

Southern Planning Committee

Agenda

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| Date: | Wednesday 6th March 2024 |
| Time: | 10.00 am |
| Venue: | Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ |

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

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

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

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

1. Apologies for Absence

To receive apologies for absence.

2. Declarations of Interest/Pre Determination

To provide an opportunity for Members and Officers to declare any disclosable pecuniary 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 3 - 6)

To approve the minutes of the meeting held on 7 February 2024.

For requests for further information

Contact: Rachel Graves

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

4. **Public Speaking**

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

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

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

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

5. **23/2158C - LAND TO REAR OF 203 AND 205, MIDDLEWICH STREET, CREWE, CHESHIRE: Erection of 2 No. dwelling houses with associated access and landscaping. (Pages 7 - 26)**

To consider the above planning application.

6. **23/4181N - LAND AT CEMETERY ROAD, WESTON, CREWE, CW2 5LQ: The use of land for the stationing of additional caravans for residential purposes, the erection of a second dayroom and formation of additional hardstanding (Pages 27 - 54)**

To consider the above planning application.

7. **23/4130N - MORNFLAKE, THIRD AVENUE, CREWE: Extension to existing warehouse to provide additional storage, loading and unloading facilities. (Pages 55 - 74)**

To consider the above planning application.

8. **Cheshire East Borough Council (Alsager - 51 Lawton Road) Tree Preservation Order 2023 (Pages 75 - 106)**

To consider whether to confirm the Tree Preservation Order at 51 Lawton Road with no modifications.

THERE ARE NO PART 2 ITEMS

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

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 7th February, 2024 in the Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors R Bailey, J Bird, L Buchanan, L Crane, B Drake, A Gage,
M Muldoon and J Wray

OFFICERS IN ATTENDANCE

Dan Evans, Principle Planning Officer
Andrew Goligher, Highways Officer
Andrew Poynton, Senior Planning and Highways Lawyer
Rachel Graves, Democratic Services Officer

57 APOLOGIES FOR ABSENCE

Apologies were received from Councillor A Burton. Councillor B Drake
attended as a substitute.

58 DECLARATIONS OF INTEREST/PRE DETERMINATION

In relation to application 22/4466C Glebe Farm, Knutsford Road, Cranage,
Councillor A Kolker declared he had referred the site to Planning
Enforcement on behalf of Cranage Parish Council. He stated that he had
not taken part in any discussions and had not predetermined the
application.

59 MINUTES OF PREVIOUS MEETING**RESOLVED:**

That the minutes of the meeting held on 10 January 2024 be approved as
a correct record.

60 PUBLIC SPEAKING

The public speaking procedure was noted.

**61 22/4466C - GLEBE FARM, KNUTSFORD ROAD, CRANAGE, CW4 8EF:
APPLICATION SEEKS APPROVAL OF B8 USE CLASSIFICATION ON
COMMERCIAL EMPLOYMENT SITE AT GLEBE FARM**

Consideration was given to the above planning application.

The following attend the meeting and spoke in relation to the application:
Cranage Parish Councillor Adrian Woodfine-Jones.

RESOLVED:

That the application be REFUSED for the following reason:

- 1 the use of the site for a B8 use (Storage and Distribution), can be reasonably expected to be located within a designated centre and a countryside location is not essential for the business. To allow the site to be used for storage and distribution would cause harm to the character and appearance of the open countryside. The development is not essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers nor is it a use appropriate to a rural location. The proposal is therefore contrary to Policies SD1, SD2, SE1, PG6 and EG2 of the Cheshire East Local Plan Strategy, Policies RUR10 and GEN1 of the Site Allocations and Development Policies Document and the NPPF.

In the event of an appeal, the Southern Planning Committee would like the following conditions to be suggested to the Planning Inspector (as well as others deemed necessary by the case officer):

- Hours of operation
- Delivery Management Plan to be submitted and approved
- On site parking layout to be submitted and approved.

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

62 23/2367N - MUNICIPAL BUILDINGS, EARLE STREET, CREWE, CW1 2BJ: PROPOSALS FOR REPAIR OF CREWE MUNICIPAL BUILDINGS MAIN FACADE WINDOWS, DOORS AND WROUGHT IRON RAILING AND GATES INCLUDING REPLACEMENT OF TWO EXISTING FLAG POLES AND ASSOCIATED TEMPORARY 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 Standard Time
- 2 Materials as application
- 3 Approved Plans

- 4 Use of oak timber for window frames
- 5 Method statement for removal, storage, cleaning and return of windows
- 6 Submission of drawings for complete replacement of any window or door

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

63 23/2368N - MUNICIPAL BUILDINGS, EARLE STREET, CREWE, CW1 2BJ: LISTED BUILDING CONSENT FOR PROPOSALS FOR REPAIR OF CREWE MUNICIPAL BUILDINGS MAIN FACADE WINDOWS, DOORS AND WROUGHT IRON RAILING AND GATES INCLUDING REPLACEMENT OF TWO EXISTING FLAG POLES AND ASSOCIATED TEMPORARY 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 Standard time
- 2 Materials as approved
- 3 Approved Plans
- 4 Use of oak timber for window frames
- 5 Method statement for removal, storage, cleaning and return of windows
- 6 Submission of drawings for complete replacement of any window or door

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

The meeting commenced at 10.00 am and concluded at 10.41 am

Councillor J Bratherton (Chair)

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Application No: 23/2158C

Location: Land To Rear Of 203 And 205, MIDDLEWICH STREET, CREWE, CHESHIRE

Proposal: Erection of 2 No. dwelling houses with associated access and landscaping.

Applicant: Mr Nicholas Reynolds, NAW Reynolds Building (Marthall) Ltd

Expiry Date: 08-Mar-2024

SUMMARY

The application site is found to the rear of 203 and 205 Middlewich Street within the settlement boundary of Crewe.

The site is within the Crewe Settlement Boundary, and there is existing residential development to all sides of the application site.

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'.

Following on from the above, Policy HOU16 of the SADPD states that:

'The particular benefits of providing well-designed new homes on small and medium-sized sites, up to 30 homes, will be given positive weight in determining planning applications'

The principle of residential development on the application is considered to be acceptable.

The proposed development will not have an adverse impact upon neighbouring amenity. It achieves an acceptable standard of design which respects the pattern, character and form of the surroundings. There are adequate access arrangements, drainage, utilities and existing infrastructure.

SUMMARY RECOMMENDATION

Approve with conditions

REASON FOR DEFERRAL

This application has been deferred from the Southern Planning Committee meeting of 10th January 2024 to allow for consultation with the Lead Local Flooding Authority.

REASON FOR REFERRAL

The application has also been the subject of a call-in request by Cllr Jill Rhodes for the following reasons:

‘The applicant does not own the means of access to the site. Nor is it a public highway. This is a private parking area for houses on Russet Close.

The proposed access road where it passes between the 2 houses is not wide enough for a refuse or emergency vehicle’

SITE DESCRIPTION

The application site is found to the rear of 203 and 205 Middlewich Street within the settlement boundary of Crewe.

The site itself formed part of the rear gardens of 203 and 205 Middlewich Street

There is existing residential development to all sides of the application site.

PROPOSAL

This application seeks full planning permission for the erection of a pair of semi-detached two storey dwellings with associated access and landscaping. The vehicular access to the site will be taken from Russet Close.

RELEVANT HISTORY

17/4594N - Single storey side and rear facing extension - Approved with conditions 2012

12/1129N - Rear First Floor Extension - Approved with conditions 2012

P07/1463 - Outline Application for One Pair of Semi-Detached Two Storey Houses – Withdrawn

P01/0176 - Detached Garage – Approved with conditions 2001

P99/0733 – Garage – Approved 1999

7/16329 - Bedroom and garage extension – Approved 1988

7/12494 - Vehicular access – approved 1985

7/11394 - Extensions and alterations – approved 1984

PLANNING POLICY

Cheshire East Local Plan Strategy (CELPS)

PG.1 - Overall Development Strategy
PG.2 – Settlement Hierarchy
PG.7 - Spatial Distribution of Development
SD.1 - Sustainable Development in Cheshire East
SD.2 - Sustainable Development Principles
IN.1 – Infrastructure
IN.2 - Developer contributions
SE.1 – Design
SE.2 - Efficient use of land
SE.3 - Biodiversity and geodiversity
SE.4 - The Landscape
SE.5 - Trees, Hedgerows and Woodland
SE.6 - Green Infrastructure
SE.9 - Energy Efficient Development,
SE.12 - Pollution, Land contamination and land instability
SE.13 - Flood risk and water management
CO.1 - Sustainable Travel and Transport

Site Allocations and Development Policies Document

PG.9 – Settlement Boundaries
GEN.1 – Design Principles
ENV.1 – Ecological Network
ENV.2 – Ecological Implementation
ENV.3 – Landscape Character
ENV.5 – Landscaping
ENV.6 – Trees, Hedgerows and Implementation
ENV.16 – Surface Water Management and Flood Risk
HOU.8 – Space, Accessibility and Wheelchair Housing Standards
HOU.10 – Backland Development
HOU.11 – Extensions and Alterations
HOU.12 – Amenity
HOU.13 – Residential Standards
HOU.14 – Housing Density
HOU.15 – Housing Delivery
HOU.16 – Small and Medium-sized Sites
INF.3 – Highway Safety and Access

Neighbourhood Plan

There is no Neighbourhood Plan in Crewe.

National Planning Policy Framework

CONSULTATIONS (EXTERNAL TO PLANNING)

Highways – No objection.

United Utilities - No objection subject to the imposition of a drainage condition.

CEC Flood Risk – No objection subject to a condition requiring the submission of an updated drainage strategy.

Environmental Protection – No objection, subject to the imposition of conditions relating to EV charging and contaminated land (x4).

TOWN COUNCIL COMMENTS

Crewe Town Council: Objects to the proposal on the following grounds

- Back land development in this location demonstrates over development of the site with an overcrowding effect from the proposed development.
- Inadequate access to support development, e.g. access by waste and emergency services.
- Loss of amenity to existing residents of Russet Close due to proximity of access and additional traffic.
- Access does not provide a safe highway, including lack of identified pedestrian pavement.
- Risk to established trees.
- Loss of amenity due to loss of privacy based on overlooking nature of the proposed development.
- Inadequate access for waste services past the current extent of Russet Close, leading to on street waste.
- Loss of biodiversity, against CE Planning Policy requiring net biodiversity gain.

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected. In response, there have been letters of representation received from 9 addresses objecting to the proposal for the following reasons:

- Overlooking
- Loss of trees
- Lack of infrastructure
- Loss of privacy
- Substandard access
- Ownership of access
- Previous refusals
- Boundary treatments
- Trees and landscaping
- Unclaimed land being used as a dumping ground
- Highway safety
- Saturation of residential dwellings
- Increase in drainage problems
- Impact of ecology
- Over development

- Existing issues on Russet Close

APPRAISAL

Principle of Development

The application site is located within the settlement boundary of Crewe, and within a predominantly residential area.

Policy PG.9 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’.

Following on from the above, Policy HOU.16 of the SADPD states that:

‘The particular benefits of providing well-designed new homes on small and medium-sized sites, up to 30 homes, will be given positive weight in determining planning applications’.

Policy HOU.10 (Backland Development) of the SADPD states that proposals for tandem or backland development will only be permitted where they:

- 1. demonstrate a satisfactory means of access to an existing public highway in accordance with Policy INF 3 'Highway safety and access', that has an appropriate relationship with existing residential properties.*
- 2. do not cause unacceptable harm to the amenity of the residents of existing or proposed properties, in accordance with Policy HOU 12 'Amenity’*
- 3. are equal or subordinate in scale to surrounding buildings, particularly those fronting the highway; and*
- 4. are sympathetic to the character and appearance of the surrounding area through its form, layout, boundary treatments and other characteristics.*

Notwithstanding the above, the scheme is also aligned with housing delivery policies; PG1, PG2 and PG7 of the CELPS. As such, the principle of erecting dwellings in this location is acceptable subject to the scheme’s adherence with other relevant local plan policies. These are considered below.

Design

Policy GEN.1 of the SADPD states that development proposals should:

- *create high quality, beautiful and sustainable buildings and places, avoiding the imposition of standardised and/or generic design solutions where they do not establish and/or maintain a strong sense of quality and place*

- *reflect the local character and design preferences set out in the Cheshire East Borough Design Guide supplementary planning document unless otherwise justified by appropriate innovative design or change that fits in with the overall form and layout of their surroundings*

As noted above there are also design requirements within policy HOU10 (Backland Development) of the SADPD (see points 3 and 4).

The two proposed dwellings would be two storey and will be read in context with the existing dwellings on Russet Close. They will have a slightly lower roof height than these properties and be of a similar sized footprint, as such they will be subordinate in scale and will not lead to any significant visual impact. Furthermore, given the above, there will not be any over domination of the properties along Middlewich Street or Greenway.

Following on from the above, the proposed dwellings are relatively simple in design and are of a similar appearance to those along Russet Close. Furthermore, the layout of the proposed development will be similar to that of Russet close (which have previously been constructed on a backland site).

With regard to boundary treatments, a condition will be attached to any permission requiring the submission and approval of these details before commencement of the development. However, the submitted plans indicate that timber fencing up to 1.8 metres in height, this is considered to be acceptable in this location.

With the above in mind, it is considered that the proposed development will be subordinate to the existing neighbouring development and will be sympathetic to the character and appearance of the surrounding area.

There is a substantial turning area to the front of the proposed dwelling to allow for a turning head for emergency vehicles should the need arise. While this amount of hardstanding is not ideal, it will have very limited public viewpoints and no visual impact on the existing street scene. Given this, it is not considered that this would be a sustainable reason for refusal.

There will be limited viewpoints of the proposed dwellings from Middlewich Street or Greenway, as such there will not be any significant visual impact on either of these two street scenes. The proposed dwellings will be a little more visible from Russet Close, however they will be read in context with these existing dwellings and have no significant visual impact on the street scene of Russet Close.

Overall, it is considered that the proposed development is of an acceptable design that is sympathetic to the existing development and will not have any significant visual impact on the street scene. As such, it is considered that the proposal is in accordance with Policies SE.1 of the CELPS and GEN.1 and HOU.10 of the SADPD.

Residential Amenity

Policy HOU.12 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:

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 HOU.13 of the SADPD sets out residential standards for new development and states that proposals for housing development should generally:

- i. meet the standards for space between buildings as set out in Table 8.2 'Standards for space between buildings', unless the design and layout of the scheme and its relationship to the site and its characteristics provides an adequate degree of light and privacy between buildings; and*
- ii. include an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the proposed development.*

There are neighbouring residential dwellings to all four sides of the application site.

The dwelling to the south stands approximately 19.5 metres away (at the closest point) and has a side elevation facing towards the application site. This relationship between the two properties will be side-to-side elevation and will not be directly facing. As such it is not considered that there will be impact on neighbouring residential amenity from this perspective.

The closest neighbouring dwellings to the north are 14 and 15 Russet Close which both have rear elevations facing towards the application site. These elevations will be off set from the proposed dwellings and stand approximately 15.5 metres away from the nearest of the two proposed dwellings. Given the off-set relationship, it is considered that the impact upon neighbouring residential amenity is acceptable.

The existing dwellings to the west, along Greenway, will share a principal elevation to principal elevation relationship with the two proposed dwellings. There will be a separation distance of approximately 38 metres between the facing elevations, this distance in excess of the recommended separation distance (21 metres) as prescribed in table 8.2 of Policy HOU.13 for a back-to-back facing habitable rooms. Therefore, it is considered that there will be impact on neighbouring residential amenity.

The existing dwellings to the east, along Middlewich Street, will share a principal elevation to principal elevation relationship with the proposed dwellings. The distance between these two elevations is approximately 40 metres at the closest point. As with above, this is in excess of the recommended 21 metres. As a result, it is not considered that there will be impact on the neighbouring residential amenity of the existing dwellings to the east.

Each of the proposed dwellings will have a reasonable amount of private amenity space in accordance with Policy HOU.13 and exceed the 50sqm set out in the Crewe and Nantwich SPD.

Overall, it is considered that the proposed development will not have any significant impact on neighbouring residential amenity or the future occupants of the proposed development. As such, it is considered to be in accordance with Policy HOU.12 and HOU.13 of the SADPD.

Space Standards

Policy HOU.8 of the SADPD states that:

‘Proposals for new residential development in the borough should meet the Nationally Described Space Standard’.

The above standards require a two bedroom two storey dwelling with three bed spaces to have an internal floor area of 70sq metres. Both of the proposed dwellings have an internal floor area of 73sq metres.

Therefore, the residential element of the proposed development is in accordance with Policy HOU.8 of the SADPD.

Highway Safety / Access / Parking

Policy INF.3 of the SADPD states that development proposals should:

- comply with the relevant Highway Authority’s and other highway design guidance.
- 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.
- make sure that development traffic can be satisfactorily assimilated into the operation of the existing highway network so that it would not have an unacceptable impact on highway safety or result in severe residual cumulative impacts on the road network.
- incorporate measures to assist access to, from and within the site by pedestrians.

The proposal is for 2 dwellings to the rear of existing properties, with off-road parking and an existing access via Russet Close.

The access will be taken via Russet Close which is a small cul-de-sac and forms part of the public highway. The site access is a private drive with a width of approximately 3.5m-4m, it is effectively single car width and serves the car parking spaces for two existing properties. As the access is off a quiet cul-de-sac and the vehicle numbers that would use it would be small, it does not raise a highways safety concern.

There would be sufficient parking for the existing and the new properties and refuse collection would be the same arrangement as for the existing properties.

Overall, the Council’s Highways Officer considers that the parking and access are acceptable, and no objection is raised.

Landscape and Trees

Policy SE.5 of the CELPS states that:

Development proposals which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands (including veteran trees or ancient semi-natural woodland), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives. Where such impacts are unavoidable, development proposals must satisfactorily demonstrate a net environmental gain by appropriate mitigation, compensation or offsetting. The council will seek to ensure:

- 1. The sustainable management of trees, woodland and hedgerows including provision of new planting within the infrastructure of new development proposals to provide local distinctiveness within the landscape, enable climate adaptation resilience, and support biodiversity;*
- 2. The planting and sustainable growth of large trees within new development as part of a structured landscape scheme in order to retain and improve tree canopy cover within the borough as a whole.*

At present the application site is formerly garden of 203 and 205 Middlewich Street and is now generally overgrown and while there are some trees present these are not considered to be specimens worthy of formal protection. Further to this, the Council's Arboriculturist does not consider that there will be any significant arboricultural implications arising from the proposed development.

Notwithstanding the above, a condition will be attached to any permission requiring strict adherence to the submitted landscaping scheme.

Overall, it is considered that the proposed development will not pose any significant landscape or arboricultural issues, as such the application proposal is therefore considered to adhere with Policy SE5 of the CELPS.

Ecology

The Council's Ecologist is satisfied that the proposed development will not have any significant impact on Protected Species or ecology in general. However, it is advised that a condition be attached to any permission requiring the submission of an ecological enhancement strategy (this would include bird and bat boxes, and a lighting strategy).

At the last committee meeting Members discussed the impact upon Hedgehogs (although this was not a reason for deferral). The conditions have been updated to secure hedgehog gaps within the boundary treatment and to require native planting.

Subject to the above recommended conditions, it is considered that the proposal would adhere with Policies SE.3 of the CELPS and ENV.3 of the SADPD.

Drainage

United Utilities have reviewed the application and advised that they have no objections subject to a number of conditions including that foul and surface water be drained on separate systems;

the prior submission/approval of a sustainable drainage management and maintenance plan and compliance with the submitted Drainage Design.

Following the deferral, the applicant has produced a surface water drainage strategy and a drainage layout. The LLFA have been consulted on the proposed development and, based on the submitted information, have no objections subject to the imposition of a condition requiring the applicant to submit an updated drainage strategy which considers the drainage hierarchy.

As such, subject to the recommended conditions, it is considered that the proposed development would adhere with Policy SE.13 of the CELPS.

Other Matters

The other planning applications/issues relating to Russet Close are separate issues and not material planning considerations for this application.

The unclaimed land between the western edge of the site and the rear gardens of the dwellings on Greenway is outside of the application red edge. The maintenance and ownership of this land is a matter for consideration.

Any easement over the access road leading to the application site is a private matter between the interested parties.

The fact that the proposed dwellings may be rental properties is not a material planning consideration.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development is acceptable in principle, it will not have an adverse impact upon neighbouring amenity. It achieves an acceptable standard of design which respects the pattern, character and form of the surroundings. There are adequate access arrangements, drainage, utilities and existing infrastructure.

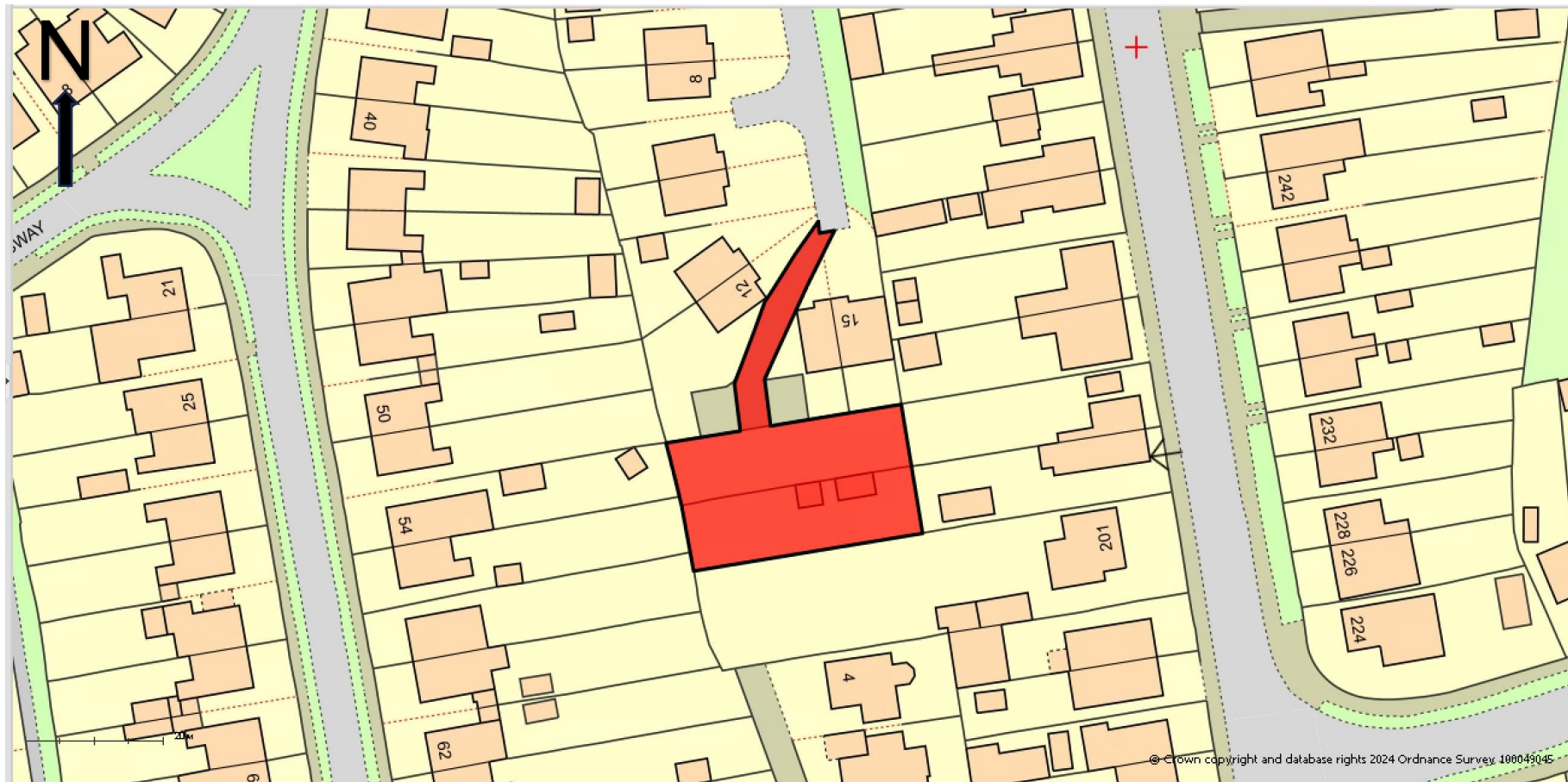
RECOMMENDATION

APPROVE 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 areas)**
- 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 1st March and 31st 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. Submission of updated drainage strategy**
- 16. Submission of sustainable drainage management plan**

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



23/2158C

Land To Rear Of 203 And 205,
MIDDLEWICH STREET,
CREWE,
CHESHIRE

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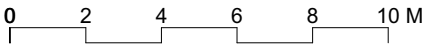


- Key:**
- Site Application Boundary
 - Ownership Boundary
 - Unclaimed land
 - Adopted road / access to site

REV A (14.06.2023) HOUSE NUMBERS ADDED TO MAP AS REQUESTED. (SD)

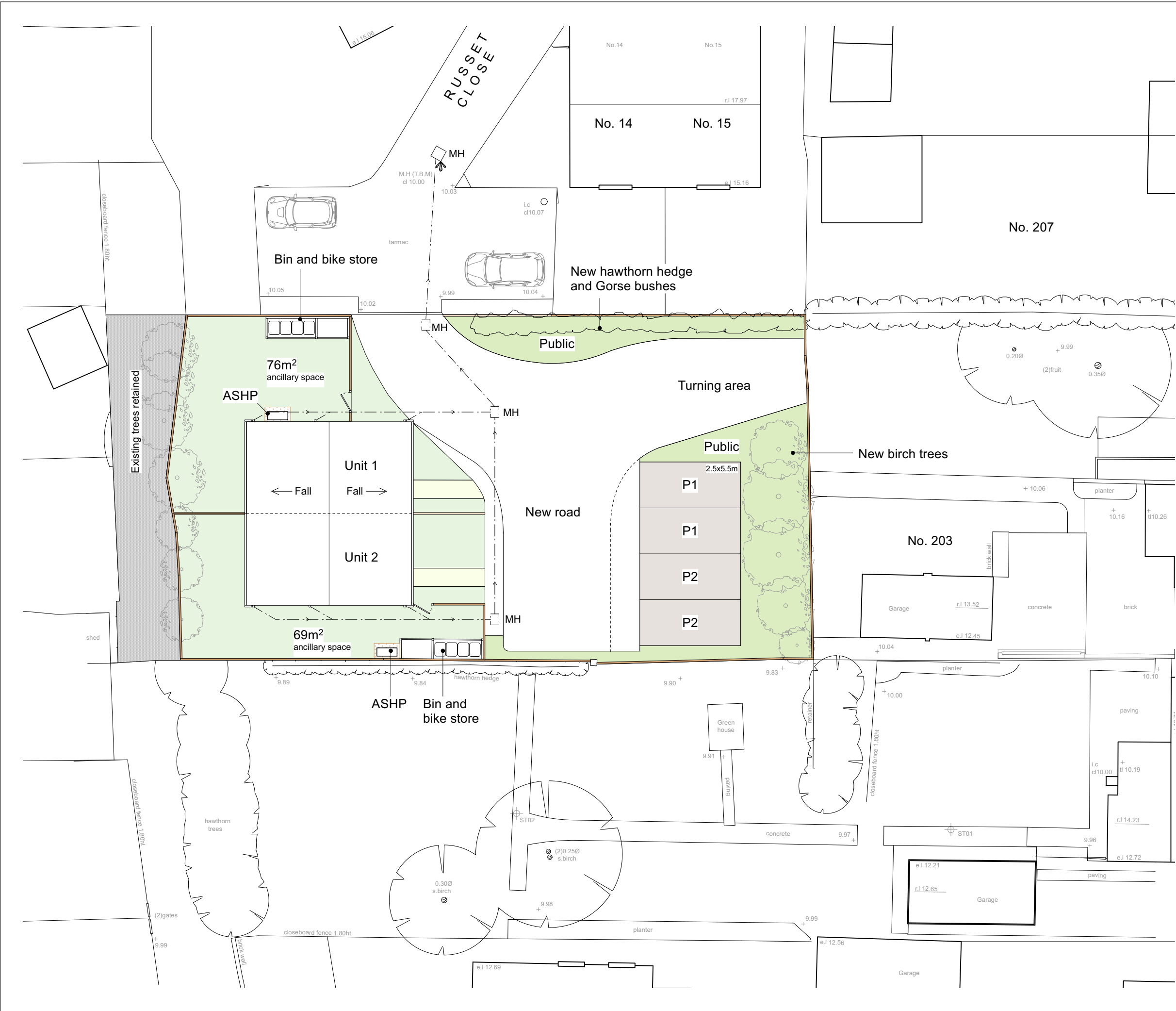
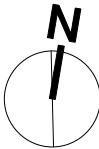
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| t (0161) 8813031 t (01433) 695560 | | | |
| PROJECT 203-205 Middlewich Street, Crewe, CW1 4DN | | | |
| CLIENT Nick Reynolds | | | |
| DWG. NO. 207_ PL001 | Location Plan | REVISION A | DRAWN BY JH |
| DATE May 2023 | ISSUE Planning Issue | SCALE 1:1250@A3 | |

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Key:

- Tarmac
- Permeable paving
- Private lawns
- Public areas (grass)
- Timber fences @ 1.8m tall
- Timber fences @ 1m tall



REV A (23.11.2023) Fence line adjusted to increase garden amenity space of Unit 2. (JD)

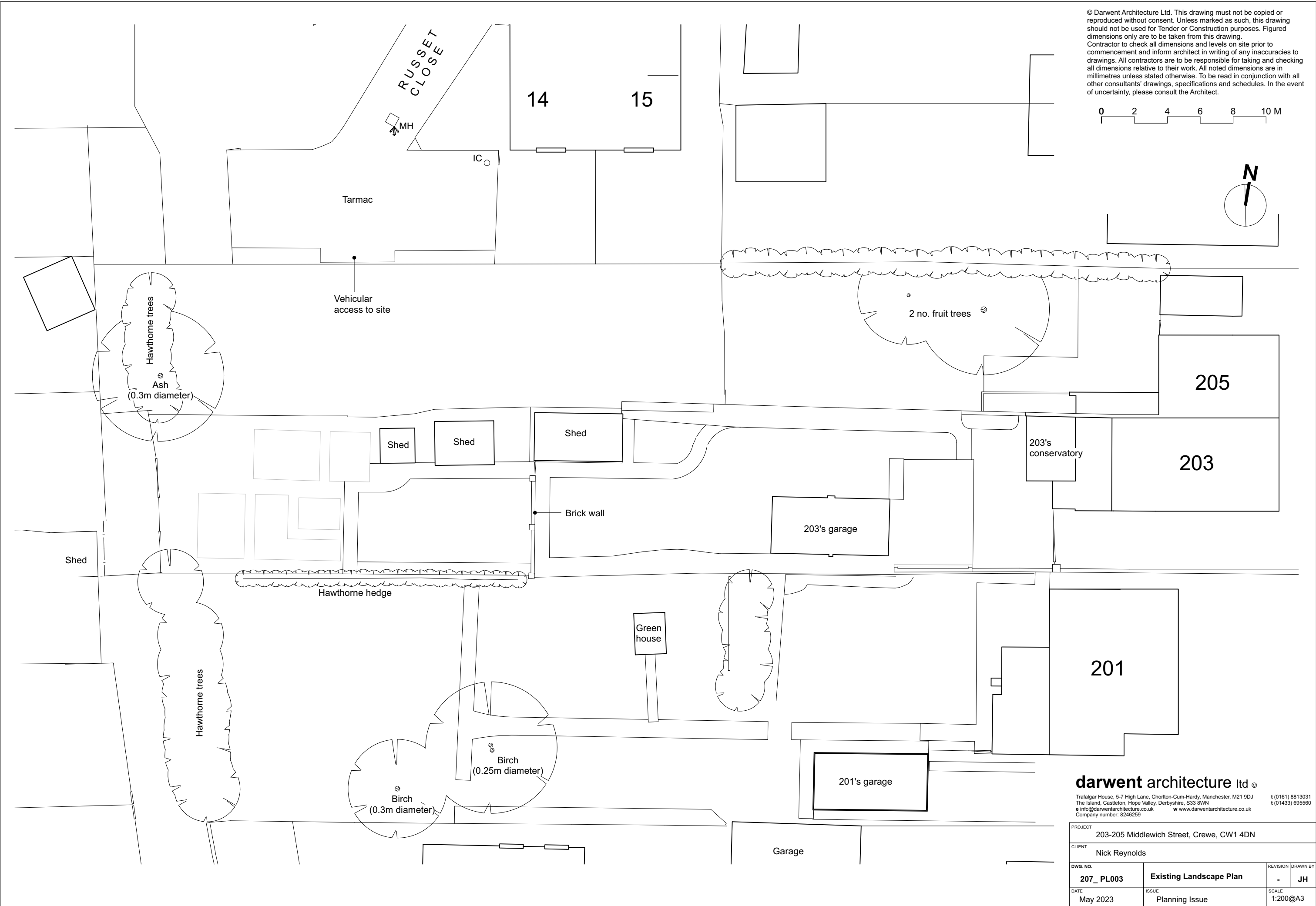
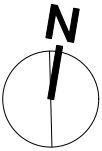
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| | | | |
|--|----------------------------------|-------------------|----------------|
| PROJECT 203-205 Middlewich Street, Crewe, CW1 4DN | | | |
| CLIENT Nick Reynolds | | | |
| DWG. NO. 207_ PL004 | Proposed Landscape and Roof Plan | REVISION A | DRAWN BY JH |
| DATE May 2023 | ISSUE Planning Issue | SCALE 1:200@A3 | |

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





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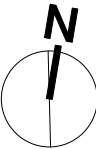


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| CLIENT Nick Reynolds | | | |
| DWG. NO. 207_ PL003 | Existing Landscape Plan | REVISION - | DRAWN BY JH |
| DATE May 2023 | ISSUE Planning Issue | SCALE 1:200@A3 | |

0 2 4 6 8 10 M

-  Tarmac
-  Permeable paving
-  Private lawns
-  Public areas (grass)
-  Timber fences @ 1.8m tall
-  Timber fences @ 1m tall



Page 23

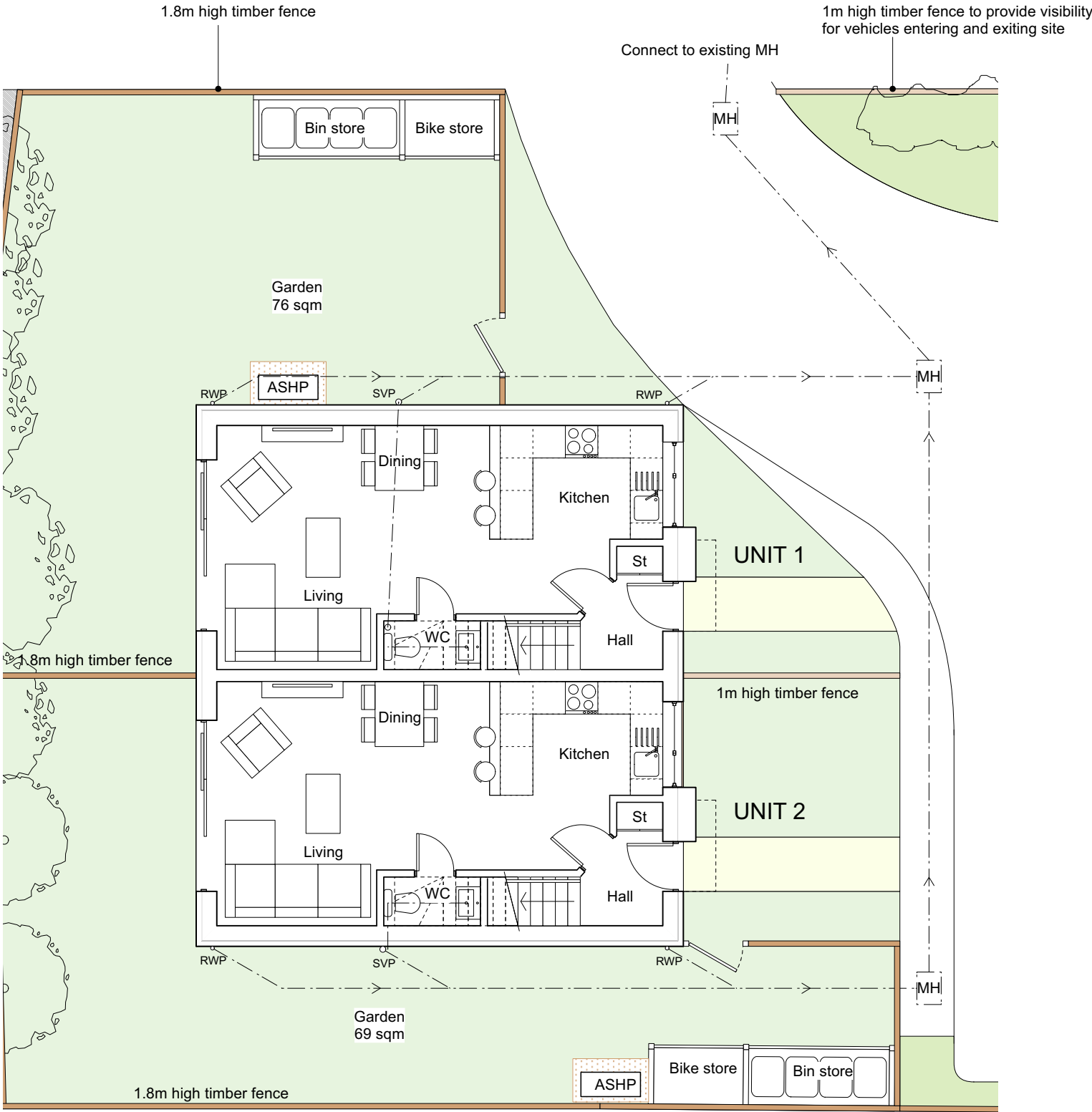
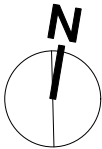
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| PROJECT 203-205 Middlewich Street, Crewe, CW1 4DN | | | |
| CLIENT Nick Reynolds | | | |
| DWG. NO. 207_ PL004 | Proposed Landscape and Roof Plan | | REVISION - DRAWN BY JH |
| DATE May 2023 | ISSUE Planning Issue | SCALE 1:200@A3 | |

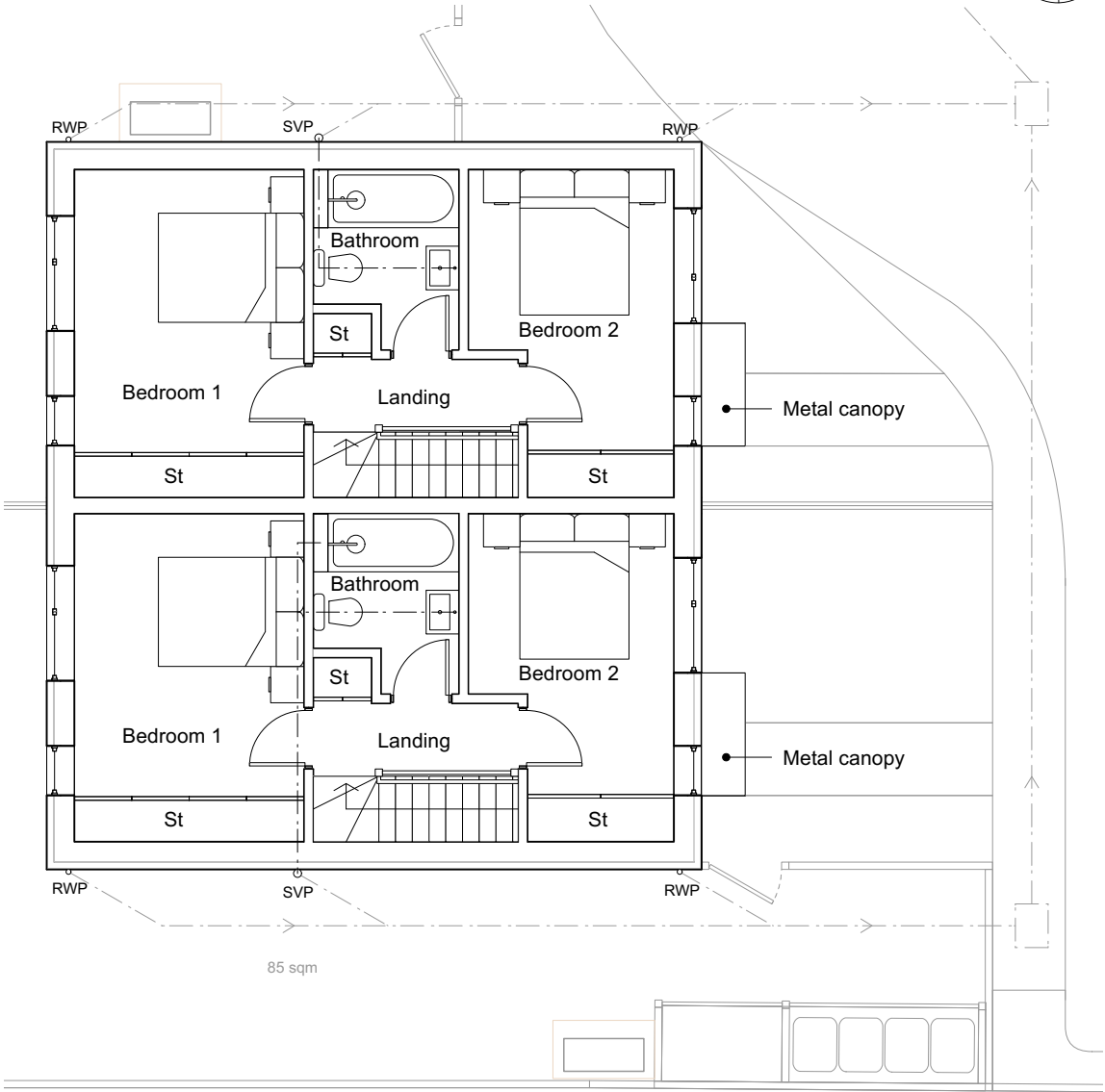
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0 1 2 3 4 5 M



Ground Floor



First Floor

REV A (23.11.2023) Fence line adjusted to increase garden amenity space of Unit 2. (JD)

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| CLIENT Nick Reynolds | | | |
| DWG. NO. | 207_ PL005 | Proposed Floor Plans | REVISION A |
| DATE | May 2023 | ISSUE Planning Issue | DRAWN BY JH |
| SCALE 1:100@A3 | | | |

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East (Front) Elevation



West (Rear) Elevation

0 1 2 3 4 5 M

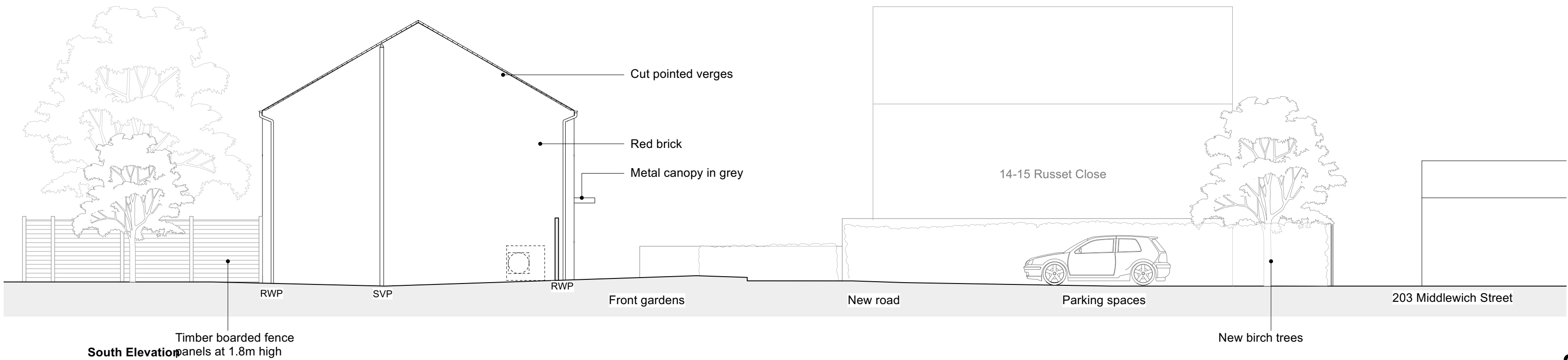
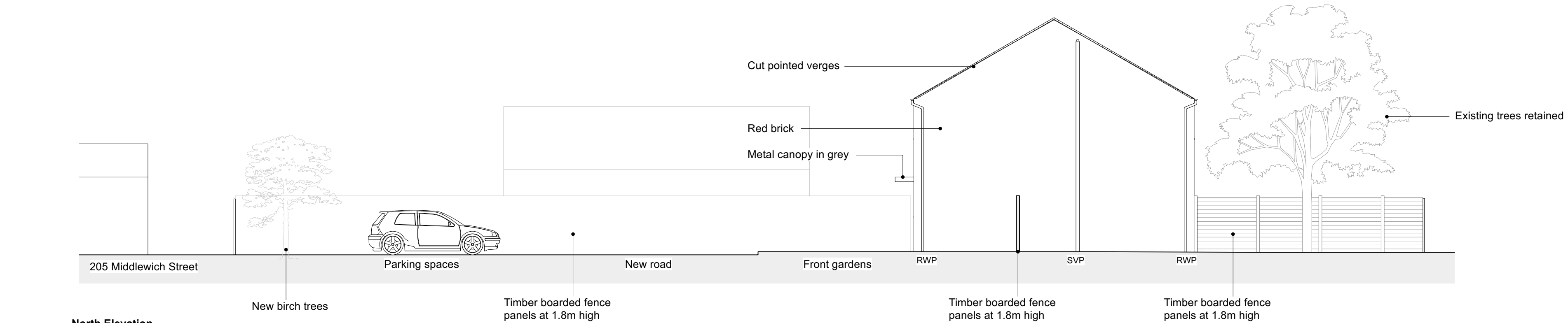
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|--|-------------------------|-------------------|----------------|
| PROJECT 203-205 Middlewich Street, Crewe, CW1 4DN | | | |
| CLIENT Nick Reynolds | | | |
| DWG. NO. 207_ PL006 | Proposed Elevations | REVISION - | DRAWN BY JH |
| DATE May 2023 | ISSUE Planning Issue | SCALE 1:100@A2 | |

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|--|--------------------------|-------------------|----------------|
| PROJECT 203-205 Middlewich Street, Crewe, CW1 4DN | | | |
| CLIENT Nick Reynolds | | | |
| DWG. NO. 207_ PL007 | Proposed Side Elevations | REVISION - | DRAWN BY JH |
| DATE May 2023 | ISSUE Planning Issue | SCALE 1:100@A2 | |

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Application No: 23/4181N

Location: Land at Cemetery Road, Weston, Crewe, CW2 5LQ

Proposal: The use of land for the stationing of additional caravans for residential purposes, the erection of a second dayroom and formation of additional hardstanding

Applicant: Mr Michael Stokes, c/o agent

Expiry Date: 08-Mar-2024

SUMMARY

The proposal seeks permission for the change of use of land to use as residential caravan site for one pitch with two caravans, and erection of an amenity building.

The site is in the open countryside where Cheshire East Local Plan Strategy (CELPS) policy PG 6 'Open Countryside' would apply. Paragraph 25 of the Planning Policy for Traveller Sites (PPTS) notes how local planning authorities should very strictly limit new Traveller site development in the countryside that is away from existing settlements or outside areas allocated in the development plan. The application site is also located within a Strategic Green Gap where development should not erode the physical gap between settlements, or adversely impact on the visual character of the landscape or significantly affect the undeveloped character of the Green Gap or lead to a coalescence between existing settlements. The Planning Inspector for the previous permission on the site concluded that the development would not harm the open countryside or the Green Gap, and it is considered that the addition of pitch on the site would not have a significantly greater impact than that which has been accepted previously.

Policy SC7 'Gypsies and Travellers and Travelling Showpeople' of the Cheshire East Local Plan Strategy sets out the Council's strategic approach to Gypsies and Travellers and Travelling Showpeople. Policy HOU 5 'Gypsy and Traveller Site Provision' Site Allocations and Development Policies Document (SADPD) provides additional detail to the strategic policies contained in the Local Plan Strategy. SADPD refers to criteria relevant to the consideration of sites in the open countryside, outside of the Green Belt and over and above those on allocated sites.

The SADPD Inspector noted that the SADPD, alongside commitments and completions and supported by its proposed allocations, provided sufficient pitches to meet the identified need for permanent pitches for Gypsies and Travellers for the period 2017-2030. The identified supply of sites for Gypsy and Traveller accommodation was considered to be consistent with national policy in respect of its

deliverability and developability, and so that the Council could demonstrate a sufficient supply of deliverable sites to support a five-year supply.

However, on the 19th December 2023, the Department for Levelling Up, Housing and Communities (DLUHC) changed the definition of a Gypsy and Traveller in its Planning Policy for Traveller Sites (PPTS). The effect of these changes is to broaden the definition of a Gypsy & Traveller to include persons of nomadic habit of life who have ceased to travel permanently on the basis of their own, their family's or dependants educational or health needs or old age. This change follows the judgment in the Court of Appeal in the case of *Smith v SSLUHC & Or* which found the previous definition set out in the PPTS 2015 to be discriminatory.

The PPTS expects LPA's to set pitch targets for Gypsies and Travellers as defined in Annexe 1 to address likely permanent site accommodation needs in their local plans and to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against those locally set targets. Where a local planning authority cannot demonstrate an up to date 5-year supply of deliverable sites, this is a significant material consideration when considering applications for the grant of temporary planning permission.

CELPs Policy SC7 states that sites will be allocated or approved to meet the needs set out in the most recent Gypsy and Traveller Accommodation Assessment (GTAA). The Council published its latest GTAA in 2018 and this was independently examined as part of the evidence base for the SADPD. The GTAA identified a need for 32 permanent pitches for households that met definition of a Gypsy & Traveller for the period 2017-30 and this formed the basis for criteria 1(i) of SADPD Policy HOU5. At the time of adoption, the Examining Inspector was satisfied with robustness of the GTAA, the policy approach and that a deliverable five-year supply could be demonstrated. However, it is highlighted that the needs identified in the GTAA and SADPD reflect the now superseded definition in the PPTS. Because the definition of a Gypsy and Traveller has now been widened by DHLUC, the LPA cannot say with confidence what the remaining need is for permanent pitches over the plan period and the likelihood is that it will be higher than what was concluded through the SADPD examination process. Without clarity on the need figure, it is not possible to properly evidence the Council's five-year supply position and therefore Cheshire East cannot demonstrate a five-year supply for the purposes of determining planning applications and appeals. Criteria 2 of LPS Policy SC 7 & Criteria 3 & 4 of Policy HOU 5 remain relevant to the consideration of this application.

As a result, the need for gypsy and traveller accommodation is a significant material planning consideration in the assessment of this application. The provision of 1no Gypsy and Traveller accommodation is a clear social benefit of the proposal.

The site does not meet all the criteria of the sustainability checklist, nevertheless the site is located on the edge of the village settlement boundary and is well connected to Weston and the Town of Crewe where most services are available.

The Highways Authority have raised no objection to the impact on highway safety. It is also considered that the proposal would not have adverse impact on the setting of the nearby listed buildings or the Conservation area.

There are no significant issues raised to the scheme in terms of ecology, landscape, amenity and drainage subject to conditions.

It is therefore considered that on balance, and subject to conditions, the proposal is acceptable and is recommended for approval accordingly.

RECOMMENDATION – APPROVE WITH CONDITIONS

REASON FOR REFERRAL

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

'I wish to call it on the grounds of

- 1) The conditions set are not being complied with under application 17/2879,*
- 2) there are more than 2 caravans on site,*
- 3) tree planting condition not complies with,*
- 4) Further development will adversely affect the character of the area,*
- 5) the council now has sufficient caravan pitches since the adoption of the SADPD in December 2022*
- 6) The personal circumstances that permission being granted to the applicants son was not recognised in the Inspectors report as being a determinative issue'.*

PROPOSAL

The proposal seeks permission for the use of land for the stationing of additional caravans for residential purposes to create a second pitch, the erection of a second dayroom and formation of additional hardstanding.

SITE DESCRIPTION

The application site is located off Cemetery Road, Weston. The site is access off a track from Cemetery Road. The application site relates to an existing Gypsy and Traveller site which was given permission under 17/2879N at appeal (APP/R0660/W/19/3223623) for 1 pitch (2 caravans not more than one static caravan).

The site is located within the Open countryside and Green Gap. The site is bound by existing development to the south, equestrian buildings to the west, and a PROW runs along the north/east of the site. The north of the site is open fields.

A site visit was carried out by the Planning Officer on the 26th January 2024. Hardstanding has been installed; some tree planting has also recently been carried out to the north/east of the application site. There were no Statics on the site at the time of the site visit, but 2 tourers were present. The utility building has not yet been constructed. There was also an additional caravan located on the field beyond the site which the applicant stated was just being stored.

RELEVANT PLANNING HISTORY

22/3257N – Variation of Condition 3 - Approved Plans on application 17/2879N - APP/R0660/W/19/3223623 – Approved with conditions 21st December 2022

21/4372D – Discharge of conditions 5, 6, 7, 8, 12 and 13 of app 17/2879N - The use of land for the stationing of caravans for residential purposes for one family gypsy pitch together with formation of hardstanding and ancillary utility/dayroom, and the retention of the existing permitted stables – Part Approved/Part Refused 8th November 2021

21/4574N – Erection of two detached dwellings – Refused 14th April 2022

20/2692N – application for change of use of agriculture to equine use and construction of stable block for 3 horses, a hay barn and menage together with hardstanding parking space for tractor and owners horse box – Approved with conditions 12th November 2020

17/2879N – The use of land for the stationing of caravans for residential purposes for one family gypsy pitch together with formation of hardstanding and ancillary utility/dayroom, and the retention of the existing permitted stables – Refused 4th October 2018; Allowed at appeal 29th August 2019

16/4579N – Resubmission of application 15/5242N for the creation of hardstanding area around existing stable block for use of horsebox/trailers and storage of equine equipment – approved with conditions 29th November 2016

15/5242N – Creation of hardstanding area around existing stable block for use of horsebox/trailers and storage of equine equipment – Refused 13th January 2016; Dismissed at appeal 22nd July 2016

P99/0346 – Change of use to residential garden – approved with conditions 27th May 1999

7/12646 – Stables/Tack shed – Approved with conditions 19th December 1985

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework (the Framework) establishes a presumption in favour of sustainable development. The Framework sets out that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent.

Planning Policy for Traveller Sites (PPTS) 2015 sets out the Government's planning policy for traveller sites. It should be read in conjunction with the Framework. The overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

Cheshire East Local Plan Strategy (CELPS)

SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
PG5 Strategic Green Gaps
PG6 Open Countryside
SE1 Design
SE2 Efficient Use of Land
SE3 Biodiversity and Geodiversity
SE4 The Landscape
SE7 The Historic Environment
SE11 Sustainable Management of Waste
SE12 Pollution, Land Contamination and Lands Instability
SE13 Floodrisk and water management
SC3 Health and Wellbeing
SC7 Gypsies and Travellers and Travelling Showpeople
CO1 Sustainable Travel and Transport
CO4 Travel Plans and Transport Assessments
IN1 Infrastructure

Site Allocations and Development Policies Document (SADPD)

PG 9 Settlement Boundaries
PG 12 Strategic Green Gap boundaries
GEN 1 Design principles
ENV 1 Ecological network
ENV 2 Ecological implementation
ENV 5 Landscaping
ENV 6 Trees, hedgerows and woodland implementation
ENV 15 New development and existing uses
ENV 16 Surface water management and flood risk
HER 3 Conservation Areas
HOU 5 Gypsy and Traveller Provision
HOU 7 Gypsy and Traveller and Travelling Showperson site principles
HOU 12 Amenity
HOU 13 Residential Standards

Weston and Basford Neighbourhood Plan Modification

E2 Landscape Quality, Countryside and Open Views
E3 Habitat Protection and Biodiversity
H1 Settlement Boundaries
H3 Car Parking on Existing and New Developments
T3 Footpaths

HE1 Conservation Areas

Other relevant documents

Cheshire East Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (August 2018)

Cheshire East Local Plan – Site Allocation and Development Policies Document – Gypsy, Traveller and Travelling Showpeople Site Selection Report – (August 2018)

CONSULTATIONS:

Strategic Highways – No objection.

Environmental Protection – No objection, highlighted that a caravan site licence will be required and informative for unexpected contaminated land suggested.

United Utilities – No objection.

CEC Flood Risk – No objection.

PROW – No objection subject to PROW informative.

Weston and Crewe Green Parish Council – Object to the proposal, a summarised version below (full version available to view on the website)

- Site was approved by Appeal in August 2019. Development appears to have commenced on site.
- Condition 2 imposed on 17/2879N which limits the number of caravans to no more than 2 caravans on site is not being complied with – PC site inspections saw 3 caravans on hardstanding and 2 in field.
- Tree planting is more than the original red line suggested.
- Site edged in red would allow for significantly more caravans to be sited on the land.
- The PC consider that in visual and physical terms, the current proposals will substantially extend this development to the North West.
- The second day room would be a large 5 x 8 structure with a hipped roof, this would add to the adverse impact on the character and appearance of the local area.
- The issues of the character and appearance of the area is specifically referred to on para 32, page 6 of the Inspectors report dated 29th August 2019.
- The number of caravans should be restricted by condition.
- Since the appeal was allowed the CEC adopted the SADPD which allocates 32 additional pitches within the area. This is a change in circumstances.
- The Inspector specifically stated that personal circumstances of the appellant are not determinative issue in the appeal, and that the identified need for accommodation of this form in the area was the determinative issue in the appeal and a personal permission was not reasonable.
- It is therefore questioned that the use of the extra pitch for the applicants son is relevant to the proposal or not.
- The Parish Council objects to the current proposal and urge it to be refused.

REPRESENTATIONS

No representations received at time of writing this report.

OFFICER APPRAISAL

Principle of Development

The site is located on the edge of the open countryside where the Cheshire East Local Plan Strategy policy PG 6 'Open Countryside' applies. Paragraph 25 of the Planning Policy for Traveller Sites (PPTS) notes how local planning authorities should very strictly limit new Traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.

Paragraph 25 of the PPTS notes that local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

Policy SC7 'Gypsies and Travellers and Travelling Showpeople' of the Local Plan Strategy ("LPS") sets out the Council's strategic approach to Gypsies and Travellers and Travelling Showpeople. Criterion 1 of LPS Policy SC7 'Gypsies and Travellers and Travelling Showpeople' notes that sites will be allocated or approved to meet the needs set out in the most recent GTAA. Criterion 2 sets out various considerations that should be taken into account in determining the acceptability of new sites. Criterion 3 of the policy puts in place a presumption against the loss of existing permanent consented Gypsy and Traveller or Travelling Showperson sites where this would result in, or exacerbate, a shortfall unless equivalent provision is made.

As noted above, Criterion 2 of LPS policy SC7 'Gypsies and Travellers and Travelling Showpeople' includes several considerations that should be taken into account to determine the acceptability of new sites, these include: -

- a. locational sustainability. Site specific factors including the proximity of the site to local services and facilities; access to public transport;
- b. Highway related factors, including whether the site can achieve safe pedestrian, cycle and vehicular access onto the site and provide for appropriate provision for parking, turning and servicing;
- c. Impact on the character and appearance of the surrounding area, particularly given the sites location in the open countryside.

The Site Allocations and Development Policies (SADPD) document provides additional detail to the strategic policies contained in the Local Plan Strategy.

SADPD policy HOU 5 'Gypsy and Traveller Site Provision' refers to criteria relevant to the consideration of sites in the open countryside, outside of the Green Belt and over and above those on allocated sites. The policy notes that sites in these circumstances will only be permitted through:-

- The application of criterion 3(i) of LPS policy PG6 'Open Countryside';
- The application of SADPD policy PG 10 'Infill Villages'; **or**
- Where it is evidenced that the intended occupiers of the pitch have a genuine need for culturally appropriate accommodation in Cheshire East and cannot meet their

accommodation needs by occupying an existing pitch within an established, authorised Gypsy and Traveller site or a new pitch on an allocated site.

Criteria 4 of policy HOU 5 'Gypsy and Traveller Site Provision' notes that where the requirements of criteria 3 are met, new pitches should be provided within an established Gypsy and Traveller site wherever possible, or, if not, as a small-scale extension to it. A pitch on a new, stand-alone site will only be permitted where it is demonstrated that neither of these options are feasible.

Furthermore, policies within the development plan, in conjunction with national planning guidance and advice in Planning Policy for Traveller Sites, accept that outside Green Belt areas, in rural settings, where the application proposal is located, (Open Countryside) are acceptable in principle for gypsy and traveller sites.

In this instance the applicant set out that the site is required for the son of the applicant to move out of the existing caravan and into their own pitch, and they will require culturally appropriate accommodation. The site is located adjacent to an existing pitch and therefore would comply with criteria 4 in relation to a small-scale extension to an existing site.

Need for Gypsy and Traveller Pitches

The Council, in support of the SADPD updated its evidence base on a sub-regional basis, on the need for additional Gypsy and Traveller and Travelling Showperson accommodation. The GTAA has a base date of May 2017.

The 2018 GTAA formed part of the evidence base for the SADPD. The accommodation needs in the 2018 GTAA study, for Cheshire East, up to 2030, are shown below:

| | Total |
|---|--------------|
| Gypsy and Traveller residential pitches | 32 |
| Transit site pitch provision | 5-10 |
| Travelling Showperson Plots | 5 |

The sites proposed to be allocated in the SADPD, include:

| SADPD site Reference | Site Name | Number of pitches / plots proposed for allocation in the SADPD |
|-----------------------------|---|---|
| G&T1 | Land East of Railway Cottages, Nantwich (Baddington Park) | 2 additional permanent pitches |
| G&T2 | Land at Coppenhall Moss | 7 permanent pitches |
| G&T3 | New Start Park, Wettenhall Road, Nantwich | 8 permanent pitches |
| G&T4 | Three Oakes Site, Booth Lane, Middlewich | 24 permanent pitches |
| G&T5 | Cledford Hall, Cledford Lane, Middlewich | 10 transit pitches |
| G&T6 | The Oakes, Mill Lane, Smallwood | 4 additional permanent pitches |

| | | |
|-----|---|---|
| TS1 | Lorry Park, Mobberley Road, Knutsford | 3 Travelling Showperson Plots |
| TS2 | Land at Firs Farm, Brereton | 10 Travelling Showperson Plots |
| TS3 | Land at Former Brickworks, A50 Newcastle Road | 2 additional Travelling Showperson Plots. |

The SADPD identifies a need for 32 permanent pitches for Gypsies and Travellers who meet the definition in Annex 1 of the PPTS. The supporting text to SADPD policy HOU 5 also notes that the 2018 GTAA acknowledges that it was not possible to determine the travelling status of all of the households surveyed in the study, and a proportion of these households may meet the definition provided in Annex 1 of Planning Policy for Traveller Sites (2015). The GTAA (2018) identifies that two additional pitches may be needed to address the potential needs of households where the travelling status has not been able to be determined through the GTAA. The GTAA (2018) also identifies a need for 3 additional pitches in the plan period for households who may need culturally appropriate accommodation but fall outside of the planning definition provided in Annex 1 of Planning Policy for Traveller Sites (2015).

The SADPD Inspector in his final report on the SADPD noted that following updated evidence discussed at the examination hearings, it would be reasonable to assume an additional need for up to 7 rather than 2 permanent pitches (identified in the preceding paragraph) for needs that could potentially arise from households where the travelling status has not been able to be determined through the GTAA.

The SADPD Inspector noted that the SADPD, alongside commitments and completions and supported by its proposed allocations, provided sufficient pitches to meet the identified need for permanent pitches for Gypsies and Travellers for the period 2017-2030. The identified supply of sites for Gypsy and Traveller accommodation was considered to be consistent with national policy in respect of its deliverability and developability, and so that the Council could demonstrate a sufficient supply of deliverable sites to support a five-year supply.

However, on the 19th December 2023, the Department for Levelling Up, Housing and Communities (DLUHC) changed the definition of a Gypsy and Traveller in its Planning Policy for Traveller Sites (PPTS).

The effect of these changes is to broaden the definition of a Gypsy & Traveller to include persons of nomadic habit of life who have ceased to travel permanently on the basis of their own, their family's or dependants educational or health needs or old age. This change follows the judgment in the Court of Appeal in the case of *Smith v SSLUHC & Or* which found the previous definition set out in the PPTS 2015 to be discriminatory.

The PPTS expects LPA's to set pitch targets for Gypsies and Travellers as defined in Annexe 1 to address likely permanent site accommodation needs in their local plans and to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against those locally set targets. Where a local planning authority cannot demonstrate an up to date 5-year supply of deliverable sites, this is a significant material consideration when considering applications for the grant of temporary planning permission (except in the Green Belt or on other specified protected sites – see PPTS paragraph 27).

LPS Policy SC7 states that sites will be allocated or approved to meet the needs set out in the most recent GTAA. The Council published its latest GTAA in 2018 and this was independently examined as part of the evidence base for the SADPD. The GTAA identified a need for 32 permanent pitches for households that met definition of a Gypsy & Traveller for the period 2017-30 and this formed the basis for criteria 1(i) of SADPD Policy HOU5. At the time of adoption, the Examining Inspector was satisfied with robustness of the GTAA, the policy approach and that a deliverable five-year supply could be demonstrated. However, it is highlighted that the needs identified in the GTAA and SADPD reflect the now superseded definition in the PPTS. Because the definition of a Gypsy and Traveller has now been widened by DHLUC, the LPA cannot say with confidence what the remaining need is for permanent pitches over the plan period and the likelihood is that it will be higher than what was concluded through the SADPD examination process. Without clarity on the need figure, the Council cannot properly evidence the five-year supply position and therefore cannot demonstrate a five-year supply for the purposes of determining planning applications and appeals. Criteria 2 of LPS Policy SC 7 & Criteria 3 & 4 of Policy HOU 5 remain relevant to the consideration of this application.

Therefore, the need for gypsy and traveller accommodation is a significant material planning consideration in the assessment of this application.

Personal circumstances

The revised definition is within the Glossary of the PPTS, which now states that,

- 1. For the purposes of this planning policy “gypsies and travellers” means:
Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or **permanently**, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.*
- 2. In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:
 - a) whether they previously led a nomadic habit of life*
 - b) the reasons for ceasing their nomadic habit of life*
 - c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.**

Therefore, the change in the definition means that for the purposes of assessing the 5 year need for Traveller sites, those that do not travel anymore and have no intention of living a nomadic habit of life in the future are still able to meet the definition, where previously the cessation of travel (except for a temporary period) would not meet the definition of the PPTS.

In this case the applicant, and his family are known to meet the definition of a ‘gypsy or traveller’, and this is not disputed. If permission were approved a standard condition could be attached for the occupants of the pitches must meet the definition in the PPTS. The Planning Statement does not set out any personal circumstances other than the pitch being required for the applicants son.

Adherence with Policy SC7 (Gypsies and Travellers and Travelling Show People) and HOU 7 (Gypsy and Traveller and Travelling Showperson site principles)

Policy SC7 (Gypsies and Travellers and Travelling Showpeople) of the Local Plan Strategy (LPS) sets out the Council's approach to Gypsies and Travellers and Travelling Showpeople. Point 1 of Policy SC7 notes that sites will be allocated or approved to meet the needs set out in the most recent GTAA. Point 2 sets out various considerations that should be taken into account in determining the acceptability of new sites. Point 3 of the policy puts in place a presumption against the loss of existing permanent consented Gypsy and Traveller or Travelling Showperson sites where this would result in, or exacerbate, a shortfall unless equivalent provision is made.

Part 1 has been addressed above. Part 3 of the policy is not relevant to this proposal.

Part 2 sets out criteria which should be considered when assessing Gypsy and Traveller sites in relation to sustainable and acceptable in terms of location and design. The criteria are;

- i. Proximity of the site to local services and facilities;*
- ii. Access to public transport;*
- iii. Safe pedestrian, cycle and vehicular access onto the site;*
- iv. Appropriate pitch sizes;*
- v. Adequate provision for parking, turning and servicing;*
- vi. Adequate provision for storage and maintenance, particularly where needed for Travelling Showpeople;*
- vii. Mix of accommodation types and tenures;*
- viii. Impact on the character and appearance of the surrounding area;*
- ix. Impact on the Green Belt;*
- x. Impact on the historic environment.*

The site is not within the Green Belt and is not part of Travelling Showperson allocation/site and therefore vi, and ix are not relevant to this application. The sizes of the pitches appear to be of scale which is accepted for this type of development, although quite large (there are no specific sizes set out in policy). Furthermore, the application does not include any details of tenure mixes or accommodation types. Further consideration is given to the rest of the points in the report below.

Furthermore, HOU 7 (Gypsy and Traveller and Travelling Showperson site principles) states that;

Alongside the considerations set out in LPS Policy SC 7 'Gypsies and Travellers and Travelling Showpeople', proposals for Gypsy and Traveller and Travelling Showperson sites in the borough should make sure that they:

- 1. respect the scale of, and do not dominate, the nearest settled community where located in rural areas;*
- 2. avoid placing an undue pressure on the local infrastructure and services;*
- 3. clearly indicate the proposed number of pitches/plots intended for the site;*
- 4. are well planned, including clearly marked site and pitch or plot boundaries and include soft landscaping, appropriate boundary treatments and play areas for children where needed;*
- 5. provide a safe environment for intended occupants through layout, design and lighting;*
- 6. provide for an appropriate level of essential services and utilities including mains electricity, a connection to a public sewer or provision of discharge to a septic tank, a mains water supply and a suitable surface water drainage system, prioritising the use of Sustainable Drainage Systems (SuDS) in line with LPS Policy SE 13 'Flood risk and water management'; and*

7. make provision for waste to be stored appropriately for disposal and is able to be collected in an efficient manner.

It is not considered that the approval one additional pitch would overly dominate the nearest community or place undue pressure on local infrastructure and services; all other matters are discussed further within the report.

Impact on the Character and Appearance of the Open Countryside and Green Gap

There is a very strict limitation on new traveller site development in the open countryside that is away from existing settlements identified in Policy H of the PPTS (para 25). Paragraph 26 of the PPTS requires local authorities to attach weight to the following matters:

- a) Effective use of previously developed (brownfield), untidy or derelict land;
- a) Sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
- b) Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
- c) Not enclosing with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

As noted above Policy SC7 (viii) includes consideration to be given to the impacts on the character and appearance of the surrounding area.

Also, HOU 5 (3 and 4) states that,

'3. In the open countryside, outside the Green Belt, Gypsy and Traveller pitches, over and above those provided for on allocated sites, will only be permitted through the application of Criterion 3(i) of LPS Policy PG 6 'Open countryside' and Policy PG 10 'Infill villages' or where it is evidenced that the intended occupiers of a proposed pitch:

- i. have a genuine need for culturally appropriate accommodation in Cheshire East; and*
- ii. cannot meet their accommodation needs by occupying an existing pitch within an established, authorised Gypsy and Traveller site or a new pitch on an allocated site.*

4. Where these requirements are met, new pitches should be provided within an established Gypsy and Traveller site wherever possible, or, if not, as a small scale extension to it. A pitch on a new, stand-alone site will only be permitted where it is demonstrated that neither of these options are feasible'.

The site is also located within the Strategic Green Gap between Policy PG5 of the CELPs, GG1 of the NP and PG 12 of the SADPD set out the detailed boundaries of the Strategic Green Gaps in the Borough. The application site is located within the (iii) Crewe/Shavington/Basford/Weston Strategic Green Gap.

The purpose of the policy is to;

- i) provide long term protection against coalescence,*
- ii) Protect the setting and separate identity of settlement; and*

- iii) *Retain the existing settlement pattern by maintaining the openness of land.*

Policy PG5 of the CELPS sets out that Policy PG 6 (Open Countryside) will apply, with the addition of extra controls where development will not be permitted where it would;

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

The Inspector in considering the original permission on the site 17/2879N (APP/R0660/W/19/3223623) concluded that the proposal would not harm the Open Countryside or Strategic Green Gap.

'11. Even having regard to the sensitivity of this area of countryside and its designation as a Green Gap, I do not consider that the development would lead to harm to the character and appearance of the village or the countryside around it. Moreover, the proposal would not materially compromise or undermine the purposes of the Green Gap, for example, in maintaining the separation between settlements and preventing settlements from merging.

12. The proposal would therefore not conflict with Policies PG5 and PG6 of the CELP, NE4 of the CNRLP and GG1 of the NP with regards to the protection of the countryside and the Green Gap. The proposal would also not conflict with the PPTS which accepts that gypsy and traveller sites can be located in rural or semi-rural settings. The proposal would also not conflict with the Framework in respect of protecting and enhancing the natural and built environment. The Council also accepts that there is a need for gypsy and traveller accommodation and that it cannot demonstrate an appropriate supply of sites. Drawing these matters together, I conclude that the proposal accords with local and national planning policy for the location of this form of development.'

Whilst the proposed additional pitch will project further into the Green Gap and Open Countryside, it will not project further than the existing Stable/equestrian development adjacent. Therefore, it is considered that the proposal would have no significantly increased impact on the Green Gap or Open countryside than that already accepted.

Furthermore, landscaping approved as part of the original permission has recently been planted and this will help to create a softer transition between the village and the wider open countryside. The amended plans received in relation to the Dayroom ensure the building is the same size and external appearance as that approved under 17/2879N.

As set out above whilst the site is located adjacent to an existing pitch and therefore would comply with criteria 4 in relation to a small-scale extension to an existing site. It is therefore considered that in this instance the proposal would be an appropriate extension to an existing Traveller Site, and would adhere to policies SC7, HOU 5 and 7 of the Development Plan, the Neighbourhood Plan and national policy in the PPTS and NPPF.

Sustainability

The PPTS (August 2015) states that travellers sites should be sustainable economically, socially and environmentally and states that Local Authority planning policies should;

- a) Promote peaceful and integrated co-existence between the site and the local community;
- a) Promote, in collaboration with commissioners of health services, access to appropriate health services;
- b) Ensure that children can attend school on a regular basis;
- c) Provide a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised encampment
- d) Provide proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well being of any travellers that may locate there or on others as a result of new development;
- e) Avoid placing undue pressure on local infrastructure and services;
- f) Do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans;
- g) Reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability

The PPTS has an intention, amongst other things, to create and support sustainable, respectful and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education and health and welfare provision. The document clearly acknowledges that '*Local Planning Authorities should very strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated within the development plan*' (paragraph 25). However, it does not state that gypsy/traveller sites cannot be located within the Open Countryside.

The document makes it clear that sustainability is important and should not only be considered in terms of transport mode and distance from services, but other factors such as economic and social considerations are important material considerations. It is considered that authorised sites assist in the promotion of peaceful and integrated co-existence between the site and the local community. A settled base ensures easier access to a GP and other health services and that any children are able to attend school on a regular basis. It is widely recognised that gypsies and travellers are believed to experience the worst health and education status of any disadvantaged group. In addition, a settled base can result in a reduction in the need for long distance travelling and the possible environmental damage caused by unauthorised encampment. Furthermore, the application site should not be located in an area at high risk of flooding. These are all matters to be considered in the round when considering issues of sustainability.

The application site is located adjacent to the settlement boundary of Weston. The village has some day-to-day services such as a Public House, A Primary School, a village play area, Church and Church Hall. The area is also well linked to the town of Crewe where all services such as shopping, high school, bus and train stations can be accessed.

However, most facilities are some distance away and do not meet the distances set out in the sustainability appraisal set out in Policy SD2. Therefore, most journeys to and from the site would be by private vehicle, however, most of these journeys would be relatively short and limited in

number. Policy SC7 of the CELPS does not specify a distance but states that in considering applications, *'(i) Proximity of the site to local services and facilities', ii. Access to public transport; and iii. Safe pedestrian, cycle and vehicular access onto the site;* should be taken account of.

The Inspector in considering 17/2879N concluded that, *'Facilities in Crewe are a relatively short distance away and the number and length of journey associated with a single pitch would be limited. Residents of the proposal would therefore have a good and relatively sustainable access to services in the wider area.'*

The applicant is already living on site with his son, and therefore the number of increased journeys will be minimal and therefore it is considered that the impact will be no greater than the originally approved scheme. Nevertheless, if the pitch was used by a different family the increase in one pitch would not have a significant increased impact above the original permission.

Impact on Heritage Assets

The application site is located adjacent to the Weston Conservation Area and within the wider setting of a Grade II Listed Building Weston House. The Inspector in considering the original permission concluded that the site is screened from the central part of the conservation area, however it is visible from the footpath which runs along the side of the site. The Inspector goes on to conclude that;

21. The appeal site is screened from views within the central part of the CA. However, the site is apparent in views from the footpath which leads along the access track to the site and along the CA boundary. Nevertheless, the site would not be viewed against the features which contribute to the importance of the CA as a designated heritage asset. Landscaping would also provide a degree of screening from the footpath and, within the context of the existing features and surfacing within the site, any harm to the setting of the CA would be very limited. Therefore, any harm to the CA and its significance as a designated heritage asset would be less than substantial.

22. The appeal site is adjacent to the landholding associated with Weston House, which is a Grade II Listed Building. I saw that part of this land was used for recreational purposes in association with Weston House. However, I also saw that the curtilage of the Listed Building was defined by planting and a fence to the rear. Furthermore, a historic Tythe Map submitted by the appellants shows that the recreation area was part of wider grassland around Weston House rather than being part of its historic curtilage. Whilst the landholding associated with Weston House is part of the setting of the Listed Building, the curtilage does not extend to the boundary of the appeal site. There was limited intervisibility between the setting of the Listed Building and the appeal site due to mature evergreen planting which provides a substantial degree of screening. On the basis of what I have seen and read the proposal would not impact the setting of Weston House or its historic curtilage.

The proposed additional pitch will be located further away from the Conservation Area and the Listed Building, and whilst it will amount to up to 2 additional caravans and a Day room, it is considered that the development would have no greater impact on the setting of Weston House its curtilage or the wider Conservation Area setting, than the approved scheme.

Landscape

The site is located within the open countryside, and the Green Gap which as noted above is safeguarded against inappropriate development. It is accepted that Gypsy and Traveller sites are appropriate within the open countryside and the Inspector for the first pitch concluded that the development would not harm the Green Gap or the Open Countryside.

The Landscape Officer has raised some concerns with the proposal, in terms to of the type and level of planting which has occurred recently and what impact that may have on the PROW. Nevertheless, the planting was approved as part of the discharge of conditions application 21/4372D.

It is considered that subject to a revised landscape plan to show the full extent of planting, boundary treatment and hard surfacing materials the proposal is acceptable.

Amenity

The closest neighbouring dwellinghouse is around 50m away from the proposed pitch. Therefore, from an overbearing, loss of sunlight/daylight or loss of privacy perspective the development is acceptable in policy terms.

The increase of the development is likely to have a perceived impact on neighbouring amenity by means of visual intrusion, however it is considered that this is unlikely to have any increased impact on neighbouring amenity than the existing situation.

With regards to environmental disturbance, the Council's Environmental Protection Officer has reviewed the proposal and advised that they have no objections in principal, subject to conditions.

It is considered to ensure the amenity of the neighbours is safeguarded conditions relating to external lighting plans, shall be included.

Highway Safety

Policy SC 7 requires consideration of *Adequate provision for parking, turning and servicing*.

The proposal is to extend the living accommodation for the same family utilising the same access to the highway. The access was raised as an issue during the previous application on this site but was allowed at appeal, and the use of the access will not be intensified as a result of this application. There will be adequate parking area within the site and no objection is raised from the Strategic Highways Officer.

Ecology

The Council's Ecologist has assessed the application and made the following comments.

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. The habitats affected by the proposed development are of relatively low value, however the

Councils Ecologists advises that the proposed development is likely to lead to a minor loss of biodiversity due to the loss of grassland and developing scrub habitats.

Native species planting is shown on the submitted plans, but this appears to be associated with a previous planning consent.

If planning consent is granted a condition is suggested to be attached to secure the incorporation of features to increase the biodiversity value of the proposed development.

Drainage and Flood risk

The application site is not located within a Flood risk zone and no objections have been raised in relation to the development by either United Utilities or the LLFA. It is therefore considered reasonable to condition the submission of a foul and surface water drainage scheme to be submitted and approved in line with the original permission on the site.

HUMAN RIGHTS AND SAFEGUARDING CHILDREN

Local Planning Authorities should consider the consequences of refusing or granting planning permission, or taking enforcement action, on the rights of the individuals concerned. Article 8 of the Human Rights Act 1998 states that everyone has the right to respect for his private and family life, his home and his correspondence. It adds there shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals or the protection of the rights and freedoms of others.

Local Planning Authorities also have a duty to safeguard and promote the welfare of children under section 11 of the Children's Act 2004. In addition, the judgment of the Supreme Court in *ZH* (Tanzania) was that all local authorities are under a duty to consider the best interests of the children.

Section 11 of the Act states that Local Authorities must have regard to the need to safeguard and promote the welfare of children.

Further, Article 14 of the Human Rights Act states that the enjoyment of the rights and freedoms set forth in that Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Furthermore, the Planning Authority is required, under section 149 of the Public Sector Equality Act 2010, in the exercise of its functions, to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The protected characteristics include:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

The duty to have regard to the three aims listed above applies not only to general formulation of policy but to decisions made in applying policy in individual cases.

Based on the information provided, no significant issues are raised in this regard.

Other Matters

It is noted within the objections that additional caravans have been seen on site and that it is considered that the conditions attached to 17/2879N have not yet been fully adhered to. Non-compliance with conditions should be raised with Planning Enforcement and assessment will be carried out into the breaches. At the time of the Planning Officers visit only two caravans were on the main hard standing, and one caravan was being stored on land to the north of the pitches. Provided the caravan is not being lived in and is moved within 28 days this is permissible.

Planning conditions have been approved as part of 21/4372D subject to implementation in accordance with the approved details. The site does not appear to have been fully implemented to date, with no day room constructed currently and tree planting recently having been planted.

CONCLUSION/PLANNING BALANCE

The proposal seeks permission for the change of use of land to use as residential caravan site for one pitch with two caravans, and erection of an amenity building.

The site is in the open countryside where Cheshire East Local Plan Strategy (CELPS) policy PG 6 'Open Countryside' would apply. Paragraph 25 of the Planning Policy for Traveller Sites (PPTS) notes how local planning authorities should very strictly limit new Traveller site development in the countryside that is away from existing settlements or outside areas allocated in the development plan. The application site is also located within a Strategic Green Gap where development should not erode the physical gap between settlements, or adversely impact on the visual character of the landscape or significantly affect the undeveloped character of the Green Gap or lead to a coalescence between existing settlements. The Planning Inspector for the previous permission on the site concluded that the development would not harm the open countryside or the Green Gap, and it is considered that the addition of pitch on the site would not have a significantly greater impact than that which has been accepted previously.

Policy SC7 'Gypsies and Travellers and Travelling Showpeople' of the Cheshire East Local Plan Strategy sets out the Council's strategic approach to Gypsies and Travellers and Travelling Showpeople. Policy HOU 5 'Gypsy and Traveller Site Provision' Site Allocations and Development Policies Document (SADPD) provides additional detail to the strategic policies contained in the Local Plan Strategy. SADPD refers to criteria relevant to the consideration of sites in the open countryside, outside of the Green Belt and over and above those on allocated sites.

The SADPD Inspector noted that the SADPD, alongside commitments and completions and supported by its proposed allocations, provided sufficient pitches to meet the identified need for permanent pitches for Gypsies and Travellers for the period 2017-2030. The identified supply of sites for Gypsy and Traveller accommodation was considered to be consistent with national policy in respect of its deliverability and developability, and so that the Council could demonstrate a sufficient supply of deliverable sites to support a five-year supply.

However, on the 19th December 2023, the Department for Levelling Up, Housing and Communities (DLUHC) changed the definition of a Gypsy and Traveller in its Planning Policy for Traveller Sites (PPTS). The effect of these changes is to broaden the definition of a Gypsy & Traveller to include persons of nomadic habit of life who have ceased to travel permanently on the basis of their own, their family's or dependants educational or health needs or old age. This change follows the judgment in the Court of Appeal in the case of *Smith v SSLUHC & Or* which found the previous definition set out in the PPTS 2015 to be discriminatory.

The PPTS expects LPA's to set pitch targets for Gypsies and Travellers as defined in Annexe 1 to address likely permanent site accommodation needs in their local plans and to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against those locally set targets. Where a local planning authority cannot demonstrate an up to date 5-year supply of deliverable sites, this is a significant material consideration when considering applications for the grant of temporary planning permission.

CELPS Policy SC7 states that sites will be allocated or approved to meet the needs set out in the most recent Gypsy and Traveller Accommodation Assessment (GTAA). The Council published its latest GTAA in 2018 and this was independently examined as part of the evidence base for the SADPD. The GTAA identified a need for 32 permanent pitches for households that met definition of a Gypsy & Traveller for the period 2017-30 and this formed the basis for criteria 1(i) of SADPD Policy HOU5. At the time of adoption, the Examining Inspector was satisfied with robustness of the GTAA, the policy approach and that a deliverable five-year supply could be demonstrated. However, it is highlighted that the needs identified in the GTAA and SADPD reflect the now superseded definition in the PPTS. Because the definition of a Gypsy and Traveller has now been widened by DHLUC, the LPA cannot say with confidence what the remaining need is for permanent pitches over the plan period and the likelihood is that it will be higher than what was concluded through the SADPD examination process. Without clarity on the need figure, it is not possible to properly evidence the Councils five-year supply position and therefore Cheshire East cannot demonstrate a five-year supply for the purposes of determining planning applications and appeals. Criteria 2 of LPS Policy SC 7 & Criteria 3 & 4 of Policy HOU 5 remain relevant to the consideration of this application.

As a result, the need for gypsy and traveller accommodation is a significant material planning consideration in the assessment of this application. The provision of 1no Gypsy and Traveller accommodation is a clear social benefit of the proposal.

The site does not meet all the criteria of the sustainability checklist, nevertheless the site is located on the edge of the village settlement boundary and is well connected to Weston and the Town of Crewe where most services are available.

The Highways Authority have raised no objection to the impact on highway safety. It is also considered that the proposal would not have adverse impact on the setting of the nearby listed buildings or the Conservation area.

There are no significant issues raised to the scheme in terms of ecology, landscape, amenity and drainage subject to conditions.

It is therefore considered that on balance, and subject to conditions, the proposal is acceptable and is recommended for approval accordingly.

RECOMMENDATION:

Approved subject to the following conditions;

- 1. Standard Time**
- 2. Approved Plans**
- 3. Gypsy and Traveller occupancy condition**
- 4. 1 pitch only with maximum of 2 caravans, only 1 static**
- 5. No commercial activities permitted**
- 6. No vehicles parked/stored over 3.5 tonnes**
- 7. Details of external lighting to be submitted**
- 8. External materials of utility building**
- 9. Utility building for ancillary use only – no overnight accommodation**
- 10. Updated landscape and boundary treatment plan**
- 11. Landscape Implementation**
- 12. Drainage plan to be submitted**
- 13. Biodiversity enhancement features**

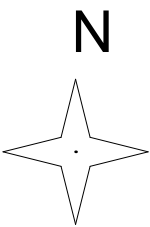
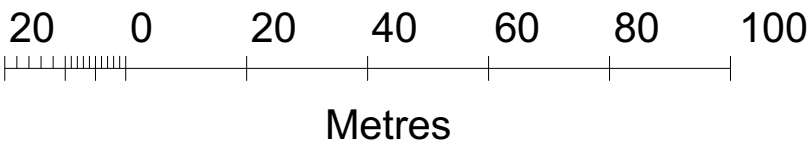
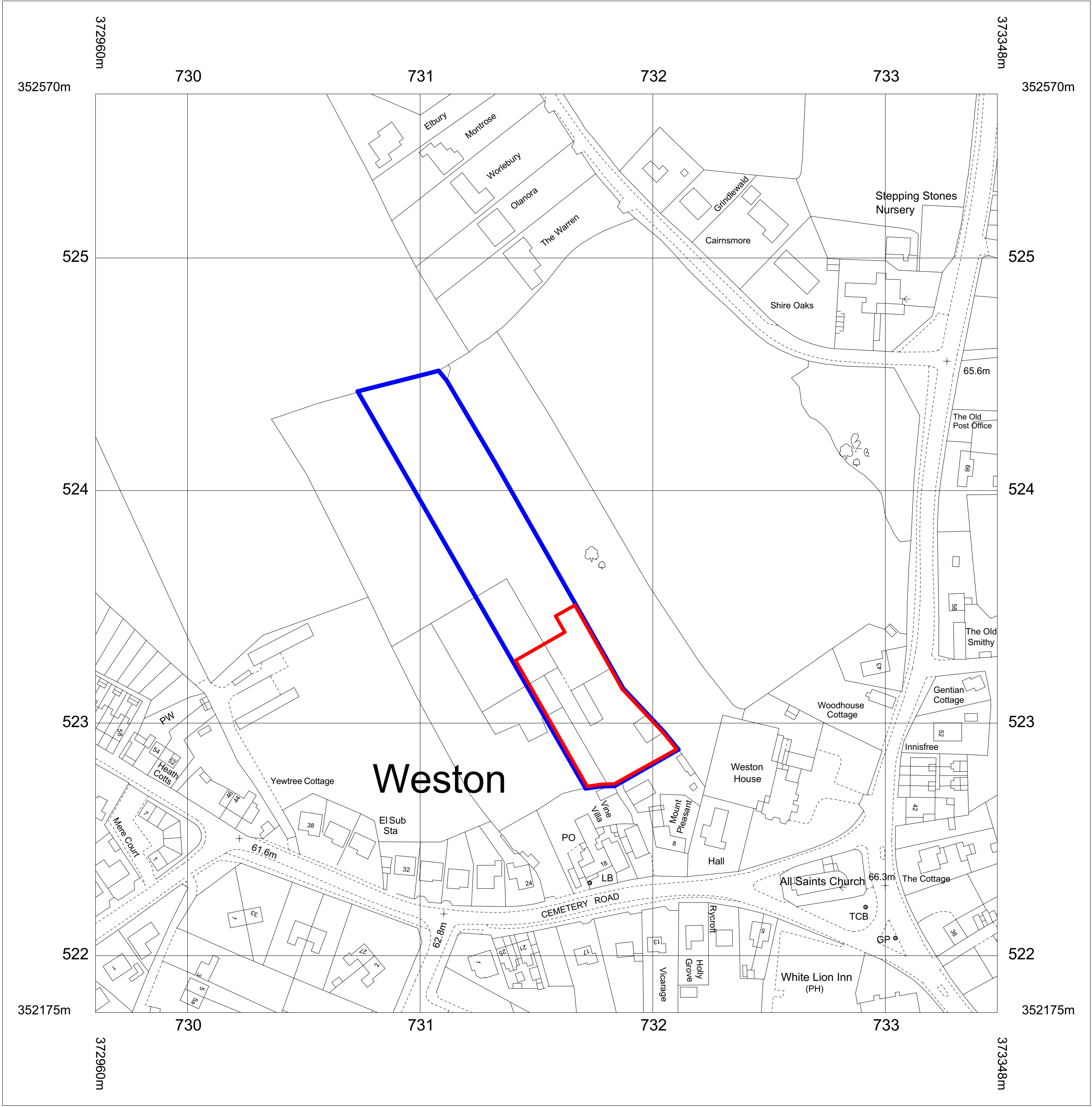
In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip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

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23/4181N




Land at Cemetery Road,
Weston,
Crewe,
CW2 5LQ

Stanfords VectorMap



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1:1250 Location Plan

| | | | | | | |
|---|---|------------|--|--|----------------------|--|
| LEGEND |  Ownership boundary | | Client: Mr M Stokes | | Scale: 1:1250 @ A2 |  Unit D Lunesdale Upton Magna Business Park Shrewsbury SY4 4TT t: 01743 709364 f: 01743 709385 w: www.greenplanning.co.uk e: applications@gpstd.co.uk |
| | | | Project title: Land at Cemetery Road, Weston, Crewe, CW2 5LQ | | Project: 17_840C | |
|  Application boundary | | | Drawing title: Location Plan | | Drg. No: 17_840C_001 | |
| | | | Green Planning Studio Ltd Partners : Matthew Green BA, Ruth Reed BA, DipArch, MA, PGCEd HonFRIAS PPRI&A, Michael Rudd BSc(Hons), MSc, LL.M, PgDip Law, FGS Reg. No: OC68736963 | | | |
| Rev. | Date | Amendments | Author | | | |



Notes:

Health & Safety Information:
(‘L’ indicates latent risk - ‘C’ indicates construction risk)

LEGEND

Residential gardens

Grassed area

Existing hardstanding

Existing hedgerow

Existing buildings/structures

Existing Watercourse

Existing trees

Existing post, wire & rail timber fence

Overhead electricity cables

Public footpath

Existing Caravans

Existing Foul Drainage

A

18/12/2023

Layout Revision

DG

Rev.

Date

Amendments

Author

GreenPlanningStudio

Client:

Mr M Stokes

Project title:

Land at Cemetery Road, Weston, Crewe, CW2 5LQ

Drawing title:

Existing Site Plan

Scale @ A1:

1:500

Date of first issue:

Sept 2023

Drawn:

DG

Project No.

17_840C

Issue Status

Planning

Drawing No.

17_840C_002

Revision:

A

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Notes:

Health & Safety Information:
(‘L’ indicates latent risk - ‘C’ indicates construction risk)

LEGEND

- Residential gardens
- Grassed area
- Existing hardstanding
- Existing hedgerow
- Existing buildings/structures
- Existing Watercourse
- Existing trees
- Existing post, wire & rail timber fence
- Overhead electricity cable
- Public footpath
- Proposed loose bound permeable hardstanding
- Proposed mobile home
- Proposed utility/day room
- Proposed touring caravan
- Proposed foul drainage
- Additional native species hedge & tree planting
- Proposed native species tree planting
- Proposed post & rail timber fence
- Existing Foul Drainage

| | | | |
|---|------------|-----------------|----|
| D | 20/02/2024 | Layout Revision | DG |
| C | 18/12/2023 | Layout Revision | DG |
| B | 06/11/2023 | Layout Revision | DG |
| A | 22/09/2023 | Layout Revision | DG |

| Rev. | Date | Amendments | Author |
|------|------|------------|--------|
| | | | |

GreenPlanningStudio

Client:

Mr M Stokes

Project title:

Land at Cemetery Road, Weston, Crewe, CW2 5LQ

Drawing title:

Proposed Site Plan

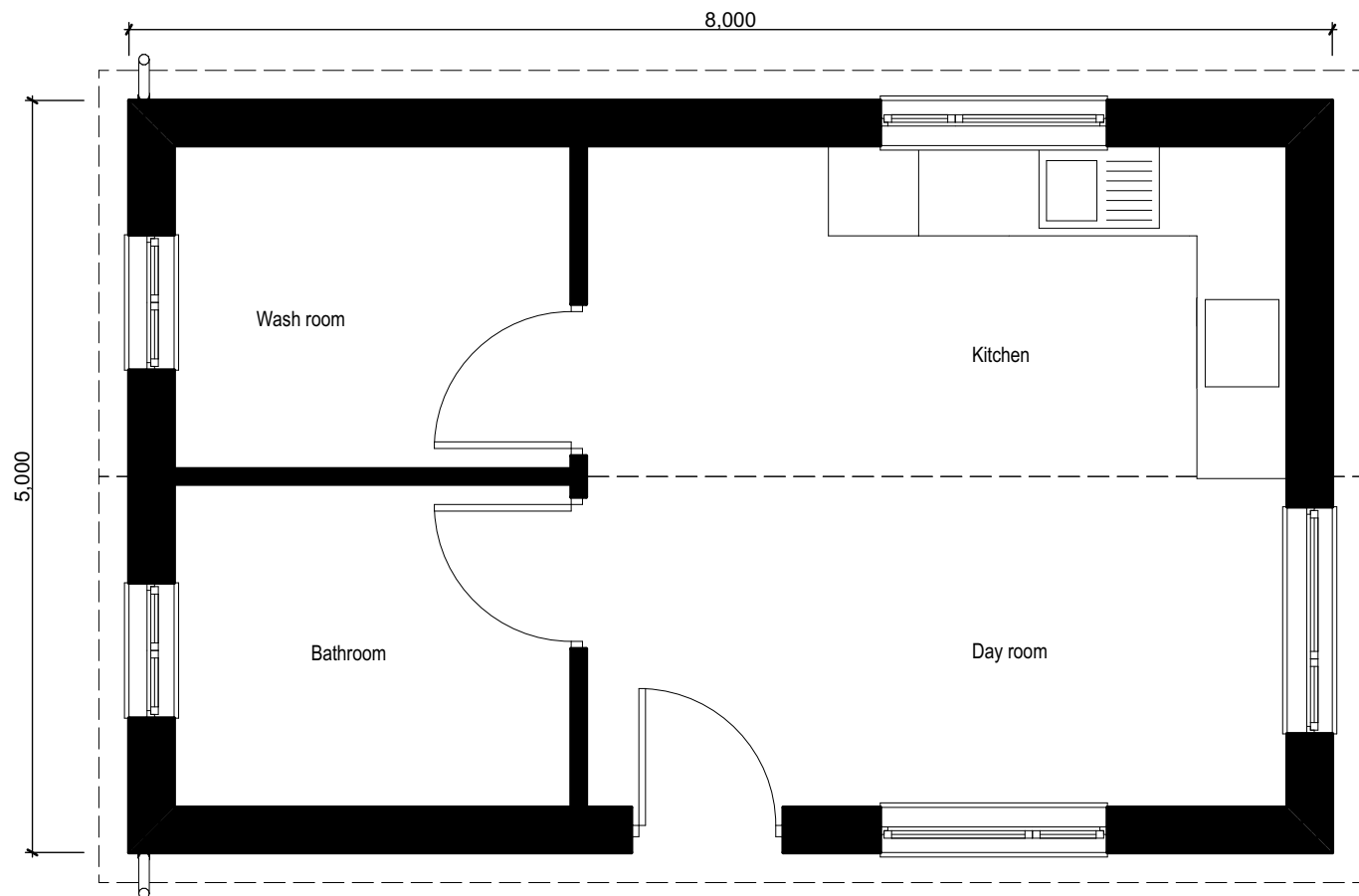
| | | |
|--------------|----------------------|-----------|
| Scale @ A1: | Date of first issue: | Drawn: |
| 1:500 | Sept 2023 | DG |

| | |
|----------------|-----------------|
| Project No. | Issue Status |
| 17_840C | Planning |

| | |
|--------------------|-----------|
| Drawing No. | Revision: |
| 17_840C_003 | C |

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1:50 Utility/Day Room - Indicative internal layout



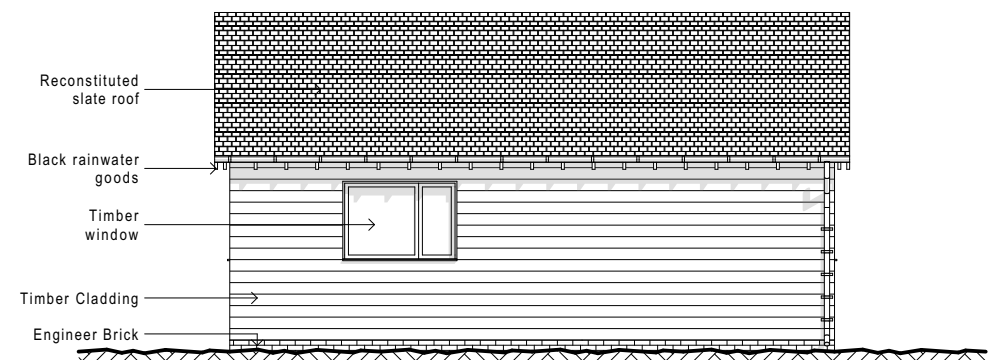
1:100 South Elevation



1:100 East Elevation



1:100 West Elevation



1:100 North Elevation

Notes:

A 20/02/2024 Dayroom Revision

| Rev. | Date | Amendments |
|------|------|------------|
|------|------|------------|

DG

Author

| | | | |
|----------------|---|----------|------------------|
| Client: | Mr M Stokes | Scale: | 1:50, 1:100 @ A3 |
| Project title: | Land at Cemetery Road, Weston, Crewe, CW2 5LQ | Project: | 17_840C |
| Drawing title: | Proposed Dayroom- Plans and Elevations | Drg. No: | 17_840C_005 |

Green Planning Studio Ltd
Partners : Matthew Green BA, Ruth Reed BA, DipArch, MA, PGCEd Ed HonFRAS PPRIBA, Michael Rudd BSc(Hons), MSc, LL.M, PgDip Law, FGS
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Application No: 23/4130N

Location: Mornflake, THIRD AVENUE, CREWE

Proposal: Extension to existing warehouse to provide additional storage, loading and unloading facilities.

Applicant: Mr James Lea, Morning Foods Ltd

Expiry Date: 06-Mar-2024

SUMMARY:

The site is located within the Settlement Boundary for Crewe, 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 located within the Strategic Employment Area (Crewe Gates Farm Industrial Estate) as per the Local Plan, within which Policy EMP1 of the SADPD advises will be protected for employment use as set out in LPS Policy EG 3 'Existing and allocated employment sites'. It also advises that proposals for further investment for employment uses in these areas will be supported, subject to other policies in the development plan.

As the proposal seeks to retain and extend the existing employment use it is acceptable from a pure land use perspective.

The benefits of the proposal would be the retention and enhancement use of the employment complying with Policy EG3.

The development will not have a detrimental impact upon residential amenity (including contaminated land) and would comply with Policy HOU12 of the SADPD.

The development would not have significant drainage/flood risk implications and would be comply with SE13 of the CELPS and ENV16 of the SADPD.

The full highway impacts are currently unknown but will be addressed in the update report.

No tree or ecological harm has been identified and the complies with Policies SE3 and SE5 of the CELPS & ENV1, ENV2 and ENV6 of the SADPD.

The development is considered to be acceptable in design terms. As a result, the proposal would accord with CELPS policy SE1 CELPS, GEN1 SADPD and the NPPF in relation to design quality and the requirements of the CEC Design Guide.

In conclusion the application would comply with the relevant policies of the Development Plan as a whole and is recommended for approval (subject to no objection being raised by the Head of Strategic Transport).

RECOMMENDATION:

Approve subject to conditions (Subject to the no objection being raised by the Head of Strategic Transport)

REASON FOR REFERRAL

The application is referred to Southern Planning Committee as the floor area of the development exceeds 5,000sqm.

PROPOSAL

This is a full application for the extension to an existing warehouse to provide additional storage, loading and unloading facilities.

The building totals 9355sqm gross internal floor space, a continuation of the vehicle and pedestrian access points off Third and Fourth Avenue to serve the development, 83 car parking spaces (including 4 accessible and 14 electrical), 8 loading docks, 17 HGV parking spaces and enhanced drainage features.

SITE DESCRIPTION

This application relates to an existing 2.64 hectare site in the centre of Crewe Gates Industrial Estate. Surrounding units in similar warehouse/industrial use.

The site is enclosed by Third Avenue to the northwest and Fourth Avenue to the southwest. The northeast boundary back onto industrial units and the southwest boundary is to other industrial buildings and an office building.

The site is a flat site which is currently accessed off Third and Fourth Avenue.

The site is designated as being within the Strategic Employment Area (Crewe Gates Farm Industrial Estate) as per the SADPD.

RELEVANT HISTORY

Various applications, most relevant to the current application

20/3996N – Prior approval of Demolition - Former Industrial site with warehouses and offices and ancillary equipment – approved 18th Jan 2021

P04/1612 – Erection of Manufacturing Facility & Ancillary Building for Storage of Raw Mate – approved 10-Feb-2005

NATIONAL & LOCAL POLICY

Development Plan:

Cheshire East Local Plan Strategy – Adopted Version (CELPS)

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in Favour of Sustainable Development
PG1 Overall Development Strategy
PG2 Settlement Hierarchy
PG7 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
SE1 Design
SE2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE5 Trees, Hedgerows and Woodlands
SE6 Green Infrastructure
SE9 Energy Efficient Development
SE12 Pollution, Land Contamination and Land Instability
SE13 Flood Risk and Water Management
EG1 Economic Prosperity
EG3 Existing and Allocated Employment Sites
IN1 Infrastructure
CO1 Sustainable Travel and Transport
CO4 Travel Plans and Transport Assessments
Appendix C Parking Standards
EG3 Existing and Allocated Employment Sites
CO 2 Enabling Business Growth Through Transport Infrastructure
Appendix C Parking Standards

Policies of the Site Allocations and Development Policies Document (SADPD)

PG9 Settlement Boundaries
GEN 1 Design Principles
ENV1 & 2 Ecological
ENV5 Landscaping
ENV6 Trees, Hedgerows and Woodlands
ENV12 Air Quality
ENV15 New Development and Existing Uses
ENV16 Surface Water Management and Flood Risk
HOU12 Amenity
INF3 Highways Safety and Access
EMP1 Strategic employment areas
EMP2 Employment Allocations
INF7 Hazardous Installations

Other Material planning policy considerations

National Planning Policy Framework ('The Framework');

The relevant paragraphs include;

| | |
|---------|--|
| 11 | Presumption in favour of sustainable development |
| 85-87 | Building a strong, competitive economy |
| 124-132 | Achieving well-designed places |
| 170-183 | Conserving and enhancing the natural environment |
| 92-97 | Promoting healthy and safe communities |
| 19-123 | Making effective use of land |

CONSULTATIONS:

CEC Environmental Protection: No objections subject to informative regarding working hours for construction, piling, floor floating, contaminated land & dust.

CEC Highways: No comments received at the time of writing the report.

CEC Local Lead Flood Authority (LLFA): No objection as happy to accept infiltration on site is not feasible subject to condition requiring SUDS.

United Utilities: No objection subject to condition requiring a drainage strategy.

Cadent Gas: No objection

Crewe Town Council: No objection and proposal is welcomed given the continued investment in the town

REPRESENTATIONS:

1 letter of support has been received which states that this level of investment will benefit the industrial estate significantly with both visual and functional improvements.

APPRAISAL

Principle of Development

The site is located both within the Settlement Boundary for Crewe, 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 located within the Strategic Employment Area (Crewe Gates Farm Industrial Estate) as per the Local Plan within which Policy EMP1 of the SADPD advises will be protected for employment use as set out in LPS Policy EG 3 'Existing and allocated employment sites'. It also advises that proposals for further investment for employment uses in these areas will be supported, subject to other policies in the development plan.

As the proposal seeks to retain and extend the existing employment use it is acceptable from a pure land use perspective.

The main issue therefore is whether there are any other material considerations such as design, amenity, living conditions etc. that outweigh the in-principle support for the proposal.

Economic Benefits

The site is located within strategic Employment Area (Crewe Gates Farm Industrial) Estate.

Policy EG3 requires existing employment sites to be protected for employment use. The proposal would protect the existing employment use.

This proposal would result in economic benefits in the form of creating 10 additional new jobs, investment in Crewe by a strategic employer, the redevelopment of an underused site within a sustainable location and further economic benefits during construction from employment and spending power from future employees.

As such the proposal complies with Policies EG3.

Highways

Policy INF3 advises proposal should comply with the relevant Highway Authority 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.

The proposal seeks to utilise the existing access points of Third and Fourth Avenue.

Comments in the supporting statement suggest that vehicular movements to and from the site would not change as a result of the proposal. This has been questioned by the Councils Highways Engineer who has requested a Transport Statement be provided.

Whilst this has recently been received it is being assessed by the Councils Highways Engineer, so his comments are not ready for this committee report, however his full comments will be provided in the update report.

Cycle storage and shower facilities can be secured by condition.

As a result, the highway impacts are unknown at this stage, and an update will be provided.

Design

Policy SD1 states that wherever possible development should 'provide a locally distinct, high quality, sustainable, well designed and durable environment'.

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

SE1 requires proposal to ensure design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements.

GEN1 requires proposal to create high quality, beautiful and sustainable buildings and places, avoiding the imposition of standardised and/or generic design solutions where they do not establish and/or maintain a strong sense of quality and place.

The proposal seeks extensions totalling 9355sqm gross internal floor space, a continuation of the vehicle and pedestrian access points off Third and Fourth Avenue to serve the development, 83 car parking spaces (including 4 accessible and 14 electrical) 8 loading docks, 17 GHV parking spaces and enhanced drainage features.

The existing and proposed uses will continue to be B2/B8 General Industrial and Storage and Distribution with a 3-storey ancillary office/welfare element.

The existing/proposed dimensions are:

Existing gross internal floorspace (square metres): 5119m²

Gross internal floorspace to be lost by change of use or demolition (square metres): 1367m²

Net additional gross internal floorspace following development (square metres): 9355m²

The proposed warehouse building would have a maximum height internally of 29m with ridge height approx. 33m. This would result in the creation of a building taller than the immediate neighbouring buildings (average 15-20m high) and as such it would appear locally prominent. However, it would have a similar height to other buildings found elsewhere in the industrial estate and those slightly further beyond. Below is an extract of the building heights assessment showing heights and locations of other tall buildings in the locality:

The distances of the structures from the proposed development (nearest first) are:

- Proposed Development – 33m high
- JTI Warehouse – 32m (263m away)
- Brightstar Warehouse – 29m high (372m away)
- Basford Hall Sidings Light Tower 1 – 45m high (514m away)
- Basford Hall Sidings Light Tower 2 – 45m high (552m away)
- Basford Hall Sidings Light Tower 3 – 45m high (625m away)
- Crewe Alexandra Stadium – 29m high (774m away)
- Rail House – 48m high (842m away)
- Basford Hall Sidings Light Tower 4 – 45m high (917m away)
- Morning Foods Mill – 33m high (950m away)

- Basford Hall Sidings Light Tower 5 – 45m high (985m away)



Figure 3: Aerial image looking east over Crewe showing the proposed development and existing buildings of similar height

Therefore, as can be seen above, whilst the proposal would result in the creation of a tall building, it would be viewed in the context of the existing industrial area and would be similar in height to those other buildings found elsewhere on the industrial estate. Given the presence of building of similar heights and the context in the existing industrial area it is not considered that the proposed height increase would be significantly out of character.

The proposal consists of vertical and horizontal plastic-coated profiled metal sheeting walls and plastic coated profiled metal sheeting roof. It would be of a functional design that reflects its industrial context and would have a similar appearance to other surroundings buildings. Final material can be secured by condition.

Given the size of the building to those immediately surrounding, it is acknowledged that the scale/bulk would result in some localised visual harm to Fourth Avenue. However, this is considered to be weighed in context of its industrial setting and the benefits of the proposal.

Therefore, it is considered that the proposal could be accommodated without causing significant harm to the character/appearance of the area and complies with Policies SD1, SD2, SE1 CELPS & GEN1 SADPD.

Amenity

Policy HOU 12 (Amenity) of the SADPD, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties from loss of privacy, loss of sunlight or daylight, the overbearing and dominating effect of new buildings, environmental disturbance or pollution and traffic generation access and parking.

The nearest properties are located over 600m away. Therefore, it is not expected that the proposal would result in any significant amenity concerns.

It is considered that the proposals could be accommodated without causing significant harm to living conditions of neighbouring properties. And complies with SADPD Policy HOU12.

Air Quality

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

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

Contaminated Land

Environmental Protection have considered the site and suggested a condition to address any unexpected contamination.

Trees

Some low-quality tree losses may arise however these appear to be adequately compensated for in terms of numbers as indicated on the proposed site plan.

While the Councils Forestry Officer raises no objections to the proposal as submitted, she considers that an opportunity exists to introduce more species diversity in the tree planting scheme submitted as opposed to 10 same species silver birch trees. This can be secured by condition.

As a result, it is considered that the impact upon trees on the site would be acceptable and complies with Policy SE5 of the CELPS & ENV6 of the SADPD.

Flood Risk

Policy SE13 CELPS advises developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation,

Policy ENV16 SADPD advises it should be demonstrated how surface water runoff can be appropriately managed.

The site is located in flood zone 1. This means it has a low probability of flooding from rivers and the sea. The site area is above 1 hectare therefore a Flood Risk Assessment (FRA) is required and has been provided.

This has considered flood risk from sources of rivers, sea, surface and ground water flooding and other areas and deems there to be very low to negligible impacts.

The Councils drainage/flood risk team have been consulted who initially required further information about the drainage hierarchy. This has since been provided which suggests that

infiltration. The LLFA has assessed the information provided and agree that infiltration on site is not feasible and therefore they raise no objection subject to implementation of Sustainable Urban Drainage System (SUDS).

United Utilities have also been consulted who raise no objection subject to condition requiring details of a sustainable surface water drainage scheme and a foul water drainage scheme.

The drainage scheme can be secured by condition.

As such subject to condition, it is not considered that the proposal would pose any significant drainage/flood risk concerns. The proposal therefore complies with Policy SE13 CELPS & ENV16 SADPD.

Ecology

The Councils Ecologist has been consulted who advises that he does not anticipate there being any significant ecological issues associated with the proposed development. Therefore, raises no objection.

As such the proposal can be accommodated without significant ecological impacts and complies with Policy SE3 of the CELPS, ENV1, ENV2 of the SADPD.

Renewable Energy

Point 2 of Policy SE9 requires non-residential development over 1,000 square metres to secure at least 10 per cent of its predicted energy requirements from decentralised and renewable or low carbon sources. This can be secured by the imposition of a planning condition.

Conclusion

The site is located within the Settlement Boundary for Crewe, 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 located within the Strategic Employment Area (Crewe Gates Farm Industrial Estate) as per the Local Plan, within which Policy EMP1 of the SADPD advises will be protected for employment use as set out in LPS Policy EG 3 'Existing and allocated employment sites'. It also advises that proposals for further investment for employment uses in these areas will be supported, subject to other policies in the development plan.

As the proposal seeks to retain and extend the existing employment use it is acceptable from a pure land use perspective.

The benefits of the proposal would be the retention and enhancement use of the employment complying with Policy EG3.

The development will not have a detrimental impact upon residential amenity (including contaminated land) and would comply with Policy HOU12 of the SADPD.

The development would not have significant drainage/flood risk implications and would be comply with SE13 of the CELPS and ENV16 of the SADPD.

The full highway impacts are currently unknown but will be addressed in the update report.

No tree or ecological harm has been identified and the complies with Policies SE3 and SE5 of the CELPS & ENV1, ENV2 and ENV6 of the SADPD.

The development is considered to be acceptable in design terms. As a result, the proposal would accord with CELPS policy SE1 CELPS, GEN1 SADPD and the NPPF in relation to design quality and the requirements of the CEC Design Guide.

In conclusion the application would comply with the relevant policies of the Development Plan as a whole and is recommended for approval (subject to no objection being raised by the Head of Strategic Transport).

RECOMMENDATION

Subject to the no objection being raised by the Head of Strategic Transport - APPROVE subject to the following conditions:

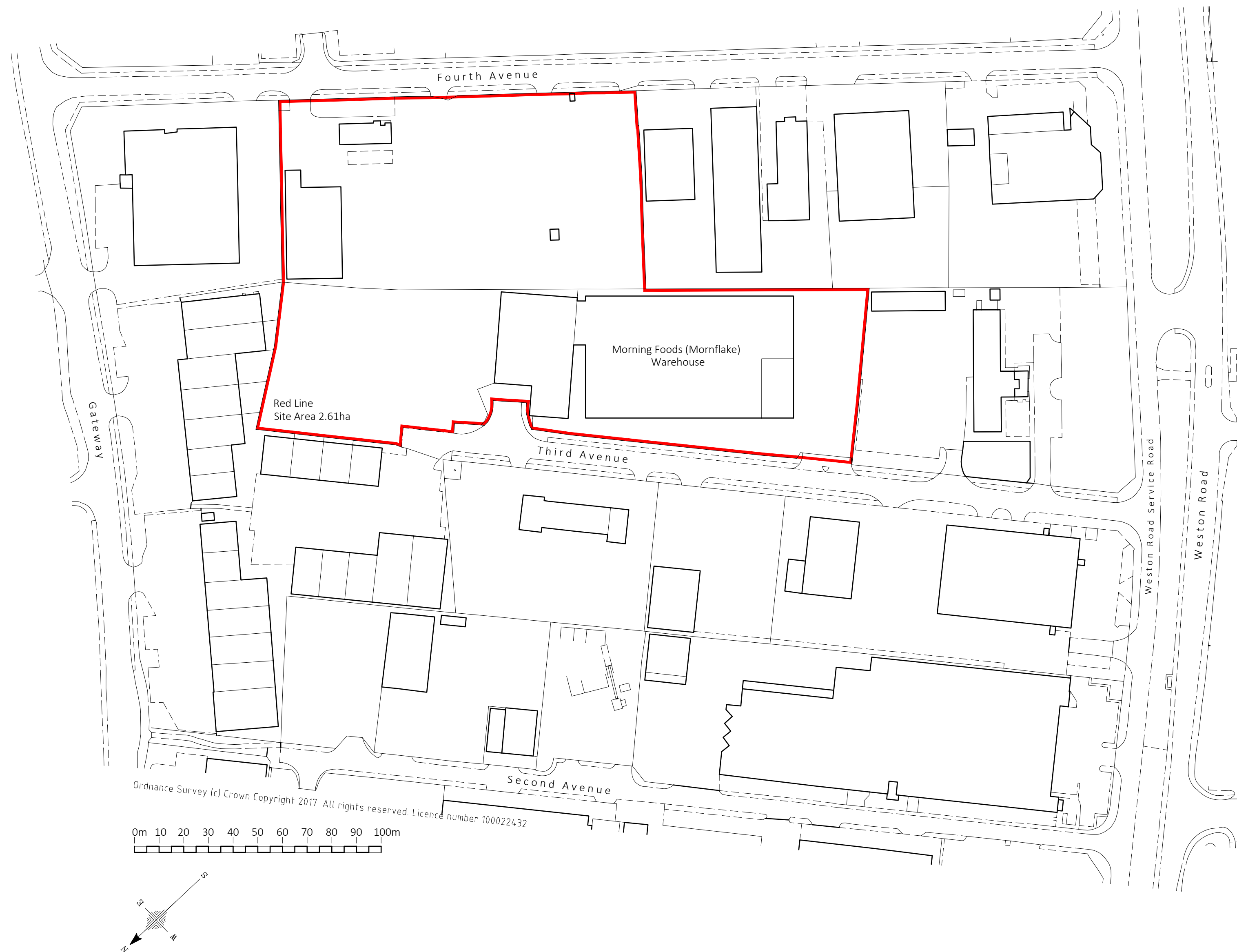
- 1) 3-year time limit
- 2) Development in accordance with the approved plans
- 3) Details of proposed materials
Sustainable surface water drainage scheme and a foul water drainage scheme/SUDS
- 4) Unexpected contamination
- 5) EVC
Landscaping scheme submission to include more species diversity in the tree planting scheme
- 6) Landscaping implementation
- 7) Cycle Parking provision
- 8) Shower facilities for staff
- 9) 10% renewable energy

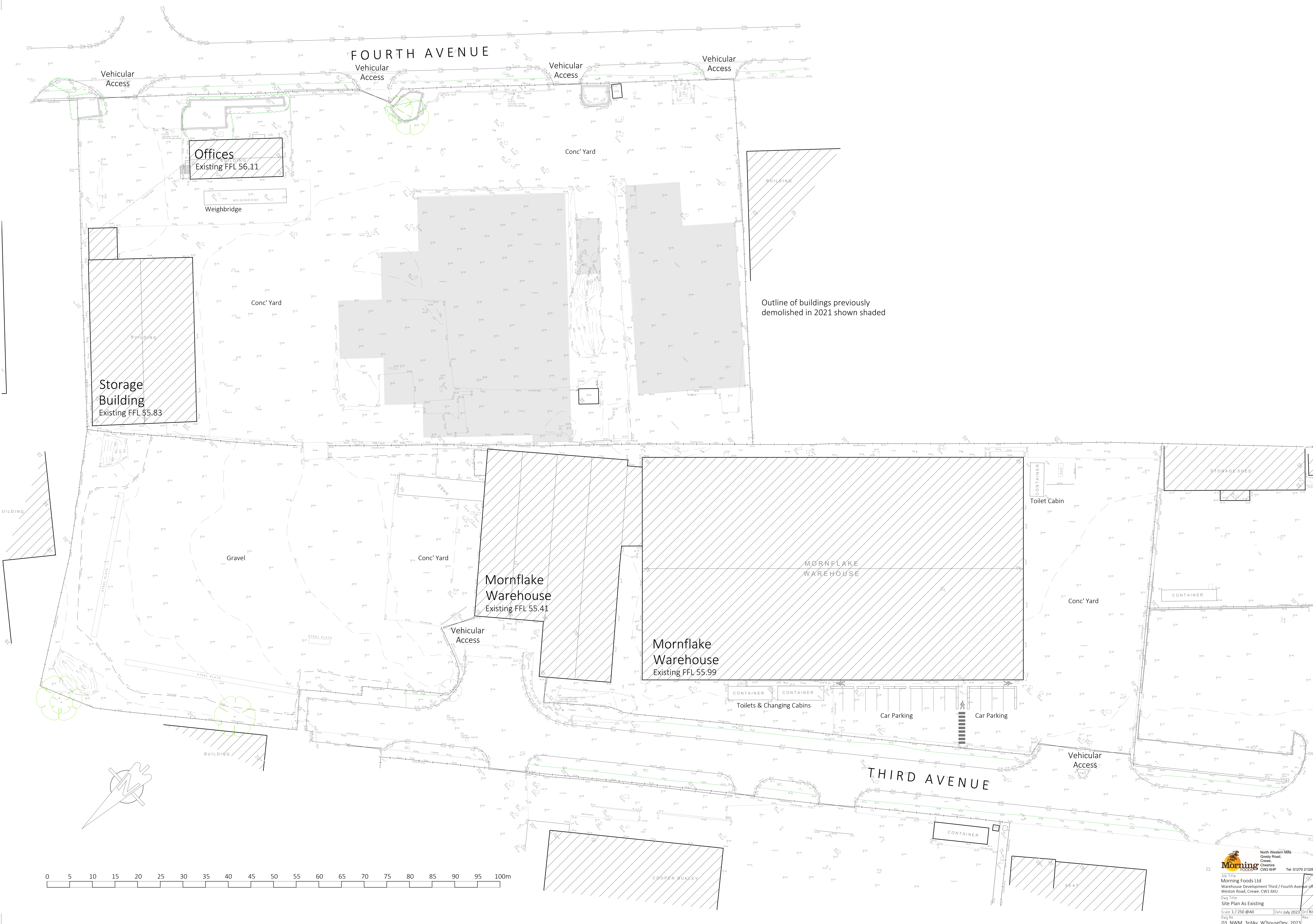
In order to give proper effect to the Board`s/Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution,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

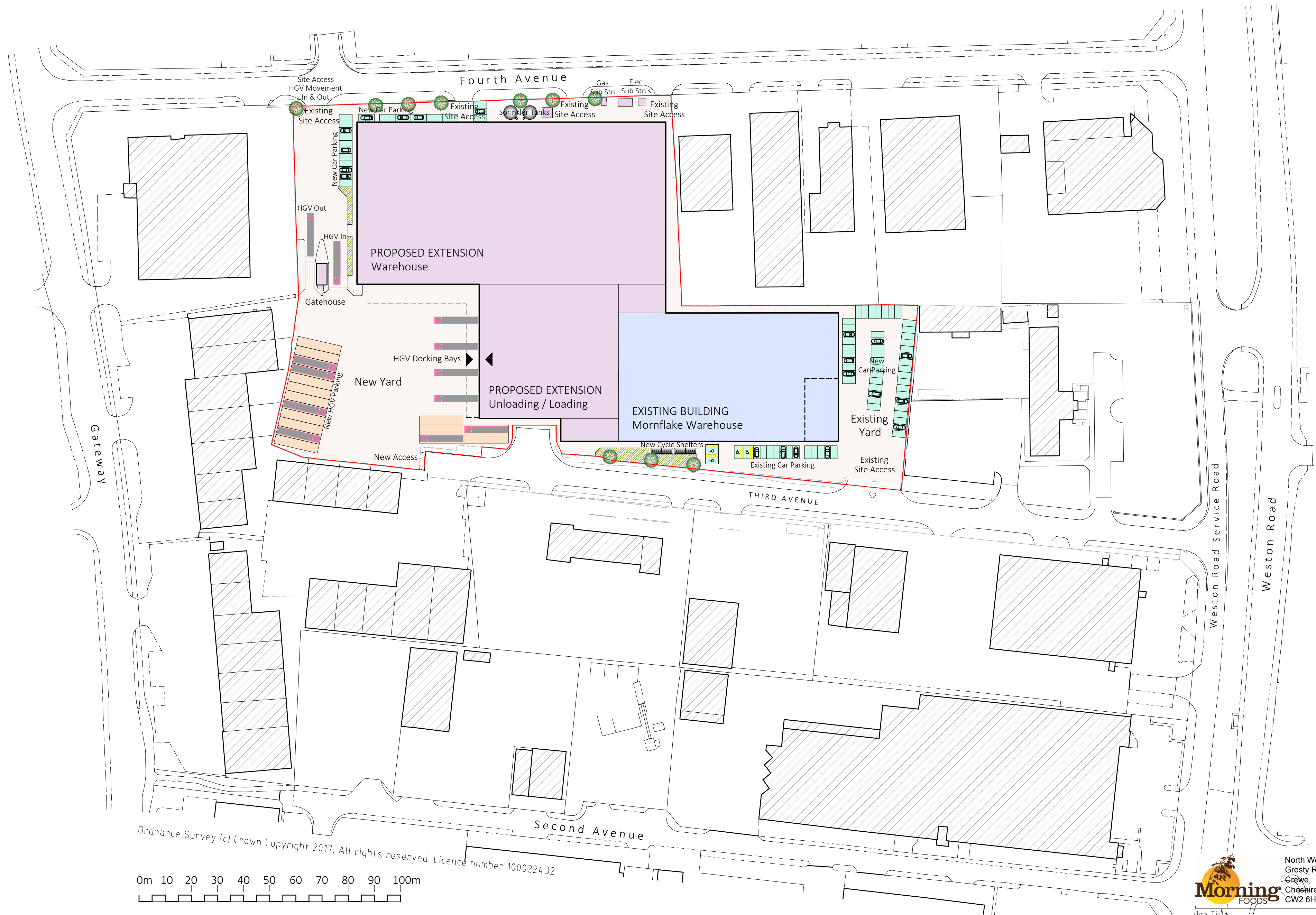


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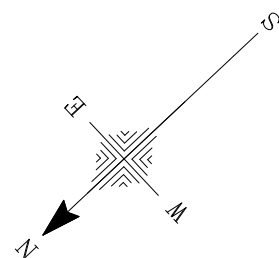
23/4130N
Mornflake,
THIRD AVENUE,
CREWE







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- Red Line
Site Area 2.61ha
- Existing Building
Footprint Area 3838.76m²
- New Building Extension
Footprint Area 10,455.71m²



North Western Mills
Gresty Road,
Crewe,
Cheshire
CW2 6HP
Tel: 01270 213261

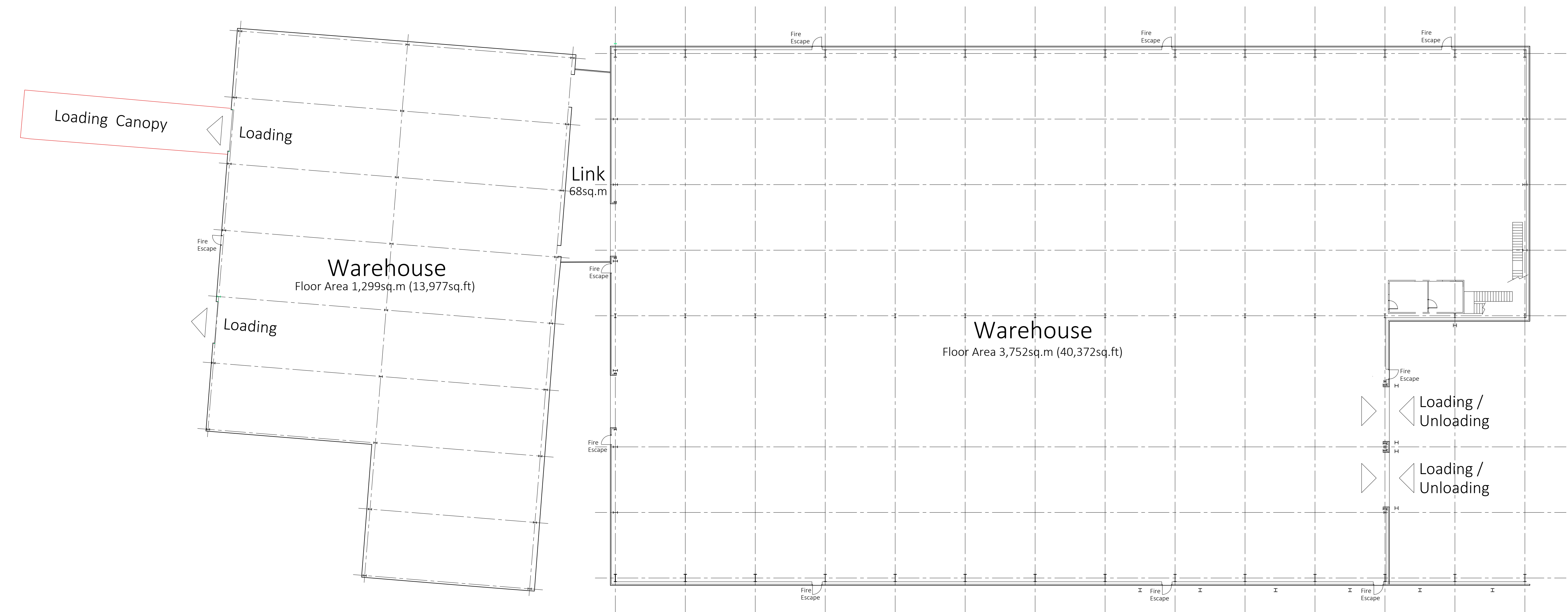
Job Title
Morning Foods Ltd
Warehouse/Development Third / Fourth Avenue off
Weston Road, Crewe. CW1 6XU

Dwg Title
Block Plan As Proposed

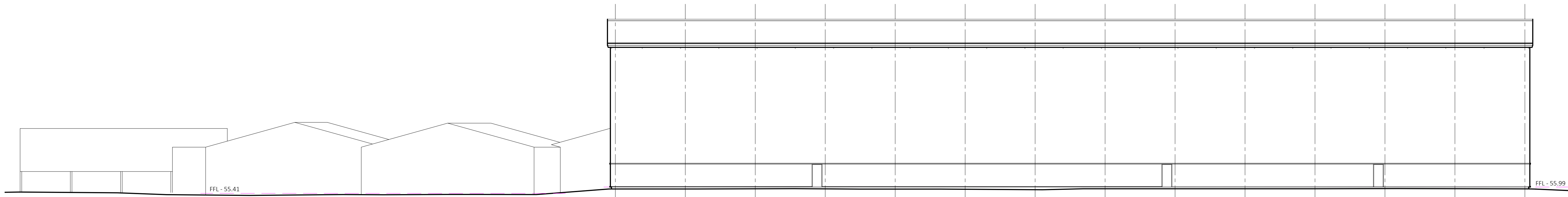
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|--------------------|------------------------------|--------|
| Scale 1 / 1000 @A2 | Date Sept 2023 | Drn RJ |
| Dwg No | 11_NWM_3rdAv_W'houseDev_2023 | Rev |



Figure 3: Aerial image looking east over Crewe showing the proposed development and existing buildings of similar height



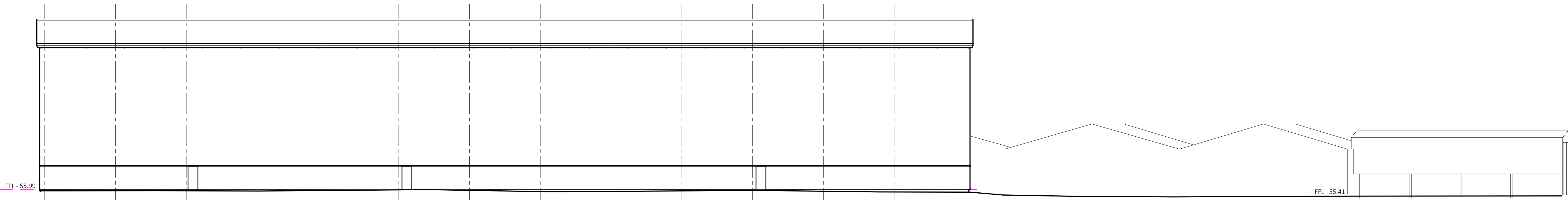
Ground Floor Plan
Floor Area 5,119sq.m (55,080sq.ft)



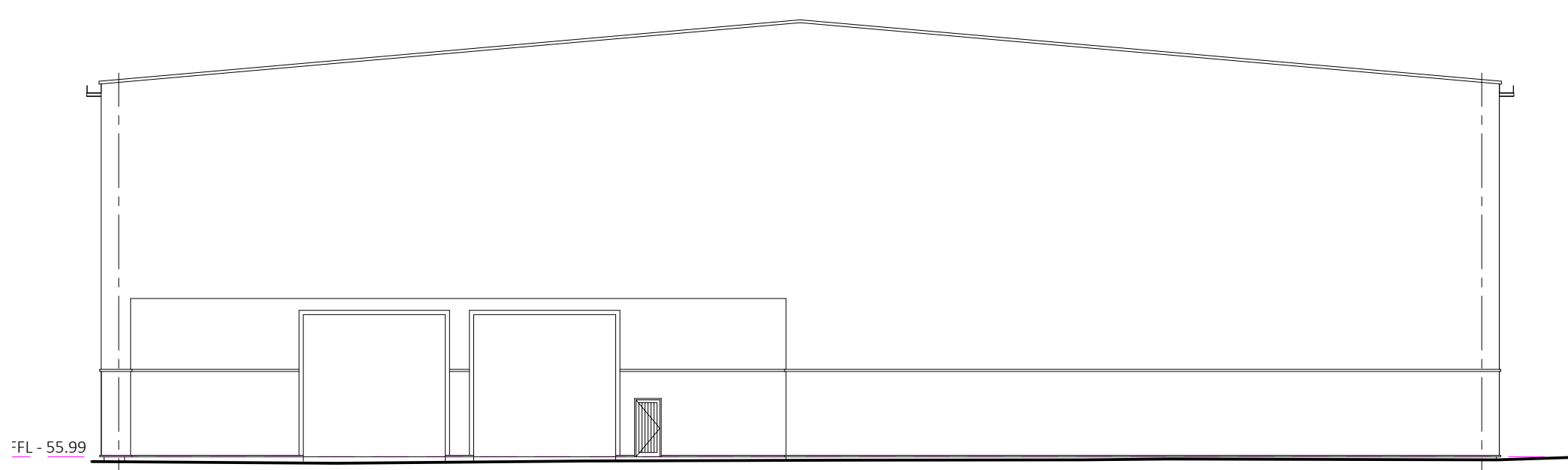
Side - NW Elevation



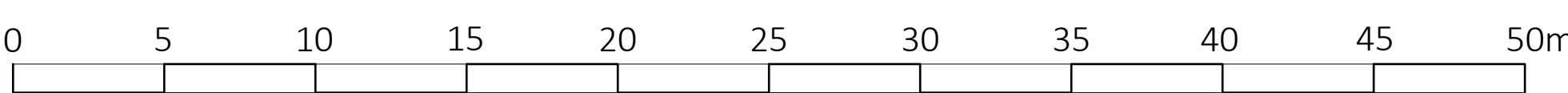
End - NE Elevation

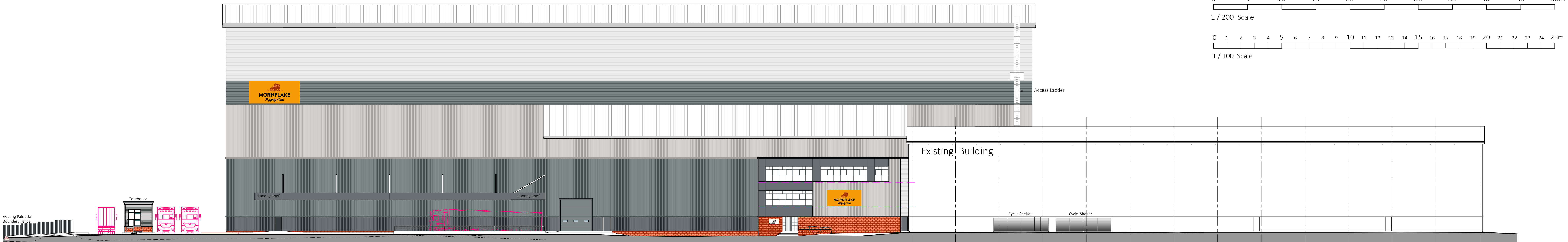


Side - SE Elevation



End - SW Elevation

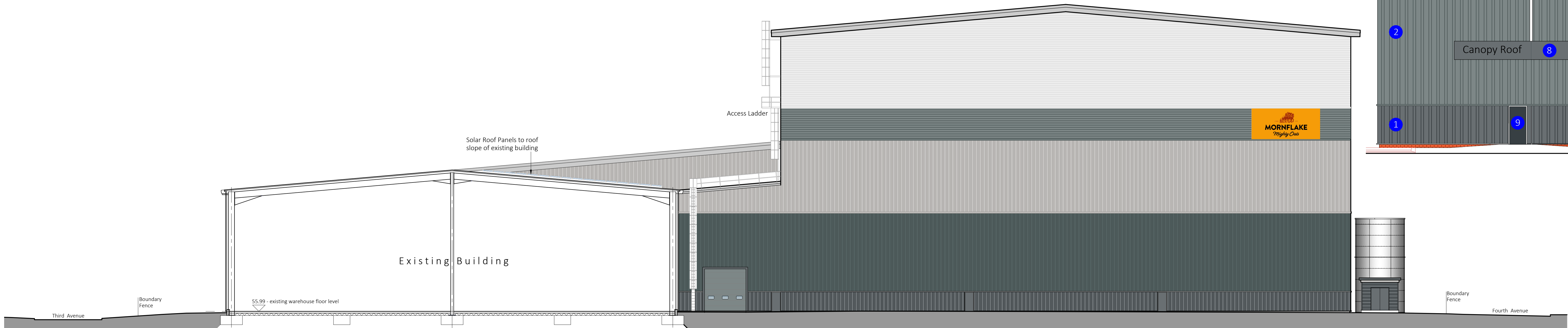




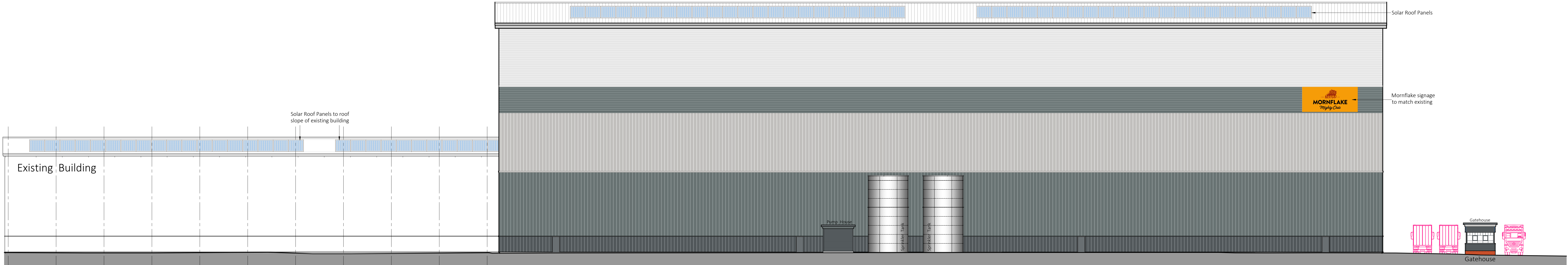
NORTH WEST ELEVATION TO THIRD AVENUE 1 / 200



NORTH EAST ELEVATION 1 / 200



SOUTH WEST ELEVATION & EXISTING BUILDING SECTION 1 / 200



SOUTH EAST ELEVATION TO FOURTH AVENUE 1 / 200



DETAILED ELEVATION - Entrance / Amenity Block and end of Warehouse 1 / 100

- | | |
|---|---|
| 1 Vertical profiled cladding - Anthracite Grey RAL 7016 | 7 Roof profiled cladding - Goosewing Grey RAL 7038 |
| 2 Vertical profiled cladding - Merlin 'Dark Grey' RAL 1804005 | 8 Flat cladding panels - Anthracite Grey RAL 7016 |
| 3 Vertical profiled cladding - Goosewing Grey RAL 7038 | 9 Metal clad fire doors - Anthracite Grey RAL 7016 |
| 4 Horizontal profiled cladding - Merlin 'Dark Grey' RAL 1804005 | 10 Facing Brickwork - Smooth red brick to match existing Warehouse building brick plinth. |
| 5 Horizontal profiled cladding - White RAL 9003 | 11 Windows & Entrance Door. Polyester powder coated curtain wall glazing frames in Anthracite Grey RAL 7016 with grey tinted anti- sun glass. |
| 6 Gutters, fascias, verges - Goosewing Grey RAL 7038 | 12 Mornflake signage to match existing. |

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OPEN

Southern Planning Committee

6 March 2024

**Cheshire East Borough Council (Alsager – 51 Lawton Road)
Tree Preservation Order 2023**

Report of: David Malcolm- Head of Planning

Ward(s) Affected: Alsager

Purpose of Report

- 36 To inform the committee about the background and issues surrounding the making of a Tree Preservation Order on 14th December 2024 at 51 Lawton Road, Alsager; 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.

RECOMMENDATIONS

The Head of Planning (Regeneration) recommend that the Southern Area Planning Committee confirm the Tree Preservation Order at 51 Lawton Road with no modifications.

Background

- 2 The circumstances are that a planning application 23/0380C for a detached dwelling and associated parking with amenity space has been received and is awaiting determination.
- 3 The proposed development is sited to the north side of Lawton Road in the existing garden of a residential dwelling. The garden presently benefits from two mature and high amenity trees, and the impact of development of the plot on the trees has been appraised in forestry consultation comments in association with the application.

- 4 The proposed development initially proposed the loss of one moderate (B) category White Poplar which was accepted due to the trees age, species characteristics, relationship with the existing dwellings and limited safe and useful life expectancy. An adjacent high quality (A) category mature Copper beech in the rear garden was shown for retention and concerns were raised by the Council's Arboricultural Officer regarding the sustainability of the relationship of the tree with the proposal in terms of shading and dominance to the new property. Advice was subsequently received that this tree would also be removed to accommodate the development.
- 5 An assessment of the tree has been carried out in accordance with the Council's adopted amenity evaluation checklist which establishes that the tree contributes significantly to the amenity and landscape character of the surrounding area and is therefore considered to be of sufficient amenity value to justify protection by a Tree Preservation Order.
- 6 Under powers delegated to the Head of Planning (Regeneration), a Tree Preservation Order was made on 14th December 2023.
- 7 The information contained in this report is divided into three sections:
 - Section 5 provides a summary of the TPO service and consultation process.
 - Section 6 provides a summary of the objections/representation made (see Appendix 4).
 - Section 7 provides the Council's appraisal and consideration of the objection.
- 8 The Council has received two objections to the Tree Preservation Order and the protection.

Objection 1 – James Kilkenny Architecture

- 9 Methodology and criteria used – No information has been supplied as to the methodology of the formal assessment and how the amenity has been assessed from a public place. The Council's Amenity Evaluation Checklist and score card used to inform the assessment should be provided.
- 10 Visibility from a public place – the visual amenity is queried as the tree was not proposed for formal protection prior to the submission of the planning application. If the tree was appreciable then the TPO should have been awarded earlier. No reference made to the tree during pre app discussions suggesting no obvious, appreciable or significant amenity.

Tree cannot be seen in its entirety and setting not conducive to a complete view of the tree.

- 11 Health rating – no information supplied as to health rating of the tree from Council. The Arboricultural Report advises that condition is fair, close to neighbours garage and that it should be inspected to further assess tree condition. Life expectancy of same report considers it to have 10-40 years, so does health and status satisfy requirements of long term amenity feature for a TPO.

Objection 2 – Neighbouring property

- 12 Damage caused by the roots of the trees – concrete lifting and garage floor lifting.
- 13 Drains were replaced 20 years ago due to roots in the pipes
- 14 Beech nuts and leaves have to be swept daily and gutters blocked with leaves.
- 15 Would have been courteous to discuss proposed TPO with affected property owners before serving
- 16 Property was built in 1876 before the offending tree was planted

Appraisal and consideration of the objections

Objection 1

- 17 An Amenity Evaluation Checklist (AEC) and Tree Evaluation Method for Preservation Orders (TEMPO) assessment was undertaken following the agents expressed intention to remove the tree in December 2023. Regrettably a copy of the AEC was not supplied at the time of the service of the TPO due to an update to the IT System which removed the option for the document to be formatted for public sharing. A copy of the AEC and the TEMPO assessment have now been provided to those affected by the Tree Preservation Order and are attached to this report.
- 18 A Tree Preservation Order is ordinarily only made in accordance with Government Guidance once a threat to the retention or the longer-term health and amenity of a tree has been identified. Tree Preservation Orders are not routinely made unless there is a known risk to that amenity being lost. The tree was not understood to have been at threat from development prior to submission of the full planning application.
- 19 It is noted that while pre application advice was sought, that specific tree advice from the council was not requested. The formal planning advice

provided stated that; 'As there are trees on site/adjacent to the site that are to be impacted by the proposed development, a tree survey and impact assessment would also be required. The loss of the existing trees is a material planning consideration.'

- 20 The planning application layout originally submitted (23/0380C) was supported by an Arboricultural Report which confirmed the removal of the high amenity road frontage Poplar (to which the Council raised no objections) and proposed the retention of the Beech which was subsequently identified as a high amenity tree and a material consideration. Further options and alternatives to removing the remaining Beech tree information tree have not been provided.
- 21 Government Planning Guidance on the visibility of trees states that 'the extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public'. (Guidance :Tree Preservation Orders and trees in conservation areas Paragraph: 008 Reference ID: 36-008-20140306 Revision date: 06 03 2014).
- 22 The agreed removal of the Poplar will enhance views of the Beech from Lawton Road and the tree is also clearly visible from public vantage points on Shady Grove to the west and Back Lane to the north. Furthermore, the Arboricultural Report (dated 2020) in support of the planning application references the Beech tree as the only mature and high quality A Category tree in the development area and concludes at section 8.5 that; this is a good shaped tree and can be seen from many angles
- 23 The Council does not need to provide a 'health rating' of a tree it protects. If a tree is demonstrated within an assessment to have future growth potential, to express good form, have some seasonal interest, and to contribute to the amenity of the area in that it is visible from various vantage points, then these factors are sufficient justification for formal protection. The submitted Arboricultural Report does recommend a further inspection of a fork at 3 metres after ivy has been removed. This observation is noted, however no further evidence has been presented to the Council that this presents a significant risk to warrant excluding the tree from formal protection
- 24 It is noted that all the trees within the supporting Arboricultural Report, have been described as having the same life expectancy;10-40 years. It is the Councils view that the Beech is an High A Category tree with an estimated life expectancy of at least 40 years which accords with the

cascade chart for tree quality assessment (Table 1)BS5837:2012) and that it will contribute to the amenity of the area in the longer term.

- 25 The proximity of the tree to the garage is accepted to be close although the relationship of established trees to secondary structures (not existing habitable buildings) is not in isolation considered sufficient justification to exclude the tree from formal protection and on balance the trees important contribution to the visual amenity of the area outweighs such considerations.

Objection 2 – Neighbouring property

- 26 An assessment has considered the proximity of the tree to the garage structure (TEMPO Assessment Part 1 b and on balance a TPO was considered appropriate. The objector has been encouraged to provide evidence to demonstrate the damage to the garage floor but no evidence has been provided to justify the loss of the tree other than to accommodate development.
- 27 It is accepted that drains may have been found to contain tree roots at the time of the reported repair 20 years ago, however given the age of the property it is likely that that the drains would have become inevitably compromised over time. Tree roots will not normally fracture pipe work directly, but will take advantage and grow into and towards moisture and colonise a damaged drain. It's anticipated that the repair already carried out of the drain should prevent the occurrence of future problems.
- 28 Leaf loss of mature trees cannot be avoided, and tree owners do not have any legal obligation to cut or maintain trees for any other reason than safety. The maintenance of guttering and roofing of individual properties is the responsibility of the homeowner. Leaf loss from trees is a seasonal issue rarely, if ever, deemed a nuisance in the legal sense. The TPO would not prevent the reduction of branch tips to clear achieve necessary clearance from property and structures if an application were submitted to the Council.
- 29 The Council is under no obligation to notify a tree owner that an application to make a TPO has been made as this can often result in pre-emptive felling of important trees which may be considered by an owner to restrict land sale or development. Paragraph 031 of Planning Practice Guidance Tree Preservation Orders and Conservation Areas states that.
- 30 The local authority must, as soon as practicable after making an Order and before it is confirmed, serve 'persons interested in the land affected by the Order';

- a copy of the Order (including the map); and
- a notice (a 'Regulation 5 notice') containing specified information

- 31 It is considered that Government Guidance was adhered to in terms of the service of the TPO.
- 32 Paragraph 010 of Planning Practice Guidance advises on the expediency of making an Order if the authority believes there is a risk to trees as a result of development pressures. In this instance, the submission of a planning application, where impacts on the tree were identified prompted an assessment and consideration for formal protection.
- 33 The date of construction of nearby properties is not relevant to the decision to make a Tree Preservation Order as a TPO is used to apply formal protection to trees found to be of arboricultural significance (individually or collectively) and which make an important contribution to the visual amenity of the area and include other important characteristics including the trees size, form, and its contribution to and relationship with the landscape in accordance with Government Guidance.

Consultation and Engagement

- 34 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.

Reasons for Recommendations

- 35 The site benefits from 2 mature trees in an area of Alsager which does not benefit from extensive tree cover. A planning application is proposing the loss of a high amenity Beech which could result in a significant impact on the amenity and sylvan setting of the area, and the impacts of this additional loss have not been fully appraised, or opportunities fully considered for its retention. The confirmation of this Tree Preservation Order will ensure that the Council maintains adequate control over a tree of high amenity value.

Implications and Comments

Monitoring Officer/Legal

- 36 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, willfully damage or willfully destroy any tree to which the Order relates except with the written consent of the authority.

Section 151 Officer/Finance

- 37 None.

Policy

- 38 Cheshire East Local Plan – SE5 - Trees, hedgerows and woodland.

Equality, Diversity and Inclusion

No direct implication report.

Human Resources

- 39 No direct implication.

Risk Management

- 40 No direct implication.

Rural Communities

- 41 No direct implication.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 42 No direct implication.

Public Health

- 43 No direct implication

Climate Change

- 44 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.

| Access to Information | |
|------------------------------|--|
| Contact Officer: | <p>Emma Hood</p> <p>Job Title: Senior Arboricultural Officer (Environmental Planning)</p> <p>Email: emma.hood@cheshireeast.gov.uk</p> |
| Appendices: | <p>Appendix 1 – Provisional TPO document</p> <p>Appendix 2 – Landscape Appraisal, AEC and TEMPO assessment</p> <p>Appendix 3 – TPO location Plan</p> |
| Background Papers: | |

Town and Country Planning Act 1990

**CHESHIRE EAST BOROUGH COUNCIL
(ALSAGER – 51 LAWTON ROAD)
TREE PRESERVATION ORDER 2023**

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 (ALSAGER – 51 LAWTON ROAD) TREE PRESERVATION ORDER 2023**

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 14th day of December 2023

The Common Seal of **Cheshire East Borough Council**

was affixed to this Order in the presence of—

.....

[Handwritten signature]



CONFIRMATION OF ORDER

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>Description</i> | <i>Situation</i> |
|-------------------------|--------------------|--|
| T1 | Copper beech | Located at 51 Lawton Road, on the western garden boundary Grid Ref: 379,961 – 355,610 |

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> |
|-------------------------|--------------------|------------------|
| | None | |

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
(ALSAGER - 51 LAWTON ROAD)
TREE PRESERVATION ORDER 2023**



AEC – LANDSCAPE APPRAISAL

PHOTOGRAPHS OF TREES, THE SITE AND SURROUNDINGS

| | |
|--|---|
| REFERENCE: | CE-001 |
| SITE NAME: | 51 Lawton Road, Alsager |
| DATE OF VISIT: | 20 th April 2023 – AEC Appraisal created 2 nd December 2023 |
| COMPLETED BY: | Emma Hood |
| NOTE: | |
| TREES PROPOSED FOR FORMAL PROTECTION: | Copper beech proposed for formal protection |

| PICTURE DESCRIPTION | PICTURE |
|-------------------------------|--|
| Looking east from Shady Grove |  |

Looking
north from
Lawton Road



Looking
south from
Back Lane



Google
streetview
imagery
looking east
from Shady
Grive



Google
Streetview
imagery
looking north
from Lawton
Road



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AMENITY EVALUATION CHECKLIST

COMPLETED BY E HOOD

DATE FORM COMPLETED 1/12/2023

Reference

CE-001

Address

51 LAWTON ROAD

Town

ALSAGER

Postcode

ST7 2DA

1. BACKGROUND FILE CHECK:

Any existing TPOs on or adjacent to the site/land?

No

Is the site within a conservation area?

No

Is the conservation area designated partly because of the importance of trees?

N/A

Is the site adjacent to a Conservation Area?

No

Are there any Listed Buildings on or adjacent to the site?

No

Local Plan land-use designation

Policy PG 9: Settlement boundaries

Are there currently and designated nature conservation interests on or adjacent to the site?

The tree preliminary Ecological Appraisal suggests the hedges and tree will be used by birds for nesting, foraging and shelter, along with many invertebrates and small mammals, The mature White poplar was not considered to contain bat features although the Beech is described as having bat roost potential due to the presence of ivy covering the stem. The site is described as likely to be used by bats for foraging and commuting, especially along tree lines.

Relevant site planning history (incl. current applications)

23/0380C - (FULL PLANNING) New two-storey three-bedroom detached dwelling on a garden plot to the side of 51 Lawton Road, Alsager, Stoke-on-Trent, ST7 2DA

Are there any Scheduled Ancient Monuments on or adjacent to the site?

No

Is the land currently safeguarded under the Town & Country Planning (Aerodromes & Technical Sites) Direction 1992?

No

Does the Forestry Commission currently have an interest in the land?

No

Grant scheme

N/A

Forestry Dedication Covenant

N/A

Extant Felling Licence

N/A

Are any of the trees situated on Crown Land?

No

Are any of the trees situated on NHS land?

No

Is the land owned by this Local Authority

No

Is the land owned by another Local Authority

No

2. MOTIVATION

Development Control

Yes

2a(1) Application Ref

23/0380C

2a(2). Committee deadline

N/A

Development Control Office comments

Request received 28th November 2023 to consider agent response as the requested shading and sunlight assessment was considered unlikely to demonstrate accordance with BRE 209 guidance, that the removal of the tree was being proposed to overcome this constraint.

Conservation Area Notification

Application ref – N/A

Date of registration – N/A

Expiry date – N/A

Emergency action (Immediate threat to trees)

Yes

Strategic inspection

N/A

Change to Local Plan land-use

N/A

Change in TPO legislation

N/A

Sale of Council owned land

N/A

Reviewing existing TPO

N/A

Hedgerow Regulations 1997

N/A

3. Source

Source

Public

4. Landscape Appraisal

Site visit date

20/04/2023

Inspecting Officer

E HOOD

Site description

The tree is located within the domestic garden area of a residential property located to the north side of Lawton Road on the main approach into Alsager Town Centre. The Copper Beech is a prominent feature of the locale and makes an important contribution to the landscape character of the area.

Description of surrounding landscape character

The tree is located in the rear garden of a domestic garden adjacent to the boundary with an adjacent residential property

Statement of where the trees are visible from

Lawton Road (B5077), Shady Grove and Back Lane

Photograph the trees, the site and surroundings

As within supporting Amenity Evaluation Assessment

Landscape function

- Backdrop
- Glimpses between properties or through gateways
- Filtered views

Visual prominence

Neighbourhood, estate, locale, Site and immediate surroundings

Species suitability for the site

Fairly suitable

Condition

Good

Past work consistent with prudent arboricultural management?

Yes

Are past works likely to have compromised long term retention?

No

Will past work necessitate any particular future management requirements

Pruning may be required to maintain appropriate ground clearance and separation from existing structures

Tree size (at maturity)

Medium (between 8m and 15m)

Presence of other trees

Low percentage tree cover

Define visual area/reference points

Nearby roads and footpaths

BENEFITS

Are the benefits current?

Yes

Assessment of future benefits

The tree presents both current and future growth potential and can be managed in its present condition.

Assessment of importance as a wildlife habitat

The tree has the potential to support nesting birds. A bat survey on this tree has not been undertaken although the stem is colonised in ivy which is a recognised feature that could support bat roosts.

Additional factors

N/A

5. EXEMPTIONS (TCPA 1990)

Are any of the trees obviously dead, dying or dangerous

No

Are there any statutory obligations which might apply?

No

Is there any obvious evidence that the trees are currently causing any actionable nuisance?

No

Based on the trees in their current locations, is the likelihood of future actionable nuisance reasonably foreseeable?

No

Is there any Forestry Commission interest in the land?

No

6. EXEMPTIONS (MODEL ORDER):

Are there any extant planning approvals on the site which might compromise retention of the trees?

No

Are there any lapsed planning approvals which might have compromised the trees?

No

Are any of the trees obviously cultivated for commercial fruit production?

No

Are any of the trees situated on or adjacent to a statutory undertaker's operational land?

No

Are any of the trees situated on or adjacent to land in which the Environment Agency has an interest?

No

7. COMPENSATION

Do any of trees currently show any obvious signs of causing damage?

If Yes provide details

Based on the trees in their current locations, is the risk of future damage reasonably foreseeable?

If yes provide details (future damage)

Possible - unknown

Are there any reasonable steps that could be taken to avert the possibility of future damage or to mitigate its extent?

Pruning to maintain suitable relationship with property

If yes provide details (reasonable steps)

As above

8. HEDGEROW TREES:

Individual standard trees within a hedge

No

An old hedge which has become a line of trees of reasonable height

No

Are the "trees" subject to hedgerow management?

No

Assessment of past hedgerow management

N/A

Assessment of future management requirements

Anticipated pruning to maintain ground clearance and separation from property

9. MANAGEMENT

Are the trees currently under good arboricultural or silvicultural management

Yes

Is an order justified?

Yes

Justification (if required)

To provide formal protection to ensure the long term retention and management of a high amenity tree in accordance with best practice recommendations

10. DESIGNATIONS

Do the trees merit protection as individual specimens in their own right?

Yes

Does the overall impact and quality of the trees merit a group designation?

No

Would the trees reasonably be managed in the future as a group?

No

Area

N/A

Woodland

Does the 'woodland' form an area greater than 0.1 hectare?

N/A

Identify the parcel of land on which the trees are situated

N/A

11. MAP INFORMATION

Identify all parcels of land which have a common boundary with the parcel concerned

N/A

Identify all parcels of land over which the physical presence of the trees is situated, or that they could reasonably be expected to cover during their lifetime

N/A

12. LAND OWNERSHIP

Land ownership details (if known)

see persons served with Order

Land Registry search required?

Yes

13. SUPPLEMENTARY INFORMATION

Has a detailed on-site inspection been carried out?

No

Does the risk of felling justify making an order prior to carrying out a detailed on-site inspection

Yes

Provide details of trees to be excluded

The White Poplar is excluded as a tree species with an expected life expectancy of approximately 70 years and which is notoriously fast growing. The species is suited to large open spaces due to its growth habit and is not a species recommended for small residential gardens due to its invasive tendencies and potential to shed branches. Tree T1 stands less than 4 metres from the closest elevation of the applicant's property and is approximately 50 years old now, standing at more than 20 metres in height, comprising of twin stems extending from the base which extend north over the garden and south over the road. While the tree provides significant amenity to Lawton Road, it is not considered worthy of formal protection as having considered the trees age, size, structural integrity, and species characteristics it is accepted to be an unsuitable species for this location with a reasonably foreseeable limited safe and useful life expectancy, there can therefore be no objection to its removal.

Additional publicity required?

N/A

Relevant Local Plan policies

Cheshire East Local Plan Policy SE5 - Trees, hedgerows and woodlands

Statement of reasons for promoting this Order (free text)

In the interests of maintaining the area in which the tree stands, in that it is considered to be a long term amenity feature

Such amenities are enjoyed by the public at large and without the protection an Order affords there is a risk of the amenity being destroyed

The tree has been assessed in accordance with the Councils Amenity Evaluation Checklist and it is considered expedient to make provision for its long term retention

14. SUMMARY:

Would loss of the trees have a significant impact on the local environment?

Yes

Will a reasonable degree of public benefit accrue?

Yes

Is an Order in the interests of amenity?

Yes

Is an Order expedient in the circumstances?

Yes

Date form completed

01/12/2023

Form status

Completed

Completed by

E Hood

Parish

Alsager Town Council

Ward

Alsager

Statement of reasons for promoting this Order

IN THE INTERESTS OF MAINTAINING THE AMENITY OF THE AREA IN WHICH THE TREES STAND IN THAT THEY ARE CONSIDERED TO BE A FEATURE

SUCH AMENITIES ARE ENJOYED BY THE PUBLIC AT LARGE AND WITHOUT THIS PROTECTION THE ORDER AFFORDS THERE IS A RISK OF THE AMENITY BEING DESTROYED

THE TREES HAVE BEEN ASSESSED IN ACCORDANCE WITH THE LOCAL AUTHORITY AMENITY EVALUATION CHECKLIST AND IT IS CONSIDERED EXPEDIENT IN THE INTERESTS OF AMENITY TO MAKE PROVISION FOR THEIR LONG-TERM RETENTION

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TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

Date: 1/12/2023 Surveyor: E Hood (SURVEY DATA SHEET COMPLETED AFTER SITE VISIT DATE 20/4/2023)

Tree details

TPO Ref:

Tree/Group No: T1

Species: Copper Beech

Owner (if known):

Location: Residential Garden of 51 Lawton Road

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- | | |
|-----------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Unsafe | Unsuitable |
| 0) Dead | Unsuitable |

Score & Notes - 5

High quality and high canopy tree which expresses good vitality. The tree contains an included union with no signs of incipient failure noted when viewed from ground level. The tree has also been awarded a high quality A Category rating (BS5837:2012) in supporting Arb Report submitted with planning application.

b) Remaining longevity (in years) & suitability for TPO:

Refer to 'Species Guide' section in Guidance Note

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10 | Unsuitable |

Score & Notes - 1

The tree has accepted existing future growth potential in excess of 40 years although is noted to be sited between 2 properties and adjacent to a garage in the garden of a neighbouring property. Rating for longevity and suitability has been reduced from a score of 1 (10-20 just suitable) to address the nuisance element of supporting guidance notes as the closest structure is considered secondary (not habitable) and its unknown whether any damage has occurred.

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use; refer to Guidance Note

- | | |
|--|-------------------------|
| 5) Very large trees, or large trees that are prominent landscape features | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or larger trees with limited view only | Just suitable |
| 2) Small trees, or larger trees visible only with difficulty | Unlikely to be suitable |
| 1) Young, v. small, or trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes - 4,

The tree is clearly visible from nearby roads to the south, west and north.

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Members of groups of trees that are important for their cohesion
- 3) Trees with significant historical or commemorative importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Notes - 1

Sub - total Part 1 - 1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify; refer to Guidance Note

- 5) Known threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only
- 0) Tree known to be an actionable nuisance

Sub-total 2 = 5 + 11 = 16

Score & Notes - the 5 is awarded due to the intention being expressed that the tree will now need to be removed to accommodate an undetermined planning application
23/0380C

Part 3: Decision guide

| | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-10 | Does not merit TPO |
| 11-13 | Possibly merits TPO |
| 14+ | Definitely merits TPO |

Add Scores for Total:
16

Decision: Tree definitely merits a TPO having met the requirement for a score of 14 +. The TEMPO assessment was not carried out at the date of the site visit as the tree was originally proposed for retention, and not believed to be at risk of removal. The change in circumstances prompted an assessment for suitability for a TPO



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