05/07/24	PLANNING ISSUE	EK/KD
P6	27/06/24	Public Open Space Edits	EK/KD
P5	14/03/24	PLANNING UPDATES	EK/KD
P4	25/05/23	PLANNING ISSUE	EK/JR
P3	29/03/23	DRAFT PLANNING	EK/DL
P2	22/03/23	DRAFT PLANNING	EK/DL
P1	14/03/23	Coordination	EK/DL
Rev	Date	Description	Drawn / Checked

Project name

**LINLEY ROAD  
PLUS DANE**

Drawing number

3845A - LB - ZZ - XX - DP - L - 200000

Drawing

Landscape GA Plan

Purpose of issue

For Information

Scale

As indicated @ A1

First issue date

29/03/23

Client

PLUS DANE

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**Levitt Bernstein**  
levittbernstein.co.uk



GENERAL NOTES

THIS DRAWING SHOULD NOT BE SCALED FROM. ALL DIMENSIONS SHOULD BE TAKEN FROM RELEVANT DRAWINGS. IF NO DIMENSIONS ARE AVAILABLE, THEN THE ENGINEER SHOULD BE CONTACTED FOR ADVICE.

ALL DIMENSIONS SHOULD BE CHECKED ON SITE AND ANY DISCREPANCIES SHOULD BE REPORTED TO THE ENGINEER PRIOR TO COMMENCEMENT OF WORKS.

ALL WORKS RELATING TO PROPOSED SEWERS SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE DESIGN AND CONSTRUCTION GUIDANCE FOR FOLL AND SURFACE WATER SEWERS OFFERED FOR ADOPTION UNDER THE CODE FOR ADOPTION AGREEMENTS FOR WATER AND SEWERAGE COMPANIES OPERATING WHOLLY OR MAINLY IN ENGLAND (THE CODE) AND SHALL BE REFERRED TO AS THE DCG.

THIS DRAWING SHALL BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DRAWINGS TO ENSURE THAT THE ADOPTED SEWERS (AS INDICATED ON THIS DRAWING) ARE CONSTRUCTED IN ACCORDANCE WITH THE DCG AND ALL STATUTORY UNDERTAKER AMENDMENTS.

THE DESIGN OF THE SEWERS AND OTHER ELEMENTS TO BE ADOPTED (AS INDICATED ON THIS DRAWING) HAVE BEEN DESIGNED IN ACCORDANCE WITH PARTS B, C AND D OF THE DCG. PUMPING STATION DESIGNS WILL BE CARRIED OUT BY A SPECIALIST THIRD PARTY.

THE CONSTRUCTION OF THE SEWERS TO BE ADOPTED (AS INDICATED ON THIS DRAWING) WILL BE ACCORDANCE WITH PARTS B TO F OF THE DCG.

THE DEVELOPER WILL REMAIN RESPONSIBLE FOR THE SEWERS TO BE ADOPTED (AS INDICATED ON THIS DRAWING) UP TO THE TIME THE SEWERS ARE ADOPTED.

IF ANY EXISTING SEWERS ARE LOCATED ON SITE DURING THE WORKS THE ENGINEER SHALL BE NOTIFIED. ANY UNKNOWN SEWERS LOCATED ON SITE SHALL NOT BE REMOVED UNTIL ADVISED OTHERWISE.

THE DEVELOPER SHALL PROVIDE AN AS-BUILT SURVEY OF THE DRAINAGE TO THE ENGINEER UPON COMPLETION OF WORKS SO THAT AN AS-BUILT RECORD DRAWING CAN BE PREPARED.

THE DEVELOPER SHALL PROVIDE A CDM HEALTH AND SAFETY FILE IN ACCORDANCE WITH THE GUIDANCE PROVIDED IN APPENDIX 1 OF THE DCG.

**PRIOR TO CONSTRUCTION THE CONTRACTOR IS TO ENSURE THAT THE PROPOSED DRAINAGE DOES NOT CLASH WITH THE EXISTING SERVICES. THE CONTRACTOR IS TO ALLOW FOR THIS PROVISION WITHIN THE TENDER SUM.**

**THE CONTRACTOR SHALL BE RESPONSIBLE FOR ATTAINING ALL NECESSARY APPROVALS FOR ANY SERVICE DIMENSIONS REQUIRED TO FACILITATE THE PROPOSED WORKS.**

**S104 DRAINAGE KEY**

- SITE BOUNDARY
- NEW S104 COMBINED SEWER
- NEW S104 SURFACE WATER SEWER
- NEW S104 FOLL WATER SEWER
- PROPOSED SURFACE WATER RISING MAIN
- NEW MANHOLE - REFER TO PLAN FOR SIZE
- EX COMBINED DRAIN/SEWER
- EX SURFACE WATER DRAIN/SEWER
- EX FOLL WATER DRAIN/SEWER
- EX DRAINAGE TO BE ABANDONED
- SURFACE WATER PRIVATE DRAIN
- FOLL WATER PRIVATE DRAIN
- EXISTING SEWER EASEMENT

NOTE: ALL DRAINAGE CONNECTIONS SHALL BE SOFFIT TO SOFFIT UNLESS DETAILED/NOTED OTHERWISE

NOTE: NO ADOPTABLE WORKS SHALL BE CARRIED OUT UNTIL FULLY APPROVED BY ADOPTING AUTHORITY. ANY WORKS CARRIED OUT PRIOR TO APPROVAL WILL BE UNDERTAKEN AT CONTRACTORS RISK.

NOTE: CONCRETE PROTECTION SHALL BE GRADE GEN 3 (C16/C20) COMPLYING WITH BRE SPECIAL DIGEST 1.

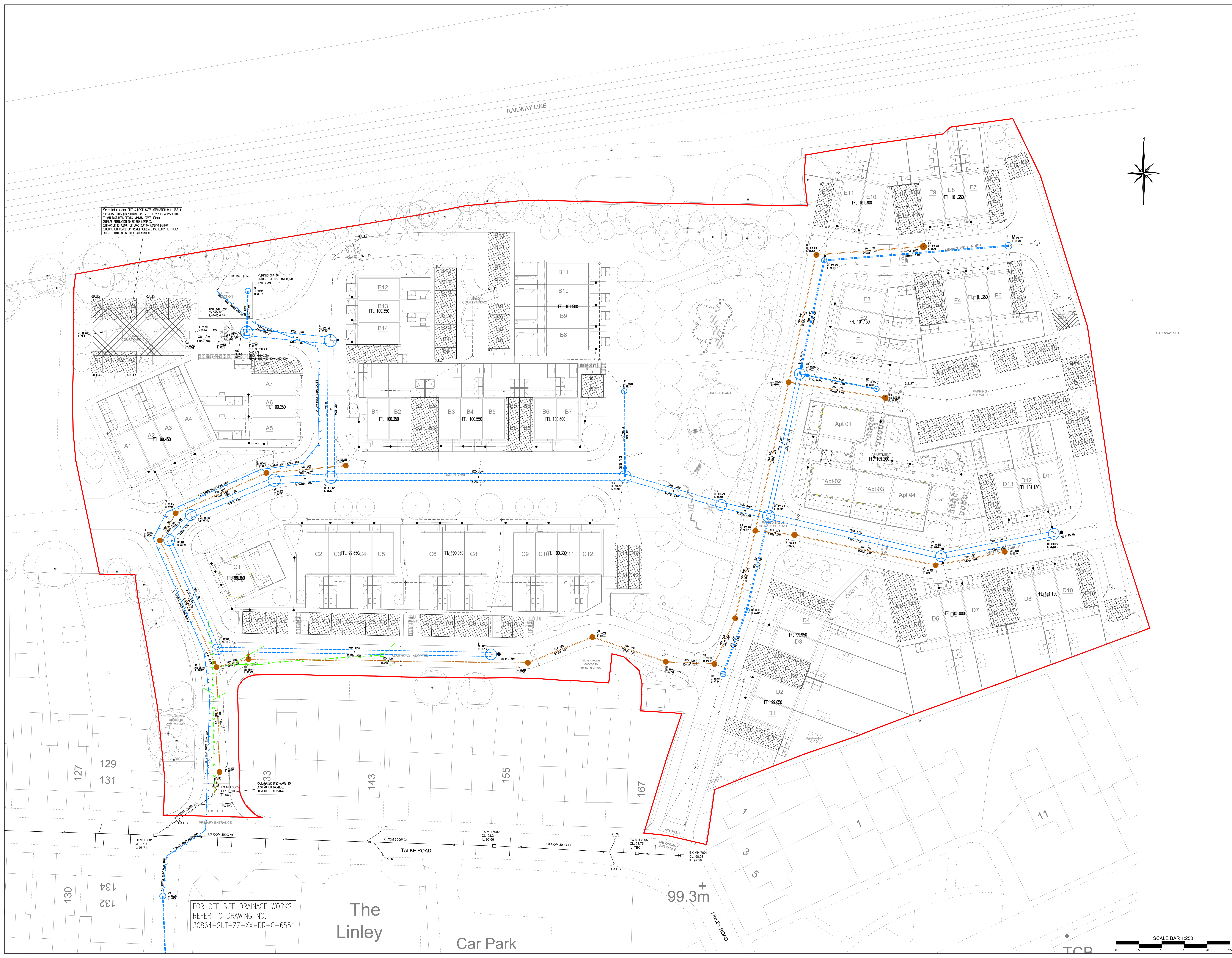
**PRELIMINARY DRAWING**

**Sutcliffe**

Client: PLUS DANE GROUP  
Project: LINLEY ROAD ALSAGER

Date	Drawn By	Checked By
JUNE 2023	AJB	DS

Scale at A0: 1:250  
Sheet Number: 30864-SUT-ZZ-XX-DR-C-6550  
Revision: P03



20m x 10m x 2.7m DEEP SURFACE WATER ATTENUATION @ L 10.1719  
POLYSTYRENE CELLS FOR SURFACES, SYSTEM TO BE VENTED & INSTALLED TO MANUFACTURER'S SPECIFIC INSTRUCTIONS. SYSTEM TO BE CONSTRUCTED TO ALLOW FOR CONSTRUCTION DURING CONSTRUCTION PERIOD OF PROVIDE ADEQUATE PROTECTION TO PREVENT EXCESS LOADING OF CELLULAR ATTENUATION

FOR OFF SITE DRAINAGE WORKS  
REFER TO DRAWING NO.  
30864-SUT-ZZ-XX-DR-C-6551

The Linley  
Car Park

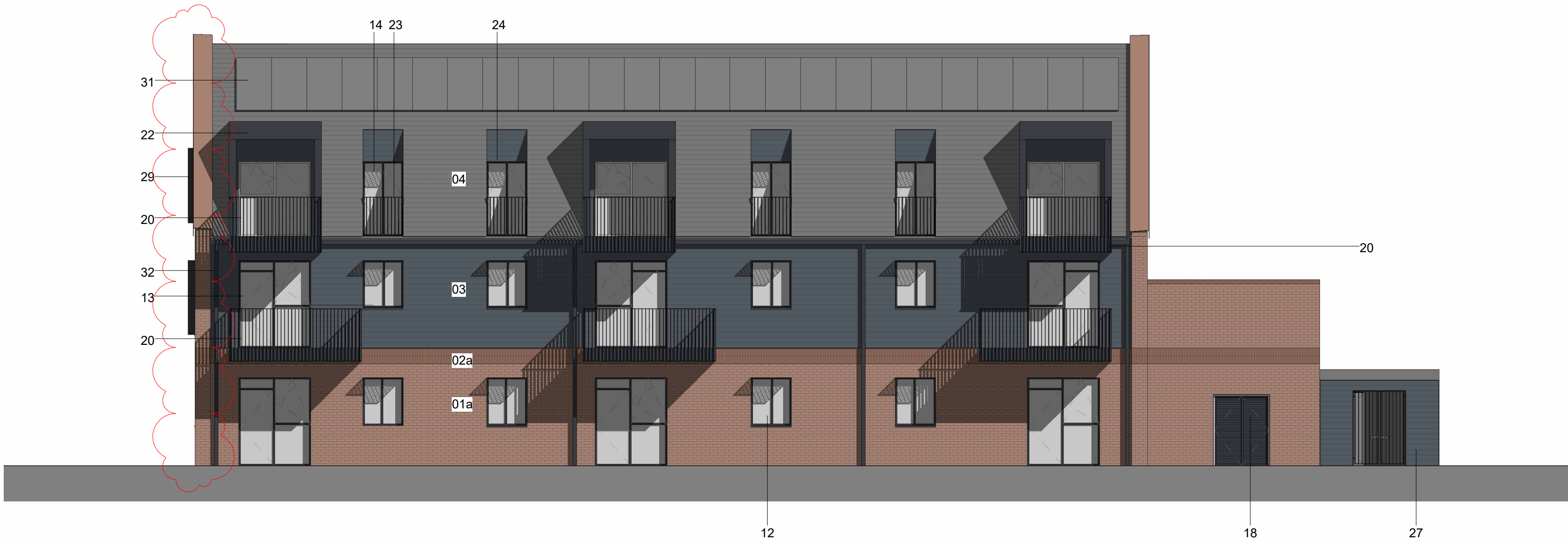
99.3m

SCALE BAR 1:250

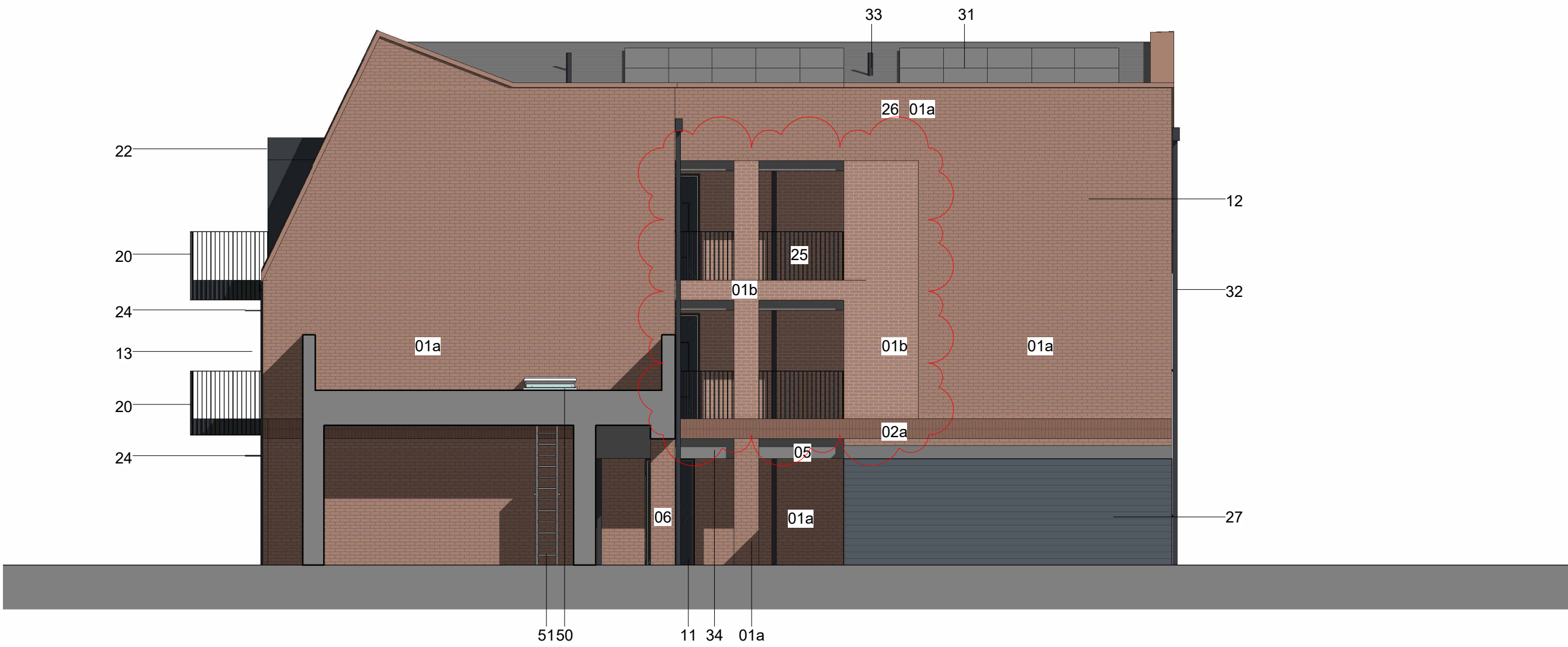




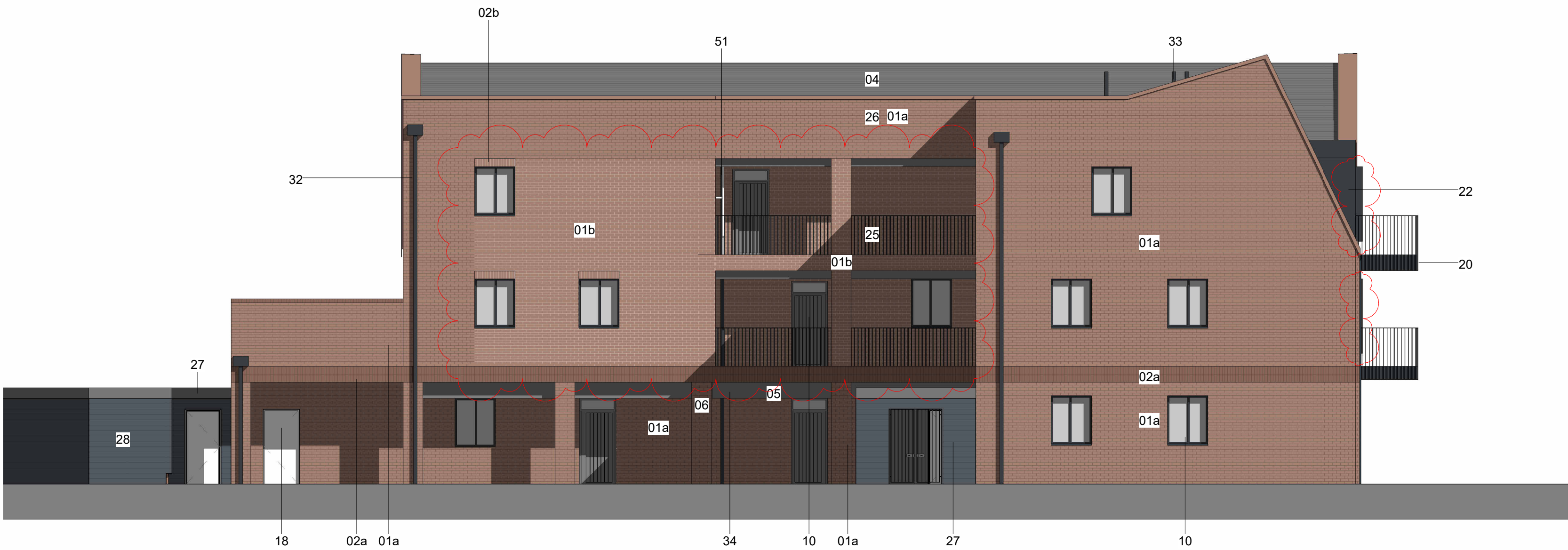
1 | External Material Intent - Elevation A -  
1 : 100



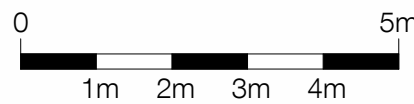
2 | External Material Intent - Elevation B -  
1 : 100



3 | External Material Intent - Elevation C -  
1 : 100



4 | External Material Intent - Elevation D -  
1 : 100



#### Notes

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#### Key

##### FINISHES

- 01a Brick – Stretcher bond - Dark mortar
- 01b Brick – Stretcher bond - Light mortar
- 02a Brick – Double soldier - Dark mortar
- 02b Brick – Double soldier - Light mortar
- 03 Weatherboard cladding
- 04 Concrete roof tile
- 05 PCC aluminium fascia
- 06 Brick encased column

##### COMPONENTS

- 10 Private external doorset
- 11 Communal external doorset
- 12 Window – residential
- 13 Patio doorset – brick reveal
- 14 French doorset
- 15 AOV window
- 16 Window – fixed
- 17 Curtain walling / Entrance doorset
- 18 Metal louvred doorset

#### ELEMENTS

- 20 Balconies with balustrade and top bar formed of 50x10 PPC MS flats.
- 21 Entrance canopy - PPC aluminium
- 22 Balcony canopy – PPC aluminium
- 23 Juliet balcony balustrade formed of 50x10 PPC MS flats
- 24 Perforated metal solar shading
- 25 Walkway balustrade and top bar formed of 50x10 PPC MS flats.
- 26 Brick parapet
- 27 Bin store
- 28 Cycle store (minimum capacity: 11 cycles)
- 29 Projecting window lining (anthracite to match window frames)

##### MEPH

- 30 Dry riser inlet
- 31 PV panels
- 32 PPC Metal RWP and hopper
- 33 SVP roof vent
- 34 MVHR vent within fascia.

##### ACCESS & MAINTENANCE

- 50 Roof access hatch
- 51 Cat ladder

#### GENERAL NOTES

- Windows / Doorsets to have brick reveals within brickwork walls and aluminium linings within weatherboard cladding.
- Landscape and boundary treatments as per Landscape Architect design

Rev	Date	Description	Drawn / Checked
P6	14/03/24	PLANNING UPDATES	JR/JP
P5	25/05/23	PLANNING ISSUE	JR/GH
P4	29/03/23	PLANNING ISSUE	JR/GH
P3	22/03/23	Draft Planning Issue	JR
P2	28/02/23	Lift removed & design updates	JR
P1	10/02/23	Preliminary	JC

Project name

**LINLEY ROAD  
PLUS DANE**

Drawing number

Rev

3845A - LB - BA - XX - D - A - 130100

P6

Drawing

Block A-GA Elevations

Purpose of issue	Suitability Code
FOR PLANNING	
Scale	Date
As indicated @ A1	FEB 23
Client	Plus Dane

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**London**  
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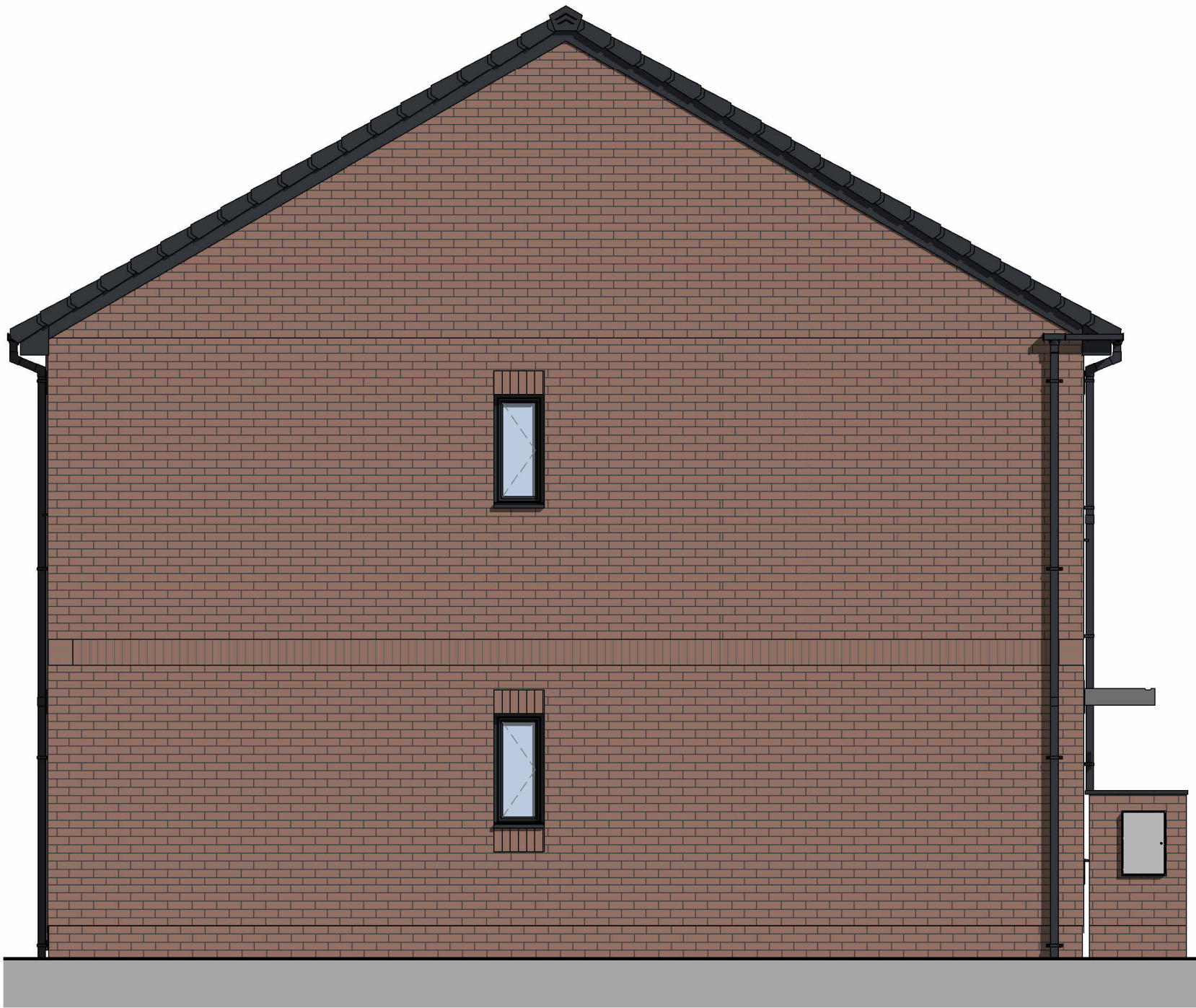
ILKE HOUSE TYPE | HOLT-A & A.w



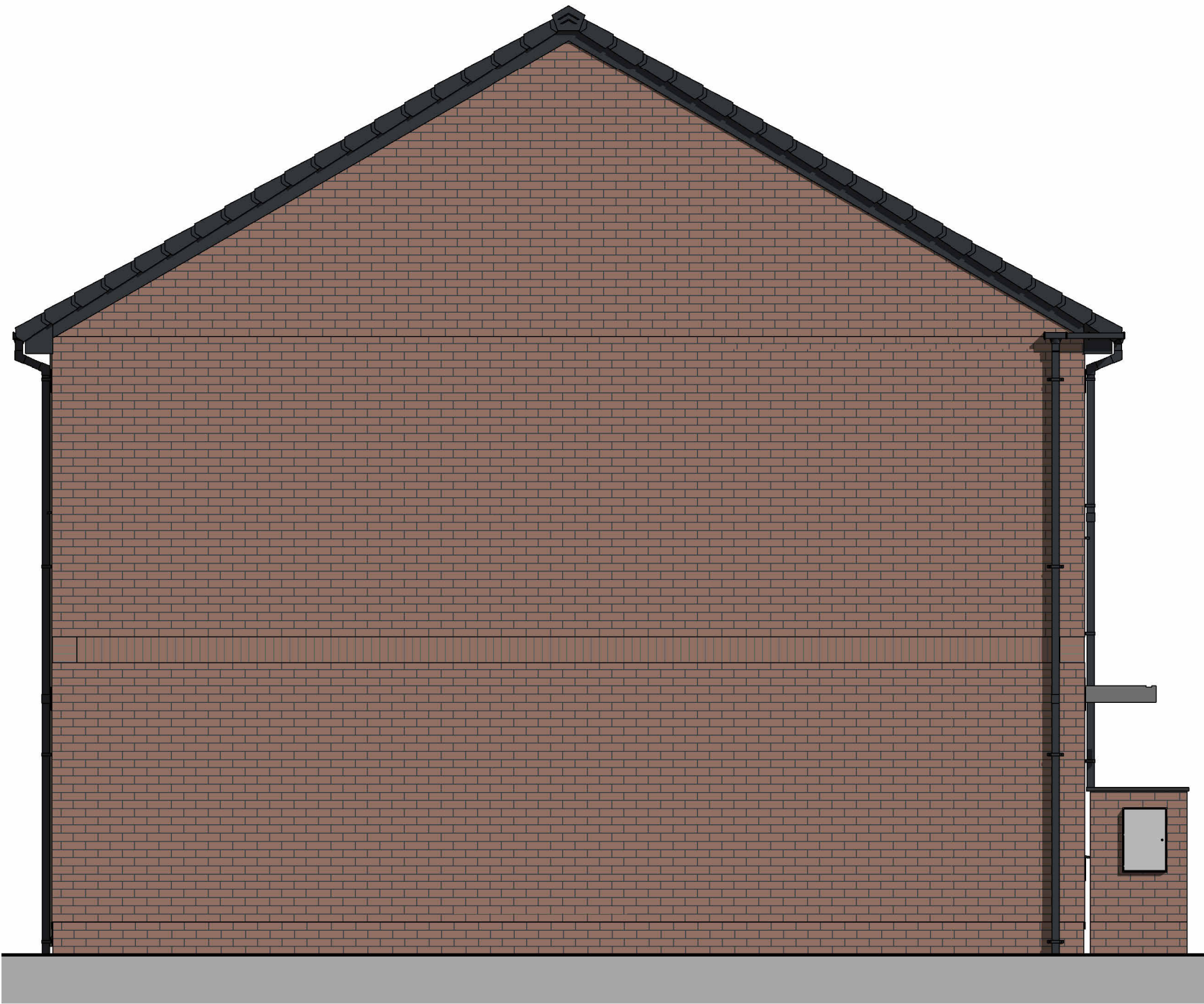
2 | Holt-A & A.w Front Elevation - Material Intent  
1 : 50



1 | Holt-A & A.w Rear Elevation - Material Intent  
1 : 50



3 | Holt-A.w Side Elevation - Material Intent  
1 : 50



7 | Holt-A Side Elevation - Material Intent  
1 : 50

Notes

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Elevation Material Key

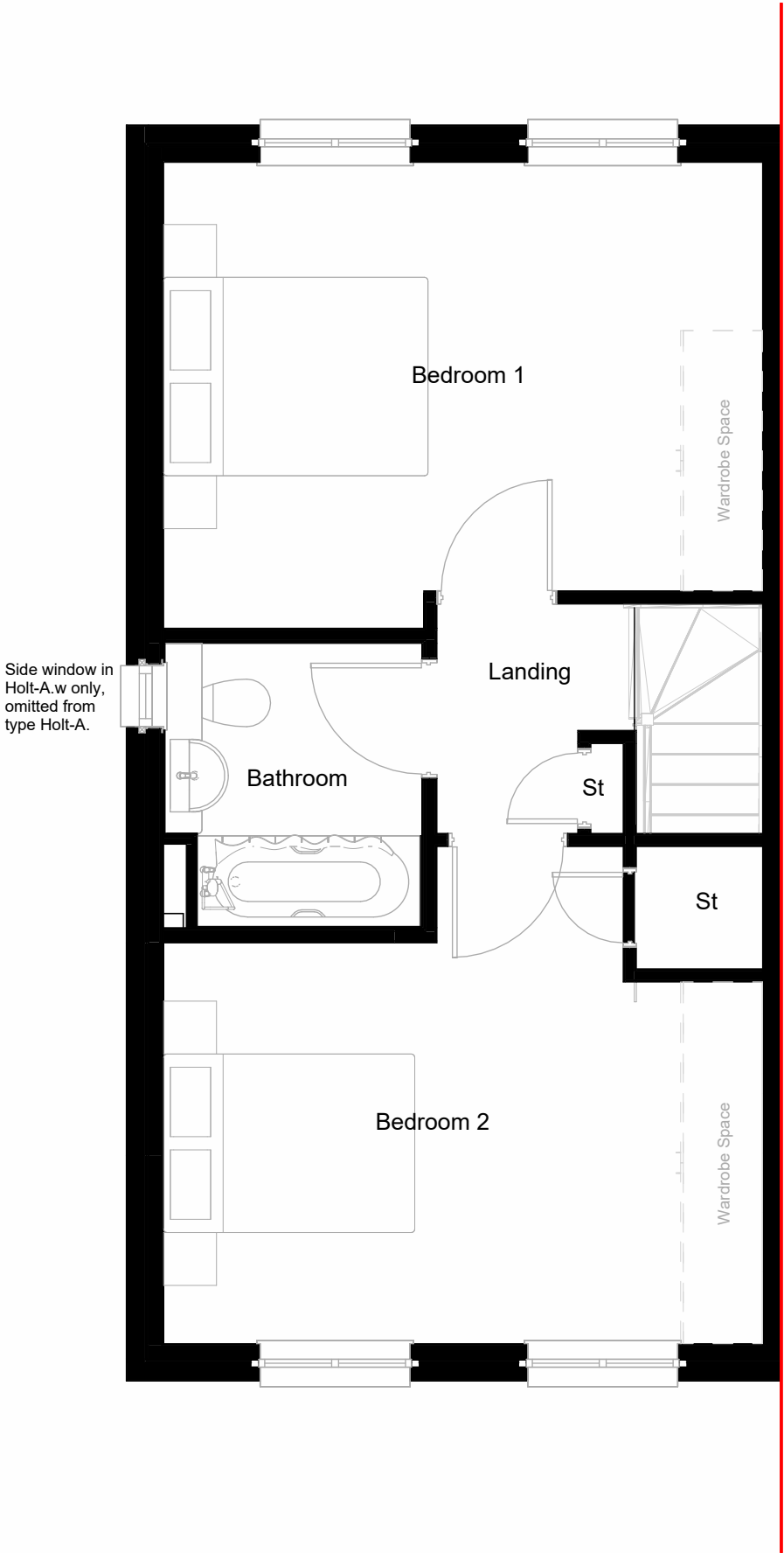
- Red brick - soldier course datum
- Red brick - stretcher course
- Render - off white
- Weatherboard - anthracite

RWP, Fascia fittings & Windows - anthracite



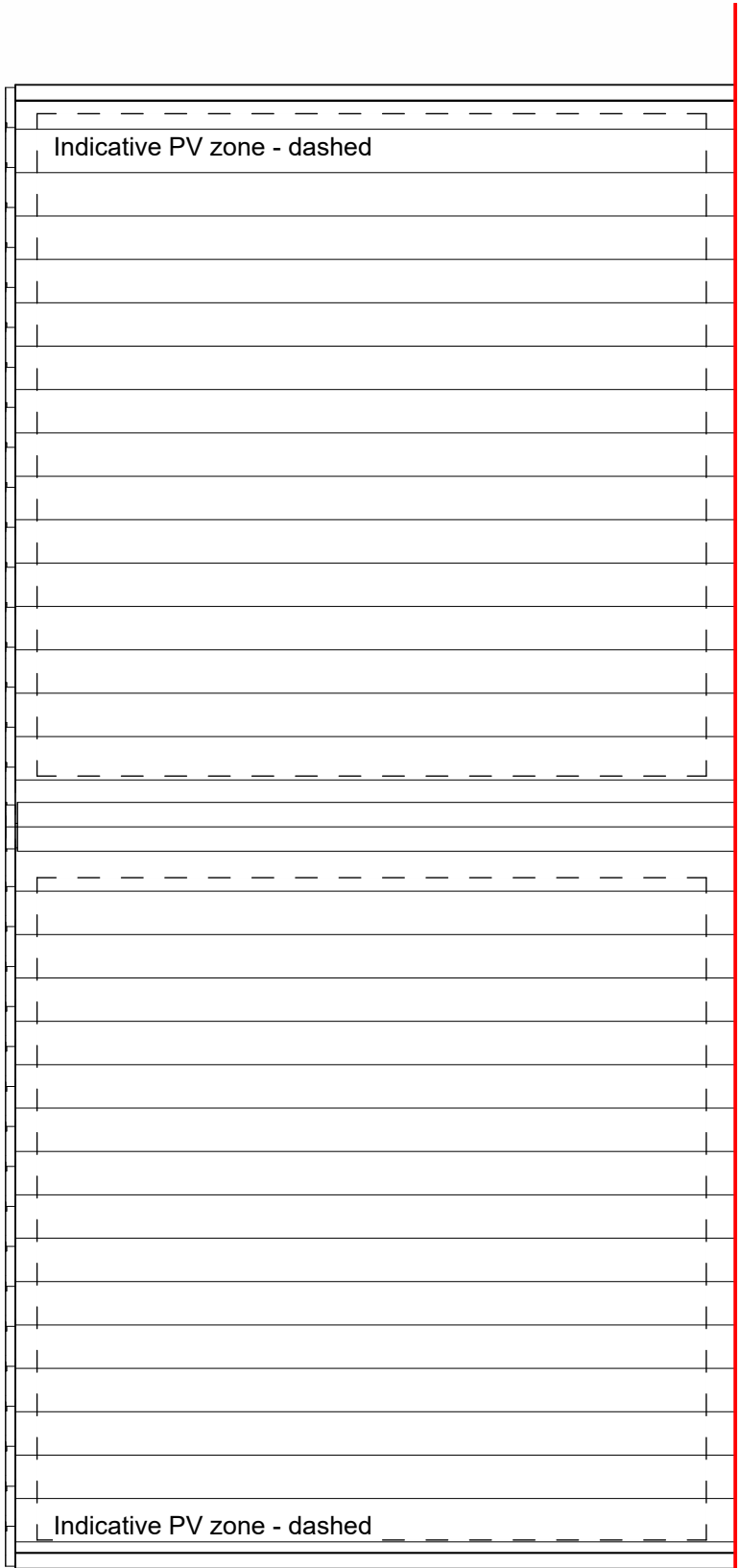
4 | Holt-A & A.w Ground Floor Plan  
1 : 50

GF



5 | Holt-A & A.w First Floor Plan  
1 : 50

1F



6 | Holt-A & A.w Roof Plan  
1 : 50

Holt-A & A.w

- End/Mid plot
- Roof: Standard 30deg
- L00 Elevation: Brick slip
- L01 Elevation: Brick slip
- Side Window: Holt-A [NO] / Holt-A.w [YES]

Holt-B

- End plot
- Roof: Front 46deg gable
- L00 Elevation: Brick slip
- L01 Elevation: Brick slip
- Side Window: No

Holt-C & C.w

- End/Mid plot
- Roof: Standard 30deg
- L00 Elevation: Brick slip
- L01 Elevation: Render
- Side Window: Holt-C [NO] / Holt-C.w [YES]

Holt-D

- End/Mid plot
- Roof: Standard 30deg
- L00 Elevation: Brick slip
- L01 Elevation: Weatherboard
- Side Window: No

Holt-E.w

- End plot
- Roof: Standard Front gable 46deg
- L00 Elevation: Brick slip
- L01 Elevation: Weatherboard
- Side Window: Yes

Area Schedule (GIA) - House Sub-Types - Holt A, A.w

Number	Ilke Sub-Type	GF Elevation	Upper Elevation.	Side Window	Upgraded acoustic trickle vents
--------	---------------	--------------	------------------	-------------	---------------------------------

A6	Holt-A	Brick Slip	Brick Slip	No	
B2	Holt-A	Brick Slip	Brick Slip	No	
B3	Holt-A	Brick Slip	Brick Slip	No	
B4	Holt-A	Brick Slip	Brick Slip	No	
B5	Holt-A	Brick Slip	Brick Slip	No	

Holt-A: 5

A7	Holt-A.w	Brick Slip	Brick Slip	Yes	
----	----------	------------	------------	-----	--

Holt-A.w: 1

Grand total: 6

P5	25.05.23	PLANNING ISSUE - Ilke updates	JR/GH
P4	29.03.23	PLANNING ISSUE	JR/GH
P3	22.03.23	Draft Planning Issue	JR
P2	10.03.23	Draft Planning Issue	JR
P1	28.02.23	Ilke Types - draft issue	JR

Rev	Date	Description	Drawn / Checked
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Project name

LINLEY ROAD  
PLUS DANE

Drawing number Rev

3845A - LB - IH - XX - D - A - 120300 P5

Drawing

House Type - Holt-A & A.w

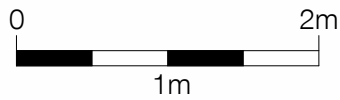
Purpose of issue  
FOR PLANNING

Scale Date  
1 : 50 @ A1 01/16/23

Client

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Bonded Warehouse  
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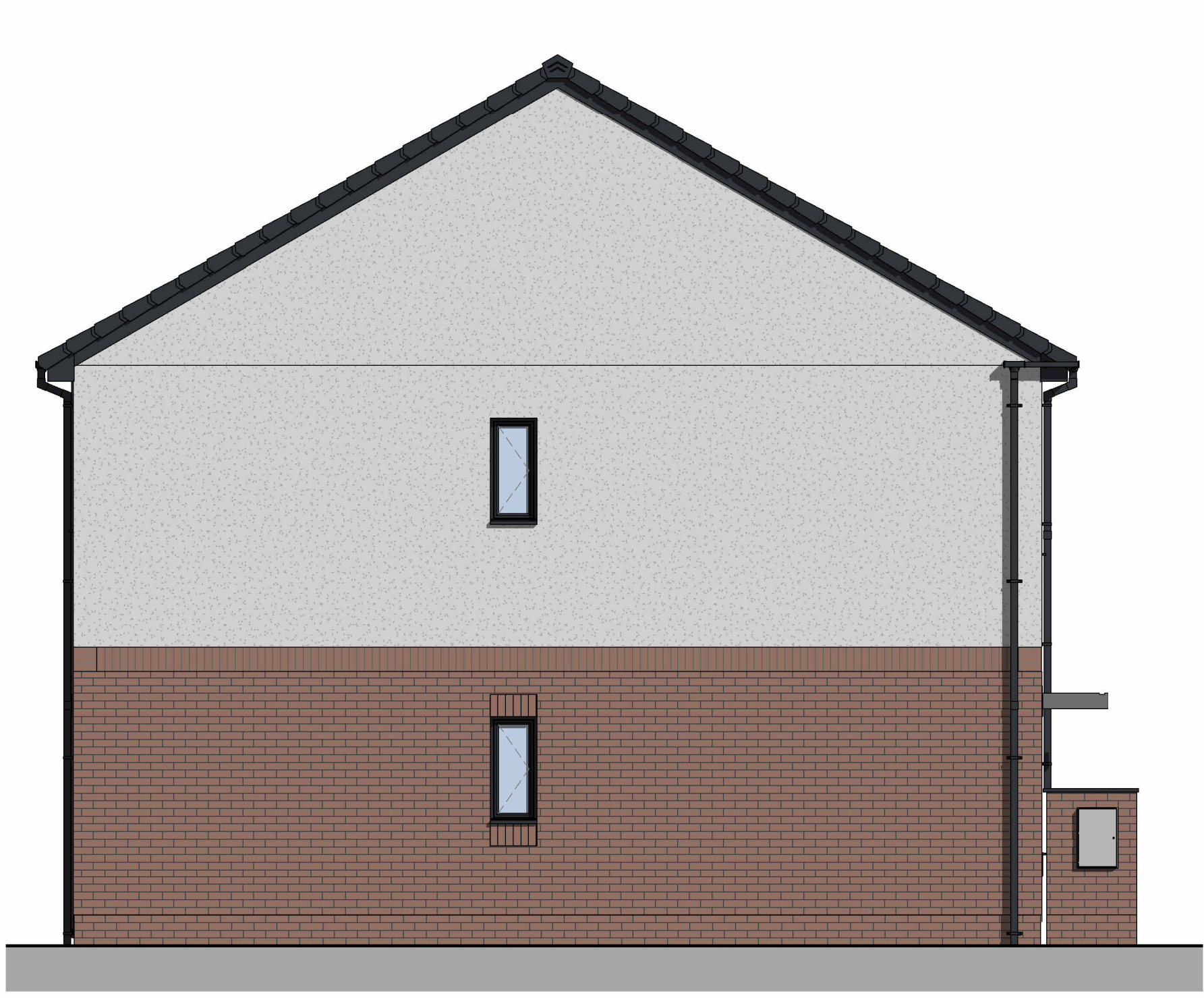
ILKE HOUSE TYPE | HOLT-C & C.w



2 | Holt-C & C.w Front Elevation - Material Intent



1 | Holt-C & C.w Rear Elevation - Material Intent



3 | Holt-C & C.w Side Elevation - Material Intent

**Holt-A & A.w**

- End/Mid plot
- Roof: Standard 30deg
- L00 Elevation: Brick slip
- L01 Elevation: Brick slip
- Side Window: Holt-A [NO] / Holt-A.w [YES]

**Holt-B**

- End plot
- Roof: Front 46deg gable
- L00 Elevation: Brick slip
- L01 Elevation: Brick slip
- Side Window: No

**Holt-C & C.w**

- End/Mid plot
- Roof: Standard 30deg
- L00 Elevation: Brick slip
- L01 Elevation: Render
- Side Window: Holt-C [NO] / Holt-C.w [YES]

**Holt-D**

- End/Mid plot
- Roof: Standard 30deg
- L00 Elevation: Brick slip
- L01 Elevation: Weatherboard
- Side Window: No

**Holt-E.w**

- End plot
- Roof: Standard Front gable 46deg
- L00 Elevation: Brick slip
- L01 Elevation: Weatherboard
- Side Window: Yes

Notes

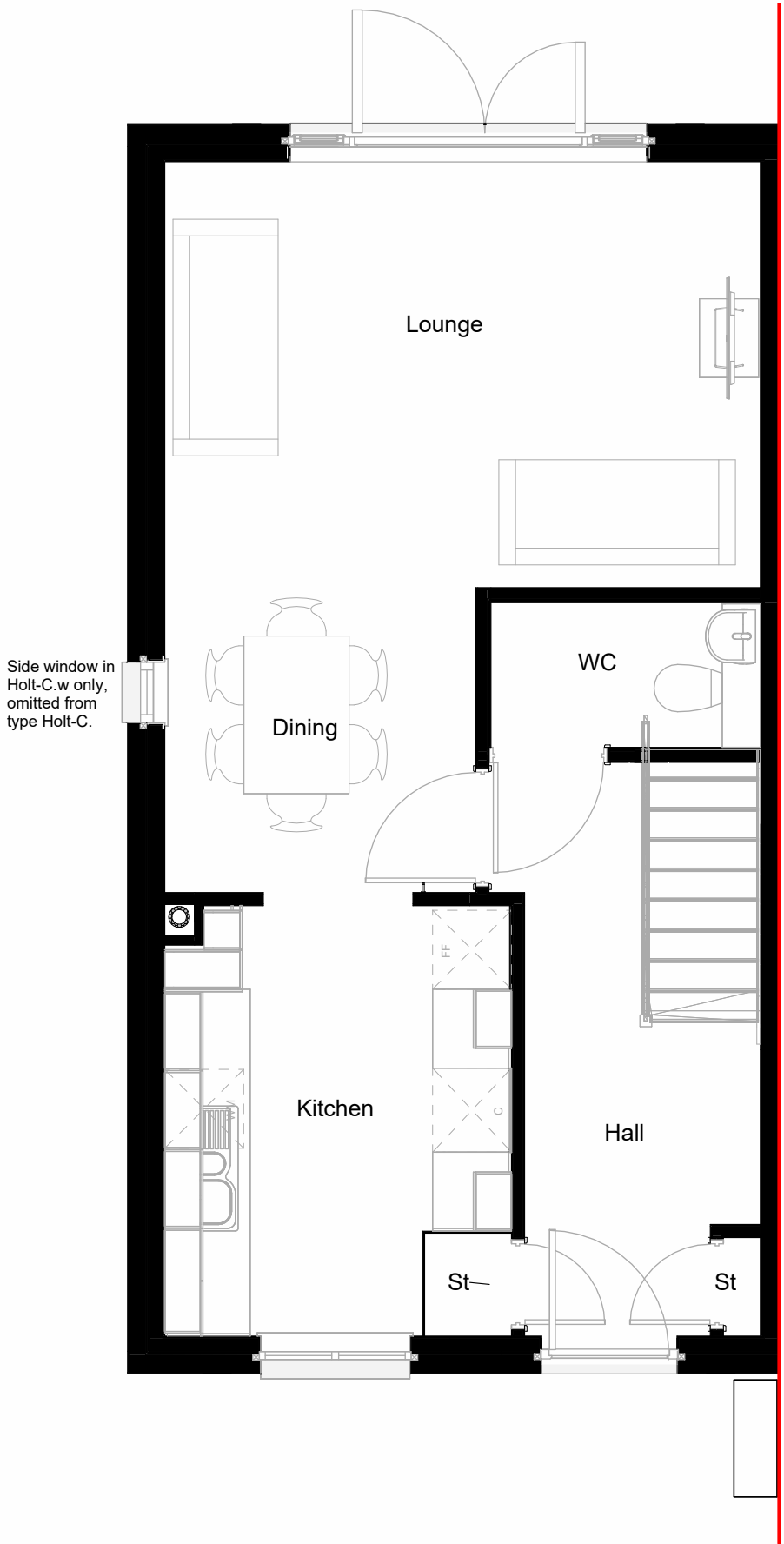
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Elevation Material Key

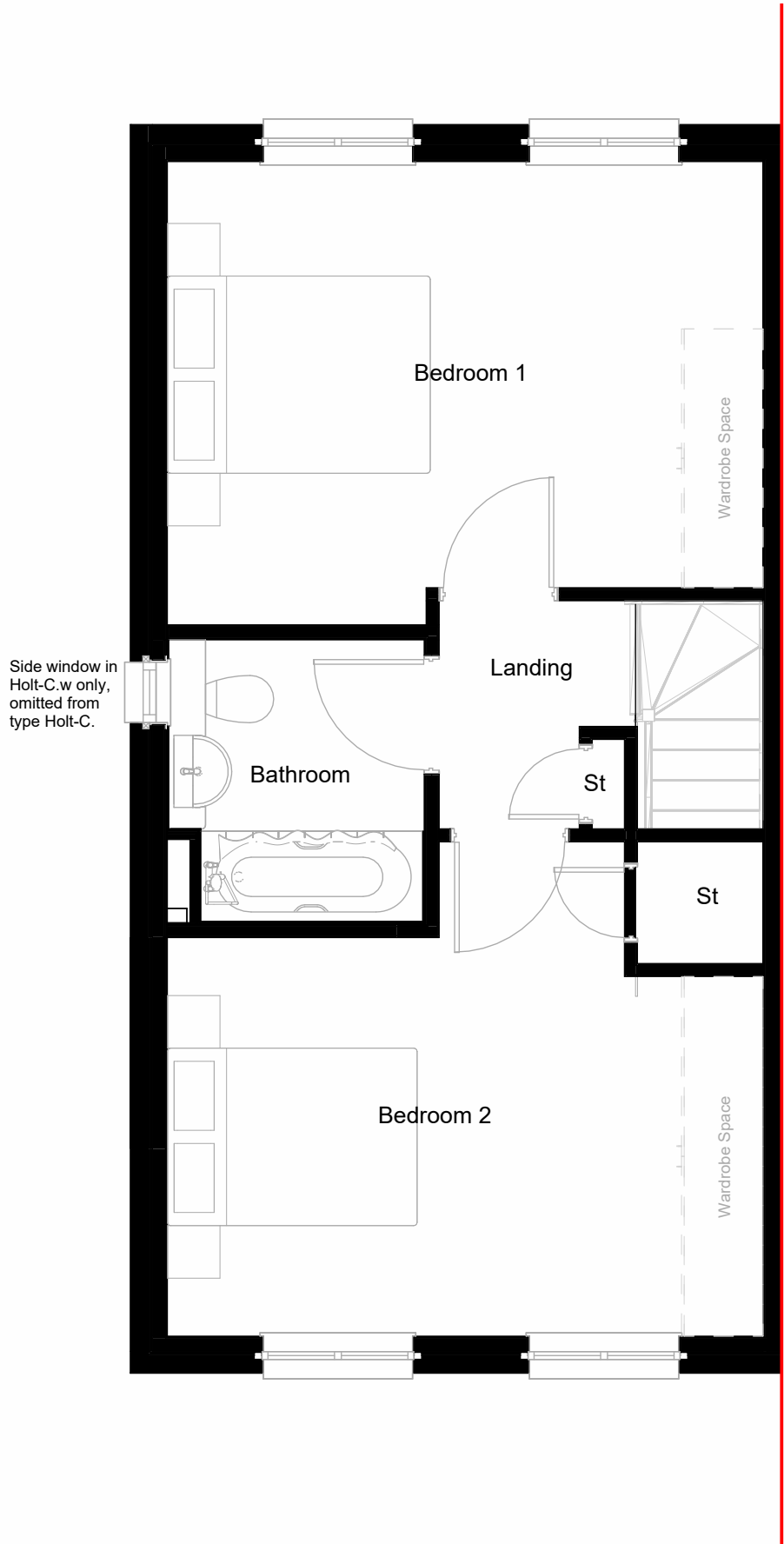
- Red brick - soldier course datum
- Red brick - stretcher course
- Render - off white
- Weatherboard - anthracite

RWP, Fascia fittings & Windows - anthracite



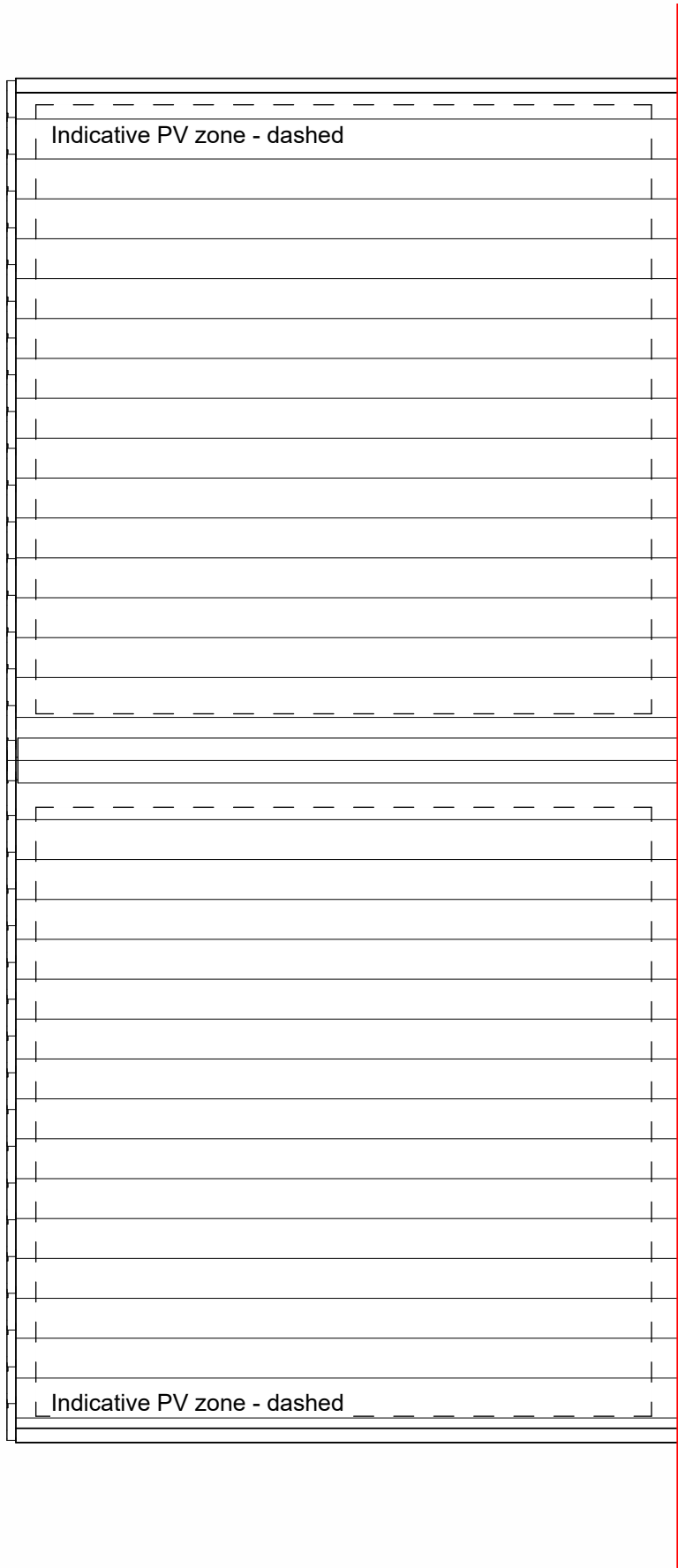
4 | Holt-C & C.w Ground Floor Plan

GF



5 | Holt-C & C.w First Floor Plan

1F



6 | Holt-C & C.w Roof Plan

Area Schedule (GIA) - House Sub-Types - Holt C					
Number	Ilke Sub-Type	GF Elevation	Upper Elevation.	Side Window	Upgraded acoustic trickle vents
B12	Holt-C	Brick Slip	Render	No	
B13	Holt-C	Brick Slip	Render	No	
D12	Holt-C	Brick Slip	Render	No	Yes
E8	Holt-C	Brick Slip	Render	No	Yes
E9	Holt-C	Brick Slip	Render	No	Yes
Holt-C: 5					
B14	Holt-C.w	Brick Slip	Render	Yes	
D11	Holt-C.w	Brick Slip	Render	Yes	Yes
D13	Holt-C.w	Brick Slip	Render	Yes	Yes
E7	Holt-C.w	Brick Slip	Render	Yes	Yes
Holt-C.w: 4					
Grand total: 9					

P5	25.05.23	PLANNING ISSUE - Ilke updates	JR/GH
P4	29.03.23	PLANNING ISSUE	JR/GH
P3	22.03.23	Draft Planning Issue	JR
P2	10.03.23	Draft Planning Issue	JR
P1	28.02.23	Ilke Types - draft issue	JR
Rev	Date	Description	Drawn / Checked

Project name

LINLEY ROAD  
PLUS DANE

Drawing number

3845A - LB - IH - XX - D - A - 120302

Drawing

House Type - Holt-C & C.w

Purpose of issue

FOR PLANNING

Scale

1 : 50 @ A1

Date

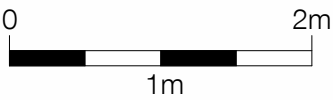
01/16/23

Client

Plus Dane

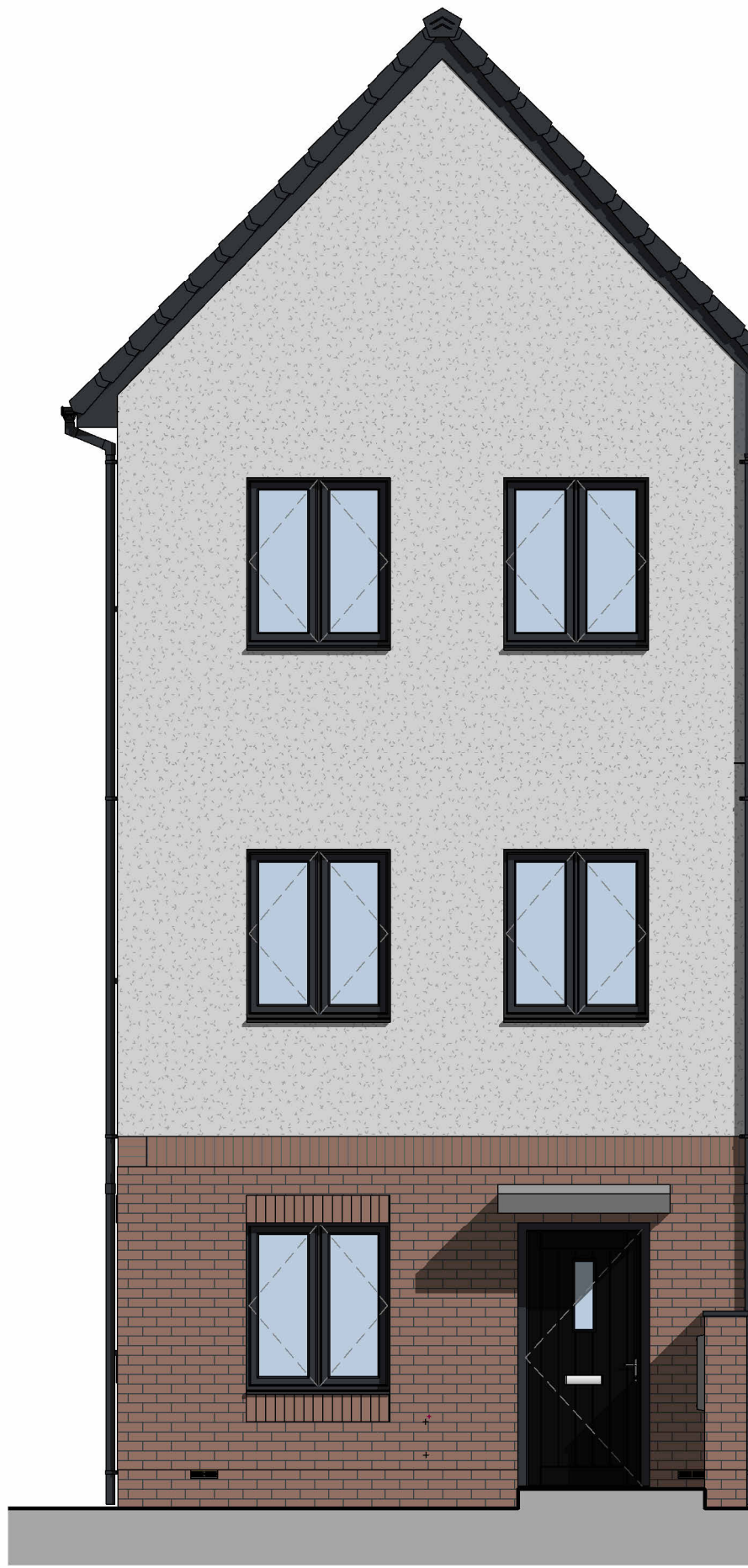
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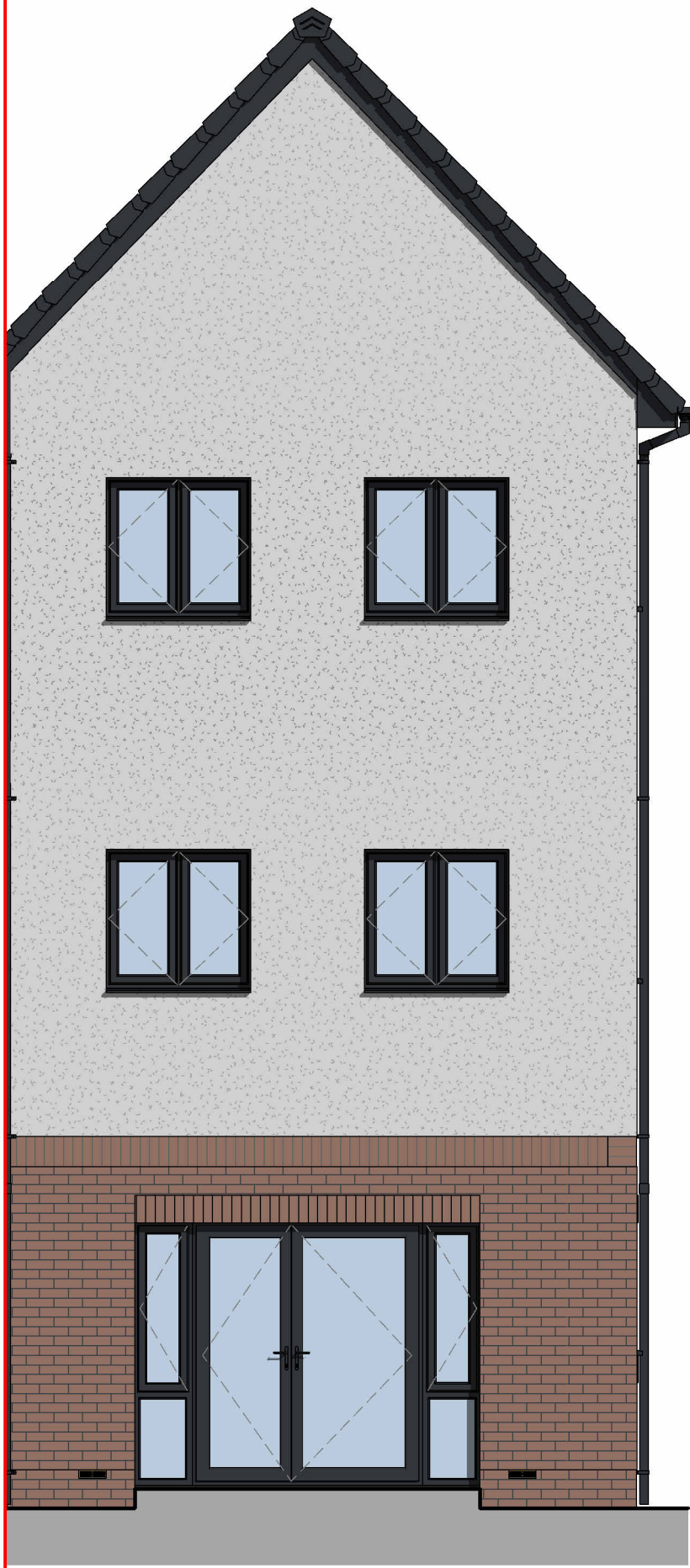




ILKE HOUSE TYPE | ROCKINGHAM-A & A.w



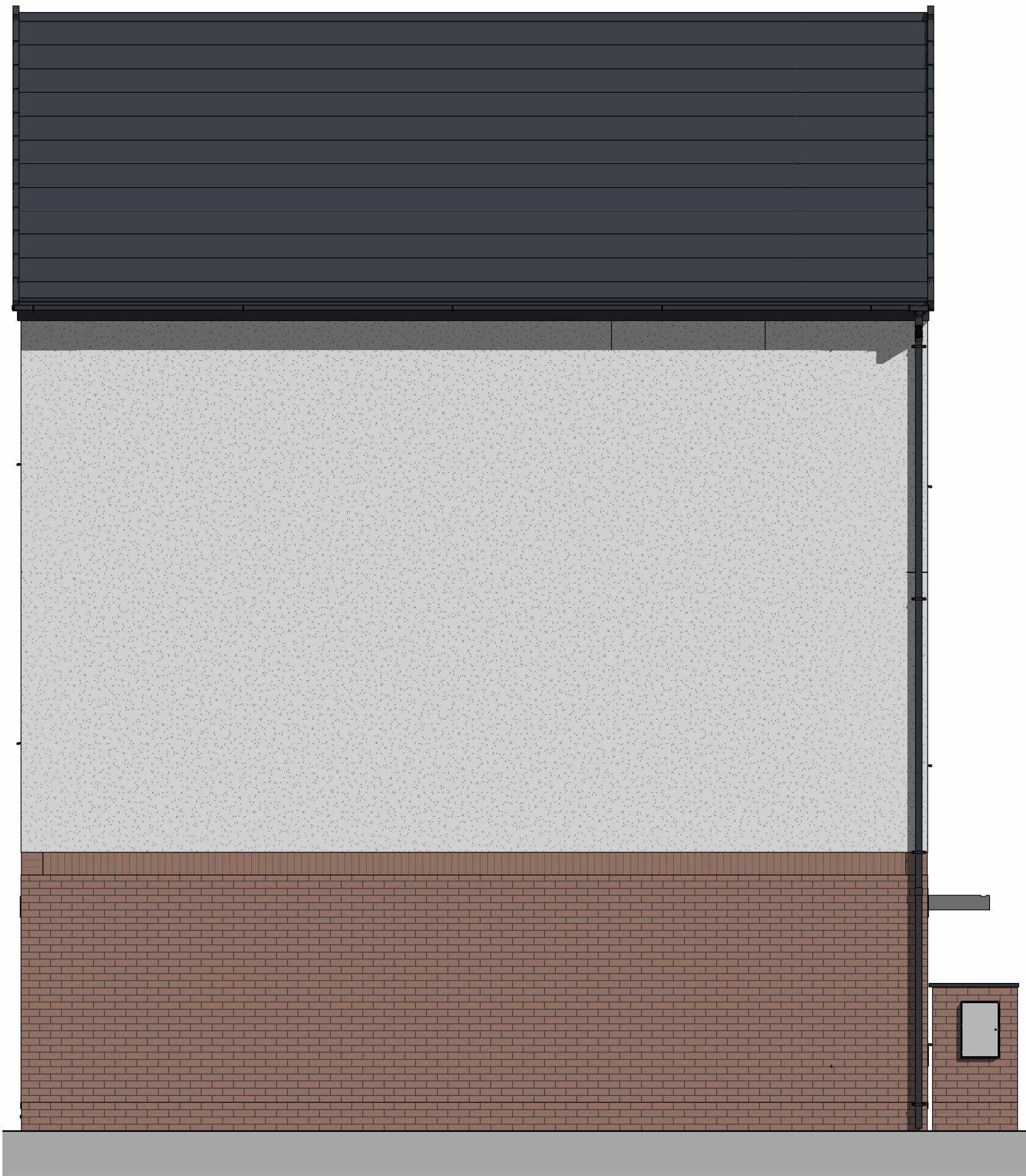
1 | Rockingham A & A.w Front Elevation - Material Intent  
1 : 50



2 | Rockingham A & A.w Rear Elevation - Material Intent  
1 : 50



3 | Rockingham A.w Side Elevation - Material Intent  
1 : 50



8 | Rockingham A Side Elevation - Material Intent  
1 : 50

Notes

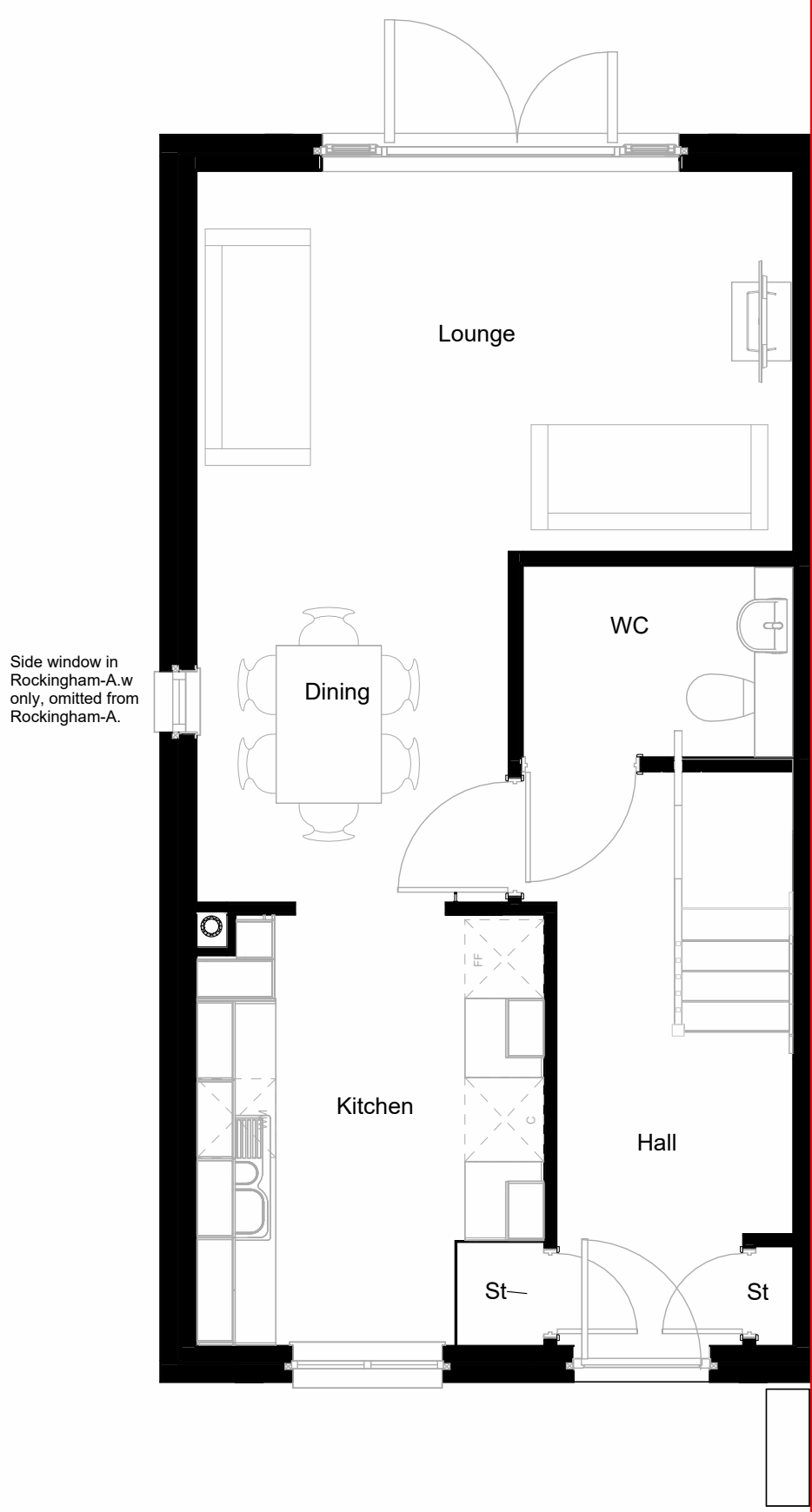
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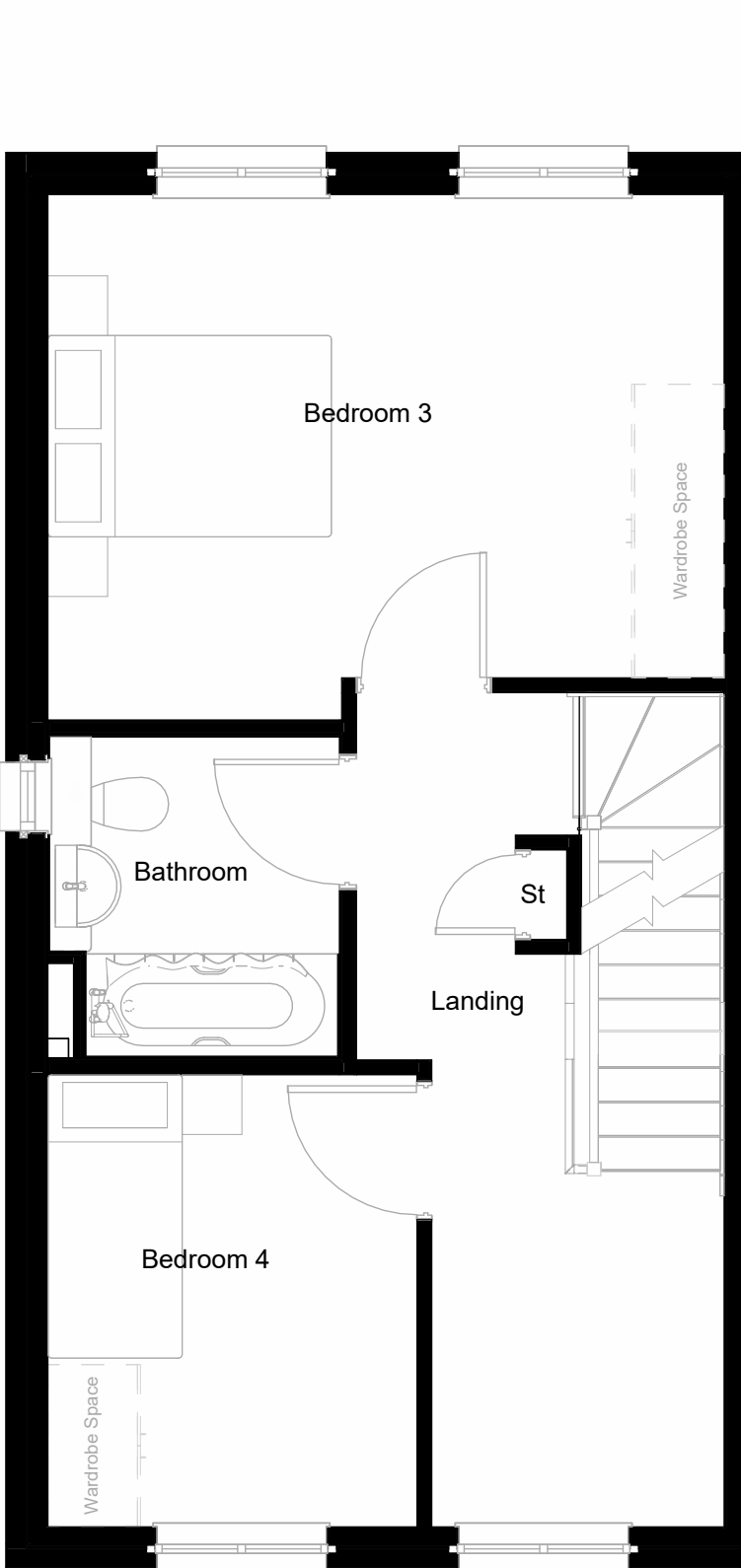
Elevation Material Key

- Red brick - soldier course datum
- Red brick - stretcher course
- Render - off white
- Weatherboard - anthracite

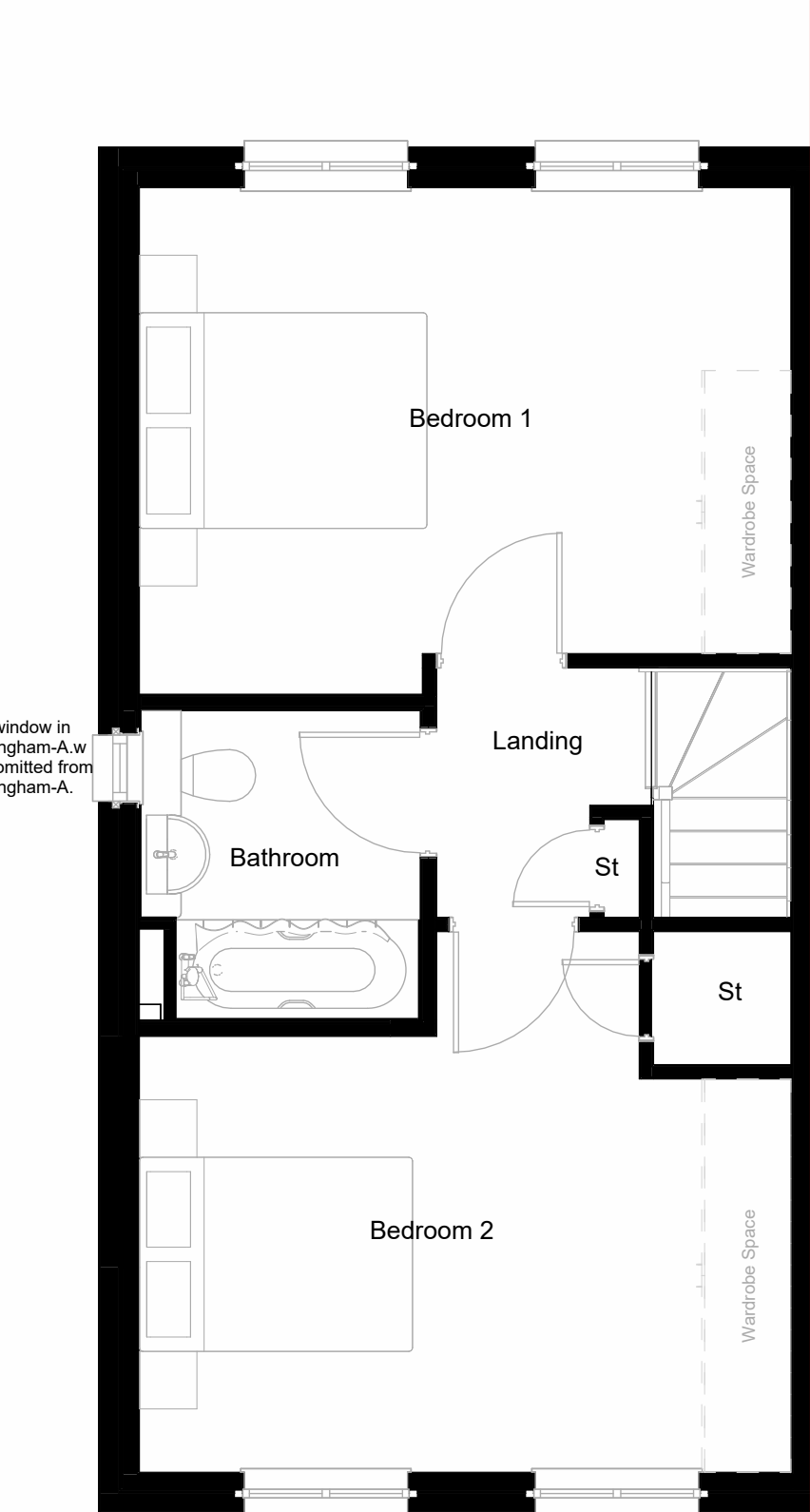
RWP, Fascia fittings & Windows - anthracite



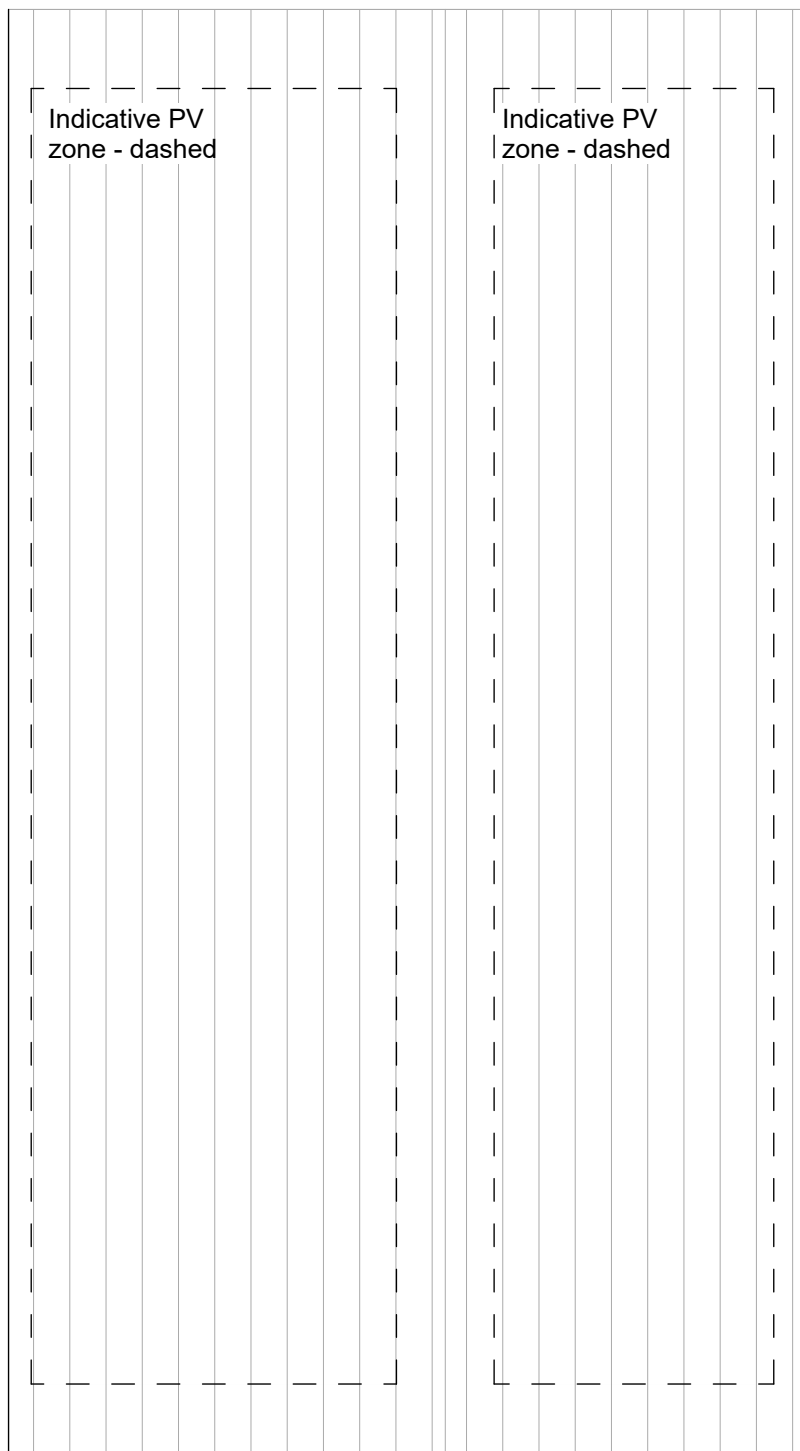
4 | Rockingham A & A.w Ground Floor Plan  
1 : 50



5 | Rockingham A & A.w First Floor Plan  
1 : 50



6 | Rockingham A & A.w Second Floor Plan  
1 : 50



7 | Rockingham Roof Plan A & A.w  
1 : 50

Rockingham-A & A.w					
<ul style="list-style-type: none"><li>End/Mid plot</li><li>Roof: Front gable 46deg</li><li>L00 Elevation: Brick slip</li><li>Upper Elevation: Render</li><li>Side Window: Rockingham-A [NO] / Rockingham-A.w [YES]</li></ul>					

Area Schedule (GIA) - House Sub-Types - Rockingham A					
Number	Ilke Sub-Type	GF Elevation	Upper Elevation.	Side Window	Upgraded acoustic trickle vents
B9	Rockingham-A	Brick Slip	Render	No	
B10	Rockingham-A	Brick Slip	Render	No	
B11	Rockingham-A	Brick Slip	Render	No	
Rockingham-A: 3					
B8	Rockingham-A.w	Brick Slip	Render	Yes	
Rockingham-A.w: 1					
Grand total: 4					

P5	25.05.23	PLANNING ISSUE - Ilke updates	JR/GH
P4	29.03.23	PLANNING ISSUE	JR/GH
P3	22.03.23	Draft Planning Issue	JR
P2	10.03.23	Draft Planning Issue	JR
P1	28.02.23	Ilke Types - draft issue	JR
Rev	Date	Description	Drawn / Checked

Project name

LINLEY ROAD  
PLUS DANE

Drawing number

3845A - LB - IH - XX - D - A - 120330

Drawing

House Type - Rockingham-A & A.w

Purpose of issue  
FOR PLANNING

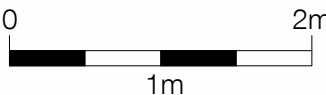
Scale  
1 : 50 @ A1

Date  
01/18/23

Client  
Plus Dane

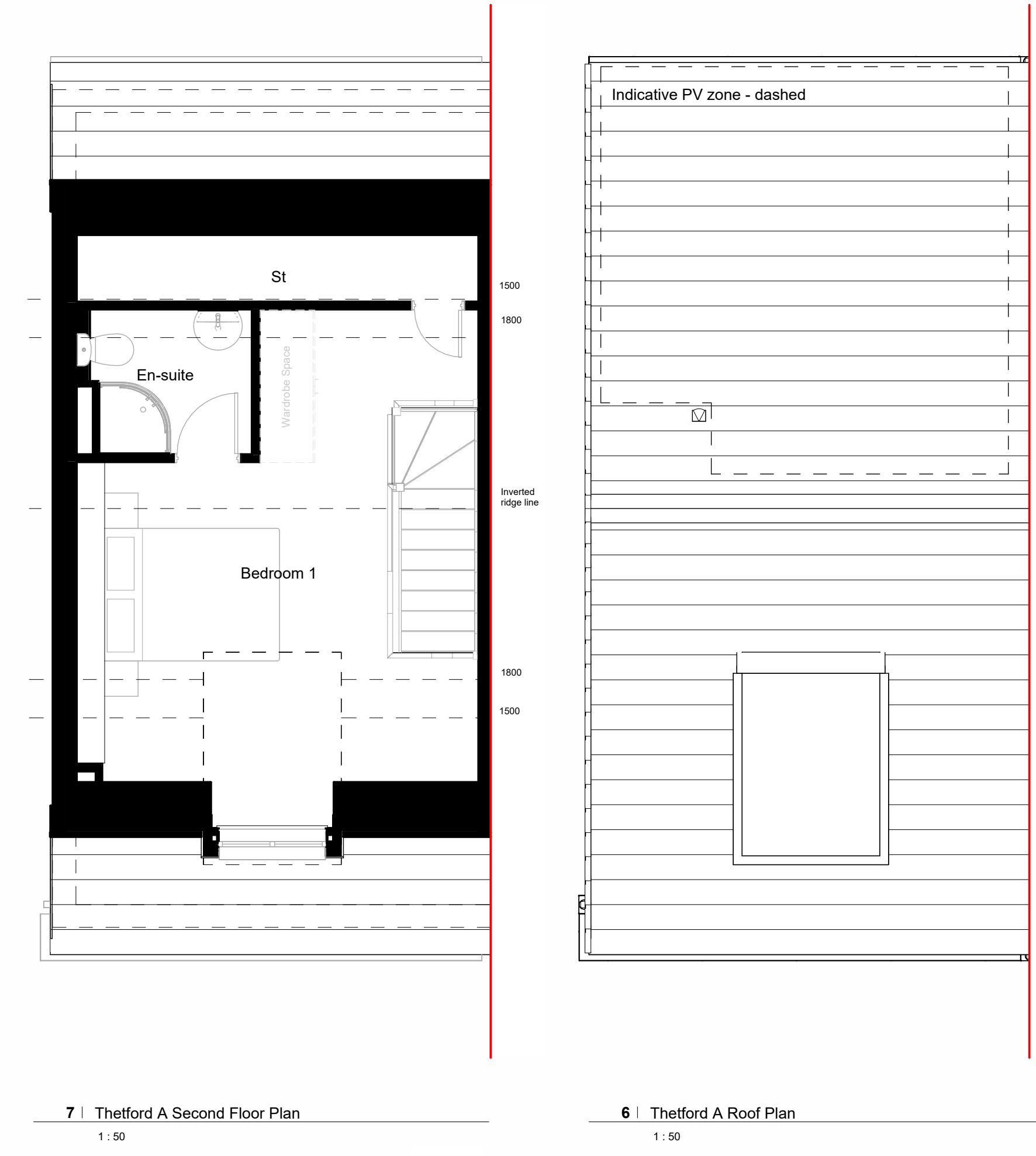
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ILKE HOUSE TYPE | THETFORD-A & A.w



Thetford-A & A.w

- End/Mid Plot
- Roof: Room in roof 35deg
- L00 Elevation: Brick slip
- L01 Elevation: Brick slip
- Side Window: Thetford-A [NO] / Thetford-A.w [YES]

Thetford-B & B.w

- End/Mid plot
- Roof: Room in roof 35deg
- L00 Elevation: Brick slip
- L01 Elevation: Render
- Side Window: Thetford-B [NO] / Thetford-B.w [YES]

Area Schedule (GIA) - House Sub-Types - Thetford A					
Number	Ilke Sub-Type	GF Elevation	Upper Elevation.	Side Window	Upgraded acoustic trickle vents
C3	Thetford-A	Brick Slip	Brick Slip	No	
C4	Thetford-A	Brick Slip	Brick Slip	No	
C5	Thetford-A	Brick Slip	Brick Slip	No	
C9	Thetford-A	Brick Slip	Brick Slip	No	
C10	Thetford-A	Brick Slip	Brick Slip	No	
C11	Thetford-A	Brick Slip	Brick Slip	No	
E2	Thetford-A	Brick Slip	Brick Slip	No	
E3	Thetford-A	Brick Slip	Brick Slip	No	
Thetford-A: 8					
C2	Thetford-A.w	Brick Slip	Brick Slip	Yes	
C12	Thetford-A.w	Brick Slip	Brick Slip	Yes	
E1	Thetford-A.w	Brick Slip	Brick Slip	Yes	
Thetford-A.w: 3					
Grand total: 11					

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Elevation Material Key

Red brick - soldier course datum

Red brick - stretcher course

Render - off white

Weatherboard - anthracite

RWP, Fascia fittings & Windows - anthracite

P5	25.05.23	PLANNING ISSUE - Ilke updates	JR/GH
P4	29.03.23	PLANNING ISSUE	JR/GH
P3	22.03.23	Draft Planning issue	JR
P2	10.03.23	Draft Planning issue	JR
P1	28.02.23	Ilke Types - draft issue	JR
Rev	Date	Description	Drawn / Checked

Project name

LINLEY ROAD  
PLUS DANE

Drawing number

3845A - LB - IH - XX - D - A - 120320

P5

Drawing

House Type - Thetford-A & A.w

Purpose of issue

FOR PLANNING

Scale

1 : 50 @ A1

Date

01/18/23

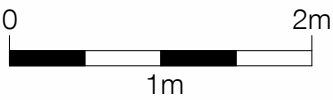
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Application No: 23/4597C

Location: LAND OFF, WRIGHTS LANE, SANDBACH

Proposal: Erection of 13no. dwellings, associated parking, open space and landscaping

Applicant: Edgefold Homes

Expiry Date: 02-Aug-2024

## SUMMARY

The site is located within the Sandbach Settlement Boundary and CELPS allocation LPS53. The proposed development is limited to the housing part of the allocation for LPS53, and the existing hedgerow boundary will be retained and supplemented with additional planting to provide a landscape buffer.

The design of the proposed development represents an acceptable design solution, and the proposed housing mix is also considered to be acceptable. The proposal complies with Policies SE1, SC4 and SD2 of the CELPS, GEN1 and SC4 of the SADPD, H2 and H3 of the SNP and the CEC Design Guide.

In terms of the POS, the application secures contributions to mitigate the impact of the proposed development.

The proposed development would provide an acceptable level of amenity for the occupants of the surrounding dwellings and the future occupants of the development. The proposal complies with policies HOU12 and HOU13 of the SADPD.

The proposed access points and the traffic impact are considered to be acceptable. The development complies with Policies SD1, SD2 and SE1 of the CELPS, INF1 of the SADPD and IFT2 of the SNP.

The development is considered to be acceptable in terms of the impact upon flood risk/drainage.

In terms of the impact upon trees, there are some weaknesses with the design of the scheme, but the Councils Tree Officer has not formally objected to the application and the scheme is considered to be acceptable.

The impact upon ecology/protected species is considered to be acceptable. Some minor additional information is required in terms of BNG, this has been requested and an update will be provided in relation to this issue.

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



## RECOMMENDATION

**APPROVE** subject to the completion of a S106 Agreement and conditions (this is subject to the minor BNG issue being resolved)

## REASON FOR REFERRAL

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

*The proposed development does not comply with criterion 1 and 2 of LPS53 and the site would result in a piecemeal loss of part of the employment allocation. The principle of development is considered to be unacceptable as it does not comply with LPS53 or EG3 of the CELPS.*

*The access through Wrights Lane is inadequate. Enforcement of the existing double yellow lines on the corner of Wrights Lane/Heath Road is already problematic. Additional housing via Wrights Lane would cause access issues both during the construction phase and subsequently.*

*The 13 additional homes would exacerbate the current congestion problems on Heath Road, where parked cars make it effectively single carriageway.*

*The proposed architectural designs are out of keeping with the local character, specifically along Heath Road. This lack of visual coherence threatens the aesthetic harmony of the community and risks undermining the distinctive character of the surrounding area.*

*The proposal conflicts with the Development Plan as a whole and should be refused.*

*I also support the submission from Cycling UK:*

*'Should this application be approved then I suggest converting the newly formed FP53 which runs adjacent to the site to cycle track. Good cycle links meet Policy Sustainable Development SD 1 'ensure that development is accessible by public transport, walking and cycling' and SD 2 'encourage travel by sustainable modes'*

## SITE DESCRIPTION

The site of the proposed development extends to 0.38 ha and forms a roughly triangular plot of land to the north-east of Wrights Lane. The site forms part of LPS53 within the CELPS.

To the south is residential development fronting Wrights Lane, Heath Road and Heath Close. There is also recently constructed residential development to the west of the site fronting Teasel Close. PROW Sandbach FP53 runs along the northern boundary of the site.

The site lies adjacent to a group TPO to the western boundary and three individual trees which are the subject of TPO protection.

The site is relatively flat and is bound by trees and hedgerows.

## PROPOSAL

This is a full application for the erection of 13 dwellings. The site would be accessed via Wrights Lane.

The proposed development would have the following housing mix;

2 x two bedroom dwellings

8 x three bedroom dwellings

3 x four bedroom dwellings

All dwellings would be two-stories in height.

## RELEVANT HISTORY

23/4497C - Full Planning Application for the formation of an access road and 10 parking spaces with a change of use to Sui Generis for car parking on land off Wrights Lane, Sandbach – Application Undetermined.

22/0882C - Erection of 25no. dwellings with associated access, car parking, open space and landscaping – Refused 12<sup>th</sup> January 2023 – Appeal Lodged – Appeal Dismissed 13<sup>th</sup> February 2024

This application was refused for the following reasons:

- 1. The application site lies within allocation LPS53 of the Cheshire East Local Plan Strategy. The proposal does not comply with Criteria 1 & 2 of LPS53 as the development site straddles the buffer planting area and encroaches into the employment area as defined on Figure 15.64 of that policy. The piecemeal loss of parcels from the employment area to alternative uses has the potential to prejudice delivery of the employment site as a whole. The proposed development is contrary to Policies LPS53 and EG3 of the Cheshire East Local Plan Strategy.*
- 1. The proposed development would not make a positive contribution to its surroundings. It would result in an inward facing development which turns its back on the footpath to the north and SuDS area to the east, it fails to provide an appropriate mix of open market house sizes, fails to comply with the CEC Design Guide in terms of surfacing and utilises standard house types which do not reflect local character. It is considered that the proposed development would not represent an acceptable design solution and conflicts with Polies SE1, SC4 and SD2 of the Cheshire East Local Plan Strategy, GEN1 and SC4 of the Site Allocation and Development Policies Document, H2 and H3 of the Sandbach Neighbourhood Plan and the CEC Design Guide.*
- 2. The proposed development would create additional vehicle movements past the properties at 2-10 Wrights Lane and cause harm due to increased environmental disturbance and traffic generation. Furthermore, the proposed development does not demonstrate that an acceptable relationship can be achieved between the existing dwelling at No 2 Heath Close and the proposed dwellings at plots 16 and 17. The proposed development would fail to provide an acceptable level of amenity for future*



*and existing occupants contrary to Policies HOU12 and HOU13 of the Site Allocation and Development Policies Document.*

- 3. The proposed development would not provide sufficient public open space/children play space in quantum or quality. The open space which would be provided lacks natural surveillance, would be dominated by the SuDS feature and would not provide a useable level of open space. The proposed development would conflict with Policies SD2 and SE6 of the Cheshire East Local Plan Strategy and REC3 of the Site Allocation and Development Policies Document.*
- 4. The Local Planning Authority considers that Wrights Lane by reason of its narrow nature would not provide a safe and suitable access to serve the proposed development and create conflict between highway users. The proposed development would be contrary to policies INF3 of the Site Allocation and Development Policies Document and IFT1 of the Sandbach Neighbourhood Plan.*

17/4838C - Outline application for development of commercial park including office use, industrial units, storage and distribution, a sports facility and a local centre. (Resubmission of 16/4631C) – Application Undetermined

16/4631C - Outline application for development of commercial park including office use, light industrial units, storage and distribution, residential care home, sports facilities a local centre and up to 245 residential dwellings – Withdrawn 10<sup>th</sup> March 2017

15/3605S - EIA Screening & Scoping Opinion for proposed development Phase 2A - Mixed-use development including employment and residential development, a new local centre, major open space and landscaping, Vehicle Bridge and associated highway access works and infrastructure. – EIA Required 22<sup>nd</sup> October 2015

20715/1 - Access Road, residential, recreational & open space – Withdrawn 18<sup>th</sup> April 1989

19528/1 - Residential development to include sports facilities, landscaping & amenity area and a site for licensed premises – Refused 3<sup>rd</sup> May 1988

## **NATIONAL & LOCAL POLICY**

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

LPS53 - Land adjacent to J17 of M6, south east of Congleton Road, Sandbach

MP1 – Presumption in Favour of Sustainable Development

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

PG7 - Spatial Distribution of Development

SC4 – Residential Mix

CO1 - Sustainable Travel and Transport

CO4 – Travel Plans and Transport Assessments

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 3 - Biodiversity and Geodiversity  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 6 – Green Infrastructure  
SE 7 – The Historic Environment  
SE 9 – Energy Efficient Development  
SE 13 - Flood Risk and Water Management  
IN1 – Infrastructure  
IN2 – Developer Contributions

### **Site Allocations and Development Policies Document (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  
HOU1 – Housing Mix  
HOU8 – Space, Accessibility and Wheelchair Housing Standards  
HOU12 – Amenity  
HOU13 – Residential Standards  
HOU14 – Housing Density  
HOU15 – Housing Density  
HOU16 – Small and Medium Sized Sites  
INF1 – Cycleways, Bridleways and Footpaths  
INF3 – Highways Safety and Access  
INF9 – Utilities  
REC2 – Indoor Sport and Recreation Implementation  
REC3 – Open Space Implementation

### **Sandbach Neighbourhood Plan**

The Sandbach Neighbourhood Plan was made on 21<sup>st</sup> March 2022

PC2 – Landscape Character  
PC3 – Settlement Boundary  
PC4 – Biodiversity and Geodiversity  
PC5 – Footpaths and Cycleways  
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  
IFC1 – Contributions to Local Infrastructure  
CW3 – Health  
CC1 – Adapting to Climate Change

### **National Policy**

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

Of particular relevance are paragraphs:

11. Presumption in favour of sustainable development.

60-81. Wide choice of quality homes

131-141. Achieving Well-Designed and Beautiful Places

### **CONSULTATIONS**

**CEC Flood Risk Manager:** No objection subject to the imposition of a drainage conditions.

**United Utilities:** Drainage condition and general advice provided.

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

- £71,484.02 (primary education)
- £49,159.29 (secondary education)

**Strategic Housing Manager:** No objection.

**NHS:** Below the threshold where the NHS would review the infrastructure impact. No comments to make.

**Cadent Gas:** No comments received.

**PROW:** An informative is requested.

**Strategic Highways Manager:** No objection subject to the imposition of planning conditions relating to a scheme to relocate an existing telegraph pole and street bin.

**Environmental Health:** The following conditions are suggested;

- EV Charging
- Low emission boilers
- Travel Plan
- Submission and approval of a Contaminated Land Report
- Submission of a Verification Report before occupation
- Importation of soils
- Unexpected contamination

**Public Open Space:** On this occasion due to the reduction in the scale of the development, the connectivity of the site and access to other open spaces offsite, a contribution towards off-site open space can be accepted.

The following contributions will be required:

- £3,000 per family dwelling towards off-site open space.
- £1,000 per family dwelling towards outdoor sports facilities.

## **VIEWS OF THE PARISH COUNCIL**

**Sandbach Town Council:** Object to this application due to the following reasons:

- Added traffic to Wrights Lane and Heath Road during and after construction.
- Loss of biodiversity, and wildlife.

## **REPRESENTATIONS**

Letters of objection/general observation have been received from 18 households which raise the following points:

- Heath Road is in a poor condition and has suffered from construction traffic use for 3 other developments.
- The access along Wrights Lane is limited.
- The site includes a number of trees which are a habitat for birds.
- The land is wet and there are potential drainage implications.
- Removal of hedgerow and trees.
- The road is heavily used by school traffic and the development will be dangerous for pedestrians (including children accessing St. Johns School).
- Wrights Lane is not suitable for construction traffic access.
- The junction of Wrights Lane and Heath Road is dangerous and suffers from parked vehicles and traffic congestion associated with local businesses.
- Reduction in wildlife.
- The proposed housing does not match local needs.
- The local streets are too narrow.
- There should be restrictions relating to construction vehicle access.
- No funding for traffic management along Heath Road.
- No indication of the access to the Capricorn Development.
- It would be better to access the site via the Persimmon development.
- Lack of sustainable energy provision.
- Sandbach Heath cannot cope with the extra traffic.
- Impact upon local infrastructure – schools, doctors, dentists.
- Loss of green land in Sandbach.
- The development displays the characteristics of creep and go with a future phase of development planned.
- The figures within the Transport Statement are not realistic.
- The proposed house types are not in keeping with the CEC Design Guide.
- Some of the design features (box bay windows, pediments and other design features) are not consistent with Sandbach Heath.
- The development would not result in Biodiversity Net Gain.
- The Energy and Sustainability Statement is out of date.
- The development is contrary to the Neighbourhood Pla, the CELPS, and the CEC Design Guide.
- No clarity in terms of whether the parking for the residents on Wrights Land would be free of charge or require a permit.
- There is no clarity in terms of EV Charging for the residential spaces.



- Refuse vehicle find it hard to access Wrights Lane.
- Potential repeat of a sewer subsiding due to construction traffic.
- Current problems with the disposal of foul drainage.
- Salami-slicing of a previously refused application.
- The application is premature.
- Sandbach is exceeding its housing requirement.
- The proposal is contrary to the NP as it does not meet local housing needs.
- The highways impact is underestimated.
- Impact upon the PROW.
- Wrights Lane needs to be widened to accommodate the development.
- Too many 4-bedroom units, more affordable units required.
- Increased water run-off and drainage issues.
- Heath Road is used as a rat run.
- Loss of trees – replacement planting will not be sufficient.
- Net loss in biodiversity.
- No details have been provided in terms of the maintenance of the trees, wildflower meadow or planting on site.
- Lack of sustainable access – footpaths and cycleways.
- How will the car-parking on site be managed.

A letter of support has been received which raises the following point:

- This looks like a good scheme on an under-utilised site.

A representation has been received from Cycling UK which raises the following point:

- Should the application be approved the newly formed FP53 which runs adjacent to the site should be upgraded to a cycle track.

## **APPRAISAL**

### **Principle of Development**

The application site comprises of 0.38 ha of land located to the north of residential properties on Wrights Lane in Sandbach. To the west lies a recently constructed housing scheme built by Persimmon Homes.

The site is located within the Sandbach Settlement Boundary, the confines of allocated site LPS 53: 'Land adjacent to J17 of M6, southeast of Congleton Road, Sandbach' and within the Sandbach Neighbourhood Plan designated area.

### **Cheshire East Local Plan Strategy ("LPS")**

The LPS was adopted in July 2017 and is the strategic plan for the Borough. It sets out the adopted requirements for housing and employment development of 380 hectares of employment land and 36,000 new homes over the plan period 2010-2030 (as set out in Policy PG1). It is important to recognise that the level of housing planned for in the LPS was uplifted during its examination (from 27,000 new dwellings & 300 ha of employment land on submission) in order to align it with the economic and jobs growth anticipated to take place in the Borough over the plan period. In summary, there is a symbiotic relationship between the level of employment land planned for by the LPS and the number of new homes needed.

The adopted housing and employment requirements for the Borough are disaggregated in the LPS to the various settlements/tiers of the settlement hierarchy. LPS Policy PG 7: Spatial Distribution of Development provides indicative figures of development for Sandbach of 'in the order of' 20 ha of employment land and 2,750 new homes. The LPS takes account of completions, commitments and allocations to facilitate the levels of development indicated.

As set out in paragraph 272 of the LPS Inspector's Report (paragraph 272), the development strategy for Sandbach seeks to provide a new high-quality mixed-use employment led development on land adjoining the M6, with good access to the strategic road network, to offset the recent loss of industry and high levels of out-commuting, diversify the town's economy and attract new jobs.

The plan allocates a single greenfield site in Sandbach – LPS 53, for mixed uses including up to 450 new homes plus the entirety of the town's employment land - 20 ha.

The number of new homes allocated at LPS 53, was uplifted from 200 to 450 during the examination of the LPS. It is highlighted that the landowner sought to reduce the amount of employment land to 8ha and increase the number of homes to 600 due to viability concerns. However, the Inspector found the proposed mix, viability and deliverability of land-uses of the proposed development to be effective, justified and soundly based (paragraphs 272-280).

#### Policy LPS 53

The rationale for allocating this site for mixed use development is set out at paragraph 15.620-15.625 of the supporting text. This highlights that the intention of this allocation is to ensure that the primary use is for employment purposes.

The supporting text recognises that Sandbach has experienced substantial housing growth over the plan period and that the site is allocated to ensure that a balance of housing and employment is provided in the town. The employment component is seen as central to the achievement of sustainable development with residential uses sub-ordinate uses to cover the infrastructure costs needed to deliver the whole site, including a new access road and bridge within the employment site, works to the motorway junction and along Old Mill Road. Paragraph 15.623 states that the development should be developed in accordance with the allocations set out in Figure 15.64.

Turning to the policy itself, this states that the development of the site will be achieved through a mixed-use employment led development. This includes the delivery of 20 hectares of employment land as set out in Figure 15.64 and up to 450 new homes to support the delivery of the 20ha of employment land. It is important to note that the allocation of 450 homes is expressed as 'up to' – thus it is not a target or requirement.

The previous proposal as part of application 22/0882C (which has now been dismissed at appeal) did not comply with Criteria 1 & 2 as the development site straddled the buffer planting area and encroached into the employment area as defined on Figure 15.64. As part of the recent appeal the Inspector found that *'the wording of the relevant part of Policy LPS53 to be the delivery of employment land and new homes 'as set out in Figure 15.64' such that weight should be attached to its designations'*. The Inspector then stated that the proposal would fail

to support the delivery of the 20Ha of employment land within Figure 15.64 contrary to the aims of LPS53 and that there would also be conflict with Policy EG3.

This current application differs from that proposed as part of application 22/0882C in that the site has been reduced in size and is now limited to the area identified as 'housing' and 'planting belt' within Figure 15.64 of Policy LPS53.

The proposal for 13 dwellings in addition to the 420 already approved within the boundary of LPS53 would comply with points 1 and 2 of this policy (up to 450 new homes and no encroachment into the 'employment land').

Figure 15.64 also identifies a planting belt between the employment land and the housing land. The application has provided a plan to show that the rear elevations of the dwellings at plots 7-12 follows the line of the planting belt and the proposed dwellings would not encroach into the planting belt. The rear gardens of the dwellings 7-12 would be located within the planting belt, which is consistent with the majority of the Persimmon development to the north (although 2 dwellings within the Persimmon site are located within the planting belt). There is an existing hedgerow along the eastern boundary to the rear of plots 7-12 and this will be supplemented with additional planting to help screen the proposed development from the employment allocation at LPS53 (and is proposed as part of the Biodiversity Net Gain).

Therefore, it is considered that the principle of the 13 dwellings on this site is acceptable.

### **Housing Mix**

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

In addition to the above, policy H3 of the SNP states that new developments should primarily seek to deliver the following open market housing; 1-3 bedrooms, single-storey housing or apartments, or nursing/care homes. Policy H4 also states that developments will be supported that provide suitable and accessible houses for older people.

In this case the development would provide the following mix:

2 x two bedroom dwellings  
8 x three bedroom dwellings  
3 x four bedroom dwellings

All dwellings would be two-stories in height.

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



	Market Housing – Current application	
	Table 8.1	Proposal
1 bedroom	5%	0%
2 bedroom	23%	15.4%
3 bedroom	53%	61.6%
4 bedroom	15%	23%
5+ bedroom	3%	0%

The previous application proposed the following mix for the open market and affordable units: 8% 1 bedroom units; 8% 2 bedroom units; 32% 3 bedroom units and 54% 4 bedroom units. As part of the previous appeal the Inspector found that the mix failed *‘to reflect both the indicative housing mix of Table 8.1 and the findings of the Residential Mix Study, which together demonstrate that provision of 2- and 3-bedroom homes is a priority within the Council area’*.

The Inspector then found that, *‘the aim of Policy HOU1 is to respond to identified needs and demands which evidence suggests in this case is the primary provision of 2- and 3-bedroom dwellings in residential developments. The proposal, in providing a large ratio of 4-bedroom houses and a minimal provision of 2-bedroom houses would be contrary to the policy aims’* and that *‘the proposal would not provide an adequate housing mix. As such, it would fail to comply with Policy SC4 of the Local Plan or Policy H3 of the NP insofar as they seek to ensure development delivers a range of house types sizes and tenures responding to identified needs and demands’*.

The proposed development has increased the percentage of two- and three-bedroom dwellings and reduced the percentage of 4-bedroom units. The proposal would contribute to a mix of housing sizes to help support the creation of mixed, balanced and inclusive communities.

Policy HOU8 of the SADPD states that for major developments:

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

The applicant has confirmed that the requirements of Policy HOU8 can be met and this would be controlled via the imposition of a planning condition in the event of an approval.

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).

The agent has confirmed that all of the proposed house types are NDSS compliant.

## **Affordable Housing**

This is a proposed development of 13 dwellings in a Key Service Centre. The trigger for affordable housing under policy SC5 is 15 or more dwellings, this proposal falls below the requirement for affordable housing provision.

## **Public Open Space (POS)**

The previous application on this site was refused with a reason for refusal due to the lack of on-site POS. The Inspector as part of the previous appeal decision found that the proposal would fail to meet the aims of delivery of good quality green spaces on site and as such the proposal failed to comply with Policies SD2 and SE6 of the CELPS and REC3 of the SADPD.

Despite the Inspectors view above the Inspector also acknowledged that Policy SE6 does allow for off-site provision and that each application should be judged upon its own merits. This is echoed within Policy REC6 which states that *'Off-site provision may be acceptable in limited instances, where this meets the needs of the development and achieves a better outcome in terms of open space delivery. This would involve the payment of a commuted sum to the Council.'*

This current application has reduced the size of the site following the earlier appeal decision with the number of dwellings reduced from 25 to 13. This application now enjoys a more open feel, setting the PROW FP53 amidst green infrastructure satisfying the Green Infrastructure Connectivity criteria under Policy SE6.

On this occasion due to the reduction in size of the site and the number of dwellings, connectivity and access to other open space offsite contributions can be accepted as advised by the POS Officer.

A contribution of £39,000 will be secured via a S106 Agreement to secure improvements to open spaces within 1000m of the development site to mitigate this developments impact.

## **Outdoor Sport**

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

## **Education**

The proposed development of 13 dwellings is expected to generate:

4 - Primary children

2 - Secondary children

The development is expected to impact on both primary and secondary school places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at primary and secondary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of primary and secondary school places still remains.

The 4 primary age children and 2 secondary age children expected from this development will exacerbate the shortfall.

To alleviate forecast pressures, contributions of £71,484.02 (Primary) and £49,159.29 (Secondary) will be required to mitigate the impact of this development and these contributions will be secured as part of a S106 Agreement.

## **NHS**

The potential impact upon healthcare provision in Sandbach is noted, in this case the development falls below the threshold where the NHS seek a contribution and as such the application is considered to be acceptable in terms of its impact upon the NHS.

## **PROW**

The site includes PROW Sandbach FP53 which runs along and within the north-western boundary of the site. The proposed development would not impact upon this footpath which would be retained along its current line. The proposed dwellings would face towards FP53 which is a significant improvement to the earlier application where the dwellings backed onto FP53.

A standard informative will be attached to any approval and this will ensure that the PROW is protected during the construction phase of the development. The impact upon the PROW is considered to be acceptable.

## **Residential Amenity**

Policy HOU13 of the SADPD identifies the following separation distances;

- 21 metres for typical rear separation distance (24m plus 2.5m per additional storey)
- 18 metres for typical frontage separation distance (20m for three-storey buildings)
- 14 metres for a habitable room facing a non-habitable room (the addition of 2.5m per additional storey)

To the north of the site are residential properties which front Teasel Close, the proposed dwellings would have a separation distance of at least 29.5m to the dwellings on Teasel Close. This relationship complies with the separation distances set out in HOU13.

To the south of the site are dwellings which front Heath Road. The properties fronting Heath Road have long rear gardens (37m in length). The separation distances and orientation of the dwellings means that there would be no harm to the residential amenities of the properties fronting Heath Road.

Wrights Lane is a small cul-de-sac and to the eastern side is a terrace of 5 dwellings and to the western side there are three dwellings which are set back from the highway and benefit from front gardens. The 5 terraced dwellings positioned behind a narrow pavement. As part of the previous application, it was considered that the vehicle movements for the proposed development would cause some harm in the form of noise and disturbance for the occupants of these dwellings. This point was not accepted by the Inspector at the recent appeal who found



that the development of 25 dwellings *'would not result in additional noise of a level that would create undue disturbance to the residents of properties on Wrights Lane'*. This proposal has reduced the housing numbers from 25 to 13 and as such the impact would be less than as part of the recent appeal scheme.

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

### **Air Quality**

The Council's Environmental Health Officer has raised no objection to this application and considers that a condition relating to EV Charging provision, a Travel Plan and low emission boilers is necessary to ensure that local air quality is not adversely impacted for existing and future residents.

### **Contaminated Land**

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

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

### **Levels**

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

### **Highways**

The site currently consists of green fields with little to no traffic movements associated with it and it is accessed from Wrights Lane, which is an adopted section of the highway, which itself is accessed via Heath Road.

The previous application included a reason for refusal due to the access via Wrights Lane. Members were concerned over the narrow nature of Wrights Lane and that it would not provide a safe and suitable access to serve the proposed development and create conflict between highway users. This reason was not accepted by the Inspector who determined the previous appeal, in terms of the narrow nature of Wrights Lane the Inspector stated, *'the road to be of sufficient width to accommodate two-way traffic, including the passing of construction vehicles which, in any event, would likely be for a temporary period'*.

The Inspector then went on to state that together with the straight nature of Wrights Lane which provides adequate visibility, low traffic speeds along Heath Road and the level of increased vehicular movements during the peak time that the proposal would, *'not have an unacceptable impact on highway safety or lead to severe residual cumulative impacts on the road network. Indeed I note that the proposal would also provide a turning area for visitors, and delivery and*

*refuse vehicles which is currently unavailable on Wrights Lane, representing a modest benefit of the scheme for these users*'. The Inspector then concluded that the scheme for 25 dwellings would comply with the relevant policies of the Development Plan.

The proposed plans show that there will be a footway at the site access which will connect to the existing footway on Wrights Lane. This would provide pedestrian connections to the surrounding area including to bus stops, nearby shops, and school. There will also be a pedestrian connection to the adjacent site via the existing PROW.

Vehicular access would be via Wrights Lane which is a small cul-de-sac serving a small number of properties with a carriageway width of between 4.7m and 5m. The carriageway has a footway on one side of it and is flush against garden boundaries on the other side. As a result, the usable carriageway width is slightly less than 5m. Nevertheless, there is sufficient width to allow vehicles to pass each other. Currently there is no turning head at the end of Wrights Lane for cars or other vehicles and some of the properties off Wrights Lane do not have off-road parking.

This proposal will include 10 off-road parking spaces for the 5 properties off Wrights Lane which do not have parking, providing 2 spaces per property. The parking spaces will be offered to the residents on Wrights Lane on a long leasehold basis, at a peppercorn rent. This will free up existing carriageway space improving the access to the application site. In addition, within the application site, a turning area for vehicles will be provided, providing an additional benefit to the Wrights Lane access.

Heath Road is a 20mph road and speed surveys reflect this. Subject to the relocation of the telegraph pole and council bin, sufficient visibility is achievable. The access onto Heath Road from Wrights Lane is considered acceptable to serve the level of development proposed.

The internal carriageway width within the site is 4.8m wide which is sufficient for a development of this size, and a turning area will be provided at the end of the access road.

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

### **Trees and Hedgerows**

The site benefits from established boundary trees and hedgerows. Trees on the site are afforded protection by the Cheshire East Borough Council (Sandbach – Offley Woods, Filterbed Woods and Sandbach Heath) Tree Preservation Order 2017.

An updated Arboricultural Impact Assessment and Method Statement (Rev H) has been provided following concerns raised by the Councils Tree Officer. The applicant has reduced the size of plot 3 and increased separation from the stem centre of protected tree (20T) and closest elevation from 7.5 metres to between 8 and 9 metres. Pruning will be required to facilitate construction of the dwelling and the tree will overhang a large proportion of the available garden space.

It is acknowledged that separation of 10.5m between this tree and a dwelling was accepted with application 22/0882C. However, this had shown the tree extending over an area of amenity space, and the canopy did not overhang the garden of the closest property as it does with this

layout. Irrespective of the findings of the shading study provided, the dominance of the tree and impact it will have on any future occupiers cannot be underestimated and the resulting relationship of a tree of this size with a domestic dwelling is considered to remain poor.

Other than confirm that the access will be of an adoptable standard, no alterations to the layout or the type of hard surfacing to be used have been included in the report, which still suggests that 15% root loss within the RPA of Alder (3T) will arise, this does not accord with the British Standard. The 20% referenced as being the maximum amount of new surfacing that would be acceptable in existing unsurfaced ground in section 7.4.2.3 of the BS, relates to that surfacing being of an above ground engineer designed construction and does not reflect the amount of root loss that can be tolerated.

A mature moderate quality Oak (15T) is located on a shared boundary and while the tree may not be appropriate for formal protection, ownership responsibility, and/or agreement for the tree's removal is accepted.

A footpath/PROW is located to the north west side of the protected group of Alder (2T-6T & 7G) and appears to be within the site edged red, no detail regards surfacing of this path features on any of the plans (Hard Surface layout/Tree Protection) and given that this could arise in further disturbance and hard surfacing in RPAs of the protected linear group of Alder, the applicants intentions must be confirmed prior to the commencement of development.

Although a number of concerns have been raised by the Council Tree Officer, no objection has been raised to this current scheme.

## **Design**

The previous application was refused with a design reason for refusal. This was accepted in part by the Inspector as part of the recent appeal decision.

The previous layout was considered to represent an inward facing development with the housing backing onto the adjacent footpath (this also incorporated the lack of natural surveillance). In relation to this issue the Inspector found that:

*'this inward facing nature of the proposal would fail to reflect the preferences of the Design Guide. While opportunities to interact with the public right of way in this location are limited, and the proposal would provide informal connections in this regard, it remains that the overall inward facing nature of the development as a whole would result in the proposal feeling unduly detached from the surrounding residential schemes, failing to contribute to an overall sense of connected and integrated development in the immediate surrounds, contrary to the form and layout of the area'*

In response, the current application has amended the layout so that the development would have a more outward facing layout with housing facing out towards the footpath to the north-western boundary (this includes the dwelling on plot 7 which would have a dual frontage). The layout of the development is considered to be acceptable.



The Inspector also shared the Councils view in terms of the failure to comply with the street-surfacing specified within the CEC Design Guide. A revised plan provides details of the proposed surfacing materials which are compliant with the CEC Design Guide.

In terms of the proposed house types, the Inspector did not accept the Councils view that the detailed design was unacceptable in design terms. In response the Inspector found that *‘while the Council has concerns about the precise design of the dwellings, I do not share this view. The site sits in an area surrounded by a range of housing types and designs, to include the adjacent modern residential development and the more traditional terraces and semi-detached dwellings along Heath Road and further afield. The use of materials, pitched roofs, and fenestration placement and size pick up on traditional details found within the locality, while the more contemporary interpretation of such elements is reflective of the newer estates nearby’*. The house types are very similar to those which were previously refused (with some improvements to the fenestration proportions) and as such a reason for refusal relating to the design of the dwellings cannot be sustained.

Finally, the Council raised concern in relation to the siting of the car-parking at the entrance of the development and this would create a poor sense of arrival for the proposed development. In relation to this issue the Inspector found that:

*‘while I note the presence of parking spaces at the west of the site, I do not find that this would harm the sense of arrival to the scheme. These spaces are detached from the remainder of the site by an area of open space on either side of the road, creating a sense of visual separation. Combined with the proposed placement of trees, this would ensure that an avenue style approach to the proposed dwellings would remain’*

The siting and design of the parking area is now considered to be acceptable.

On the basis of the above assessment and following the recent appeal decision it is considered that the proposed development does represent an acceptable design solution. The development would comply with Polies SE1 and SD2 of the CELPS, GEN1 of the SADPD, H2 of the SNP and the CEC Design Guide.

## **Ecology**

### Designated sites

The Councils Ecologist advises that the proposed development is not likely to result in an adverse impact upon statutory designated sites.

### Great Crested Newts

The Councils Ecologist advises that this protected species is not reasonable likely to be affected by the proposed development.

### Hedgerows

Native Hedgerows are a priority habitat and hence a material consideration. The Councils Ecologist advises that there is likely to be a loss of a section of hedgerow to facilitate the site

access. Compensatory planting must be provided as part of the landscaping scheme for the site. Losses and gains of hedgerow habitat can be assessed through the Biodiversity Net Gain BNG metric discussed below.

### Other Protected Species

No setts were recorded on site during the submitted survey, but some evidence of foraging activity was present on site. The Councils Ecologist advises that the proposed development will result in a minor impact upon other protected species as a result of the loss of suitable foraging habitat.

### Nesting Birds

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

### Lighting

Whilst the application site offers limited opportunities for roosting bats, bats are likely to commute and forage around the site to some extent. To avoid any adverse impacts on bats resulting from any lighting associated with the development if planning permission is granted a condition should be attached requiring any additional lighting to be agreed in writing.

### Hedgehogs

This priority species is known to present in the broad locality of the application site and may occur on the application site on a transitory basis. The proposed development would be likely to result in a low impact on this species due to loss of habitat and the risk of animals being harmed during site clearance works. The submitted ecological assessment includes measures to minimise the risk to hedgehog and this will be secured via the imposition of a planning condition.

### Toads

A significant population of toads was recorded at the ponds located to the north of the application site. The Councils Ecologist has advised that the proposed development will result in a minor adverse impact on toads as a result of the loss of suitable terrestrial habitat.

### Biodiversity Net Gain

All development proposals must seek to lead to an overall enhancement for biodiversity in accordance with Local Plan policy SE3(5) and deliver a Biodiversity net gain in accordance with SADPD policy ENV 2. In order to assess the overall loss/gains of biodiversity resulting from the proposed development the applicant has undertaken and submitted the report of an assessment undertaken in accordance with the Defra Biodiversity 'Metric'.

The biodiversity metric indicates that the proposed development would result in a loss of biodiversity for area-based habitats and a net gain for hedgerows on site. Additional habitat creation proposals have been included in the metric on adjacent off-site land that are sufficient to achieve a 10.53% net gain for area-based habitats.

The Biodiversity Net Gain metric however indicates that the metric 'trading rules' are not satisfied, this occurs when there is failure to replace lost habitats with new habitats of the required type or quality. Schemes that fail to comply with the trading rules cannot be said to achieve a net gain.

The Councils Ecologist has recommended that the landscaping scheme and Biodiversity Metric calculation be revised to avoid down-trading errors. If this cannot be achieved on site additional offsite habitat creation measures or the purchase of biodiversity units from a Habitat provider will be required.

The Councils Ecologist has also stated raised the following additional comments in terms of the BNG assessment report as submitted:

- The application site is not located within the CEC ecological network. Consequently, all existing and proposed habitats should be entered as not being within a Local Strategy Area.
- It is not clear whether the loss of hedgerow resulting to the site access has been included in the metric calculations.

The BNG metric must be re-run to take account the above points. Once the revisions have been made the BNG assessment report must be updated, and a copy of the report and the spreadsheet used to undertake the assessment submitted to the local planning authority for approval in writing. This issue will be dealt with as part of an update report.

## **Flood Risk**

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. A Flood Risk Assessment (FRA) was submitted as part of the application.

The Councils Flood Risk Team and United Utilities have been consulted as part of this application and have raised no objection. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications subject to the imposition of planning conditions.

## **Climate Change**

Policy ENV7 of the SADPD states that;

*'all 'major' residential development schemes should provide for at least 10% of their energy needs from renewable or low carbon energy generation on site unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable'*

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



## **CIL Compliance**

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

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

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

The development would not provide on-site POS and the site is in an area of the Borough where there is a shortfall in provision and would require outdoor sport mitigation in accordance with Policies within the CELPS. This is considered to be necessary and fair and reasonable in relation to the development.

The site would provide open space and this will not be adopted by the Council. In order to secure maintenance of this open space a management scheme will be required.

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

## **PLANNING BALANCE**

The site is located within the Sandbach Settlement Boundary and CELPS allocation LPS53. The proposed development is limited to the housing part of the allocation for LPS53, and the existing hedgerow boundary will be retained and supplemented with additional planting to provide a landscape buffer.

The design of the proposed development represents an acceptable design solution, and the proposed housing mix is also considered to be acceptable. The proposal complies with Policies SE1, SC4 and SD2 of the CELPS, GEN1 and SC4 of the SADPD, H2 and H3 of the SNP and the CEC Design Guide.

In terms of the POS, the application secures contributions to mitigate the impact of the proposed development.

The proposed development would provide an acceptable level of amenity for the occupants of the surrounding dwellings and the future occupants of the development. The proposal complies with policies HOU12 and HOU13 of the SADPD.

The proposed access points and the traffic impact are considered to be acceptable. The development complies with Policies SD1, SD2 and SE1 of the CELPS, INF1 of the SADPD and IFT2 of the SNP.

The development is considered to be acceptable in terms of the impact upon flood risk/drainage.

In terms of the impact upon trees, there are some weaknesses with the design of the scheme, but the Councils Tree Officer has not formally objected to the application and the scheme is considered to be acceptable.

The impact upon ecology/protected species is considered to be acceptable. Some minor additional information is required in terms of BNG, this has been requested and an update will be provided in relation to this issue.

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

**APPROVE subject to the completion of a S106 Agreement with the following Heads of Terms (this is subject to the minor BNG issue being resolved)**

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Education</b>	£71,484.02 (primary education) £49,159.29 (secondary education)	Primary – full amount prior to first occupation Secondary – full amount prior to first occupation of the 6 <sup>th</sup> dwelling
<b>Outdoor sport</b>	Contribution of £13,000	Full amount prior to first occupation
<b>Offsite Open Space</b>	Contribution of £39,000	Full amount prior to first occupation of the 6 <sup>th</sup> dwelling
<b>Open Space</b>	Scheme of Management	Scheme of Management to be secured and agreed with the LPA

**And the following conditions:**

1. Standard time 3 years
1. Approved plans
2. Low emission boiler provision
3. Electric Vehicle Charging provision
4. Travel Plan provision
5. Contaminated Land Assessment to be submitted and approved
6. Contaminated Land Verification Report
7. Contaminated Land Importation of Soil
8. Unexpected contamination
9. Detailed drainage strategy to be submitted and approved
10. Land levels to be submitted and approved
11. Materials to be submitted and approved
12. Boundary treatment to be submitted and approved
13. Window reveal to be provided
14. Breeding birds – timing of works
15. Hedgehogs – Precautionary Method Statement
16. Lighting details to be submitted and approved

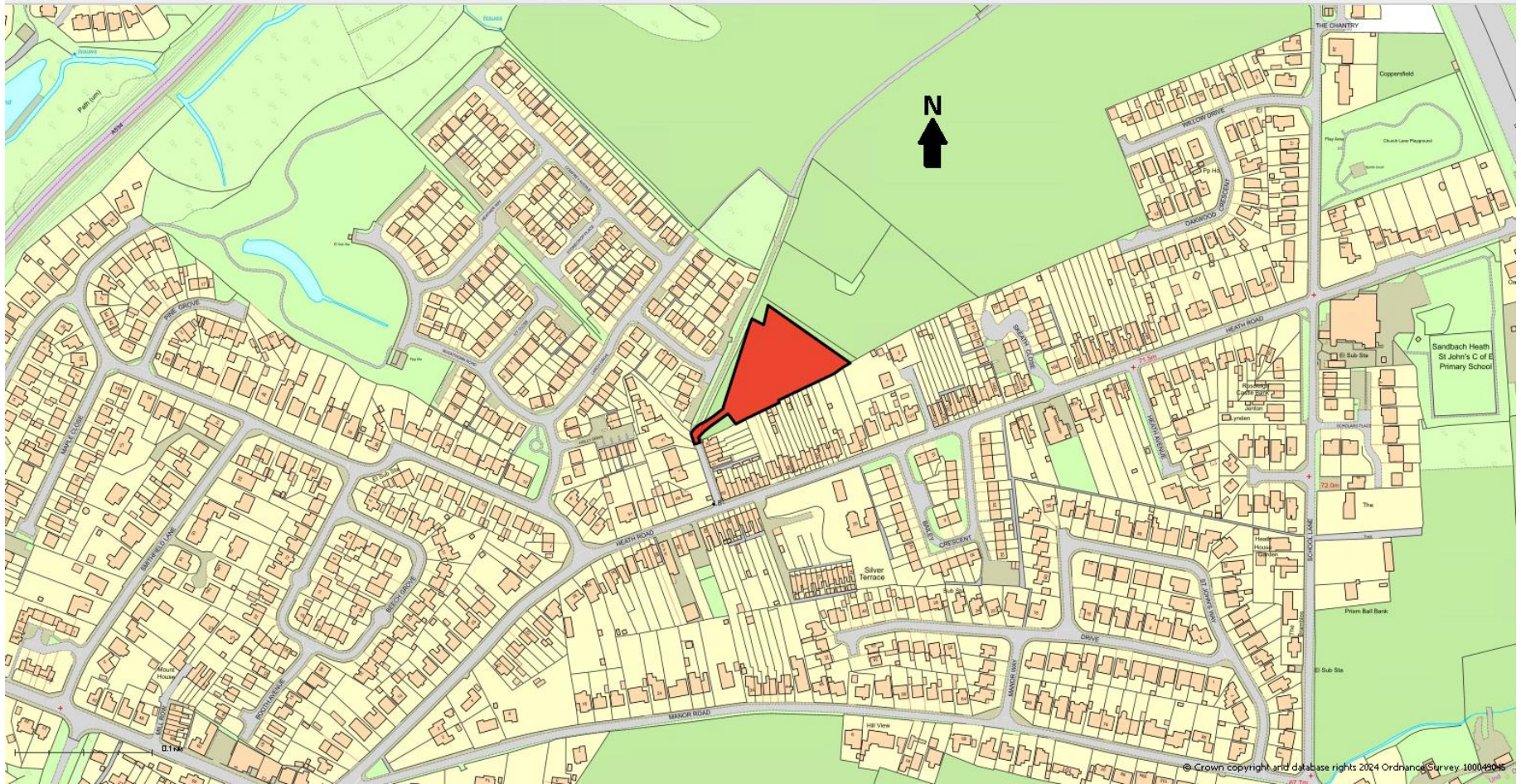
17. Ecological Enhancements to be submitted and approved
18. 10% of energy needs to be from renewable or low carbon energy
19. Prior to the commencement of development, a scheme for the relocation of the telegraph pole and council bin to be submitted and approved
20. Landscaping to be submitted
21. Landscaping to be completed
22. Hard surfacing to be completed in accordance with the submitted details
23. 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.
24. 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.
25. Details of the surfacing of the PROW to be submitted and approved.
26. Compliance with the Tree Protection Plan and Arboricultural Impact Assessment
27. Details of the construction of the highway within the root protection area of T3 to be submitted and approved. Hand dig construction only.

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.

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

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Education</b>	£71,484.02 (primary education) £49,159.29 (secondary education)	Primary – full amount prior to first occupation Secondary – full amount prior to first occupation of the 6 <sup>th</sup> dwelling
<b>Outdoor sport</b>	Contribution of £13,000	Full amount prior to first occupation
<b>Offsite Open Space</b>	Contribution of £39,000	Full amount prior to first occupation of the 6 <sup>th</sup> dwelling
<b>Open Space</b>	Scheme of Management	Scheme of Management to be secured and agreed with the LPA





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Application No: 24/1598C

Location: 477, CREWE ROAD, SANDBACH, CW11 3RT

Proposal: Change of use from hot food takeaway to office for taxi company.

Applicant: Mr Mohammed Khan, A Stars Taxis Congleton

Expiry Date: 09-Aug-2024

**SUMMARY**

The proposed change of use is acceptable in this instance and complies with the Development Plan and the NPPF.

**RECOMMENDATION**

APPROVE subject to conditions.

**REASON FOR REFERRAL**

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

*‘This property is part of a row of terraced houses. I’m not sure that a business operating in very unsociable hours is appropriate for this property. The previous business only opened during daylight hours, closing at a time which allowed neighbors to relax in their own homes’*

**DESCRIPTION OF SITE AND CONTEXT**

The application site is located within the settlement boundary for Sandbach as defined by the Local Plan Policies Map. The site contains a two-storey property which is part of a row of terraced properties along the western side of Crewe Road. The property sits within a residential and commercial area of to the south of the settlement. The setting is characterised by a mix of dwellings and local businesses that sit in close proximity.

**DETAILS OF PROPOSAL**

This application proposes a change of use from a hot food takeaway to an office for a taxi company.



## **RELEVANT HISTORY**

20435/3 – Change of use of butchers shop to fish & chip shop (Approved 06-Dec-1988)

9012/3 – Provision of self-contained flat on two floors, above existing lock up shop (Approved 18-Apr-1979)

## **POLICIES**

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

MP 1 – Presumption in Favour of Sustainable Development

SD 1 – Sustainable Development in Cheshire East

SD 2 – Sustainable Development Principles

SE 1 – Design

SE 2 – Efficient Use of Land

SE 7 – The Historic Environment

PG 2 – Settlement Hierarchy

CO 1 – Sustainable Travel and Transport

CO 2 – Enabling Business Growth Through Transport Infrastructure

Appendix C: Parking Standards

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

PG9 – Settlement Boundaries

GEN1 – Design Principles

HER 1 – Heritage Assets

HER 4 – Listed Buildings

HOU12 – Amenity

HOU13 – Residential Standards

INF3 – Highway Safety and Access

### **Sandbach Neighbourhood Plan**

The Sandbach Neighbourhood Plan (Modification) was made on the 21st March 2022

PC3 – Settlement Boundary

HC1 – Historic Environment

H2 – Design & Layout

IFT2 – Parking

JLE1 – Future Employment and Retail Provision

### **Other Material Considerations**

National Planning Policy Framework

National Planning Practice Guidance

Cheshire East Design Guide SPD

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

**Environmental Protection (CEC):** No objection with an informative relating to the hours of construction being advised.

**Strategic Transport (CEC):** No objection with no material highway implications being associated with this proposal.

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

**Sandbach Town Council:** No objection provided the application keeps to comments and stipulations contained in the design, access and supporting statement.

## **OTHER REPRESENTATIONS**

1 letter of objection has been received which highlights the following points:

- Parking is already limited in this section of road
- Additional vehicles will take away from parking for residents
- Concern for workings hours due to noise activity at unsocial hours

## **OFFICER APPRAISAL**

### **Principle of Development**

Policy PG9 of the SADPD states that within settlement boundaries, development proposals (including change of use) will be supported where they are in keeping with the scale, role and function of that settlement and do not conflict with any other relevant policy in the local plan.

Policy HER 4 of the SADPD advised that for listed buildings, the council will normally support proposals for the change of use or conversion of a listed building where the use secured is consistent with the preservation of its heritage significance.

The site lies within the Sandbach settlement boundary and is within proximity of a Grade II listed building. The principle of a proposed change of use is acceptable subject to the consideration of its impact upon a Grade II listed building, the design of the proposed development, the highways impact and the impact upon residential amenity.

### **Design & Character of the Area**

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

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

Policy H2 of the Sandbach Neighbourhood Plan states that extensions and alterations to existing buildings will be expected to meet high standards of design that are in keeping with the character of the local area, appropriate and sympathetic to its setting in terms of scale, height, density, layout, appearance and materials, and not cause unacceptable visual intrusion, overlooking, shading, or other adverse impact on local character and amenities.

Policy GEN1 of the SADPD refers to general design principles.

### Overview

The proposed application is for a change of use of the existing building from a hot food takeaway (a vacant fish and chip shop) to an office for a taxi company. In consideration of the proposal, there would be no physical change to the building. As such, there is to be no alteration of the character of the building in terms of scale, design or how it is viewed within the street scene. Whilst there is an intention to make a minor change to the fascia signage above the ground floor window, this would be considered as part of a separate application.

The proposed development would comply with Policy SE1, SD1 & SD2 of the CELPS, Policy GEN1 & HOU11 of the SADPD and Policy H2 of the Sandbach Neighbourhood Plan.

### 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*

Para 205 states that great weight should be given to the asset's conservation. Para 206 goes on to clarify that any harm to, or loss of, the significance of a designated heritage asset should have clear and convincing justification for the harm.

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 HER4 of the SADPD follows the wording of the NPPF and states that when considering development proposals or works affecting a listed building, including alterations, extensions and changes of use, in line with its statutory duty, the council will have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest that it possesses.

On a more local level, Policy HC1 of the Sandbach Neighbourhood Plan states that all developments should protect and enhance the heritage significance of designated and non-designated heritage assets and their settings, maintain local distinctiveness and character, and retain distinct features (including those related to the form and setting) of existing buildings.



It is noted the property is within proximity to The Commercial Hotel, a Grade II listed building which sits to the north-west of the site. The application proposes a change of use that makes no alterations to the external appearance of the applicant property. Furthermore, when considering visibility of the property from this heritage asset, the applicant site is heavily screened by the existing properties sat between the buildings.

Of the minimal visibility towards the rear of the site, this does not differ from what can be seen with the previous commercial use of the property. Given the setting of this heritage asset has already been compromised by previous commercial development within the surrounding the subject building throughout the 20th century, it is considered there would be no greater impact from this proposed change of use.

On this basis, the proposed development would have a neutral impact on the setting of this listed building and therefore it is acceptable in heritage terms.

The proposed development would comply with Policy SE7 of the CELPS, Policy HER4 of the SADPD and Policy HC1 of the Sandbach Neighbourhood Plan.

### **Amenity**

Policy HOU 12 of the SADPD states that development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to:

- loss of privacy
- loss of sunlight and daylight
- the overbearing and dominating effect of new buildings
- environmental disturbance or pollution; or
- traffic generation, access and parking

When assessing the proposed scheme, there are to be no external changes being made to the property. As such, there would be no impact on the residential amenity for the neighbouring dwellings in terms of loss of privacy or light, or the scheme having an overbearing and dominating effect.

In consideration of the potential for environmental disturbance or pollution, it is advised the proposal would make a change of use from a hot food takeaway (previously a fish and chip shop) to an office for a taxi company. The existing use is the subject of three conditions which seek to protect residential amenity as follows:

- 2. This permission shall relate to the use of the ground floor only.*
- 3. The opening hours of the fish and chip shop hereby permitted shall terminate at 11.0p.m. each weekday.*
- 4. Before the use hereby permitted is brought into use an odour and fumes absorption facility shall be incorporated within the building.*

The proposed office would be used for telephone and online bookings only. Taxis would not be despatched from or parked at the premises and there would be no public access (the main headquarters of this taxi business will remain in Congleton). The application states that the

applicant would like to operate from 5am – 1am. There will be no comings and goings other than at shift change between 2pm and 5pm

This application would provide some benefits in terms of the removal of the risk of potential odours, and the removal of vehicle movement and customers entering the building up to 11pm each night. These benefits need to be balanced against the proposed increased hours of operation.

Based on consultation with the Environmental Protection team, it has been confirmed that they have no objection to the scheme with an informative being advised which relates to the hours of any construction works and associated deliveries to the site taking place during the development. The primary use of the property would be as an office with an operating centre to take customer calls or online bookings, with radio link contact to the drivers. The form of this communication would be comparable to the typical use of a residential property. The proposed use would improve residential amenity based on the existing situation.

On this basis, this proposed change of use would not cause any harm to the residential amenity of occupants within the neighbouring properties.

The development complies with the SPG and SADPD Policy HOU12.

## **Highways**

Policy CO2 of the CELPS identifies that 'proposals should adhere to the current adopted Cheshire East Council Parking Standards for Cars and Bicycles set out in Appendix C (Parking Standards)', with Policy SD1 of the CELPS seeking to ensure that developments, wherever possible, provide sufficient car parking in accordance with adopted highway standards.

When considering this application, it is highlighted the primary function of the property will be as an office for telephone and online bookings in relation to its use as a taxi company. Taxis would not be despatched from or parked at the premises as there shall be no driver facilities on site. Furthermore, there would also be no public access. As such, there is to be an absence of vehicle movement and customers entering the building.

Given its location, there is no provision of car parking specifically associated with the existing building. Furthermore, there are on-street parking restrictions along the front of the premises. Whilst so, there is potential for staff to access car parking within the wider area such as car parks to the north and south off Crewe Road. There is also the option for staff to access the site on foot.

Based on consultation with the Strategic Transport team for Cheshire East Council, it is established there are no material highway implications associated with this proposal. As a result, there have been no objections raised to the scheme on highway grounds.

In consideration of this, it is determined there would be no parking concerns as a result of the proposed development.

The proposal complies with Policy SD1, CO1, CO2 and Appendix C of the CELPS, Policy INF3 of the SADPD and Policy IFT2 of the Sandbach Neighbourhood Plan.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

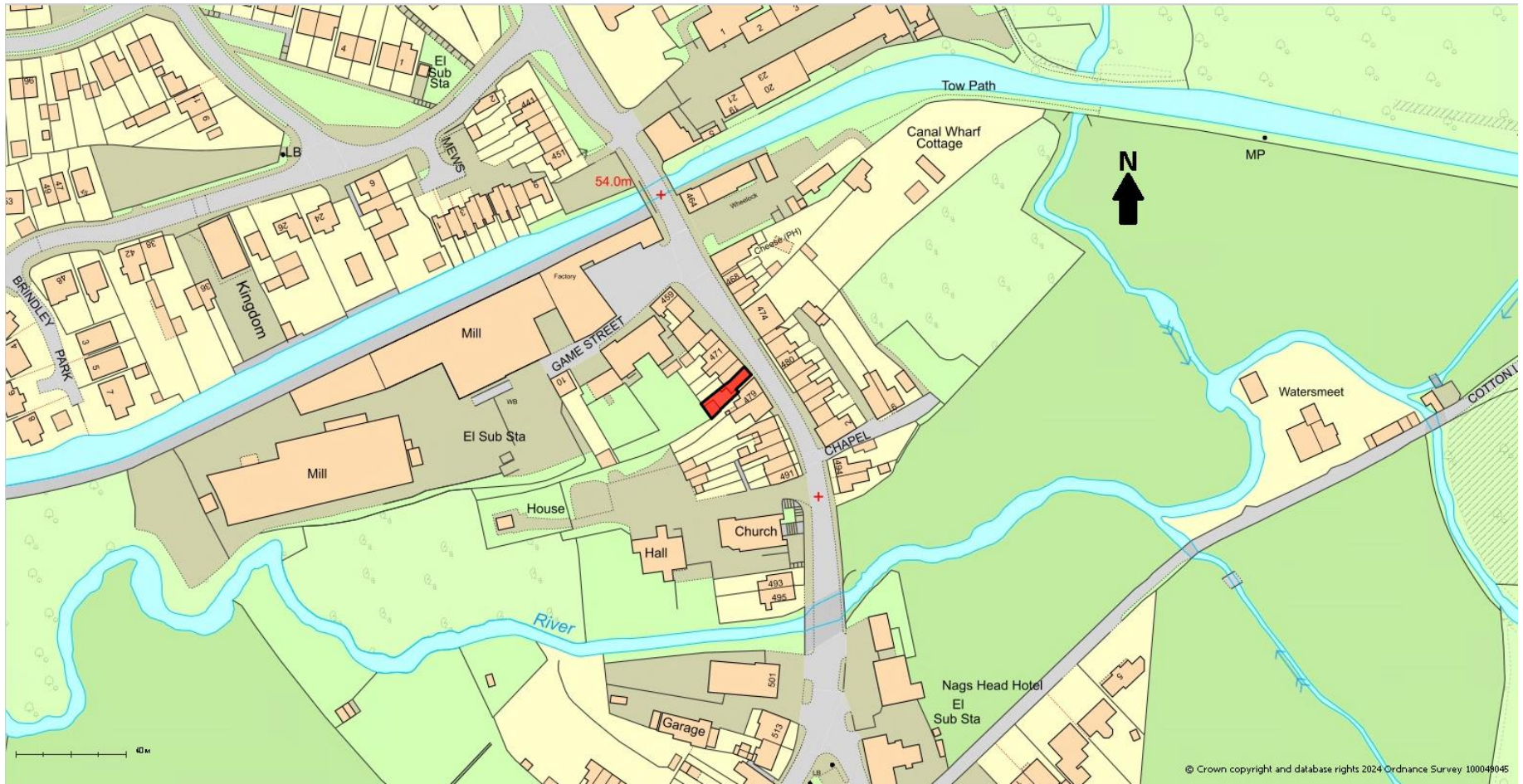
The proposed change of use is acceptable in this instance and complies with the Development Plan and the NPPF.

**Approve subject to the following conditions:**

- 1. Standard Time**
- 2. Approved Plans**
- 3. Hours of operation 5am to 1am**
- 4. This change of use relates to the ground floor of the building only**
- 5. The taxi office hereby approved shall be for telephone and online bookings only.  
No taxis shall be dispatched from the premises and the office shall not have public access for bookings.**

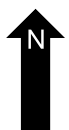
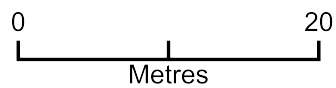
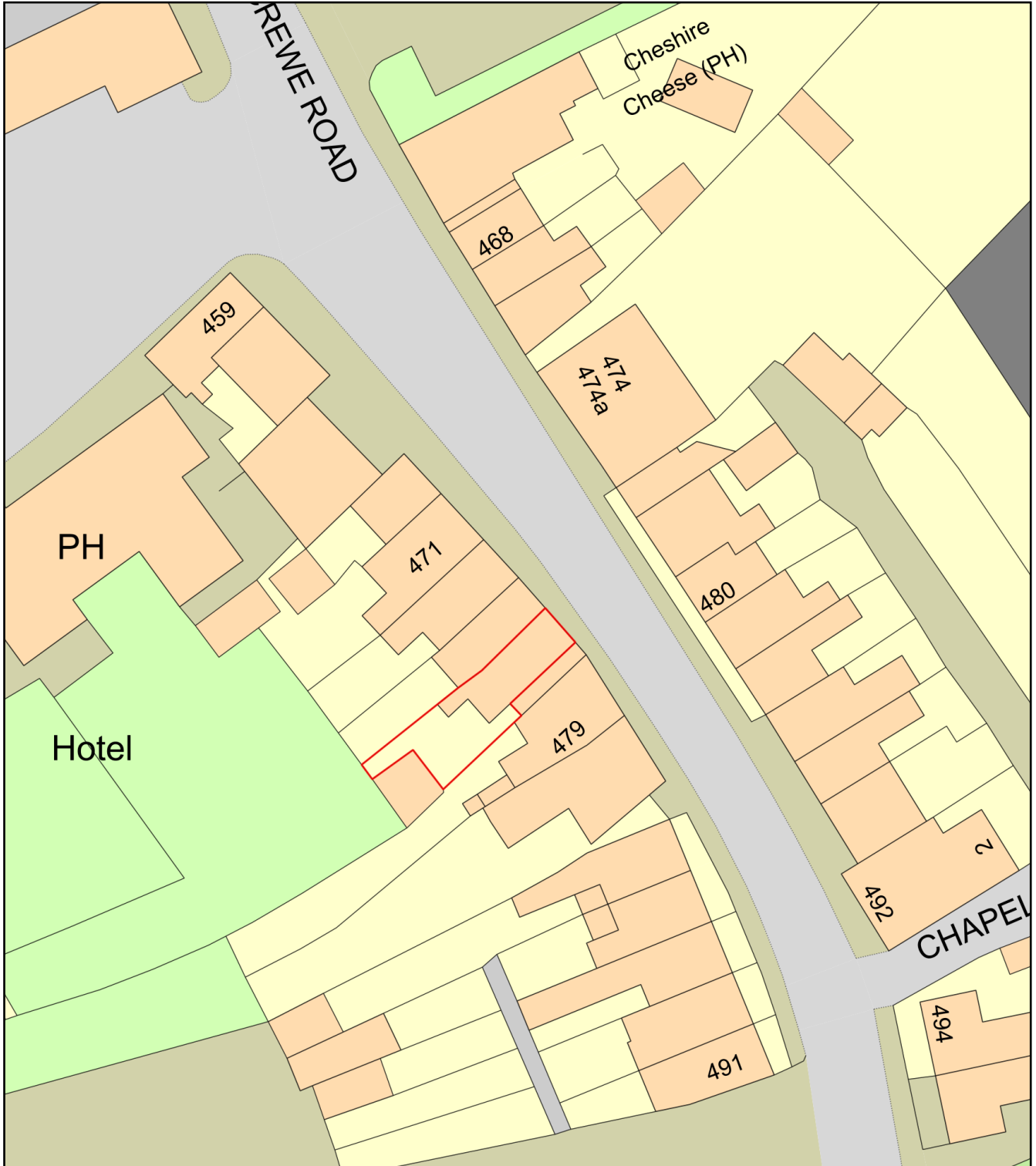
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24/1598C  
477 CREWE ROAD  
SANDBACH

477 Crewe Road, Sandbach, CW11 3RT



Plan Produced for: Meller Speakman

Date Produced: 29 Apr 2024

Plan Reference Number: TQRQM24120145310137

Scale: 1:500 @ A4

SALES UK

RANGEMASTER

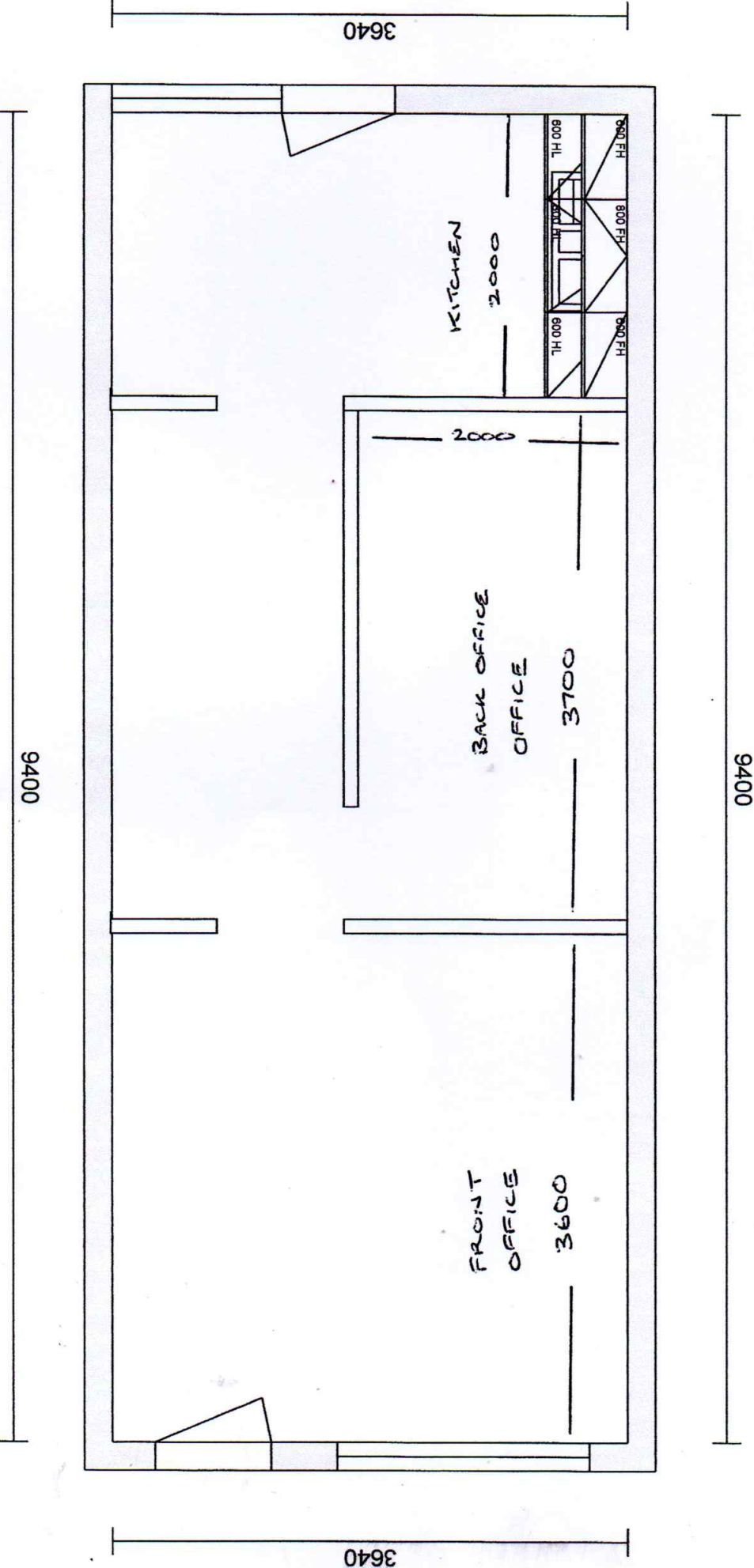
PLASTERING  
STUDIES  
BEDROOMS  
KITCHENS  
DIAMOND RANGES

EXPOS

FAMILY KEBAB & CHIPPY  
Kebabs & Traditional Fish & Chips  
01276 768777  
Delivery

Online Auction  
Online Auction





Application No: 24/0214N

Location: SANTUNE MEADOWS, LAND ADJACENT TO OLD PUSEYDALE, MAIN ROAD, SHAVINGTON, CW2 5DU

Proposal: Variation of conditions 2 and 18 on application 21/1920N: To allow for coffin burials to respond to demand

Applicant: Mr Simon Clutton

Expiry Date: 02-Aug-2024

### **SUMMARY**

The use of the land as a burial site has been accepted and this application seeks to allow for coffin burial to take place in addition to the internment of ashes. This requires an increase in the land levels on part of the site.

The proposed development will not be incongruous or adversely affect the landscape character. The development is also considered to be of an acceptable design. The proposed development complies with Policy SE4; the landscape requirements of Policy PG5, SE1, SD1 and SD2 of the CELPS and GEN1 of the SADPD.

The highways impact will be minimal, and the improved access and parking provision are acceptable. The application proposes a safe and suitable access can be achieved, there will be no severe impact upon the local highway network. The proposed development complies with policies INF3 of the SADPD, CO1, CO2 and CO4 of the CELPS, TRA1 and TRA2 of the SNP and the NPPF. It is accepted that there could be some disturbance caused by the construction phase of the development, but this could be controlled via the imposition a Construction Management Plan condition.

The proposed development would not cause such amenity harm to warrant the refusal of the application. The proposed development complies with Policy HOU12 of the SADPD.

There are no implications in terms of the impact upon trees, protected species and habitats. The proposed development complies with Policy SE3 of the CELPS, ENV2 of the SAPPD and ENV2 of the SNP.

Despite the above, the application does not demonstrate that the risks to groundwater pollution can be satisfactorily managed or that the proposal would effectively manage and reduce the risk of surface water/overland flow. The proposed development conflicts with Policies SE12 of the CELPS, ENV16 and ENV17 of the SADPD and ENV3 of the SNP. On this basis the application is recommended for refusal.

### **RECOMMENDATION**

**REFUSE**

## REASON FOR REFERRAL

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

*'Section 3.8 Surface Water Flooding "any works that might increase risk of flooding on or off the site need to be identified and risks assessed and mitigated using a suitable SUDS compliant approach". This is very much in line with Shavington-cum-Gresty PC Neighbourhood Plan and reinforces our 9.17 requirements. The application does not have an FRA for surface water and impact on ground water flow patterns.*

*Section 3.7 Meteorological Data indicates that 2021 and 2022 rainfalls were low and the local water table and soil moisture were "below average" for the time of year when the investigation took place. This could potentially require ground raising to higher than currently stated levels. This needs to be considered when undertaking a FRA*

*Site Level Increase Requirements does not provide sufficient information to accurately estimate the required imported soil volumes, not the associated tipper truck traffic.*

*Referenced Environment Agency consultation with CDS, in the covering letter, is not included as part of the submitted documentation supporting the application'*

## PROPOSAL

Planning application 21/1920N gave planning permission for the change of use of land to be used as an ecological burial ground. The Supporting Planning Statement for application 21/1920N identified that the site has capacity to offer up to 5500 urn burial plots covering 2.185 hectares of the site. The plot sizes would measure 2.5m x 1.5m.

The application site is accessed via Main Road to the east of the site.

This application seeks to vary conditions 2 and 18 attached to application 21/1920N. These are as follows:

2. Compliance with the approved plans

18. Compliance with the submitted 'Natural Burial Ground Management Plan'

The reason for the application is to allow coffin burials to take place at the site rather than just urn burial plots. The revised plans identify an area of the site for coffin burials and the application advises that the coffin burials on site would be restricted to 1480 of the overall maximum allowance of 5500 burial plots (leaving 4020 urn burial plots).

In addition to this change the above change the application proposes the following alterations:

- Levels within the coffin burial zone would be raised by a maximum of 1.68m from existing levels.
- Additional on-site parking and a hearse access track that runs from the western side of the site to the centre of the coffin burial zone. An excess parking area will also be provided within the site.

## **SITE DESCRIPTION**

The application site extends to 3.24 hectares and is located to the west of Main Road, Shavington within the Open Countryside and Green Gap.

The site is relatively flat and includes a number of trees, hedgerows, pond and open ditches. There are four trees to the north-eastern boundary of the site which are protected by a Tree Preservation Order.

The nearest residential properties are located to the east and north-east of the site and front onto or are accessed off Main Road.

To the southern boundary of the site is a PROW Rope FP4.

The approved development as part of application 21/1920N has commenced on the site and is operational.

## **RELEVANT HISTORY**

23/4722N - Variation of conditions 2 and 18 on existing permission 21/1920N; Installation of an ecological burial ground with associated access, car parking and infrastructure with ancillary facilities – Withdrawn 10<sup>th</sup> January 2024

21/1920N - Installation of an ecological burial ground with associated access, car parking and infrastructure with ancillary facilities – Approved 5<sup>th</sup> July 2021

20/5236N - Installation of an ecological burial ground with associated access, car parking and associated infrastructure with ancillary facilities – Refused 4<sup>th</sup> March 2021

20/5237N - Advertisement Consent for an entrance sign – Application Undetermined

16/5849N - Proposed Development of Three Detached Dwellings – Refused 30<sup>th</sup> January 2017

14/5883N - New Control kiosk, hardstanding and permanent access – Approved 9<sup>th</sup> March 2015

7/04145 - Siting of residential caravan – Approved 29<sup>th</sup> June 1978

## **NATIONAL & LOCAL POLICY**

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

MP1 – Presumption in Favour of Sustainable Development

PG2 – Settlement Hierarchy

PG5 – Strategic Green Gaps

PG6 – Open Countryside

PG7 – Spatial Distribution of Development

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles



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 12 – Pollution, Land Contamination and Land Instability  
SE13 – Flood Risk and Water Management  
IN1 – Infrastructure  
IN2 – Developer Contributions  
CO1 – Sustainable Travel and Transport

### **Site Allocations and Development Policies Document (SADPD)**

The relevant Saved Policies are:

PG12 – Strategic Green Gap Boundaries  
GEN1 – Design Principles  
ENV2 – Ecological Implementation  
ENV3 – Landscape Character  
ENV5 – Landscaping  
ENV6 – Trees, Hedgerows and Woodland Implementation  
ENV16 – Surface Water Management and Flood Risk  
ENV 17 – Protecting water resources  
HOU12 – Amenity  
INF1 – Cycleways, Bridleways and Footpaths  
INF3 – Highway Safety and Access  
REC5 – Community Facilities

### **Neighbourhood Plan**

The Shavington Neighbourhood Plan (SNP) was made on 28<sup>th</sup> July 2021.

ENV1 – Footpaths and Cycleways  
ENV2 – Trees and Hedgerows  
ENV3 – Water Management and Drainage  
TRA1 – Sustainable Transport  
TRA2 – Parking  
ECON1 - Economy

### **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.

### **CONSULTATIONS**

**Environment Agency:** Object to the planning application, as submitted, because the risks to groundwater from the development are unacceptable.

**CEC PROW:** There is no objection to the current application however it is advised that consideration be given to the boundary and security in the vicinity of the public footpath (southwest boundary).

**United Utilities:** A large diameter trunk main crosses the site and UU will not permit building over it – an access strip will be required in accordance with the 'Standard Conditions for Works Adjacent to Pipelines'. A planning condition is suggested.

**Flood Risk Manager:** Raise the following comments:

- Can details of the improvements to the existing pond please be provided? is this being dredged? Capacity changed?
- Suds must be incorporated in accordance with NPPF Para 175
- The hydrobrake must be instead restricted to 2l/s (to mitigate blockage risk)
- Post-infill, an updated groundwater assessment must be provided to assess the updated groundwater level on site.
- Details of the proposed infilling soil are to be provided, including void ratios of the soil, and details of how any displaced water will be attenuated on site.
- The EA also detailed the removal of land drains on site, can the applicant please confirm details of any land drains that have been removed?
- To mitigate overland flow risk from infilling the land and creating steeper gradients, the maximum angle of any land infilled must be no more than 1in3.
- There are surface water runoff routes at the Northwest of the development showing runoff flowing off-site. (as well as risk of any upwelling groundwater to runoff here too). Can boundary drainage be implemented here to mitigate overland flow risks?

**Head of Strategic Infrastructure:** No objection subject to the imposition of a condition relating to a Construction Management Plan.

**Environmental Health:** No comments to make.

## **VIEWS OF THE TOWN COUNCIL**

**Shavington Parish Council:** The Parish Council offer the following comments:

- *The Clerk has been instructed to contact the Shavington Ward Councillor to formally request a call-in of the application.*
- *That, with reference to the Cheshire East Council internal consultation on flood risks, the Planning Authority should request the applicant to provide a flood risk assessment.*
- *That the Parish Council reiterates all comments and observations already submitted in the previous main application 21/1920N.*
- *That a recommendation should be made to restrict the maximum number of burials to 25 per annum, with reference to the Groundwater risk assessment.*
- *That a recommendation is made to Highways to consider restrictions in parking on the main highway.*
- *That the applicant should be required to supply missing or lacking information to ensure clarity and transparency in the assessment process.*

## REPRESENTATIONS

Letters of objection have been received from 2 households raising the following points;

- A large part of the site will be raised by 1.5-1.7m which will increase the risk of flooding. A Flood Risk Assessment is required to determine the impact and any necessary mitigation measures.
- The proposal is contrary to policies SE13 of the CELPS and ENV3 of the SNP.
- It is unclear in terms of the proposed material required to raise the levels of the site and contradictory information has been provided.
- The importation of soil and the traffic numbers should be provided as part of the application. It is necessary to consider the impact upon local roads, safety and pollution (estimate that this could be as high as 1752 truckloads).
- Main Road is a principal route to the primary and secondary school with hundreds of pupils using Main Road. There is a safety risk and an enforceable Traffic Management Plan will be required.
- The increased land levels will affect hydrology and groundwater levels as well as surface water runoff and potential increase flooding.
- The LLFA consultation response is inadequate.
- Running sand will exacerbate subsurface hydrology changes impacted by the overburden of raising land levels.
- The use of lower ground water levels to determine land raising levels are problematic for burial excavations.
- The developers own documents flag up the potential flooding issues.
- Made ground levels will be less stable and hand dug graves may require mitigation measures.
- Regular monitoring for increases in potentially hazardous and toxic organics will be required.
- Potential increase in ground water pollutants. Burials should be limited to 25 per year and permanent groundwater testing wells should be installed and regularly tested and reported.
- The coffin burial area should be reduced to eliminate encroachment into the pipeline easement.
- Pumping may be required to mitigate the pollution of ground and surface water runoff.
- The number of parking spaces is 300-400% more than the parking provision than the average figures stated (12 vehicles average for a burial and 18 vehicles average for a crematorium).
- Following a burial traffic is likely to leave in a 5–10 minute period (not 30 minutes as stated). The information provided is misleading. If a service used all 52 spaces then this would cause traffic problems on Main Road.
- The Environment Agency comments cannot be viewed on the website.
- Insufficient information contained within the application (e.g. plans are not clearly labelled, contradictory statement, lack of clarity, the urn burial area appears too small, it is not clear why the land levels will be raised, timescale for the importation of soil).
- More consultation time should be provided.
- Risk of ground water flooding and potential contamination.
- Raising/relevelling of land for burials is unproven.
- The raising of land levels does not consider climate change and soil compaction.
- Failure to identify the many field drains on site which discharge into the pond on site.
- Unable to understand the ground water run off rate.

- Failure to identify historic wells and springs.
- No clarification that the sole use will remain as natural urn and coffin burials.
- The adjacent land is used for livestock and the growing of crops.
- There should be a full tier 3 ground water assessment with consultation with the Environment Agency to confirm that there is no risk to ground water flooding or contamination.
- Additional traffic and parking spaces in front of residential property.
- The plan is not too scale.
- There is not enough room for the additional parking spaces.
- The suggestion of 18 cars per burial is not robust.
- Traffic generation could be significantly higher.
- There are PROW running through the site and a UU pumping station.
- Increased noise and disturbance.
- Increased road conflict.
- Impact upon privacy and outlook.
- Inability to manoeuvre safely at the site entrance.
- The gateway should not be moved further forward and should be in the position shown on application 21/1920N.
- The site should be restricted to natural burials only and no more than 25 burials per year.
- There should be a maximum of 2 burials per day (one in the morning and one in the afternoon).
- The speed limit should be reduced to 20mph.
- Loss of trees and hedgerows (including a historic hedgerow). All hedgerows and trees should be retained.
- There has already been a significant loss of trees on the site.
- There are TPO trees on the site.
- There is reference to a 1.5m stone on site.
- A single grid reference has been used.
- The proposal will affect the landscape, intrude into the countryside and affect the outlook of residential properties.
- The character of the site should be retained and used for sheep grazing.
- Levels will increase by 1.72m-1.98m and this will require over 2000 tipper truck movements along Main Road. This raises traffic safety concerns.
- The pond will need to be included within the regular monitoring program to ensure that water run-off is maintained at a moderate risk.
- The different drainage systems referenced within the Flood and Surface Water Assessment are not shown on the submitted plans.
- The southern area is lower than the site.
- Land raising activity will require vigilant monitoring and enforcement during all related activities (topsoil stripping and storage, soil fill placement techniques, moisture content, limits for placement during wet weather, lift depths and compaction, specific equipment uses and restrictions and grade level tolerances).
- Is the technical note for the 'Surfacing materials for access and parking Areas' to be approved?
- Information requested by the EA has not been provided. A tier 3 ground water assessment is required, no off-site ground water assessment has been provided, no land drain assessment has been provided, no ground water monitoring plan has been provided.
- The previously approved land drains have not been installed.



- The land drains and ditches discharge into a pond and this has resulted in an increased flooding on neighbouring land.
- Ground contamination from human burials.
- Visual impact from raising land levels.
- Repositioning the access gates will be a highway safety hazard.
- There is a farm access easement which means that all of the proposed parking spaces will not be achievable.
- There are inconsistencies between the land levels plan and the landscape plans.
- Loss of hedgerows and trees.
- Raising land levels will prevent disabled person access.
- The management plan does not refer to Santune Meadows
- Traffic movement figures are for average numbers attending services only.
- There is no traffic plan for vehicles used United Utilities or farm vehicles.

Letters of support have been received from 19 households which raise the following points;

- The area created is beautiful.
- Residents currently have to travel to Winsford to bury loved ones by coffin.
- The burial grounds at Weston and Wybunbury are full.
- There is a demand for a Natural Burial site.
- This proposal would benefit the local community.
- Local people should have a choice in terms of burial plots available.
- People should be able to bury loved ones close to their homes.
- There is a clear lack of burial sites around Crewe and Nantwich, this is a necessity which Cheshire East cannot ignore.
- Given its financial issues Cheshire East is unlikely to provide its own burial sites at its own cost.
- People are having to travel to Winsford or Keele for natural or woodland burials. Public transport is not an option to these locations.
- Santune Meadows is a peaceful site with excellent landscaping and on-site facilities.
- Some cremations have occurred due to the lack of local cemeteries.
- Existing and future generations will benefit from this application.
- The site is already open and is functioning as a natural burial site.
- Shavington has an elderly population and there is a need for coffin burial sites.
- The application makes a positive use of an accessible site.
- Emotional impact of not being able to provide a burial plot for a loved one.
- Restricting burials to 25 a year does not make sense.

One letter of general observation has been received which raises the following points;

- Support the proposal to establish a coffin burial site in Shavington.
- Shavington has a high water table and the application requires an increase in land levels on the site. The risk of flooding should not be increased.
- Flood mitigation measures should be incorporated into the development.
- Concern that there is insufficient parking provision for large gatherings which may result in parking taking place on Main Road.
- Main Road is narrow at the entrance to the site and parked vehicles would obstruct access.
- H bars and double yellow lines should be provided for driveways along Main Road

## **APPRAISAL**

### **Principle of Development**

Excluding a small part of the proposed access the site lies in the Green Gap and Open Countryside, as designated in the Development Plan.

Policy PG5 of the CELPS identifies that the construction of new buildings or the change of use of land will not be granted where the development would;

- Result in the erosion of a physical gap between any of the settlements named in policy (this includes Willaston/Rope/Shavington/Crewe)
- Adversely affect the visual character of the landscape
- Significantly affect the undeveloped character of the Green Gap, or lead to the coalescence between existing settlements

The site is also subject to Policy PG6 of the CELPS, and it is identified that other uses appropriate to a rural area will be permitted. A burial ground is appropriate in a rural area and was consented as part of application 21/1920N. The consented development gave permission to provide urn burials only and this application seeks to allow coffin burial on part of the site, this would require a raise in land levels on part of the site as well as additional on-site parking and a hearse access track.

Each plot will be marked on a topographical survey of the land so that a GIS System can be cross referenced to ensure that accurate identification of the plots.

There is the option for a small natural stone or a tree (in the designated tree planting area to the north-west of the site which would not cover the area for the coffin burials) to remember the deceased. There are two types of pathway within the site; main pathways (1.5m in width and formed of compacted gravel) and secondary paths (1m in width and maintained mowed grass). The impact of the burial plots, headstone and pathways upon the physical gap between the settlements and the undeveloped character of the Green Gap would be neutral.

The main impact upon the Green Gap would be from the hearse access track and the increased parking areas. These are clearly ancillary elements of the development and represent a very small part of the development which would be viewed in the context of the existing parking area and amenity building. The level of harm is considered to be very minor due to the small size of the carpark and hearse access and that these elements are an ancillary part of the development.

The proposed development would not conflict purpose of the Strategic Green Gaps or the Open Countryside as identified within Policies PG5 and PG6 of the CELPS.

### **Need for the Development**

As noted, as part of application 21/1920N the ecological burial ground will complement the other traditional cemeteries in the south of the Borough and offer choice to the residents of Cheshire East. The need for this type of development is a benefit which will be weighed within

the planning balance and this application would allow a further choice for those seeking coffin burials.

### **Amenity**

There are residential properties to the east facing onto Main Road and there are dwellings located off the access to the site (55, 57 Main Road and Old Pusey Dale), with other dwellings facing onto Main Road and Pusey Dale Close.

The use of the site as a burial ground would not cause any harm to residential amenity. Such uses are often located alongside residential properties and do not raise issues such as noise and disturbance.

The proposed access and carpark do have the potential to impact upon residential amenity. However, the level of use and the low level of vehicular movements associated with this use would mean that the proposed access and carpark would not cause such harm to warrant the refusal of the application on amenity grounds.

The construction phase of the development which includes the vehicle movements to deposit soil on the site could also have the potential to cause an amenity issue. However, this temporary disruption could not be used as a reason to resist development and the matter could be controlled via the imposition of a condition relating to a construction management plan.

### **Design/Landscape**

The wider application site is undulating pastureland (there is an approximate level change of 5.5m across the existing site) that covers an area of approximately 3.2 hectares with a variety of boundary features including hedgerows, trees and some fencing. There are a number of trees towards the central part of the site and along the rear of properties that lie between the site and Main Road. Footpath FP 4 Rope follows runs along the south-western boundary of the application site.

The main design/landscape issue is the increase in the land levels on the central part of the site. The proposed levels would be just 10cm higher than the highest existing level on the site and due to the undulating nature of the site it is not considered that the levels increase would be out of character or cause harm to the character and appearance of the wider area.

The proposed extension to the car-parking area would be acceptable and would not cause any harm to the wider landscape given its small extent and that it would be seen in the context of the existing parking areas and reception/store building.

The proposal will not be incongruous in relation to the surrounding landscape character and that the proposals will not adversely affect the character of the area and the visual impacts will be negligible.

## **Contaminated Land**

The application site has a history of agricultural use and therefore the land may be contaminated. A standard condition is suggested in relation to unexpected contamination on the site.

## **Trees**

The application site comprises of pastureland which benefits from established hedgerows, small groups of younger trees and occasional mature trees. Several mature Oaks located along the southeastern boundary of the site to the rear of Pusey Dale Close are afforded formal protection by the Borough of Crewe & Nantwich (Main Road, Shavington) Tree Preservation Order 1985.

There would be some minor tree/hedgerow losses associated with the increase in land levels, but these trees are not protected, and their loss is accepted (it should also be noted that the wider site has seen a large amount of tree planting associated with the extant scheme).

The trees which are the subject of a Tree Preservation Order would all be retained and would be unaffected by this application.

The tree officer has considered the application and has confirmed that she has no objection to the application subject to the imposition of a standard condition.

## **Highways**

As with the original approval for a burial ground on this site (21/1920N), the access has sufficient visibility and width, and this remains the case as part of this application.

As with the previous application the applicant states that there will be up to 2 burials per day with one in the morning and another in the afternoon.

Traffic surveys of other similar sites have been used to give an indication of the number of vehicle trips these burials will generate. Coffin burials are expected to increase the number of vehicles compared to urn burials and the data indicates an average attendance of 20 vehicles. Additional spaces have been provided to cater for this plus extra for the odd occasion of exceptional demand. Main Road is one of the main roads through Shavington and is capable of accommodating this additional traffic, and services will typically be outside of usual network peak times.

To allow this development there will be a level change within the site and therefore additional construction traffic as a result. It has been estimated to be 3 HGVs per hour (6 movements) for an approximate 10-week period. A construction management plan should be conditioned which confirms these numbers and on which days, as well as HGV routing, vehicle type, and wheel washing facilities.

The highways impact will be acceptable (including the parking provision). The application proposes a safe and suitable access can be achieved, there will be no severe impact upon the



local highway network. The proposed development complies with policies INF3 of the SADPD, CO1, CO2 and CO4 of the CELPS, TRA1 and TRA2 of the SNP and the NPPF.

## **Ecology**

The landscape which has been provided as part of the proposed development and which would be provided within the tree burial plots has provided an ecological improvement for this site. The Councils Ecologist has confirmed that he has no objection to this planning application.

## **Groundwater Pollution**

The approved development only allows for the internment of ashes at the site. The proposal seeks to allow body/coffin burials which has the potential to impact upon groundwater. Body and coffins buried within the site will decay which results in polluting fluids being released and moving downwards to the underlying groundwater (nitrate, ammonia and bacterial pollution). The shorter the time over which burials occur and the higher the number of burials the more groundwater pollution can occur. The amount of polluting fluids below the burial sites and in the groundwater will decline with time and distance from the burial.

The applicant has submitted a Groundwater Risk Assessment (GRA) with this application. This states that significant groundwater was encountered during the across the borehole monitoring which took place at the site, and that longer term monitoring has indicated relatively shallow groundwater across the site. The GRA states that there would not be the required minimum 1m unsaturated zone and that the burial area would need to be raised by 1.7-2m on the site (although the submitted plans show that levels would be raised by 1.51-1.68m).

A conceptual model has been carried out at this site and this indicates that:

- There are no existing sources of contamination.
- Embalming is not proposed for the burials and as such formaldehyde is not a contaminant of concern.
- The pathway for the source of migration is through clay/sand based till soils, which would offer some protection due to low permeability.
- The receptor at risk is the underlying secondary superficial and bedrock aquifers.

Based on a proposed burial rate of 10 or 25 burials per annum, the calculated environmental risk is considered to be moderate. The risk would fall into the high category if burials exceeded 40 per annum.

In terms groundwater pollution, this is an issue which is assessed by the Environment Agency (EA). In this case the application has been assessed by the Environment Agency who have confirmed that they object to the application and recommend that the application is refused as the applicant has failed to demonstrate that the risks to groundwater can be satisfactorily managed. The Environment Agency have raised the following issues:

- The site within its current state would represent a high risk to groundwater, this is due to the very shallow groundwater levels.
- Whilst the EA consider there to be a high risk to groundwater as opposed to the medium risk suggested within the GRA, the proposals would demonstrate that the minimum acceptable criteria could be met through the proposed ground land raising and that it would be possible to develop this site as a natural burial ground.

- The application should be accompanied by further groundwater monitoring data and a detailed plan and method statement for raising and reprofiling the land. The method statement should include details of the type of material that will be used and imported onto the site, how it will be laid, along with verification of the finished ground levels.
- The land levels as proposed only take into account the groundwater monitoring between October 2022 and April 2023. The period of January 2022 to March 2023 saw very little rain and the observed groundwater levels may not fully represent the highest natural groundwater level that may be achieved during a wet winter. There is also potential for higher variations and higher groundwater levels in the future when considering the impacts of climate change.
- There are some discrepancies with the labelling of the submitted drawings.
- The EA is aware that three land drains in the field that discharge into the ditch and pond. Further information is required to where the drains were positioned and when they were removed. It is likely that the land drains were providing some control over the maximum groundwater levels across the site, and therefore their removal may lead to an increase in groundwater levels.
- Good practice states that human burials must not take place within 10m of a field drain. If field drains are found, then they need to be removed/disconnected. If the field drains are removed/disconnected then this may lead to a rise in shallow groundwater on the site.
- The applicant should confirm whether two wells within 250m of the site are no longer in use for potable supply.
- Once the land raise has been completed the land raise itself will likely hold water and therefore, we must understand the natural groundwater level once the land raise has been completed and so we need evidence of the groundwater level changes post land raise.
- The addition of gypsum may also contribute to leachate formation and, because of the impermeable clay under the site, there is a possibility that any leachate generated from the site including from the graves would need some sort of leachate management. If this is required, it would mean that the site would require a bespoke permit under the new guidance.

The applicant has written to the Council to dispute some of the comments made within the EA consultation response. However, the issues are not covered within the submitted GRA, and the applicant has failed to address those concerns to the satisfaction of the EA.

As a result of the above the application fails to demonstrate that demonstrate that the risks to groundwater can be satisfactorily managed. The proposed development is contrary to policies SE12 of the CELPS and ENV17 of the SADPD

### **Flood Risk/Drainage**

The application site is located within Flood Zone 1. This land is defined as having a low probability of flooding.

As noted within the consultation from the Councils Flood Risk Officer a number of issues relating to the drainage details for the site remain unresolved. As a result a satisfactory drainage solution for the site has not been provided and there are concerns that the proposed development could result in an increase in drainage issues at the site, including surface water run-off flowing off-site.

The proposed development fails to comply with Policies SE12 of the CELPS, ENV16 and ENV17 of the SADPD, and ENV3 of the SNP.

A United Utilities (UU) water main crosses the site and the submitted plans show that the proposed coffin burial area and the associated level changes will be outside the UU easement. A standard condition could be imposed to safeguard the water main on the site and a condition could also be imposed to ensure there will be no burials within the easement.

## **PROW**

PROW Rope FP4 is located to the south of the site and would not be affected by the development. An informative will be attached to any approval to protect the PROW.

## **Other issues**

The site will have to adhere to the Institute of Cemetery and Crematorium Management (ICCM) and Government legislation to operate legally. The site will be managed in accordance with the Ministry of Justice's guidance for Natural Burial Ground Operators (2009) and a Management Plan has been provided to confirm this. This will be controlled via the imposition of a planning condition.

The letters of representation raise a number of issues that relate to the principle of the use of the site for burials. The use of the site for burials has previously been accepted and cannot be reconsidered, this application seeks to allow coffin burials and the officer report considers the implications of that.

## **CONCLUSION/PLANNING BALANCE**

The use of the land as a burial site has been accepted and this application seeks to allow for coffin burial to take place in addition to the interment of ashes. This requires an increase in the land levels on part of the site.

The proposed development will not be incongruous or adversely affect the landscape character. The development is also considered to be of an acceptable design. The proposed development complies with Policy SE4; the landscape requirements of Policy PG5, SE1, SD1 and SD2 of the CELPS and GEN1 of the SADPD.

The highways impact will be minimal, and the improved access and parking provision are acceptable. The application proposes a safe and suitable access can be achieved, there will be no severe impact upon the local highway network. The proposed development complies with policies INF3 of the SADPD, CO1, CO2 and CO4 of the CELPS, TRA1 and TRA2 of the SNP and the NPPF. It is accepted that there could be some disturbance caused by the construction phase of the development, but this could be controlled via the imposition a Construction Management Plan condition.

The proposed development would not cause such amenity harm to warrant the refusal of the application. The proposed development complies with Policy HOU12 of the SADPD.

There are no implications in terms of the impact upon trees, protected species and habitats. The proposed development complies with Policy SE3 of the CELPS, ENV2 of the SAPPD and ENV2 of the SNP.

Despite the above, the application does not demonstrate that the risks to groundwater pollution can be satisfactorily managed or that the proposal would effectively manage and reduce the risk of surface water/overland flow. The proposed development conflicts with Policies SE12 of the CELPS, ENV16 and ENV17 of the SADPD and ENV3 of the SNP. On this basis the application is recommended for refusal.

## **RECOMMENDATION**

### **REFUSE for the following reasons:**

- 1. The application site is the subject of shallow groundwater levels and the proposed body/coffin burials has the potential to impact upon groundwater. The application fails to demonstrate that the risks to groundwater can be satisfactorily managed. The proposed development is contrary to policies SE12 of the Cheshire East Local Plan Strategy and ENV17 of the Site Allocations and Development Policies Document and the NPPF.**
- 1. The application includes insufficient information to demonstrate that the proposed development would effectively manage and reduce the risk of surface water/overland flow. It is not possible to conclude that the proposed development would not result in flooding due to the increased land levels. The proposed development fails to comply with Policies SE13 of the Cheshire East Local Plan Strategy, ENV16 and ENV17 of the Site Allocations and Development Policies Document, and ENV3 of the Shavington Neighbourhood Plan and the NPPF.**

**In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in their absence the Vice Chair) of 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**





24/0214N

SANTUNE MEADOWS  
LAND ADJACENT TO OLD  
PUSEYDALE  
MAIN ROAD SHAVINGTON



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0m 25m 50m 75m 100m 125m 150m 175m 200m

Scale: 1:2500, paper size: A4



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REVISION NOTES

Rev	By	Description	Date
J	JW	Embankment amended	02.04.24
I	KP	Embankment and hearse route amended	14.12.23
H	JW	Extent of coffin burial zone adjusted	24.11.23
G	JW	Tweak on access road and coffin burial zone	20.10.23
F	JW	Updated in line with comments	18.07.23
E	KP	CCTV added	19.03.21
D	KP	Amenity building reduced	19.03.21
C	EG	Access road widened	26.02.21
B	EG	Water pipe added	19.01.21
A	EG	Client comments	06.08.20

LEGEND

- Public footpath
- Existing trees to be retained
- Existing hedgerows and vegetation to be retained
- Proposed native scrub planting
- Proposed native hedge planting
- Informal picnic area; generally level, maintained grass. No bins or other furniture
- Uncultivated naturalised field margin
- Grassed areas for urn burials to be grazed by sheep
- Area for tree planting burials
- Proposed main path, 1.5m width, max 1:20 gradient, compacted grey gravel. Suitable for golf buggy style vehicles used to transport visitors
- Proposed secondary path; 1m width; flat or have shallow gradients: maintained mowed grass
- Proposed small timber plank bridges over existing ditches
- Recycled road planings surface to car park and access track
- Proposed trees. Species similar to existing trees on site
- Proposed car parking spaces, marked with white blocks at corners
- Existing below ground water mains pipe with 5m offset easement to each side. No graves or new planting to be located within pipeline easement
- Delineation of Coffin Burial Zone
- Embankment to proposed ground level increase approx 1m to 1.5m high; refer to levels drawing 3633 -104

CCTV Schedule

- 1 CCTV located 2.1m high on left hand gate post, directed at a low level to prevent intrusion of neighbouring property
- 2 CCTV located 4.2m high from ground level attached to gable end of building
- 3 CCTV located 4.2m high from ground level attached to gable end of building
- 4 CCTV located 2.4m high from ground level attached to fascia board
- 5 CCTV located 2.4m high from ground level attached to fascia board

Each plot is approximately 2.5x1.5m.  
Plots may be irregularly shaped to fit with ground contours.  
No plots to be within 10m of drainage ditches.  
Plots to be geotagged with potential to be linked to information and memorials online. Geotag markers to be recessed in to ground and therefore not visible

Client

Mr S Clutton

Project

Shavington Natural Burial Site

Description

Landscape Masterplan

Status

For Approval

Scale @ A3

1:1000

Job number

3633

Drawn

EG

Drawing number

101

Checked

KP

Date

07.07.20

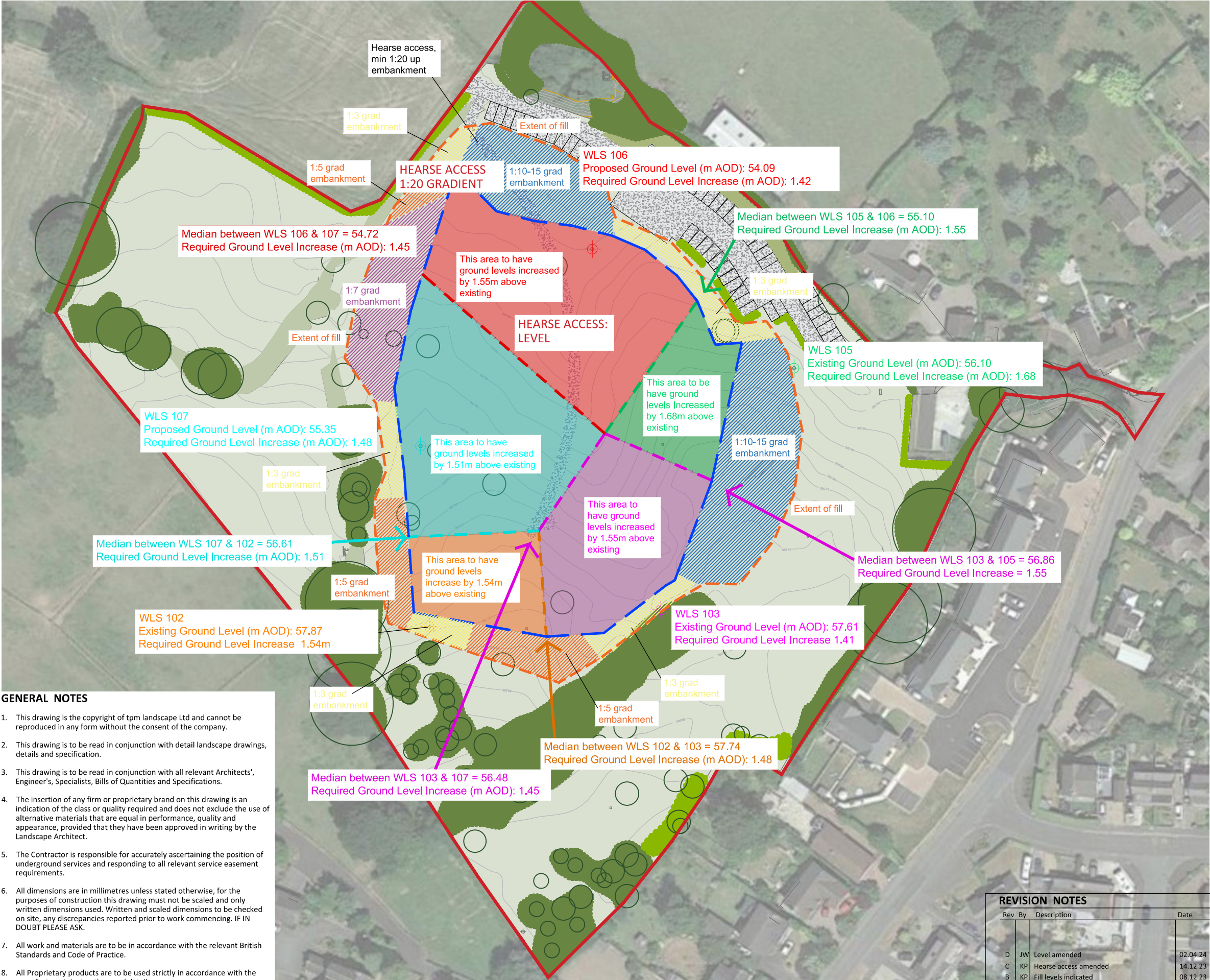
Revision

J

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8. All Proprietary products are to be used strictly in accordance with the manufacturer's instructions and details.

REVISION NOTES

Rev	By	Description	Date
D	JW	Level amended	02.04.24
C	KP	Hearse access amended	14.12.23
B	KP	Fill levels indicated	08.12.23
A	KP	Change to burial offset info	30.11.23

LEGEND

- Public footpath
- Existing trees to be retained
- Existing hedgerows and vegetation to be retained
- Proposed native hedge planting
- Recycled road planings surface to car park and access track
- Delineation of Coffin Burial Zone
- Location of borehole WLS 102
- Location of borehole WLS 103
- Location of borehole WLS 105
- Location of borehole WLS 106
- Location of borehole WLS 107
- fill material with minimum level above existing ground level
- Embankment with maximum gradient
- Extent of fill zone; outside of tree Root Protection Areas

NOTE: ALL FILL MATERIAL TO BE CLEAN INERT SUBSOIL OR TOPSOIL TO THE RELEVANT BRITISH STANDARD, FREE OF CONTAMINANTS AND DELETERIOUS MATERIAL.

ALL FILL MATERIAL TO BE LOCATED OUTSIDE OF TREE ROOT PROTECTION AREAS

ALL GROUND PROFILES TO BE BLENDED SMOOTHLY INTO EACH OTHER AND THE SURROUNDING LANDSCAPE

Client

Mr S Clutton

Project

Shavington Natural Burial Site

Description

Coffin Burial Zone -  
Proposed Land Levels Plan

Status

For Approval

Scale @ A3

1:1000

Drawn

JW

Checked

KP

Date

24.11.23

Job number

3633

Drawing number

104

Revision

D

**tpm landscape**  
chartered landscape architects  
address: 4th Floor Studio 10 Little Lever St Manchester M1 1HR  
tel: 0161 235 0600 fax 0601 email info@tpmlandscape.co.uk

Application No: 24/1906C

Location: OFFICE FIRST FLOOR, THE HUUB BUILDING, MANCHESTER ROAD, CONGLETON

Proposal: Change of use to the first floor only from office and restaurant to residential HMO

Applicant: Mr Jon Yu, The YU Group

Expiry Date: 19-Jul-2024

### **SUMMARY**

The proposed development seeks approval for the change of use to the first floor only from an office and restaurant to a residential HMO. The proposed change of use is considered to be acceptable in principle.

The development is deemed to be acceptable with regards to the impact on the character of the area as there are no external changes proposed to the building. There are also not considered to be any highway implications associated with the proposal.

However, insufficient information has been submitted in relation to the impact on the proposed development with regards to noise disturbance.

The application is therefore recommended for refusal.

### **RECOMMENDATION**

### **REFUSE**

### **REASON FOR REFERRAL**

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

*'I would like to 'call in' this proposal for the restaurant and bar on the first floor of the Huub Building, over a convenience store as a change of use to a HMO. The plan shows 8 bedrooms, all quite small with only 2 communal bathrooms and 1 shared kitchen. This isn't a student area and an HMO of this design is far too cramped. The occupants would suffer poor mental health as a result of this arrangement. A much better arrangement would be for 4 rooms all with their own ensuite, or even better, small flats with their own ensuites and cooking facilities. We expect high standards of accommodation in Cheshire East, and plans should better the minimum requirements. The building has a history of flaunting planning applications too, and this seems in line.'*



## **DESCRIPTION OF SITE AND CONTEXT**

This application site relates to an existing building and associated land (including the car park), positioned on a traffic island. The building is 2.5 storeys, rendered white, and includes a number of uses including a café, shop and restaurant.

The surrounding area is mainly residential with two storey semi-detached and detached dwellings fronting Macclesfield Road and Manchester Road. The application site is located wholly within the Congleton settlement boundary.

## **DETAILS OF PROPOSAL**

The application seeks permission for the change of use to the first floor only from office and restaurant to residential House of Multiple Occupation (HMO).

There are no changes proposed to the ground floor layout, elevations, roof space apartment or site layout.

The proposal seeks permission for an 8-bed HMO, with a kitchen/dining area, 2 bathrooms with showers and an additional toilet.

## **RELEVANT HISTORY**

20/1211C - Retrospective application for the installation of a modular self-service launderette facility within the demise of the Huub Building - Approved with conditions - 12-Jan-2022

17/0518C - Installation of air conditioning condenser - Approved with conditions - 05-Jul-2017

17/0514C - 2 x Londis Totem Signs; 1 x illuminated Londis fascia sign; 6 x poster frame signs; 12 x false windows signs; 1 x welcome sign; 1 x car park sign; and 3 x Huub corporate signage - Part approved/part refused - 20-Jun-2017

16/5788C - Proposed conversion of public house and extensions & additions to form retail premises, cafe, pharmacy and managers flat - Refused 09-Feb-2017 – Appeal Allowed 25- May-2017

15/3850C - Conversion of existing public house and extensions and additions to form new retail premises and first floor offices - Approved with conditions 15-Oct-2015

12/2147C - The Replacement of the Vacant Public House with a Convenience Outlet Store - Approved with conditions 23-Mar-2015

12/0384C - Replacement of Vacant Public House with Convenience Retail Outlet store - Refused 20-Mar-2012 – Appeal Dismissed 14-November- 2012

12/0381C - Prior Notification of Proposed Demolition of Two Storey Brick Built Public House - Determination - Approval not required 22-Feb-2012

## **DEVELOPMENT PLAN**

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

MP 1 - Presumption in Favour of Sustainable Development  
PG2 – Settlement Hierarchy  
SD 1 – Sustainable development in Cheshire East  
SD 2 - Sustainable Development Principles  
SC4 – Residential Mix  
SE1 - Design  
SE2 – Efficient Use of Land  
SE12 – Pollution, Land Contamination and Land Instability  
C01 – Sustainable Travel and Transport  
Appendix C Parking Standards

### **Site Allocations and Development Policies Document (SADPD)**

PG9 – Settlement Boundaries  
GEN1 – Design Principles  
GEN5 – Aerodrome Safeguarding  
ENV1 – Ecological Network  
HOU1 – Housing Mix  
HOU4 – Houses in Multiple Occupation  
HOU8 – Space, Accessibility and Wheelchair Housing Standards  
HOU12 – Amenity  
HOU13 – Residential Standards  
HOU14 – Housing Density  
INF3 – Highway Safety and Access

### **Other Material Considerations**

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance

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

**Congleton Town Council** – Object. inappropriate change of use of building and mix of activities.  
Poor location. no amenity space, bin space, space for domestic facilities or health and wellbeing.

**Environmental Protection (CEC)** – Object due to insufficient information.

**Housing Standards and Adaptations (CEC)** – No objection.

**Highways (CEC)** – No objection.

**Waste Strategy (CEC)** – No comment received at time of writing.

## **REPRESENTATIONS**

One letter of objection has been received from a local household which raises the following points:



- Already densely populated area with multiple house building consents
- HMO not wanted nor needed, several HMO's in the town
- No hospitals, education facilities or other buildings nearby
- No security facilities for the protection of staff or customers
- No fire escape
- Disturbance of noise and pollution

The above comments will be taken into consideration during the determination of the application.

## **OFFICER APPRAISAL**

### **Principle of development**

The application relates to an existing building within the settlement boundary of Congleton. Policy PG2 of the CELPS defines Congleton as a Key Service Centre. Within Key Service Centres, development of a scale, location and nature that recognises and reinforces the distinctiveness of each individual town will be supported to maintain their vitality. This is supported by Policy PG9 of the SADPD which states that within settlement boundaries development proposals (including change of use) will be supported where they are in keeping with the scale, role and function of that settlement and do not conflict with any other relevant policy in the local plan. In light of the above, it is considered an 8- bed HMO would be acceptable in this location.

Policy HOU4 of the SADPD states that the change of use to an HMO or proposals to extend existing HMO's to accommodate additional residents will be permitted provided that:

- i. The number of existing HMOs within 50m of the application site does not exceed 10% of the total number of dwellings;
- ii. The extended or proposed HMO would not 'sandwich' an existing dwelling (C3) between two HMOs;
- iii. The proposal would not have an adverse impact on:
  - a. The character and appearance of the property or the local area;
  - b. On-street car parking levels;
  - c. The capacity of local services/facilities; or
  - d. The amenity or environment of surrounding occupiers;
- iv. The property is of a size, whereby the proposed layout, room sizes, daylight provision, range of facilities and external amenity space of the HMO would ensure an adequate standard of residential amenity for future occupiers;
- v. Adequate provision is made in the curtilage of the dwelling for covered cycle parking; and
- vi. Adequate provision is made in the site for waste and recycling storage

Subject to the proposed development being compliant with Planning and Building Control legislation, as well as the Council's adopted standards for Houses in Multiple Occupation, the Housing Standards Officer has no objection to the proposed change of use.

The proposed building is situated on a traffic island between Manchester Road and Macclesfield Road. Thus, the proposal would not 'sandwich' an existing dwelling. In this location the number of existing HMOs does not exceed 10% of the number of dwellings.

There are no external elevational changes to the building and thus the proposal would not impact the character and appearance of the property. The Highways Team have raised no objection to the proposal. However, the environmental health team have objected to the application as insufficient information has been submitted to assess the impact of the proposal in relation to the loss of amenity caused by traffic use of the adjacent main roads and noise from daily activity at the ground floor shop. As such, it is unclear as to whether the proposal would have an adverse impact on the amenity of occupiers and whether the proposal would have an adequate standard of amenity for future occupiers.

The proposal is therefore contrary to Policy HOU4 of the SADPD and thus is unacceptable in principle.

### **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.

HOU4 of the SADPD advises that the proposals should not have an adverse impact on the property or local area.

The proposed development would not result in any external changes to the building, thus comprising of an internal conversion. The development would therefore not detract from the character or appearance of the building from the surrounding area.

The proposed development would not result in a detrimental impact upon the character of the surrounding area in accordance with policies SE1 and SD2 of the Cheshire East Local Plan, Policy GEN1 and HOU4 of the SADPD and the NPPF.

### **Residential Amenity**

CELPs Policy SE1 states that development should ensure an appropriate level of privacy for new and existing residential properties. Policy HOU12 of the SADPD states development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive users 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 of the SADPD provides minimum separation distances. Policy SE1 of the CELPS states that development should ensure an appropriate level of privacy for new and existing residential properties.

The scale of the building would not be changed as part of the proposal, and no additional openings are proposed. As such, the development would not heighten any existing impacts on light exposure or privacy beyond the existing building.

All bedrooms would measure at least 2.5m wide and measure over 6.5sqm to accommodate at least one person, as outlined within the HMO SPD (for example the smallest bedroom measures 13sqm – bedroom 8). Each bedroom has a window for light and outlook. Internal waste storage is visible within the proposed kitchen/dining area.

No outdoor amenity space would be provided for the occupants of the proposed HMO. However, the Lower Heath playground would be situated to the immediate west of the site, Bandstand Park and Garden is situated a 15-minute walk to the south as well as Congleton Park. As such, the HMO residents would have access to open amenity space and the proposal is thus not refusable in this regard.

Insufficient information has been submitted with the application, in order to adequately assess the impact of the proposed development having regard to noise. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations. The proposal therefore fails to comply with Policy SE12 of the Local Plan and HOU12 of the SADPD.

## **Highways**

Policy CO1 of the CELPS considers matters of highway safety. Appendix C of the Cheshire East Local Plan 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.

Policy INF3 of the SADPD refers to highway safety and access, stating development should provide safe access to and from the site for all highway users.

The site is located on the first floor of The Huub Building on Manchester Road in Congleton. The proposal involves the change of use to the first floor only from office and restaurant to residential HMO, with eight bedrooms, communal kitchen and dining facilities and two communal bathrooms. Pedestrian, vehicular access and car parking provision associated with the site will remain unchanged.

There are no material highway implications associated with this proposal, as any traffic generation or car parking demand associated with it would be expected to be low and likely be offset by the existing lawful use of the first floor of the building. The proposal would, therefore, not be expected to have a material impact on the safe operation of the adjacent or wider highway network or the availability of on-site parking spaces, of which there are 29 spaces, or nearby on-street car parking provision.

The Head of Strategic Transport has no objection to the planning application.

The proposal would therefore be in accordance with the parking standards as set down in Appendix C of the Cheshire East Local Plan and would not be detrimental to road safety or result in an undue loss of amenity to other road users.

## **Waste Storage**

The site includes a large external area, and there is an existing bin store to accommodate the existing uses on the site. There is no reason that adequate waste and recycling storage could be provided on the site and this could be controlled via the imposition of a planning condition in the event of an approval.

## **CONCLUSIONS**

The proposed development seeks approval for the change of use to the first floor only from an office and restaurant to a residential HMO. The proposed change of use is considered to be acceptable in principle.

The development is deemed to be acceptable with regards to the impact on the character of the area as there are no external changes proposed to the building. There are also not considered to be any highway implications associated with the proposal.

However, insufficient information has been submitted in relation to the impact on the proposed development with regards to noise disturbance.

The application is therefore recommended for refusal.

### **Refuse for the following reason:**

- 1. Insufficient information has been submitted with the application, in order to adequately assess the impact of the proposed development having regard to noise from traffic from the adjacent road network and from daily activity at the ground floor shop. In the absence of this information, it has not been possible to demonstrate that the proposal would provide an acceptable standard of amenity for the future occupants. The proposal therefore fails to comply with Policy SE12 (Pollution, Land Contamination and Land Instability) of the Cheshire East Local Plan Strategy, Policy HOU4 (Houses in Multiple Occupation) and HOU12 (Amenity) of the Site Allocations and Development Policies Document and the National Planning Policy Framework.**

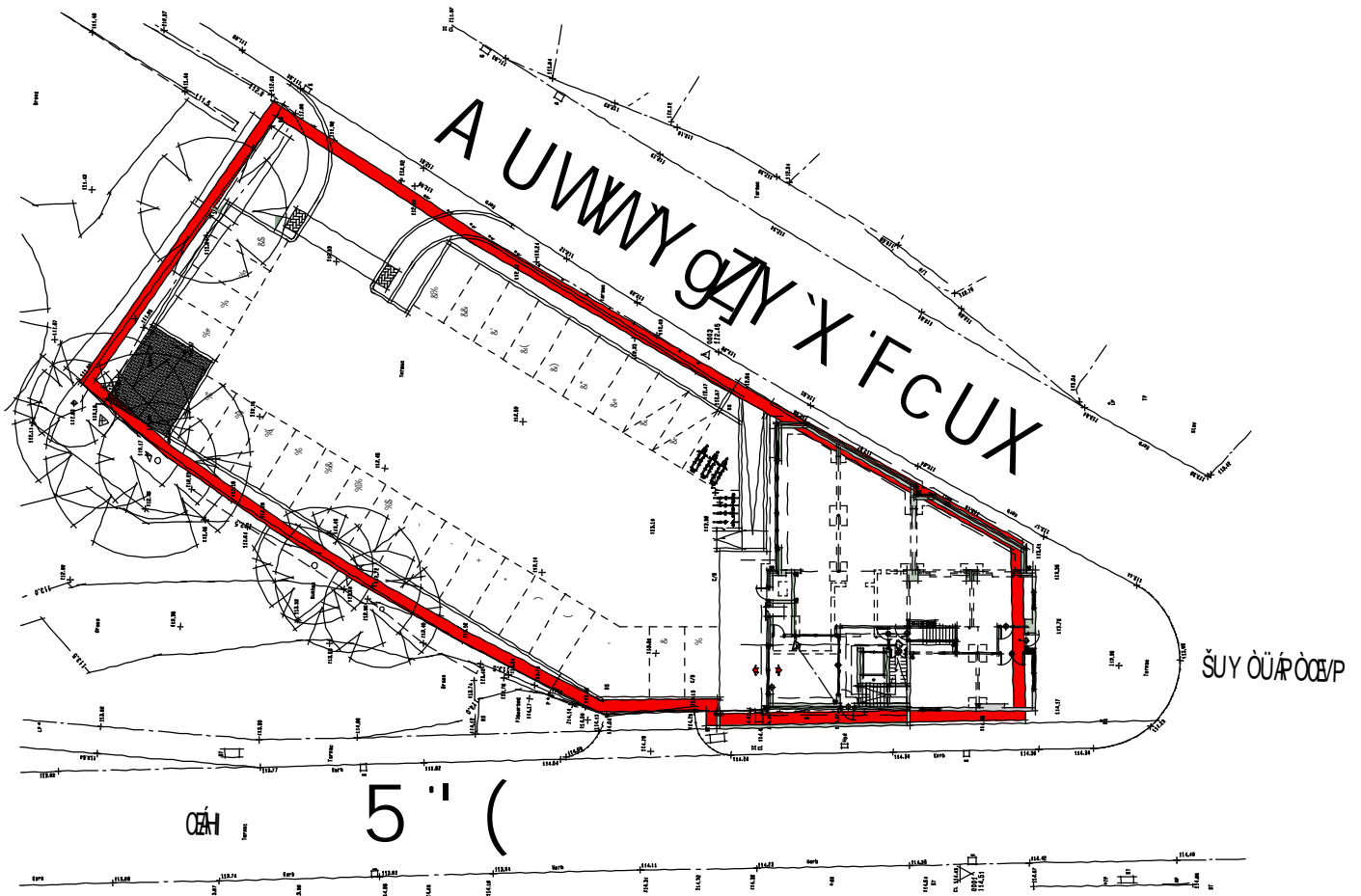
**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation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



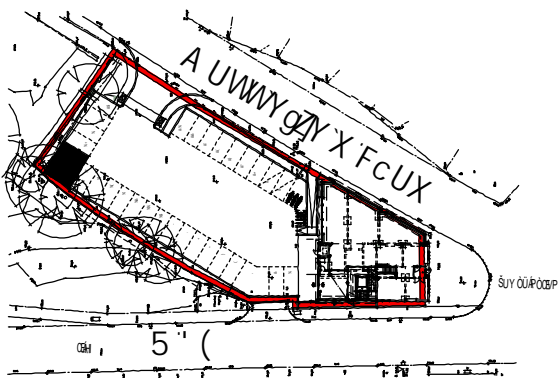
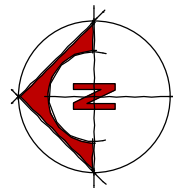


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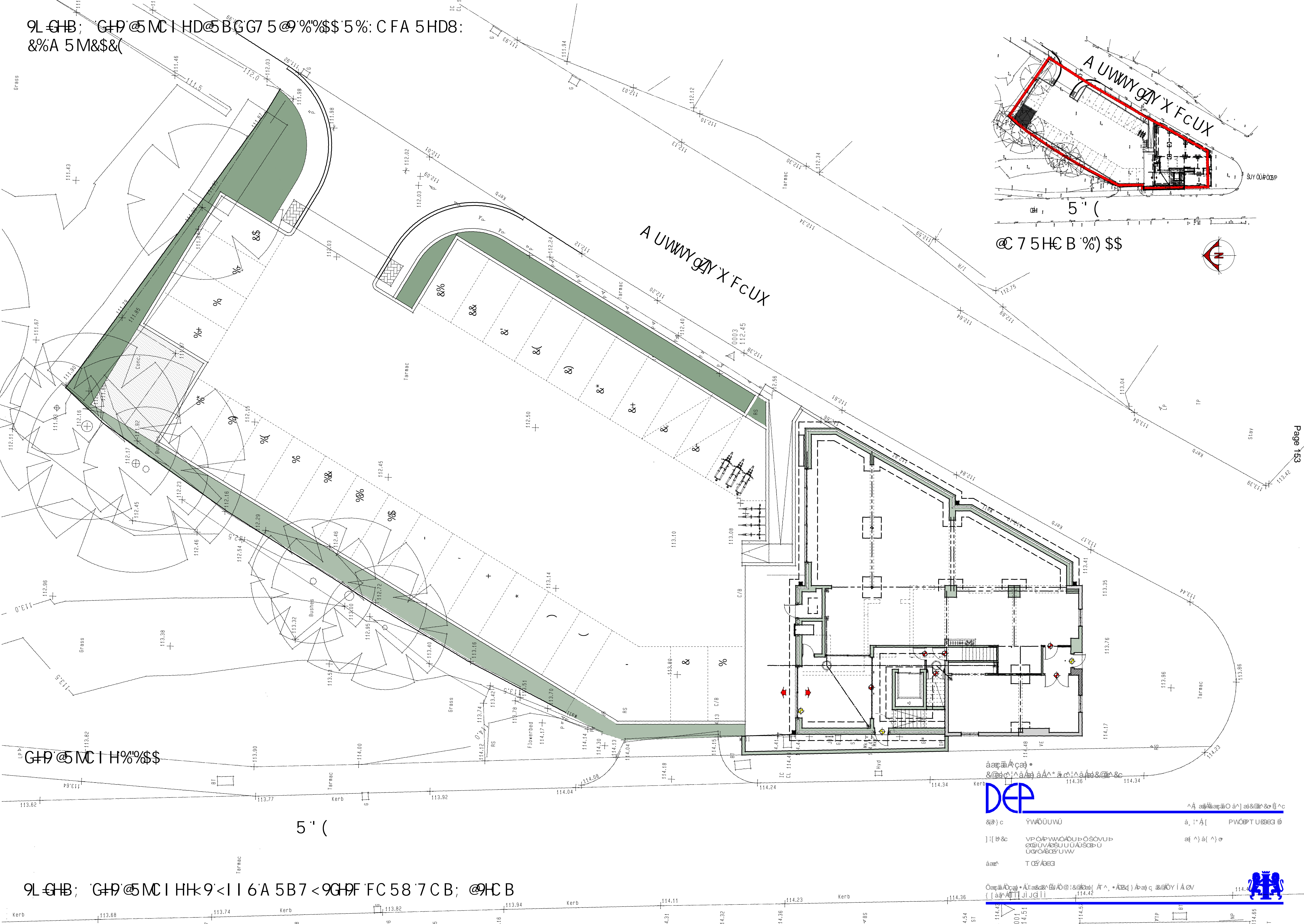
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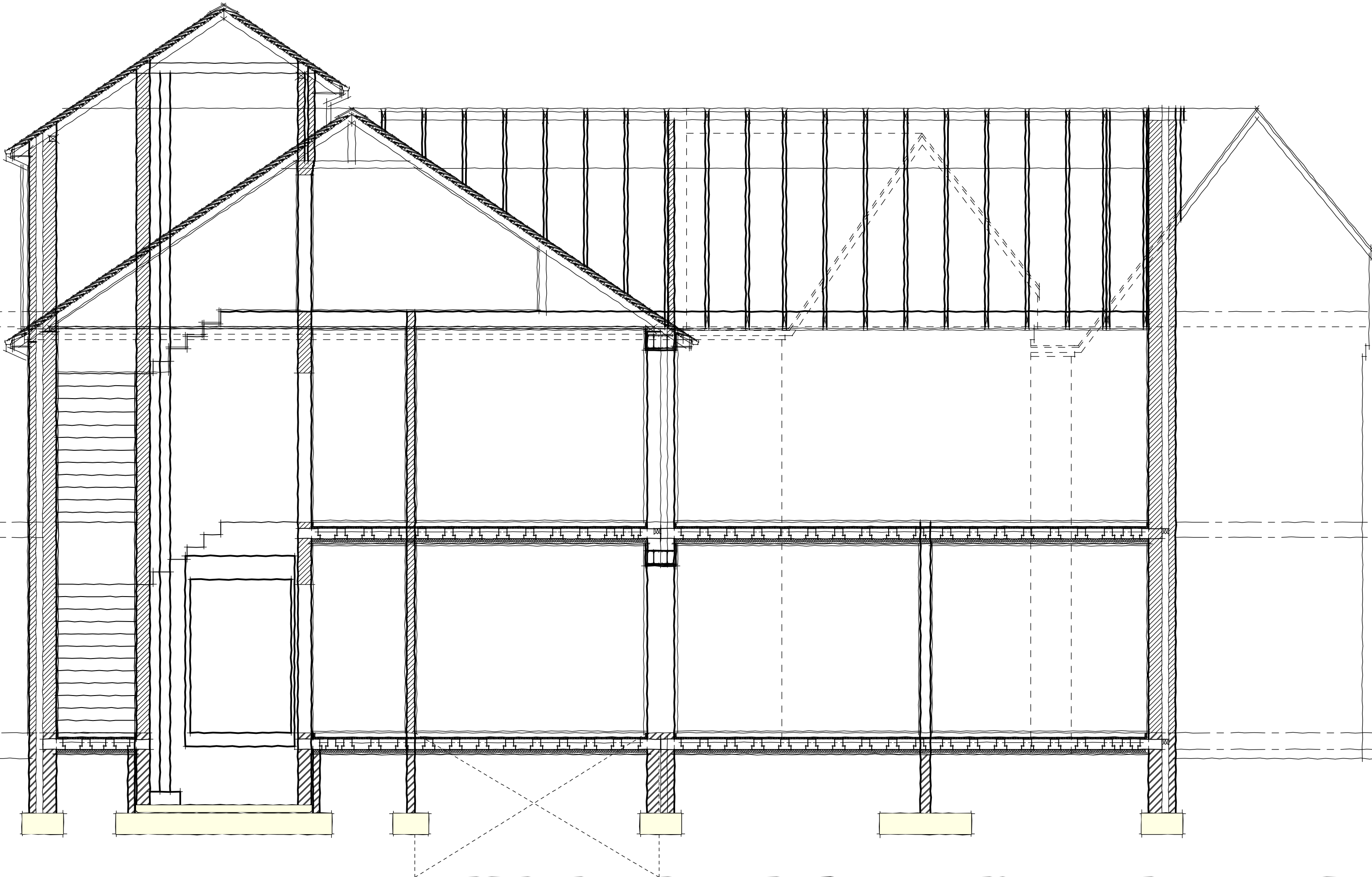
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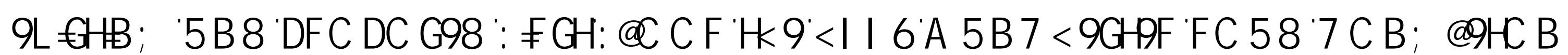
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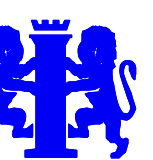
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## **Southern Planning Committee**

**31 July 2024**

**Cheshire East Borough Council**

**(Goldford Lane – Bickerton No.1) Tree Preservation Order 2024**

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**Report of: David Malcolm, Head of Planning**

**Report Reference No: SP/01/24-25**

**Ward(s) Affected: Wrenbury Ward.**

### **Purpose of Report**

- 1 To inform the Committee about the background and issues surrounding the making of a Tree Preservation Order (TPO) on 13<sup>th</sup> March 2024 at land at Goldford Lane, Bickerton; to consider representations made to the Council with regard to the contents of the TPO and to determine whether to confirm or not to confirm the Order.

### **Executive Summary**

- 2 The trees are located within a mixed hedgerow at the boundary of a small paddock to the west and adjacent to Goldford Lane, a minor lane providing a primary link to the A534 Nantwich to Wrexham carriageway. Goldford Lane is recognised as a Cheshire Cycleway route (Route 70) and serves as a link to Public Rights of Way (Bickerton FP33, Bickerton FP9) and an assumed footpath to an area of mixed woodland and heathland known as Bickerton Hill. The area generates a relatively high volume of pedestrian access frequenting the footpaths and cyclists using the Cheshire Cycle route.
- 2 An assessment has been carried out in accordance with the Council's adopted amenity evaluation checklist and collectively the trees are considered to make an important contribution to the landscape character and sylvan setting of the area and are therefore considered of sufficient amenity value and a long-term feature to justify a Tree Preservation Order being made.
- 3 The Council has received one objection to the Tree Preservation Order and the protection it affords to the trees located along Goldford Lane.

## RECOMMENDATIONS

The Head of Planning (Regeneration) recommend that the Southern Planning Committee confirm the Tree Preservation Order at Goldford Lane, Bickerton with no modifications.

### Background

- 4 The circumstances are that the Council has received a felling licence consultation from the Forestry Commission (Consultation FL 010/662/2023) to fell five Sycamore trees at the roadside of Goldford Lane as part of an expansion scheme for a local vineyard business. An email and petition have also been received from a local resident requesting a TPO be made to protect a group of trees perceived to be under threat of removal from the landowner. The original Order served as CEBC (Goldford Lane – Bickerton) TPO 2023 was not confirmed at the appropriate date and consequently an additional Order was made and served on the 13<sup>th</sup> March 2024.
- 5 As a requirement for restocking following removal, it is proposed to replace the felled trees with Cider Apple trees.
- 6 It is the Council's intention to submit an objection to the proposal in order that the trees may be retained as a public amenity.
- 7 An amenity evaluation established that the trees contribute significantly to the visual amenity and landscape character of the area. There is evidently a risk of the trees being removed in order to accommodate the proposed addition to the existing vineyard. Accordingly, it was deemed expedient to make an Order to secure the trees long-term contribution to the amenity of the area.
- 8 Under powers delegated to the Head of Planning (Regeneration), a Tree Preservation Order was made on 11<sup>th</sup> March 2024.
- 9 The TPO was served on the existing owners of the properties and any property whose title deeds extended up to the boundary of the assessed area on 13<sup>th</sup> March 2024.

### Objections/representations

- 10 The Council has received one objection to the Tree Preservation Order and the protection it affords to the two tree groups.

11 Objection 1 – Owners of Fairview, Goldford Lane, Bickerton, Malpas. SY14 8LL

*Public Liability*

1. *After any storms we regularly clear away the branches and occasionally larger boughs of these trees that have fallen into Goldford Lane. In 2022, Scottish Power Energy Networks, which supplies electricity to Bickerton, asked for our permission to cut back the trees to improve security to the power lines which run along Goldford Lane and below the trees. We granted that permission. The work requires the lane to be closed and the electricity supply to be cut off to the whole village which was scheduled for April 25<sup>th</sup> 2023. Despite a full day of power cut it was not possible to get the work done because of the volume of other works carried out on the same day further up the lane. This work is still outstanding and the risk to the power lines remains and will require another power cut and road closure to sort out.*
2. *The trees are described as 6 trees, 3 are on the Crewe and Nantwich side of the sign and 3 are on the Cheshire West side of the sign (not 4 and 2). In fact they are multi-stem sycamores and so consist in total of 14 trunks. As is common with multi-stem sycamores, rot is occurring at the joins. The forestry commission who reviewed our felling application sent an inspector to site who later told us that he felt that there is significant rot evident. We invite you to visit to make your own evaluation.*
3. *Our major concern regarding public liability is the very real potential for one or more of these trees to fall in a storm, blocking the lane and causing a power failure. Two of our neighbours park cars on the boundary under the trees so there is a risk to property and obviously a risk to life and limb of a tree falling onto the public highway. Further concerns are the wider consequences of a power failure to the whole village in the depths of winter. These are not public liabilities which we feel can be simply ignored. Our proposed removal and restocking plan secures the power supply of Bickerton long term and removes the above mentioned public liabilities.*

*Biodiversity.*

4. *For the 10 years we have lived here we have been trying to encourage a traditional hedgerow to grow along our Goldford Lane boundary but it is very slow and unrewarding effort as there is insufficient light. Whilst some of the hedge plants are alive the growth is not vigorous enough to survive laying. Our felling application proposed that following removal of the trees we would replace them with a replanted traditional hedgerow (to be laid in due course) with mixed broadleaves including hawthorn, hazel and crab apple, significantly improving the biodiversity of the boundary.*



5. *Furthermore, we will plant, in the adjacent field which meets Goldford Lane, 18 apple trees on full standard root stock. We proposed this with our felling application and the forestry commission have incorporated this requirement in their conditions for the licence. Together with the replanted boundary we feel these will more than replace the amenity value of the old trees, offering a field of spring blossom and autumn colour at a height that can be enjoyed and greatly improving the biodiversity of this currently grazing-only field and bringing it into useful productivity. Such planting is not possible and will not go ahead without removal of all the sycamores which currently take light, water and nutrients from the surrounding land.*
6. *Every part of the felled trees will be used appropriately including planking for indoor furniture production. The brash from the trees would be chipped as is usual and the chipping used for weed suppression in the new hedge-row and around the new apple trees. We will also generate biochar for organic field fertilisation of our other crops.*

## **Appraisal and consideration of the objections**

### **12. Public Liability**

1. *After any storms we regularly clear away the branches and occasionally larger boughs of these trees that have fallen into Goldford Lane. In 2022, Scottish Power Energy Networks, which supplies electricity to Bickerton, asked for our permission to cut back the trees to improve security to the power lines which run along Goldford Lane and below the trees. We granted that permission. The work requires the lane to be closed and the electricity supply to be cut off to the whole village which was scheduled for April 25<sup>th</sup> 2023. Despite a full day of power cut it was not possible to get the work done because of the volume of other works carried out on the same day further up the lane. This work is still outstanding and the risk to the power lines remains and will require another power cut and road closure to sort out.*

Material falling from the trees is a process caused by the trees own mechanism for natural shedding of unwanted branches. This could be exaggerated and accelerated in periods of adverse weather. Periodic inspection of the trees by a competent person may reveal potential for branch failure and any works deemed necessary to abate that potential for failure be carried out accordingly. This may help to reduce any risk of future branch failure caused in high winds.

It is not uncommon for twigs and branch wood to become dislodged in even relatively low winds, but this does not usually constitute a serious hazard, nor would it designate a tree as 'dangerous'. It could be alleviated

by periodic maintenance of the trees which would include crown cleaning, i.e. removal of any dead, diseased, broken or rubbing branches.

It is considered that the trees do not currently present a significant risk to the applicant's property as no evidence was found of any structural defects that would render the tree an imminent risk. In this regard the risk is considered to be broadly acceptable under the tolerability of risk framework (HSE).

2. *The trees are described as 6 trees, 3 are on the Crewe and Nantwich side of the sign and 3 are on the Cheshire West side of the sign (not 4 and 2). In fact they are multi-stem sycamores and so consist in total of 14 trunks. As is common with multi-stem sycamores, rot is occurring at the joins. The forestry commission who reviewed our felling application sent an inspector to site who later told us that he felt that there is significant rot evident. We invite you to visit to make your own evaluation.*

Within G1 there are 4 trees indicated on the TPO map, a close inspection deemed trees 1 & 2 to be growing directly adjacent to each other but are considered to be two trees each emanating from individual root stock, tree 3 is a twin-stemmed specimen emanating from one root stock, tree 4 of the group is a twin-stemmed specimen emanating from a single root stock.

G2 consists of tree 1 considered to be a multi-stemmed specimen emanating from one root stock, tree 2 is a multi-stemmed specimen emanating from a single root stock.

A visual tree inspection (VTA) was undertaken to ensure long term retention of the trees were not compromised due to foreseeable features which may present a potential for failure. A steel probe and nylon sounding hammer was used to determine areas of decay likely to present future problems. No discernible indication of decay was noted within the rooting zone, root collar, stem bases or lower stem areas. There is a large basal cavity to one of the trees within G1, nevertheless, an inspection using a nylon sounding hammer and steel probe concluded the cavity to be occluding well with evidence of strong reactive wood present and no obvious indication of significant root deterioration.

3. *Our major concern regarding public liability is the very real potential for one or more of these trees to fall in a storm, blocking the lane and causing a power failure. Two of our neighbours park cars on the boundary under the trees so there is a risk to property and obviously a risk to life and limb of a tree falling onto the public highway. Further concerns are the wider consequences of a power failure to the whole village in the depths of winter. These are not public liabilities which we feel can be simply ignored. Our proposed removal and restocking plan secures the*

*power supply of Bickerton long term and removes the above mentioned public liabilities.*

All trees have natural points of weakness, and most have individual growth patterns or zones of decay which can be regarded as features that may be of concern to the current or future safe retention of the tree or parts of the tree. However, the presence of minor defects is not usually regarded as a basis for judging a tree to be hazardous.

As alluded to previously, periodic inspection by suitably trained persons would help in identifying potential problems.

- 4. For the 10 years we have lived here we have been trying to encourage a traditional hedgerow to grow along our Goldford Lane boundary but it is very slow and unrewarding effort as there is insufficient light. Whilst some of the hedge plants are alive the growth is not vigorous enough to survive laying. Our felling application proposed that following removal of the trees we would replace them with a replanted traditional hedgerow (to be laid in due course) with mixed broadleaves including hawthorn, hazel and crab apple, significantly improving the biodiversity of the boundary.*

Hedgerows growing in the English climate often will contain species which are well adapted to shade conditions. For example, Blackthorn, Hazel, Hornbeam, Yew and Holly are all native species, are shade tolerant and often used within hedgerows where low light conditions are considered a limiting factor.

- 5. Furthermore, we will plant, in the adjacent field which meets Goldford Lane, 18 apple trees on full standard root stock. We proposed this with our felling application and the forestry commission have incorporated this requirement in their conditions for the licence. Together with the replanted boundary we feel these will more than replace the amenity value of the old trees, offering a field of spring blossom and autumn colour at a height that can be enjoyed and greatly improving the biodiversity of this currently grazing-only field and bringing it into useful productivity. Such planting is not possible and will not go ahead without removal of all the sycamores which currently take light, water and nutrients from the surrounding land.*

It is considered that at an area of 0.3 Hectares, which is the approximate dimensions of the lower paddock area immediately adjacent to the boundary, is sufficient space for the planting of Apple trees and spring flowering plants. Furthermore, it is accepted that one mature tree offers bio-diversity value much greater than younger trees of similar species. Mature trees are inclined to develop features such as cavities, holes, water pockets and bark structures more attractive as a habitat suitable for mammals.

6. *Every part of the felled trees will be used appropriately including planking for indoor furniture production. The brash from the trees would be chipped as is usual and the chipping used for weed suppression in the new hedgerow and around the new apple trees. We will also generate biochar for organic field fertilisation of our other crops.*

The usage of materials gained by the removal of these important trees is not considered to be justification for their removal and cannot be used in support of such works.

- 13 *Extent of canopy growth* – Tree canopies located adjacent to property will often encroach towards property leading to reduction in light levels. Where trees are protected by a TPO, property owners may submit a formal application for consent to the Council proposing works to reduce the growth and create a separation from branch tip to properties.
- 14 *Other incidents* – Failure of trees or limbs occur for many reasons and any incidents affecting other trees are not relevant in this case.
- 15 *Risk associated with limb/tree failure* - The duty of care for the maintenance and safety of the tree will rest with the owner of the tree. Periodic inspections of owners' tree stock by a competent person will identify foreseeable problems or features indicating potential structural or physiological problems associated with the trees.
- 16 *Proposed works* – Where a tree is formally protected and works are proposed, the submission of a formal application is required. Any works proposed will be assessed accordingly along with reasons submitted in support of the proposals.

## **Consultation and Engagement**

- 17 A TPO must be served upon anyone who has an interest in land affected by the TPO including owners and adjacent occupiers of land directly affected by it. There is a 28-day period to object or make representations in respect of the Order. If no objections are made the planning authority may confirm the Order itself if they are satisfied that it is expedient in the interests of amenity to do so. Where objects or representations have been made, then the planning authority must take them into consideration before deciding whether to confirm the Order.
- 18 The Order was served on the existing owners of the properties and any property whose title deeds extended up to the boundary of the assessed area on 13th March 2024. Copies of the Order were also sent to Ward Members, The Forestry Commission, Cheshire East Highways, Cheshire West and Chester Council and Bickerton and Egerton Parish Council.



## **Reasons for Recommendations**

- 19 The area to the west of Goldford Lane benefits from considerable tree cover with coverage emphasised by established woodlands in the ownership of The National Trust. Tree cover to the east of Goldford Lane is sporadic with much of the land given way to arable fields with tree cover in the main restricted to hedgerows. The suggestion of the trees being felled indicates a threat to/or loss of trees which could arise in a significant impact on the amenity and sylvan setting of the area. The confirmation of this Tree Preservation Order will ensure that the Council maintains adequate control over the trees of high amenity value.

## **Other Options Considered**

- 20 An alternative option would be to do nothing.
- 21 The service of the TPO and inclusion of tree groups 1 & 2 is considered necessary as without the protection the Order affords there is a risk of the amenity of the trees being destroyed.

## **Implications and Comments**

### *Monitoring Officer/Legal*

- 22 The validity of a TPO may be challenged in the High Court on the grounds that the TPO is not within the powers of the Act or that the requirements of the Act or Regulations have not been complied with in respect of the TPO. When a TPO is in place, the Council's consent is necessary for felling and other works, unless the works fall within certain exemptions e.g. to remove a risk of serious harm. It is an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy any tree to which the Order relates except with the written consent of the authority.

### *Section 151 Officer/Finance*

- 23 None.

### *Policy*

- 24 Cheshire East Local Plan – SE5 - Trees, hedgerows and woodland.

### *Equality, Diversity and Inclusion*

- 25 No direct implication

### *Human Resources*

- 26 No direct implication.

*Risk Management*

27 No direct implication.

*Rural Communities*

28 No direct implication.

*Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

29 No direct implication.

*Public Health*

30 No direct implication.

*Climate Change*

31 The Order contributes to the Council's Climate Change Action Plan and commitment to reduce the impact on our environment and become carbon neutral by 2025.

<b>Access to Information</b>	
Contact Officer:	Gary Newsome Senior Arboricultural Officer (Environmental Planning)  Gary.newsome@cheshireeast.gov.uk
Appendices:	Appendix 1 – Provisional TPO document Appendix 2 – Landscape Appraisal Appendix 3 – TPO location Plan
Background Papers:	None

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**Town and Country Planning Act 1990**

**CHESHIRE EAST BOROUGH COUNCIL  
(GOLDFORD LANE – BICKERTON No.1)  
TREE PRESERVATION ORDER 2024**

The Cheshire East Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

**Citation**

This Order may be cited as **CHESHIRE EAST BOROUGH COUNCIL (GOLDFORD LANE – BICKERTON No.1) TREE PRESERVATION ORDER 2024**

**1. Interpretation**

**2.—** (1) In this Order “the authority” means the Cheshire East Borough Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**

**3.—** (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

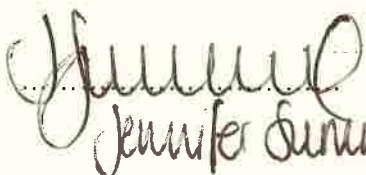
**Application to trees to be planted pursuant to a condition**

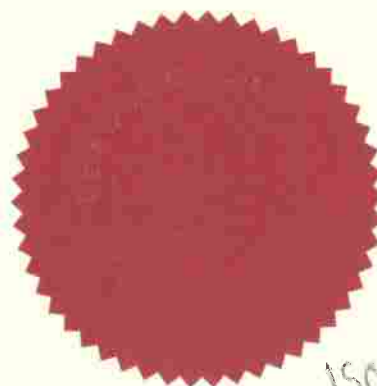
**4.** In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 13th day of March 2024

The Common Seal of **Cheshire East Borough Council**

was affixed to this Order in the presence of—

  
Jennifer Summers



1505661





This Order was confirmed by **Cheshire East Borough Council** without modification on the day of

OR

This Order was confirmed by the **Cheshire East Borough Council** subject to the modifications indicated by on the day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

#### DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by **Cheshire East Borough Council** on day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf]

#### VARIATION OF ORDER

This Order was varied by the **Cheshire East Borough Council** on the day of by  
a variation order under reference number a copy of which is  
attached

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

#### REVOCATION OF ORDER

This Order was revoked by the **Cheshire East Borough Council** on the day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

**SCHEDULE**  
**Specification of trees**

**Trees specified individually**

(encircled in black on the map)

<i>Reference on Map</i>	<i>on</i>	<i>Description</i>	<i>Situation</i>
		None	:

**Trees specified by reference to an area**

(within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
	None	

**Groups of trees**

(within a broken black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
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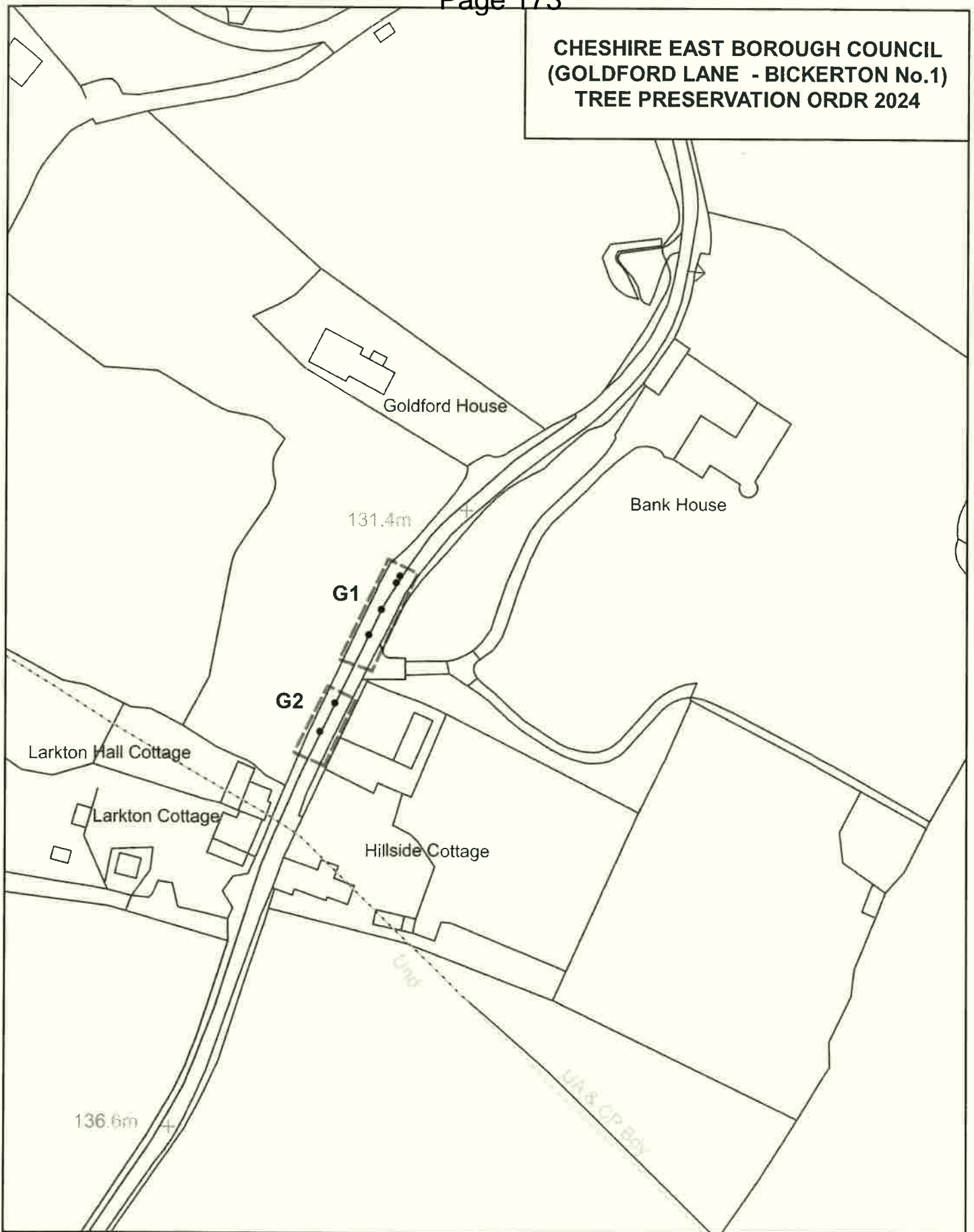
G1	4 Sycamore	Located within the hedgerow boundary of Goldford Lane and field number 2837. Grid Ref: 35031 – 35238
G2	2 Sycamore	Located within the hedgerow boundary of Goldford Lane and field number 2837. Grid Ref: 35029 – 35234

**Woodlands**

(within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
	None	

**CHESHIRE EAST BOROUGH COUNCIL  
(GOLDFORD LANE - BICKERTON No.1)  
TREE PRESERVATION ORDR 2024**







**AEC – LANDSCAPE APPRAISAL**

**PHOTOGRAPHS OF TREES, THE SITE AND SURROUNDINGS**

<b>REFERENCE:</b>	CE-003
<b>SITE NAME:</b>	Goldford Lane, Bickerton.
<b>DATE OF VISIT:</b>	27 <sup>th</sup> July 2023
<b>COMPLETED BY:</b>	G. Newsome
<b>NOTE:</b>	
<b>TREES PROPOSED FOR FORMAL PROTECTION:</b>	Two group comprising of six trees in total. G1 = 4 Sycamore G2 = 2 Sycamore

PICTURE DESCRIPTION	PICTURE
Looking north-east from Goldford Lane.	

Distance view  
looking north-  
east from  
Goldford Lane.





Looking south-  
west from  
Goldford Lane.





Looking north-east from track to Bickerton Hill.





View of group  
(G1) from  
roadside,  
Goldford Lane..





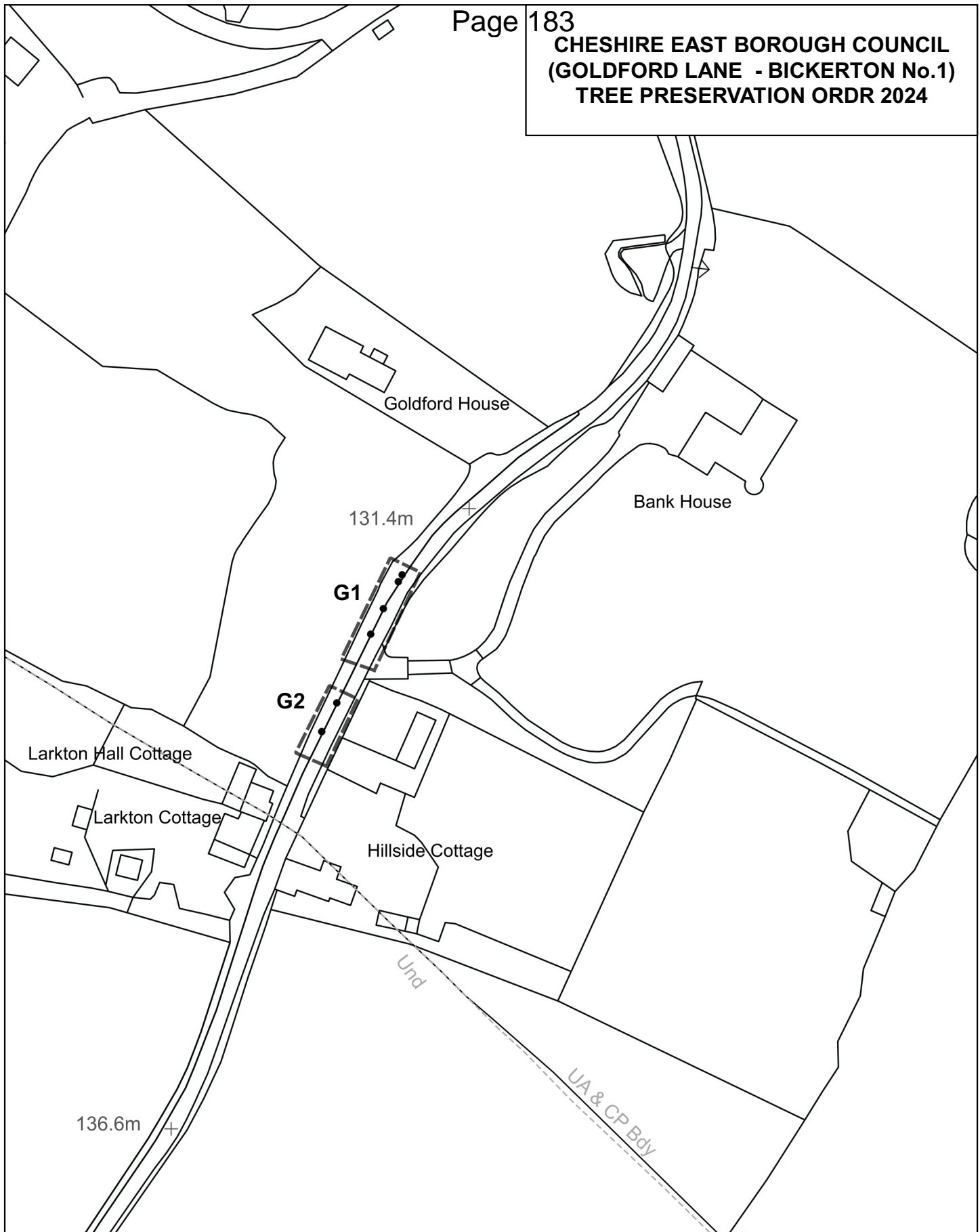
Partial view of  
G2 roadside,  
Goldford Lane.



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