

Southern Planning Committee

Agenda

Date:	Wednesday, 13th November, 2013
Time:	1.00 pm
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

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

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

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

1. Apologies for Absence

To receive apologies for absence.

2. Declarations of Interest

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have pre-determined any item on the agenda.

3. Minutes of Previous Meeting (Pages 1 - 10)

To approve the minutes of the meeting held on 16 October 2013.

4. Public Speaking

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not Members of the Planning Committee.

Please contact Julie Zientek on 01270 686466

E-Mail: julie.zientek@cheshireeast.gov.uk with any apologies or requests for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the Planning Committee and are not the Ward Member
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **13/3102N Bombardier Transportations, West Street, Crewe CW1 3JB: Erection of 119 family houses (comprising 94 2-bed and 25 3-bed dwellings) and 24 1-bed apartments (in a single block), landscaping, car parking and associated works for Jane Aspinall, Countryside Properties (UK) Ltd (Pages 11 - 44)**

To consider the above planning application.

6. **12/3846C 2, Mount Pleasant Road & 50 The Banks, Scholar Green, Odd Rode: Demolish 2 existing bungalows and erection of 5 new build dwellings (Three detached and one pair of semi-detached) for Mr Neil Hamand (Pages 45 - 52)**

To consider the above planning application.

7. **13/2553N 285, Nantwich Road, Crewe, Cheshire, CW2 6PF: Change of use from a large six bedroomed residential home to a residential house of multiple occupancy housing 8 tenants for Miss Stephanie James, James Holdridge Properties (Pages 53 - 58)**

To consider the above planning application.

8. **13/3620N Smithy Lodge, Nantwich Road, Wrenbury CW5 8EW: Residential development consisting 14 No detached dwellings for Seddon Homes (Wrenbury) Ltd (Pages 59 - 84)**

To consider the above planning application.

9. **13/3724N Minshull Court Nursing Home, Minshull New Road, Crewe CW1 3PP: Extension to Time Limit for Approved Application P07/1221 and 10/3210N - for the demolition of Nursing Home and Construction of Fourteen Dwellings for Mr Christopher Chawner, Keenrick Ltd (Pages 85 - 90)**

To consider the above planning application.

10. **13/3871N T I Midwood & Co, Green Lane, Wardle, Cheshire CW5 6BJ: Reserved matters application, landscaping of the proposed development for T I Midwood & Co Ltd (Pages 91 - 96)**

To consider the above planning application.

11. **13/3950C Orchard Farm, Brookhouse Green, Smallwood CW11 2XE: Variation of condition 2 attached to planning application 07/0217/Full for Aviagen Turkeys Ltd** (Pages 97 - 102)

To consider the above planning application.

12. **13/3951C Orchard Farm, Brookhouse Green, Smallwood CW11 2XE: Variation of condition 2 attached to planning application 05/0611/FULL for Aviagen Turkeys Ltd** (Pages 103 - 108)

To consider the above planning application.

13. **Bath Vale Works, Congleton** (Pages 109 - 114)

To consider proposed amendments to the Southern Planning Committee's resolution in respect of planning application 11/2530C.

14. **Land adjacent Royal Oak, 94, Main Road, Worleston, Cheshire CW5 6DN** (Pages 115 - 118)

To consider proposed amendments to the Southern Planning Committee's resolution in respect of planning application 11/2241N.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 16th October, 2013 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor G Merry (Chairman)
Councillor M J Weatherill (Vice-Chairman)

Councillors Rhoda Bailey, D Bebbington, R Cartlidge, W S Davies, D Marren,
M A Martin, S McGrory, D Newton and A Thwaite

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors A Barratt, S Corcoran, B Moran and C Thorley

OFFICERS PRESENT

Nigel Curtis (Principal Development Officer - Highways)
Daniel Evans (Principal Planning Officer)
Patricia Evans (Lawyer)
David Hallam (Principal Conservation and Design Officer)
David Malcolm (Southern Area Manager – Development Management)
Julie Zientek (Democratic Services Officer)

Apologies

Councillor P Butterill

Apologies due to Council Business

Councillors J Clowes, P Groves and A Kolker

77 DECLARATIONS OF INTEREST

The following declarations were made in the interests of openness:

With regard to application number 13/3582C, Councillor R Bailey declared that she had been contacted by the applicant, the parish council and members of the public.

With regard to application number 13/3582C, all former Members of Crewe and Nantwich Borough Council declared that they knew the applicant's representative but that they had not discussed the application with him.

With regard to application numbers 12/2551C and 12/2552C, Councillor D Newton declared that he knew the applicant.

With regard to application number 13/3508N, Councillor D Newton declared that he had called in the application on the basis of concerns expressed in correspondence that he had received, and that the wording of his call in request in the officer's report did not reflect his own views. He had kept an open mind and would consider the application on its merits, having heard the debate and all the information.

Councillor G Merry declared that she had received correspondence regarding application number 12/2551C.

With regard to application number 13/2613C, Councillor G Merry declared that she was a member of Sandbach Town Council. In addition, as it may be considered that she had fettered her discretion, Councillor Merry declared that she would exercise her separate speaking rights as a Ward Councillor and would move from the Member seating area for the duration of the Committee's consideration of this item.

With regard to application number 13/3727C, Councillor G Merry declared that she was a member of Sandbach Town Council.

Councillor A Thwaite declared that he had received correspondence regarding application numbers 12/2551C, 12/2552C and 13/2613C.

Councillor S McGrory declared that he had received correspondence regarding application numbers 12/2551C, 12/2552C and 13/2613C.

With regard to application number 13/3680C, Councillor S McGrory declared that he was a member of Middlewich Town Council.

All Members of the Committee declared that they had received correspondence regarding application number 13/3582C.

78 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 18 September 2013 be approved as a correct record and signed by the Chairman.

79 12/2551C DINGLE FARM, DINGLE LANE, SANDBACH CW11 1FY: ALTERATIONS TO AN EXISTING GRADE II LISTED FARMHOUSE, DEMOLITION OF TWO OUTBUILDINGS, CONVERSION OF BARN INTO ONE DWELLING, CONSTRUCTION OF 11 DWELLINGS TOGETHER WITH ASSOCIATED GARAGING, CAR PARKING AND LANDSCAPING WORKS FOR THE BENE OF THE ESTATE OF J M GOODWIN

Note: Councillor R Cartlidge arrived during consideration of this item but did not take part in the debate or vote.

Note: Councillor R Bailey declared that she knew Town Councillor M Benson but had not discussed the application with him.

Note: Councillor B Moran (Ward Councillor), Town Councillor M Benson (on behalf of Sandbach Town Council), Ms F Byrne (on behalf of Hands Off Our Sandbach), Dr A Bastock (objector) and Mr R Gascoigne (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

The Local Planning Authority considers that the proposed development would result in an over intensive form of development that would have an adverse impact upon the setting of the Listed Building and the character of the area. As a result the proposed development is contrary to Policies GR1, GR2 and BH4 of the Congleton Borough Local Plan First Review 2005 and guidance contained within the NPPF.

80 **12/2552C DINGLE FARM, DINGLE LANE, SANDBACH CW11 1FY:
ALTERATIONS TO AN EXISTING GRADE II LISTED FARMHOUSE,
DEMOLITION OF TWO OUTBUILDINGS, CONVERSION OF BARN
INTO ONE DWELLING, CONSTRUCTION OF 11 DWELLINGS
TOGETHER WITH ASSOCIATED GARAGING, CAR PARKING AND
LANDSCAPING WORKS (LISTED BUILDING CONSENT
APPLICATION) FOR THE BENE OF THE ESTATE OF J M GOODWIN**

Note: Councillor D Marren arrived during consideration of this item but did not take part in the debate or vote.

Note: Councillor B Moran (Ward Councillor), Town Councillor M Benson (on behalf of Sandbach Town Council) and Mr R Gascoigne (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Ms F Byrne (on behalf of Hands Off Our Sandbach) and Dr A Bastock (objector) had registered their intention to address the Committee on this matter but did not speak.

The Committee considered a report regarding the above planning application. The Southern Area Manager – Development Management also reported that, in the light of the Committee's decision to refuse application number 12/2551C, the recommendation of officers was now to refuse this application for listed building consent.

RESOLVED – That the application be REFUSED for the following reason:

The Local Planning Authority considers that the proposed development by virtue of the demolition of part of the building would have an adverse

impact upon the historic character of the Listed Building. As a result the proposed development is contrary to Policies BH4 and BH5 of the Congleton Borough Local Plan First Review 2005 and guidance contained within the NPPF.

81 13/2613C WEDDING BLISS, OLD CHURCH HALL, VICARAGE LANE, ELWORTH, SANDBACH CW11 3BW: DEMOLITION OF EXISTING BUILDING AND CHANGE OF USE TO ERECT 4 NO RESIDENTIAL DWELLINGS FOR C WRIGHT, FORWARD PROPERTY GROUP

With regard to application number 13/3582C, Councillor D Marren declared that the applicant's representative had been his direct line manager at Crewe and Nantwich Borough Council and that he would withdraw from the meeting during consideration of this item.

Note: Having exercised her separate speaking rights as a Ward Councillor, Councillor G Merry moved from the Member seating area for the duration of the Committee's consideration of this item and Councillor J Weatherill, Vice-Chairman, took the Chair.

Note: Councillor D Newton left the meeting and returned during consideration of this item but after returning did not take part in the debate or vote.

Note: Councillor B Moran (Neighbouring Ward Councillor), Mr R Sproson (objector) and Ms C Gascoigne (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

The proposed development would be out of keeping with the character of the area due to the height, size and scale of the proposed houses. As a result the development would be contrary to Policy GR2 of the Congleton Borough Local Plan First Review 2005.

82 13/3727C GWENSTAN, 14 SMITHFIELD LANE, SANDBACH, CHESHIRE CW11 4JA: 3 BUNGALOWS IN GARDEN AREA FOR MR SMITHFIELD

Note: Councillor S Corcoran (Ward Councillor) and Mr D Smith (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

The form and layout of the proposed development is not sympathetic to the character of the surrounding area. The proposal is therefore contrary to Policies GR1 and GR2 of the adopted Congleton Borough Local Plan First Review 2005 and guidance contained within the NPPF.

83 13/3582C LAND ADJACENT TO UPPER THURLWOOD LOCKS, RODE HEATH, CHESHIRE: CONSTRUCTION OF FOUR DWELLINGS FOR MR K SHENTON

Note: Prior to consideration of this application, the meeting was adjourned for five minutes for a break.

Note: Having declared that he knew the applicant's representative, Councillor D Marren withdrew from the meeting during consideration of this item.

Note: Councillor A Barratt (Ward Councillor), Mr G Roberts (on behalf of Odd Rode Parish Council), Mr C Bigley (objector), Mr B Moseley (supporter) and Mr P Ancell (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and a written update. The Principal Planning Officer also clarified the definition of brownfield land in the NPPF and reported that the closest neighbours to the proposed new dwellings would be 80 metres away, not 150 metres away as stated in the officer's report.

RESOLVED – That the application be REFUSED for the following reason:

The erection of 4 detached, residential properties on this site is considered to have a greater impact upon the openness of the Green Belt than the existing derelict buildings, of which there are 2. As such, it is considered that the proposed development would be contrary Policy H6 (Residential Development in the Open Countryside and the Green Belt) and Policy PS7 (Green Belt) of the Congleton Borough Local Plan First Review 2005 and the Green Belt policies within the NPPF.

84 13/3680C LAND AT 50A, NANTWICH ROAD, MIDDLEWICH, CHESHIRE CW10 9HG: VARIATION OF CONDITION 2 ON APPROVAL 13/0100C TO ENABLE MINOR REVISIONS TO THE SITE LAYOUT TO ACHIEVE IMPROVED ACCESS AND IMPROVED MARKETABILITY OF DWELLINGS FOR P.E. JONES (CONTRACTORS) LIMITED

The Committee considered a report regarding the above planning application.

RESOLVED - That, for the reasons set out in the report, the application be APPROVED subject to the satisfactory completion of a Deed of Variation to the Section 106 Legal Agreement attached to 13/0100C to secure incorporation of the layout detailed within 13/3680C 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 and hedgerow 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, including replacement hedgerows
10. Submission of updated ecological survey (badger)
11. Breeding Bird Survey for works in nesting season
12. Bats and bird boxes
13. Translocation scheme for reptiles to proceed in full accordance with the submitted Reptile Mitigation Strategy produced by RSK dated October 2012 prior to commencement of any demolition or development on site
14. Site drainage on separate system - details to be submitted
15. 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
16. 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
17. Submission of mitigation measures to minimise any impact on air quality from construction dust
18. Submission of a Contaminated Land Phase II investigation.
19. Submission of Construction Management Plan (inc wheel wash facilities, location of contractors parking, storage of site cabins etc) for access via Nantwich Road
20. Construction specification/method statement
21. No new windows – gable elevations plot 12 and 15
22. Details of design / surfacing of proposed footpath links to site frontage
23. Open plan estate layout – removal of permitted development rights for fences in front gardens
24. Removal of permitted development rights for extensions-plots 11,12,12a,14,15,16,17,18,19,20,21,22,23

25. Details of ground levels to be submitted
26. Details of bin/bike store to be submitted and implemented for plots 12-15
27. Method statement (trees) footpath link to Nantwich rd and construction of walls/access way to rear plot 12-15 - Nantwich Rd
28. Management scheme to be submitted for the maintenance of communal garden area plots 12-15
29. The parking provision to plots 12 to 15 shall be a maximum of 150%

85 13/3058N LAND TO REAR OF 11, EASTERN ROAD, WILLASTON CW5 7HT: RESIDENTIAL DEVELOPMENT OF 40 HOUSES FOR RICHARD LEE, RICHARD LEE LTD

Note: Councillor S McGrory left the meeting prior to consideration of this application.

Note: Mr R Lee (on behalf of the applicant) had registered his intention to address the Committee on this matter but did not speak.

The Committee considered a report regarding the above planning application and a written update.

RESOLVED – That the application be REFUSED for the following reason:

The proposed residential development is unsustainable because it is located within the Green Gap, contrary to Policies NE.4, NE.2 and RES.5 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

86 13/3258N THORNTON HOUSE, EMBERTON PLACE, AUDLEM, CREWE CW3 0HL: CONSTRUCTION OF 10 BUNGALOWS WITH ASSOCIATED LANDSCAPING AND CAR PARKING FOR ADELE SUMMER, WULVERN HOUSING

Councillor R Cartlidge declared that he had been appointed as a Council representative on the Board of Wulvern Housing but that he had not participated in the discussions at Wulvern Housing with respect to this application and therefore felt comfortable declaring his appointment to Wulvern, staying in the room and participating in the decision.

Note: Mr D Smith had registered his intention to address the Committee on behalf of the applicant but was not in attendance at the meeting.

The Committee considered a report regarding the above planning application.

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

1. Standard time 3 years
2. Approved Plans
3. Securing the affordable housing
4. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays
5. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
6. No development shall take place until details of external lighting has been submitted to and agreed in writing by the Local Planning Authority.
7. Materials as stated in the application
8. Landscaping details including boundary treatment of car parking area to be submitted and approved
9. Implementation of landscaping
10. Prior to the commencement of development details of existing and proposed levels are to be provided.
11. Construction Management Plan
12. Submission of a further Phase II Contaminated Land Report
13. Submission of details of bin storage and collection
14. Compliance with the recommendations in the bat survey

87 13/3434N LAND ADJACENT TO 9, WALTHALL STREET, CREWE CW2 7JZ: PROPOSED CONSTRUCTION OF 15 APARTMENTS FOR GREENHOUSE, GREENHOUSE PROPERTY MANAGEMENT

Note: Councillor S Davies left the meeting prior to consideration of this application.

The Committee considered a report regarding the above planning application and a written update. Committee members also expressed their appreciation of the comments received from Crewe Town Council.

RESOLVED – That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

The Local Planning Authority considers that the proposed development by reason of its height and scale would result in an overbearing impact upon the character and appearance of the area and street-scene. As a result the proposed development is contrary to Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.

**88 13/3508N SIR WILLIAM STANIER COMMUNITY SCHOOL,
CORONATION STREET, CREWE, CHESHIRE CW1 4EB: RELOCATE
EXISTING 2M METAL PALISADE BOUNDARY FENCE TOGETHER
WITH INSTALLATION OF NEW PALISADE FENCE AND VEHICLE
ACCESS GATES TO MATCH EXISTING TO NEW BOUNDARY LINE TO
PLAYING FIELDS FOR MR R A JONES, CHESHIRE EAST COUNCIL**

Note: Councillor D Marren left the meeting prior to consideration of this application.

Note: Councillor C Thorley (Ward Councillor) and Miss R Frost (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That consideration of this matter be DEFERRED to allow discussion to take place between local residents and the applicant, and to enable officers to obtain further information regarding the proposed relocation of the fence.

**89 13/2809N 158, WISTASTON ROAD, WISTASTON CW5 6QT: 2
DETACHED DWELLINGS (OUTLINE) FOR MRS JANET JACKSON**

Note: Councillor J Weatherill reported that the first call in reason quoted in the officer's report had been provided by Councillor M Simon. Councillor Weatherill clarified that she had called in the application on the basis of concerns raised by Wistaston and Willaston Parish Councils, and that the wording of her call in request in the officer's report did not reflect her own views. She declared that she had kept an open mind and would consider the application on its merits, having heard the debate and all the information.

The Committee considered a report regarding the above planning application.

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

- 1) Commencement of Development (Outline)
- 2) Submission of Reserved Matters
- 3) Time Limit of Submission of Reserved Matters
- 4) Materials to be submitted and Agreed
- 5) Details of Boundary Treatment to be Submitted and agreed
- 6) Details of Surfacing Materials to be Submitted and Agreed
- 7) Remove Permitted Development Rights
- 8) Details of Drainage Scheme to be Submitted and Approved
- 9) Maximum of 2no. Dwellings
- 10) Dwellings not to exceed 7.5m in height

- 11) Prior to first development the developer will provide a detailed design plan for the proposed access which will show details of kerbing and tactile paving on the pedestrian desire line and the details of construction requirements to satisfy the standards required by Cheshire East Council Highway Authority.
- 12) Landscaping Submitted
- 13) Landscaping Implemented
- 14) Prior to the commencement of development an Arboricultural Method Statement shall be submitted and Approved in writing by the Local Planning Authority.
- 15) Tree Protection Measures
- 16) Car Parking

90 DEED OF VARIATION TO THE SECTION 106 AGREEMENT FOR PLANNING PERMISSION 10/4973C

The Committee considered a report regarding a proposed amendment to the requirements of the Section 106 Agreement relating to planning permission 10/4973C, which had been approved by the Committee at its meeting on 24 August 2011.

RESOLVED – That, for the reasons set out in the report, APPROVAL be granted for a Deed of Variation to the Section 106 Agreement linked to planning permission 10/4973C, to alter the location and amount of Public Open Space.

The meeting commenced at 1.00 pm and concluded at 5.52 pm

Councillor G Merry (Chairman)

Application No: 13/3102N

Location: BOMBARDIER TRANSPORTATIONS, WEST STREET, CREWE, CW1 3JB

Proposal: Erection of 119 family houses (comprising 94 2-bed and 25 3-bed dwellings) and 24 1-bed apartments (in a single block), landscaping, car parking and associated works.

Applicant: Jane Aspinall, Countryside Properties (UK) Ltd

Expiry Date: 21-Oct-2013

SUMMARY RECOMMENDATION

Approve subject to conditions.

MAIN ISSUES

Principle of Development
Affordable Housing
Education
Design and the Built Environment
Amenity
Contaminated Land
Noise
Air Quality
Drainage/Flood Risk
Highways
Pedestrian and Cycle Provision
Open Space
Trees and Landscaping
Ecology

REFERRAL

The application is referred to planning committee because it is over 10 units and is therefore a major development.

1. SITE DESCRIPTION

The site is part of a railway servicing and repair facility and is currently owned and operated by Bombardier Transport. The site consists of 2.65 hectares predominantly used as car parking and underused storage buildings. An existing three storey office block within this area is excluded from the application site and is to be retained as part of the proposals.

2. DETAILS OF PROPOSAL

The proposals are to develop the Bombardier site with the provision of 94 new 2 bedroom houses, 25 new 3 bedroom houses and 24 new 1 bedroom apartments. All dwellings will be shared ownership or for rent.

RELEVANT PLANNING HISTORY

P06/0754 – Outline application for Mixed Use Redevelopment including the Retention of Existing Offices, Residential Development and Employment Development for B1/B2/B8 Uses with Associated Highway Works and Landscaping. Withdrawn 4th September 2006

P07/0173 Mixed Use Redevelopment Including the Retention of Existing Offices, Residential Development and Employment Development for B1, B2, B8 Uses with Associated Highway Works and Landscaping - Withdrawn

3. PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

Built Environment Policies

- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- BE.5 (Infrastructure)
- BE.6 (Development on Potentially Contaminated Land)

Housing Policies

- RES.2 (Unallocated Housing Sites)
- RES.3 (Housing Densities)
- RES.7 (Affordable Housing within the Settlement Boundaries of Crewe, Nantwich and the Villages Listed in Policy RES.4)

Transport Policies

- TRAN.3 (Pedestrians)
- TRAN.5 (Provision for Cyclists)

4. OBSERVATIONS OF CONSULTTEES

Archaeology

- The proposed development will affect the site of a large 19th-century brick kiln which is depicted in great detail on the OS first, second, and third edition 25" maps of the area, which cover the period from c 1880 to 1910. The kiln is not depicted on the 1839 tithe map of the area and its establishment and use appears to be connected with the growth of Crewe as a railway town. As such, it represents a significant feature in the town's industrial past and is included in the Cheshire Historic Environment record (CHER 2578/2/0). Aerial photographs dating from 1946 clearly show the foundations of the kiln whilst subsequent maps and aerial photographs show that the bulk of the area has been used for car parking since that date. It seems reasonable to conclude, therefore, that much of the below-ground structure of the kiln survives.
- The proposed development will not affect all of the kiln but the western and southern parts are within the application area as is the contemporary structure immediately to the south, which is likely to be the firing chamber. The structure and those parts which lie within the application area are well seen on the sequence of historic maps which accompany the geo-environmental report, onto which the application boundary has been superimposed. These maps clearly demonstrate which parts of the kiln will be affected and it should also be noted that this report specifically advises that a 'cut and fill' approach will be necessary to remove the footings of existing structures in advance of the development. Clearly, those parts of the kiln within the application area will be destroyed by the development.
- In view of the above it is advised that prior to the development, those parts of the kiln within the application area should be subject of a programme of archaeological work in order to expose and record the structure of the kiln. The work is likely to consist of a strip, map, and record exercise and sufficient time will need to be allowed within the development timetable for the completion of this work to an appropriate standard.
- The use of such a condition is in line with the guidance set out in Paragraph 141, Section 12 (*Conserving and Enhancing the Historic Environment*) of the *National Planning Policy Framework* (2012), published by the Department for Communities and Local Government and the still current *PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide* (Department for Communities and Local Government, Department for Culture Media and Sport, English Heritage, 2010).

Network Rail

- Network Rail has the following comments to make on the above proposal.
- Did appear to have some land in isolation from the railway itself but this is part of CH312445 – Bombardier Transportation land registration.
- Although there is a gap between the boundaries of the proposal area and any Network Rail land that is operational railway, there is a traction maintenance and wagon repair depot in the vicinity of the proposed dwellings.
- Network Rail would request that in the planning consent decision that the developer and the Council takes into account the potential for noise, vibration from our site.

- The developer must provide any necessary attenuation measures to enable noise/vibration levels to be managed in and around the proposed development area.
 - Would also recommend significant bunding on the development site, provided by the developer to mitigation any noise and vibration.
- The developer should take into account the potential for noise, vibration, odour etc so that Network Rail can continue its operational undertaking. Network Rail will not accept any liability for disturbance from noise, dust, disturbance or lighting etc for the site as the developer should already be aware that they are proposing to build very close to a working site - which operates around the clock.

United Utilities

No objection to the proposal providing that the following conditions are met:-

- This site must be drained on a separate system, combining on site prior to connecting to the public combined sewer system. Surface water should be discharged at a rate not exceeding 120 l/s as shown on the submitted drainage plan (Drawing No. 3995/100).

Highways

- This site requires an upgraded signal junction to adequately serve the site and this will be the subject of a planning condition.
- The site will also need a legal agreement for formal adoption of the proposed highway infrastructure and off-site highway works and these will be the subject of informatives.
- The Strategic Highways Manager recommends the following conditions and informatives be attached to any permission which may be granted for the above development proposals:
 - Prior to first development the developer will produce and agree a construction management plan for the site to the satisfaction of the LPA.
 - Prior to first development the developer will provide a detailed suite of design and construction plans for the proposed signal junction improvements and the proposed internal highway layout to the satisfaction of the LPA. This suite of plans will inform the S278 and S38 agreements under the Highways Act 1980.
 - Prior to first occupation the developer will construct and commission the full improvement to the signal junction which will provide access for the site.
 - Prior to first development the developer will enter into and sign a Section 278 agreement under the Highways Act 1980 with regard to the provision of the off-site highway works.
 - Prior to first development the developer will enter into and sign a Section 38 agreement under the Highways Act 1980 with regard to the formal adoption of the internal highway infrastructure.

Environment Agency

- Having reviewed the FRA are now able to withdraw our previous objection to the proposed development subject to the following planning conditions being attached to any approval as set out below.

- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. Infiltration tests should be undertaken to confirm whether this would be a suitable method for the disposal of surface water from the site post development. If surface water is to discharge to mains sewer, the water company should be contacted for confirmation of the acceptable discharge rate. For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.
- During times of severe rainfall overland flow of surface water could cause a flooding problem. The site layout is to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected.
- The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate.
 - Submission of a scheme to limit the surface water runoff
 - Submission of a scheme to manage the risk of flooding from overland flow of surface water,

Education

- With regards to the planning application ref 13/3102N, Bombardier in Crewe for up to 95 dwellings. This development is expected to generate 17 primary and 12 secondary aged pupils.
- A developer contribution of £184,387 is required towards accommodating the primary pupils generated by this development.
- Whilst currently there are sufficient places available in the local secondary schools, this doesn't take into account current active planning applications.

Environmental Health

- If planning permission is granted, recommend the following conditions:
 - All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs
Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
 - Submission of a piling method statement,
 - Submission of a Construction Phase Environmental Management Plan
 - There shall be no burning of materials on site during demolition / construction
 - Demolition / construction works taking place during the development (and associated deliveries to the site) are restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
 - Submission of details of external lighting
 - Noise mitigation scheme shall be implemented, and maintained throughout the use of the development.
 - Submission of details of secure bin storage facilities,
 - Further Phase II contaminated land investigations to be carried out
 - If the Phase II investigations indicate that remediation is necessary, then a Remediation Statement to be submitted
 - If remediation is required, a Site Completion Report to be submitted

- Scheme of dust control
- Travel Plans
- Electric vehicle infrastructure

Rights of Way

- Proposed developments may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes. The aim to improve such facilities is stated within the policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026
- The access plan within the Design and Access Statement suggests that pedestrians and cyclists would enter the proposed site via the Dunwoody Way/West Street junction. A full assessment of the adequacy of the existing and planned crossing facilities at this location for both pedestrians and cyclists would be required to ensure that the site can be accessed from the cycle track on the northern side of Dunwoody Way. The developer should be required to contribute to the improvements required.
- A further pedestrian access to the site is proposed along Dunwoody Way. It would be suggested that this access be designed and constructed for both pedestrian and cyclist use, as this access would form the most direct route towards the town centre, shopping and leisure facilities. An assessment of the adequacy of the crossing facility at this location would be required to ensure that access is available to the cycle track on the northern side of Dunwoody Way, with the developer being required to contribute to any improvements required.
- Should the development be granted consent, appropriate and adequate destination signage and interpretation should be required to be provided by the developer on-site and off-site to inform local users about the availability of pedestrian and cyclist routes, and the developer should be tasked to provide new residents with information about local routes for both leisure and travel purposes.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Crewe Town Council supports the use of brown field sites for housing development in principle and welcomes this development in principle as it will provide shared ownership housing. The Council would, however, like to make the following points:

1. The historic lodge should be retained and some minor adjustment to the plan would allow this;
2. There should be a thorough archaeological survey of the area;
3. The extent of the pollution of the site should be assessed by an independent body. The Council does not approve of building on a site where the nature of the pollution could be hazardous to resident's health;
4. The Council questions the need for apartments as there is already a surplus in the area. Retention of the lodge and houses would be more appropriate use for that area of the site;
5. More 3 bedroom houses for families should be built;

6. The development lacks play space for children or any public open spaces;
7. The access to the site should be reconsidered. It is not appropriate for all traffic to exit onto the busy Dunwoody Way and West Street junction. There needs to be a second exit onto Dunwoody Way, where the footpath on the plans currently exits the site.; and
8. The design specification does not include sustainability features, like solar panels.

6. OTHER REPRESENTATIONS

Sustrans

If this land use for creating residential property on industrial land is approved by the local community and the Council's planning committee, our comments are as follows:

- 1) We would like to see this site connected to the existing pedestrian/cycle network with the following measures:
 - Toucan crossings installed on all arms at the revised West Street/Dunwoody Way junction.
 - Footway/cycle track constructed along the frontage of the site from opposite Underwood Lane to the roundabout on the SW side of Morrisons supermarket.
 - Constructing a refuge on Dunwoody Way 'suitable for pedestrians and cyclists' at the secondary road entrance.
- 2) The design of the estate should restrict vehicle speeds to less than 20mph.
- 3) The design of any smaller properties should include storage areas for residents' buggies/bicycles.
- 4) We would like to see travel planning with targets and monitoring.

Local Residents

A number of representations have been received from local residents, raising the following points:

Increase in Crime

- This is quite a large development for an already very populated area of Crewe, crime rates are already quite high in this area and adding more people will make this worse.

Highways Impact

- Concern about the traffic levels on West Street which is a major arterial route into the town.
- At "peak times" (8.30am, and 5.30pm) and the traffic build up is severe and will be made much worse with the addition of these properties.

- Traffic report estimated a building of around 8-10 cars in each direction each way on west street, but it is already more than this in peak times, plus the entrance to the office block is now going to be on the West Street/Dunwoody Way traffic lights, which will increase the traffic in peak times quite considerably.
- The entrance to this new development would be better on the round-a-bout where Morrison's and Bombardier is.
- The parcel of land next to this building in between St Barnabas Church Hall has been subject to previous planning applications which have been refused on the grounds of traffic movement and access to West Street. (I am sure this small site would not generate the same amount of traffic movement as a housing development).
- Access to this site is via West Street at a notoriously poorly designed Junction.
- When Dunwoody Way was first opened over a decade ago it caused major disruption and parking restrictions within West Street at great inconvenience to residents and businesses alike. The current traffic lights cause long tale backs during peak travelling times. Total grid lock occurs within this immediate area when St Barnabas Church hold a funeral service.
- There should not been any further development on this bottle neck of a Junction.
- As the site entrance is solely using the West Street traffic light junction this is going to create a greater volume of traffic. The offices will also be using this entrance. therefore this will also greatly add to traffic congestion.

Parking

- Why have Cheshire East Highway Engineer's insisted on 200% Car Parking for an estate of affordable housing? This does not appear to be in line with Cheshire East objectives relating to CO2 emissions, Sources of poor health, Public Transport, Cycling and Walking outlined in the Transport Plan.
- The assignation that the Apartment Block Car Parking is at that rear of the building and thus hidden is a folly. This Car Park fronts the main estate entrance road giving a discontinuous building line into the estate.

Loss of Historic Lodge

- Object to the proposed demolition of this locally historic building which was formerly used as a security lodge to the Bombardier site.
- This building is part of the railway works history.
- The building is in keeping with the locally built environment i.e. St Barnabas Vicarage and Church and the former West Street Infants School now a social housing dwelling.
- The town has lost too many of its historic buildings such as the Olde Chetwode.
- This building has a long history with this industrial site and should be retained in any future development,
- Surely developers these days have enough ability to incorporate the Victorian Lodge into the proposed layout (and if not, find some with the vision that can)
- Countryside Properties say they *"aim to produce a development that fits in and compliments the existing character of the area"* The Victorian Lodge building has been part of the character of the area for over 100 years yet their solution to *"complimenting it"* is to bulldoze it while the rest of the proposed site has no architectural merit whatsoever.

- Is this is how we want to bequeath our town to our Grandchildren - totally sterile of history but full of cloned housing estates?
- This development should not be allowed until our heritage can be safeguarded.
- Draft Crewe Town Strategy states "*Crewe will be recognised for its distinctive architectural styles reflecting the town's heritage*". To demolish this building will go against the local plan and diminish the townscape.
- If the house were converted into flats it would enhance the proposed scheme.
- This scheme as proposed is no better than thousands of identical estates throughout the country.
- There is a chance to create something special in Crewe. Residents urge the committee to seize this opportunity.
- As it was built around the same time as the properties opposite it is in keeping with the surrounding area. It would be a loss to the history of Crewe as there are very few left.
- This dwelling, although curiously not listed, is part of Crewe's heritage and as such should be restored, protected and retained, not demolished.
- This building was built as a "Gate Lodge" by the L&NWR Company in 1902, but unlike the "Engineers House" (Nunnery) 47 Delamere Street which was built in the 1850's by the Grand Junction Railway Company and tastefully restored to form apartments by an imaginative developer; this proposal seeks to demolish this historic building.
- The building is the only surviving L&NWR Works "Gate House" in existence and still retains to this day one of its bay windows with small "Gate Window" in its East End although the "gate" facility within the building was in-filled in the 1970s to create storage space. The "Gate" area is still visible on the building today.
- Thousands of former workers, still living today, would have passed through this gate and it is to their memory that the building should be restored and retained.
- Although the Design and Access Statement makes statements such as *respecting existing buildings* it seeks to demolish this historic building when there is little reason to do so.
- Examination of the demolition proposal shown on drawing SK339-DP-01 and superimposing it onto one of the PL drawings of the proposed estate shows that by turning the "Apartment Block" clockwise through 90 degrees so that the "Block" faces the quieter estate access road instead of the noisy West Street Junction with Dunwoody Way, there is no need for the building to be demolished at all. The "Apartment Block" Car Park would still be accessed as proposed with the Car Park at the rear also serving the "Gate House".
- The developer has failed to recognise the advantage that could be achieved by the restoration of the imposing "Gate House" as a key feature at the entrance to the development.
- This Planning Application should be refused on the grounds that the design fails to respect the historic value of the former "Gate House" and its contribution to the history of Crewe.

Archaeology

- Design and Access Statement contains the following statement: - "*Prior to its use by Bombardier, the historical uses of the site included rail lines running through the site and a former iron foundry*". This shows a complete lack of understanding and research of the site.

- Long before the London and North Western Railway Company extended its works into the West end of town a lane existed connecting West Street with the Coppenhall Heys Homestead. This lane known as Coppenhall Heys Lane traversed roughly from the “Gate House” in a Southerly direction along the West boundary of this proposed development. Its importance was recognised by the provision of a bridge over the Crewe and Holyhead Railway when that was built in the mid 19th Century. This lane was still in existence in 1882 and finally swallowed up in the works expansion in the 1890s, being used for works access and finally provided with a “Gate House” in 1902.
- Of far more significance was the provision of a Brick Kiln around 1871 just East of Coppenhall Heys Lane approximately 75yds from its intersection with West Street and no doubt this lane carried the Bricks outwards into the wider area. This Kiln was huge by any standard being 100ft in diameter with a central chimney of 115ft it was a landmark in Crewe for over 60 years. Its capacity in the 1880s was 5million bricks per year. The Kiln was powered by its own Steam Engine and the complex also had it own Moulding Machines, Drying Sheds and was connected by a Narrow Gauge Railway that ran round the external circumference of the Kiln and joined it to the Narrow Gauge Railway system in the works, thus enabling onward shipment by rail.
- Although the term “Brick Field” appears around 1899 in the area north of the “Iron Foundry” mentioned in the Design and Access Statement it is unclear if these were Pits or storage areas. A “Chair Foundry” was also added to the North of the Iron Foundry around the 1920s.
- It would be useful to establish if any remains of Coppenhall Heys Lane can be found to establish just what structure the Lane was formed of.
- The Lane was used as access to the newly opened Queens Park, presumably by footpath from Coppenhall Heys. Just what type of Brick was being produced at the Kiln together with any artefacts of the Steam Engine and Narrow Gauge Railway may still lie buried and retrievable.
- Of more concern is the establishment of any Pits and what they may have been in-filled with must be established together with ground stability.
- It is essential that an Archaeological Assessment is carried out prior to any on site works in order to establish a way forward.

Amenity

- Loss of privacy and light
- The apartments will be facing directly into neighbouring living areas, front room and master bedroom. As the apartments are a back to back design 12 of them with balconies will have no other outlook other than a neighbouring bedroom window.
- The three story height of the apartment building is not in keeping with the terraced houses opposite. Neighbours would feel happier if 2 storey houses were opposite their homes. Also the height of the building may affect light to the front rooms
- Three sketches on Page 6 of the design and access statement shows very clearly two blocks of four houses where the site of the apartment block currently is. Why have the plans changed
- Residents would feel much happier if there were two storey houses on this part of the site as originally seen.
- The height of the building may also affect daylight to the front habitable rooms of property opposite.

- There are some apartments at the site near Morrison's which sat uncompleted for 2 years and are still empty.
- Residents feel that what the area needs is apartments but family homes are required
- The vision to create Public Space seems to have been overlooked with very little or no communal space provided.

Loss of Employment Site

- This land is historically been employment land. The owners of this site have benefitted from the sale of land for redevelopment over the past decade.
- Question Cheshire East and the newly formed Crewe Town Councils commitment to retaining and creating employment with in the borough with yet further erosion of this employment site.
- Bombardier has no long term strategy to retain the business in Crewe.
- Strongly object to the loss of this site for the purposes of housing.

Impact on trees

- The proposed site has a number of poplar trees adjacent to the proposed access will these be retained

Infrastructure

- As there will be 143 dwellings, has any consideration been given to the additional school/nursery places, GP, dentist and other health care professionals that will be required?
- The local area does not have Schools to support this development
- The demolition of Lodge Fields primary School some years ago was very short sighted
- The provision of Water, Sewerage, Gas, Electricity, Telephone/Broadband and Drains are in general more difficult and costly to provide and service on an estate where so many "dead end streets" demanding joints are required. There is no mention of utility provision in the Design and Access Statement or indeed the effect upon the existing.
- This Planning Application should be refused on the grounds that the design and methodology for the provision of services should be established prior to approval, at least in outline, and agreement sought from the provider.

Design and Layout

- Total of over 6 dead ends leading to nowhere
- Concern that delivery / refuse vehicles etc would need to reverse out of these streets causing danger to pedestrian safety.
- Given increase in home delivery should allow vehicles to travel in a forward gear.
- The Dft Manual for Streets is critical of street designs that demand a reversing distance of over 12m (BS 5906 2005) as it disproportionally increases the number of accidents arising from such manoeuvres.
- In this case there are reversing moves in many cases well over 20m

- If dead end streets are to be a feature of estate design then the acceptable method is to provide a “Hammerhead” reversing area at the end of each street or a circle accommodating at least a 23m swept envelope
- Difficult to see what the object is of providing raised squares of between 10mx10m and 12x12m. These are another safety risk as people will try to reverse cars on what is seen as the only space possible, but with ramps are likely to lose control. Refuse vehicles are 11m long and are unlikely to attempt such a manoeuvre straddling these squares.
- The statement that the design will provide ease of movement to get to and move through has not been achieved.
- The statement that this design provides “*safe and interesting route through the development*” is untrue. There is no through route.
- The developer claims that the Street Pattern is legible. This can never be the case in this instance as there are so many “dead end” Streets.
- Disagree with the statement that the street pattern within the scheme compliments that of the wider area. The street patterns of Crewe including those of the adjacent West End are in the majority Roads, Avenues and Streets which permit through movement of traffic. Those that do not allow through traffic have turning facilities for example Smith Grove or Goulden Street.
- There is a lack of communal public space so much needed in today’s society where at least young parents can meet and chat at the very least. Even better an enclosed space for young Children would be of benefit rather than Car Parks.
- Although it is stated that the Apartment Block is provided with its communal bin and storage, there are no paths provided to them. Once the Refuse Vehicle has reversed all the way across the Car Park they are appear to be inaccessible unless the Car Park in front of the Bins is empty.

Access to Public Transport

- The distance from the proposed site to the Railway Station is approximately 2mile **not** 0.5mile as stated.
- The Bus Station is **not** 0.5mile from the proposal but approximately 0.75 mile
- Dunwoody Way is a main Bus Route and this development needs to provide for adjacent Bus Stops.

Access to facilities

- Fail to understand the significance of Grants Butty Bar as a major facility in the area whereas Morrison’s Supermarket on Dunwoody Way, a similar distance, fails to get a mention as does the Grosvenor Practise and Pharmacy.
- Queens Park is not .5 mile away but nearer 1 mile and would take or 15min walk. A similar distance in the same direction is the King George V Playing Fields and Fitness Centre.
- Why no mention of the Phoenix Leisure Centre on Dunwoody Way?

Inaccuracies in Design and Access Statement

- The introduction states that it is appropriate to assess the proposals for Market Place Burslem against 12 questions.
- The design proposals may well be acceptable for the Market Place Burslem development but certainly not Crewe
- This shows that the document has been “amended” from a previous one and may go some way to explain many of the contentious issues.

Lack of Pedestrian facilities.

- The lack of a Footway on the East side of the access road is a safety risk. Pedestrians returning from West Street facilities are on the East side of the access road. It is not acceptable to request them to cross the entrance to the estate to gain the pavement area on the West, when the majority of the estate is centred on the East.
- This is also true for the employees of BREL House who find themselves marooned on the side of the access road without the provision of a Footway on that side and lack of Footpath to enter their premises.
- A Pedestrian only route is provided from the estate onto Dunwoody Way. However Drawing SK339-PL-01 Planning Layout shows a Footway provided on this (South Side) of Dunwoody Way. This is not the case and should be made a requirement of this application. The length should be from the estate access road East side, South side of Dunwoody Way and in the West abut the Footway agreed for adjacent approved development 10/1659N.
- The proposals fail to show how access is gained from the access road to the Apartment Block Car Park. It is suggested that the “Speed Hump” shown in this vicinity be placed between West Street and this Car Park entrance in order to slow vehicles down before turning across the Pedestrian Footway.
- In addition there needs to highway reconciliation over Pedestrian crossing facilities in Dunwoody Way of this application and the approved application 10/1659N.
- Any approval of this application should include the provision of Bus Stop Infrastructure, inwards and outwards, on Dunwoody Way adjacent to the Pedestrian estate access. This is sadly lacking today for the Dale Way and Grand Central Estates opposite this proposed development. (A similar facility is also missing for the Harrison Drive Estate in Dunwoody Way)
- It is unthinkable that a Pedestrian only route is provided from the estate onto Dunwoody Way. The Path width should be increased to accommodate Cyclists so that they may be encouraged to use the Cycle Lane on the North side of Dunwoody Way.
- This Planning Application should be refused on the grounds that the design fails to adequately provide for Pedestrian Safety and Access.

Conclusions

- No objection in principle to development of houses on brown field sites.
- Applicant has adopted the wrong approach to street plan producing a development of back alleys and a street layout more akin to Victorian times.
- This development imports too many undesirable features, some safety related,
- There is a complete disregard for the historic aspects and features of this site none more so than the proposed unwarranted demolition of the “Gate House”.

- The developer has shown little imagination and gives the impression that the requirement has been for the maximum number of houses and maximum number of cars as the main priority for this site.
- Pedestrians have been ignored in the main with little thought for access and safety.
- Cheshire East need to ensure that Pedestrian needs are met in particular on Dunwoody Way ensuring that the Highway facilities match those agreed for approved Planning Application 10/1659N.

7. APPLICANT'S SUPPORTING INFORMATION:

- Materials Schedule
- Design and Access Statement
- Site Waste Plan
- Sustainability Statement
- Geo-Environmental Assessment
- Noise Assessment
- Transport Assessment

8. OFFICER APPRAISAL

Principle of Development

The site lies within the settlement boundary for Crewe, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The site is a vacant brownfield site which would be brought back into beneficial use. The proposal would also provide 119 units towards the Council's housing land supply, which will ease pressure on green field sites elsewhere within the Borough.

The NPPF states that, the purpose of planning is to help achieve sustainable development. *"Sustainable means ensuring that better lives for ourselves do not mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world."* There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles including, an economic role – contributing to building a strong, responsive and competitive economy, as well as an environmental role – contributing to protecting and enhancing our natural, built and historic environment and a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The document states that for decision taking this means, inter alia, approving development proposals that accord with the development plan without delay.

According to paragraph 17, within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. According to the 12 principles planning should, inter alia, proactively drive and support sustainable economic development. The NPPF makes it clear that *"the Government is committed to securing economic growth in order to create jobs and*

prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future."

According to paragraphs 19 to 21, "the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations."

Another important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Greg Clark). Inter alia, it states that, *"the Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.*

Furthermore, it states that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate economic development. Local Authorities should therefore, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; take into account the need to maintain a flexible and responsive supply of land for key sectors; consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits and ensure that they do not impose unnecessary burdens on development.

The proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Therefore, provided that the proposal does not compromise key sustainable development principles, or conflict with any other adopted Local Plan policies it is in accordance with government policy and therefore should be supported in principle.

Loss of Employment Site

The site was formerly part of the Bombardier Railway Engineering Works and as such Policy E.7 (Existing Employment Sites) of the Local Plan is relevant. This policy seeks to resist the loss of employment sites close to local centres of population as this can result in higher local unemployment and increased commuting, both of which are contrary to the principles of sustainable development.

The policy does allow for the loss of employment land to other uses in certain circumstances. The first of these is where the existing use harms the character or amenities of the surrounding area. There is no evidence to suggest that the current site operations

conflict with residential amenity of the character of the area. Secondly the loss of the site for employment purposes is permitted where it is demonstrated that the site is no longer capable of satisfactory employment use and where the re-development would bring overriding local benefits. Equally there is no evidence to suggest that this site is incapable of further employment re-use and in terms of benefits these can not be described to be overriding. Finally the policy allows other uses where it can be demonstrated that there would be no detrimental impact on the supply of employment land or premises in the Borough.

Evidence submitted with a previous application to redevelop this site for residential purposes in 2007, indicated that the majority of the 7,438 m² of lost employment land is either underused, empty or used for car parking. It was therefore argued that the proposals represent a rationalisation of the existing operations as all existing operations carried out within the site would be relocated to the company's main site with no job losses.

It could be argued however that whilst the proposed site may not be operating efficiently for the applicant that there may be potential for other employment uses such as B2 and B8. It was stated in 2007 that the limitations of the site in terms of both access and proximity to residential properties make such uses incompatible although there was no evidence put forward to support this assertion. However given that the proposal involves a rationalisation of existing operations, with no job losses it was concluded that it did not result in a direct loss of employment land and or premises in the Borough.

However, the previous application also included a separate area for employment development comprising B1, B2 and B8 uses. This site lies to the south west and sits between the Crewe-Chester railway line and Dunwoody Way. The site currently comprises underused railway sidings and a 2.5 metre high palisade fence aligns the entire frontage with Dunwoody Way. Policy E.4 (Development on Existing Employment Areas) permits the re-use, re-development or intensification of the use of land within existing employment areas in order to provide valuable employment opportunities for the local workforce. The proposed redevelopment of this site was welcomed as it would allow underused land to be released to the market potentially increasing job opportunities and allowing for further economic development of the site and would help to off-set the loss of the area proposed for residential development.

This area is not included within the current application site. However, proposals for the redevelopment of this area for employment purposes continue to be pursued through separate applications. It should also be noted that, even when the two parcels of land were encompassed within a single application, it was not considered to be possible to legally require the development of the residential site to be carried out concurrently with the employment area (or even to ensure that employment site is delivered). Therefore, there is no less likelihood of the additional employment space being generated under the current proposal than there was with the previous application.

To conclude whilst loss of potential employment land within the Borough is generally resisted in principle this must also be balanced against the physical constraints of the site and also against the benefits of releasing land to the market for future employment redevelopment. It has previously been accepted and demonstrated that the site is underused at present and that the existing operations would be unaffected by the residential

redevelopment of the application site. Furthermore the application does not affect the potential to free up other underused land to the south east and enable the employment potential of the other area of land, outside this application site to be realised. Given that Crewe and Nantwich Borough Council resolved to approve the previous application in 2007 (albeit that this application was withdrawn prior to the Section 106 Agreement being signed and permission being issued), it is considered that the principle of the loss of this employment site has been established. It is therefore accepted that the proposal would not result in a detrimental impact on the supply of employment land or premises in the Borough and is therefore compliant with Policy E.7.

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size.

It goes on to state the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The Affordable Housing IPS states that the tenure mix the Council would expect is 65% rented affordable units (these can be provided as either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rent) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the Strategic Housing Market Assessment 2010.

The Strategic Housing Market Assessment 2010 shows that for the sub-area of Crewe there is a need for 256 new affordable homes per year, made up of a need for 123 x 1 beds, 20 x 2 beds, 47 x 3 beds, 40 x 4/5 beds and 26 x 1/2 bed older persons units.

There are currently 3074 applicants on our housing register applying for social rented housing who have selected one of the sub-areas of Crewe as their first choice. These applicants require 979 x 1 beds, 1163 x 2 beds, 668 x 3 beds, 93 x 4 beds and 9 x 5 beds (159 applicants have not specified how many bedrooms they need).

Therefore as there is affordable housing need in Crewe there is a requirement for affordable housing to be provided at this site,

This application is for 100 affordable rented dwellings and 43 market dwellings. (This equates to 70% affordable rent, 30% market dwellings).

30% of the total dwellings on site should be provided as affordable, this would equate to 43 dwellings and the tenure split required would be 28 affordable or social rented dwellings and 15 intermediate dwellings.

However the proposals are for:

- Affordable Rented Dwellings : 24 x 1 bed apartments, 61 x 2 bed houses, 15 x 3 bed houses
- Open Market Dwellings: 33 x 2 bed houses, 10 x 3 bed houses.

It appears from the application form that this application is a joint one from Countryside Properties (UK) Ltd, Russell Homes UK Ltd and Your Housing Group. During conversations with Your Housing Group officers have advised that they would be supportive of a proposal at this site with 65% of the dwellings provided as affordable tenures and 35% as open market dwellings, whether as market rent or open market sale.

As this application is for 70% affordable tenures and 30% market dwellings it is a slightly different split than housing officers indicated they would support but as there are a high level of applicants for Crewe on the Council's housing register they have no objection to this slight change in tenure split

It should be noted that technically if 43 of the dwellings are open market dwellings then 13 of the affordable dwellings being proposed would be as a requirement of the Councils Planning Obligations. However the other 87 would not be.

The Interim Planning Statement: Affordable Housing states that the affordable dwellings should be pepper-potted and fully integrated with the market dwellings on the site, if 100 of the 143 dwellings are to be provided as affordable this will be challenging for the applicant, however the layout plan does show the affordable rent properties broken up by shared ownership and this would be acceptable to us.

The Interim Planning Statement: Affordable Housing also requires that affordable dwellings are built in accordance with the Design and Quality Standards adopted by the Homes and Communities Agency and meet Code for Sustainable Homes Level 3, it is understood that Your Housing will be utilising grant funding from the Homes & Communities Agency for the affordable rented dwellings and it will be a condition of the funding that these criteria are met. The Design and Access Statement also advises that the internal layouts have been designed to conform with the principles of Lifetime Homes, which the Council are keen to see.

The IPS: Affordable Housing also requires that affordable dwellings are provided no later than occupation of 50% of the open market dwellings, unless the scheme is phased and there is a high-degree of pepper-potting, in which case 80% of the open market dwellings may be occupied.

Finally the IPS: Affordable Housing states that

In all cases where an RSL is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL and that it should only be used for the purposes of providing housing accommodation to meet the objectives of an RSL as set out in the Housing Act 1996

Therefore it is Officer's preference that a s106 agreement is entered into requiring the developer to transfer all the affordable rented dwellings to a Registered Provider of Affordable Housing before they can be occupied.

The s106 agreement should also secure occupation criteria for all the affordable rented dwellings being provided on the site, with the occupation criteria in line with the local connection requirements of the Homechoice Common Allocations policy.

Education

The education officer has commented that a development of the scheme is for 119 family houses (comprising 94 2-bed and 25 3-bed dwellings) and 24 1-bed apartments. Given that the local primary schools are forecast to be cumulatively oversubscribed then a contribution of £227,772 will be required. This can be secured through the Section 106 Agreement.

Design and the Built Environment

The dwellings on plots 31 to 45 and the proposed apartment building provide an active frontage to Dunwoody Way, with pedestrian access out on the pavement. However, car parking will be to the rear of these properties which will avoid creating a car dominant frontage on this important route.

The site will be accessed from a new spur from the existing traffic light junction at the end of Dunwoody Way. A new access to the retained office building will be provided from the main spine road, which then goes on to weave its way through the site, with a number of small cul-de-sac's radiating off it. The scheme is a relatively high density but it is considered that this reflects the character of the traditional Victorian terraced streets in the vicinity. Similarly, the angular, grid form of the road layout, which is based on Manual For Streets principals and includes a number of feature squares and shared pedestrian and vehicle routes, is also typical of this historic form of development. Moving though the development the linear site has been subdivided into a series of streets and squares, in accordance with current urban design and Manual for Streets thinking. The squares are overlooked by the properties, which ensures natural surveillance and creates a sense of place.

As originally submitted, there was concern that where blocks of 4 mews properties were proposed, for example plots 67 to 70, car dominated frontages would have been created due to the lack of opportunities for parking to the side or rear of dwellings. This has been brought to the attention of the developer and amended plans to address this issue have been submitted. It is noted that all properties, including mid-terrace dwellings have access to the rear for wheelie-bin storage. A condition requiring full details of bin storage, including for the apartment building can be imposed.

The corner properties such as plots 101 and 102 are dual aspect to break up the mass of the gables and "turn the corners" within the proposed development.

To turn to the elevational detail of the scheme, the site is immediately adjoined by employment, retail and assembly and leisure uses. The nearest neighbouring residential development comprises predominantly traditional, two storey terraced properties, of brick

and tile construction, although modern apartment buildings are in evidence further along Dunwoody Way.

The majority of the proposed dwellings are 2 stories in height which reflects the traditional terraced properties which characterise this part of Crewe. It is therefore considered to be acceptable in street scene terms. The apartment building height is three stories, but its location at junction of four roads, and the entrance to the site, creates a focal point in this prominent location which is considered to be a positive feature.

The submitted elevations show that the proposed dwellings are also a traditional pitched roof design finished in predominantly red brick, with tiled roofs and incorporate features such as door pediments, brick window heads and cills, which are reminiscent of the traditional terraces and former railway buildings which are characteristic of the local area and the original site. Some of the proposed housetypes include the use of render. This is not a prevalent material in this part of Crewe and it is considered that this should be substituted for an appropriate red brick. This could be secured by condition. It is also considered that a traditional blue engineering brick should be used to provide elements of detail rather than buff as suggested on the submitted materials schedule, as this is not a characteristic feature of the area.

Furthermore, red tiles are proposed on some properties. It is considered that either artificial slates or blue / grey tiles should be employed to respect the Victorian character of the area. The tiles should be a duo-plain tile or artificial slate. However, these details can be secured by condition.

Overall it is considered that the indicative plans show that a good design which respects the character and appearance of the area in which it is located can be achieved and as such it complies with policy BE2 of the Local Plan and the provisions of the NPPF in respect of design.

Loss of Historic Lodge

There is considerable local concern from residents and the town Council regarding the loss of the former gate lodge to the railway works, which currently stands on the West Street frontage, adjacent to the proposed site access.

The Council's conservation officer was approached informally about this building after the first application was submitted in for the Bombardier site many years ago but it was decided that it was not a candidate which would meet English Heritage's criteria for listing and the previous resolution by CNBC effectively establishes the acceptability in principle of its loss.

It is not a typical railway heritage building. However, Conservation Officers can understand the local community desire to see it retained, given its prominence but that needs to be weighed against the pragmatic stance in the National Planning Policy Framework. Unless there is some association with someone of note or a specific historic event of national importance it is unlikely to meet the listing criteria.

Similarly when the Council approached English Heritage about listing the former erecting shop more recently they did not include it for the same reasons.

The building has never been put forward as a candidate for local listing and for the reasons give above, Conservation Officers do not believe that it is significant enough to merit inclusion.

In the recent case of the Earl of Crewe, which was a locally listed building, it is noted that Members saw the merit in adopting a pragmatic stance, when balancing the loss of the heritage asset against the benefits arising from new development. The Earl of Crewe, in the opinion of Conservation Officers, was a more noteworthy building than the lodge in question.

Archaeology

Local residents have made reference to the potential impact of the development on any archaeological deposits within the site. In particular, relating to the site's industrial history, which has includes the railway works and a former brick kiln on site. The Shared Services archaeologist has examined the application and raised no objection subject to a suitable condition requiring the developer to undertake an agreed a programme of archaeological mitigation in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Amenity

It is generally regarded that a distance of 13m is sufficient to maintain an adequate level of light to principal windows and a distance of 21m is usually considered to be sufficient to prevent overlooking between principal windows. Distances in excess of 21m will be maintained between all of the proposed dwellings, including the apartment building, and the nearest neighbouring existing residential properties, which are those located on West Street. Therefore, whilst the concerns of residents are noted, it is not considered that a refusal on amenity grounds could be sustained.

Turning to amenity standards within the development, the required minimum distances can be achieved in the majority of cases. However, the scheme falls substantially short of the recommended distances and 50sq.m of private amenity space per dwelling, as set out in the Supplementary Planning Guidance, in a number of cases. Between some plots, as little as 15m will be achieved between principal windows and garden areas fall to 36sqm in some cases.

However, the Local Planning Authority must be mindful of the need to make effective and efficient use of brownfield land in the consideration of planning applications, in order to ease pressure on Greenfield sites elsewhere in the Borough and if the minimum standards were to be achieved, it would not be possible to accommodate within the site the density of development which is currently proposed. Furthermore, modern urban design principles encourage the tightly defined streets and spaces, with parking to the rear to avoid car dominated frontages. The reduction of separation distances between front elevations helps to achieve these requirements. It also reflects the narrow nature of the surrounding Victorian terraced streets, with properties which are constructed up to the back edge of the highway and include small rear yard areas. These are a distinctive part of the local character in this area of Crewe.

On balance, therefore, it is considered that the submitted layout demonstrates that the proposal can provide for an adequate standard of amenity whilst achieving wider urban design objectives and it is considered to comply with the requirement of policy BE1 (amenity) of the local plan.

Contaminated Land

The Environmental Health Officer has considered the application and commented that the application area has a history of industrial use and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The applicant has submitted a geo-environmental assessment for the site. This assessment requires further clarification and further work is also required on the site. As such, and in accordance with the NPPF, Environmental Health recommends that conditions requiring the submission and approval of a further Phase II investigation and the submission, approval and implementation of any necessary remediation measures are imposed

Detailed comments on the submitted geo-environmental assessment report have been sent separately to the developer for incorporation into further works or clarification

Noise

The applicant has submitted a noise assessment report with the application. The report recommends mitigation designed to ensure that occupants of the properties not adversely affected by noise from road traffic and commercial operations at Bombardier. Environmental Health Officers have stated that the mitigation recommended in the report dated 4th September 2013 (90316r2) should be implemented prior to the first occupation. As the report mentions, with a partially open window, the internal noise level will exceed the internal target criteria. As such, trickle ventilators with either mechanical extract ventilation or passive extract ventilation will need to be incorporated, so that fresh air can enter the rooms without having to open windows. This is not the ideal, but Environmental Health accept that the applicant has submitted a scheme that meets the internal requirements. The mitigation measures should be installed in accordance with Section 5.0 Mitigation and Figure 3 of Appendix III of the above report, namely:

- Standard Thermal Double Glazing
- Upgraded glazing for properties in batches A and D of a glazing specification which performs to 30 dB Rw + Ctr, plus Acoustic Trickle Ventilation combined with Mechanical Extract Ventilation, Mechanical Ventilation Heat Recovery or Passive Extract Ventilation
- Wherever possible habitable rooms should be located away from the noise source with less noise-sensitive rooms facing the noise source
- Acoustic fencing for properties in batches A – F shall be 1.8m high, have a minimum mass of 28kg/m² and be free from holes
- Upgraded glazing for properties in batch I of a glazing specification which performs to 32 dB Rw + Ctr, plus Acoustic Trickle Ventilation combined with Mechanical Extract Ventilation, Mechanical Ventilation Heat Recovery or Passive Extract Ventilation

- Acoustic fencing the length of the southern boundary with Bombardier shall be 2.1m high, have a minimum mass of 28kg/m² and be free from holes
- Acoustic Trickle Ventilation combined with Mechanical Extract Ventilation, Mechanical Ventilation Heat Recovery or Passive Extract Ventilation for properties on the southern boundary.

All of these requirements can be secured by condition.

In addition, Environmental Health Officers have requested conditions relating to hours of construction and foundation piling, as well as the submission of a piling method statement and environmental management plan. Subject to the imposition of these conditions, it is considered that the proposal would comply with Policy BE1 (Amenity) in respect of noise impact.

Air Quality

An air quality assessment has been submitted with this planning application. The assessment considers the construction and operational air quality impacts of the proposal.

The assessment predicts that there would be a 'high risk' of dust impacts. Therefore it is considered essential that the proposed dust mitigation measures would form part of any planning permission. This could be conditioned as part of the Construction Phase Environmental Management Plan.

The assessment of operational impacts considers the predicted additional road traffic. The assessment calculates impacts in the AQMA on Earle Street but not those in the nearby Wistaston Road or Nantwich Road due to not having traffic data for these areas. The assessment does however assume that there will be an additional traffic impact in both of these areas but does not consider them significant. The verified modelled nitrogen dioxide levels in Earle Street predict that there would be a small increase in levels at receptors where there is currently an exceedance of the national standard for annual mean nitrogen dioxide. Therefore it is predicted that there would be small adverse impacts in 3 AQMAs. Environmental Health Officers consider that any adverse increase in an AQMA is significant as it is directly converse to local air quality objectives and that suitable mitigation measures should be put forward as part of the proposal before the application is approved.

The assessment predicts that there will be a small area of the application site that would be exposed to annual mean nitrogen dioxide levels above the national standard. It predicts that this area would not include any proposed residential properties and would not introduce any relevant exposure to these levels. However, given the uncertainties in air quality modelling, there is a risk despite model verification and some worst case assumptions that the exceedance area could be larger than predicted. Subsequently, Environmental Health Officers would require a sensitivity analysis of the 2012 meteorological data used and an investigation into whether local verified traffic data is available to ensure that the worst case scenario has been fully assessed.

On the basis of the application as submitted, Environmental Health Officers recommended that this planning proposal be refused on the grounds that there is insufficient mitigation for

the estimated impacts in existing AQMAs and that further information is required to fully assess the exposure levels in the proposed site.

This has been brought to the attention of the developer and further information has been supplied relating to the air quality impacts and Environmental Health have now revised their previous recommendation of refusal on air quality grounds.

The sensitivity analysis shows a significant difference in the results using the various meteorological data years. The worst case year gives a concentration at the residential façade marginally below that level where would need to consider a detailed assessment for annual mean nitrogen dioxide levels. It has been taken into consideration that the model verification was based on a conservative approach by assessing against the Earle Street monitoring sites and therefore we can consider the approach as robust. However, the high levels at this receptor, and the wider scale impacts, highlight the need for the mitigation measures. Therefore, Environmental Health now have no objection subject to conditions requiring travel plans, electric vehicle infrastructure and dust control measures to be provided.

Drainage/Flood Risk

The applicant has provided a Flood Risk Assessment with the application. In summary, it states that *the nearest watercourse to the proposed development site is Valley Brook which is located approximately 250m from the southern boundary. This is a designated Primary River and flows in a westwards direction before discharging into two surface water lakes in Queens Park. A smaller watercourse flows approximately 500m north of the site in a westwards direction and discharges into the River Weaver approximately 1km downstream of the Valley Brook confluence.*

The potential sources of flooding and risk analysis are as follows:

- *Risk of river flooding following a 1 in 75 year event – **Negligible***
- *Risk of coastal flooding following a 1 in 75 year event – **Negligible***
- *Risk of surface water flooding following a 1 in 75 year event – **Medium***
- *The potential risk of groundwater flooding – **Low***
- *The potential risk of sewer flooding – **Negligible***
- *The potential risk of flooding from these additional sources – **Negligible***

An assessment of the capacity of the sewer and/or retention capacity of the site drainage will be necessary once plans have been finalised. This should be conducted along with formal consultation with United Utilities plc. The proposed development will decrease runoff rates due to a decrease in impermeable area compared to the site currently and should therefore significantly improve flood risk posed downstream of the site therefore further mitigation measures will not be required. The Original URS Flood Risk Assessment Recommended that the following mitigation measures be adopted:

- *UU has preliminarily indicated they will accept surface water runoff from Areas 1 and 2 to the surface water sewer on Dunwoody Way at a maximum rate of 120 l/s from both the proposed residential development and the wider Bombardier site be adopted;*
- *Considering the indicative impermeable areas proposed for the site, URS calculated the storage volumes required. In Area 1, up to 515m³ of storage volume will be*

required that can be provided within permeable paving in footpath and roads or by underground cellular storage in the proposed open amenity space(s); Kerb heights of at least 100mm will be adopted within both Areas 1 and 2, which are relatively flat in nature, to create preferential flowpaths on the roads serving the site. These roads will be positively drained via interceptors to the sewer with the sewers designed to accept a 100 year return period storm including an allowance for climate change. Thus, the risk of overland flow impacting the site will be minimized; and,

- *The ground levels along the southern boundary of Area 1 should remain at or below grade to ensure that water is not displaced under an extreme event, where pooling may be caused by overland flow originating off-site.*

This has been forwarded to the Environment Agency and United Utilities for consideration. They have confirmed that they have no objection subject to the imposition of appropriate conditions.

Highways

This proposal is for 143 residential units served from a proposed fourth arm off the existing traffic signals on West Road. Previous proposals for this site have seen as many as 155 residential units as well as B1 office use. Those proposals would have generated significantly more traffic than the current proposals which offers the same solution as the previous application. It should be noted that the previous applications used baseline traffic data provided from this Authority's Crewe traffic model and as such were seen as robust. As a result of the reduction in numbers from 155 to 143 it is felt that the proposed development and its proposed traffic solutions when viewed against that of previous applications are robust and are accepted by the Strategic Highways Manager.

As a consequence it is just necessary to consider the internal layout for the site which has been the subject of some negotiation and which at the time of writing has just been the subject of an amended plan which has rationalised the parking layout to improve the quality of the layout and improved the consistency of the design features throughout the site.

The site is subject to a previous agreement with Cheshire East Council regarding the contributions from the site. This agreement related to the highway provision which will be required of the site and states that the only requirement will be for the necessary signal junction improvements via a Section 278 agreement under the Highways Act 1980 to provide the access junction for the site from West Street/Dunwoody way, Crewe.

The site will need temporary access for construction traffic and this will require appropriate traffic management. The site will be subject to a construction management plan within which the developer will identify and agree with the Local Planning Authority appropriate measures to adequately and safely manage the traffic which will serve the site.

This site requires an upgraded signal junction to adequately serve the site and this will be the subject of a planning condition. The site will also need a legal agreement for formal adoption of the proposed highway infrastructure and off-site highway works and these will be the subject of informatives.

On the basis of the above, the Strategic Highways Manager has raised no objection to the proposals on the grounds of highway safety or traffic generation, subject to appropriate conditions and legal agreements.

Pedestrian and Cycle Provision

The Council's Rights of Way Officer has stated that an assessment on the crossing facilities at the traffic light junction at the site access should be carried out. The Strategic Highways Manager has examined the application and has raised no objection on these grounds.

A Concern has been expressed by local residents about lack of permeability. However, there are two pedestrian access points at the main traffic light junction and between plots 34 and 35 directly on to Dunwoody Way. The Rights of Way Officer and local residents have suggested that this should make provision for foot and cycle access. This could be made a condition of any planning permission. They have also asked that signage be erected to direct pedestrians and cyclists, and that information be provide new residents with information about local routes for both leisure and travel purposes. These could also be secured by condition. The latter would form part of the standard provisions of a residential travel plan.

Open Space

According to Policy RT3, new housing development with more than 20 dwellings will be expected provide 15 sqm of shared open space is provided per dwelling, along with 20 sqm of shared children's play space per dwelling.

The proposal involves the construction of 143 dwellings, which would equate to an open space requirement of 2145sqm of shared open space and 2860sqm making a total of 5005sqm. No public open space is shown on the proposed site layout and it would not be possible to provide this level of POS whilst accommodating the number of dwellings proposed.

However, the Council's Greenspaces Officer has been consulted and has commented that in this case he would be willing to accept a financial contribution for off-site provision; specifically, a sum of £80,000 for improvements to Queens Park. On this basis, it is considered that the scheme would comply with the requirements of Policy RT3.

Trees and Landscaping

This site is currently occupied by large areas of car parking and a small number of buildings. There is very little existing vegetation on site although there is a hedge planted along the boundary with Dunwoody Way and a small number of trees on site. There are off site trees on land to the north west.

Although the application form indicates the proposal includes landscaping, and an indicative landscape plan is contained within the design and access statement, the submission does not provide a detailed landscape scheme. Within layout of this density, opportunities for soft landscape treatment are limited and the success of any landscape scheme will be dependent on a high standard of ground preparation, implementation works and ongoing

maintenance. It will also be necessary to secure a high standard of hard landscape works and street furniture. Further details could be secured by condition.

With regard to boundary treatments, the design would be improved by the substitution of walls for timber fences as follows: 9 side, 18 side, 26 side, 30 side, 31- 45 rear, 34/ 35 side, 51- 53 rear, 60 side, 71-77 side, 85/86 side, 94 side, 102 side, between apartment car part and 119. This could also be secured by condition.

The submission is now supported by an Arboricultural Impact Assessment incorporating a tree survey and tree constraints plans. The survey covers 17 individual trees, 4 groups of trees and 1 hedge, all recorded within influencing distance of the development.

The assessment indicates that 10 individual trees and some or all of a further 2 tree groups (totalling approximately 14 stems) would be removed to facilitate the development proposals. The majority of these are low value due to small size or poor condition. Of the total, 5 Category B trees must be removed. These are mainly internal to the site but one Sycamore is visible from West Street. A Category U tree is identified for removal due to hazardous condition. In addition 185 linear metres of Laurel hedgerow adjoining Dunwoody Way would be removed to facilitate the development proposals. Significant trees on or beyond the north western boundary could be retained but would require protective measures works in order to avoid damage, particularly to roots.

The tree removal and protection plan D4189.002 does not appear to show exactly the same layout as the submitted site layout SK339-PL-01G although the issues associated with trees do not appear to be affected.

Tree losses within the site would be regrettable but the specimens are not exceptional. The landscape officer concurs with the view that the existing hedge does not have any significant visual amenity or conservation value beyond its immediate function as a screen.

However she is concerned that the rear elevation and garden of plot 115 would be completely dominated by a Grade A. Ash tree (T9 in the survey). This would result in a very poor social relationship and considers this does not accord with the BS 5837:2012 guidance. This matter had been brought to the developer at the time of report preparation and a further update will be provided to Members in due course.

In the event of approval conditions would be appropriate to secure:

- A revised tree protection plan to mirror the approved site layout.
- Submission of / approval and adherence to an Arboricultural Method Statement to detail suitable working methods, phasing, demolition and removal of hard surfacing, ground protection and subsequent treatment within the identified protected areas and an auditable system of arboricultural monitoring.

Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) 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, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case the Council's Ecologist has been consulted on the application and commented that the Proposed development is located to the south of the Crewe Swift Colony Site of Biological Importance (SBI). This site was designated as an SBI as it supported one of the largest swift colonies in Europe.

He has advised that the proposed development is unlikely to have an impact upon the adjacent SBI, although breeding birds including swifts may occur on the application site. If planning consent is granted, the standard conditions will be required to safeguard breeding birds.

Viability and Section 106 Matters

The developer has submitted a viability appraisal, undertaken by consultants Grasscroft, of the scheme, which indicates that it is not possible develop a 100% affordable housing scheme and to provide the highway, greenspace and education contributions outlined above, which amount to £280,000. On the basis of the above the developer has offered a Section 106 package totalling £180,000.

Under the provisions of the NPPF economic viability is an important material consideration. Paragraph 173 states:

Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.

It also stresses the importance of housing delivery and viability as a material planning consideration. Paragraph 173 states:

To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable

One of the 12 Core Planning Principles at paragraph 17 states that planning should:

proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

The Council has appointed independent consultants DTZ to independently scrutinise the viability appraisal that has been submitted.

They have concluded that whilst they do not agree with some of the methodology adopted within the applicant's appraisal, they regard the provision of 100% affordable housing plus £180,000 Section 106 contributions as being at the limit of viability and no further elements of planning gain can be justified

It is therefore considered that the applicant has demonstrated that the viability issues would delay delivery of the scheme and that this would have a negative impact on housing land supply within Cheshire East and the delivery of the scheme and the Section 106 package should be reduced accordingly.

9. CONCLUSIONS

The site lies within the settlement boundary for Crewe, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The site is a vacant brownfield site which would be brought back into beneficial use. The proposal would also provide c.84 units towards the Council's housing land supply, which will ease pressure on green field sites elsewhere within the Borough.

The scheme which is 100% affordable, and although clarification is required around the type and tenure, it help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

It has previously been accepted and demonstrated that the site is underused at present and that the existing operations would be unaffected by the residential redevelopment of the application site. Furthermore the application does not affect the potential to free up other underused land to the south east and enable the employment potential of the other area of land, outside this application site to be realised. Given that Crewe and Nantwich Borough Council resolved to approve the previous application in 2007 (albeit that this application was withdrawn prior to the Section 106 Agreement being signed and permission being issued), it is considered that the principle of the loss of this employment site has been established. It is therefore accepted that the proposal would not result in a detrimental impact on the supply of employment land or premises in the Borough and is therefore compliant with Policy E.7.

The loss of the historic lodge, whilst regrettable, does not represent sustainable grounds for refusal, as it is not considered to be a worthy candidate for national or local listing. Any adverse impact on archaeological remains within the site can be mitigated through the use of a condition requiring a programme of archaeological investigation to be carried out.

There would be no adverse impact on residential amenity or ecology and it is considered that, subject to the use of appropriate materials the proposal represents a good design which respects the character and appearance of the area in which it is located can be achieved and as such it complies with policy BE2 of the Local Plan and the provisions of the NPPF in respect of design. Concerns regarding internal highway layout and the location of parking have been addressed through the submission of amended plans and conditions can be imposed to ensure adequate pedestrian and cycle connectivity through the site. Environmental Health matters of air quality, noise and contaminated land can be addressed through appropriate conditions.

A Flood Risk Assessment has been submitted with the application which indicates that the proposal will not be at risk from or exacerbate on-site or off-site flooding problems and the Environment Agency and United Utilities have raised no objections.

The submitted viability appraisal has been independently scrutinised and is agreed that £180,000 Section 106 contributions is at the limit of viability and no further elements of planning gain can be justified. It is therefore considered that the developer has adequately demonstrated that this 100% affordable scheme could not provide a policy compliant Section 106 package. However, following the successful negotiation of a suitable Section

106 package, the proposed development would provide a minimum of £180,000 towards the future provision of primary education, greenspace and highway improvements.

Concern has been raised by the landscape officer in respect of the relationship of one of the plots to retained trees. This has been brought to the attention of the developer and a response was awaited at the time of report preparation. A further update will be provided on this issue to Members in due course.

Therefore the recommendation is amended to one of Approve subject to the resolution of the outstanding tree issue, completion of a section 106 agreement and suitable conditions.

10. RECOMMENDATION

APPROVE subject to amended plan to address the relationship between Plot 115 and retained tree, no objection from the landscape officer and completion of a Section 106 agreement to secure:

- **Affordable Rented Dwellings : 24 x 1 bed apartments, 61 x 2 bed houses, 15 x 3 bed houses**
- **Affordable units to be tenure blind and pepper potted within the development.**
- **No more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided,**
- **Housing to be transferred to and managed by a Registered Provider as set out in the defined in the Housing & Regeneration Act 2008**
- **Education Contribution £100,000**
- **Greenspace Contributions £80,000 towards Queens Park Restoration**

And the following conditions:

- 1. Standard time limit**
- 2. Approved plans**
- 3. Materials**
- 4. Construction of Access**
- 5. Provision of parking**
- 6. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs
Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil**
- 7. Submission of a piling method statement,**
- 8. Submission of a Construction Phase Environmental Management Plan, to include, inter alia, dust mitigation measures**
- 9. There shall be no burning of materials on site during demolition / construction**
- 10. Demolition / construction works taking place during the development (and associated deliveries to the site) are restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil**
- 11. Submission of details of external lighting**
- 12. Noise mitigation scheme shall be implemented, and maintained throughout the use of the development.**
- 13. Submission of details of secure bin storage facilities,**
- 14. Further Phase II contaminated land investigations to be carried out**

15. If the Phase II investigations indicate that remediation is necessary, then a Remediation Statement to be submitted
16. If remediation is required, a Site Completion Report to be submitted
17. Pedestrian Access to Dunwoody Way to also make provision for cycles
18. Provisions of cycle and pedestrian signage
19. Submission of hard and soft landscape scheme including street furniture
20. Implementation of landscape scheme
21. Submission, approval and implementation of residential travel plan
22. Submission, approval and implementation boundary treatment
23. Submission, approval and implementation of features for breeding birds
24. No works to take place within bird nesting season unless a survey has been carried out.
25. Submission of details of Sustainable Urban Drainage System (SuDS)
26. Submission of a scheme to limit the surface water runoff
27. Submission of a scheme to manage the risk of flooding from overland flow of surface water,
28. Discharge of surface water to mimic existing
29. Submission, approval of infiltration tests
30. Attenuation for discharges for up to the 1% annual probability event, including allowances for climate change.
31. Submission, approval and implementation of cycle parking within scheme
32. Submission, approval and implementation of programme of archaeological mitigation
33. Prior to first development the developer will produce and agree a construction management plan for the site to the satisfaction of the LPA.
34. Prior to first development the developer will provide a detailed suite of design and construction plans for the proposed signal junction improvements and the proposed internal highway layout to the satisfaction of the LPA.
35. Prior to first occupation the developer will construct and commission the full improvement to the signal junction which will provide access for the site.
36. Submission, approval and implementation of Electric Vehicle Infrastructure

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Application No: 12/3846C

Location: 2, MOUNT PLEASANT ROAD & 50 THE BANKS, SCHOLAR GREEN,
ODD RODE

Proposal: Demolish 2 existing bungalows and erection of 5 new build dwellings
(Three detached and one pair of semi-detached)

Applicant: MR NEIL HAMAND

Expiry Date: 06-Dec-2012

SUMMARY RECOMMENDATION

Approve

MAIN ISSUES

- Principle of Development
- Impact on Character of the area
- Impact on Amenity of adjacent properties
- Impact on Highway Safety

1. REASON FOR REFERRAL

The application was called-into committee by Cllr R Bailey due to concerns regarding the proposed access points into and out of the site.

1. DESCRIPTION OF SITE AND CONTEXT

The application site is comprised of two semi-detached bungalows. The existing properties are set within an extensive residential curtilage. The existing semi detached bungalows were erected in 1927. The buildings are in a poor state of repair and comprise of internal/external asbestos, poorly insulated and being single glazed. Located to the south of the application site is a small copse of trees which is laid out as an orchard and the remaining boundaries are heavily vegetated apart from the front elevation fronting Mount Pleasant Road comprises Cheshire railings. The site is flanked on most sides by residential properties.

2. DETAILS OF PROPOSAL

Full planning permission is sought for 5 dwellings. Two pairs of semi-detached and one detached dwelling.

3. RELEVANT HISTORY

11/2595C Removal of 2 No bungalows both owned by the applicant. Replacement 2 No new build detached houses with improvement to existing vehicular accesses and provision of onsite turning area. Approved 8 September 2011.

4. POLICIES

National Planning Policy

National Planning Policy Framework (2012)

Congleton Borough Local Plan (2005)

PS5	Villages in the Open Countryside and Inset in the Greenbelt
GR1	General Criteria
GR2	Design
GR4	Landscaping
GR6	Amenity and Health
GR9	Accessibility, Servicing, and Parking Provision
H1	Provision of New Housing Development
H2	Housing Supply
H5	Residential Development in Villages

Other Material Considerations

Supplementary Planning Guidance Note 2: Provision of Private Open Space in New Residential Developments

5. CONSULTATIONS (External to Planning)

Environmental Health – No objection subject to conditions relating to hours of construction condition, piling, dust and contaminated land

United Utilities – No Objection

Strategic Highways Manager – No objections subject to a footway being provided to the site.

6. VIEWS OF THE PARISH COUNCIL

Odd Rode Parish Council: Object to the application on the following grounds;

- Development does not accord with the Odd Rode Parish Plan
- Does not comply with paragraph 89 of the NPPF as the height and layout of the proposed dwellings is greater than the existing bungalows
- 5 dwellings will result in the overdevelopment of the site
- Removal of Cheshire railings will have a detrimental impact on the character of the area
- Highway safety issues
- The previous outline approval for two dwellings was more in keeping with the character of the area

The Parish Council recommend that 3 dwellings on site would be more in keeping with the character of the area.

7. OTHER REPRESENTATIONS

21 letters of objection received from nearby residents regarding the first set of revised plan, the salient points being that:

- The density of the housing is too high
- Highway safety issues
- Does not comply with planning policy
- Removal of Cheshire railings
- Outline approval granted for two dwellings which is more in keeping with the area
- Impact upon pedestrian safety
- Concerns relating to the demolition of the fibreglass buildings
- Is there a market for the sale of the properties?
- Removal of mature trees
- Lack of street lighting
- Out-of-character with the area
- Impact upon wildlife
- Loss of amenity to the neighbouring dwellings and their rear amenity space

A petition was also submitted objecting to the proposal

In relation to the most recent set of revised plans, 5 letters of objection have been received. A summary of the objections has been provided below, however the full documents can be viewed on file.

- Does not comply with paragraph 89 of the NPPF
- Infringement on Human Rights Act; enjoyment of possessions including a garden area
- Development has a dominating impact
- Previous approval requested that the Cheshire Railings remain
- Does not meet with the guidelines of low density housing
- Over development of the site
- Impact upon amenity in terms of loss of privacy & overbearing impact
- Surface water issues
- Loss of wildlife land
- Highway safety issues resulting from the access points

- Issues surrounding parking of vehicles on the bend causing highway safety issues
- Concerns raised regarding the demolition of the existing buildings on site & whether there is any asbestos within them

8. APPLICANT'S SUPPORTING INFORMATION

- Design and Access Statement

9. OFFICER APPRAISAL

Principle of Development

The site is designated as being within the infill boundary line of Green Belt land where limited development is acceptable provided that it is appropriate to local character in terms of use, intensity, scale and appearance and complies with relevant policies in the adopted Local Plan. It is considered that due to the location of the site within a residential area, with adequate access to public transport and local services, that the broad principle of residential development within this location is acceptable. The principle of residential development must be balanced against other considerations including impact of the development on the character of the area, highway implications, impact upon amenities of residents and any other material planning considerations.

Design, Layout and Character of the Area

The surrounding area is comprised of numerous dwellings of varying style, scale and design being constructed over the last century. The application site is a triangular parcel of land, located to the south lie No.17 and 19 Meadowside Lane and to the north west a large detached dwelling. The remainder of the site is flanked by Mount Pleasant Road and The Bank. Revised plans have been submitted during the course of the application reducing the scheme from 5 detached properties to 3 blocks, comprised of two semi-detached dwellings and one detached house. Five properties are still proposed for the site.

The detached dwelling (Unit 1) would be hipped roofed, gable fronted property that would be fabricated in brickwork, modern roof tiles and UPVC doors and windows. It would have a footprint of 90sqm and measure 7m in height.

The proposed semi-detached properties (Units 2-5) would have gable frontages, would be fabricated in modern brickwork and tiles, have a footprint of 120sqm and a height of 7m.

The design of the properties is considered to be acceptable when assessing the mixed character of the area. To ensure that appropriate conditions are used a condition could be attached to any decision notice that is issued.

The layout of the proposed dwellings has been altered during the course of the application. The proposed dwellings would essentially follow the line of the road. When considering the layout of the proposal it is considered that the layout would generally match the layout of the area, and would not result in an adverse impact upon the character of the area. The site itself is elevated, and clear views would be given from public vantage points, however the visual impact of the proposal within the existing street scene.

Impact on the Amenity of adjacent properties and future occupants

Unit 1, the detached dwelling is set closest to No.48 The Bank would retain approximately 14m between the rear elevation and boundary. The neighbouring property No.48 The Bank, is set at a lower level than the proposed dwelling, however a sufficient spacing distance would be retained in order to prevent any loss of amenity to this property.

Unit 5, the end semi-detached dwelling would be set facing towards the rear amenity space of No.19 Meadowside Lane. The Council's SPD requires 10.7m between properties. The proposed distance is short of the required standard, with only 9.5m retained between first floor windows and the boundary of the site. Existing planting with mature trees to the boundary should help prevent some of the impact upon this dwellings privacy. Whilst it is recognised that the proposal would impact upon No.19's amenity, it is not considered adverse enough to warrant refusal of the application. It is considered that Class A and B Permitted Development rights should be removed from the dwellings in order to prevent any loss of privacy in the future due to layout of the properties and the size of the proposed plots.

The Council's SPD2 requires a spacing distance of 21.3m between the front elevations of dwellings. Unit 5 would be positioned 25m away from the dwelling opposite, whilst Unit 4 would be positioned 23m away from No.3 opposite. This is considered to be acceptable, and would not result in an adverse impact upon the amenities of the dwellings opposite. Unit 1 and Unit 2 face onto open space, and as such comply.

According to SPD2 dwellings of this size should have amenity space of 65m². Each of the dwellings proposed has in excess of this amount of amenity space.

It is of merit to note that no objection has been raised by Environmental Health however they have suggested a number of conditions which could be attached to any permission.

Impact on Highway Safety

Numerous objections have been received with regards to the impact upon highway safety. Comments are currently awaited from the Strategic Highways Manager regarding the most recent set of revised plans.

The Strategic Highways Manager has viewed the proposal previously and raised no objections. Each dwelling has sufficient drive space in order to enable the parking of two vehicles on site, and sufficient turning space in order to allow vehicles to enter and leave the site in a forward gear.

Highways have also requested that a 2m footpath is provided to the south of the site which has been submitted on the proposed layout. Highways have requested that the detail on the proposed plan is implemented prior to the occupation of the dwellings on site.

Ecology

Protected species surveys have not been submitted as part of the application, however the Council's Ecologist was consulted under application 11/2595C and did not envisage issues

relating to protected species. It is of merit to note that the consent above was outline, which appears to have lapsed.

11. CONCLUSIONS

The proposed development would be of acceptable design, layout and would have an acceptable impact upon the mixed character of the area. On balance the proposed dwellings would achieve sufficient spacing distances between the units and existing properties in the area.

12. RECOMMENDATIONS

Approve subject to the following conditions

- 1) Time Limit
- 2) Approved Plans
- 3) Facing and Roofing materials to be submitted
- 4) Landscaping scheme to be submitted including boundary treatment
- 5) Removal of Class A & Class B Permitted Development Rights
- 6) Prior to occupation of the development the footway and visibility splay will be constructed as identified on drawing number 5403.01 Rev G

Informative relating to a Section 278 agreement being entered into under the Highways Act

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Application No: 13/2553N

Location: 285, NANTWICH ROAD, CREWE, CHESHIRE, CW2 6PF

Proposal: Change of use from a large six bedroomed residential home to a residential house of multiple occupancy housing 8 tenants.

Applicant: Miss Stephanie James, James Holdridge Properties

Expiry Date: 12-Sep-2013

SUMMARY RECOMMENDATION – Approve with conditions**MAIN ISSUES**

- Principle of use
- Impact

REASON FOR REFERRAL

The application was called in by Councillor Sherratt, as the Chairman of the Crewe Town Council has commented, on the following grounds:

“The objection is that there is no fire escape or fire doors. No provision for waste disposal and it claims there are 8 parking spaces but none are marked. This is an area where the alley ways are gated”.

Subsequently, the application was put before the 17th September 2013 meeting of Southern Area Planning Committee. It was deferred at that meeting for further information on parking layout, bin storage and internal layout. Further details and plans have now been submitted by the applicant.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a large vacant residential house. The house is of a traditional Victorian style and is located on the northern side of Nantwich Road, Crewe.

DETAILS OF PROPOSAL

The proposal seeks full planning permission for change of use from a house to a residential house with 8 bedsit flats (C4). There would be 2 bedsits, a kitchen and a communal dining room on the ground floor; and 4 bedrooms on the first floor and 2 bedrooms on the second floor. Three bathroom/WCs are proposed and space to accommodate eight parked vehicles.

RELEVANT HISTORY

P08/0928 – Single storey extension to enlarge kitchen/dining – Approved 22nd September 2008.

POLICIES

National policy

National Planning Policy Framework (NPPF)

Local Plan Policy

BE.1 – Amenity

BE.3 - Access and Parking

RES.9 – Houses in Multiple Occupation

CONSULTATIONS (External to Planning)

Private Sector Housing

Facilities should accord with the Housing Act 2004 and the HMO regulations 2006 as a mandatory license will be required.

Strategic Highways Manager

The plan does not show adequate space for vehicle turning and general manoeuvres within the site. The individual car spaces are not shown. They should have dimensions of 2.5m x 4.8m and concerned these spaces not being able to be successfully tracked. The site is simply too tight to work in practice. The Strategic Highways Manager cannot support the proposal on this basis as displaced parking onto the public highway would have potential detriment to public highway safety and would recommend refusal of this application if this level of detail is maintained.

Environmental Health

Recommend conditions relating to hours of construction, noise, lighting, bin storage and advisory notes in respect of building regulations and contamination.

VIEWS OF THE TOWN COUNCIL

The Town Council have expressed concerns about lack of safety provision, no specific refuse provision and the only access to car parking via the gated alleyway.

OTHER REPRESENTATIONS

None received at the time of report writing.

OFFICER APPRAISAL

Principal of Development

The application site is located within the Crewe settlement boundary where there is a general presumption in favour of development. Nantwich Road is a predominantly shopping/commercial area to the east but is typified by large 3 storey terraced residences to the south at this point.

Policy RES.9 allows for the conversion of buildings to houses of multiple occupation provided that the building is large enough to provide satisfactory living conditions, without the need for extensions that would conflict with Policies BE.1 and BE.2, the external appearance would be acceptable, there is no adverse impact on residential amenity and parking can be safely accommodated.

It is considered that the proposal would comply with the requirements of Policy RES.9 and the NPPF and therefore the proposal is considered to be acceptable in principle.

Design

There are no alterations proposed to the external elevations as the building is being purely refurbished and converted internally. The room sizes meet minimum accepted standards.

Amenity

Having regard to future residents of the properties, they would need to have acceptable living conditions and the majority of the issues that have been raised in consultation are covered by other legislation. Bin storage has also been raised as an issue. The applicants have not submitted details of bin storage, but have provided a statement that a further wheelie bin for household waste and another for recycling would be provided and there is an accessible yard to the rear of the property, in which this could be accommodated.

Parking and Highway Safety

The Strategic Highways Manager has commented with objections to the layout of the submitted car parking layout. It is clear that the layout is utilising all available space and may not meet standards required from an engineering perspective. Nevertheless, this drawing and site inspection does confirm that there is ample space to accommodate a number of vehicles in an informal manner with a usable private vehicular access to the rear. The front access has benefit of a dropped kerb and it is also possible to access the site from Nantwich Road. It is extremely unlikely that all residents would be car owners and this is considered to be a sustainable location, with easy access to shops, services, buses and trains. Also, given that the applicants are able to provide 6 bedsits on site without planning permission it is not considered a refusal is justified on grounds of highway safety. As such the proposal is considered to be in compliance with Policy BE.3 (Highways).

Other matters

The issue of fire exits, bathing and toilet facilities and kitchen facilities have also been raised by the Town Council in relation to this application. It should be noted that these issues are dealt with under Building Regulations and Housing legislation and not Planning and the applicants have confirmed that they intend seek and comply with the appropriate licenses. It is therefore not proposed to condition issues relating to construction, building regulations, lighting or contamination. It has been confirmed that three bathroom/WC facilities are proposed where only two are required by HMO standards.

CONCLUSIONS AND REASONS FOR THE DECISION

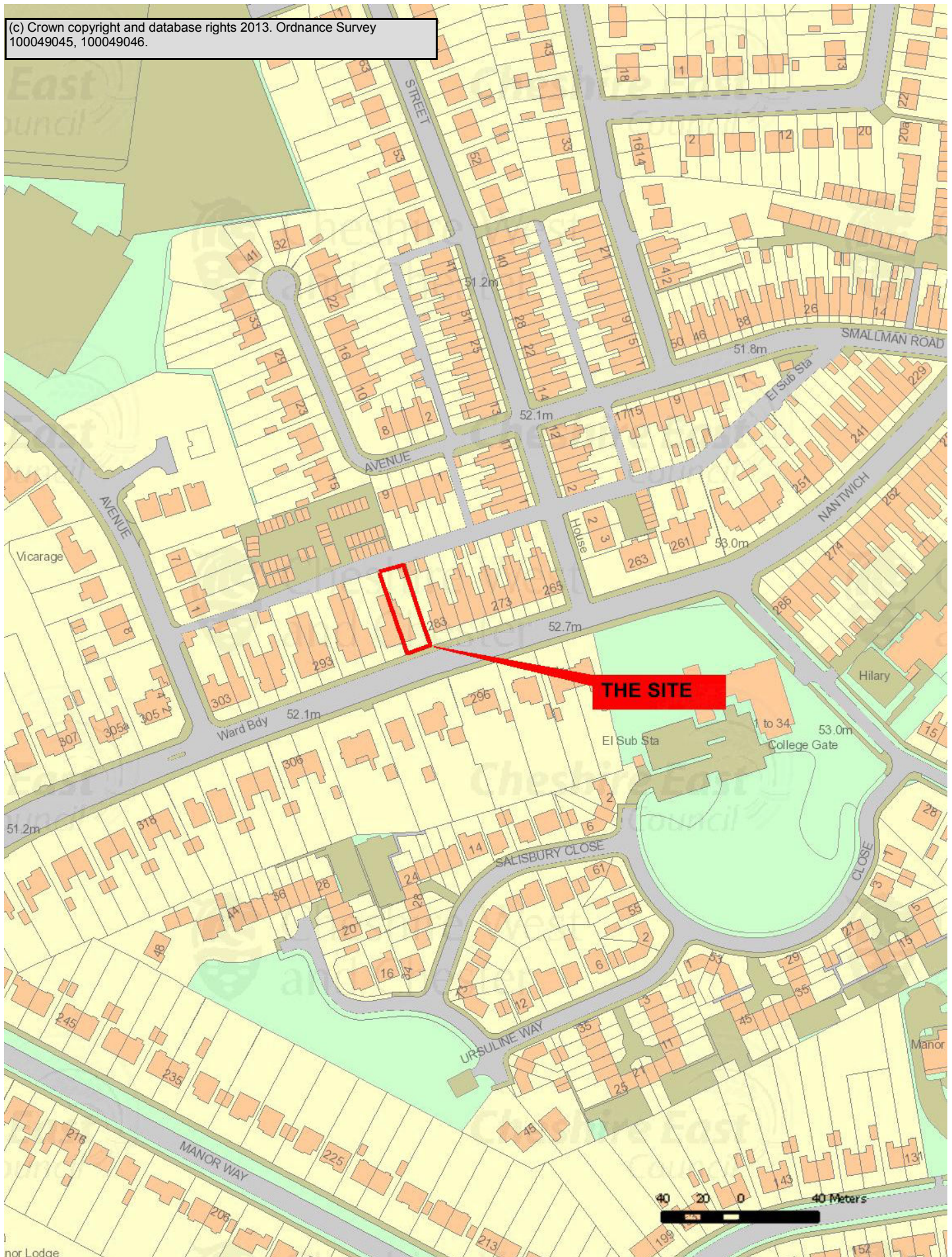
The proposed change of use is located within the Crewe settlement boundary and would involve no external alteration of the building. It would not have an adverse impact upon neighbouring amenity or raise significant enough highway/parking issues and also brings back into use a vacant property. The proposal therefore complies with Policies BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The development also complies with the NPPF.

RECOMMENDATION

Approve subject to the following conditions:

1. Time limit
2. Approved plans
3. Submission of details of bin storage
4. Scheme of parking

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Application No: 13/3620N
Location: Smithy Lodge, NANTWICH ROAD, WRENBURY, CW5 8EW
Proposal: Residential development consisting 14 No detached dwellings
Applicant: Seddon Homes (Wrenbury) Ltd
Expiry Date: 22-Nov-2013

SUMMARY RECOMMENDATION**Refuse****MAIN ISSUES****Principle of Development**

Impact upon the character and appearance of the Wrenbury Conservation Area and setting of the Grade II listed Hawk House

Design and the Built Environment**Affordable Housing****Highways****Trees and Landscape Impact****Amenity****Ecology****Drainage****REFERRAL**

The application is referred to planning committee because it is over 10 units and is therefore a major development.

1. SITE DESCRIPTION

This 0.81 hectare site comprises part of the garden curtilage of Smithy Lodge and also part of the garden of Beech House, which is the adjacent dwelling. The front of the site and the land to the rear of Beech House lie within the Wrenbury conservation area which was designated on 27th September 1973.

The existing two fields to the rear of Smithy Lodge (garden and paddock) and the long field to the rear of Beech House which are within the application site lie within designated Open Countryside and are therefore outside the village settlement boundary as shown on the Crewe & Nantwich Adopted Replacement Local Plan.

There is a public footpath (FP1) which runs along the western edge of the site and to the south west of that footpath there is a Grade II listed building (Hawk House) at the Nantwich Road entrance to the footpath. This footpath is also known as Hawk Lane.

The site is generally flat. There is agricultural land to the north, residential development beyond Nantwich Road to the south, residential development to the west and residential development to a section of the eastern boundary.

1. DETAILS OF PROPOSAL

This proposal comprises fourteen 5-bed two storey detached dwellings on land to the rear of Smithy Lodge and Beech House. Three dwellings would have detached double garages whilst the remaining dwellings have integral garages. Three house styles are proposed within the layout, all of brick, render and tile construction

The site is accessed from Nantwich Road via the existing access to Smithy Lodge located between Smithy Lodge and April Cottage. Smithy Lodge will have a reduced curtilage and a new driveway formed and would share the Nantwich Road access with the proposed new dwellings.

2. RELEVANT PLANNING HISTORY

None of relevance

3. PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

Built Environment Policies

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
BE.7 (Conservation Areas)
BE9 (BE9 Listed Buildings : Alterations and Extensions)

Housing Policies

RES.4 (Housing in villages with settlement boundaries)
RES 5 (Housing in the open Countryside)

RES.7 (Affordable Housing within the Settlement Boundaries of Crewe, Nantwich and the Villages Listed in Policy RES.4)

RES.8 (Affordable Housing In Rural Areas Outside Settlement Boundaries (Rural Exceptions Policy)

Transport Policies

TRAN.3 (Pedestrians)

TRAN.5 (Provision for Cyclists)

Supplementary Planning Documents

Local Development Framework - Development on Backland and Gardens Supplementary Planning Document (2008)

Other Material Policy Considerations

Interim Planning Policy: Release of Housing Land (Feb 2011)

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

North West Sustainability Checklist

Draft Development Strategy

4. OBSERVATIONS OF CONSULTEES

Network Rail

No objection in principle to the proposal. Wrenbury Railway Station level crossing is some way away from the current development site of 14 dwellings will not have a meaningful impact on Wrenbury MCB – OD.

United Utilities

No comments received at time of report preparation

Environmental Health

No objection subject to conditions requiring:

- Submission of Environmental Management Plan
- Submission of a scheme to minimise dust emissions arising from demolition / construction
- Submission of Phase II Contamination Report

Rights of Way

The proposed development is adjacent to public footpath Wrenbury cum Frith No. 1 as recorded on the Definitive Map held at this office. It appears unlikely that the proposal would affect the public right of way.

Highways

Recommends refusal on the following grounds:

Unacceptable layout, unacceptable site access visibility and layout and lack of information concerning need for demolition of structures/need for 3rd party land to form access visibility splay.

4. VIEWS OF THE PARISH / TOWN COUNCIL

Wrenbury Cum Frith Parish Council objects on the grounds that the

‘Development is outside the settlement boundary, part of the development is within the conservation area, the over-density of the development, the lack of visibility splay owing to the traffic speed and the exacerbation of drainage problems in the area.

Policy NE.2 states limits the reasons for development and this proposal does not constitute any of the permitted reasons and is thus contrary to policy.

Much of the site lies within Wrenbury Conservation Area which is a “designated heritage asset”. The remainder of the site provides the setting to the Conservation Area. Given the sensitivity of the site’s location, the development has a detrimental effect on the conservation area, particularly with the bland design of the houses of a simple rectangular block with constant and unvarying rooflines, wholly unsympathetic to the conservation area. This is further exacerbated by the high density of the proposal with so many very large properties on such a relatively small site.

There is currently no footpath to the south of Nantwich Road and the proposal will significantly increase the likelihood of an accident along this unpaved area. Policy BE.3 permits new developments as long as they provide safe pedestrian and vehicle access and adequate parking and Policy TRAN3 advises that proposals for new developments will only be permitted where appropriate provision is made for pedestrians. In addition, the developer’s transport report identified a higher mean average than 30mph thus requiring a much larger visibility splay than proposed.

There are significant drainage problems in the area with the Nantwich Road regularly flooded as drains overflow. This development will add to this problem and thus lead to increased instances.

The Borough Council’s SHLAA document identifies that this land can only become developable following a policy change, which has not occurred, and require the demolition of Smithy Lodge. It is noted, therefore, that this development does not meet either of these criteria.

In addition, the reasons stated in the previous refusal adjacent to this land for a house (P04/0057) supported by appeal dismissal APP/K061/A/04/1152130 are still relevant. The development would be in conflict with Policies BE.2 (Design), BE.6 (Development in a Conservation Area) and Policy BE.3 (Access and Parking).'

6. OTHER REPRESENTATIONS

22 separate electronic submissions/letters of **objection** have been received raising the following matters;

- Impact upon the character and appearance of the Wrenbury Conservation Area
- Impact upon the setting of the listed building (Grade II) Hawk House
- No need for more dwellings
- Adverse impact on pedestrian safety due to the creation of the access point and lack of alternative pavement on the opposite side of the road.
- Misleading information in the application concerning the availability of pavements
- Unimaginative and design out of character with area
- Loss of open countryside
- Overdevelopment of the site
- Additional traffic
- Erroneous details on the application
- Impact on amenity of neighbours
- Impact upon drainage infrastructure

Five representations of **support** have been received on the followings grounds:

- New residents add to the social and economic well being and vitality of the village.
Without new residents, the aging population would not be replenished
- The local school would potentially benefit from increased pupil numbers
- Welcome this proposal as providing business to the local shops and pubs.
- No more detrimental than other developments in recent years
- The Occupier of Smithy Lodge considers the garden their garden is too large and difficult to maintain

The full text of all the representations can be viewed on the Council's website.

7. APPLICANT'S SUPPORTING INFORMATION:

- Planning Statement
- Ecological Statement
- Arboricultural Statement
- Transport Statement

8. OFFICER APPRAISAL

Main Issues

The main issues in the consideration of this application are the suitability of the site for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, design matters, impact upon the character and appearance of the Wrenbury Conservation Area and the impact upon the setting of the Grade II Listed building adjacent part of the site (Hawk House), hedge and tree matters, ecology, amenity, open space, drainage and flooding,.

Principle of Development.

Housing Land Supply -The 2013 SHLAA

On 1 March 2013 the Council published a revised SHLAA with base date of 31 March 2012. This demonstrated a 5 year deliverable supply of housing based on identified land with potential for 9771 homes set against a housing requirement of 6835.5 homes.

The housing requirement figure was derived from the emerging Cheshire East Local Plan. Given that the SHLAA included emerging sites from this document it was considered consistent to use the housing figures associated with it. The basic requirement was 6,050 homes 2013 – 2018, with an allowance of 460 for backlog since 2010 and a 5 % buffer making up the remainder of the housing target.

The identified supply of 9,771 homes was derived from a combination of sites with planning permission, sites under construction, sites awaiting planning obligations, strategic sites in the merging Local Plan and large & small sites without planning permission.

Since March, the publication of fresh ONS household projections and a series of appeal decisions placed the reliance on emerging housing figures in doubt, even though they are higher than previous development plan targets. Accordingly, in recent months the Council has relied on a housing requirement of 6,776 homes, based on the basic housing provision figure of 5,750 homes over five years set out in the North West Regional Spatial Strategy. It is this figure that has been used in a series of appeals through the summer of 2013.

Both the SHLAA and the updated figure relied on the residual or “Liverpool” method of factoring in the backlog of housing not built during the recession. This has previously been the standard means of accounting for variations in supply – and seeks to spread any shortfall over the remainder of the relevant plan period. This is on the basis that housing requirements in Local Plans are established over many years (usually 15-20) rather than being annualised targets. At the time the SHLAA was published this method was supported by the Home Builder’s Federation.

In addition, the housing requirement also took account of the standard 5% buffer to allow for choice and competition in the housing market. The NPPF advises that where there is “a record of persistent under delivery of housing” a greater 20% buffer should be applied, in order that to provide a realistic prospect of achieving the planned supply. The Framework does not elaborate further on the definition of persistent under delivery – and appeal decisions take a different view on the subject. The Planning Advisory Service guidance of July 2013 suggested a whole economic cycle of at least ten years should be considered; other decisions take a shorter period of time. The Council’s approach has been to take a

longer view of delivery – and also to assess delivery against the development target as a whole rather than taking a year on year view (as the RSS does not have annual targets). On this basis, a 5% buffer was applied in the SHLAA

Appeal Decisions October 2013

Following the publication of the SHLAA a series of planning appeal inquiries were held through the summer of 2013, alongside a long running planning appeal remitted to the Secretary of State.

On 18 October two appeal decisions were issued (at Congleton Road, Sandbach and Sandbach Road North, Alsager) along with the Secretary of State's decision at Abbeyfields in Sandbach. The Secretary of State and the Inspector both found that the Council could not demonstrate a five year supply of deliverable housing land. Both Sandbach appeals were allowed, but the Alsager appeal was dismissed on grounds of impact on the countryside

The Secretary of State's letter is based on written representations rather than evidence presented at an Inquiry. It seeks to address broad principles in terms of housing supply rather than detailed figures. The Secretary of State concluded that the 5 year housing requirement was "between 7,366 to 9,070 dwellings"

The Secretary of State considered that there was "justifiable doubt" about the assumed build rates on sites. He also highlighted the high proportion of supply that related to strategic sites in the emerging plan, where delivery appeared less assured – and the correspondingly modest proportion of sites with planning permission. Concern is also expressed over the involvement of the Housing Market Partnership which further undermined confidence in the SHLAA. In conclusion, the view was taken that the Council had:

"not demonstrated a 5 year supply of deliverable housing sites against even the most favourable assessment of the 5 year housing requirement."

The Inspector in the Congleton Road and Sandbach Road North cases heard detailed evidence at Inquiry – and accordingly provided more specific analysis of the sites and housing numbers. He took the view that it would not be appropriate to take too relaxed a view on catching up the backlog and so preferred the Sedgefield methodology to Liverpool. He also looked at the preceding five years (2008-2013) where it had been acknowledged that annual average figures had not been met. Notwithstanding oversupply in earlier years, this run of half a decade was tantamount in his eyes to persistent under delivery – and so considered a 20% buffer should be applied. This raises the housing requirement by well over 2,000 units to around 9,000 homes.

At the same time, the Inspector also had misgivings over the delivery and yield predicted from certain sites – most notably those in the Development Strategy. Whilst acknowledging that delivery would take place, a variety of factors lead to the conclusion that the Council's assumed yield within the five years was too optimistic. When similar concerns over other sites was factored in, he down graded the likely deliverable supply by around 1500-2000 units – to around 7,000 - 7,500 homes.

Accordingly, he concluded that the Council could not demonstrate a five year supply of deliverable homes against a requirement of some 9,000 units.

Consequences

The Appeal decisions raise a number of issues – most notably over the calculation of the housing requirement. Without a clear target, the Council cannot be sure of meeting the housing requirement. In this case both decisions highlight different perspectives on the calculation of the backlog and the buffer.

Both the Inspector and the Secretary of State adopt the “Sedgefield” methodology for tackling backlog – namely to include the whole of the backlog within the five year requirement. This is considered to better match the NPPF aspiration to “significantly boost housing supply”. It is entirely admirable to seek to recover housing supply as quickly as possible – but we would question whether it is realistic to think that the impacts of the worst recession for many years can genuinely be caught up in just five years. It is somewhat ironic that, when the Council has been criticised for a “rose tinted” view in its approach to supply, an even greater optimism is now considered *de rigueur* in the setting of housing targets. Furthermore, although the Sedgefield methods ensures that a wider range of sites are made available more quickly, it does not result in anymore houses being built than the Liverpool method.

Nevertheless, these decisions follow the pattern of many recent decisions – and indeed the recent NPPG also supports the Sedgefield methodology. Accordingly, this has increasingly become the new orthodoxy and the Council must take account of this trend.

With regard to the buffer the picture is less clear cut – the Secretary of State appearing to concede that a 5% buffer might be appropriate as a minimum. The Inspector’s reasoning relies heavily on assessing completions against the annualised average in any individual year – as opposed to the delivery against the Development Plan target. This difference of view underlines the need for clear guidance as to the parameters of persistent under delivery.

In considering the supply of housing, both decisions recognise that sites in the draft Local Plan can properly contribute to housing supply – but that their emerging status lends doubt to delivery and yield in some cases. This is an important principle as many have argued that no or little reliance should be placed on such sites.

In considering the anticipated yield from sites, this is an area which is invariably subject to debate and conjecture. However, both decisions suggest that the Council has over estimated the likely contribution that strategic sites are likely to make in the next five years. This underlines the need for solid evidence to underpin whatever estimate is applied on likely completions in future years.

The consequence of these views of the calculation of the housing requirement is to expand the housing requirement considerably – either to the 9000 homes advocated by the Inspector or to the range of 7,366 – 9,070 promoted by the Secretary of State. When this elevation is combined with the tempering of the supply deliverable sites, the consequence is to undermine the Council’s ability to demonstrate a five year supply. It is interesting to note that the Inspector found that the Council’s original target of 6,776 homes had been met –

and also that the Secretary of State's minimum requirement sits within the range of supply endorsed by the Inspector. This is especially so as at first glance the Inspector appears to have misapplied the Council's supply figures – using a base of 9,000 homes rather than the figure of 9,399 quoted at the inquiry.

However, none of that diminishes the overall conclusion - that either a five year supply cannot be demonstrated or that the evidence for doing so is inconclusive.

Accordingly unless or until these decisions are challenged or a new SHLAA prepared, the Council is unable to conclusively demonstrate a five year supply of deliverable housing land. Accordingly Policies for the Supply of housing will not be considered up to date (see further below) and enhanced weight should be given to the provision of housing in decision making

COUNTRYSIDE POLICIES

As well as assessing housing supply, the decisions at Sandbach Road North and Congleton Road Sandbach are also significant for clarifying the status and intent of settlement zone line and countryside policies.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

There are appeal decisions that appear to support this perspective, although those in Cheshire East have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by the Inspector that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was *“not sufficient directly related to housing land supply that it can be considered time expired for that purpose.”* Instead the Policy is *“primarily aimed at countryside & green belt protection”*. These objectives are largely in conformity with the NPPF and attract *“significant weight”*. In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the “relatively moderate” landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an “important and substantial” material

consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On this occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply.

In reaching this conclusion, the Inspector memorably noted that:

“the lack of a 5 year supply of housing land does not provide an automatic ‘green light’ to planning permission”.

Therefore, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies – and thus not of date, even if a 5 year supply is not in evidence. They accordingly need to be played into the planning balance when decisions are made.

Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions. The results of an accessibility assessment using this methodology are set out below.

The toolkit sets maximum distances between the development and local amenities. These comprise of:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).

In this case the development meets the standards in the following areas:

- primary school (150m),
- leisure facilities (100m),
- public park / village green (100m),
- child care facility (100m),
- Community Centre/meeting place (100m)
- Playground/amenity area (100m)
- Post box (106m)
- Post Office (106m)
- Local shop (106m)
- public house (Cotton Arms 643m),
- medical centre (200m)
- railway station (900m)
- bus stop (Pinsey View 139 m)

Owing to its position within Wrenbury, this site benefits from all the services and facilities within a well served village, it is considered that this small scale site is sustainably located. Additionally, the development will bring in additional residents who will add to the economic and social sustainability of the area.

The NPPF makes it clear that *“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”*

According to paragraphs 19 to 21, *“the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the*

21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”

Another important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Greg Clark). Inter alia, it states that, *“the Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.*

Furthermore, it states that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate economic development. Local Authorities should therefore, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; take into account the need to maintain a flexible and responsive supply of land for key sectors; consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits and ensure that they do not impose unnecessary burdens on development.

The proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

In the light of the advice contained in the National Planning Policy Framework, where the development plan is “absent, silent or relevant policies are out of date” planning permission should be granted unless

“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”

Or

“specific policies in this Framework indicate development should be restricted.”

It is therefore appropriate to consider whether there are other impacts of this development which are so adverse in the planning balance that they **significantly** and **demonstrably** outweigh the benefits in the form of the additional housing development.

Affordable Housing

The Interim Planning Statement: Affordable Housing (IPS) advises – *that for Windfall sites in settlements with a population of less than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified ‘windfall’ sites of 3 dwellings or more or than 0.2 hectare in size. It also advises that the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and*

facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment.

The desired target percentage for affordable housing will be a minimum of 30%, in accordance with the recommendations of the 2010 Strategic Housing Market Assessment (SHMA) and the 2013 SHMA Update. This percentage relates to the provision of both social/affordable rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social/affordable rented and intermediate housing.

SHMA Update 2013

The SHMA Update 2013 identified a requirement for 100 affordable homes in the Wrenbury sub-area between 2013/14 and 2017/18, this was made up of a requirement for 15 x 2 beds, 12 x 4/5 bed & 2 x 1 bed older persons dwellings each year. (There is an oversupply of 9 x 3 beds).

Cheshire Homechoice

In addition to the information from the SHMA Update 2013 there are currently 45 active applicants on the waiting list with Cheshire Homechoice (which is the Choice based lettings system for allocating social & affordable rented accommodation across Cheshire East) who have selected Wrenbury as their first choice, showing further demand for affordable housing. These applicants have stated that they require 7 x 1 bed, 20 x 2 bed, 17 x 3 bed, 1 x 4 bed.

Wrenbury Rural Housing Needs Survey

A Rural Housing Needs survey for Wrenbury was also carried out in April 2010 as part of a wider survey of parishes in the south of Cheshire East, 457 questionnaires were sent to all households in the Wrenbury Parish, with 127 returned giving a return rate of 28%.

The survey highlighted a need for 26 households in need of affordable housing.

To date there has been no delivery of the affordable housing required between 2013/14 and 2017/18 in the Wrenbury sub-area. There is a planning permission in place at Station Yard in Wrenbury for 16 affordable dwellings however it is unclear if this site will come forward.

The SHMA Update 2013 shows the following need for affordable housing:

15 x 2 beds, 12 x 4/5 bed & 2 x 1 bed older persons dwellings each year (there is an oversupply of 9 x 3 beds).

Based on the IPS the proposal for a total of 14 dwellings equates to a requirement for 3 social or affordable rented dwellings and 1 intermediate tenure dwelling.

The IPS also requires that affordable housing is pepper-potted, provided no later than occupation of 50% of the open market dwellings (or 80% if the development is phased and has high levels of pepper-potting), and that the affordable housing is built to meet the Design & Quality Standards required by the Homes & Communities Agency and meets Code for Sustainable Homes Level 3.

Accordingly it is clear that there is a high level of need for affordable housing in Wrenbury and therefore this site should provide on-site affordable housing in line with the Council's policies in the IPS and policy within the NPPF which seek to create sustainable communities.

The applicants are offering a financial contribution (of an unknown level) in-lieu of affordable housing would fail to deliver sustainable communities given the defined need in this area. They consider the Station Yard approval to have met the need, however, this is not appropriate.

The lack of on-site affordable housing in accordance with the Council's Interim Policy Statement for Affordable Housing is considered to be significantly and demonstrably harmful which outweighs the benefits in the form of the additional housing numbers generated.

Highways Issues

The site of the proposed 14 dwellings currently has little or no traffic and transport movement associated with it.

Access to the site is proposed via a simple priority junction with the Nantwich Road in the approximate location of the existing access to Smithy Lodge.

Key Issues

The following are considered the key issues to be addressed by this development proposal;

1. Achieving a safe and convenient site access strategy.
2. Ensuring safe access for pedestrians and cyclists.
3. Evaluating and, if necessary, addressing traffic impact.
4. Ensuring a sustainable access strategy for this residential site.
5. Provision of a suitable level of car parking.

Site Assessment

Access and Visibility

The principle of the proposed form of access as a simple priority junction is acceptable for this level of development in this location. The junction is closer than ideal to Marie Close, however, given that Marie Close only serves a modest level of development and the proposed site access will only serve 14 dwellings this is considered acceptable.

The submitted information provides summary speed data for the week 11/03/13 to 17/03/13. The calculated *average* seven day 85th percentile speeds are 33.8mph westbound and 31.5mph eastbound. It is not clear whether; all data has been used in these calculations, data has been based on certain hours, or whether the applicant has taken 85th percentile speeds for each hour and then averaged them. Presentation of the full raw data set and further clarification is required. Furthermore, in the absence of information to the contrary, it must be assumed that calculated 85th percentile speeds are wet weather speeds, and no

reductions should be made as if the data was collected solely on dry days, and sight lines should be demonstrated accordingly.

The Applicant has suggested that they have provided visibility on the basis of the posted speed limit (30mph); despite having undertaken speed surveys that indicate higher 85th percentile speeds than 30mph. In fact, the Applicant has attempted to apply MfS visibility splays at a notionally observed 85th percentile speed of 30mph; this is not acceptable. Even at this level of visibility, with reference to the application layout plan, it appears that the visibility splay from/to the west would impact upon Smithy Lodge. Furthermore, the splays indicated do not appear to have been drawn from a 2.4m setback. If the Applicant were to provide visibility splays based on the speed limit (not actual speeds) then the sight lines should be 2.4m x 59m.

The Applicant should provide visibility in accordance with observed 85th percentile visibility speeds from a 2.4m setback; this is the rationale of the relaxed visibility calculations provided in MfS.

No evidence has been present nor when requested, that the speed data was collected over an entirely dry week. Indeed, an objection from a neighbour has been received to indicate that the speeds were collected in wet and/or freezing conditions. No wet weather speed reduction should be applied to the speed surveys unless dry (and normal) driving conditions can be demonstrated.

On the basis of the evidence submitted with the application a visibility splay greater than that indicated in submitted transport statement is required, and it is likely that the required visibility splay from/to the west would require demolition of, or alteration to the structure of, Smithy Lodge. This would have potentially significant implications for the Conservation Area, depending upon the level of alteration/demolition required.

It is also possible that the required visibility to from/to the east may require third party land. The necessary provision of a footway on the eastern radius of the access and potential increase in width of the carriageway at the access point to Nantwich Road, would certainly put sight lines through Smithy Lodge and possibly through third party land in the opposite direction.

At the time of report preparation the Strategic Highways Manager is still waiting for further information from the Applicants Highway Consultant to address this issue. Any further information will be presenting in an update report.

Pedestrian and Cycle Access within the Site

It is proposed that the access to the site will be 4.8m wide at entry and wider within the development, including local widening just beyond the site access to Nantwich Road, with wider than 4.8m being allowed within the site "to allow two HGVs to pass".

The design of the access road, as a shared surface, is confusing at best. Footways are indicated around only one of the radii of the proposed site access and are then extinguished. The route from this point to the furthest property within the site is close to

130m. The road 'bulges' just beyond the site access and then narrows again to 4.2m and 4.0m including around the bend in the road.

The Strategic Highways Manager does not accept the proposed access road layout as suitable. It does not conform to good design principles as laid out in the Manual for Streets (MfS) and is not considered safe for pedestrian use. What is proposed as 'shared surface' adoptable highway is some 130m long from the point of access with Nantwich Road with very little in the design to encourage low speeds. If a shared surface layout is to be pursued it should include footways on both radii at the site access as well as sufficient width to allow efficient vehicular access from/to Nantwich Road. Good layouts of this shared surface nature will use the built form to create the 'shared space' street. This current design is not considered appropriate.

The Strategic Highways Manager accepts that Home Zone layouts will include carriageways of varying width. However, the design proposal does not use width changes appropriately and makes no attempt to use the built form to create a "street space" within the development.

Traffic Generation

It is accepted that traffic generation will be relatively modest at about 11 vehicle trips per peak hour. Traffic impact will also be limited.

Sustainable Access

The Transport Statement has discussed pedestrian and cycle accessibility to employment. As such, various walk and cycle distances are quoted as being appropriate. Quite clearly, despite statements in the TS to the contrary, the proposed development is not well located to allow walk and cycle trips to existing employment centres.

The proposed development is within easy reach of a bus stop. The service provided at that stop is limited to seven services towards Nantwich and four towards Whitchurch Monday to Saturday (Wednesdays differ slightly).

Although not indicated in the TS; there is a rail service from Wrenbury. The station is on the Crewe-Shrewsbury line and provides a realistic employment link with services starting early in the morning and running into the late evening.

Car Parking

The Applicant indicates two spaces per dwelling in their application form. At 4+ bedrooms per property there is a requirement for three parking spaces per dwelling and the Applicant should demonstrate that such provision can and will be made. A condition could be imposed to required garages within the proposed dwellings to be retained for the parking of a vehicle to address this concern.

Refuse Collection

The Applicant has not demonstrated, using tracking data, the ability or otherwise of a refuse lorry to safely turn in and out of the site access and manoeuvre in the turning head to leave the site in forward gear.

It is therefore considered that overall this scheme has an unacceptable layout, unacceptable site access visibility and layout, and there is insufficient information having been submitted on other key issues. These matters may be resolved further, however, at the time of report writing further information has been requested but not received that addresses these concerns.

On this basis the proposal is considered to be contrary to policy BE3 and TRAN 3 of the Local Plan and the core principle of promoting sustainable transport as expressed in the NPPF. Additionally, the need for a suitable site access which is accepted to the Strategic Highways Manager may potentially have adverse impacts upon the character and appearance of the streetscene and the Wrenbury Conservation Area, contrary to policies BE1 and BE9 of the Local Plan.

Trees

The submission is supported by a tree survey report dated April 2013. The report indicates that the survey complies with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations. The survey assesses 6 individual trees, 11 groups of tree and 2 hedges on and adjacent to the site. Whilst much of the vegetation is afforded Grade C, 3 individual trees, 2 groups of trees and 1 hedge are afforded grade B.

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. This means that at planning permission stage comprehensive arboricultural information will have been completed and where appropriate submitted as part of the planning application for validation purposes.

The submitted tree protection plan, Arboricultural Impact Assessment (AIS) and Method statement indicate that whilst the development would require the removal of a number of low grade trees, with appropriate protection trees indicated for retention could be incorporated into the development. This could be suitably conditioned.

Landscape Impact

The submission is not supported by a landscape and visual assessment or appraisal and there are no detailed landscape proposals.

The Cheshire Landscape Character Assessment identifies the application site as being located in Landscape Type 7: East Lowland Plain and specifically within the Ravensmoor Character Area (ELP1). This identifies the character area as being a predominantly flat landscape with hawthorn hedges and hedgerow trees as typical boundary types. The assessment also states that areas in the south and west (of the character area) possess a

smaller-scale landscape, with much more limited views restricted by high vegetation associated with smaller fields, abundant hedges and hedgerow trees. Such areas are described as having a very tranquil and rural character.

Whilst on the edge of the settlement of Wrenbury and adjoining residential properties, the site has a rural nature and the open paddocks to the north contribute to the setting of the Conservation Area. The existing vegetation affords the northern part of the site a degree of enclosure, with a line of Leylandii separating the garden to Smithy Lodge and the paddocks.

Taking into account the nature of the application site together with the presence of the Conservation Area, there would inevitably be impact on the landscape character. This will be considered further in the Conservation Area assessment later in the report. With a public footpath to the west and adjoining residential properties, there are also sensitive visual receptors. Although not of any significant arboricultural value, the proposed removal of the existing line of Leylandii trees would open up views to the northern section of the site from Nantwich Road

Impact upon the Character and Appearance of the Conservation Area and the setting of the Grade II Listed Building Hawk House

Paragraph 133 of the NPPF states:

“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.”

Paragraph 135 of the NPPF states:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The current proposals indicate that the existing buildings fronting the historic street scene in this part of Nantwich Road are to be retained, however, as previously considered above in the Highways section of this report, this may not be the case

The proposal to use a diversion off the existing access to Smithy Lodge should, however, serve to minimize the visual impact of the access point to the site.

There are however no specific details of the likely proposals to alter either the appearance or layout of this entrance or the surfacing materials to be used.

Although the proposal to develop the two fields (garden and paddock) to the rear of Smithy Lodge and the long field to the rear of Beech House will not be readily visible from the Nantwich Road streetscene of the Conservation Area, all these fields appear as part of the agricultural holding of the Smithy, Beech House and their neighbouring properties on the

historic map of the village and as part of the historic undeveloped landscape setting of the conservation area and the settlement.

The proposed new development would be visible when passing the Grade II Hawk House from the adjacent lane (FP1) which runs to the west of the site and which lies within the conservation area, and might also be visible as a distant backdrop to the conservation area when viewed from the canal towpath located to the north.

The proposed location of the current application is therefore contrary to the adopted replacement local plan and will result in the development of land which has historically remained open and still remains part of the existing open landscape setting of the village. This is an essential part of the character of the Conservation Area.

Whilst it needs to be recognised that there is already some similar back land development within some of the former open land to the rear of other properties along this north side of the Nantwich Road, these other developments lies within the settlement boundary of the local plan whereas the open land which is the subject of the current application lies outside the settlement boundary.

In addition it needs to be recognised that in the past there was a proposal to develop an adjacent field within the settlement boundary (P04/0057) to the rear of the Grade II listed Hawk House immediately adjoining the lane (FP1) and the current application site, which was refused.

The subsequent appeal was dismissed by the Inspector and the grounds for refusal included the harm it would cause to the open character and appearance of the Conservation Area in conflict with Policies BE2 (Design) and BE6 (Development in Conservation Areas) of the adopted local plan. These policies were subsequently carried forward to the Local plan adopted on 17th February 2005.

Housing Design considerations

Wrenbury is a settlement with a varied character, comprising properties of different periods. A wide plan footprint is characteristic on several older properties and buildings are predominantly 2 storey. There is a variety of materials, but brick is dominant with some punctuation by white rendered houses along Nantwich Road.

A key characteristic of the village is the relationship between buildings and open space and the influence this has on village character.

There is no evidence of a detailed assessment of the character for Wrenbury, within the Design and Access Statement other than a very concise commentary. More robust assessment would have been beneficial.

The design of the properties is of a typical modern estate design. Whilst the housing will be outside the Conservation Area boundary, it will be important that new development helps to reinforce the Conservation Area and its setting. This does not mean slavishly copying historic buildings, but it does require attention to architectural detail, materiality and

landscape design. Part of the character of the Conservation Area is its essentially verdant nature

Although modern housing has been constructed in a similar cul-de-sac arrangement nearby, this does not necessarily mean that 'off the peg' estate housing would be acceptable in this case. The proposal would also be prominent from the public footpath that runs adjacent to the site

There is no indication concerning the performance of the scheme in terms of sustainable design (both mitigation measures and adaptation to climate change)

The design and access statement supporting the application states:

"The policy imperative is the requirement to preserve and enhance the character and quality of the Conservation Area. In this case, the absence of any clear vernacular in terms of layout, built form and building materials does not impose strong influences on how new development should be formulated and detailed, but it does mean that proposals should be sympathetic in scale to existing built development in the settlement so as to ensure that it blends seamlessly with its existing character and appearance."

Whilst it is agreed that, to some extent, there is no clear character lead in terms of design in the immediate locality, as identified above, the Governments overall intention as expressed in the NPPF is to drive up standards of design, which this scheme layout, on balance is considered to fail to achieve. The NPPF at Para 64 states: *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"*. This proposal does not meet this requirement.

Whilst the proposal would have a limited impact on the Nantwich Road street scene of the conservation area, it would have a detrimental impact on the setting of the conservation area particularly to the rear, the historic setting of the Grade II listed Hawk House and open landscape setting of the settlement, contrary to policy BE1, BE 7, BE9 and RES5 of the Local Plan.

Amenity

It is generally regarded that a distance of 13m is sufficient to maintain an adequate level of light to principal windows and distance of 21m is usually considered to be sufficient to prevent overlooking between principal windows.

The submitted layout shows a cul de sac layout of 14 units within this site which are orientated in a fashion that easily achieves the privacy distances between each other and the existing dwellings next door to the site.

The recommended minimum garden area of 50sqm recommended in the Crewe and Nantwich Borough Council supplementary planning guidance has been achieved.

Whilst 14 additional dwellings will be served by an access road which runs close by the boundary with April Cottage, it is considered that this is unlikely to be a significant impact

that would create noise and disturbance that would be materially detrimental to the occupier of April Cottage. Therefore the proposal is considered to comply with the requirement of policy BE1 (amenity) of the local plan.

Ecology

The proposed development site supports habits of low ecological value. Two species of bats were recorded as foraging on site and the proposed development would result in the loss of some features utilised by foraging bats. However, this impact is not likely to be significant.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case the Council's Ecologist has been consulted on the application and has no objection.

The site of the proposed development has the potential to support common species of breeding birds. If planning consent were to be granted conditions should be attached requiring a survey to check for breeding birds prior to commencement of any works within nesting season and ensure some additional provision is made within the completed scheme for breeding birds and roosting bats.

Subject to these conditions, it is not considered that there will be any adverse impact on ecology and as such the scheme complies with the relevant local plan policies and the provisions of the NPPF in this respect.

Drainage/Flood Risk

Although comments were awaited from United Utilities at the time of report preparation, the Environment Agency have considered the report and made no comment. It is therefore concluded that the proposed development will not adversely affect onsite, or neighbouring developments and their associated residual flood risk.

Open Space

The site falls below the threshold for public open space provision within the Local Plan which is set at 20 dwellings

8. CONCLUSIONS

The proposed development would help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the village including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

The application seeks, in part, planning permission for dwellings within the Open Countryside. This element of the proposal is considered to be contrary to Policy NE2 and RES 5 of the Crewe and Nantwich Local Plan and does not meet the requirements of RES 8.

However, this element of the proposal should also be considered in the context of the presumption in favour of sustainable development as required by the NPPF. Whilst the Council accepts that it cannot demonstrate a 5 year supply of deliverable housing land and as a consequence the housing supply policies of the plan must be considered to be out of date, it remains of the opinion that this proposal would conflict with other policy objectives of the NPPF which are not out of date, and that the adverse impacts of granting permission, in this case would outweigh the benefits in terms of the contribution to housing numbers.. It is therefore considered that the principle of development is unacceptable and therefore the development does not accord with the Crewe and Nantwich Replacement Local Plan and the National Planning Policy Framework.

Furthermore, the application fails to include a suitable provision of on site affordable housing for a rural site, and there is insufficient information submitted with the application with regards to Highways and the potential need to demolish structures within the Conservation Area to form a safe and secure environment and high quality and inclusive design for public spaces which will function well and add to the overall quality of the area.

Additionally, the proposal fails to preserve the open character and appearance of the Wrenbury Conservation Area and the setting of the Grade II listed Hawk House, located on the other side of FP1. Accordingly, the proposed development would be contrary to Policies BE7 and BE9 of the Crewe and Nantwich Replacement Local Plan 2011. These policies specifically state that approval will not be given where a proposal detracts from the character or setting of the building/conservation area concerned, especially with regard to its surrounding gardens, landscape, street scene or relationship with adjoining buildings and significant views.

The proposal also fails to adequately cater for affordable housing within the scheme, which is a significant shortcoming. All these factor are considered to significantly outweigh the benefits in the planning balance.

RECOMMENDATION

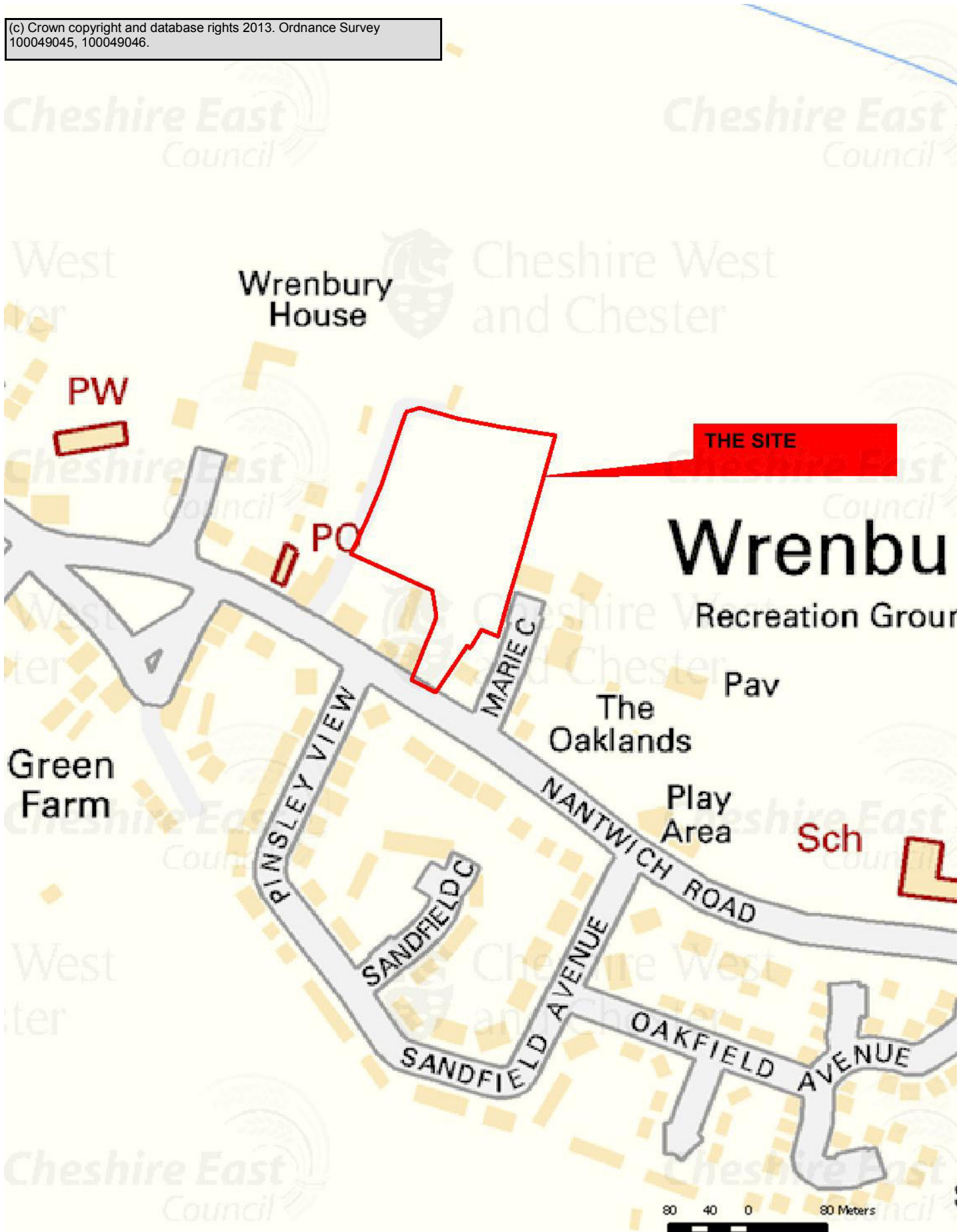
REFUSE for the following reasons:

- 1. The proposed development, by virtue of the loss openness within the Conservation Area and streetscene generally, the detailed estate layout and quality of the new housing and relationship of the proposed housing to the setting of the Grade II Listed Hawk House, when taken cumulatively, will lead to substantial harm to the setting of the heritage asset and the Wrenbury Conservation Area. The quality of the proposal is not sufficiently high in design terms and detracts from the character or setting of the building concerned, especially with regard to its landscape, or relationship with adjoining buildings and significant views and fails to take the opportunities available for improving the character and quality of the area and the way in which it functions contrary to Policies BE1, BE.7 and BE.9 of the Crewe and Nantwich Replacement Local Plan 2011 and the provisions within the NPPF, rendering the development unsustainable. Additionally, there is insufficient information concerning site access visibility requirements/supporting information or heritage assessment and the need for demolition within the conservation area , also contrary to BE9 of the Crewe and Nantwich Replacement Local Plan.**
- 2 Whilst the housing proposal has been considered in the context of the presumption in favour of sustainable development as required by the National Planning Policy Framework, , the proposal, by virtue of the lack of on site affordable housing provision, conflicts with the policy objectives of the National Planning Policy Framework and the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The proposal is therefore considered to be contrary to Policies NE.2 (Open Countryside) and RES.8 (Affordable Housing in Rural Areas) of the Crewe and Nantwich Replacement Local Plan 2011and to the provisions of the Council's Interim Planning Policy: Affordable Housing and the guidance within paragraph 50 of the National Planning Policy Framework in respect of the provision of inclusive and mixed communities.**
- 3 The proposed layout for the site does not provide sufficient quality of design in relation to the Manual for Streets, or a legible adoptable boundary to appropriately serve the end-user residents, furthermore there is insufficient information concerning site access visibility and the need for demolition of structures/need for 3rd party land. Therefore the proposed layout would fail to a create a safe, accessible and secure environment and high quality and inclusive**

design for public spaces which will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. In so doing, the proposal will also fail to take the opportunities available for improving the character and quality of an area and the way it functions and to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and visit contrary to the provisions of the National Planning Policy Framework and policies BE2 (Design), BE3 (Access and Parking) and TRAN3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011

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 Development Manager (South) 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.

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Application No: 13/3724N

Location: MINSHULL COURT NURSING HOME, MINSHULL NEW ROAD, CREWE, CW1 3PP

Proposal: Extension to Time Limit for Approved Application P07/1221 and 10/3210N - for the demolition of Nursing Home and Construction of Fourteen Dwellings.

Applicant: Mr Christopher Chawner, Keenrick Ltd

Expiry Date: 03-Dec-2013

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- Principle of Development

REASON FOR REFERRAL

This application is referred to Southern Planning Committee as the development relates to the extension in time to a major planning application.

1. DESCRIPTION OF SITE AND CONTEXT

The application site is located on the eastern side of Minshull New Road and is currently occupied by Minshull Court Nursing Home. Minshull Court Nursing Home is a two-storey brown brick nursing home with a grey tiled roof. There is a large single storey flat roof extension to the south of the site and a 2 metre hedgerow and a row of trees form the front boundary to the site. Modern detached dwellings are located to the south and west of the application site, while a block of 2 apartments is located to the north of the site. The site is located within the Crewe Settlement Boundary with the open countryside located on the opposite side of the road.

1. DETAILS OF PROPOSAL

This application is for the extension to the time limit condition to planning permission 10/3210N which was an extension to application P07/1221. This is an outline permission for 14 residential units on the site with details of the access to be determined and all other matters are reserved for subsequent determination. The indicative site layout shows 14 dwellings in total which comprises of a 3-storey apartment block containing 3 apartments,

3 pairs of two and a half storey semi-detached dwellings, 3 two and a half storey detached dwellings and 1 two-storey block containing 2 apartments. The dwellings would mainly be served by a central vehicular access to serve the cul-de-sac although some parking would be provided to area to the north of the site via the existing service access to the nursing home.

2. RELEVANT HISTORY

10/3210N - Extension to Time Limit - Ref: P07/1221 (Outline Permission for Demolition of Nursing Home and Construction of Fourteen Dwellings) – Approved 23rd September 2010

P07/1221 – Outline permission for demolition of nursing home and construction of 14 dwellings – Approved 16th November 2007

P06/1455 – Demolition of nursing home and construction of 14 dwellings - Refused 9th March 2007

P06/0208 – Renewal of existing planning permission P05/0511 (Alterations and extensions to nursing home) - Approved 13th September 2006

P00/0511 – Amendments and extensions and alterations - Approved 7th March 2001

P98/0591 – Renewal of permission for extension to nursing home - Approved 4th February 1999

P94/0316 – Extension to nursing home - Approved 2nd June 1994

7/12323 – Change of use to nursing home - Approved 29th August 1985

3. POLICIES

Local Plan policy

RES.2 (Unallocated Housing Sites)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

BE.6 (Development on Potentially Contaminated Land)

NE.9 (Protected Species)

NE.17 (Pollution Control)

National policy

National Planning Policy Framework

Other Material Considerations

Supplementary Planning Document on Development on Backland and Gardens

Communities and Local Government Guidance: Greater Flexibility for Planning Permissions

4. CONSULTATIONS (External to Planning)

United Utilities: No comments received at the time of writing this report.

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

Environmental Health: Conditions are required relating to hours of operation, contaminated land, and dust control.

5. VIEWS OF THE PARISH COUNCIL

No comments received at the time of writing this report.

6. OTHER REPRESENTATIONS

One letter of objection received raising the following points:

- There is no demand for anymore housing in Leighton
- Additional traffic generation which will add to traffic congestion on Minshull New Road raising pollution and pedestrian safety issues

7. APPLICANT'S SUPPORTING INFORMATION

No supporting information submitted. (However nothing is required as this is an extension of time application).

9. OFFICER APPRAISAL

Principle of Development

Extensions to the time limit for implementing existing planning permissions was brought into force on 1 October 2009 and subsequently extended until 1st October 2010. The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation and other procedures.

The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances have changed, either in development plan policy terms or in terms of national policy or other material considerations such as Case Law.

MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION

The original application was determined under the Borough of Crewe and Nantwich Replacement Local Plan 2011 which is still the prevailing Development Plan for the area.

Since the determination of the last application the national planning guidance in the form of the PPG and PPS documents has been replaced by the NPPF. It is considered that this development is consistent with the NPPF.

It is not considered that the abolition of the Regional Spatial Strategy will affect the determination of this planning application.

In this case the only circumstance on the site that may have changed since the last application is the impact upon protected species, however the Councils Guidance on Biodiversity and Geological Conservation Statements which was adopted in March 2008 does not identify this proposal as requiring any supporting information in relation to protected species. As a result it is not considered that the development would have any impact upon protected species.

The original application was subject to amendments in relation to the layout of the dwellings, access, parking spaces and landscaping on the site. It is considered that the access and indicative layout which was accepted in 2010 is still acceptable in this location and will respect the character and appearance of the site and would not have a detrimental impact upon residential amenity or the surrounding highway network.

11. CONCLUSIONS

There have been no material changes in circumstance which would warrant a different decision on this application since the previous application was determined.

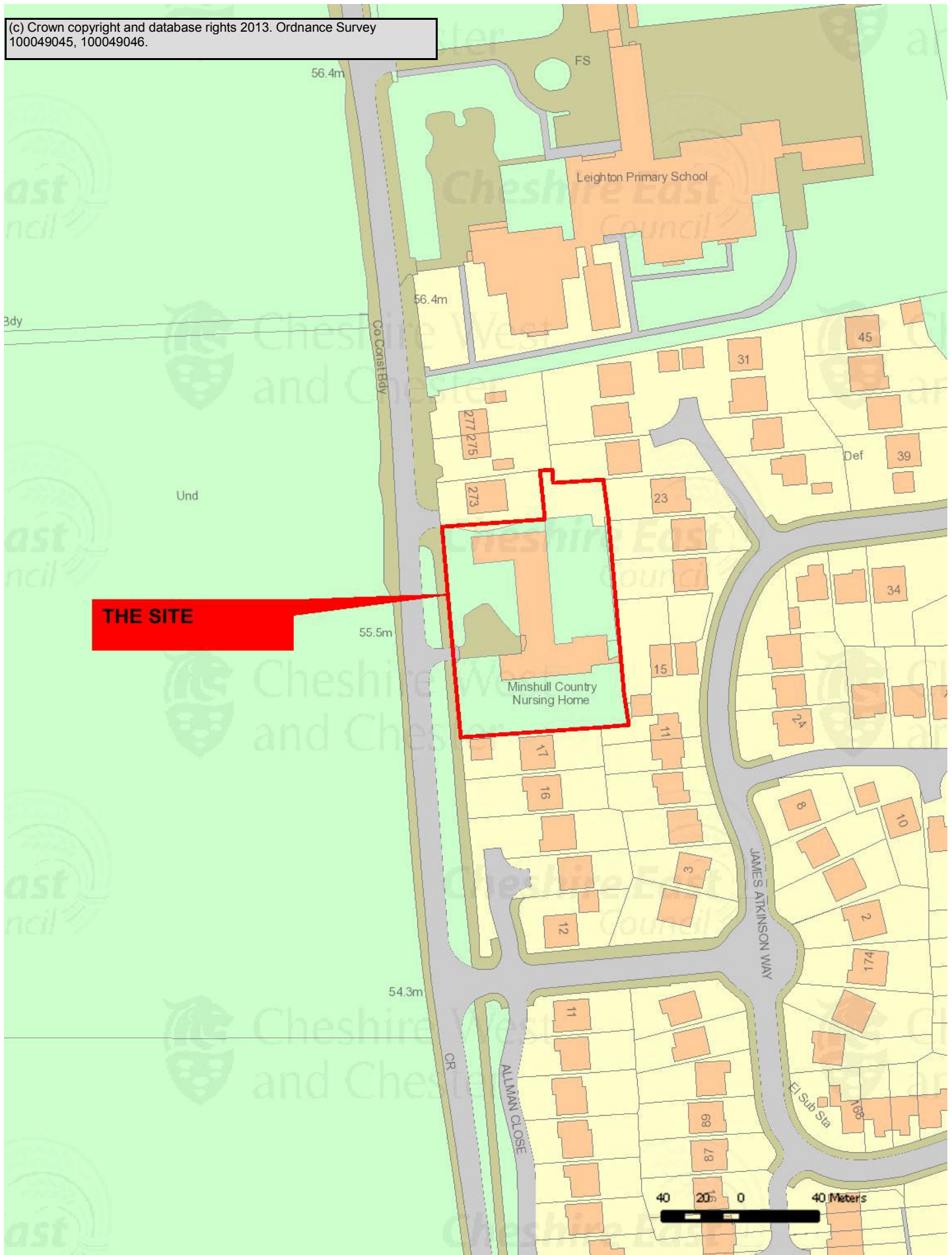
12. RECOMMENDATIONS

Approve subject to conditions

- 1. Standard Outline 1 – the reserved matters**
- 2. Standard Outline 2 – time**
- 3. Standard Outline 3 – implementation /reserved matters submission**
- 4. Materials to be submitted and approved in writing**
- 5. Surfacing materials to be submitted and approved in writing**
- 6. Boundary treatment to be submitted and approved in writing**
- 7. Retention of garage space for the housing of a private motor car**
- 8. Landscape to be submitted and approved in writing**
- 9. Landscape to be completed in accordance with the approved details**
- 10. Tree and hedgerow protection to front boundary**
- 11. Drainage Details to be submitted and approved in writing**
- 12. Removal of trees/hedgerow outside the bird breeding season**
- 13. Contaminated land survey to be submitted and approved**
- 14. A Footway/cycle link shall be provided across the front of the site along the length of the Minshull New Road frontage**
- 15. Access to be carried out in accordance with the approved plans**
- 16. The hedgerow to the front boundary shall be retained and not replaced with fencing/walls or other means of enclosure**
- 17. Remove PD Rights**
- 18. Prior to the commencement of development details of the proposed garden outbuildings shall be submitted and approved in writing**

- 19. Dust Mitigation
- 20. Piling Hours

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Application No: 13/3871N

Location: T I MIDWOOD & CO, GREEN LANE, WARDLE, CHESHIRE, CW5 6BJ

Proposal: Reserved matters application, Landscaping of the proposed development.

Applicant: T I Midwood & Co Ltd

Expiry Date: 10-Dec-2013

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Principle of development; and
- Landscaping

REFERRAL

This application is to be determined by the Southern Planning Committee as the floor area of the proposed building exceeds 1000sqm.

DESCRIPTION OF SITE AND CONTEXT

The site lies outside a defined settlement boundary and is therefore classed as open countryside for planning policy purposes. The application site currently comprises an existing warehouse, which will be demolished in order to make way for the proposal. Located immediately to north is another warehouse and office block and to the south is a smaller office block. The applicants business supplies screws and fixings to the construction industry. Adjacent to the applicants property are a number of disused former aircraft hangers used during WWII. In addition, to the aircraft hangers the application site is flanked on both sides by other industrial buildings. To the south of the site is Green Lane, which provides access both to the applicant's site and a number of other commercial premises including a skip hire company and a timber yard.

DETAILS OF PROPOSAL

Members may recall that outline planning permission was granted in December 2012 for the demolition of an existing warehouse and the erection of a new warehouse on a similar footprint. The approved scheme included access, appearance, design and scale as part of the outline scheme. The only matter that was reserved for subsequent approval was that of landscaping.

This application therefore seeks approval of the reserved matter of landscaping

RELEVANT HISTORY

12/4087N - The erection of a replacement storage and distribution unit, including details of access, appearance, layout and scale (details of landscaping reserved for subsequent approval), following the demolition of the existing building on the site – Approved – 17th December 2012

09/3543N - Proposed Internal Layout Changes, Revised Elevations and Parking Layout to the Storage Unit with Internal Office Space and Service Area – Approved – 23rd December 2009

P08/0318 - Erection of a New Storage Unit with Internal Office Space and Servicing Area as an Extension to the Existing Buildings – Approved – 21st July 2008

P01/0055 - Single Storey Office Extension and Conservatory/Covered Walkway – Approved – 21st March 2001

P92/0161 – Single Storey Office Extension – Approved – 21st May 1992

P93/0147 – Storage Warehouse – Approved – 15th April 1993

7/15960 – Proposed Offices – Approved – 13th September 1988

POLICIES

National Policy

National Planning Policy Framework

Local Policy

NE.2 (Open Countryside);

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

NE.17 (Pollution Control)

BE.1 (Amenity);

BE.2 (Design Standards);

BE.3 (Access and Parking);

BE.4 (Drainage, Utilities and Resources);

BE.5 (Infrastructure)

BE.6 (Development on Potentially Contaminated Land)

E.4 (Development on Existing Employment Areas)

E.6 (Employment Development within Open Countryside)

TRAN.1 (Public Transport)

TRAN.3 (Pedestrians)

TRAN.5 (Provision for Cyclists)

TRAN.9 (Car Parking Standards)

CONSIDERATIONS (External to Planning)

None

VIEWS OF THE PARISH / TOWN COUNCIL

No comments received

OTHER REPRESENTATIONS

No representations received

APPLICANT'S SUPPORTING INFORMATION

No supporting information submitted

OFFICER APPRAISAL

Principle of Development

Members may recall that at its meeting on the 12th December 2012. The Southern Planning Committee approved an outline application for the demolition of an existing warehouse and its replacement with a more modern warehouse on a similar footprint. The granting of the previous planning permission established the acceptability in principle of employment uses on this site. Given that this is an application for approval of reserved matters and that any consent is only operative by virtue of the outline planning permission, this application does not present an opportunity to re-examine the acceptability in principle of employment uses at this site.

The application site lies wholly within the Open Countryside as defined in the Crewe and Nantwich Replacement Local Plan, where according to policy NE.2 restricts development other than that required for agriculture, forestry, outdoor recreation or other uses appropriate to the rural area. Whilst Policy E.6 of the Local Plan (Employment Development within the Open Countryside) restricts employment development to 'small scale' employment development in rural areas in order to diversify the rural economy. It was considered that given the proposed building is more or less a like for like replacement, the proposal is not contrary to advice advocated within Policy E.6 (Employment Development within the Open Countryside).

The only issue in the consideration of this application is the acceptability of the proposed landscaping scheme.

Trees and Landscape.

Policy NE.5 (Nature Conservation and Habitats) states that the LPA will protect, conserve and enhance the natural conservation resource. The policy goes on to stipulate in the justification 'Landscape features can be important individually, as well as helping to enrich the character of the landscape. These features should be conserved wherever possible'. Additionally, the NPPF states a proposal which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted.

The application site is a rectangular parcel of land with access taken from Green Lane, which is located directly to the south of the site. The site currently comprises an existing warehouse, which will be demolished in order to make way for the proposal. Located immediately to north is another warehouse and office block and to the south is a smaller office block. Adjacent to

the applicants property are a number of disused former aircraft hangers used during WWII. In addition, to the aircraft hangers the application site is flanked on both sides by other industrial buildings.

According to the submitted landscaping plan the applicant is proposing to plant 3no. Hornbeam and 3no. Silver Birch, which will be located to the south of the proposed warehouse on a large grassed area. The Landscape Officer has examined the proposal and commented '*Taking into account the location of the development and presence of existing vegetation, the submitted landscape proposals are considered acceptable*'.

It is considered that the additional tree planting will help to soften the proposal and will assimilate it into the wider environ. It is considered that the proposal broadly complies with Policy NE.5 (Nature Conservation and Habitats).

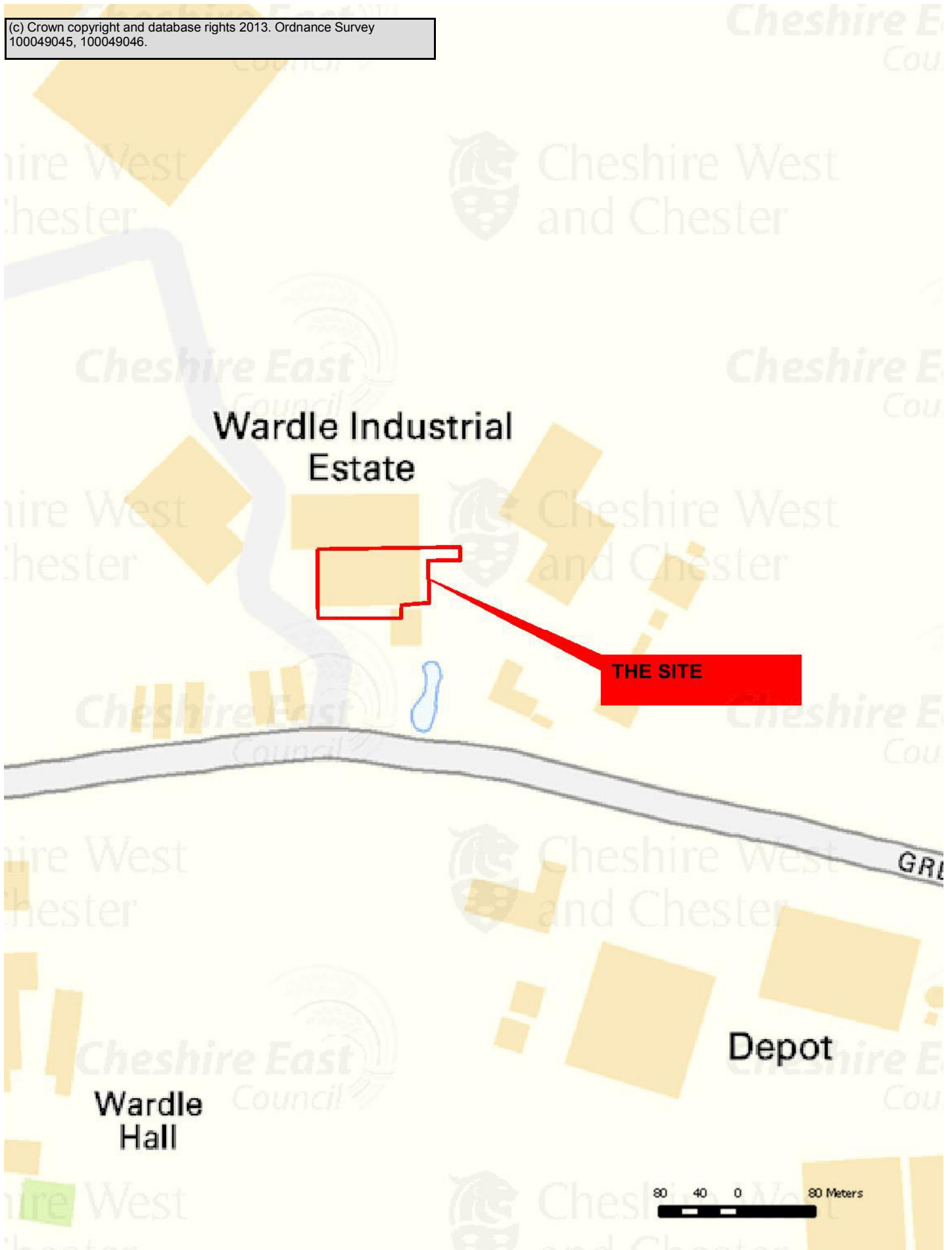
CONCLUSIONS AND REASON(S) FOR THE DECISION

In summary, the principle of employment development of this site has been established by the previous outline approval. The proposed details submitted as part of this reserved matters application are considered to be acceptable and would not result in significant harm to the character and appearance of the streetscene and locality. Furthermore, there would be no significant harm caused to the amenities of neighbouring properties or highway safety. Therefore the proposed development complies with Policies NE.2 (Open Countryside), NE.9 (Protected Species), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure), BE.6 (Development on Potentially Contaminated Land), E.6 (Employment Development within the Open Countryside) and TRAN.9 (Car Parking Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, and guidance contained within the National Planning Policy Framework.

Approve subject to the following conditions:

- 1. Time limit for reserved matters**
- 2. Details in full accordance with outline approval**
- 3. Plan References**
- 4. Landscaping Implemented**

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Application No: 13/3950C

Location: ORCHARD FARM, BROOKHOUSE GREEN, SMALLWOOD, CW11 2XE

Proposal: Variation of condition 2 attached to planning application 07/0217/Full

Applicant: AVIAGEN TURKEYS LTD

Expiry Date: 14-Nov-2013

SUMMARY RECOMMENDATION**APPROVE subject to conditions****MAIN ISSUES:**

- Principle of the development
- The impact of the design
- The impact upon neighbouring amenity
- Highway safety / parking

REASON FOR REFERRAL

This application has been referred to Southern Planning Committee because it relates to a commercial building of over 1000 square metres in size.

DESCRIPTION OF SITE AND CONTEXT

The application site relates to an existing free-range egg farm at Pitcher Lane, Smallwood. The site is a 26,000 bird unit owned by the applicant and farmed in conjunction with Orchard Farm, Pitcher Lane, Smallwood. The birds are housed within 2 sheds and the entire site lies within the Open Countryside.

1 of the 2 sheds is subject to this application (a separate application covers the other shed).

DETAILS OF PROPOSAL

The application seeks to vary Condition 2 from approved planning application 07/0217/FUL. This application was for the erection of one free range poultry building.

Condition 2 states

'The building to which this permission relates shall be used only in connection with the production of free range eggs, unless a further planning permission has been granted for any variation on application to the Local Planning Authority.'

The applicant wishes the condition to be varied to enable turkey production to take place. No external changes to the building are sought.

RELEVANT HISTORY

13/3951C - Variation of condition 2 attached to planning application 05/0611/FULL – Under consideration

11/3535C - Erection of an Agricultural Workers Dwelling For Free Range Egg Production (Resubmission Of 11/0247C) – Approved 27th March 2012

11/0247C - Erection of an agricultural workers dwelling for free range egg production unit – Refused 21st March 2011

10/2638C - Erection of an agricultural workers dwelling for free range egg production unit – Refused 4th October 2010

07/0217/FUL - Erection of one free range poultry building - this is a re application with revised building position – Approved 1st May 2007

06/1181/FUL - Erection of one free range poultry building – Refused 16th January 2007

05/0611/FUL - Free range poultry laying house – Approved 27th 2005

04/0142/FUL - Free range poultry house to produce free range eggs – Withdrawn 13th January 2005

37650/3 - Free range poultry house to produce free range eggs – Withdrawn 11th August 2004

POLICIES

National Policy

National Planning Policy Framework (NPPF)

Local Plan Policy

PS8 - Open Countryside

GR1 - New Development

GR2 - Design

GR4 - Landscape

GR6 - Amenity and Health

GR9 - Accessibility, Servicing and Parking Provision

CONSULTATIONS (External to Planning)

Environmental Protection – No objections

Strategic Highways Manager – No comments received at time of report

VIEWS OF THE PARISH COUNCIL:

Smallwood Parish Council – No comments received at time of report

OTHER REPRESENTATIONS:

No comments received at time of report

SUPPORTING INFORMATION:

The applicant has submitted information with regards to the proposed new operation on site.

- All Turkeys will be kept in the building for their entire period
- The 2 buildings on site combined, will accommodate 30,000 Turkeys, but it is unlikely that this figure will be reached and for large periods would be significantly less.
- At times of maximum capacity, there would be 2 vehicles per week delivering food and shavings
- There will be no meat processing on site. Any dead birds will be kept in a freezer and taken off site at intervals for incineration
- 1 full-time member of staff will be based on site with supplementary staffing for other purposes as required.

OFFICER REPORT

Principle of development

The application site is situated within the Open Countryside and as such is subject to Policy PS8 of the Local Plan. Policy PS8 advises that development will not be permitted unless it is for one or more of a number of purposes. One of these purposes is agricultural use.

The application unit was granted permission as it was considered that egg production was an agricultural use. It is also considered that turkey production is an agricultural use. As such, the principle of the development is accepted.

The development would re-use an existing rural building for a rural use without making any external alterations. It would also continue to be used for employment purposes in accordance with Policy E5 of the Local Plan. As such, it is considered that the impact upon the Open Countryside would be minimal.

Design

As no changes are sought to the external appearance of the building, it is not considered any design issues would be created. The proposed development would adhere with Policy GR2 of the Local Plan.

Amenity

The decision notice (ref: 07/0217/FUL) advises that this condition was imposed to protect the amenities of the nearby residents. As such, this is a key consideration in the determination of this application.

Policy GR6 advises that development will not be permitted so long as it would not have a detrimental impact upon neighbouring amenity in terms of; loss of privacy, loss of light, visual intrusion or environmental disturbance. As no physical alterations are proposed to the building, issues relating to privacy, light and visual intrusion are not of concern in this instance.

Due to the nature of turkey production, the impact upon environmental disturbance in relation to noise and odour would be the main consideration. However, the Council's Environmental Protection Team have raised no objections to the development in this regard.

As such, it is considered that the proposal would be acceptable in terms of its impact upon neighbouring amenity and would adhere with Policy GR6 of the Local Plan.

Highways

The applicant has advised that the new business on the site would result in, at a maximum, 2 deliveries per week.

As this is a lower traffic movement than that of the current/previous egg production operation, it is not considered that the proposed development would create any additional highway safety concerns than the existing business and would adhere with Policy GR9 of the Local Plan.

CONCLUSION

The proposed change in business would not alter the type of operation on the site, Environmental Health have advised that they have no objections and there are no proposed changes to the external elevations of the approved building. It is therefore considered that this condition can be varied from;

'The building to which this permission relates shall be used only in connection with the production of free range eggs, unless a further planning permission has been granted for any variation on application to the Local Planning Authority.'

to;

*'The building to which this permission relates shall be used only in connection with the production of free range eggs **or turkeys**, unless a further planning permission has been granted for any variation on application to the Local Planning Authority.'*

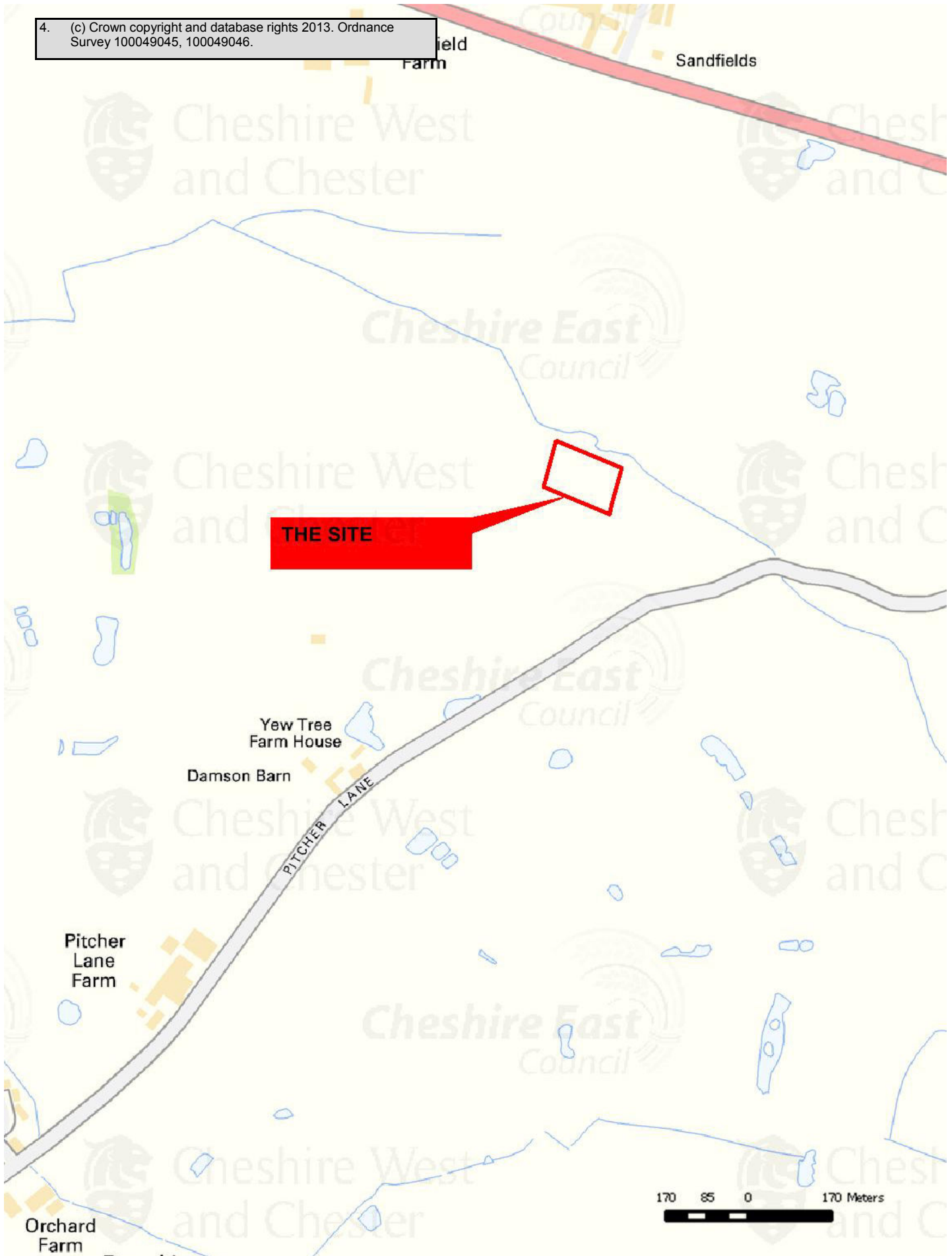
This change would ensure that the development would adhere with the following policies within the Congleton Borough Local Plan First Review 2005; PS8 (Open Countryside), GR1 (New Development), GR2 (Design), GR4 (Landscape), GR6 (Amenity and Health), GR9 (Accessibility, Servicing and Parking Provision). The proposal would also adhere with the NPPF.

RECOMMENDATION

APPROVE subject to the following conditions;

- 1. Building relates to the production of free range eggs or turkeys**
- 2. All materials used in connection with the business hereby permitted shall be stored inside the building**
- 3. A 5-metre wide strip of land between the building and the watercourse to the north of the shed shall be retained free of any obstruction**

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Application No: 13/3951C
Location: ORCHARD FARM, BROOKHOUSE GREEN, SMALLWOOD, CW11 2XE
Proposal: Variation of condition 2 attached to planning application 05/0611/FULL
Applicant: AVIAGEN TURKEYS LTD
Expiry Date: 14-Nov-2013

SUMMARY RECOMMENDATION**APPROVE subject to conditions****MAIN ISSUES:**

- Principle of the development
- The impact of the design
- The impact upon neighbouring amenity
- Highway safety / parking

REASON FOR REFERRAL

This application has been referred to Southern Planning Committee because it relates to a commercial building of over 1000 square metres in size.

DESCRIPTION OF SITE AND CONTEXT

The application site relates to an existing free-range egg farm at Pitcher Lane, Smallwood. The site is 26,000 bird unit owned by the applicant and farmed in conjunction with Orchard Farm, Pitcher Lane, Smallwood. The birds are housed within 2 sheds and the entire site lies within the Open Countryside.

1 of the 2 sheds is subject to this application (the other shed is covered under a separate application)

DETAILS OF PROPOSAL

The application seeks to vary Condition 2 from approved planning application 05/0611/FUL. This application was for the '*Free range poultry laying house*'.

Condition 2 states

'The building to which this permission relates shall be used only in connection with the production of free range eggs, unless a further planning permission has been granted for any variation on application to the Local Planning Authority.'

The applicant wishes the condition to be varied to turkey production. No external changes to the building are sought.

RELEVANT HISTORY

13/3950C - Variation of condition 2 attached to planning application 07/0217/Full – Under consideration

11/3535C - Erection of an Agricultural Workers Dwelling For Free Range Egg Production (Resubmission Of 11/0247C) – Approved 27th March 2012

11/0247C - Erection of an agricultural workers dwelling for free range egg production unit – Refused 21st March 2011

10/2638C - Erection of an agricultural workers dwelling for free range egg production unit – Refused 4th October 2010

07/0217/FUL - Erection of one free range poultry building - this is a re application with revised building position – Approved 1st May 2007

06/1181/FUL - Erection of one free range poultry building – Refused 16th January 2007

05/0611/FUL - Free range poultry laying house – Approved 27th 2005

04/0142/FUL - Free range poultry house to produce free range eggs – Withdrawn 13th January 2005

37650/3 - Free range poultry house to produce free range eggs – Withdrawn 11th August 2004

POLICIES

National Policy

National Planning Policy Framework (NPPF)

Local Plan Policy

PS8 - Open Countryside

GR1 - New Development

GR2 - Design

GR4 - Landscape

GR6 - Amenity and Health

GR9 - Accessibility, Servicing and Parking Provision

CONSULTATIONS (External to Planning)

Environmental Protection – No objections

Strategic Highways Manager – No comments received at time of report

VIEWS OF THE PARISH COUNCIL:

Smallwood Parish Council – No comments received at time of report

OTHER REPRESENTATIONS:

No comments received at time of report

SUPPORTING INFORMATION:

The applicant has submitted information with regards to the proposed new operation on site.

- All Turkeys will be kept in the building for their entire period
- The 2 buildings on site combined, will accommodate 30,000 Turkeys, but it is unlikely that this figure will be reached and for large periods would be significantly less.
- At times of maximum capacity, there would be 2 vehicles per week delivering food and shavings
- There will be no meat processing on site. Any dead birds will be kept in a freezer and taken off site at intervals for incineration
- 1 full-time member of staff will be based on site with supplementary staffing for other purposes as required.

OFFICER REPORT

Principle of development

The application site is situated within the Open Countryside and as such is subject to Policy PS8 of the Local Plan. Policy PS8 advises that development will not be permitted unless it is for one or more of a number of purposes.

One of these purposes is agricultural use.

The application unit was granted permission as it was considered that egg production was an agricultural use. It is also considered that turkey production is an agricultural use. As such, the principle of the development is accepted.

The development would re-use an existing rural building for a rural use without making any external alterations. It would also continue to be used for employment purposes in accordance with Policy E5 of the Local Plan. As such, it is considered that the impact upon the Open Countryside would be minimal.

Design

No changes are sought to the external appearance of the building; it is not considered any design issues would be created. As such, the proposed development would adhere with Policy GR2 of the Local Plan.

Amenity

The decision notice (ref: 05/0611/FUL) advises that this condition was imposed to protect the amenities of the nearby residents. As such, this is a key consideration in the determination of this application.

Policy GR6 advises that development will not be permitted so long as it would not have a detrimental impact upon neighbouring amenity in terms of; loss of privacy, loss of light, visual intrusion or environmental disturbance. As no physical alterations are proposed to the building, issues relating to privacy, light and visual intrusion are not of concern in this instance.

Due to the nature of turkey production, the impact upon environmental disturbance in relation to noise and odour would be the main consideration. However, the Council's Environmental Protection Team have raised no objections to the development in this regard.

As such, it is considered that the proposal would be acceptable in terms of its impact upon neighbouring amenity and would adhere with Policy GR6 of the Local Plan.

Highways

The applicant has advised that the new business on the site would result in, at a maximum, 2 deliveries per week.

As this is a lower traffic movement than that of the current/previous egg production operation, it is not considered that the proposed development would create any additional highway safety concerns than the existing business and would adhere with Policy GR9 of the Local Plan.

CONCLUSION

The proposed change in business would not alter the type of operation on the site, Environmental Health have advised that they have no objections and no changes are proposed to the external elevations of the approved building. It is therefore considered that this condition be varied from;

'The building to which this permission relates shall be used only in connection with the production of free range eggs, unless a further planning permission has been granted for any variation on application to the Local Planning Authority.'

to;

*'The building to which this permission relates shall be used only in connection with the production of free range eggs **or turkeys**, unless a further planning permission has been granted for any variation on application to the Local Planning Authority.'*

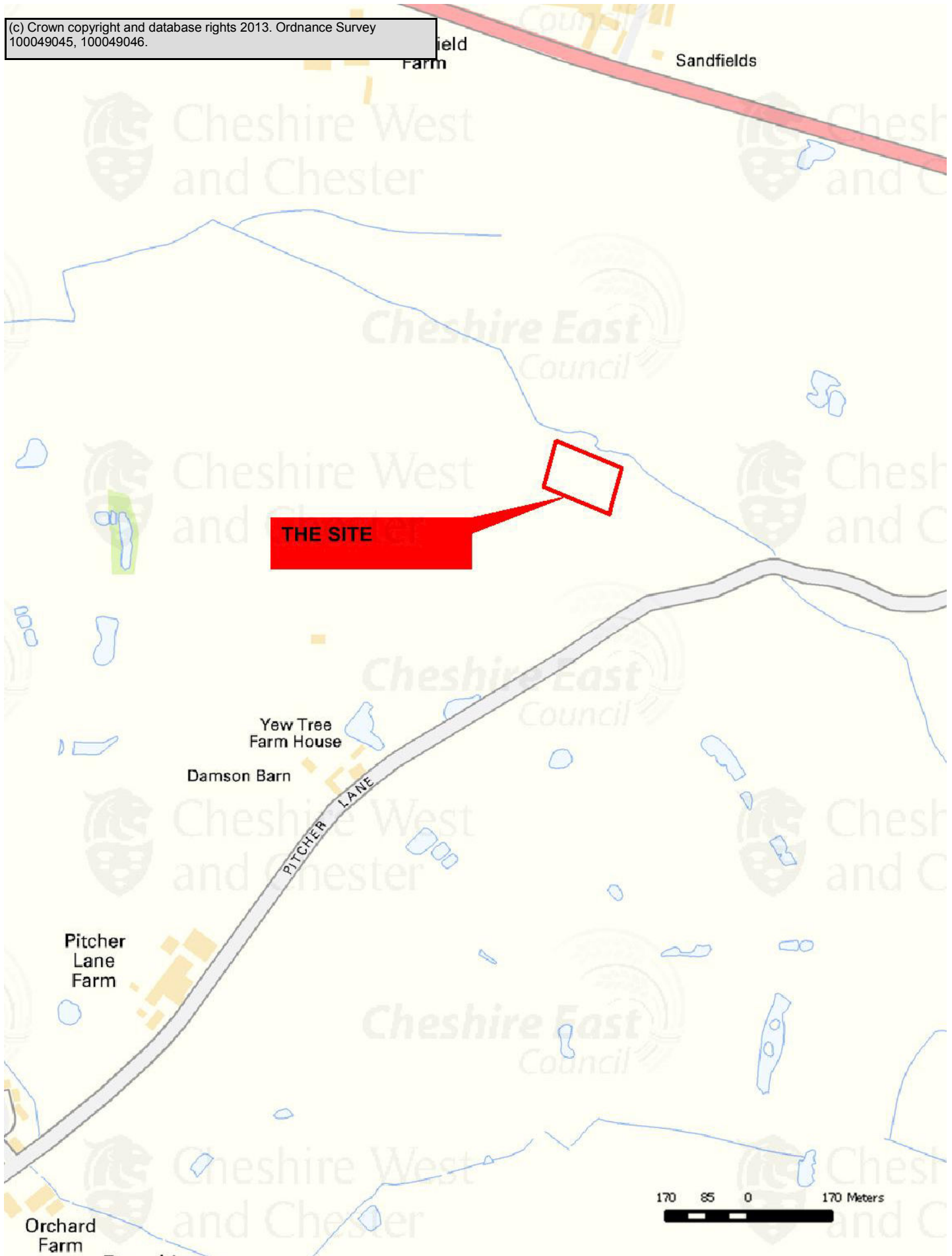
This change would ensure that the development would adhere with the following policies within the Congleton Borough Local Plan First Review 2005; PS8 (Open Countryside), GR1 (New Development), GR2 (Design), GR4 (Landscape), GR6 (Amenity and Health), GR9 (Accessibility, Servicing and Parking Provision). The proposal would also adhere with the NPPF.

RECOMMENDATION

APPROVE subject to the following conditions;

- 1. Building relates to the production of free range eggs or turkeys**

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CHESHIRE EAST COUNCIL**SOUTHERN PLANNING COMMITTEE**

Date of meeting: 13TH November 2013
Report of: David Malcolm – Southern Area Manager
Title: Bath Vale Works, Congleton

1.0 Purpose of Report

- 1.1 To consider proposed amendments to the resolution passed by Southern Area Committee in respect of application 11/2530C.
- 1.2 The report has been presented to Southern Area Committee because the original application was approved by the committee on 24th August 2011.

2.0 Decision Required

- 2.1 To agree to the amendments to the previous resolutions as stated in this report.
- 2.2 The principle of the development has already been established by the previous resolution. Consequently, this report does not provide an opportunity to revisit that issue. This item relates solely to the proposed amendment to the requirements of the Section 106 Agreement.

3.0 Background

- 3.1 The site is located approximately 1.5km to the north east of Congleton town centre in an area of open countryside. It is broadly rectangular and orientated in a north western – south eastern alignment. The existing buildings on the site were previously used for industrial purposes and covered most of the site. These have now been demolished and the site now undergoing redevelopment. The site itself, which slopes up gradually from the entrance, lies in a river valley, the sides of which are steeply sloping and heavily treed. The site area is approximately 10.07ha. It is accessed off Brookhouse Lane, which roughly follows the southern boundary of the site.
- 3.2 Outline planning permission was originally granted in June 2008 for residential redevelopment of the site for 130 dwellings, with 20% affordable housing. (07/0596/OUT refers). A subsequent outline application (08/1317/OUT) for 130 dwellings was refused on 7th November

2008, because the developer sought to reduce the extent of affordable housing provision to 5%. A subsequent appeal against that decision was allowed and outline planning permission granted, on 28th April 2010.

- 3.3 A reserved matters application seeking approval for details of access, appearance, landscaping, layout and scale was approved on 24th November 2010. The permission was subject to a number of conditions. Condition no.11 stated:

Within three months of the date of this permission a detailed specification for all the sustainable / energy saving features to be incorporated in the development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for at least 10% of the energy requirements of the building to be obtained from decentralised and renewable or low-carbon sources. The approved features shall be installed and fully operational prior to the first occupation of the development and shall thereafter be retained unless the Local Planning Authority gives written consent to any variation.

Reason: To comply with Policy EM18 (Decentralised Energy Supply) of the North West of England Plan: Regional Spatial Strategy to 2021.

- 3.4 An application which sought to remove that condition was submitted in 2011 (application 11/2530C refers) and on 24th August 2011, Southern Planning Committee resolved to approve it, subject to a Deed of Variation to the existing Section 106 agreement to reference the new consent, and conditions.
- 3.5 Notwithstanding that resolution, the Deed of Variation has never been completed. Consequently, the revised permission has never been issued and work has progressed under the original consent.
- 3.6 Recently, the developer has raised concerns over the mix of affordable housing proposed and has submitted a formal request to the Council to vary the terms of the existing legal agreement. This forms the subject of this report and the implications of the proposed change are discussed in more detail below.
- 3.7 If Members are minded to agree to the proposed amendments to the affordable housing provision, it is considered that these could be incorporated within the outstanding Deed of Variation referred to above, which could then be progressed to completion allowing planning permission 11/2530C to be issued.

4 Developer's Supporting Information

- 4.1 The applicant has stated that the current agreement requires that 5% of the residential units are delivered as affordable housing. These are to be split, with 50% to be shared ownership and 50% to be discounted for sale. This equates to 3 units of each tenure. The 3 units for shared ownership have been sold to the Plus Dane Housing association and are now occupied. Unfortunately, the developer has been unable to secure buyers for the discounted for sale units, primarily due to mortgage availability and the size of deposits required by lenders for this type of product. Marketing commenced in October 2011, and the units are complete and available for occupation.
- 4.2 The developer proposes to change the tenure of these units to shared equity model, which it is understood has had some success on other sites in the Borough.

5 Officer Comment

- 5.1 Housing Officers have commented that this proposal is acceptable, although they have discussed with the applicant whether it would be possible to make this change to 'intermediate tenure' to be agreed with Housing as this would allow flexibility if selling the properties as shared ownership became an option. The Borough Solicitor has confirmed that the remaining 50% can be specified within the Section 106 Agreement to be shared equity only or intermediate housing generally as per the NPPF definition.
- 5.2 On this basis, taking into account the developers requirements, the preference of housing officers, and the legal advice received it is considered to be appropriate to change the terms of the Section 106 Agreement to require 50% of the provision to be "intermediate housing as per the NPPF definition, to be agreed with the Local Planning Authority."

Recommendation

That the Committee resolve to amend the previous resolution in respect of application 11/2530C to read:

That the application be APPROVED subject to the completion of a Deed of Variation to the Section 106 Agreement to reference the new permission and change the affordable housing provision from 50% to shared ownership and 50% discounted for sale to 50% to shared

ownership and 50% intermediate housing as per the NPPF definition, to be agreed with the Local Planning Authority

And the following conditions –

- 1 Plans**
- 2 Materials**
- 3 Boundary treatment**
- 4 Internal layout details**
- 5 Contaminated land**
- 6 Updated Tree Canopy Plan**
- 7 Updated Landscaping Plan**
- 8 Implementation of landscaping**
- 9 Removal of Permitted Development Rights**
- 10 Construction of access**

8 Financial Implications

- 8.1 There are no financial implications.

9 Legal Implications

- 9.1 The Borough Solicitor has been consulted on the proposals and raised no objections

10 Risk Assessment

- 10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

- 11.1 To allow negotiations in respect of the Section 106 to progress to signing, to enable the development works to commence in a timely fashion to assist in delivering the 5 year housing land supply for the Borough.

For further information:

Portfolio Holder: Councillor Don Stockton
Officer: David Malcolm – Southern Area Manager
Tel No: 01270 686761
Email: david.malcolm@cheshireeast.gov.uk

Background Documents:

- *Application 11/2530C*

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CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

Date of meeting: 13th November 2013
Report of: David Malcolm – Southern Area Manager
Title: Land adjacent Royal Oak, 94, Main Road, Worleston, Cheshire,
CW5 6DN

1.0 Purpose of Report

- 1.1 To consider proposed amendments to the resolution passed by Southern Planning Committee in respect of application 11/2241N.
- 1.2 The report has been presented to Southern Planning Committee because the original Outline application ref: 11/2241N for 4 new dwellings at the above mentioned site was approved by the Committee, subject to conditions and a S106 Agreement on 14th September 2011.

2.0 Decision Required

- 2.1 To agree to the amendments to the previous resolutions on affordable housing as stated in this report.
- 2.2 The principle of the erection of 5 dwellings at this site has already been established by the previous outline planning permission 11/2241N and subsequent Reserved Matters permission 13/1864N and this report does not provide an opportunity to revisit that issue. This item relates solely to the proposed amendment to the requirements of the signed Section 106 Agreement.

3.0 Background

- 3.1 The application site forms land attached to the existing Royal Oak Public House within the settlement boundary for Worleston, Cheshire. The site comprises part of the existing beer garden and parking area to the south of the public house, and also land between the public house beer garden and residential properties to the south which is grazing land. Fronting Main Road is a hedgerow whilst the rear boundary is also vegetated. There is a pond located in the south eastern corner of the site.
- 3.2 In September 2011, Southern Planning Committee resolved to grant outline planning permission for the erection of 5 dwellings at the abovementioned site. 2 of these dwellings were to be affordable dwellings with a 50/50 split between socially rented and intermediate.

- 3.3 The resolution to approve on 14th September 2011 was subject to completion of Section 106 Agreement making a number of provisions in relation to the affordable housing.

4.0 Proposals

Affordable Housing

- 4.1 Since those resolutions were passed, discussions have been held between the developer, Archway Homes (on behalf of Plus Dane) and the Council's Strategic Housing Development Officer with regards to difficulties around mortgageability of the shared ownership unit.
- 4.2 More specifically, the applicant has advised that *'Their concern revolves around the mortgageability and therefore saleability of this unit when there is an 80% staircasing cap as envisaged in clause 1.14 of the First Schedule. There are few lenders who are prepared to offer mortgages to purchasers under such restriction.'*
- 4.3 Archway Homes therefore request *'...a variation to the S106 Agreement removing clause 1.14 and for the addition of a new obligation to be passed onto the eventual purchaser of the Shared Ownership Unit to offer back the unit to the RSL [Registered Service Lender], once 100% is achieved.'*
- 4.4 Clause 1.14 of the S106 Agreements reads;
- 'The Shared Ownership Units shall not be subject to Staircasing beyond 80% and the percentage ownership is specifically prohibited from being staircased out beyond that percentage to between 81-100%.'*
- 4.5 The Council's Strategic Housing Development Officer has been consulted on this proposal and advised that he is supportive of the proposed amendment.
- 4.6 The Officer has advised that *'Housing are satisfied that allowing staircasing to 100% makes access to mortgages easier and as such improves the shared ownership product for the customer. At the same time this allows the property to be sold back to the Registered Provider if staircasing to 100% has taken place and in turn they can sell the property again as shared ownership.'*
- 4.7 It is further advised that paragraph 1.12 (iv) (a) of the First Schedule will need to be amended to reflect the fact that staircasing up to 100% can take place.
- 4.8 The applicant/agent has agreed to this also.

5.0 Conclusion

- 5.1 On the basis of the above, the proposed amendment to the signed S106 of the resolution is considered to be acceptable.

6.0 Recommendation

- 6.1 That the Committee resolve to amend the previous S106 Agreement in respect of application 11/2241N to remove clause 1.14 and amend paragraph 1.12 (iv) (a) of the First Schedule to reflect the fact that staircasing up to 100% can take place.

7.0 Financial Implications

- 7.1 There are no financial implications.

8.0 Legal Implications

- 8.1 Revisions to the signed S106 Agreement will need to be made by the Council's Legal Team.

9.0 Risk Assessment

- 9.1 There are no risks associated with this decision.

10.0 Reasons for Recommendation

- 10.1 To increase the saleability of the approved affordable housing unit within the approved housing scheme.

For further information:

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Email: nick.hulland@cheshireeast.gov.uk

Background Documents:

Application 11/2241N

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