

# **Southern Planning Committee**

## **Updates**

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**Date:** Wednesday, 11th December, 2013  
**Time:** 1.00 pm  
**Venue:** Council Chamber, Municipal Buildings, Earle Street, Crewe  
CW1 2BJ

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

**Updates** (Pages 1 - 28)

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Please contact Julie Zientek on 01270 686466  
E-Mail: [julie.zientek@cheshireeast.gov.uk](mailto:julie.zientek@cheshireeast.gov.uk) with any apologies, requests for further information or to arrange to speak at the meeting

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**APPLICATION NO: 12/3846C**

**LOCATION: 2 Mount Pleasant Road & 50 The Banks, Scholar Green, Odd Rode**

**UPDATE PREPARED 9 December 2013**

### **Update**

Concern has been raised that the application does not comply with the Parish Plan. However the application does meet the guidance of policy PS5 for housing within the village settlement boundary. It is considered that the Local Plan carries more weight than the Parish Plan in this instance as PS5 also mirrors paragraph 89 of the NPPF which accepts limited infilling and as defined within a Local Plan.

The principle of housing on the site is acceptable, and as such the recommendation of approval remains.

**APPLICATION NO.**

13/2186C

**LOCATION**

Millpool Way/Newall Avenue, Sandbach.

**UPDATE PREPARED**

9<sup>th</sup> December 2013

**ERRATUM:**

In the Ecology section of the report, on page 29, Policy NE9 is wrongly referred to. The correct policy is NR3. This policy states the following:

*“Proposals for development that would result in the loss or damage of the following sites of nature conservation or geological importance will not be permitted:*

- *Ramsar Sites*
- *SSSI's*
- *Any site or habitat supporting species that are protected by law*

**Section 106 Agreement:**

A contribution of £10,000 has been requested by the Strategic Highways Manager to fund improvements to street lighting on the Flat Lane footpath. It is considered that this is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. As such it would be compliant with the CIL Regulations 2010.

The consultation response from Streetscape on page 21 gives an incorrect figure for enhancement of amenity green space. The correct figures are set out below:

*Amenity Green Space*

Enhancement	£803.00
Maintenance	£13,599.00
Total	£14,402.00

*Children and Young Persons*

Enhancement	5 items of equipment
Maintenance	£34,626.00
Total	£34,626.00

The affordable housing should have been referred to in the recommendation.

**Recommendation: Amend recommendation to read as follows:**

**Approve subject to the completion of a Section 106 Agreement securing the affordable housing (30% provision of which 65% is rented and 35% is intermediate tenure), a commuted sum of £49,028.00 for enhancement and maintenance of amenity greenspace and children and young persons provision, £157,637.00 for education and £10,000.00 for improvements to the Flat Lane link to the town centre.**

**The conditions listed within the report remain unchanged.**

**APPLICATION NO.**

13/2277N

**LOCATION**

Top End Farm, Barthomley Road, Barthomley, CW2 5NT.

**UPDATE PREPARED**

9<sup>th</sup> December 2013

The final paragraphs on page 37 of the report (Conclusions and Reasons for Decision) should read as follows:

**This report is for information and for Members to provide comment on. The report and the views of Members will then be considered by the Council's Legal Department and Development Management before a decision is made.**

Application No: 13/2631C

Location: LAND OFF, NEW PLATT LANE, ALLOSTOCK, CHESHIRE

Proposal: Full Planning Application For A Residential Development Comprising Demolition Of Existing Poultry Houses And Erection Of 38 Dwellings With Associated Access And Landscaping. (Access Road Only Within Cheshire East. Main Part Of Development In Cheshire West And Chester)

Applicant: Mr Peter Kilshaw, Bloor Homes Ltd

Expiry Date: 02-Sep-2013

**UPDATE REPORT 9<sup>th</sup> December 2013**

**ADDITIONAL CONSULTATION RESPONSES**

**Strategic Highways Manager**

The Strategic Highways Manager has met a representative of the applicant and Crofts today on site to measure the site boundaries. There is about seven metres width through the gap in which the chicane and service strip must fit, so there is sufficient room for the access road to be constructed

**OFFICER COMMENT**

In the light of the comments of the Strategic Highways Manager, it is considered that the previous concerns regarding build-ability of the access road through the chicane have been overcome and that it has been demonstrated that sufficient space would exist for adequate service strip provision. This would avoid the situation where it would not be possible for services to be maintained safely whilst maintaining vehicle and pedestrian access.

Therefore all the outstanding technical issues with the proposed access have now been resolved and proposal is considered to be in accordance with Policy GR3 of the adopted Congleton Borough Local Plan First Review

With regard to the principle of development, in the event that CWAC determine that the presumption in favour of sustainable development should apply and that planning permission should be granted for the development in order to meet a shortfall in their 5 year housing land supply requirement, this would be an important material consideration in the determination of the application for this access road, which would provide justification for a departure from the Congleton borough Local Plan in respect of open countryside policy.

However, if CWAC refuse planning permission for the housing development, it is considered that the proposed access road would be an unnecessary and unjustifiable extension of built development into the open countryside and should be refused on that basis.

Similarly, the change of use of land to garden area within open countryside is not normally permitted. However, if CWAC approve the application for the new dwellings, the strip of land in question would lie between the exiting gardens in Lea Avenue and the gardens of the new dwellings. In these circumstances, no harm to the character and appearance of the open countryside would occur from the change of use of the land to open countryside. However, if planning permission for the residential development is refused by CWAC, the change use will be an unnecessary incursion.

Therefore, if Members are minded to grant planning permission for the proposed access, it is considered that this power should be delegated to the Southern Area Manager, pending the outcome of the CWAC planning application.

### **AMENDED RECOMMENDATION**

#### **DELEGATE AUTHORITY to Southern Area Manager to:**

- 1. Make representations to CWAC requesting that they secure the following:**
  - **S106 contributions to increase the capacity of the existing play area at Boothbed Lane within Cheshire East:**
    - **Enhanced Provision: £11,812.53**
    - **Maintenance: £38,506.50**
  - **S106 contribution of £40,000 toward the improvement of bus shelters, the provision of cycle stands and pedestrian and cycle facilities within Goostrey.**
- 2. In the event of CWAC approving the scheme APPROVE subject to the following conditions:**
  - 1. Standard**
  - 2. Plans**
  - 3. Construction details of access road**
  - 4. Provision of access prior to first occupation**
  - 5. Submission of details of tree protection**
  - 6. Implementation of tree protection**
  - 7. Submission of details of landscaping**
  - 8. Implementation of landscaping**
  - 9. Submission / approval and implementation of boundary treatment.**
- 3. In the event that CWAC refuse the scheme REFUSE for the following reason:**
  - 1. The proposal does not constitute development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses**



**appropriate to a rural area and in the absence of any other need, justification or material considerations to indicate otherwise constitutes an unnecessary incursion of built development into the open countryside contrary to policy PS8 of the adopted Congleton Borough Local Plan First Review, and the provisions of the National Planning Policy Framework**

**APPLICATION NO:** 13/3294C

**PROPOSAL:** Demolition of existing structures and erection of a Class A1 foodstore and petrol filling station with vehicular access, car parking, servicing area, public realm and hard and soft landscaping

**ADDRESS:** FORMER FISON'S SITE, LONDON ROAD, HOLMES CHAPEL, CHESHIRE, CW4 8BE

**APPLICANT:** Bluemantle Ltd & Sainsbury's Supermarket

### **Officer Comments**

Since publication of the agenda, the council's Retail Consultant has reported his findings with respect to the retail impact that the proposal will have on the nearby Holmes Chapel retail centre. The retail consultant deals with the sequential approach to site selection and the retail impact on Holmes Chapel Village Centre.

### **Sequential Approach**

Members may note from the original report, that the 'applicant's case is that there are no sequentially preferable sites within the village centre or edge of centre'. Whilst the Council's Retail Consultant is in agreement with this, he considers that 'the applicant fails to demonstrate that the scale and form of development needed is as great as that proposed and that it can be accommodated on a smaller site'. Similarly, the applicant has not demonstrated flexibility in terms of scale and format.

However, as no other sequential site greater than one hectare can be found other than the five identified sites then this is not a reason for the proposal to fail the sequential assessment. The applicant has thoroughly tested the five sites that they have identified and they all fail one or more of the three tests of the sequential approach. It is therefore concluded that the sequential assessment to site selection has been satisfied.

### **Retail Impact Assessment**

The Council's Retail Consultant has advised that the proposal along with committed development will impact negatively on consumer choice in Holmes Chapel. The village will be dominated by one company and together the two Sainsbury shops (taking into account a the Sainsbury's local convenience store in the centre) are likely to close the anchor Co-operative store and this will impact indirectly on village centre stores relying upon this anchor store for footfall. In addition, specialist village centre convenience stores will also suffer trade diversion of top-up expenditure to the proposed store. One of the seven convenience stores in the village has already closed and another will cease trading shortly with the Sainsbury Local being cited as the main reason in the latter case. If the impacts on the centre are only fractionally higher than those assessed by the applicant, then they are likely to be significant adverse and on that basis, it is expected that more stores within the village centre,

including non-food shops, would cease trading thereby diminishing overall local consumer choice in Holmes Chapel village centre.

The cumulative impact of the two Sainsbury proposals is likely to change the diversity of the centre. It will become less convenience orientated with fewer convenience businesses and premises are most likely to be reoccupied by service uses with the centre becoming more service orientated overall with fewer retail businesses. The impact assessment fails to demonstrate impact levels on Holmes Chapel village centre are within acceptable levels i.e. that they are not significant adverse. In particular, the direct impact on village centre stores are greatly understated as the proposed Sainsbury store will be compete directly with them for top-up food and non-bulky comparison items. In addition, the cumulative impact on the anchor Co-op store is likely to close it. In terms of vitality and viability, it is advised that the proposal will have a significant adverse impact on Holmes Chapel village centre.

NPPF (para 27) advises with regard to the two (para 26) impact tests *"Where an application... is likely to have significant adverse impact on one or more of the above factors, it should be refused."* The proposal and its impact upon Holmes Chapel village centre has been considered against the impact tests of NPPF and concluded it will have a significant adverse impact on trade / turnover in the centre and local consumer choice and thereby a significant adverse impact on the overall vitality and viability of the centre.

If the significant adverse impact is not accepted, the proposal can still fail the NPPF (para 14) planning balance as the adverse impacts outweigh the positive benefits. The benefits of the proposal can be summarised as sustainability, employment and regeneration. However, it is considered that the negative impacts will adversely impact on the vitality and viability of Holmes Chapel village centre, which is likely to become much less diverse, including adverse impacts on trade in the village centre and consumer choice. The positive impacts in terms of CO<sub>2</sub> emissions will also be limited as the proposal is reliant upon carborne trade. The proposal is also incompliant with the Adopted Local Plan Policy S2 as it is of an inappropriate scale, there is no proven need for this quantum of floorspace in the village, it will undermine the vitality and viability of Holmes Chapel village centre and it is not accessible by a choice of means of transport. It is therefore considered that the claimed benefits of the proposal could be achieved by a much smaller supermarket that would have less adverse impacts.

The proposed development will have a *'significant adverse impact on the vitality and viability of Holmes Chapel Centre'*. On this basis, the application is recommended for refusal. It is not considered that the investment in this out-of-centre site can be given significant weight as it is competing directly with the village centre. The claimed benefits for the proposal could be achieved by a much smaller scale supermarket. As such, it is considered that the proposal fails the Framework (para 14) 'planning balance' as the impacts *"would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

## **Other Issues**

The Health and Safety Executive (HSE) have stated that they have no objection to the application provided that there is no Hazardous Substance Consent that runs with this site. In the event that there is consent in place, then it should be revoked by the Secretary of State. A search of the planning history has confirmed that there are no Hazardous Substance Consents in place o the application site.

## **RECOMMENDATION**

**REFUSE** for the following reason:

1. The proposed development relates to an out-of-centre supermarket which fails to satisfy the retail impact tests of the NPPF (para 26) and Policy S2 (Shopping and Commercial Development Outside Town Centres). The proposed store would have a significant adverse impact upon Holmes Chapel Centre in terms of the impact upon committed private investment and the impact upon the vitality and viability. The proposal could be achieved by a much smaller supermarket of a more appropriate scale to Holmes Chapel that would have less adverse impacts on the village centre. The proposed development is therefore contrary to the guidance contained within the NPPF and Policies S2 (Shopping and Commercial Development Outside Town Centres) of the Congleton Borough Local Plan First Review (2005) which seek to promote competitive town centre environments.

Application No: 13/4002N

Location: SOUTH CHESHIRE COLLEGE, DANE BANK AVENUE, CREWE, CHESHIRE, CW2 8AB

Proposal: The erection of 50 dwellings, associated access, parking and public open space on land at South cheshire college, Crewe. (Reserved Matters)

Applicant: Scott McKimmie, Redrow Homes NW

Expiry Date: 23-Dec-2013

### **UPDATE REPORT 9<sup>th</sup> December 2013**

#### **Highways**

The Strategic Highways Manager was consulted on the proposals and commented that the layout is acceptable, with the exception of the proximity of the driveway to Plot 25 to the driveway from the college. With the layout shown drivers would have to reverse either in or out. This is not considered to be acceptable on grounds of road safety and an amendment has been requested from the developer.

This has been considered by the developer and an amended plan has been provided. They have moved plot 25 back and provided a turning area as required and increased the sizes of the turning heads to the private drives to the north and south of the site as suggested. The Strategic Highways Manager has confirmed that this has overcome his previous concerns.

#### **Design**

In terms of design at the time of main report preparation there remained some concern that the solid part of the wall alongside the college drive was only 1.2m high. This means that visitors to the college along will be able to see all the domestic paraphernalia in back gardens. The developer has submitted an amended wall detail showing a 1500mm wall with 300mm railings. Along with the screen landscaping they feel that this delivers the improvements requested to screen the rear gardens. However, at 1500mm it would remain below eye level and therefore it is considered that the solid part of the wall should be 1700mm as stated in the report with a 300mm railing. No response has been received to the concerns regarding the white rendered panels and whether this might encourage graffiti. A contrasting brick might be better. It is considered that bricks and other materials used on the college building could be used instead to tie the two features together. However, this can be secured by condition.

There was also some concern, that the two blocks of Mews properties have very car dominated frontages, with cars parked in front of living room windows and no space for landscape. Also cars would be parked in front of the windows of neighbouring

properties. One of the blocks of car dominated frontage forms the focal point at the end of the street as the visitor enters the development. The revised plans show the following amendments

- Plots 32-38 amended to move the Broadway / Evesham block away from the road vista, and the number of frontage parking reduced.
- Plots 3-6 amended to reduce the number of frontage parking.

This has now adequately addressed these issues.

### **Landscape**

The layout originally indicated a proposed adventure play area in TPO tree area. An amended plan has been submitted showing this to be relocated and the Senior Landscape officer is now satisfied with this.

### **Forestry**

In the main report it is stated that without specific information on a revised drainage route the Landscape Officer did not have confidence that the protected trees would be unharmed. The developer was been made aware of these continued concerns and the required information had been received at the time of update report preparation and was being considered by the Landscape Officer. A further verbal update on this matter will be provided to Members at their meeting. She has confirmed, however, that in any event tree protection and arboricultural method statement conditions will be required.

### **Green Spaces**

The views of the Council's open space officer, with regard to the suitability of the proposed play equipment were awaited at the time of report preparation and these have now been received. He has commented that he is not at all happy about the proposed "adventure trail". It is therefore recommended that a condition is imposed requiring details of alternative equipment to be submitted and agreed.

### **AMENDED RECOMMENDATION**

#### **APPROVE AS PER MAIN REPORT WITH THE FOLLOWING ADDITIONAL CONDITIONS**

- 1. No approval for adventure trail. Submission / approval and implementation of revised details of play equipment**
- 2. Implementation of boundary treatment. Wall to college drive- solid part of the wall should be 1700mm as with a 300mm railing**
- 3. Submission, approval and implementation of arboricultural method statement**
- 4. Submission, approval of tree protection**
- 5. Implementation of Tree protection.**

**APPLICATION NO: 13/4045C**

**LOCATION: LAND AT HAVANNAH STREET, CONGLETON**

**UPDATE PREPARED 9 December 2013**

## **CONSULTATIONS**

The Strategic Highways Manager has had further discussions with the Highways Consultant concerning the highways layout and now accepts that the parking levels, access and tracking for servicing vehicles could potentially be accommodated on this site. However, the SHM still requires further clarification on the following -

1. Revised site plan to provide a legible adoptable highway layout prior to first development and to the satisfaction of the LPA.
2. Amended Transport Statement detailing approach speed surveys demonstrating compliance with required visibility standards and tracking for refuse vehicle.

Parking comprises 1 car parking space per unit plus 3 additional visitor spaces within the site. Parking is unlikely to occur on Havannah Street given the parking control in force in the vicinity of the site. The Registered Social Landlord can control parking within the site itself.

Overall, further discussions have allayed some of the concerns of the Strategic Highways Manager who will provide a verbal update at Committee regarding the remaining matters as detailed above.

Environment Health (Noise) has considered the Noise report submitted with the application and raise no objection subject to conditions.

### **Environment Agency**

At the time of preparation of this Update, the further consultation response from the Environment Agency has not been received.

Accordingly, the EA stated position is objection on grounds of inadequate information concerning the Flood Risk Assessment submitted with the application.

It is understood that the EA are currently still looking at the revised information but in the event that they withdraw their objection, the funding deadline for the RSL to obtain funds from the Homes and Communities Agency would be missed if this application were to be determined in the New Year.

Given the NPPF advise that Local Planning Authorities should work with Developers to bring forward sustainable development without delay

## **Recommendation**

If the EA and the Strategic Highways Manager do not withdraw their objections the recommendation is one of -

### **DEFER FOR FURTHER INFORMATION REGARDING FLOOD RISK AND HIGHWAYS MATTERS**

If the EA and SHM withdraw their objections then the recommendation is changed to that of

### **APPROVE subject to a Section 106 Legal Agreement to Secure:**

Children and Young Persons (play) Provision commuted sum payment of:

Enhanced Provision: £ 3,937.51

Maintenance : £ 12,835.50

And

The formation of a Management Company for the future management of the areas of open space within the site

### **And the following conditions**

1. Time limit – 3 years
2. Plans
3. Materials – samples to be agreed
4. Access to be constructed, formed and graded to satisfaction of highways authority
5. Protection of highway from mud and detritus during construction
6. Tree protection measures
7. Arboricultural Specification/Method statement
8. Details of Hard and Soft Landscaping to be submitted prior to commencement. Landscape scheme to include replacement native hedgerow planting and trees for ecological purposes and boundary treatments
9. Implementation of landscaping scheme
10. Acoustic glazing specification recommended in the submitted noise report shall be implemented and maintained throughout the occupation of the development
11. Breeding Bird Survey for works in nesting season
12. Bats and bird boxes
13. Site drainage on separate system - details to be submitted
14. levels
15. Bin and bike store details to be submitted
16. United Utilities easement
17. The hours of construction/demolition of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil



18. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs Saturday 09:30 – 13:00 hrs Sunday and Public Holidays Nil
19. Submission of mitigation measures to minimise any impact on air quality from construction dust
20. Submission of a Contaminated Land Phase II investigation.
21. Details of ground levels to be submitted
22. Details of bin/bike store to be submitted prior to commencement and implemented prior to occupation
23. Housing to be 100% affordable
24. Renewable – fabric first approach

**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 Planning and Place Shaping Manager 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.**

Application No: 13/4382N

Location: SIR WILLIAM STANIER COMMUNITY SCHOOL, LUDFORD STREET, CREWE, CW1 2NU

Proposal: 100% Affordable Housing Development comprising 60no. one and two bed flats, 47no. two and three bed semi detached and mews houses and ancilliary works.

Applicant: Renew Land Developments Ltd

Expiry Date: 17-Jan-2014

### **UPDATE REPORT 9<sup>th</sup> December 2013**

#### **Parking**

As stated in the main report, the Strategic Highways Manager initially expressed concerns that there is inadequate parking provision within the site which could result in on-street parking to the detriment of highway safety. This has been brought to the attention of the developer who has commented that the development is 100% Affordable Rent. They have 200% parking on the 3bed houses, 200% on some 2bed houses and 100% on the rest and all apartments have 100% parking plus a few spaces for visitors.

Given their typical customer base, they would not expect all residents to have a car let alone 2 cars and therefore from a management perspective, they are more than comfortable with the overall parking provision on the site.

They go on to say that it is clear that the RSL (Wulvern Housing), who will control the scheme, do not require any additional parking spaces within the site. Indeed they question whether their tenants will have any cars on site.

The application site located within an accessible area with ready access to local facilities. Additionally, the number and style of units proposed is based upon the RSL generated identified need in this area for affordable units.

The Strategic Highways Manager therefore asked if the developer could provide information to support the lack of car ownership. Wulvern have responded to say that they have numerous examples of parking provision well below 100% that are successfully managed and do not cause us any issues.

Two such examples are;

- Cronkinson Oak – c.80 flats with c.35 parking spaces. These are never full.
- Barony Court – c.60 flats with c.30 parking spaces. Again staff say they are never full.

Their profiling data shows that over 30% of their customers have higher outgoings than income. Another 30% are left with no more than £5 per week to live on after

bills have been paid. They most certainly do not have 2 cars. They will let the majority of these properties through the Choice Based Lettings scheme and hence they will go to those in highest housing need who typically are the poorest in our society.

The Strategic Highways Manager has stated that in response to my previous comments the applicant has provided some details of the likely occupants of the rented accommodation and levels of car ownership.

It is the applicant's view that no all tenants will own vehicles and that the number of spaces provided is acceptable to meet the needs of the development. Having considered this information, he is minded to accept the level of car parking being provided subject to the dwellings not being transferred in the future into private ownership. Therefore, no objections are raised on the application.

In the light of the information provided by the applicant and the comments of the Strategic Highways Manager, it is not considered that a refusal on parking grounds could be sustained.

## **Design**

The main report expresses concern that on Ludford Street, the frontage parking results in some of the plots being uncharacteristically set back. It was also considered that semi-detached properties were out of keeping with the traditional terraced character of Ludford Street, and it was considered that the scheme could be improved by swapping these semi-detached dwellings, with some of the mews properties within the site. This has been undertaken by the developer and the parking has been relocated to the sides of the dwellings, allowing a more tightly knit urban form to be created which reflects the existing character of Ludford Street. This is considered to be a significant improvement. It also allows more of the historic railings surrounding the site to be retained. It is considered to be appropriate to add a condition requiring the retention of the railings and for them to be made good where necessary to enclose the front garden areas of the proposed dwellings.

The apartment building immediately to the west of the access road which features a "catslide" roof has been handed so that roofscape sloped steps up to the corner to create a "gate-post" feature at the entrance to the development. For drainage reasons the developers have had to introduce an easement between 2 apartment blocks. No units have moved closer to surrounding properties (so no need to re consult) and this has improved the separation between the two apartment blocks which will enhance the level of residential amenity to the side windows of those units.

With regard to materials, in place of the buff brick the developers are now proposing the "Ravenhead Red" brick. They are not prepared to agree to the blue feature brick. Whilst the latter is regrettable, it is considered to be a reasonable compromise.

It is therefore considered that the developer has adequately addressed the design issues raised in the main report and that the proposal now complies with Policy BE2 (Design) of the Local Plan

## Trees / Landscape

The site has been cleared of buildings however trees have been retained around the boundaries and there are trees off site which overhang the boundaries.

A tree survey was submitted with the application, which was under consideration by the Landscape Officer at the time of main report preparation. The report incorporates a tree survey, an existing site plan identifying tree constraints, a plan identifying tree conflicts in relation to the proposed layout (showing crown spreads only) and a schedule of draft tree protection measures. The survey covers a total of 51 individual trees and three groups of trees. In the survey, the majority of the trees are afforded moderate quality with a small number of high quality specimens.

The Landscape Officer considers a number of the trees do not merit the categories afforded.

*BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations* now places an emphasis on 'evidence based planning' and accords with standard RIBA work stages. The standard now requires higher levels of competency and a more precautionary approach to tree protection. The British Standard identifies at para 5.2 *Constraints posed by Trees* that all relevant constraints including Root Protection Areas (RPAs) should be plotted around all trees for retention and shown on the relevant drawings, including proposed site layout plans. Above ground constraints should also be taken into account as part of the layout design. The British Standard also recommends an Arboricultural Impact Assessment is provided.

The submitted plans and particulars illustrate which trees are suggested for retention but are not cross referenced with their Root Protection Areas and respective Tree protection details onto the proposed Master Plan. Further, there is no Arboricultural Impact Assessment. As a consequence it is not possible to determine with accuracy the direct or indirect impact of the proposed layout on retained trees. The Landscape Officer is therefore of the view that the submission does not provide the level of detail required to allow an informed assessment of the impact of development on existing trees.

From the Landscape Officer's own assessment it is apparent that the development would result in virtually all of the existing vegetation within the site on the boundaries of Badger Avenue and Ludford Street. In addition the access plans identify the removal of two pollarded Poplar trees on the highway verge to Badger Avenue. However, given the trees in question, do not merit the moderate and high quality categories afforded to them, it is not considered that a refusal on tree grounds could be sustained.

The proposed landscape plan provides only 2 new trees on Badger Avenue/ Ludford Street boundary. The Landscape Officer considers that this inadequate mitigation for tree losses and that further tree planting needs to be provided. She also considers that the soft landscape proposals for the remainder of the site could be improved. The landscaping plan also needs to be updated to reflect the amendments to the layout referred to above. However, this can be secured by condition.

The Landscape Officer had also previously raised concerns in respect of boundary treatment and commented that walls could be substituted for fences as follows :

- Side of plots 71 and 107
- East of garden to plot 72
- Northern boundaries of garden to 66 & 100
- Northern garden boundaries to 6,7 & 8

The developer has agreed that walls can be substituted for fences as suggested where they abut the public domain, in respect of the side of plots 71 and 107 and the east of the garden to plot 72. Those boundaries abutting parking areas (plots 6,7,8, 66 & 100) are not within the public domain and are screened by landscaping. It is proposed that they remain as timber construction. These amendments are shown on the amended plans and are considered to be an acceptable compromise.

In the event of approval conditions will also be required to secure:

- Arboricultural Method Statement to include removal of areas of hard standing around trees, the reinstatement of the ground around retained trees, tree protection measures and an auditable system of arboricultural supervision.
- A revised landscape plan to include further tree planting.

### **Viability**

The Council has appointed independent consultants to independently scrutinise the viability appraisal that has been submitted. The consultant's report has now been received. It states that they have assessed the FVA for the Ludford Centre and have the following comments.

They are happy with the inputs below;

- Construction Costs are at £72/Sq. ft. (Inc. prelims) which is just slightly lower than the BCIS mean cost (rebased for Cheshire);
- Professional fees are marginally higher than they would expect at 7.85% (rather than 7.5%) of construction;
- No finance costs – They would expect to see this but it is an affordable housing development and therefore a straightforward purchase upon PC.
- Profit at low at 4% (would expect 6% for a AH development)
- GDV – values appears to be high for Affordable Rent but within an acceptable tolerance.

However – they are concerned about the site value which appears high – and potentially higher than market housing. They have therefore asked for further information to justify this site value in accordance with the RICS definition contained with the Financial Viability in Planning Guidance Note. This has been requested from the developer and a further verbal update will be provided at the Committee meeting.

**AMENDED RECOMMENDATION**

**APPROVE as per main report with the follow:**

- **Arboricultural Method Statement to include removal of areas of hard standing around trees, the reinstatement of the ground around retained trees, tree protection measures and an auditable system of arboricultural supervision.**
- **A revised landscape plan to include further tree planting.**
- **Retention of the railings and for them to be made good where necessary to enclose the front garden areas of the proposed dwellings**

**APPLICATION NO.**

13/4073N

**LOCATION**

Westminster Park, Westminster Street, Crewe.

**UPDATE PREPARED**

9<sup>th</sup> December 2013

Two further letters of objection have been received and a petition accompanied by 93 signatures. The grounds of objection are loss of trees; loss of green space for 10 months; ugly green pole; disruption and local road closures.

Amended details have been submitted by United Utilities that shows the temporary access into the playground from Nelson Street as requested by a Local Councillor; and also proposing a “no parking” zone on Furnival Street adjacent to the park. Further information has also been submitted to respond to and to satisfy the comments of the Forestry & Landscape Officer.

**The recommendation on the application remains the same.**

## **APPLICATION No.**

**13/4194N** – Conversion of existing detached dwelling into 4 apartments, erection of 2 two-storey detached dwellings & 4 two-storey semi-detached dwellings and associated works

## **LOCATION**

'The Limes', 425, Crewe Road, Winterley, Sandbach, Cheshire, CW11 4RP

## **UPDATE PREPARED**

9<sup>th</sup> December 2013

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

**Education (Cheshire East Council)** – Advise that the local primary schools are over-subscribed and as such a contribution of £21,693 is required to offset this loss.

## **OFFICER REPORT**

### **Infrastructure**

Policy BE.5 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

The Council's Education Officer advised in response to the previous submission that:

*'...the development will generate 2 primary aged pupils. The local schools are cumulatively forecast to be oversubscribed therefore the sum of £21,693 will be required towards primary education.'*

As such, a financial contribution shall be required with this application to cater for the extra pressures on local primary schools.

### **Levy (CIL) Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

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



The development would result in increased demand for primary school places as there is limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary school education is required. This is considered to be necessary, fair and reasonable in relation to the development. The commuted sum sought is £21,693.

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

### **Other Matters**

In terms of refuse, it is recommended that should the application be approved, 2 further conditions be added to the decision notice. One would be for the prior submission of a scaled plan showing a bin storage position of the 4 flats.

The second would be the prior submission of a plan showing the position of a bin drop-off point ready for collection.

### **Conclusions**

The above updates have no bearing on the final recommendation of the application. However, it does require the addition of a S106 Agreement to secure the education contributions required. The affordable housing element shall also be secured as part of the S106. In addition, further conditions which are detailed within the recommendation.

### **RECOMMENDATION**

**APPROVE** subject to completion of Section 106 legal agreement to secure the following:-

#### **1. A commuted payment of £21,693 towards primary school education**

And the following conditions

- 1. Time (3 years)**
- 2. Plans**
- 3. Prior submission of facing and roofing details**
- 4. Prior submission of hard or soft surfacing materials**
- 5. Hours of construction**
- 6. Hours of piling**
- 7. Prior submission of a piling method statement**
- 8. Prior submission of lighting details**
- 9. 30% Affordable Housing provision (of which 65% is rented and 35% is intermediate tenure)**
- 10. Tree protection**
- 11. Tree pruning specification**
- 12. Landscaping – Details**
- 13. Landscaping – Implementation**
- 14. Boundary Treatment**
- 15. Bat mitigation - Implementation**
- 16. Prior submission of drainage**

- 17. Prior submission of bin storage details**
- 18. PD removal A-E of Locally Listed Building**
- 19. PD removal for retention of garage spaces on plots 1 & 2**
- 20. Prior submission of bin storage position for flats**
- 21. Prior submission of bin drop-off point**

**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 Planning and Place Shaping Manager 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.**

**Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.**

**APPLICATION NO:** 13/4266C

**PROPOSAL:** Construction of 3 new houses adjacent to Sandyacre (re-sub of 12/4318C)

**ADDRESS:** Land adjacent to Sandyacre, 51 Main Road, Goostrey, Crewe, CW4 8LH

**APPLICANT:** Mrs A Rose

**DATE UPDATE PREPARED:** 9<sup>th</sup> December 2013

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## **COMMENT**

The previous application (12/4318C) was refused earlier this year for the following reason:

*The proposal is located within the Open Countryside and would result in erosion of the physical gaps between built up areas, and given that there are other alternatives sites, which could be used to meet the Council's housing land supply requirements, the proposal is considered to be contrary to Policy PS.8 (Open Countryside of the Congleton Borough Local Plan First Review 2005, the National Planning Policy Framework and the emerging Development Strategy.*

**Recommendation: No change to the recommendation**

**APPLICATION NO:** 13/4323N

**PROPOSAL:** Demolition of Brooklands House and erection of 3 storey apartment block containing 16 no. apartments and accompanying car park and landscaping.

**ADDRESS:** BROOKLANDS HOUSE, FORD LANE, CREWE, CHESHIRE, CW1 3JH

**APPLICANT:** Wulvern Housing Ltd

**DATE UPDATE PREPARED:** 9<sup>th</sup> December 2013

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**Landscape:** According to the site location plan appears to depict a number of vehicle passing places located on the existing driveway which serves the proposed development. The Tree Survey Report only covers the development site and those immediate trees associated with the Public Open Space to the West, but not the arboricultural aspect of the driveway which includes a significant number of protected trees. Given the possible implications for both the passage of construction traffic/materials and the proposed passing places a detailed Impact Assessment will be required including solutions for the anticipated problems.

In principle there should be no objection to the loss of the trees identified for removal, all of which are considered to low value Category C specimens. The report identifies the retention of T16, this should be amended with its loss conceded due to its poor structural condition and diminishing vigour and vitality; the tree is in terminal decline.

The Landscape Officer has been consulted and states that the 'feasibility of implementing a suitable driveway surface and passing places is accepted in principle providing all are constructed under a 'no dig' process in accordance with BS5837:2012. I am comfortable for the matter to be addressed by condition.

No Objection subject to the following being conditioned:

- No dig construction for the driveway and passing places;
- Tree protection measures;
- Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed tree felling / pruning specification shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998(2010) Tree Works- Recommendations.

**Highways:** According to the submitted plans there are 19no. car parking spaces (including 2no. disabled bays). There is sufficient space for vehicles to maneuver so that they can access/egress the site in a forward gear. Colleagues in Highways have been consulted and they state 'this proposal demonstrates via a transport statement that: access (including refuse), parking and junction visibility meet required standards. The traffic generation will be very low and non-material in impact terms. Therefore, the Strategic Highways Manager has no comment or objection to make regarding the above development and as such the proposal is in accordance with policies TRAN.9 (Parking Standards) and BE.3 (Access and Parking).

## **RECOMMENDATION**

**AS PER PAGE 194 AND 195 OF THE MAIN REPORT WITH THE ADDITION OF THE THREE CONDITIONS LISTED ABOVE**

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