

Southern Planning Committee

Updates

Date: Wednesday, 26th April, 2017
Time: 10.00 am
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

The information on the following pages was received following publication of the committee agenda.

5. **16/3209C Intertechnic Uk Ltd, Road Beta, Middlewich CW10 0QF: Outline proposal for a mixed use development including residential, retail, cafes, access to marina and other ancillary works (access) for Mr Peter Nunn**
(Pages 3 - 8)
6. **17/0774N Land At Moorsfield Avenue, Audlem: Outline planning permission for Development of up to 34 dwellings with all matters reserved except access for Plotbuild** (Pages 9 - 12)
8. **17/0145N Land Off Newtown Road, Sound, Nantwich, Cheshire: Proposed housing development (21 homes), children's play area, nature reserve, access and external works for TRU Pension Fund** (Pages 13 - 22)
9. **17/0283N Car Park, Browning Street, Crewe CW1 3BB: Redevelopment for 8 dwellings and associated infrastructure, plus remodelling of remaining car park for A Frost, Engine of the North** (Pages 23 - 24)

Please contact Julie Zientek on 01270 686466
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SOUTHERN PLANNING COMMITTEE UPDATE – 26th April 2017

APPLICATION NO: 16/3209C

PROPOSAL: Outline proposal for a mixed use development including residential, retail, cafes, access to marina and other ancillary works (access)

ADDRESS: Intertechnic UK, Road Beta, Middlewich, CW10 0QF

APPLICANT: Mr Peter Nunn

ADDITIONAL REPRESENTATION

An additional letter of objection has been received from Centec International Ltd which raises the following points;

- The proposed development is in breach of the strategic allocation within the Cheshire East Local Plan Strategy as the application has been submitted prior to the production of a masterplan for the whole site
- The hearing statement produced by CEC following the examination states that there is an *'expectation that some businesses will remain in situ'*
- As a local business and employer Centec seeks comfort from CEC that any residential development taking place within close proximity will not have a negative effect on its business – this can only be achieved through the development and implementation of a masterplan
- Centec will not relocate so it is essential that a masterplan will be put in place to ensure that Centec can continue to run their business without the future threat of curtailment from future residents
- The future business plans of Centec a local specialist employer should not be hindered by the prospect of badly thought out and piecemeal development within close proximity; particularly given CECs policy stating that a *'masterplan led approach'* will be adopted.
- The revised site plan is 'for information only' and is not intended to be an approved drawing; its commended urban design therefore bears little relevance to the outline permission sought by the applicant. The proposed site plan only seeks to show what *could* be achieved; the applicant will be under no obligation to provide what this plan sets out.
- It is considered that the residential development proposed is not suitable in spatial planning terms. Centec is involved in the manufacturing and recovery of flammable solvents and chemicals at its Brooks Lane site; this activity is not complimentary to residential neighbours.
- Centec is concerned about the impact of the increased traffic; both within the Brooks Lane industrial site and the junction of the A54 and Brooks Lane. The increased level of traffic at these locations is unacceptable and any decision regarding the development of Brooks

Lane should be postponed until the future of the Middlewich bypass is secured.

- The single point of entry to the proposed development is not considered to be suitable.

A letter has been received from the applicant's architect which raises the following points;

- The site sits within an existing settlement boundary within a wider site context at Brooks Lane in Middlewich, made up of numerous different businesses. The site is classified as brownfield land, and the application accords with the NPPF and current and emerging local policies.
- In any masterplan led approach that deals with the regeneration of a large area, such as CS54 a degree of flexibility needs to be exercised to achieve the overall vision, and drive strategy forward, as identified in the Cheshire East emerging core strategy over the Local Plan Strategy period. Given the applicants land location within CS54 Brooks Lane, the site has genuine potential to act as the catalyst for a wider regeneration of the whole area.
- The Intertechnic site is a brownfield site in a sustainable location. It relates well to the existing town settlement and satisfies all relevant national and local policies, with no apparent harm or adverse impacts envisaged. Thus, and in accordance with the NPPF, the presumption in favor of sustainable development should apply and the Council should grant planning permission to this proposal.
- It is the applicant's opinion that the landowners adjacent and close to the Intertechnic site will want to actively engage in further discussions to look at the options of re-developing their sites. The granting of planning permission at Intertechnic will act as the catalyst to continue the development of CS54 and give other land owners the confidence that their site could come forward too.
- It is important to acknowledge that if the Council is mindful to grant permission on the land at the Intertechnic site, the applicant is content to continue working with the council to an agreed programme for the development of a master plan. The applicant's agent will actively speak to adjoining owners and establish who wishes to bring their land forward for re-development and who would wish their current business to remain and an emerging master plan could reflect this.
- Brooks Lane is already a mixed-use site with residential properties sitting side by side current businesses, so this relationship is already established and needs to be developed. Once the council is happy with the principles and in accordance to an agreed program the applicant will bring forward a reserved matters application that reflects further work. It is also important to establish that the applicant is also going to engage the Town Council to look at options of integrating a vision for CS54 together with the need for the Councils Neighbourhood Plan as the two need to establish a common ground for the betterment of Middlewich.

Officer Comment

The points raised within the letter of objection are previously addressed within the main officer report.

Impact upon the Trent and Mersey Canal

The Canal and River Trust have confirmed that the siting of the entrance to the marina would be acceptable in principle but a swept path analysis to demonstrate that the maximum length of boat on the waterway is able to turn into the marina (especially when approaching from the north). This could be secured through the imposition of a planning condition.

Ecology

Based on the amended plan the Councils Ecologist has confirmed that he has no objection to this scheme subject to the imposition of planning conditions.

RECOMMENDATION:

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

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2. Secondary school education contribution of £294,168

3. SEN education contribution of £45,500

4. Contribution of £150,000 towards the improvement scheme at the A54/Leadsmyth Street

5. Travel Plan requirement to include a cycle voucher that can be redeemed in exchange for a bike worth up to £150.00 and a travel voucher that can be redeemed in exchange for a 3 month bus pass valid on services connecting the development to surrounding destinations. Travel Plan Monitoring sum of £5,000.

6. PROW Contribution of £5,000 towards PROW Middlewich 21

7. POS provision and a scheme of management to be maintained in perpetuity

And the following conditions;

1. Standard Outline 1
2. Standard Outline 2
3. Standard Outline 3
4. Approved Plans
5. The reserved matters for the proposed development shall be in general accordance with the submitted Design and Access Statement
6. Canal Risk Assessment and Method Statement (structural integrity) to be submitted to the LPA for approval in writing
7. Details of appropriate mitigation measures to prevent any risk of pollution or harm to the adjacent Trent and Mersey Canal to be submitted to the LPA for approval in writing
8. No development shall take place until a scheme for the provision and implementation of a surface water drainage system to serve the development has first been submitted to and approved in writing by the Local Planning Authority
9. Contaminated Land details to be submitted and approved
10. No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved
11. Details of any soil or soil forming materials to be tested for contamination prior to being brought onto site
12. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find).
13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
14. No infiltration of surface water drainage into the ground where adverse concentrations of contamination are known (or suspected) to be present is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.
15. Travel Plan to be submitted and approved
16. Electric Vehicle Charging Points to be submitted and approved
17. Construction Management Plan (including dust control measures to be submitted and approved)
18. All commercial vehicles associated with operation of the retail area shall comply with current or the most recent European Emission Standards from scheme opening, to be progressively maintained for the lifetime of the development.
19. Reserved matters application to be supported a lighting strategy informed by the advise in *Bats and lighting in the UK- bats and the built environment series*, (Bat Conservation Trust, 2009).

20. Reserved matters application to be supported by proposals for the incorporation of features for nesting birds and roosting bats.
21. Reserved matters application to be supported by a management plan for the control of Himalayan Balsam.
22. No development shall take place within the area described above until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
23. Retention of trees on site unless otherwise agreed
24. Any future reserved matters application shall be supported by a Tree Survey no more than 12 months old, an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan that shall inform the design of the definitive site layout and accord with the guidelines contained within *BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations*
25. The facilitation of a footpath connection from the site boundary to Booth Lane.
26. The site access arrangements shall be completed prior to the development being brought into use.
27. The Reserved Matters application to be supported by an updated NIA and mitigation measures
28. Details of piling/floor floating works to be submitted and approved
29. Reserved Matters to include details of proposed, new, modified or additional source(s) of sound, range from single air conditioning units, commercial kitchen extract units or new industrial activity
30. Reserved matters for the marina to include a swept path analysis

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in her 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.

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

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved

- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Secondary school education contribution of £294,168
 3. SEN education contribution of £45,500
 4. Contribution of £150,000 towards the improvement scheme at the A54/Leadsmythy Street
 5. Travel Plan requirement to include a cycle voucher that can be redeemed in exchange for a bike worth up to £150.00 and a travel voucher that can be redeemed in exchange for a 3 month bus pass valid on services connecting the development to surrounding destinations. Travel Plan Monitoring sum of £5,000.
 6. PROW Contribution of £5,000 towards PROW Middlewich 21
 7. POS provision and a scheme of management to be maintained in perpetuity

SOUTHERN PLANNING COMMITTEE – 26TH APRIL 2017

UPDATE TO AGENDA

APPLICATION NO.

17/0774N

LOCATION

Land at Moorsfield Avenue, Audlem.

UPDATE PREPARED

24th April 2017

Ecology

An updated Other Protected Species survey has been undertaken. An active sett is present on site, but on the basis of the submitted illustrative masterplan this would not be directly affected by the proposed development. The proposed development will result in the localised loss of foraging habitat, to compensate for this loss it is recommended that fruit trees are incorporated into the landscaping scheme produced at the reserved matters stage.

As the status of other protected species on a site can change within a short timescale it is recommended that if outline consent is granted a condition should be attached which requires any future reserved matters application to be supported by an updated other protected species survey.

Pole Cat and Hedgehog are two priority species which have been recorded within 1km of the application site and so may occur on the application site. It is considered that the application site is unlikely to be particularly important for these species. However, in the event that planning permission is granted a condition should be attached requiring gaps in any boundary fencing.

An Ash tree has been identified on the site boundary that has potential, albeit only low, to support roosting bats. No details have been provided as to why the tree is thought to have only low potential to support roosting bats and the ecological survey does not clearly identify the location of this tree. However upon the submitted tree survey it appears that this tree may in fact be just outside the red line of the application. If the tree is within the red line of the application it appears feasible for it to be retained. This matter could be dealt with at the reserved matters stage.

To avoid any adverse impacts on bats resulting from any lighting associated with the development it is recommended that if planning permission is

granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Any proposed lighting should be low level and directional and the design of the lighting scheme informed by the advice in *Bats and lighting in the UK-bats and the built environment series*, (Bat Conservation Trust, 2009).

It is considered that Great Crested Newts and reptiles are not reasonably likely to be affected by the proposed development.

The open space areas associated with the development provide opportunities for habitat creation, such as a new pond and wildflower meadow creation that would contribute to local and national priority habitat creation targets.

It is therefore recommended that if planning consent is granted a condition should be attached which requires any future reserved matters application to be supported by a habitat creation strategy.

Flood Risk

The Flood Risk Manager responded on 21st April 2017 raising the following concern:

“Before granting approval we need to be clear on what the maximum discharge rate is for the whole development, within the Flood Risk Assessment (FRA) it states the development will discharge at a minimum of “5 l/s” but no maximum rate. Furthermore, is this run-off rate for both catchments? Consequently, finished floor levels are not listed within FRA. These should be set 150mm above ground level.”

Having regard to this matter, the application is in outline form apart from access and this issue can be dealt with at reserved matters stage should the application be approved.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposal involves the development of a parcel of countryside outside of the Settlement Boundary for Audlem as defined in the Audlem Neighbourhood Plan 2016. It also involves development within the Open Countryside as set out in the Borough of Crewe and Nantwich Replacement Local Plan. As a result the proposal is not listed as an appropriate form of development within the countryside and would erode the rural character of the countryside and would undermine the ability of the community to shape and direct sustainable development in their area, contrary to the Audlem Neighbourhood Plan Policies H1 and H3, Borough of Crewe and Nantwich Replacement Local Plan Policies NE.2 & RES.5, Cheshire East Local Plan Strategy

Policy PG5 and the advice of NPPF paragraphs 17, 183-185 and 198. These conflicts are considered to significantly and demonstrably outweigh the benefits of the proposal.

2. The proposed development would have an adverse impact on the setting of the Audlem Conservation Area and on the setting of the Shropshire Union Canal. The proposal is therefore contrary to the Audlem Neighbourhood Plan Policy D1, Borough of Crewe and Nantwich Replacement Local Plan Policy BE.7 and the advice of NPPF paragraphs 17,131-133, 135, 183-185 and 198. These conflicts are considered to significantly and demonstrably outweigh the benefits of the proposal.

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in her 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.

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

1. A scheme for the provision of affordable housing – 7 units to be provided as social rent/affordable rent with 3 units as intermediate tenure. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision**
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
- The occupancy criteria to be used for determining the identity of occupiers the affordable housing and the means by which such occupancy criteria shall be enforced.**

2. A contribution of £81,713.00 to secondary education.

3. POS provision and a scheme of management in perpetuity.

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Southern Planning Committee 26th April 2017

UPDATE TO AGENDA

APPLICATION No.

17/0145N – Proposed housing development (21 homes), children's play area, nature reserve, access and external works

LOCATION

Land Off, Newtown Road, Sound, Nantwich, Cheshire

UPDATE PREPARED

24th April 2017

CONSULTATIONS

Natural England - Advise insufficient information has been received in order to demonstrate that the development would not have a detrimental impact upon the Sound SSSI

Sound and District Parish Council - Object to the proposed development on the following grounds

- 1. Both accesses to the houses are on to very narrow roads, where two cars passing is difficult and such extra traffic will make this situation dangerous and unworkable*
- 2. The area of Sound has very limited facilities and such a large application is completely unsustainable.*
- 3. An application for 21 houses is completely overbearing on the surrounding area and the percentage increase on existing properties is overwhelming with the scale of the proposed development not in keeping with existing dwellings.*
- 4. The increase generated in sewage from this number of properties allays great concern in the capability of the current infrastructure to adequately deal with this.*
- 5. The Parish Council are very concerned over the very close proximity of the area of SSSI and the impact this could have on this sensitive area.*
- 6. Children's Play Area – concern was expressed over the close proximity to existing houses, and also the creation of a pond in the same area of the site which will be hazard to both children and wildlife.*

REPRESENTATIONS

The re-consultation period in response to the updated plans received expired on the 20th April 2017. Following the drafting of the Council's Committee Report, 21 further letters of representation have been received. In addition to the issues already referred to in the Committee Report, the following further concerns have been raised.

- Insufficient / inappropriate affordable housing provision
- Concerns about proposed planting plans
- Insufficient information in order to adequately assess the impact of the proposals e.g. borehole studies undertaken, SSSI impacts
- Procedural matters - Still inaccuracies within the submitted statement/s, plans

APPRAISAL

Sustainability - Environmental role (Updated from main report)

Ecology

Sound Common SSSI/Local Nature reserve

The application site falls within Natural England's SSSI impact risk zone (Sound Common) for rural residential development of over 10 units.

In response, Natural England advised that insufficient information had been submitted in order to effectively assess the impact of the proposal upon the SSSI. More specifically, there was insufficient information in relation to; Hydrological investigations and homeowner packs.

In response, further information was provided by way of homeowners packs, but not hydrological investigations.

Natural England have subsequently advised that insufficient information has been received to effectively assess the impact of the development upon the SSSI. More specifically in relation to the hydrological investigation of the spring requested and its connectivity with the local groundwater and the predicted impacts of the developments on the spring.

Woodland

There is an area of woodland within the application site which appears on the UK BAP inventory of priority habitats. Habitats of this type are a material consideration during the determination of this application. The woodland on site which forms part of a larger woodland network is also likely to meet the criteria for selection as a Local Wildlife Site. This woodland is also subject to a Tree Preservation order (TPO).

Under the revised proposals, much of the existing woodland would be retained as part of the proposed development. There would still however, be a loss of

roughly one third of this woodland and in addition no buffer is provided between the retained area of the woodland and the proposed development.

The Council's Nature Conservation Officer has advised that the loss of this area of priority habitat would have an adverse impact upon biodiversity.

Great Crested Newts

A small population of great crested newts has been identified at ponds within 250 metres of the proposed development and a great crested newt was observed on site during the reptile survey.

In the absence of mitigation the proposed development would have an adverse impact on this protected species as a result of the loss of terrestrial habitat and the risk of animals being killed or injured during the construction phase.

EC Habitats Directive

Conservation of Habitats and Species Regulations 2010
ODPM Circular 06/2005

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("lpas") to have regard to the directive's requirements.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable "other imperative reasons of overriding public interest", then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Overriding Public Interest

The provision of mitigation would assist with the continued presence of Great Crested Newts.

Alternatives

There is an alternative scenario that needs to be assessed, this are:

- No Development On The Site

Without any development, specialist mitigation for Great Crested Newts would not be provided which would be of benefit to the species.

To mitigate the risk that great crested newts would be killed or injured during the construction phase, the applicant is proposing to remove and exclude newts from the footprint of the proposed development using standard best practice methodologies under the terms of a Natural England license.

To compensate for the loss of terrestrial habitat to the scheme a new pond, an area of wildflower grassland and hibernacula is proposed. The Council's Nature Conservation Officer advises that the proposed additional ponds will be of benefit for great crested newts.

Footpaths are however currently proposed through the great crested newt mitigation area and this area also appears to be proposed for use as an amenity/play area. The Council's Nature Conservation Officer advises that public access into this area would significantly increase the risk of interference with ponds, including the introduction of undesirable fish and the spread non-native plant species which is already present in this broad locality. The effects of this would potentially significantly reduce the viability of the pond as great crested newt habitat.

Grass snakes

Grass snakes were recorded as being present on site. The Nature's Conservation Officer advises that insufficient information is available to assess the significance of the population present, however it does appear that there is a good population of this species in Sound. The Council's Nature Conservation Officer advises that the proposed development would result in the loss of an area of suitable habitat for this species and also pose the risk of killing or injuring any animals present. The submitted ecological report includes an outline mitigation method statement to address the potential impacts of the proposed development upon this species. The Council's Nature Conservation Officer advises that this is acceptable.

If planning consent is granted, the Council's Nature Conservation Officer has advised that a condition is required to secure the submission of a detailed reptile mitigation method statement prior to the commencement of development.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of a number of sections of hedgerow to facilitate the site access. Additional native species hedgerows are proposed as part of the landscaping scheme for the site.

Nesting Birds

In the event that planning permission is granted, the Council's Nature Conservation Officer has advised that standard conditions will be required to safeguard nesting birds.

Habitat management plan

If planning consent is granted, the Council's Nature Conservation Officer recommends that the submission and implementation of a habitat management plan be secured as part of the permission. Management should be undertaken in perpetuity.

Assessment of residual loss of biodiversity

The Council's Nature Conservation Officer advises that the habitats on site (with the exception of the woodland and hedgerows and their potential to support protected/priority species as discussed above), are of low value and do not present a significant constraint upon development.

The Council's Nature Conservation Officer has advised that the loss of these habitats however, may still result in an overall loss of biodiversity. The applicants ecological consultant has recommended that an assessment of the residual ecological impacts of the proposed development be undertaken using the Defra 'metric' methodology.

An assessment of this type would both quantify the residual ecological impacts of the development and calculate in 'units' the level of financial contribution which would be required to 'offset' the impacts of the development to enable the total ecological impacts of the development to be fully addressed in a robust and objective manner. Any commuted sum provided would be used to fund habitat creation/enhancement works locally, possible within Sound Common Local Nature Reserve.

However, the Council's Nature Conservation Officer has recommended that such an assessment be undertaken prior to the grant of planning permission. This work has not yet been done.

Environmental Conclusion

The proposal would result in the loss of a parcel of countryside and would have an adverse impact upon the visual character of the area. There would also be a loss of Best and Most Versatile (BMV) agricultural land.

The proposed development would also result in a number of ecological issues including; the loss of this area of priority habitat (woodland) which would have an adverse impact upon biodiversity. The proposed great crested new mitigation would potentially be unviable due to public access passing through the mitigation area. Furthermore, insufficient information has been provided to effectively demonstrate the residual loss of biodiversity and subsequently any mitigated sum to offset this impact. Insufficient information has also been received in relation to the potential impact upon the SSSI and Local Nature Reserve.

Other environmental considerations such as; highway safety, design, flooding and drainage are considered to be acceptable or neutral subject to conditions / mitigation. The application site is considered to be a sustainable location.

However, it is considered that the environmental impacts created would result in the development being environmentally unsustainable.

Other Matters

Since the drafting of the committee report, a further 21 letters of objection have been received. The vast majority of the issues raised within these representations either repeat or re-affirm the concerns raised by objectors in relation to matters that were considered as part of the original committee report, or relate to matters addressed within this update.

Planning Balance / Conclusion

The proposed development sought would be contrary to Policy NE.2 and the development would result in a loss of Open Countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites then the presumption in favour of sustainable development applies at paragraph 14. LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would help in the Council's delivery of 5-year housing land supply.
- The development would provide economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in the area

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the additional impact would be mitigated by the provision of a commuted sum

The adverse impacts of the development would be:

- The loss of Open Countryside
- The isolated location of the proposed dwellings
- Insufficient information has been provided to demonstrate that the land to be lost to development would not be 'Best and Most Versatile' (Grades 1, 2 or 3a). As such, it is considered that the proposed development would be contrary to the NPPF.
- The on-site Children's play space provision is both un-functional and is positioned in a location where natural surveillance is limited
- The proposed affordable housing provision does not meet local need with regards to the bedroom numbers provided and the form of dwellings not being suitable for the elderly
- The loss of and impact upon protected trees
- The density, layout and appearance of the development (design)
- Insufficient information has been provided to demonstrate that safe and suitable access can be provided to and from the site
- The loss of this area of priority habitat (woodland) which would have an adverse impact upon biodiversity
- The proposed great crested newt mitigation would potentially be unviable due to public access passing through the mitigation area.
- Insufficient information has been provided to effectively demonstrate the residual loss of biodiversity and subsequently any mitigated sum to offset this impact
- Insufficient information has also been received in relation to the potential impact upon the SSSI and Local Nature Reserve

The development is contrary to both the Borough of Crewe and Nantwich Local Plan and the emerging Cheshire East Local Plan Strategy with regards to Open Countryside policies. However, these policies are considered to be out of date, a presumption in favour applies. However, with reference to the *Richborough* Court of Appeal weight can be given to those policies.

There is now a solution to the housing supply in hand through the forthcoming adoption of the Local Plan. As a consequence of the Inspectors most recent comments in December increased weight can be afforded to these 'out of date' policies. In addition given the progression of emerging policies towards adoption it is considered that greater weight can now be given to those emerging policies. Further factors that weigh against the scheme are detailed above.

Therefore taking a balance of the overall benefits, the current policy position and the scale of harm, it is considered that the presumption in favour is outweighed in this case and a recommendation of refusal is made.

RECOMMENDATION

REFUSE for the following reasons;

- 1. The proposed residential development is unacceptable because it is located within the Open Countryside, contrary to Policies; NE.2 (Open**

Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011; Policy PG5 (Open Countryside) of the emerging Cheshire East Local Plan Strategy and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

2. The proposal would be contrary to the spatial strategy for the future development of the Borough due to the scale of the proposed development having regard to Policies PG2 (Settlement Hierarchy) and PG6 (Spatial Distribution of Development) in the emerging Cheshire East Local Plan Strategy Version
3. Insufficient information has been provided to demonstrate that the land to be lost to development would not be 'Best and Most Versatile' (Grades 1, 2 or 3a). As such, it is considered that the proposed development would be contrary to Policy NE12 (Agricultural Land Quality) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan, Policy SE2 (Efficient Use of Land) of the emerging Cheshire East Local Plan, and the NPPF.
4. The proposed development would result in the unacceptable loss of protected trees, a threat to protected trees and would create amenity concerns resulting in future pressures to fell protected trees due to the social proximity of the proposed dwellings to protected trees. The application is therefore considered to be contrary to Policies NE.5 (Nature Conservation), BE.1 (Amenity) and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan First Review 2011, Policy SE.5 (Trees, Hedgerows and Woodland) of the emerging Cheshire East Local Plan Strategy (CELP) and the NPPF.
5. The proposed development by reason of its high density, urban design and layout would be harmful to the character and appearance of this rural area. As a result the proposed development would be contrary to Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan, Policy SE.1 (Design) of the emerging Cheshire East Local Plan Strategy (CELP) and the NPPF.
6. Insufficient information has been provided to demonstrate that safe and suitable access will be provided. As such, it is considered that the proposed development would be contrary to Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan, Policy SD1 (Sustainable Development in Cheshire East) of the emerging Cheshire East Local Plan, and the NPPF.
7. Insufficient information has been provided to demonstrate that the policy required affordable housing provision required to account for local need triggered by the application proposal shall be provided. Furthermore, the proposed 2-bedroom units would not be suitable for

the elderly where the need for 2-bedroom property lies. The development would therefore be contrary to Policy SC5 (Affordable Homes) of the emerging Cheshire East Local Plan Strategy.

8. The location and design of the proposed open space will result in a provision that would create both functional and natural surveillance issues with regards to the included Children's Play Space. The development is therefore considered to be contrary to Policy RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan and Policy SC3 (Health and Well-being) of the emerging Cheshire East Local Plan Strategy.
9. The proposed development would result in the loss of an area of priority habitat (woodland) which would have an adverse impact upon biodiversity. In addition, the proposed great crested newt mitigation is considered to be unacceptable resulting in a detrimental impact upon protected species. Furthermore, the application fails to provide sufficient information to effectively assess the impact of the development upon a Local Nature Reserve. As such, it is considered that the proposed development would be contrary to Policies NR2 (Wildlife and Conservation – Statutory Statutory Sites), NR3 (Wildlife and Conservation – Habitats) and NR4 (Wildlife and Conservation – Non-Statutory Sites) of the Congleton Borough Local Plan First Review 2005, Policy SE3 (Biodiversity and Geodiversity) of the emerging Cheshire East Local Plan Strategy and the NPPF.
10. The application fails to provide sufficient information to effectively assess the impact of the development upon the Sound Common SSSI in accordance with Policy NR2 (Wildlife and Conservation – Statutory Sites) of the Congleton Borough Local Plan First Review 2005, Policy SE3 (Biodiversity and Geodiversity) of the emerging Cheshire East Local Plan Strategy and the NPPF.

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.

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

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure.
2. A management plan for the maintenance of the on-site Open Space and Children's Play facility by either a private management company or the Council for a fee to be agreed.

3. **£57,578 towards secondary school provision (£49,028) and school transport (£8,550)**
4. **Biodiversity Offsetting Contribution (amount to be confirmed)**

SOUTHERN PLANNING COMMITTEE – 26TH APRIL 2017

UPDATE TO AGENDA

APPLICATION NO.

17/0283N

LOCATION

Car Park, Browning Street, Crewe, CW1 3BB.

UPDATE PREPARED

24th April 2017

Highways & Parking

The proposal is for 8 residential units within the Browning Street car park and a re-modelling of the remaining car park.

Since publication of the original report an amended parking layout has been submitted with an additional 4 spaces provided (65).

Browning Street car park currently has 76 spaces and this would be reduced to 65, a loss of 11 spaces. On Browning Street itself, there is space for around 22 vehicles and the proposed Traffic Regulation order would provide around an additional 10 spaces on Richard Moon Street.

Policy TRAN.8 states that:

“Proposals for new development involving the loss of existing car parks, as shown on the proposals map, will not be permitted unless the developer provides:

- Improvements to public transport systems in order to serve the development; or*
- As part of the scheme, a direct replacement for the number of car parking spaces lost.”*

Firstly, the proposal would not lead to the loss of the car park itself, just spaces within it. The proposed amendment to the Traffic Regulation Order would create additional day time parking capacity for approximately 10 cars which is considered to be satisfactory mitigation for the loss of parking spaces, by the Head of Strategic Infrastructure.

In addition many of the objections relate to the loss of parking for local residents, however free car parks such as this are in place to support the

functions of the town centre and not to provide parking for residential dwellings that currently do not have any provision.

In the Local Plan Strategy, Central Crewe is identified as a Strategic Location where the Council is looking to maximise opportunities for improvement and regeneration. This includes the delivery of new homes and the proposal is considered to be compliant with this.

Given this, and due to the sustainable town centre location, where there are a number of near-by car parks within a short walking distance this proposal is considered acceptable in highway safety and parking terms.

No objection is raised by the Head of Strategic Infrastructure subject to conditions and informatives set out at the end of this report.

RECOMMENDATIONS

APPROVE subject to the completion of a Section 111 Agreement to secure a Section 106 Agreement for a contribution of £4,000 for an amendment of the Traffic Regulation Order on Richard Moon Street and the following conditions:

And the following conditions:

- 1. Standard time 3 years**
- 2. Approved Plans**
- 3. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**
- 4. Submission and approval of details of materials**
- 5. Landscaping details including boundary treatments**
- 6. Implementation of landscaping**
- 7. Standard Contaminated Land Condition**
- 8. Construction Management Plan**
- 9. Submission and approval of details of foul and surface water drainage**
- 10. Submission and approval of existing and proposed levels**
- 11. Parking spaces shall be provided prior to first occupation of the dwellings and retained thereafter**
- 12. Provision of electric vehicle charging points to the dwellings**
- 13. Protection of breeding birds**
- 14. Provision of features suitable for breeding Swifts**

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