

# **Southern Planning Committee**

## **Agenda**

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<b>Date:</b>	<b>Wednesday, 12th March, 2014</b>
<b>Time:</b>	<b>1.00 pm</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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**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 - 16)**

To approve the minutes of the meeting held on 12 February 2014.

**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](mailto:julie.zientek@cheshireeast.gov.uk) with any apologies or requests for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto: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. **14/0476N Land Off Main Road, Shavington: Erection of 17 affordable dwellings - 5 no. 3-bedroom houses, 8 no. 2-bedroom houses and 4 no. 1-bedroom apartments. (Resubmission) for Mrs Anne Lander, Wulvern Housing** (Pages 17 - 34)

To consider the above planning application.

6. **13/4240N Kents Green Farm, Kents Green Lane, Haslington CW1 5TP: Outline planning application for the development of up to 70 dwellings with associated car parking, roads and landscaped open space for Renew Land Developments Ltd** (Pages 35 - 62)

To consider the above planning application.

7. **13/5117C Pulse Fitness Ltd, Radnor Park Industrial Estate, Back Lane, Congleton CW12 4TW: Change of use from manufacturing unit to fitness centre for Christopher Johnson, Pulse Fitness** (Pages 63 - 68)

To consider the above planning application.

8. **13/5093N Reaseheath College, Main Road, Worleston, Nantwich, Cheshire CW5 6DF: New teaching facility, national centre for food futures and the environment and associated outbuildings including glasshouses and maintenance block for Mr S Kennish, Reaseheath College** (Pages 69 - 80)

To consider the above planning application.

9. **13/3294C Former Fisons Site, London Road, Holmes Chapel, Cheshire CW4 8BE: Demolition of existing structures and erection of a Class A1 foodstore and petrol filling station with vehicular access, car parking, servicing area, public realm and hard and soft landscaping for Bluemantle Ltd & Sainsbury's Supermarket** (Pages 81 - 100)

To consider the above planning application.

10. **13/4632N Land North of Pool Lane, Winterley: Outline planning permission for the construction of up to 45no. dwellings for c/o Agent, Footprint Land and Development** (Pages 101 - 126)

To consider the above planning application.

11. **13/5006N Alvaston Hall Hotel, Peach Lane, Wistaston CW5 6PD: Development of existing driving range site to create additional recreational facilities areas for use by the hotel guests for Ken Younie, Bourne Leisure** (Pages 127 - 134)

To consider the above planning application.

12. **14/0024N Crewe Hall, Weston Road, Weston CW1 6UZ: Extension to existing building to provide 46 additional guest bedrooms, with associated external works for Philip King, Marston Hotels Ltd** (Pages 135 - 146)

To consider the above planning application.

13. **14/0031N Crewe Hall, Weston Road, Weston CW1 6UZ: Extension to existing building to provide 46 additional guest bedrooms, with associated external works for Philip King, Marston Hotels** (Pages 147 - 160)

To consider the above planning application.

14. **14/0448N Robert Eardley & Son, Coppenhall Garage, Remer Street, Crewe CW1 4LS: Proposed change of use of the Coppenhall Garage at Remer Street, Crewe to form a retail unit with associated servicing and parking area for approximately 21 cars including 2no. wheelchair accessible spaces for Robert Eardley** (Pages 161 - 168)

To consider the above planning application.

15. **13/4830N Pusey Dale Farm, Main Road, Shavington CW2 5DY: Erection of new dwelling for Stuart Shaw** (Pages 169 - 180)

To consider the above planning application.

16. **13/5295N Linden Court, Hungerford Avenue, Crewe CW1 6HB: Variation of condition 2 on approval 13/0019N - 22 No. new residential units, predominantly two storey semi-detached dwellings with 6No. 1 bedroom flats and a new access road for Ann Lander, Wulvern Housing** (Pages 181 - 186)

To consider the above planning application.

**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, 12th February, 2014 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

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

Councillors Rhoda Bailey, P Butterill, J Clowes, W S Davies, P Groves,  
M A Martin, S McGrory, D Newton, A Thwaite and J Hammond (for Cllr  
Marren)

**NON-COMMITTEE MEMBERS IN ATTENDANCE**

Councillors B Moran and J Wray

**OFFICERS PRESENT**

Nigel Curtis (Principal Development Officer - Highways)  
Daniel Evans (Principal Planning Officer)  
Patricia Evans (Lawyer)  
Michelle Gresty (Legal Assistant) – Observer  
Margaret Hopley (Environmental Health Officer) - Minute No. 130 Only  
Phil Mason (Senior Enforcement Officer) - Minute No. 130 Only  
Susan Orrell (Principal Planning Officer)  
Julie Zientek (Democratic Services Officer)

**Apologies**

Councillors R Cartlidge and D Marren

**Apologies due to Council Business**

Councillor A Kolker

**127 DECLARATIONS OF INTEREST**

The following declarations were made in the interests of openness:

With regard to application numbers 13/4194N and 13/4968N, and agenda item 19 (application to fell a protected pine tree at Leyland Grove, Haslington), Councillor J Hammond declared that he was a member of Haslington Parish Council, but that he had not taken part in any discussions in respect of the applications and had not made comments on them. With respect to application number 13/4968N, Councillor Hammond also declared that he was Chairman of the Gutterscroft Management Committee.

With regard to application numbers 13/4631N, 12/2550N, 12/3262N and 13/1590N Councillor S Davies declared that the sites were in his ward.

With regard to application numbers 12/2550N and 12/3262N, Councillor S Davies declared that he had not kept an open mind. Councillor Davies declared that he would exercise his separate speaking rights as a Ward Councillor and withdraw from the meeting during consideration of these items.

With regard to application number 13/5091N, Councillor A Thwaite declared that he had previously worked with the applicant.

With regard to application numbers 13/4631N, 12/2550N and 12/3262N, Councillor P Groves declared that he was a member of the relevant Parish Councils. [Note: Councillor Groves subsequently reported that he was a member of a neighbouring Parish Council, which did not cover the locations of the application sites.]

With regard to application number 13/5091N, Councillor P Butterill declared that Mr M David had spoken at a meeting of Nantwich Town Council, of which she was a member.

With regard to application number 13/4818C, Councillor Rhoda Bailey declared that she knew Town Councillor M Benson, who would be making representations at the meeting.

All Members of the Committee declared that they had received correspondence regarding a number of applications on the agenda.

With regard to application numbers 13/4818C and 13/4911C, Councillor G Merry declared that she was a member of Sandbach Town Council.

With regard to application number 13/5104C, 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.

**128 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 15 January 2014 be approved as a correct record and signed by the Chairman.

**129 CHESHIRE EAST HOUSING LAND SUPPLY-POSITION STATEMENT (31 DECEMBER 2013)**

Mr D Evans, Principal Planning Officer, reported that the Cheshire East Housing Land Supply - Position Statement had been approved by the

relevant portfolioholder and asked Members to bear this in mind in considering the applications.

- 130 **13/4818C SANDBACH COUNTY HIGH SCHOOL FOR GIRLS, MIDDLEWICH ROAD, SANDBACH, CHESHIRE CW11 3NT: THE INSTALLATION OF BIOMASS BOILER WITH ANCILLARY PLANT INCLUDING FLUE AND THE CONSTRUCTION OF THE PLAN ENCLOSURE. RESUBMISSION OF 13/3444C FOR MR JOHN BAILEY, MATHIESON BIOMASS LTD**

Note: Councillor D Newton 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 A Hudson (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and an oral report of the site inspection.

RESOLVED – That the application be DEFERRED for further information on ash and installations nationwide in terms of reliability and safety.

- 131 **13/4631N THE GABLES, PECKFORTON HALL LANE, PECKFORTON CW6 9TG: OUTLINE PLANNING APPLICATION FOR HOUSING DEVELOPMENT OFF BACK LANE ON LAND ADJACENT THE GABLES, SPURSTOW WITH ALL MATTERS RESERVED FOR J. GASKELL**

Note: Mr C Bowen attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

RESOLVED

(a) That the application be REFUSED for the following reasons:

1. Due to the location of the site, the development is likely to be car dependant and thereby comprises unsustainable development contrary to the NPPF and comprises the loss of agricultural land within the open countryside. It is therefore contrary to Policy NE.2 (Open Countryside) NE 12 (Agricultural Land Quality) and Policy RES.5 (Housing in the Open Countryside) and does not meet the rural exception requirements of Policy RES8 of the Borough Crewe and Nantwich Local Plan 2011 and the provisions of the NPPF with respect to sustainable development.

2. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, and as such the housing supply policies of the Local Plan can be considered to be up to date. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan. The proposed development is therefore contrary to Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.
3. Insufficient information has been submitted in relation to the site's contributions to sustainable transport provision, contrary to the guidance of the NPPF. It is therefore considered that insufficient information has been submitted in relation to highway matters therefore the application does not accord with Policy BE.3 (Access and Parking) of the Crewe and Nantwich Replacement Local Plan 2011.
  - (b) That, 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 Interim Planning and Place Shaping Manager be granted 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.
  - (c) That, should this application be the subject of an appeal, authority be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

132 **12/2550N PECKFORTON CASTLE, STONE HOUSE LANE,  
PECKFORTON, TARPORLEY, CHESHIRE CW6 9TN: PROPOSED  
WOODLAND EXPERIENCE - CONVERSION AND EXPANSION OF  
FORMER ENGINE SHED TO CREATE ACTIVITY CENTRE, ANIMAL  
FARM, WARDEN ACCOMMODATION, ANCILLARY BUILDINGS,  
MEANS OF ACCESS AND CAR PARKING FOR MR T NAYLOR,  
MAJORSTAGE LTD**

Note: Having exercised his separate speaking rights as a Ward Councillor, Councillor S Davies withdrew from the meeting for the duration of the Committee's consideration of this and the following item.

The Committee considered a report regarding the above planning application.



RESOLVED - That authority be DELEGATED to the Interim Planning and Place Shaping Manager in consultation with the Chairman to APPROVE the application for the reasons set out in the report, subject to:

- (a) further consideration being given to the retention of the storage building, as requested by English Heritage.
- (b) the following conditions:
  - 1. Standard
  - 2. Plans
  - 3. Materials
  - 4. Surfacing Materials
  - 5. Drainage details to be submitted and agreed in writing
  - 6. Landscaping details to be submitted and agreed in writing
  - 7. Landscaping Implemented
  - 8. Details of External Lighting to be submitted and agreed in writing
  - 9. Details of a construction management plan to include the following:
    - details of construction and demolition waste management;
    - details of pollution prevention;
    - details of any lighting scheme proposed during construction. (Note: lighting should be directed away from the designated sites);
    - details of site access, working and safety zones, together with temporary fencing proposals for the site access and site perimeter:
    - all contractors working on site should be made aware of and should be provided with a map that clearly shows the boundaries of the Peckforton Woods SSSI in relation to the development site.
  - 10. Details of mortar mix and pointing technique to be submitted and agreed in writing
  - 11. All air vents and grills to be painted black and thereafter retained
  - 12. All external windows to be single glazed unless otherwise agreed in writing
  - 13. Details of cleaning mechanism of stonework
  - 14. Details to be submitted and agreed with approach to blown and damaged stonework
  - 15. All plaster to be lime based unless otherwise agreed in writing
  - 16. Describe and illustrate all replacement/new doors and windows
  - 17. Describe and illustrate proposed new radiators
  - 18. Rainwater goods to be cast iron and painted black unless otherwise agreed in writing
  - 19. Car parking spaces
  - 20. Survey for breeding birds
  - 21. Features for birds
  - 22. Noise survey to be submitted and agreed in writing
  - 23. Contaminated land survey
  - 24. Details of Levels
  - 25. Details of window/door Reveals to be submitted and agreed in writing
  - 26. Details of Service Routes
  - 27. Wardens Accommodation

28. Full details of the construction methods of the all footpaths and access road to be submitted and agreed in writing

Informative:

The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

- 133 **12/3262N PECKFORTON CASTLE HOTEL, STONE HOUSE LANE, PECKFORTON, TARPORLEY, CHESHIRE CW6 9TN: LISTED BUILDING CONSENT FOR RENOVATION, ALTERATION AND EXTENSION TO FORMER ENGINE SHEDS IN CONNECTION WITH THE PLANNING APPLICATION 12/2550N PROPOSED WOODLAND EXPERIENCE - CONVERSION AND EXPANSION OF FORMER ENGINE SHEDS TO CREATE AN ACTIVITY CENTRE, ANIMAL FARM, WARDEN ACCOMMODATION, ANCILLARY BUILDINGS, MEANS OF ACCESS AND CAR PARKING FOR MAJORSTAGE LTD**

The Committee considered a report regarding the above planning application.

RESOLVED - That authority be DELEGATED to the Interim Planning and Place Shaping Manager in consultation with the Chairman to APPROVE the application for the reasons set out in the report, subject to:

- (a) further consideration being given to the retention of the storage building, as requested by English Heritage.
- (b) the following conditions:
  - 1. Standard
  - 2. Plans
  - 3. Materials
  - 4. Drainage
  - 5. Mortar Mix
  - 6. All air vents and grills should be painted black
  - 7. Cleaning Mechanism of stonework
  - 8. Details of approach to blown sandstone
  - 9. All plaster to be lime based
  - 10. Describe and illustrate all replacement/new doors/windows
  - 11. Describe and illustrate proposed replacement radiators
  - 12. Rainwater goods to be cast iron and painted black

13. Surfacing Materials
14. Landscaping Submitted
15. Landscaping Implemented
16. Details of Timber Stain
17. Roof trusses to remain exposed
18. Details of door furniture to be submitted and agreed in writing
19. Details of internal flooring to be submitted and agreed in writing

**134 13/0971N LAND TO THE REAR OF 315 - 319 WEST STREET, CREWE CW1 3HU: PROPOSED RESIDENTIAL DEVELOPMENT OF 6 TWO BEDROOM APARTMENTS FOR MR ANTONY MOLLOY, FUTURE HOMES**

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection.

**RESOLVED**

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
  1. Time limit
  2. Approved plans
  3. Submission of details of materials
  4. Hours of construction
  5. Details of piling
  6. Submission of a Phase 1 Contaminated Land Survey
  7. Submission of revised parking layout plan
  8. Landscaping scheme
  9. Implementation of landscaping scheme
  10. No alterations to the siting or function of the alley gates
  11. Boundary treatment details to be submitted to the LPA for approval in writing
- (b) That, 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 Interim Planning and Place Shaping Manager be granted 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.

**135 13/1590N GILLY'S FARM, WRENBURY, NANTWICH, CHESHIRE CW5 8HN: RECONSTRUCTION OF GRADE 2\* 17TH CENTURY TIMBER FRAMED BUILDING TO FORM A DWELLING HOUSE ON THE SITE OF A FORMER DWELLING FOR MR PHILIP HORSLEY**

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
2. Plans
3. Re-erection to be carried out in accordance with submitted report unless otherwise stated in conditions
4. Windows to be retained at original size, with small leaded light windows in accordance with details to be submitted
5. Submission, approval and implementation of overhanging eaves detail
6. lantern feature on the roof to be omitted in favour of a rooflight fitted flush with the roofcovering
7. Submission and approval of materials including surfacing materials. Materials to include thatch to roof, wattle and daub infill panels, plain clay tiles to ancillary building, All timber cladding shiplap boarding to be oak; colour finish of Oak frame Natural Stone Plinth to main building
8. Landscaping to include native hedge planting to boundary
9. Implementation of landscaping.
10. The hours of construction works taking place during 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
11. Should any adverse ground conditions be encountered during excavation works, all work in that area should cease and Environmental Health to be contacted for advice.
12. All repairs and replacement of oak to be in oak;
13. Oak frame to remain exposed;
14. All rainwater goods and downpipes to be black cast metal;
15. All windows to be oak framed;
16. All doors to be in oak;
17. Remove Permitted Development rights
18. Implementation of boundary treatment
19. Submission and approval of design for gates

136 **13/4194N 'THE LIMES', 425, CREWE ROAD, WINTERLEY, SANDBACH, CHESHIRE CW11 4RP: CONVERSION OF EXISTING DETACHED DWELLING INTO 4 APARTMENTS, ERECTION OF 2 TWO-STOREY DETACHED DWELLINGS & 4 TWO-STOREY SEMI-DETACHED DWELLINGS AND ASSOCIATED WORKS FOR MR MICHAEL & NEIL GHOSH**

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

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the completion of a Section 106 Agreement to secure a commuted payment of £21,693 towards primary school education and the following conditions:
1. Time (3 years)
  2. Plans (excluding the proposed bin store on the approved layout plan)
  3. Prior submission of facing and roofing details
  4. Prior submission of hard or soft surfacing materials
  5. Hours of construction
  6. Hours of piling
  7. Prior submission of a piling method statement
  8. Prior submission of lighting details
  9. 30% Affordable Housing requirement
  10. Tree protection
  11. Tree pruning specification
  12. Landscaping – Details
  13. Landscaping – Implementation
  14. Boundary Treatment
  15. Bat mitigation - Implementation
  16. Prior submission of drainage
  17. Prior submission of bin storage details
  18. Prior submission of bin drop-off point
  19. PD removal A-E of Locally Listed Building
  20. PD removal for retention of garage spaces on plots 1 & 2
- (b) That, 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 Interim Planning and Place Shaping Manager be granted 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.
- (c) That, should this application be the subject of an appeal, authority be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.
- (d) Informatives
1. NPPF
  2. Section 184 and 278 Agreements (Highways)

137 **13/4911C LAND OFF MOSS LANE, SANDBACH: OUTLINE APPLICATION FOR 13 NEW DWELLINGS (RESUBMISSION) FOR MR PETER RICHARDSON**

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

Note: Mr C Bowen attended the meeting and addressed the Committee on behalf of the applicant.

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

**RESOLVED**

- (a) That the application be REFUSED for the following reason:

The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 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 and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

- (b) That, 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 Interim Planning and Place Shaping Manager be granted 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.
- (c) That, should this application be the subject of an appeal, authority be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

**Heads of terms:**

1. A commuted payment of £6,842.20 towards off-site Public Open Space enhancement and maintenance

2. A commuted payment of £15,602.80 towards off-site Children's Play Space enhancement and maintenance
3. A commuted payment of £21,692 towards local Primary School provision.
4. A commuted payment of £32,685 towards local Secondary School provision.
5. 30% Affordable Housing provision – All 4 units to be socially rented. Pepper-potted and tenure blind, provided no later than 50% occupation. Transferred to registered provider.

**138 13/4968N 157, CREWE ROAD, HASLINGTON, CREWE CW1 5RG: 10 NO. DETACHED HOUSES FOR RENEW LAND DEVELOPMENTS LTD**

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

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

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. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays
4. Pile driving limited to 09:00 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
5. Materials to be submitted for approval
6. Landscaping details including boundary treatments to be submitted and approved
7. Implementation of landscaping
8. Prior to the commencement of development details of existing and proposed levels are to be provided.
9. Protection of birds during the breeding season
10. Incorporation of features to house roosting bats and breeding birds, including House Sparrows and Swifts.
11. Protection of retained trees and hedgerows
12. Completion of the widening of Gutterscroft and the surfacing of Gutterscroft and the new cul-de-sac including parking spaces and provision of 2m x 2m refuse collection areas within the curtilages of the dwellings, prior to first occupation of the dwellings
13. Submission of external lighting details
14. Submission of foul and surface water drainage details
15. Notwithstanding the details shown on the approved layout plan, a revised plan showing hard surfacing between the driveways of Plots 1, 2 and 3 and a footway on the eastern side of Gutterscroft shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan.

16. Prior to the commencement of development a method statement shall be submitted to and approved in writing by the Local Planning Authority, which outline the method of construction, details of deliveries to the site during construction, how and where materials will be unloaded and details of where contractor's vehicles will park. The development shall then be constructed in complete accordance with the method statement.
17. Obscure glazing to the side elevations of plots 6 and 7.
18. Details of street lighting along Gutterscroft.

139 **13/5053C THE BARN, BROOK FARM, NEWCASTLE ROAD, BETCHTON CW11 2TG: ERECTION OF TIMBER CLAD GATEHOUSE, ACCESS STEPS AND UNDERGROUND SEWAGE TREATMENT PLANT. RESUBMISSION OF 13/4292C FOR DENISE COATES, AND MR RICHARD SMITH**

Note: Councillor J Wray (Ward Councillor) and Mr C Copestake (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 the application be DEFERRED for further consideration of the essential need and the alternative options available to the applicant.

140 **13/5091N REASEHEATH COLLEGE, MAIN ROAD, WORLESTON, NANTWICH, CHESHIRE CW5 6DF: OUTLINE APPLICATION FOR NEW SPORTS HALL, 3G AND MUGA PITCH FOR MR S KENNISH, REASEHEATH COLLEGE**

Note: Mr M David attended the meeting and addressed the Committee on behalf of the applicant.

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

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

1. Standard
2. Plans
3. Materials
4. Details of Surfacing Materials to be submitted and agreed in writing
5. Details of External Lighting to be submitted and agreed in writing
6. Details of Drainage to be submitted and agreed in writing
7. Restrict hours of use for the pitches and lighting
8. Dust Control
9. Contaminated Land Survey



10. Landscaping submitted and agreed in writing
11. Landscaping Implemented
12. Details of any netting including its colour to be submitted and agreed in writing
13. Details of the floodlighting to be submitted and agreed in writing
14. Details of the pitches including their construction to be submitted and agreed in writing
15. Details of covered cycle shelters to be submitted and agreed in writing
16. Travel plan to be submitted and agreed in writing
17. Tree Protection Measures
18. Within 12 months of the date of this planning permission a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to [describe facilities forming part of the development] and include details of pricing policy, hours of use, access by non-[educational establishment] users [/non-members], management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement."
19. Details of Management and Maintenance Scheme to be submitted and agreed in writing
20. The development hereby permitted shall not be brought into use until the area shown on Drawing No. 30104/A-01-001 has been cleared and laid out in accordance with Drawing No. 30104/A-01-002 so that it is available for use as a playing field and sports facility, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order amending, revoking or re-enacting that order) that area shall not thereafter be used for any purpose other than as a playing field and sports facility.
21. The Artificial Grass Pitch, The Multi Use Games Area and Sports Hall, hereby permitted shall be constructed in accordance with Sport England/National Governing Body Technical Design Guidance Notes

**Informatives:**

The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility

to ensure the safe development of land affected by contamination rests primarily with the developer.

Guidance on preparing Community Use Agreements is available from Sport England [www.sportengland.org](http://www.sportengland.org).

141 **13/5104C OLD CHURCH HALL, VICARAGE LANE, SANDBACH CW11 3BW: DEMOLITION OF EXISTING BUILDING AND CHANGE OF USE TO ERECT 4 NO. RESIDENTIAL DWELLINGS FOR C WRIGHT, FORWARD PROPERTY GROUP**

Note: All Members of the Committee declared that they had received correspondence with respect to this application.

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: Mr R Sproson (objector) and Ms C Gascoigne (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Mr D Evans, Principal Planning Officer, read a statement submitted by Councillor B Moran (Neighbouring Ward Councillor).

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.

142 **13/5139N LAND ADJACENT 9, WALTHALL STREET, CREWE CW2 7JZ: CONSTRUCTION OF 12NO. APARTMENTS FOR MR GREENHOUSE, GREENHOUSE PROPERTY MANAGEMENT**

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

RESOLVED

(a) 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. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays
4. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
5. No development shall take place until details of external lighting has been submitted to and agreed in writing by the Local Planning Authority.
6. Submission and approval of details of materials
7. Landscaping details including boundary treatment of car parking area to be submitted and approved
8. Implementation of landscaping
9. Submission of a Phase 1 Contaminated Land Survey
10. Construction Management Plan
11. Provision of 2 vehicle charging points
12. Parking to be provided prior to occupation
13. Details of bin storage to be submitted to the LPA for approval in writing.

- (b) That, 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 Interim Planning and Place Shaping Manager be granted 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.

**143 13/5114N BENTLEY MOTORS LTD, PYMS LANE, CREWE, CHESHIRE CW1 3PL: VARIATION OF CONDITION 2 (APPROVED PLANS) ON APPLICATION 12/4426N (PROPOSED DEVELOPMENT OF THE SITE TO PROVIDE A PERMANENT CAR PARK WITH A TOTAL OF 1817 CAR PARKING SPACES PLUS LORRY PARKING FOR UP TO 14 HGVS) FOR MR GARTH ROBERTS, BENTLEY MOTOR 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 following conditions:

1. Standard 3 year time limit
2. Accordance with Amended Plans
3. Materials to be submitted
4. Landscaping submission – to include native species and details of any mounding
5. Landscaping implementation
6. Breeding bird survey to be carried out prior to commencement of any works during nesting season
7. Construction of Access in accordance with approved plans

8. Hours of construction limited
9. Hours of operation limited
10. Submission of scheme to minimise dust emissions during demolition / construction
11. In accordance with details of lighting
12. Drainage details to be carried out in accordance with the submitted Flood Risk Assessment
13. Scheme to limit surface water runoff
14. scheme to manage the risk of flooding from overland flow of surface water
15. Levels and ground modelling works

**144 APPLICATION TO FELL PROTECTED PINE TREE AT LEYLAND GROVE, HASLINGTON (APP. 13/5163T)**

The Committee considered a report regarding an application to fell a mature pine tree between public open space and 52, Leyland Grove, Haslington, which was subject to the Crewe and Nantwich Borough Council (Oaklands Avenue, Haslington) TPO 1997.

RESOLVED – That, for the reasons set out in the report, the application to fell the protected pine tree be REFUSED.

The meeting commenced at 1.00 pm and concluded at 5.55 pm

Councillor G Merry (Chairman)

Application No: 14/0476N

Location: Land Off, MAIN ROAD, SHAVINGTON

Proposal: Erection of 17 affordable dwellings - 5 no. 3-bedroom houses, 8 no. 2-bedroom houses and 4 no. 1-bedroom apartments. (Resubmission)

Applicant: Mrs Anne Lander, Wulvern Housing

Expiry Date: 22-Apr-2014

**APPROVE subject to conditions and the completion of Section 106 Legal Agreement to secure the following:-**

**1. A contribution of £8,305.50 towards habitat creation/enhancement work to be undertaken offsite.**

**MAIN ISSUES**

- Principle of Development
- Housing Need
- Green Gap
- Sustainability of the Site
- Amenity
- Design
- Flood Prevention/Drainage
- Highways
- Trees
- Ecology

**REFERRAL**

The application is referred to the Southern Planning Committee as the application relates to a residential development of more than 10 dwellings.

**1. SITE DESCRIPTION**

This application relates to a linear parcel of land to the western side of Main Road within the Open Countryside and Green Gap as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011. Immediately to the east of the site is the settlement of Shavington.

The application site is currently undeveloped land. To the north, east and south of the site are residential properties which front onto Main Road and are of varying styles and sizes. To the

west of the site is agricultural land with a native hedgerow forming the boundary to this side. Along the western boundary are a number of trees which are subject to a Tree Preservation Order.

The land levels are uneven on the site with the level of Main Road being set at a lower level to the northern end of the site.

## **2. DETAILS OF PROPOSAL**

This is a full planning application for the erection of 17 residential units (13 dwellings and 4 flats). There would be a single access point which would be taken at the southern part of the site. The proposed dwellings would be affordable homes and would be two-stories in height.

## **3. PREVIOUS RELEVANT DECISIONS**

13/0003N - Erection of 17 affordable dwellings - 5 no. 3 bedroom houses, 8 no. 2 bedroom houses and 4 no. 1 bedroom apartments – Refused 2<sup>nd</sup> July 2013

- Reasons for refusal relating to lack of affordable housing need and the design and layout of the dwellings

7/17135 – Residential Development –Refused 8<sup>th</sup> June 1989

– Reasons for refusal the site is not allocated within the structure and local plan and harmful to the rural character

7/06604 - Residential development 4 no. bungalows – Refused 28<sup>th</sup> April 1980

– Reasons for refusal contrary to the structure plan, not a natural village extension, adverse impact upon rural amenity

7/06599 – 10 dwellings – Refused 28<sup>th</sup> April 1980

– Reasons for refusal contrary to the structure plan, not a natural village extension, adverse impact upon rural amenity

## **4. PLANNING POLICIES**

### **National Policy**

The National Planning Policy Framework

### **Local Plan Policy**

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

NE.2 (Open Countryside)

NE.4 (Green Gaps)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

RES.2 (Unallocated Housing Sites)

RES.3 (Housing Densities)

RES.8 (Affordable Housing in Rural Areas outside Settlement Boundaries)

**Regional Spatial Strategy**

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP4 – Make the Best Use of Existing Resources and Infrastructure

RDF2 – Rural Areas

L5 – Affordable Housing

EM18 – Decentralised Energy Supply

**Other Considerations**

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

Strategic Housing Market Assessment 2010

Cheshire East Development Strategy

**Cheshire East Local Plan Strategy**

***Members are aware that the submission version of the new local plan is now in the public domain. This will be presented to the Strategic Planning Board and full Council at the end of February. Subject to this being accepted an update will be provided in relation to this issue.***

**5. OBSERVATIONS OF CONSULTEES**

**United Utilities:** No objection providing that the following conditions are met;

- Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 5 l/s or the existing green field runoff, whichever is greater. The development shall be completed, maintained and managed in accordance with the approved details.

**Strategic Highways Manager:** Highways comments as for 13/0003N. In addition, the proposed highway boundary must be identified on plans and delineated by construction which must allow mutual maintenance without effect over.

A new access point will be provided onto Main Road almost opposite that to Greenfield Avenue. Although the position of the access would not meet the Council's guidelines on junction spacing, its location is determined by the need to provide adequate sightlines and in view of it serving a small infill site it is acceptable in this location.

The site will be served by two cul-de-sac arms formed by a 5-metre shared-surface road. The Strategic Highways Manager is content with the internal road system and level of parking provision.

Accordingly, there is no objection to the proposal, subject to imposition of conditions to the effect of:

*No development shall commence until full constructional details of all roads to be provided within the application site have been submitted to and approved in writing by the Local Planning Authority. No development shall be carried out otherwise than in accordance with the approved details unless the Local Planning Authority has first agreed to any variation in writing.*

*This application will be subject to a S278 Legal Agreement under the Highways Act 1980 in relation to all related "offsite works" which are identified. This agreement with Cheshire East Council will be signed by the developer prior to any development on the site.*

**Environment Agency:** No comments to make.

**Environmental Health:** Conditions suggested in relation to construction and piling hours, a piling method statement, external lighting, travel plan, electric vehicle infrastructure, dust control and contaminated land.

**Public Rights of Way:** Public Footpath Rope No. 4 is adjacent to the site. A diversion Order has been made and is currently advertised for part of this footpath.

It appears unlikely that the proposal would affect the public right of way, although the PROW Unit would expect the Development Management department to add an advice note to any planning consent to ensure that developers are aware of their obligations.

## **6. OTHER REPRESENTATIONS**

Letters of objection have been received from 3 households in the area raising the following points;

- Lack of demand for affordable housing in Shavington
- There will be 30% affordable housing provided on the large sites at Basford West, Rope Lane and the Triangle.
- There is a disproportionate number of dwellings proposed in Shavington
- The proposed access would be opposite an existing busy junction
- Increased vehicular movements
- Loss of open countryside
- The application site is well used by wildlife
- Main Road is narrow at this point
- Loss of footpath through the creation of the access
- Construction traffic problems
- The proposed development is not in-keeping with the area
- The proposal will be contrary to Local Plan Policies BE.1 and BE.2
- Loss of a view
- Impact upon the character and appearance of the area



- Loss of the semi-rural character of this road
- Loss of habitat
- Impact upon the boundary trees
- Impact upon protected species
- Main Road already suffers from congestion
- Dangerous site access
- Sewage problems in this area
- Lack of facilities in Shavington
- Increased impact upon infrastructure

## **7. PARISH COUNCIL**

**Shavington Parish Council:** No comments received at the time of writing this report.

## **8. APPLICANT'S SUPPORTING INFORMATION**

- Design and Access Statement (Produced by North West Design Associates Ltd)
- Reptile Report (Produced by Middlemarch Environmental Ltd)
- Bat Survey (Produced by Middlemarch Environmental Ltd)
- Herpetofauna Protection Strategy (Produced by Middlemarch Environmental Ltd)
- Planning Statement (Produced by Goodwin Planning Services)

These documents are available to view on the Councils website.

## **9. OFFICER APPRAISAL**

### **Principle of Development**

The site is located outside the Shavington Settlement Boundary and within the Open Countryside, where Policy NE.2 carries a general presumption against new residential development.

The site is also subject to Policy NE.4 (Green Gaps) and this policy states that approval will not be granted for the construction of new buildings which result in the erosion of the physical gaps between the built up areas or adversely affect the visual character of the landscape.

However, Policy RES.8 of the Replacement Local Plan makes an exception to the general policy of restraint for affordable housing, subject to compliance with three criteria which states that:

- the housing will meet the needs of people previously shown to be in local need in a survey specifically undertaken for that purpose;
- the site is in a sustainable location immediately adjacent to an existing settlement boundary (with reference to Policy RES.4)
- the scale, layout and design of the scheme are appropriate to the character of the settlement.

Furthermore, at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. In relation to rural exception sites the NPPF at paragraph 54 states that;

*'local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs'*

In relation to the rural exception sites the Interim Planning Policy on Affordable Housing states that *'Priority will be given to sites within or on the edge of villages with a reasonable level of services and public transport'*.

The site is also identified within the updated SHLAA as being suitable with policy change, available, achievable and developable. As part of the 5 year housing land supply the site has been identified for years 6-10 to deliver 14 dwellings.

Therefore, subject to there being sufficient affordable housing need in the Wybunbury & Shavington sub-area, the proposal is also considered to be acceptable in principle.

### **Housing Need**

The proposed development is for 4 x 1 bed apartments, 8 x 2 bed houses and 5 x 3 bed houses to be provided as affordable rented housing.

The Strategic Housing Market Assessment (SHMA) Update 2013 identified a requirement for 270 new affordable homes between 2013/14 – 2017/18 (54 per year) in the Wybunbury & Shavington sub-area, which is made up of a requirement for 8 x 1 bed, 20 x 2 bed, 7 x 3 bed, 12 x 4+ bed and 1 x 1 bed older persons dwelling & 7 x 2+ older persons dwellings.

This shows an increase in housing need from the SHMA 2010 where the net need per annum was 31 new affordable units or 155 between 2009/10-2013/14.

There are currently 56 applicants on the housing register with Cheshire Homechoice (which is the choice based lettings system for allocation social & affordable rented housing in Cheshire East) who have selected Shavington as their first choice, these applicants require 32 x 1 bed, 13 x 2 bed, 7 x 3 bed, 3 x 4 bed 1 x 5 bed properties.

There has been no delivery of the affordable housing required in the Wybunbury & Shavington sub-area to date within the 2013/14 – 2017/18 period of the SHMA Update 2013. There is however anticipated delivery of up to 241 affordable homes following planning approval for sites at Rope Lane, Shavington Triangle, Gresty Green Road and Basford West. However, it is not clear when all of these affordable homes will come forward. The affordable units at Stapeley Water Gardens were taken into account when calculating the SHMA Update housing need information.

This leaves a shortfall of 29 new affordable homes required in the Wybunbury & Shavington sub-area for the period of 2013/14 – 2017/18 if all the 241 affordable homes in the above paragraph were developed in this time period. However, it is unlikely that all the 241 units will be built before 2017/18.

The mix of types of dwelling proposed for the affordable homes would meet some of the identified need for the Wybunbury & Shavington sub-area and is in line with the type of affordable housing needed identified from the SHMA Update 2013 and also current applicants on Cheshire Homechoice.

In this case it is also considered that this application is supported by a number of recent appeal decisions within Cheshire East as follows:

Dunkirk Farm, London Road, Brereton (12/0036C)

An application for 18 affordable dwellings was refused by Southern Planning Committee on 18<sup>th</sup> April 2012 as it was considered that brownfield sites would deliver the required level of affordable housing.

As part of this appeal the Inspector found that;

*'there is convincing evidence before me of the pressing need for affordable housing within Holmes Chapel primarily through the Council's Strategic Housing and Market Assessment 2010 (SHMA). The SHMA is the most up to date evidence base for housing need within the area'*

In relation to previously developed land within Holmes Chapel the Inspector considered the potential delivery on the former Fisons Factory and the Victoria Mills site and concluded that:

*'Even if both sites make their full contribution to the supply of affordable housing before 2014 (91 units), it would only just exceed the identified need in Holmes Chapel (90 units) with little headroom for slippage. No other sites in Holmes Chapel have been put forward to meet any shortfall. The contribution of these PDL sites would also fall short of the combined total need for Homes Chapel and the Sandbach Rural sub area (95 units) to 2014.'*

*'In the absence of any convincing evidence before me to indicate otherwise, I consider that it is very likely that the identified need for affordable housing in Holmes Chapel will be left unmet, probably by some margin'*

As part of this decision there was also an award of costs against the Council where the Inspector found that:

*'Overall, I have come to the conclusion that the Council did not have reasonable planning grounds for its decision and that it has failed to produce evidence to show clearly why the development cannot be permitted having regard to the development plan, national guidance and other material considerations. Furthermore, the Council has been unable to show reasonable planning grounds for taking a decision contrary to the professional and technical advice of its Officers. In other words, the Council has prevented development that should clearly have been permitted.'*

*'I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Circular 03/2009, has been demonstrated and that a full award of costs is justified'*

Land off New Road, Wrenbury (11/0041N)

An application for 14 affordable dwellings was refused by Southern Planning Committee on 6<sup>th</sup> April 2011 as it was considered that brownfield sites would deliver the required level of affordable housing and that the site is unsustainable.

In relation to the use of the brownfield site the Inspector found that:

*'the Council is concerned that if approved, the appeal proposal would prejudice the development of a brownfield site that may be suitable for development. Planning Policy Statement 3 (PPS3) 'Housing' encourages the development of brownfield sites in preference to greenfield sites. An application has been made for the development of a brownfield site on land at the Former Goods Yard off Station Road which has been vacant for some time. However, this brownfield site is also outside the village settlement boundary and is not allocated as an exception site in the Local Plan. I have not been referred to any other document that has been subject to consultation that identifies the Station Road site as an identified and sequentially preferable site for affordable housing following an appraisal of potential sites. The application has not yet been determined. Indeed it had not been validated at the time the Committee refused the application at New Road. The planning merits of the site have not therefore been considered and it is unclear whether it is a suitable and deliverable site. It cannot be relied upon as contributing to the local housing needs identified at this time'*

This appeal was also subject an award of costs against the Council and the Inspector found that:

*'In refusing the application, the Council placed reliance on the availability of a brownfield site, referred to as the Station Yard site, as a preferable alternative site. However, this is not a site allocated for development in the Local Plan. Nor is it identified in any other document specific to the village that has identified preferred sites following a consultation exercise. An outline application to develop the Station Yard site had not been validated when the Committee reached its decision. Indeed that remained the case at the time that the statements were exchanged by the parties and final comments made. As such the planning merits of the case and its suitability for affordable housing had not been considered. Like the appeal site, it is outside the settlement boundary, in open countryside, and will therefore need to be assessed accordingly as a rural exception site, having regard to relevant development plan policies and any other material considerations.'*

*'In the absence of planning permission being secured for the development of the Station Yard site, the Council placed undue reliance on the likelihood of the unallocated site coming forward and contributing to or fulfilling the identified need for affordable housing, prior to any application being determined.'*

*'The Council failed to show reasonable planning grounds and produce relevant evidence on appeal to support the decision. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Circular 03/2009, has been demonstrated and that a full award of costs is justified.'*

### Conclusion on Affordable Housing Need

Since the determination of application 13/0003N Cheshire East has updated its SHMA and this shows that there is now an identified need of 270 dwellings over the 5 year period up from 155 dwellings in the previous 5 year period. There has been no delivery within the current 5 year period and the anticipated delivery for the sites at Rope Lane, The Triangle, Gresty Green Road and Basford West is 241 dwellings which is a short fall of 29 dwellings within the Wybunbury and Shavington SHMA sub-area.

The two appeal decisions above are comparable to the appeal which is approaching for application 13/0003N on this site and in both cases the appeals were allowed with a full award of costs against the Council for unreasonable behaviour.

Therefore it is clear that there is an affordable housing need in Shavington and the first bullet point of Policy RES.8 has been met.

### **Loss of Green Gap**

Policy NE.4 states that approval will not be granted the construction of new buildings within the Green Gap which would:

- Result in the erosion of physical gaps between built up areas; or
- Adversely affect the visual character of the landscape

In this case the application site is surrounded by housing to the north, east and south with an existing mature boundary treatment to the western boundary. The development would not extend beyond the rear gardens of the properties to the north and south and would in effect result in a continuation of the existing ribbon development along this side of Main Road.

As the development would result in the loss of undeveloped land it is considered that the development would result in some erosion of the physical gaps between the built up areas and would conflict with Policy NE.4.

The site has no national landscape designation. The development would introduce built development to an area which currently provides a green gap on Main Road between residential development. However, the site is contained by the western boundary hedgerow and by the residential properties to the north, south and east. As a result the development would not significantly affect the visual character of the landscape.

In this case it is considered that the affordable housing need in Shavington would outweigh the limited harm to the Green Gap in this location.

### **Sustainability of the site**

Letters of objection refer to Shavington not being a sustainable settlement. However the proposal would meet the second bullet point of Policy RES.8, which states that affordable housing outside the settlement boundaries should be:

*'in a sustainable location, immediately adjacent to an existing settlement boundary (with reference to Policy RES.4)'*

In this case the site is immediately adjacent to the settlement boundary of Shavington which is listed as a settlement within Policy RES.4. It should also be noted that Shavington is the largest and most sustainable settlement within the Wybunbury & Shavington sub-area.

In this case the site is within walking distance of the village centre and the following facilities within 1km of the site: Post Office, Convenience Store, Leisure Centre, Village Hall, Primary school, Take Away, Scout Hut, Off Licence, Hairdressers and Play Area. In addition there is a secondary school just over 1km from the site and bus services to Crewe Town Centre and Railway Station. Given the wording contained within Policy RES.8 and the facilities available nearby it is considered that Hough is a sustainable settlement and a reason for refusal on sustainability grounds could not be sustained.

### **Amenity**

To the south of the site No 39 Main Road is a true bungalow which includes two principal windows in its side elevation facing the site with a 2 metre high wall and hedgerow to the boundary. Due to the position of a water main and the required easement plots 1-3 would be set behind No 39 Main Road and would not affect the windows to the side elevation. Plots 1-3 would be to the north of No 39 and would not raise any loss of light issues. Plots 1-3 would have a rear garden depth of 15 metres and given that they would be set an angle to No 39 it is not considered that there would be any significant amenity affect to this side.

To the north there would be a separation distance of approximately 7 metres to the nearest point of No 55 Main Road. Given that No's 55 & 57 are set at an angle it is not considered that the relationship would raise any significant amenity concerns. It should also be noted that there is currently a number of trees to this side which already impact upon these properties.

In terms of the properties opposite, the proposed dwellings would be set at a slightly higher level but the separation distances would comfortably exceed the 21m standard between principal elevations. From No 42 Main Road to Plots 6 & 8 there would be a separation distance of approximately 35 metres, from 44 Main Road there would be a separation distance of approximately 27 metres and from 48 Main Road there would be a separation distance of approximately 32 metres.

Due to the large separation distances and the scale of the development, it is not considered that there would be a detrimental impact upon the residential amenities of any surrounding properties.

### **Design**

This part of Main Road is characterised by ribbon residential development. The house types are of different styles from one to two stories in height.

Since the previous refusal which included a reason relating to design the applicant has amended the elevational treatment of the elevations to reflect the more traditional style of the area. The changes to the development include the following:

- The use of render and brickwork to the elevations to reflect the mixed pallet of materials along Main Road
- The introduction of header and sill details to the windows
- An alteration to the window proportions
- A more traditional glazing design with central glazing bar
- A more varied use of canopy detailing to the dwellings

The proposed development would be for a ribbon form of development with the dwellings fronting onto a service road which would run parallel to Main Road. Although plots 2 and 3 would not front onto the highway (due to an easement along the boundary) it is considered that the layout of these properties is still acceptable and would be similar to the properties to the north of the site.

The parking would be discretely located to some properties and there would be the provision of front gardens to ensure that there would not be a car dominated frontage. Furthermore a boundary hedgerow would be provided to ensure that there would be an additional layer of landscaping when viewed from Main Road. The layout is therefore considered to be acceptable and would respect the character and appearance of the area.

In terms of height the provision of two-storey dwellings, although taller than No 39 Main Road to the south would be consistent with the other residential properties in the area and is therefore considered to be acceptable.

In terms of the wider character of the development; the application site has a frontage of 130 metres and includes 15 dwellings fronting onto the highway (plots 2 and 3 would face north and would not front onto the highway). This is in comparison to the land to the area to the south of the site which includes 15 dwellings within a frontage of 175 metres. Although the development is of a greater density the affordable units are of a smaller scale and would not be out of character to other residential street within the wider vicinity of the site (e.g. a road frontage of 128 metres on Greenfields Avenue opposite the site includes 15 dwellings).

The detailed design of the proposed dwellings is relatively simple and there have been significant improvements since the previous refusal. The development would be consistent with those in the immediate vicinity of the site. The proposed dwellings would include the provision of a mixed material pallet, header and sill detailing, projecting gables, projecting porches, porch canopies and panelling to add interest and give a varied street scene. It is considered that the design of the dwellings would not appear incongruous in the area and is therefore acceptable.

### **Flood Prevention/Drainage**

A number of the letters of objection refer to drainage and flooding in the area. In this case the application forms indicate that surface water will be disposed of via a soakaway. As part of this application United Utilities and the Environment Agency have been consulted and raised no objection to the development. A condition will be attached to ensure that full drainage details are agreed.

### **Highways**

Main Road is a relatively quiet road within the Shavington Settlement Boundary and the development would result in the provision 17 dwellings accessed off a single access point.

The Strategic Highways Manager has confirmed that the visibility at the site access point and parking provision on the site is acceptable. Although the junction spacing does not meet current standards, it is not considered that a reason for refusal could be sustained on these grounds given the scale of the proposed development and the low number of vehicle movements involved.

### **Trees**

There are a number of trees which are located along the northern and western boundaries of the site including 4 trees which are protected by a TPO. A tree survey has been submitted with the application and this identifies the three of the TPO trees as Grade A (High Quality and Value) and one as Grade B (Moderate Quality and Value). Two further trees on the site are considered, one is graded Grade C (Moderate Quality and Value) and the other is identified for removal.

As part of the last application there were lengthy negotiations with the applicant's agent to ensure that the development does not have a detrimental impact upon the trees or result in future pressures for their removal. This has resulted in plots 4-8 being repositioned further forward to move away from the canopies of the protected trees and the Root Protection Areas (RPA). It is now considered that the amended layout would not cause significant harm to the trees or result in future pressures for their removal.

The Council's Tree Officer is happy with the additional information and the amended plans and has suggested a number of conditions should the application be approved.

### **Ecology**

#### Protected Species

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 (Protected Species) states that development will not be permitted that would have an adverse impact upon protected species.

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.

#### Great Crested Newts

Thirteen ponds have been identified within 500m of the proposed development. The submitted survey indicates that access was not granted to survey 4 ponds by the land owner and a further 4 ponds did not contain any standing water throughout the survey period. Of the remaining ponds the survey shows that only one pond was discovered to contain newts with a peak count of two GCN (this pond is 455m to the north of the application site).

Therefore the submitted GCN Survey concludes that:

*'Given the good value of habitats which surround Pond 1, the distance of the development works from the pond and the small area of habitats impacted by the works, it is not considered that this population would be impacted'*

This assessment is accepted by the Councils Ecologist and he has advised that GCN would not represent a constraint to the development.

#### Bats

Two trees on the site have been identified as having bat roost potential. These trees would not be affected by the proposed development and would be retained in place. As a result there would be no deterioration or destruction of breeding sites or resting places and the impact upon bats is considered to be acceptable.

#### Reptiles

A reptile survey of the site was undertaken on the site during 7 separate days from 15<sup>th</sup> April to 17<sup>th</sup> May during suitable conditions. This survey did not uncover any reptiles on the site and as a result the Councils Ecologist accepts that reptiles would not represent a constraint to the development.

### Barn Owl

Barn Owl is a protected and BAP priority species, and is known to occur in the locality of the proposed development. The site supports habitat that is likely to offer foraging opportunities for the species.

The Councils Ecologist advises that the proposed development has the potential to have an adverse impact on barn owls at the local scale and recommends that if planning consent is granted the potential impacts of the development be 'off-set' by means of a commuted sum that could be transferred to the local barn owl group to facilitate habitat creation works to be undertaken in the Borough.

In this case the Councils Ecologist has calculated a contribution of £8,305.50 using a DEFRA formula. This would be used to off-set the loss of Barn Owl habitat and the loss of semi-improved grassland (discussed below). The sum would be used to provide the erection of Barn Owl boxes off-site in partnership with a local Barn Owl group and to fund appropriate habitat creation/restoration projects in the locality.

### Breeding Birds

If planning consent is granted standard conditions could be attached to safeguard breeding birds.

### Loss of semi-improved grassland

The grasslands on site are not UK or Local BAP quality and so have not been identified by the submitted ecology reports as being of a 'notable consideration'. The submitted ecological assessment also states that the loss of foraging habitat for barn owls is not considered to be significant. However, the Councils Ecologist remains of the view that the loss of habitat at this site presents an overall loss of biodiversity which has implications in determining whether the application can be considered to be sustainable in accordance with the NPPF.

As discussed above to offset the loss of this habitat a commuted sum will be secured. This sum could then be used to enable habitat creation/enhancement work to be undertaken offsite.

### Other Protected Species

Evidence of other protected species has been recorded on this site. However none were recorded as being present on the site within 30m the application boundary.

In this case the loss of foraging is not considered to be significant and the Councils Ecologist accepts that the development can proceed without a harmful impact upon other protected species.

### **Other issues**

As the development relates to less than 20 dwellings there is no requirement for open space on site (Policy RT.3 relates to developments of 20 dwellings or more).

It is not considered that there would any be significant loss of agricultural land associated with this development given the size of the site and its characteristics (rough grassland and vegetation cover).

### **LEVY (CIL) REGULATIONS**

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

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

The development would result in the loss of habitat which could potentially support BAP species and Barn Owls. In order to mitigate this impact in accordance with paragraph 109 of the NPPF a level of contribution has been calculated using a DEFRA formula to provide off-site improvements. This is necessary to make the development acceptable, directly related to the development and fair and reasonable.

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

## **10. CONCLUSIONS**

The proposed development relates to the provision of affordable housing outside the settlement boundary of Shavington within the Green Gap. This type of development is appropriate in the open countryside when it is adjacent to a settlement boundary as identified in Policy RES.4. In this case there has been a very limited provision of affordable housing within the SHMA area and it is unlikely that the target will be met in the period up to 2017/18 furthermore the Council has not been successful at fighting similar appeals within the Borough and costs have been awarded against the Council for unreasonable behaviour. Therefore it is considered that the principle of affordable housing on this site is acceptable.

Although the site is located on land designated as Green Gap it would be consistent with the ribbon development in the area and the need for affordable housing would outweigh the limited harm to the Green Gap.

The impact upon protected species and habitats is considered to be acceptable subject to the contribution of £8,305.50.

Following the receipt of amended plans and the imposition of conditions the impact upon TPO trees and protected species is considered to be acceptable.

Finally it is considered that the site is located within a sustainable location, there are no issues relating to the highways impact, flooding or drainage, the development is of an acceptable design and it would not impact upon residential amenity.

## **11. RECOMMENDATIONS**

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

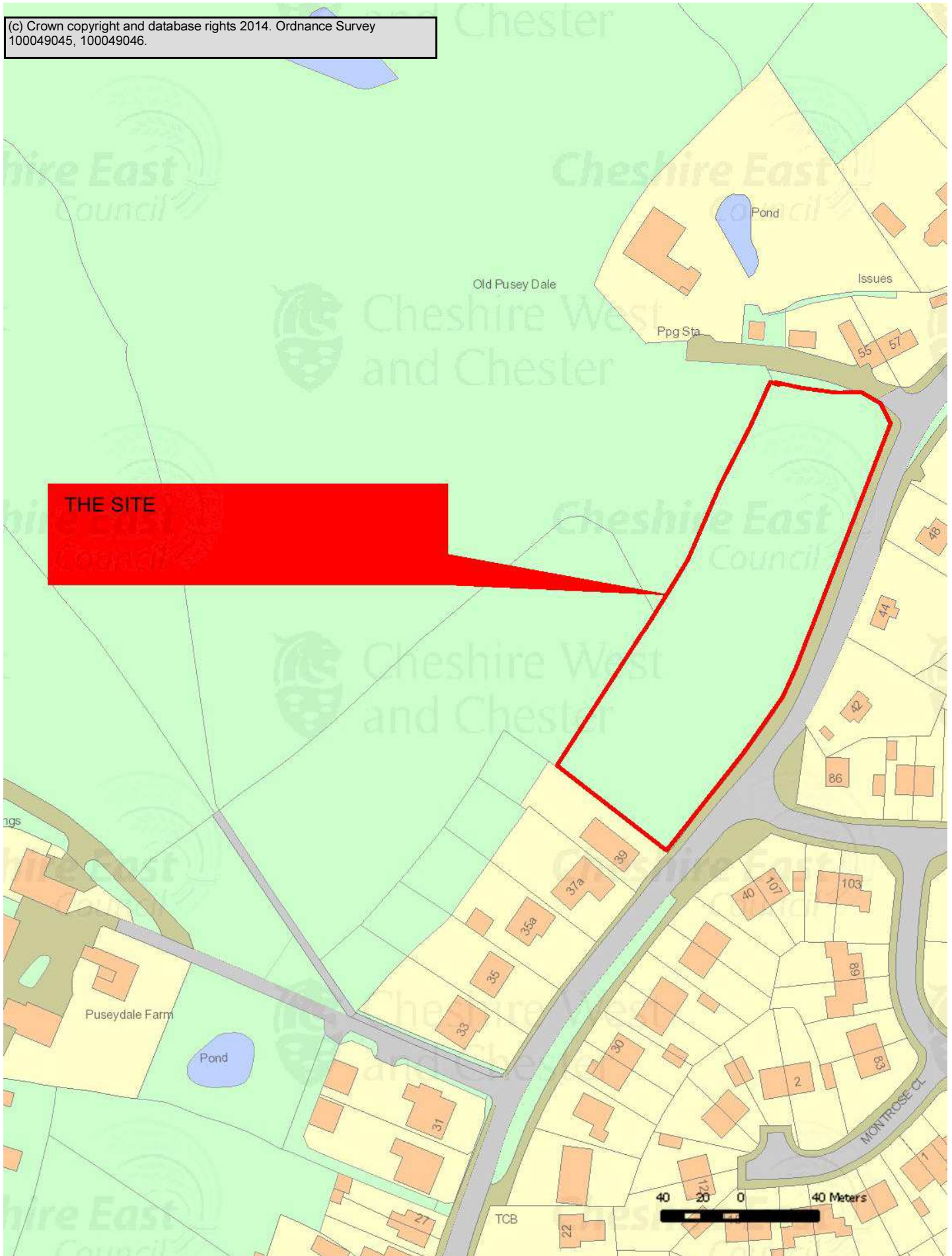
- A contribution of £8,305.50 towards habitat creation/enhancement work to be undertaken offsite.

**And the following conditions:**

1. Standard time 3 years
2. Approved Plans
3. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays
4. Pile driving limited to 09:00 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
5. No development shall take place until details of external lighting has be submitted to and agreed in writing by the Local Planning Authority.
6. No development shall take place until a scheme to minimise dust emissions arising from construction activities on the site has been submitted to and approved in writing by the Local Planning Authority.
7. Prior to the commencement of development a Phase I Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
8. Submission and approval of materials
9. Landscaping details to be submitted and approved
10. Implementation of landscaping
11. Boundary Treatment details to be submitted and approved
12. Works to commence outside the bird breeding season
13. A scheme of nesting bird mitigation measures to be incorporated into the development
14. Dwellings to be retained as affordable housing
15. No development shall commence until full constructional details of all roads to be provided within the application site have been submitted to and approved in writing by the Local Planning Authority. No development shall be carried out otherwise than in accordance with the approved details unless the Local Planning Authority has first agreed to any variation in writing.
16. Implementation and supervision of all works in accordance with submitted AMS and tree protection measures on TPM plan1658-02.
17. Submission / approval of full details of proposed levels.
18. Submission / approval of details of services routes.
19. Submission / approval of details of location of temporary site construction facilities.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management and Building Control 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: 13/4240N

Location: Kents Green Farm, KENTS GREEN LANE, HASLINGTON, CW1 5TP

Proposal: Outline planning application for the development of up to 70 dwellings with associated car parking, roads and landscaped open space

Applicant: Renew Land Developments Ltd

Expiry Date: 14-Jan-2014

**SMMARY RECOMMENDATION****Refuse****MAIN ISSUES****Impact of the development on:-****Principle of the Development****Housing Land Supply****Location of the Site****Landscape****Affordable Housing****Highway Implications****Amenity****Trees and Hedgerows****Design****Ecology****Public Open Space****Agricultural Land****Education****Flood Risk and Drainage****Health****Other issues****Planning Balance****REASON FOR REFERRAL**

This application is referred to the Southern Planning Committee as it relates to a departure to the Crewe and Nantwich Borough Local Plan.

**1. DESCRIPTION OF SITE AND CONTEXT**

The site of the proposed development extends to 2.67 ha and is located to the northern side of Crewe Road, Winterley. The site is within Open Countryside. To the northern boundary of the site is a tree lined watercourse known as Fowle Brook with residential development fronting Newtons Crescent and Fishermans Close beyond. To the west of the site is Kents Green Lane with the existing farmhouse and barns located onto this boundary. To the south west corner of the site are a number of trees which are protected by a Tree Preservation Order.

The land is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site.

The land levels drop to the northern boundary of the site.

## **2. DETAILS OF PROPOSAL**

This is an outline planning application for the erection of up to 60 dwellings (this has been reduced from 70). Access is to be determined at this stage with all other matters reserved.

The proposed development includes a single access point onto Crewe Road which would be located to the southern boundary of the site.

## **3. RELEVANT HISTORY**

No planning history

## **4. POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan policy**

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)

RT.9 (Footpaths and Bridleways)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

### **Other Considerations**

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010



Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Interim Planning Statement Affordable Housing  
Interim Planning Statement Release of Housing Land  
Cheshire East Development Strategy  
Cheshire East SHLAA  
Cheshire East Local Plan Strategy – Submission Version

### **Cheshire East Local Plan Strategy – Submission Version**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28<sup>th</sup> February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

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

**United Utilities:** No objection subject to the following condition:

- Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. Surface water must drain to the watercourse. The development shall be completed, maintained and managed in accordance with the approved details.

**Strategic Highways Manager:** No objection Subject to the recommended conditions and s.38, s.278 and s.106 agreement requests indicated throughout this note.

The proposed location of a highway access from Crewe Road is preferable to an access on Kents Green Lane, due to the narrow width and the lack of footway provision on Kents Green Lane.

The Proposed Site Access Drawing SCP/13219/GA01, prepared by SCP indicates a simple priority junction with a 5.5m wide vehicular access; a 6m radius; and 2m footways. This is consistent with the typical geometries of a residential development of this scale, and is acceptable in principle. A junction capacity assessment undertaken in the 2018 future year suggests that the proposed layout would operate well within capacity.

A speed survey has been undertaken which suggests 85<sup>th</sup> percentile dry weather speeds of 39mph in the northbound direction and 36mph in the southbound direction. The Site Access Drawing SCP/13219/GA01 indicates that appropriate visibility is achievable in both directions from the access for these speeds.

The speed limit on Crewe Road adjacent to the site is 30mph. The speed surveys undertaken as part of the TS indicate average speeds of 34mph and 32mph, and maximum speeds of 45mph and 43mph, in the northbound and the southbound directions respectively. Therefore, there is evidence of vehicles operating above the speed limit adjacent to the site.

It is also noted that there are local concerns regarding vehicle speeds on Crewe Road. In light of this, it is recommended that Vehicle Activated Signs (VA signs) should be provided in the vicinity of the development access. These display the spot speed of a passing vehicle to the driver, and have been applied elsewhere in the borough as an effective way of encouraging drivers to consider and reduce their speeds in built-up areas.

Crewe Road forms part of National Cycle Network Route 451 from Wheelock to Crewe town centre and onwards to Nantwich. The section of Crewe Road which bounds the site to the south has on-street mandatory cycle lanes, which are legally-enforceable for use by cyclists only. The site is therefore considered to be suitably accessible by cycle.

Existing bus stops are located on the northern side and southern side of Crewe Road, approximately 150m to the south-west of the site, which is within the recommended walking distance. These stops are served by three bus services which provide hourly connections to Crewe, Sandbach, Winsford, Northwich and Macclesfield throughout the day. At present, only the northern bus stop is marked by a flag, while the southern bus stop is unmarked. There is no footway in place on the southern side of the carriageway and the southern bus stop exists within an unmarked lay-by.

It is recommended that, as part of any planning permission, pedestrian kerbing should be provided on the southern side of the carriageway, with bus stop lining and a pedestrian refuge island located in the vicinity of the stops, providing a crossing point to the new southern kerbing. These works should be subject to the technical approval of the SHM as part of a s.278 agreement.

It is also recommended that the cost of upgrading both bus stops to Quality Bus Corridor (QBC)–level sheltered facilities should be secured by s.106 agreement.

The trip rates derived from the TRICS database are broadly in line with what would be expected of a similar residential development, and indicate 29 trips leaving the site and 11 arriving during the AM peak hour, and 15 trips leaving the site and 28 arriving during the PM peak hour.

There are existing concerns on the local highway network, and at the Crewe Green roundabout in particular, the SHA has identified mitigation measures in the area. While this development will add some cumulative impact on the local highway network, this will only be in the order of approximately 1 vehicle per minute during the peak hours. It is therefore considered that the local footway, bus stop and VA signs identified are more appropriate highways and transport mitigation measures to be secured as part of this development.

**Natural England:** The proposed development is unlikely to affect any statutory sites. No objection in relation to Bats subject to the imposition of a planning condition.

For advice on all other protected species refer to the Natural England standing advice.

**Environment Agency:** The Environment Agency has no objection in principle to the proposed development however we would like to make the following comments.

The flood maps indicate that the northern boundary of the site is located in Flood Zone 3 and Flood Zone 2. Any lowering of existing ground levels on the proposed developable area of the site could increase the risk of river flooding to the proposed development. Any alteration of ground levels within Flood Zone 3 also has the potential to increase flood risk elsewhere through the loss of floodplain storage and conveyance.

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. Infiltration tests should be undertaken in the first instance to determine whether this would be a feasible method for the disposal of surface water post development. If surface water is to be disposed of via watercourse, and a single rate of discharge is proposed, this is to be the mean annual runoff ( $Q_{bar}$ ) from the existing undeveloped greenfield site. This has been calculated as 5.14 litres/sec/hectare within the submitted Flood Risk Assessment (FRA) prepared by Enzygo (dated September 2013, ref: SHF.1087.001.R.001.A). For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.

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. Therefore the following conditions are suggested:

- The development hereby permitted shall not be commenced until such time as; a scheme demonstrating that all built development is located in Flood Zone 1.
- The development hereby permitted shall not be commenced until such time as; a scheme to ensure no alteration of existing ground levels across the site.
- The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water runoff generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
- The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority.
- No development shall take place until a scheme for the provision and management of an undeveloped buffer zone alongside Fowle Brook has been submitted to and agreed in writing by

the local planning authority. The Buffer zone should be as wide as possible but must be a minimum of 5 meters wide measured from bank top.

- Contaminated land

**Environmental Health:** Conditions suggested in relation to hours of operation, environmental management plan, external lighting, noise mitigation measures, travel plan, dust control and contaminated land. An informative is also suggested in relation to contaminated land.

**Public Open Space:** There are no facilities for young persons in Winterley. I would like to see the attached on the open space area.

The proposal should provide an equipped children's play area. The equipped play area needs to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children. A cantilever swing with basket seat would also be desirable, plus a ground-flush roundabout as these cater for less able-bodied children. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic.

All equipment must have wetpour safer surfacing underneath it, to comply with the critical fall height of the equipment. The surfacing between the wetpour needs to be bitmac, with some ground graphics. The play area needs to be surrounded with 16mm diameter bowtop railings, 1.4m high hot dip galvanised, and polyester powder coated in green. Two self-closing pedestrian access gates need to be provided (these need to be a different colour to the railings). A double-leaf vehicular access gate also needs to be provided with lockable drop-bolts. Bins, bicycle parking and appropriate signage should also be provided.

**Public Rights of Way:** The application documents show a pedestrian link from the site to the existing estate road Newtons Crescent over Fowle Brook. The legal status, maintenance and specification of the proposed path and bridge would need the agreement of the Council as Highway Authority.

The developer would be requested to supply new residents with information on local walking and cycling routes and public transport options, for both transport and leisure purposes.

**Sustrans:** If this land use is approved by the council's planning committee Sustrans comments are as follows:

- Sustrans would like to see pedestrian/cycle connections from the proposed estate to the adjacent local roads, away from traffic, for convenience.
- The design of the estate should restrict vehicle speeds to 20mph.
- Can a development of this scale make a contribution to further improvements on National Cycle Network route 451 between Crewe Green and Wheelock.
- The design of any smaller properties without garages should include storage areas for residents' buggies/bikes.
- Sustrans would like to see travel planning with targets and monitoring for the site.

**Education:** The development of 60 dwellings will generate 11 primary and 8 secondary

The Education Department is forecasting that the primary schools will be oversubscribed and also that secondary will be cumulatively oversubscribed based on other development which affects the same schools.

Therefore the following contributions will be required:

Primary = £119,309

Secondary = £130,742

## 6. VIEWS OF THE PARISH COUNCIL

**Haslington Parish Council:** Haslington Parish Council objects to the proposed development with the following objections and concerns, it also supports residents objections to the development. This application is one of a number currently under consideration within the parish of Haslington, their potential impact on our rural communities needs to be considered as both individual applications and cumulatively.

- The application is contrary to policy NE2 and pre submission core strategy PG5, Kent's Green Farm falls outside of the settlement boundary of Haslington and Winterley, therefore should not be considered for development
- It will increase the urbanised area of the village, changing its character to the detriment of the existing properties.
- Re-use and adaptation of existing buildings have an important role to play in meeting the demand for workspace in preference to the construction of new buildings on green field sites. This appears not to have been considered by the applicant, who proposes demolition of the existing farm house and buildings.
- The pre submission core strategy outlines that applicants need to demonstrate a location in open countryside is essential for agriculture etc. this is not the case for this application.
- Safe route to schools have not been demonstrated within the application. The nearest school "The Dingle" would be via Kent's Green Lane and Clay Lane, much of which is narrow, used by commuter vehicles and has no footpath or street lighting.
- Scale of development in relation to the existing community. Winterley scores very poorly for sustainability, adding 70 house to the existing 600 in Winterley is a major increase that could be further exacerbated by the potential for a further initial 45 at Pool Lane. The proposal is out of scale and character with the existing developed environment in Winterley.
- The site is in a very prominent location at the southern edge of Winterley, within the open countryside separating the village from Haslington. Development would be highly visible and undermine Winterley's mature village character and its identity as a separate settlement from Haslington.
- The length of Kent's Green Lane adjacent to the site is a quiet, narrow rural lane without footways and defined by hedges, trees and some low key, old farm buildings. The development would irretrievably alter this character, with proposed houses located very close to the lane. In addition to the landscape and visual impacts of the new houses, there is a high risk of losing the existing hedges surrounding the site.
- The proposed development should be restricted to single and two storey properties, there is an inconsistent reference to some three storey properties within the outline proposals.
- Trees covered by the TPO that are retained within public open space will need to be supported by an ongoing management scheme funded by the developer.
- Safe sewage disposal has not been fully considered. The sewers serving Winterley are known to have capacity and blockage issues resulting in contamination of farmland and watercourses including Fowle Brook. The contaminated watercourse passes through various high risk areas including the gardens of properties in Haslington, alongside The Dingle primary school and

other public open space within the parish of Haslington. Any further development in Winterley will require a major upgrade to the existing sewage infrastructure which appears not to be included within this application.

- The TRICS data used is not applicable for this location. The data used is for sites on the edge of town locations. This location is rural and would generate more trip movements due to being more remote from public transport, employment areas and other sustainability related issues such as lack of close local schools, medical facilities and shops. Rural locations have a higher dependency on car usage.
- Transport Strategy 5.5 is a broad statement and is incorrect. The Transport Statement does not take into account the effects of the additional traffic on the most sensitive parts of the network namely the A534 Crewe Green Roundabout and the A534/A533 junction (Old Mill Road/The Hill). The A534 Crewe Green Roundabout is currently over capacity with extensive queues on both the A534 Haslington Bypass and Crewe Green Road during AM peak. The additional traffic generated may not give issues on the immediate network but the queues on the approaches to the roundabouts will effectively increase by a corresponding amount during the AM peak. This will be worse once any approved sites in Haslington are fully developed and considerably worse should the current application for 250 units off Crewe Road (Hazel Bank), Haslington be approved. The Statement should have considered an assessment of the effects of this proposal and other known proposals on the most sensitive nodes on the surrounding network. It is the Council's responsibility to consider these wider ranging issues and not solely the merits of this application in isolation.
- Point 6.4 - The distribution of flows from and to the site is flawed, as it is based on existing tidal flow created by local residents in Haslington. This is not representative of the local trips generated by this development, and which are influenced by the local school runs and local employment areas. It should be considered that the main influence in the AM peak would be the local schools, the nearest employment location in Crewe and via M6 Junction 16; all of which will influence turns out of the site and will increase the number of vehicles on the Crewe Road Roundabout over that suggested in the Transport Statement
- Appendix 3 – this is meaningless as it does not give any indication of the times that the speed readings were carried out
- Overall the transport Strategy makes no reference whatsoever to the road network capabilities of either the 2 villages, or the surrounding infrastructure in relation to Crewe; Crewe Green roundabout or the Wheelock Heath to Sandbach and Waitrose roundabout leading to the motorway. A robust transport strategy should address all of these wider, and integrated issues, and all of which are already significantly challenged by the existing weight of traffic let alone the inclusion of further developments
- There is no information of numbers and classification of vehicles to support the peak traffic flows
- There is no information to support the existing and generated trips on Kent's Green Lane. This lane is currently lightly trafficked. However it can be assumed that this site will be in the catchment area of The Dingle Primary School. Due to the distance, lack of footpaths and street lighting, it can be assumed that children will be driven to school and this will increase significantly the number of vehicles on Kent's Green Lane which is a narrow country lane approximately 5.5m wide with no footways. Furthermore, it will increase the number of vehicles on Clay Lane which again has no footways but where noticeable numbers of current parents and children do use to walk and cycle to school. Additionally there will be an increase in vehicles outside the Dingle School, Maw Lane and Maw Lane/Remer Street junction. It can also be considered that the additional right turning out of the site and then into Kent's Green Lane could increase the likelihood of collisions.

- Although there have currently been no collisions recorded resulting in injury during the past 5 years in the vicinity of the site, there have been numerous collisions; consideration should be given to the whole length of Crewe Road through Haslington and Winterley, as there are locations that such collisions do occur. Specifically, assessments of the roundabouts at Crewe Green Road and Wheelock should be undertaken as these do experience noticeable collisions that can be assumed to increase with the number of vehicles.
- Impermeable soils and rocks such as clay or shale do not allow water to infiltrate, this forces water to run off reducing river lag times and increasing flood risk. The area is known as heavy clay base (given the naming of the road 'Clay Lane') and the adjacent properties have a heavy clay base within a matter of 2 feet under the surface. This brook has already seen a significant rise in levels, in particular during 2012 when the brook was full to capacity along the strip adjacent to Fishermans Close. The applicant's assessment of the ground conditions in September 2013, following one of the driest and hottest summers on record is an unacceptable point in time to base the assessment of flood risk.
- Flood risk also increases risk to damaged habitats for the wildlife, flora and fauna of the area, all of which are apparent in Fowle Brook
- The current catchment secondary provision schools of Sandbach School and Sandbach High School are already oversubscribed, (through data provided from Cheshire East School Admissions department) and remain so for the foreseeable future . These too will be exacerbated by the current developments underway in Ettiley Heath and Wheelock, and the recent planning outcome for the Abbeyfields development, consequently these proposals would further exacerbate this situation, as no strategic plans are in place to provide for increased secondary educational growth on the current bus routes to the catchment schools. The solution of children attending out of area schools is unacceptable, unrealistic and unsustainable.
- The primary admissions at both The Dingle and Haslington schools are currently oversubscribed by small numbers (3 and 1 respectively in 2012). However it is highly likely that the development of a wider selection of family sized properties will easily require primary education. With the recent approval alone of 44 properties in Vicarage Road, it can be assumed that the new occupants would easily fill any vacant local future spaces. No proposals have been put forward to resolve this position, and indeed the position requires far wider strategic, and long term consideration of need, as under consultation within the Local Plan Core Strategy process, and which outlines in its draft for no further development around the settlements of both Haslington and Winterley.
- Winterley is deemed as an unsustainable village by its lack of infrastructure around shops, education and services, therefore a collective range of proposals to build both this development and any of the additional proposal submissions currently underway cannot be considered sustainable development.
- The Pre-submission core strategy proposes a requirement for employment land allocated for "other settlements and rural areas" this application could accommodate employment either in offices or workshops based around the existing Kent's Green farm buildings, utilising the existing access on Kents Green Lane. This would enhance one of the dimensions of sustainability of the proposed development. Any new residential housing is likely to require employment opportunities for the new occupiers.

## **7. OTHER REPRESENTATIONS**

Letters of objection have been received from 570 local households raising the following points:

### Principal of development

- The site is within the open countryside
- Contrary to Local Plan Policies
- The development will urbanise Winterley
- The existing buildings should be retained on site
- The farm house should be considered for listed status
- The cumulative impact of developments in the village
- The development is out of scale compared to Winterley
- The size of the development is unsustainable
- Erosion of the green gap between Haslington and Winterley
- Impact upon the setting of Winterley Cottage a Grade II Listed Building
- Winterley is an unsustainable village
- All of the applications in Haslington/Winterley should be determined together
- The development is contrary to the local plan
- Speculative housing development
- The development is contrary to Pre-submission Core Strategy as it does not retain the gaps between the settlements
- There are no jobs in the village
- Landscape impact
- Loss of green land
- There are many unsold homes in the area
- The development is contrary to the NPPF
- The three storey properties would be out of character
- Lack of pre-app consultation
- Brownfield sites should be developed first
- Kents Green Farm should be listed
- Members of the Strategic Planning Board should visit the site
- Outside the settlement boundary for Winterley
- The applicant did not obtain pre-application advice from the LPA

#### Highways

- Increased traffic
- Pedestrian safety
- There are no safe walking routes to local schools
- Cumulative highways impact from other developments in the area
- The proposed access in at a dangerous location on a bend in the road
- The traffic survey was undertaken on 12<sup>th</sup> December 2012 and is not representative time of the year
- TRICS data is not applicable for this rural location
- The traffic statement does not consider the wider traffic impacts (Crewe Green Roundabout and Old Mill Road/The Hill)
- The distribution flows from the development are flawed
- The transport assessment makes no reference to the transport capabilities of the villages. A robust TA is required
- Increased traffic on country lanes
- There are a number of accidents along Crewe Road within Haslington and Winterley
- There would be no increase in public transport
- Traffic speed through the village
- Insufficient visibility at the site access point
- Increased rat running through country lanes



- Footpaths and cycleways along Crewe road are inadequate
- Increased traffic will make the traffic management measures through the village unmanageable
- Pedestrian/cyclist/horse rider safety

### Green Issues

- Impact upon wildlife
- Impact upon protected species
- Winterley Brook is a Grade C Nature Conservation site and the development will put tourists off from visiting this site
- Increased flooding
- Inadequate assessment of flood risk within the application
- Flood risk also impacts upon wildlife, flora and fauna
- Water pollution will affect the Fowle Brook
- Increased water pollution
- Impact upon TPO trees
- Lack of detail about the maintenance of the open space

### Infrastructure

- The local schools are full
- Their impact upon local schools will be exacerbated by the approved developments in the area
- Lack of medical facilities in the village
- Doctors surgeries are full
- The local Primary School is already full
- Insufficient capacity at the high schools in Sandbach
- Sewage infrastructure is not adequate
- Impact upon electricity infrastructure
- No shops in the village
- Insufficient medical services

### Amenity Issues

- Visual impact
- Loss of outlook
- Noise and disruption from construction of the dwellings
- Increased dust
- Increased noise
- Increased air pollution
- There are existing foul drainage problems in this area

### Design issues

- The development would be highly visible and would detract from the character of Winterley
- The suburban nature of the development would be harmful to Kents Green Lane
- The landscape strategy for the site is not acceptable
- The site is elevated and the proposed three-storey dwellings would be out of character
- Affordable Housing is squeezed onto the site
- The indicative plans show housing side onto Crewe Road which is not an acceptable design solution
- The development would be harmful to the character of Winterley
- Little details on the outline application
- The layout of the open space is poor and not safe for children

### Other issues

- Loss of agricultural land
- Impact upon property value

A letter of objection has been received from Edward Timpson MP raising the following points:

- Local residents understand the need for more housing supply to meet the demand, but rightly want to prevent speculative developers from building in areas that are unsustainable and erode the sense of identity and community that are such a feature in Haslington and Winterley.
- I fully support this view of the Members of Haslington and Winterley Action Groups.

An objection has been received from Haslington and Winterley Action Groups raising the following:

- The dispute between central government and Cheshire East Council over the delayed local plan and housing land supplies has left the door open for speculative developers to bombard this area with applications on agricultural land.
- This application is outside the settlement boundary on agricultural land
- The infrastructure and highways do not have the capacity to cope with an expansion on this scale
- The development is too far away from key services to be classed as sustainable and is reliant on the private car
- The development is to the detriment of the character of the villages, the erosion of green space between the villages and the loss of outlook from the roads, footpaths and surrounding dwellings
- The Local Plan is in the final stages of consultation and being based on the NPPF will provide the best way forward for strategic sustainable development

A representation has been received from CTC (The National Cycling Charity) raising the following points:

- The highways response mentions '*...on-street mandatory cycle lanes, which are legally-enforceable for use by cyclists only. The site is therefore considered to be suitably accessible by cycle.*' This is not a cycle lane but a strip marked on the road, perhaps to discourage cyclists using it because of the poor surface (also, a 'mandatory' cycle lane would require a continuous white line, not a broken line). Those 'side strips' are also often excluded from highway maintenance, as happened for example during the recent resurfacing of the A534 Haslington bypass. This could be resurfaced to provide a safer escape area for cyclists.
- As there is no 'mandatory cycle lane' it might be argued that cycle access is not as good as it could be and other ways to improve access for cyclists could be sought. The footbridge crossing Fowle Brook could be investigated also for cycle use.
- For the same reason and to increase permeability an additional cycle access to Kents Green Lane should be provided. This would also provide a more direct route to Crewe and Sir William Stanier High School. Both options help avoiding Crewe Road and two right hand turns (which are more dangerous than left hand turns).
- Pedestrian refuge island on Crewe Road - This is recommended in the report to reach the bus stop on the other side of the road. The gaps for the carriageways should avoid a distance between 2.75 m and 4 m. At less than 2.75 m cars cannot overtake the cyclist, and at over 4 m overtaking is safely possible.
- Highway Safety '*... it is recommended that Vehicle Activated Signs (VA signs) should be provided in the vicinity of the development access ...*' This is welcome.

The full content of the objections is available to view on the Councils Website.

## **8. APPLICANT'S SUPPORTING INFORMATION**

To support this application the application includes the following documents:

- Flood Risk Assessment (Produced by Enzygo)
- Design and Access Statement (Produced by Barrie Newcombe Associates)
- Planning Statement (Produced by Richard Lee)
- Phase 1 Geo-environmental Assessment (Produced by REC)
- Transport Statement (Produced by SCP)
- Ecological Scoping and Protected Species Survey (Produced by Solum Environmental Ltd)
- Arboricultural Impact Assessment (Produced by Enzygo)
- Outline Bat Mitigation Strategy (Produced by Solum Environmental Ltd)
- Landscape and Urban Design Appraisal (Produced by PGLA and BPUD)

These documents are available to view on the application file.

## **9. OFFICER APPRAISAL**

### **Main Issues**

Given that the application is submitted in outline, 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, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, open space, drainage and flooding, sustainability and education.

### **Housing Land Supply**

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

*"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land".*

The NPPF clearly states at paragraph 49 that:

*"housing applications should be considered in the context of the presumption in favour of sustainable development. 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."*

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

*“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole;*
- or*
- specific policies in the Framework indicate development should be restricted.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough's five year housing land requirement is 8,311. This is calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply have been 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

In the light of the above the Council will demonstrate the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the emerging draft strategy of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon with the emerging Core Strategy or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

#### Open Countryside Policy

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings Congleton and Crewe Road, Gresty Green 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. Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time.

## **Landscape**

Housing development on this site would have a significant impact in terms of the loss of open countryside as discussed in the principle of development section.

In terms of the impact upon the landscape character and with regard to the indicative layout there are the following issues:

- The wooded stream, mature trees, hedgerows and the existing farmstead provide scope to create an attractive housing development but the indicative layout is cramped and doesn't make the most of these assets/opportunities.
- The farmhouse and some barns/outbuilding are now to be retained but the layout should ideally provide them with a better setting/curtilage with appropriate boundary features and again this issue will be dealt with at the reserved matters stage.
- It is important to retain the rural character of Kent's Lane by retaining the existing walls, trees and hedges (where feasible) and by planting new hedges. Close board fencing along the lane should be avoided.

The above issues could be considered at the reserved matters stage.

If the application is approved a number of conditions will be attached to protect/enhance the landscape on this site.

## **Location of the site**

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities 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 accessibility of the site shows that following facilities meet the minimum standard:

- Amenity Open Space (500m) – would be provided on site
- Children's Play Space (500m) – would be provided on site

- Bus Stop (500m) – 250m
- Public House (1000m) – 805m
- Public Right of Way (500m) – 300m
- Child Care Facility (nursery or crèche) (1000m) - 640m
- Community Centre/Meeting Place (1000m) – 640m

Where the proposal fails to meet the standards, the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those amenities are:

- Outdoor Sports Facility (500m) – 960m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 4300m
- Convenience Store (500m) – 1280m
- Primary School (1000m) – 1450m
- Pharmacy (1000m) – 1900m
- Post office (1000m) – 1900m
- Secondary School (1000m) – 5400m
- Medical Centre (1000m) - 1900m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Winterley, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development in Winterley from the application site. However, the majority of the services and amenities listed are accommodated within Haslington and are accessible to the proposed development on foot or via a short bus journey (the site is located on the main bus route between Crewe and Sandbach). It should also be noted that the site is located on National Cycle Network Route 451 and is easily accessible for cyclists. Accordingly, it is considered that this small scale site is a sustainable site.

This view is considered to be consistent with two recent appeal decisions which were refused on sustainability grounds but allowed at appeal:

- At 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) was refused by Southern Planning Committee on 29<sup>th</sup> August 2012 for sustainability reasons. In allowing the appeal the Inspector found that *‘The Council has used the North West Sustainability Checklist as a guide to assessing accessibility, albeit that this relates to policies in the now defunct RSS. Nevertheless, this gives a number of useful guidelines, many of which are met. The village has a pub, a church, a village green and a post box and there is a golf club close to the appeal site open to both members and nonmembers. However, the village has no shop or school. Audlem, which has a greater range of facilities, is only a short distance away. The appeal site has good access to 2 bus routes, which serve a number of local destinations. There are footways on both sides of the road linking the site to the village centre and other public rights of way close by. Audlem Road here forms part of the national cycle network. Therefore, whilst the use of the car is likely to predominate, there are viable*

*alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement'.*

- At land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C) was refused by Southern Planning Committee on 12<sup>th</sup> December 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'it is inevitable that many trips would be undertaken by car as happens in most rural areas. However in this case many such trips for leisure, employment, shopping, medical services and education have the potential to be relatively short. A survey of the existing population undertaken by the Parish Council confirmed that the majority use the car for most journeys. Its results should though be treated with some caution in view of the response rate of only 44%. The survey does not seem to have asked questions about car sharing or linked trips, both of which can reduce the overall mileage travelled. It is interesting to note that use of the school bus was a relatively popular choice for respondents. A few also used the bus and train for work journeys. It also should not be forgotten that more people are now working from home at least for part of the week, which reduces the number of employment related journeys. Shopping trips are also curtailed by the popularity of internet purchasing and most major supermarkets offer a delivery service. The evidence also suggests that the locality is well served by home deliveries from smaller enterprises of various kinds'*

## **Affordable Housing**

The site is located in Winterley which is within the Haslington and Englesea sub-area for the SHMA Update 2013. In this SHMA area there is an identified a requirement for 44 new affordable homes per year between 2013/14 – 2017/18 made up of a need for 1 x 1 beds, 11 x 2 beds, 19 x 3 beds, 10 x 4/5 beds and 1 x 1 & 1 x 2 bed older person dwellings (total of 220 dwellings over 5 years).

In addition to this information taken from the SHMA Update 2013, Cheshire Homechoice is used as the choice based lettings method of allocating social and affordable rented accommodation across Cheshire East. There are currently 126 active applicants on Cheshire Homechoice who have selected Haslington (which includes Winterley) as their first choice, these applicants require 46 x 1 beds, 44 x 2 beds, 25 x 3 beds and 7 x 4/5 beds (4 applicants haven't specified how many beds they require).

The Affordable Housing Interim Planning Statement (IPS) states that on all sites of 3 units or over in settlements with a population of 3,000 or less will be required to provide 30% of the total units as affordable housing on the site with the tenure split as 65% social rent, 35% intermediate tenure. This equates to a requirement of up to 18 affordable units in total on this site, split as 12 for social (or affordable rent) and 6 for intermediate tenure.

The Affordable Housing IPS also requires that the affordable units should be tenure blind and pepper-potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration. The IPS also states that the affordable housing should be provided no later than occupation of 50% of the open market dwellings unless there is a high degree of pepper-potting in which case it would be 80%.

Affordable homes should be constructed in accordance with the Homes and Communities Agency



Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).

The proposal in this application is for 12 rented units and 6 intermediate units which is line with the IPS and as such acceptable. However, in the Design and Access Statement, section 05 it says “a block of mews cottages to address affordable housing needs”. This would not be acceptable, it suggests that all the affordable units will be in one location and as such would be contrary to the IPS in that the affordable units would not be pepper-potted.

As this is an outline application the information about the affordable housing offer by the applicant is limited, if the application was approved the affordable housing details would be secured in an affordable housing scheme (including type of intermediate tenure to be provided) to be submitted at reserved matters stage and confirming that the scheme meets the affordable housing requirements detailed above and in the IPS.

## **Highways Implications**

### Access

The proposed development is in outline form with access to be determined at this stage. The proposed development would be accessed via a simple priority junction with a 5.5m wide access and 2m wide footways. The highways officer has commented that this design is typical of a residential development of this scale.

Crewe Road has a 30mph speed limit at this point. The surveys undertaken in support of this application indicate average speeds of 34mph and 32mph with maximum speeds of 45mph in the northbound direction and 43mph in the southbound direction. In this case the submitted plans indicate that visibility splays of at least 2.4m x 56m can be achieved in both directions. These visibility splays would comply with guidance contained within Manual for Streets. Due to the issue of speeding vehicles it is considered to secure Vehicle Activated Signs within the vicinity of the site in an attempt to reduce vehicle speeds. This will be secured through the use of a planning condition.

The submitted Transport Assessment (TA) identifies that the proposed site access would operate with significant spare capacity and the traffic associated with this development can be accommodated onto the local network.

### Traffic impact

The proposed development would generate 40 two-way trips during the AM peak hour and 43 two-way trips during the PM peak hour. This traffic generation will be distributed across the highway network in both directions.

There are local concerns over the impact upon the highway network and Crewe Green roundabout and there is a scheme of CEC improvements in this location. In this case the Highways Officer considers that whilst the development would not have a severe impact upon this junction and as such no mitigation will be required from this development.

The only other committed development within the Parish of Haslington is at Vicarage Road (44 dwellings). Given the scale of the developments there is not considered to be a cumulative highways impact associated with this development.

### Public Transport

The application site is within easy reach of bus stops in both directions with hourly connections to Crewe, Sandbach, Winsford, Northwich and Macclesfield throughout the day. In this case it is considered appropriate to secure improvements to the bus stops from this development as well as accessibility improvements to the bus stop on the opposite side of Crewe Road. These improvements will be secured through the use of a planning condition.

### Highways Conclusion

In conclusion the proposed development would have an access of an acceptable design with adequate visibility. The traffic impact upon the local highway network would be limited and improvements would be secured to the bus stops in the locality. It is therefore considered that the development complies with the local plan policy BE.3 and the test contained within the NPPF which states that:

*'Development should only be prevented or refused on transport grounds where then residual cumulative impacts of development are severe'*

### **Amenity**

In terms of the surrounding residential properties, these are mainly to the north of the site. Between the nearby residential properties to the north are a linear area of public open space, Fowle brook and a belt of trees. Due to these intervening features and the separation distances involved there would be minimal impact upon residential amenity.

Due to the separation distances involved to the properties to the south there would not be a significant impact to the south.

The Environmental Health Officer has requested conditions in relation to hours of operation, environmental management plan, external lighting, noise mitigation and contaminated land. These conditions will be attached to any planning permission.

### **Air Quality**

The proposed development is not close to any air quality management areas (AQMA) and an air quality assessment was not deemed necessary. However, it is likely that some small impact would be made in the Nantwich Road AQMA and that when combined with the cumulative impacts of other committed and proposed developments in the Crewe area the significance is increased. There is also no assessment of the dust impacts and details of dust control would need to be submitted should planning approval be granted. Conditions would be attached in relation to dust control and to secure a travel plan.

### **Trees and Hedgerows**

## Trees

The application is supported by an Arboricultural Impact Assessment (AIS). The AIS incorporates a tree survey covering 19 individual trees and 20 groups of trees. The survey grades 7 individual trees and 14 groups of trees as grade A (high quality and value), 5 individual tree and 5 groups Grade B (moderate quality and value) and 7 individual trees and 1 group Grade C (low quality and value). The AIS indicates that the indicative layout would result in the removal of 7 individual trees and one group of trees afforded low grade and recommends that retained trees are afforded protection in accordance with BS 5837:2012 Trees in Relation to design, demolition and construction - Recommendations.

As the application is outline with only the vehicular access from Crewe Road included, the full implications of development of the site would only be realised at Reserved Matters stage. The elements of the indicative proposals showing the prominent TPO trees retained in POS to the south west of the site and the green corridor adjoining Fowle Brook are welcomed. In this case there were concerns raised over whether the application site can accommodate the proposed development without impacting upon the trees on the site but this has now been addressed through the submission of the amended plan.

## Hedgerows

The consultation response from Cheshire Archives and Local Studies indicates 'both of the hedgerows appear to form part of a field system pre-dating the Enclosure Acts'. On the Tythe map it is clear boundaries where hedges affected by the development were present.

In this case the indicative plan shows that the historic hedgerows would be retained as part of this development.

## **Design**

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

*"Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."*

In this case the density of the development is considered to be acceptable at 22.47 dwellings per hectare and would be consistent with the surrounding area of Winterley.

As part of the negotiations with this application the applicant has agreed to retain two of the existing barns and the farmhouse on the site.

There is a Grade II Listed Building opposite the site on Crewe Road. Given the intervening road and separation distance it is not considered that the proposed development would have a detrimental impact upon the setting of this Listed Building.

In this case an indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved and that the areas of open space and all highways would be well overlooked. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

## **Ecology**

### **Bats**

The bat surveys undertaken to inform the determination of the application were constrained by the unsafe nature of some of the buildings on site, the lateness in the season when the activity surveys were undertaken and cold weather during some of the survey visits. Despite these constraints bat roosts have been recorded within a number of buildings on site.

The available survey results suggest roosts of two relatively common bat species being present on site. On balance considering the constraints of the survey the Councils Ecologist advises that the usage of the building by bats is likely to be limited to small-medium numbers of animals and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have a low-medium impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

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 protected species.

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 tests would be met as follows:

- If the development was approved it would be because the LPA cannot demonstrate a 5 year housing land supply and there would be reasons of overriding public interest, including those of a social or economic nature with no satisfactory alternative
- There is only a small bat roost on this site (with no evidence of a maternity roost) and there would be no detriment to the maintenance of the species population at favourable conservation status in their natural range. The proposed mitigation/compensation would be adequate to maintain the favourable conservation status of bats.

### Other Protected Species

An outlying sett has been recorded just outside proposed development site. The submitted ecological assessment recommends that a 30m undeveloped buffer be maintained around the sett. Based on the revised plan and the submitted method statement the Councils Ecologist is satisfied that the outlying set which is located off-site can be retained.

### Fowle Brook

Fowle Brook is located to the north of the application site. The submitted illustrative layout plan shows a retained area of open space between the development and the brook. A condition will be attached to secure a buffer along this water course.

### Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. Based upon the submitted indicative layout it appears feasible that the much of the existing hedgerows on site can be retained as part of the development. There are however likely to be losses of hedgerows to form the site access. Any losses of hedgerow must be compensated for through additional hedgerow planting as part of any detailed landscaping scheme produced for the site. Based on the submitted illustrative master plan it appears feasible that this could be achieved.

### Bluebells

Native bluebells have been recorded on site however it appears that they would be retained within the open space on the site. This would be secured through the use of a planning condition.

### Breeding Birds

Conditions will be attached to safeguard breeding birds.

### **Public Open Space**

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. In this case the level would be 2,450sq.m and the indicative plan shows that the developer will provide 6,200sq.m of public open space. This would exceed the requirement for Policy RT.3 by a considerable margin and is considered to be acceptable.

In terms of children's play space this would be provided on site and the applicant has indicated that they are willing to provide a LEAP with 6 pieces of equipment. This would be an acceptable level given the number of dwellings on the site and would comply with Policy RT.3.

### **Agricultural Land Quality**

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (Grades 1, 2 and 3A) will not be permitted unless:

- The need for the development is supported by the Local Plan
- It can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non-agricultural land
- Other sustainability considerations suggest that the use of higher quality land is preferable

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this case the supporting planning statement identifies that this site is grade 3b.

### **Education**

The proposed development would generate 11 primary school pupils and 8 secondary school pupils.

In terms of primary school education, the proposed development would generate 13 new primary places. As there are capacity issues at the local primary schools, the education department has requested a contribution of £119,309. This would be secured via a S106 Agreement.

In terms of secondary school education, the proposed development would generate 9 new secondary places. As there are capacity issues at the local secondary schools, the education department has requested a contribution of £130,742. This would be secured via a S106 Agreement.

### **Flood Risk and Drainage**

The vast majority of the application site is located within Flood Zone 1 according to the Environment Agency Flood Maps although a small strip along Fowle Brook is located within Flood Zones 2 & 3. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is more than 1 hectare, a Flood Risk Assessment (FRA) has been submitted in support of the application. The submitted plan shows that the area identified as Flood Zones 2 & 3 would not be developed as part of this development.

The submitted FRA identifies that a precautionary approach of raising floor levels of any building on the site by 150mm would mitigate any secondary flooding sources (in this case overland flow). The risk from all other types of flooding is considered to be negligible or low.

The proposed drainage system will be designed to accommodate the potential impact of this development and further details will be provided at the detailed design stage.

The Environment Agency and United Utilities have been consulted as part of this application and have both raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

## **Health**

A number of the letters of objection raise concerns about the impact upon health provision in this area. In response to this issue there are 3 medical practices within 2.5 miles of the site and according to the NHS choices website all are currently accepting patients indicating that they have capacity. Furthermore no practices have closed their list and they are not being forced to accept new patients.

## **LEVY (CIL) REGULATIONS**

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

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

As explained within the main report, POS and children's play space is a requirement of the Local Plan Policy RT.3. It is necessary to secure these works and a scheme of management for the open space and children's play space. This contribution is directly related to the development and is fair and reasonable.

The development would result in increased demand for primary and secondary school places in the area and there is very limited spare capacity. In order to increase capacity of the primary and secondary schools which would support the proposed development, contribution towards primary and secondary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

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

## **10. CONCLUSIONS**

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5

year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. The Council can now demonstrate a 5 year housing land supply and as a result the principle of development is not considered to be acceptable and the development would be contrary to Policy NE.2.

The proposed development would not adversely affect the visual character of the landscape, or result in a significant erosion of the physical gaps between built up areas.

The proposed development would provide a safe access and the development would not have a detrimental impact upon highway safety or cause a severe traffic impact.

In terms of Ecology it is not considered that the development would have a significant impact upon ecology or protected species subject to the necessary contribution to off-set the impact.

The proposed development would provide an over provision of open space on site and the necessary affordable housing requirements.

The education department has confirmed that there is no capacity within local schools and those education contributions will be secured.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments.

However, it is considered that the harm caused by virtue of the loss of open countryside outweighs any benefits of the scheme that might accrue by virtue of the delivery of housing supply including affordable housing, at 30%, of the total housing numbers and the economic benefits that the development and new residents would bring.

## **11. RECOMMENDATIONS**

**REFUSE for the following reasons:**

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 and RES.5 of the Crewe and Nantwich 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, consequently the application is premature to the emerging Development Strategy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.**

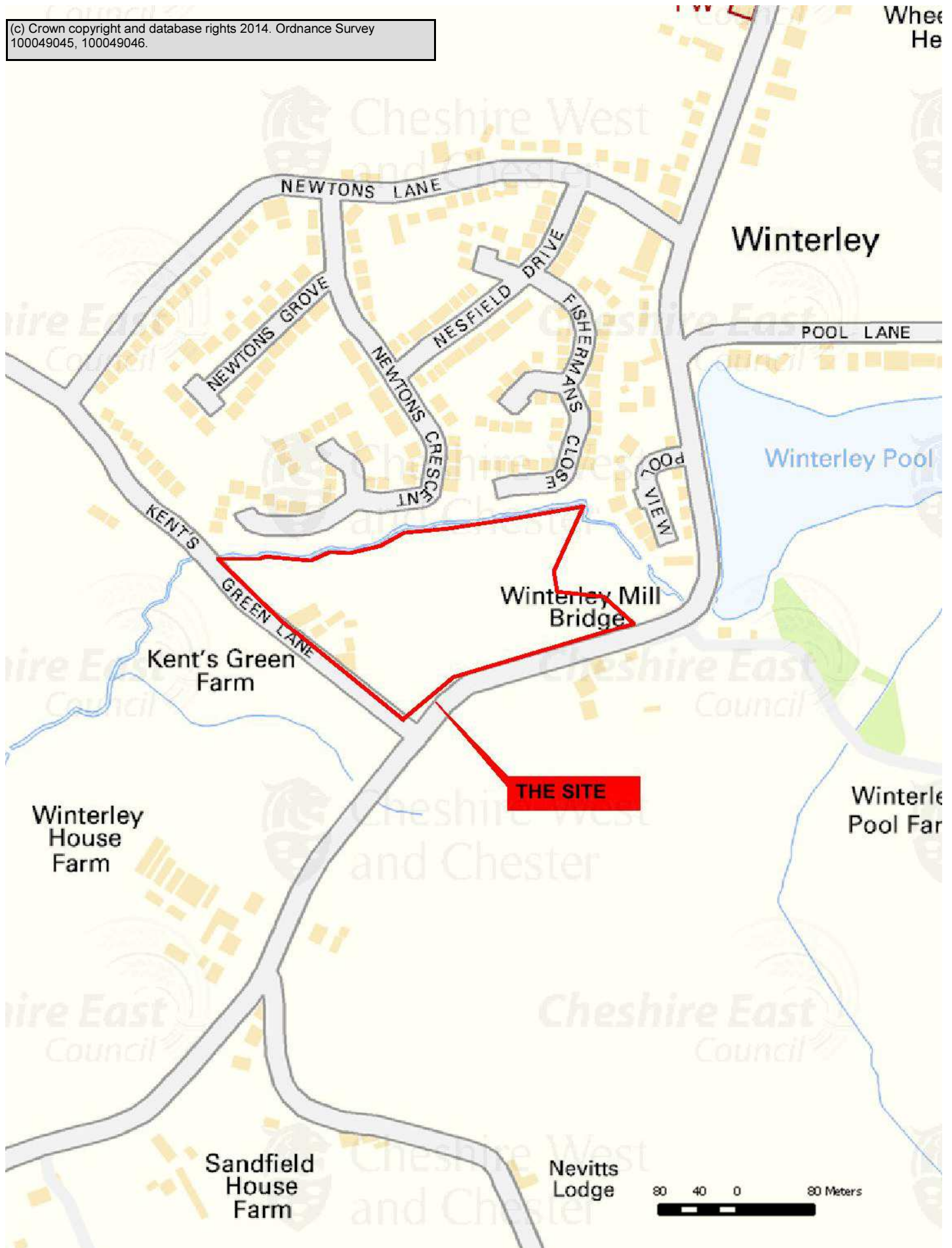
**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping**



**Manager has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

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

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Application No: 13/5117C

Location: Pulse Fitness Ltd, Radnor Park Industrial Estate, BACK LANE,  
CONGLETON, CW12 4TW

Proposal: Change of use from manufacturing unit to fitness centre.

Applicant: Christopher Johnson, Pulse Fitness

Expiry Date: 18-Mar-2014

**SUMMARY RECOMMENDATION:**

REFUSE on grounds of loss of an employment site.

**MAIN ISSUES:**

The key issues for Members to consider in determining this application are:

- a) Cheshire East Local Plan Strategy
- b) Principle of Development
- c) Loss of Employment Land
- d) Highways
- e) Residential Amenity

**1) REASON FOR REFERRAL**

The application is included on the agenda of the Southern Planning Committee as the proposal relates to a site measuring more than 1ha in size and is therefore a small-scale major development.

**2) DESCRIPTION OF SITE AND CONTEXT**

This application relates to the site of an existing commercial warehouse (4546 square metres), office building (817 square metres) and associated parking and loading areas on the western edge of Radnor Park Industrial Estate in Congleton. The site is situated within the settlement zone line of Congleton as designated in the adopted Congleton Borough Local Plan First Review (2005).

**3) DETAILS OF PROPOSAL**

Full planning permission is sought to change the use of the manufacturing centre to use as a fitness centre.

#### **4) RELEVANT HISTORY**

08/1728/FUL - New access and parking area - Approved 04-Dec-2008

#### **5) POLICIES**

##### **Local Plan Policy**

PS4	Towns
GR1	New Development
GR2	Design
GR6	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR18	Traffic Generation
E10	Re-use or Redevelopment of Existing Employment Sites

##### **Other Material Considerations**

National Planning Policy Framework

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

##### **Environmental Protection:**

No comments

##### **Strategic Highways Manager:**

No objection

##### **Archaeology:**

This application has no archaeological implications and no archaeological mitigation is advised.

##### **Environment Agency:**

Part of the site is within Flood Zone 2. Given that the site is over 1.3 ha, a Flood Risk Assessment should be submitted with the application.

##### **VIEWS OF THE CONGLETON TOWN COUNCIL:**

No objection

#### **7) OTHER REPRESENTATIONS:**

None received

**8) APPLICANT'S SUPPORTING INFORMATION:**

None

**9) OFFICER APPRAISAL**

**Cheshire East Local Plan Strategy**

Members are aware that the submission version of the new local plan is now in the public domain. This will be presented to the Strategic Planning Board and full Council at the end of February. Subject to this being accepted an update will be provided in relation to this issue.

**Principle of Development**

The application site is located within the settlement zone line for Congleton where according to Policy PS4 there is a general presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other policies.

The proposals involve the change of use of the existing manufacturing and office building at the site. The use would be accommodated within the existing buildings and as such, no operational development is proposed. The character and appearance of the site and the area would not be harmed.

Proposals for the change of use or redevelopment of existing employment sites to non-employment uses will not be permitted unless it can be demonstrated that the site is no longer suitable for employment use or there would be substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes.

In considering whether the site is no longer suitable for employment uses, account will be taken of:

- 1 The location of the site or premises and the physical nature of any building
- 2 The adequacy of supply of suitable employment sites and premises in the area
- 3 Whether reasonable attempts have been made to let or sell the premises for employment uses

The site is located within an established industrial estate on the north-westerly edge of Congleton. The site is well connected being positioned close to services and facilities and is accessible by various modes of transport. The buildings appear to be in reasonable condition and offer valuable employment floorspace within an established industrial estate.

The general demand and uptake of existing units within the area appears to be good with most units occupied. The applicant has indicated that the buildings are not presently vacant and therefore in the absence of any details and information to show otherwise, it is reasonable to say that there is still the demand for properties of this type for employment uses.

The applicant has not provided any indication or evidence to show that the site has been marketed for employment uses. This lack of marketing does not constitute a reasonable attempt to secure tenants in the building and therefore the applicant has failed to satisfy the 3 criteria in the first strand of policy E10 and demonstrate that the site is no longer suitable for employment use to warrant its loss and use as a fitness centre.

In considering whether there would be a substantial planning benefit from permitting an alternative use account will be taken of:

- 1 Any benefits in terms of traffic generation, noise or disturbance to amenity
- 2 The impact the proposal would have on the environment & economy of the local area
- 3 The need for the proposal and its potential contribution to the local area
- 4 The requirements of other relevant policies of the local plan.

The applicants have provided no case as to whether there would be any benefit in permitting a fitness centre use at the site. The site benefits from good vehicular access and is capable of being serviced by large articulated vehicles. Whilst the local road network does provide access to residential properties, the present lawful use of the site and the wider industrial estate operates without causing significant harm to these neighbouring uses and the local highway network.

Whilst there may be benefits to the local economy in terms of the provision of a recreation facility, this consideration does not sufficient to justify the loss of an employment site on its own. No evidence has been submitted to demonstrate that there is a pressing need for such facilities in the local area and therefore it has not been demonstrated that there would be substantial planning benefit in permitting the proposals and losing the employment floorspace.

Accordingly, the proposals would not offer significant benefit that would outweigh the loss of the site for employment uses thereby reducing employment opportunities within this sustainable location. There are high levels of 'out-commuting' within the Borough, which lead to unsustainable travel patterns. This will only be exacerbated if employment opportunities offered by sites such as this one are lost.

On balance therefore, it is not considered that the planning benefits are substantial enough to outweigh the loss of the site for employment uses.

## **Highways**

The proposal would make use of the existing vehicular access and parking areas. These are capable of serving the proposed use without giving rise to parking or highway safety issues in the area. The Strategic Highways Manager has assessed the application and has offered no objection to the proposals.

## **Residential Amenity**

The nearest residential properties are sited approximately 50 metres to the west. In view of the current lawful industrial use at the site and the pattern of surrounding commercial development; it is not considered that the proposed use would have any greater material harm on

neighbouring residential amenity. Conditions controlling hours of use could minimise any disturbance at sensitive times.

## **Conclusion**

The applicant has failed to demonstrate that the site is unsuitable for its current use in terms of location and the surrounding land uses, or that reasonable attempts have been made to market the site for either its current use or redevelopment for alternative B1 uses.

Given the limited information submitted, it appears that any benefits from developing the site for an alternative use are not substantial enough to outweigh the loss of the site's employment use. There is no evidence to demonstrate a current issue arising from the site's use in terms of noise, general disturbance or traffic flow, and furthermore whilst the proposal will provide a recreational use, this should not be at the expense of reducing employment opportunities further encouraging the already predominantly unsustainable transport patterns in the Borough. The proposal would not therefore accord with the Development Plan

## **10) RECOMMENDATIONS**

REFUSE subject to the following conditions: -

Insufficient information has been submitted with the application in order to justify the loss of an existing employment site. The applicant has not made reasonable attempts to market the property for employment uses and has failed to demonstrate that there would be substantial planning benefits that would outweigh the loss of the site for employment purposes. The proposal is thereby contrary to Policies GR1 and E10 of the adopted Congleton Borough Local Plan First Review.

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

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



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Application No: 13/5093N

Location: REASEHEATH COLLEGE, MAIN ROAD, WORLESTON, NANTWICH, CHESHIRE, CW5 6DF

Proposal: New teaching facility, national centre for food futures and the environment and associated outbuildings including glasshouses and maintenance block

Applicant: Mr S Kennish, Reaseheath College

Expiry Date: 19-Mar-2014

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Policy;
- Loss of Golf Course;
- Design Standards and Impact on the Conservation Area;
- Amenity;
- Drainage;
- Sustainability;
- Archaeology;
- Landscape;
- Forestry;
- Highways;
- Ecology; and
- Other Matters

**REFFERAL**

This application is included on the agenda of the Southern Committee as the proposed cumulative floor area of the development exceeds 1000m<sup>2</sup> and therefore constitutes a major proposal.

**DESCRIPTION OF SITE AND CONTEXT**

Reaseheath College is located approximately two miles north of Nantwich town centre and is accessed off the A51 ring road. The application site is located on the periphery of the college campus. Located immediately to the north of application site is the main college campus. The application site is located primarily on an existing 9 hole golf course and incorporates a number of trees, with more significant specimens located around the periphery. The

application site is located just outside the Reaseheath Conservation Area and is wholly within the open countryside.

## **DETAILS OF PROPOSAL**

This is a full application for a new teaching facility, national centre for food futures and the environment and associated outbuildings including glasshouses and maintenance block at Reaseheath College, Nantwich.

## **RELEVANT HISTORY**

P06/0507 - Demolition of Shed and Erection of Construction Workshop. Approved 4<sup>th</sup> July 2006

P06/0512 - Change of Use from Manufacturing Building to IT Centre including Demolition of Oil Store and Erection of New Entrance. Approved 4<sup>th</sup> July 2006

P06/0991 - 96 Bed Two Storey Student Accommodation Building With Associated Car Parking And Landscaping. Approved 4<sup>th</sup> December 2006

P07/0024 – Erection of Electricity Generation Facility. Approved 26<sup>th</sup> February 2007

P07/0380 – Erection of Milking Parlour. Approved 21<sup>st</sup> May 2007

P07/0412 – 4 Isolation Pens. Approved 1<sup>st</sup> May 2007

P07/0517 – Replacement Animal Care Centre. Approved 20<sup>th</sup> July 2007

P07/0508 – Extension to Existing Calf House. Approved 31<sup>st</sup> May 2007

P07/0541 – Demolition of Store and Maintenance Buildings and Construction of Learning Resource Centre and Alterations to Parking. Approved 4<sup>th</sup> June 2007

P07/0638 – Demolition of Temporary Classroom Block and Construction of a New Estates Maintenance Workshop to Replace Facilities Demolished to make way for the New Learning Resource Centre. Refused 25<sup>th</sup> June 2007.

P07/0761 – New Engineering Academy Building Approved on 29<sup>th</sup> August 2007.

P08/1142 - Construction of Barn for Teaching, Barn for Staff/Student Services, Tractor/Tool Store, Landscape Workshop and Teaching Area, 3 Commercial /Teaching Glasshouses, 3 Polytunnels and Associated Works (Development to be Constructed over 2 Phases) – Approved – 11<sup>th</sup> December 2008

09/1155N - Demolition of the Cross College Building including Student Union Office to make way for the New Student Hub approved under application P08/1126 (Crewe & Nantwich) Conservation Area Consent – Approved – 5<sup>th</sup> June 2009

09/2160N - Refurbishment and Extension of the Existing Food Processing Department to Accommodate a New Student Training Facility – Approved – 22<sup>nd</sup> September 2009

10/0279N - Demolition of Single Storey Teaching/Amenity Block and Erection of New Two Storey Food Centre of Excellence for Business and Research Use – Approved – 16<sup>th</sup> April 2010

10/1345N - Removal of the Existing Flue (1m Diameter by Approx 10m High) and the Addition of Three Smaller Flues (1 x 514mm Diameter by Approx 10m High, 2 x 378mm Diameter by Approx 10m High) – Approved – 11<sup>th</sup> May 2010

10/3339N - Proposed Extension and Alterations to Provide Extended Catering Facilities, including an Enlarged Kitchen and additional Dining for Students and Staff - Approved

11/2450N - Construction of a New 2 Bay Silage Clamp Extension on Hall Farm within the College Grounds – Approved – 15<sup>th</sup> August 2011

11/2449N - The Construction of a New Calf House on Hall Farm within the College Grounds – Approved – 26<sup>th</sup> August 2011

12/1175N – Proposed 3 Storey 150 Bed Residential Student Accommodation Building – Refused – 16<sup>th</sup> August 2012

12/3548N – Proposed 3 Storey, 150 Bed Residential Student Accommodation Building and Associated Landscape Works – Approved – 30<sup>th</sup> October 2012

13/1688N - Variation of condition No 2 of permission 12/3548N – Approved – 27<sup>th</sup> June 2013

## **POLICIES**

### **National Policy**

The application should be determined in accordance with national guidance set out in:

National Planning Policy Framework

### **Local Policy**

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

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)
BE.9	(Listed Buildings: Alterations and Extensions)
BE.16	(Development and Archaeology)
NE.2	(Open Countryside)
NE.5	(Nature Conservation and Habitats)
NE.9	(Protected Species)
CF.2	(Community Facilities)
RT.9	(Footpaths and Bridleways)
TRAN.5	(Provision for Cyclists)
TRAN.6	(Cycle Routes)
TRAN.9	(Car Parking Standards)

### **Cheshire East Local Plan Strategy**

***Members are aware that the submission version of the new local plan is now in the public domain. This will be presented to the Strategic Planning Board and full Council at the end of February. Subject to this being accepted an update will be provided in relation to this issue.***

### **CONSIDERATIONS (External to Planning)**

**English Heritage:** No objections

**United Utilities:** No objections

**Natural England:** No objections

**Cheshire Garden Trust:** It appears that the detailed application is for the new Horticulture dept on the golf course. From the aerials, it looks like mainly young trees that will be removed. However the east side of the proposed development appears to abut the mature woodland which is part of the historic designed landscape (it screens the road). Removal of a group of large trees is proposed here. Strangely the boundary of the woodland is not shown on the tree removal plan, so it is impossible to understand the impact and comment on this with certainty.

The rest of it appears to be development strategy, blocks of colour but no detail. There is not enough detail to say how much if any impact on the remaining kitchen garden walls and bothy there will be from the accommodation development.

The kitchen garden wall and bothy should be avoided as one of the site's few remaining heritage assets, especially as they have a direct link to the horticultural history of the site and should therefore be of added importance to a horticultural college.

**Environment Agency:** No objections subject to drainage conditions

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

No representations received

## **OTHER REPRESENTATIONS**

Two letters of representation have been received. The objectors raise the following points:

- I am particularly concerned about the living conditions of local people which are currently affected during College term time in fairly negative ways. The approach to the Wettenhall Road entrance is blighted by litter discarded from cars to the extent where local resident regularly litter pick. This area is also affected by vehicles being parked along the highway in front of Old Hall and, if on the rare occasion when the barrier is down, partially on the entrance. The speed limit here is 60mph, I believe. Other approaches are similarly blighted and whilst not all litter may be directly attributable, there is a significant improvement at week-ends and during holiday periods;
- The College also has a no smoking policy which drives students off campus to pursue their habit. Where this would be given the location of the proposed new Halls of Residence would be interesting;
- It is hoped there will be some discussion of the optimal size for this campus in this rural context and whether ultimately it will out-grow its location rather than it come to dominate. Local people near to MMU in Crewe are experiencing a range of problems such as being unable to park and anti-social behaviour of an unwanted nature;
- There is already planning permission given for 1000 dwellings in the Nantwich area, which has caused considerable local disquiet. The Reaseheath application to build accommodation for some 300 students would add the equivalent of some 50 or more houses to this total apart from adding to the already considerable traffic congestion in the area; and

- If however, planning permission is given to Reaseheath College it should not be on the proposed site which includes the golf course. This would involve the wanton destruction of some lovely mature parkland (apparently subject anyway to a restrictive building covenant) and it would also remove a valuable facility for some 300 local Nantwich men and women who play golf. The college already has an alternative plan on land to the north of existing college buildings. This should be the preferred option.

## **APPLICANT'S SUPPORTING INFORMATION**

Design and Access Statement  
Tree Survey  
Sports Statement  
Flood Risk Assessment

## **OFFICER APPRAISAL**

### **Policy**

The principle issues surrounding the determination of this application is whether the development is in accordance with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Car Parking and Access), NE.2 (Open Countryside), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), TRAN.9 (Car Parking) and CF.2 (Community Facilities) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. These policies seek to ensure that the proposed development respects the scale, form and design of the existing buildings and the general character of the area.

In summary, these policies seek to protect the character and appearance of the open countryside whilst allowing for appropriate development. Policies also protect residential amenity and ensure safe vehicular access and adequate parking. A new building will not be permitted unless it harmonises with its setting and is sympathetic in scale, form and materials to the character of the built form and the area particularly adjacent buildings and spaces.

### **Loss of Golf Course**

As part of the application the applicant has submitted a Sports Planning Statement which concludes that the Green Space Strategy makes no reference to golf provision, but recognises the need for additional pitch facilities in Nantwich.

The applicant goes on to enunciate that the original purpose of the golf course was for student training is no longer relevant as course numbers have dwindled and work place training has taken over. Membership of the golf course has also declined steadily to a current low of approximately 300.

Furthermore, there has never pro or coaching structure at the golf course. Membership has been in decline and the course has an elderly membership profile.

However, against this backdrop provision in the Reaseheath area for golf is high, and even the loss of the Reaseheath course would leave the area well supplied compared with the average. The applicant acknowledges that participation is difficult to estimate in detail.

Nevertheless, according to current statistics national and regional participation is on a downward trend, and regional participation is lower than the national average.

Overall, it is considered that the loss of a nine hole course, which may have a niche role in catering for those with less time for a full round or learning opportunities. It is not considered to be crucial in view of the presence of 2 alternative nine hole courses in the immediate area, and others within a 20 minute catchment area. It is therefore considered likely that the loss of the Reaseheath course would not have a detrimental effect on local golf course provision.

### **Design Standards and Impact on the Conservation Area**

This application has been subject to extensive negotiations between officers and the applicant and his agent.

Guidance advocated within NPPF supports well designed buildings. Policy BE.2 (Design Standards) is broadly in accordance with this guidance but places greater emphasis on the impact to the streetscene and encouraging development which respects the character, pattern and form of development within the area.

As a matter of fact, the NPPF 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'* (paragraph 64)

However, the NPPF clearly states that *'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness'* (paragraph 60).

The design of new development should be of a high standard and wherever possible the built environment and surroundings should be enhanced. It is important that the relationship with the existing street scene is considered and improved, and not harmed by new development.

According to the submitted plans both of the buildings are single storey and sit adjacent to each other to form an integrated front elevation to main campus. They are connected with a partially glazed café/shop area which acts as a public entrance to the plant sales area contained in the courtyard between the two buildings. To the rear the functional elements of the building are contained around an external landscape and service zone area.

The glass houses are located to the south of the new teaching facility. The glass houses are subdivided into a range of climatic zones and will be used as a teaching aid for students on relevant courses.

In addition to the above, located to the east of the glass houses is a maintenance shed to be used for the storage of equipment and to support the operation of the practical areas of the department and grounds maintenance of the college estate.

The proposal to locate all these buildings to the south of the proposed new sports hall (application 13/5091N), which itself lies directly to the south of an existing area of new

buildings lying outside the conservation area, will serve to integrate them visually with this backdrop of existing buildings which currently form the setting of the conservation area.

Overall, the proposed single storey height should be visually sympathetic as a new visual edge to the setting of the conservation area and the proposed use of timber and brick is also in keeping with the wider rural setting. The proposed areas of render however will need to be visually in keeping with adjacent building. The proposed green wall should comprise native species befitting the wider rural setting and this will be conditioned accordingly.

As with application 13/5091N for the replacement pitches and new sports hall it will be important that the existing tree cover around this site is retained and strengthened, in order to protect the visual impact of this mass of buildings on the setting of the conservation area/the open countryside/the moated site.

In addition it will be important that the existing areas of raised land which currently form visual buffers between the proposed new development site and the outer edges of the college when viewed from outside the site are also retained, in order to minimize the impact of this new development. Conditions will be attached to the decision notice regarding materials, surfacing materials and landscaping to help minimise its impact on the locality. Overall, it is considered that the proposal complies with policies BE.2 (Design Standards), BE.7 (Conservation Areas) and BE.9 (Listed Building: Alterations and Extensions).

### **Amenity Considerations**

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of future or neighbouring occupiers, does not prejudice the safe movement of traffic and does not cause an increase in air, noise, water pollution which might have an adverse impact on the use of land for other purposes.

The development of the site for teaching facilities and associated works within an existing college campus area is considered to be compatible with the surrounding land uses. The proposals are also unlikely to result in noise, air or water pollution. A principle consideration in determining this application is its effect upon the amenity of adjacent occupants. This primarily includes the residents of cottages located to the south east of the application site. The general thrust of Policy BE.1 requires that development does not have a prejudicial impact on the amenity of occupiers in an adjacent property.

It is considered that the proposal will have a marginal impact on the residential amenities of the occupiers of these cottages. According to GIS there is a distance of approximately 110m separating these dwellings from the application site. Therefore, considering the separation distances, the intervening boundary treatment and the nature and scale of the proposed development will all help to mitigate any negative externalities. It is considered that the proposal complies with policy BE.1 (Amenity).

### **Drainage**

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall.

The NPPF states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development.

It is possible to condition the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff generated by the development is sufficiently discharged. This will probably require the use of Sustainable Drainage Systems (SUDS) which include source control measures, infiltration devices as well as filter strips and swales which mimic natural drainage patterns. Concerns have been raised that if the proposal was to be approved, it will exacerbate flooding in the immediate area and it is considered prudent to attach a condition relating to drainage, if planning permission is to be approved. Furthermore, colleagues in United Utilities have been consulted and raised no objection subject to the imposition of a drainage condition. Overall, it is considered that the application is in accordance with policy BE.4 (Drainage, Utilities and Resources).

### **Sustainability of the site**

The NPPF identifies that there is a presumption in favour of sustainable development and that significant weight should be attached to proposals which enable economic growth and the delivery of sustainable development. With regard to the urban economy, the Framework advises that developments should be located and designed where practical to:-

- Accommodate the efficient delivery of goods and supplies;
- Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians;
- Consider the needs people with disabilities by all modes of transport

The document goes on to enunciate that

*‘Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised’.* (paragraph 34).

The site would be sited in a sustainable location alongside the existing buildings on the campus. The site would have easy access to the college, a shop and food outlets. Furthermore, the college is within walking distance of Sainsburys supermarket and Nantwich town centre. A condition relating to secured, covered cycle provision should be attached to any approval. Furthermore, it is considered that, in order to encourage some sustainable forms of transport, a condition relating to a travel plan should be attached to any permission. The NPPF advocates the use of Travel Plan stating:

*‘All developments which generate significant amounts of movement should be required to provide a travel plan’* (Para 36).



Overall, it is considered that the site is in a sustainable location and the proposal is in accordance with Policy BE.3 (Access and Parking) and advice advocated within the National Planning Policy Framework.

### **Archaeology**

The proposals will affect an area c 200m to the south of the remains of Reaseheath medieval moated site, which are designated as a Scheduled monument (SM 13493) and under statutory protection. There is, however, no physical effect on the moat from the proposed development and the intervening land is occupied by car parking and modern buildings so issues of 'setting' are unlikely to arise in this instance. The area to the south of the moat was formerly covered in well-preserved medieval ridge and furrow which is very clear on the 1940s aerial photographs. These earthworks, however, have all been obliterated by recent development, including the laying out of the car park and landscaping associated with the golf course.

In these circumstances, and given the fact that it has not been possible to identify any features of particular interest on the historic maps, it is unlikely that significant archaeological deposits are preserved within the proposed development area which would be damaged by development. Therefore, no further archaeological mitigation is advised in this instance and as such the proposal accords with Policy BE.16 (Development and Archaeology)

### **Landscape**

No comments have been received at the time of writing this report from the Landscape Officer. Members will be updated in the update report once these comments have been received.

### **Forestry**

No comments have been received at the time of writing this report from the Forestry Officer. Members will be updated in the update report once these comments have been received.

### **Highways**

No comments have been received at the time of writing this report from the Highways Officer. Members will be updated in the update report once these comments have been received.

### **Ecology**

No comments have been received at the time of writing this report from the Council Ecologist. Members will be updated in the update report once these comments have been received.

### **Other Matters**

It is noted that one of the objectors is concerned about anti social behaviour, for example, dropping litter etc. Whilst the concerns of the objector are noted, this is not a material planning consideration to justify refusing the application. The planning system is not here to

duplicate other legislation, if there is any forms of anti social behaviour, this may be pursued by the Police via their legislation.

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

Having regard to the pattern of existing development in the area and other material considerations, it is concluded that the proposed development would be in accordance with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage Utilities and Resources), BE.5 (Infrastructure), NE.5 (Nature Conservation and Habitats), CF.2 (Community Facilities), TRAN.5 (Provision for Cyclists), TRAN.6 (Cycle Routes), TRAN.9 (Car Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, and that it would not materially harm the character or appearance of the area or the privacy and living conditions of neighbouring occupiers and would be acceptable in terms of highway safety.

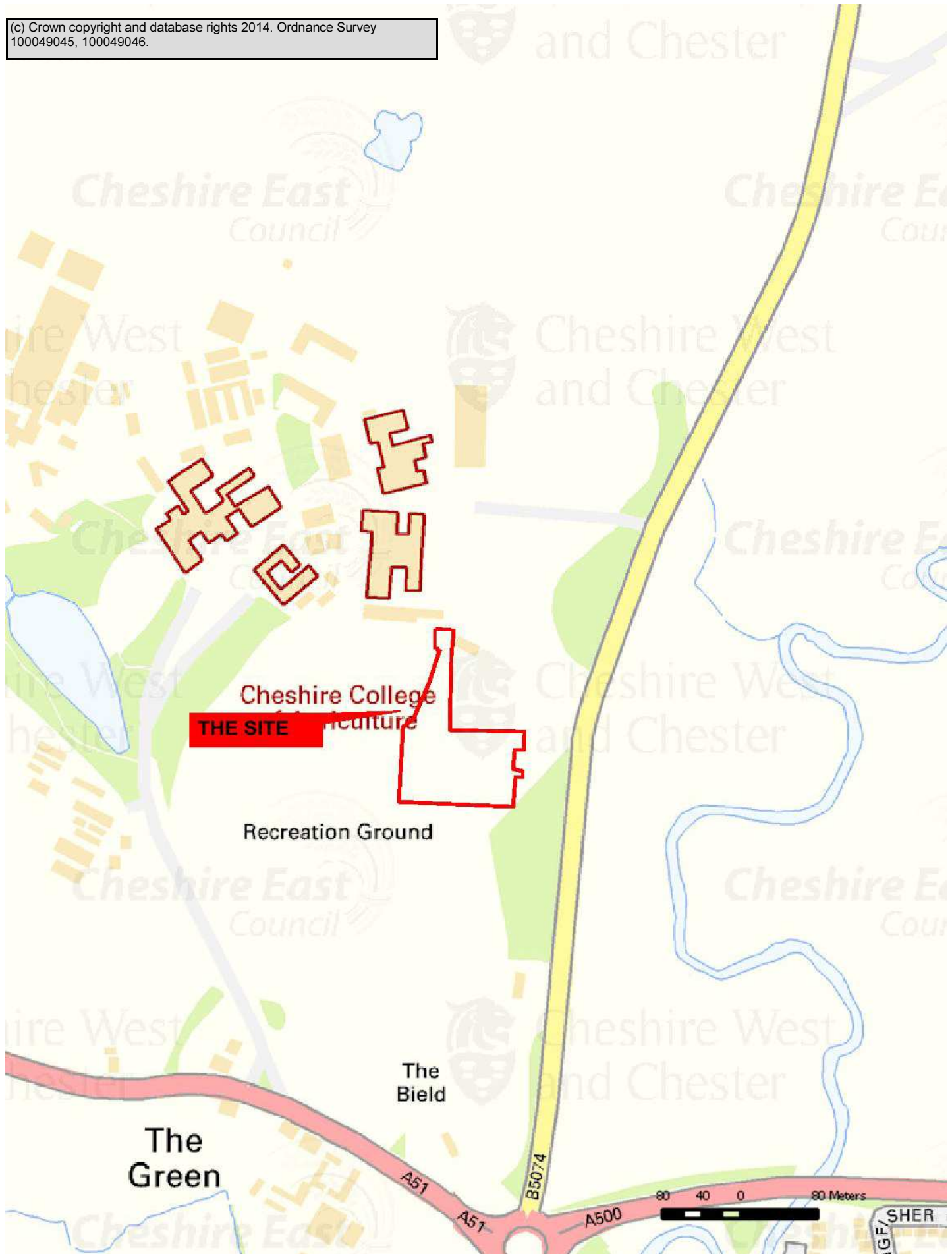
### **Approve subject to conditions:**

- 1. Standard**
- 2. Plans**
- 3. Materials**
- 4. Surfacing Materials to be submitted and agreed in writing**
- 5. Landscaping plan to be submitted and agreed in writing**
- 6. Landscaping Implemented**
- 7. Drainage scheme to be submitted and agreed in writing**
- 8. Details of green walls to be submitted and agreed in writing**
- 9. Limiting the maximum discharge of surface water from the proposed development to the current 'greenfield' rate of 5.0 litres/second.**
- 10. Provision of sufficient flow attenuation volume to ensure that all flows up to and including the critical 100-year event (plus adjustment for the future impact of climate change) are safely retained on the site.**
- 11. Proposed finished floor levels to be constructed 150mm above surrounding levels.**
- 12. Details of Cycle Shelters to be submitted and agreed in writing**
- 13. Pile Foundations**  
**Monday – Friday 09:00 – 17:30 hrs**  
**Saturday 09:00 – 13:00 hrs**  
**Sunday and Public Holidays Nil**
- 14. Details of any External Lighting to be submitted and agreed in writing**
- 15. Noise mitigation scheme**

- 16. Travel plan to be submitted and agreed in writing**
- 17. Details of dust suppression to be submitted and agreed in writing**
- 18. Contaminated land details to be submitted and agreed in writing**

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

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Application No: 13/3294C

Location: FORMER FISIONS SITE, LONDON ROAD, HOLMES CHAPEL, CHESHIRE, CW4 8BE

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

Applicant: Bluemantle Ltd & Sainsbury's Supermarket

Expiry Date: 07-Nov-2013

#### **SUMMARY RECOMMENDATION**

**APPROVE** subject to Section 106 Agreement and conditions.

#### **MAIN ISSUES**

- Cheshire East Local Plan Strategy
- Principle of Development
- Sequential Test
- Impact Assessment
- Loss of Employment Land
- Landscape
- Highway Implications
- Amenity
- Trees and Landscape
- Design

#### **REASON FOR REFERRAL**

This application is before the Southern Planning Committee as it is for a retail development involving the formation of retail floor space between 1000 – 9999sqm.

#### **1. DESCRIPTION OF SITE AND CONTEXT**

This application relates to the former Fisons site situated on the south-eastern edge of Holmes Chapel and accessed off London Road. The site was previously occupied by Sanofi Aventis, a company manufacturing pharmaceutical products who still occupy the adjacent premises to the south. The site falls within the Settlement Zone Line of Holmes Chapel as designated in the adopted Congleton Borough Local Plan First Review (2005).

The site is adjoined to the west by London Road, the Manchester to Crewe railway line to the northwest and the remaining part of the former Fisons site to the east. Retained offices / industrial facilities in the ownership of Sanofi Aventis adjoin boundaries to the south.

The site is irregular in shape and accommodates an attractive Art Deco building which fronts London Road. The site is partly elevated compared to the levels at London Road but the topography of the site is generally flat. Many of the buildings towards the rear of the Art Deco building have now been removed and development has begun on implementing the residential scheme further to the east of the site approved under planning ref; 11/1682C and 12/2217C.

## **1. DETAILS OF PROPOSAL**

This is a full planning application for the demolition of the existing buildings and the erection of a new retail food store (4,148sq.m gross/2,345sq.m net sales area), a petrol filling station and 267 car parking spaces. The access to the store would be taken via the existing access road off London Road which would also serve some commercial / industrial units which were previously approved under planning ref: 11/1682C.

## **2. RELEVANT HISTORY**

11/1682C - Outline Application Including Means of Access for Up to 231 Residential Units, Local Needs Retail Foodstore (A1), Commercial Development Comprising B1(a) Offices, B1(c) Light Industrial, Medical Facility (D1), Care Home (C2) and Children's Day Care Facility (D1), Part Retention of the Former Fisons Building (frontage), demolition of rear wings and Change of Use to Public House (A4), Restaurant (A3), Care Home (C2) and Hotel (C1) in addition to Provision of Public Open Space, Landscaping and other ancillary works – Approved 09-Dec-2011

13/1908C - Prior Notification for the Demolition of two structurally independent wings to the rear elevation of the main building - Refused 13-Jun-2011

13/3291C - The buildings to be demolished include two structurally independent warehouse wings to the rear elevation of the main office building (not to be demolished). In addition the modern structurally independent office wing (identified on the accompanying plan) will also be demolished – Approved 28-Aug-2013

## **3. POLICIES**

### **Local Plan policy**

PS4 - Towns

GR1- New Development

GR2 – Design

GR4 – Landscaping

GR5 – Landscaping

GR6 – Amenity and Health  
GR7 – Amenity and Health  
GR9 - Accessibility, servicing and provision of parking  
GR10 - Accessibility, servicing and provision of parking  
GR13 – Public Transport Measures  
GR14 - Cycling Measures  
GR15 - Pedestrian Measures  
GR16 - Footpaths Bridleway and Cycleway Networks  
GR17 - Car parking  
GR18 - Traffic Generation  
GR21- Flood Prevention  
NR1 - Trees and Woodland  
NR3 – Habitats  
NR4 - Non-statutory sites  
NR5 – Habitats  
E10 – Re-use or Redevelopment of Existing Employment Sites  
S1 – Shopping Hierarchy  
S2 – Shopping and Commercial Development Outside Town Centres

### **National Policy**

National Planning Policy Framework (NPPF)

### **Other Considerations**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Community Infrastructure Levy (CIL) Regulations 2010  
High Streets at the Heart of our Communities: the Government's Response to the Mary Portas Review  
Cheshire Retail Study Update (April 2011)  
PPS4 Practical Guidance

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

### **Environmental Health**

- No objection subject to conditions restricting:
  - Hours of construction / piling; hours of use, submission of an environmental management plan;
  - Submission of details of a maintenance regime for the biomass installation;
  - Submission of a travel plan

### **Highways**

- No objection
- Proposals are acceptable subject to local improvements to further traffic management.
- The Strategic Highways Manager recommends that conditions and financial contributions are imposed:

### **Environment Agency**

- No objection
- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site.
- The Flood Risk Assessment (FRA) prepared by RSK (dated August 2013, ref 880120 R2(0)) indicates that surface water runoff will be discharged to the River Croco at a restricted rate of 398 litres/sec post development.
- This is a proportion of the previously agreed rate of 1,674 litres/sec for the wider site.
- For discharges above the allowable rate, attenuation will be required for up to the 1% annual probability event, including allowances for climate change.
- 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.

### **Natural England**

- No objection

### **Health & Safety Executive (HSE)**

- No objection
- This is for a location that was once notified as a Major Hazard site under COMAH.
- It is currently inactive, and may have been for some time. However, it is possible that Fisons, or a previous incumbent such as Rhodia may have applied for Hazardous Substances Consent.
- If there is a Hazardous Substance Consent that runs with this site, then it should be revoked with the Secretary of State.

### **National Grid**

- No objection subject to National Grid apparatus not being affected.

### **United Utilities**

- No objection provided that the site is drained on a separate system, with only foul drainage connected into the foul sewer.
- Surface water should discharge to a soakaway/watercourse/surface water sewer.
- If surface water is allowed to be discharged to the public surface water sewerage system United Utilities may require the flow to be attenuated to a maximum discharge rate.

### **Network Rail**

- No objection



- Conditions recommended due to the proposal being next to Network Rail land and infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway.

#### **Jodrell Bank**

- No objection subject to a condition requiring the incorporation of electromagnetic screening materials into the development.

### **5. VIEWS OF THE HOLMES CHAPEL PARISH COUNCIL**

The Parish Council supports the application provided that they are consulted prior to any s.106 money being spent in the village. The Parish Council hopes that CEC will look at traffic issues arising from the development, in particular providing a safe pedestrian route to the store from all areas of Holmes Chapel and that a crossing is provided on London Road.

### **6. OTHER REPRESENTATIONS**

Representations have been received from over 40 addresses. 32 letters are in support and 12 against. The reasons for objection are:

- Loss of the former Fisons landmark iconic Art Deco building
- Will have a negative impact on local traders in Holmes Chapel Village
- Will lead to overlooking and harm neighbouring amenity
- Impact on local highway network/ traffic volume / junctions
- Impact of more HGVs on the village
- Design of building out of keeping with the area
- Loss of property value
- Car wash will cause spray to drift over neighbouring property
- Dust
- Glare from lighting
- Do not need anymore shops in the Village
- Retention of the Art Deco building has not been adequately considered
- Does not meet the requirements of NPPF

The reasons for support are:

- Holmes Chapel greatly needs a supermarket
- Existing residents have to travel to other towns to do their weekly food shop
- This will be more sustainable reducing need to travel, carbon footprint and journey times
- Existing building is in poor condition
- Good design
- Will provide employment and contribute to local economy
- Lower petrol prices
- HGV vehicles should come through 17 M6, and not from Junction 18, which would cause congestion around the village centre

### **7. APPLICANT'S SUPPORTING INFORMATION**

To support this application the application includes the following documents;

- Planning and Retail Statement
- Retail Statement Rebutting Council's Retail Consultant's Comments
- Design and Access Statement
- Transport Assessment
- Ecological Impact Assessment
- Heritage Statement
- Tree Survey
- Air Quality Impact Assessment
- Site Specific Flood Risk Assessment
- Landscape Statement
- Ground Conditions Assessment
- Noise and Vibration Assessment
- Statement of Community Involvement
- Renewable Energy & Energy Efficiency Assessment

These documents are available to view on the application file.

## **9. OFFICER APPRAISAL**

### **Cheshire East Local Plan Strategy**

Members are aware that the submission version of the new local plan is now in the public domain. This will be presented to the Strategic Planning Board and full Council at the end of February. Subject to this being accepted an update will be provided in relation to this issue.

### **Principle of Development**

The application site is shown as being within the Settlement Zone Line for Holmes where Policy PS5, states that there is a general presumption in favour of new development, provided that it does not conflict with other policies of the local plan.

In terms of retail development, the proposal is located within an out-of-centre location being approximately 500 metres from the defined village centre boundary. The NPPF requires the application of a sequential test for main town centre uses that are not in an existing centre. An impact assessment is also required and this should include an assessment of the impact of the proposal on existing, committed and planned public and private investment in centres in the catchment area of the proposal and the impact of the proposal on town centre vitality and viability including local consumer choice and trade in the town centre and wider area.

The NPPF advises that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors (planned public and private investment and town centre vitality and viability etc) then the application should be refused.

Policy S2 (Shopping and Commercial development Outside Town Centres) requires significant shopping development to meet all of seven criteria listed within the policy and this includes that;

- A) *There is a proven need for the development;*
- A) *No town centre site or other site allocated for retail use in Policy DP4 is available and suitable. In such instances preference will be given to edge of centre sites, followed by existing district centres, and finally out of centre sites in locations that are accessible by a choice of means of transport;*
- B) *The proposal would not undermine, either individually or cumulatively the vitality and viability of any existing centre;*

### Sequential Test

In support of the application, a Retail Impact Assessment has been carried out including a sequential approach to site selection. The sequential test is a key element of both the NPPF and Policy S2 (Shopping and Commercial Development outside Town Centres). In support of this application a number of sites including in-centre and edge of centre have been considered as potentially sequentially preferable to the application site. The sites which have been considered within the catchment area are as follows;

- Holmes Chapel Shopping Precinct
- Public Carpark off Parkway
- Victoria Tennis Club and Associated Recreational Land
- Danebank Farmland
- Holmes Chapel Primary School

Holmes Chapel Shopping Precinct is located within the village centre. However, it is already fully occupied and is only 0.5 ha in size, which is less than a third of the size needed to accommodate the application proposals. The only other village centre site is the public car park off Parkway. However, this is also too small and would result in the loss of valuable parking within the centre, potentially to the detriment of the existing shopping units within Holmes Chapel. With respect to other units in Holmes Chapel, they are all well subscribed and are small format units that are unsuitable to accommodate a main food shopping destination as proposed and no dedicated car parking areas could be provided to serve these units. It is therefore acknowledged that these sites and units within the village centre are not suitable alternative sites for the size of development proposed.

With respect to the 'out-of-centre' sites that have been identified, Victoria Tennis Club, Dane Bank Farm and Holmes Chapel Primary School have been ruled out due to various constraints. The Tennis Club and the Primary School are still in use and offer valuable services, infrastructure and amenities. They are not presently available and also the principle of their loss would make them less sequentially preferable to the proposed development site. Turning to the Dane Bank Farm, this is located further away from the village centre than the proposed application site and is at least 0.5 ha too small to accommodate the development. As such, the applicant's case is that there are no sequentially preferable sites within the village centre or edge of centre.

Whilst the Council's Retail Consultant is in agreement with this, he considers that 'the applicant fails to demonstrate that the scale and form of development needed is as great as that proposed and that it can be accommodated on a smaller site'. Similarly, the applicant has not demonstrated flexibility in terms of scale and format.

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

### Impact Assessment

The impact assessment is also a key consideration and is referred to within policy S2. Greater detail on how to apply the impact assessment is given within the NPPF. The scope of impact assessments is set out in paragraph 26 of the Framework and advises that they should include:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and,
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to 5 years from the time the application is made.

The store will be used predominantly for convenience goods (the provision of everyday essential items, including food, drinks, newspapers/magazines and confectionary) with a smaller proportion of comparison goods (items not obtained on a frequent basis and includes clothing, footwear, household and recreational goods). It is estimated that 1,882 sq.m (80%) of the sales area will be for the display of convenience goods with the remaining 470sq.m (20%) for comparison goods.

The applicant's case is that the proposals will not give rise to any significant adverse impacts on any existing, committed or planned retail investment within Holmes Chapel Village or other surrounding centres as it will only contain a limited range of non-food goods. The applicant asserts that the proposal will have a positive effect on the village centre as it will result in linked shopping trips and spin-off trade for the smaller shops within the village. Additionally, it is stated that the application will only divert a modest amount of convenience goods expenditure from surrounding defined settlements and will claw-back £17m expenditure which is currently being leaked to other settlements thereby promoting more sustainable food shopping patterns.

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

Whilst this may be the case, the domination of the existing centre by one company is not a consideration that would sustain a refusal. Further, it is possible that the Sainsbury's local store will result in the closure of the existing co-op store, because there has been no investment in it and because it is poorly positioned at the rear of the main shopping frontage within a historic unit that is already constrained. The new Sainsbury's local will occupy a prominent position within the

village with better parking and their competitive prices are likely to draw trade from the co-op. At this point, the Sainsbury's local will be likely to become the anchor store within the village centre. However, this would be the case whether this out of centre store is provided or not. And as such would not form the basis for refusing this application.

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

However, if the significant adverse impact is not accepted by Members, the proposal can satisfy the NPPF (para 14) planning balance if it is considered that the adverse impacts are outweighed by the positive benefits. The benefits of the proposal can be summarised as sustainability, employment and regeneration. It is considered that the negative impacts will adversely impact on the vitality and viability of Holmes Chapel village centre, which is likely to become less diverse, including adverse impacts on trade in the village centre and consumer choice. However, there will be positive impacts in terms of CO<sub>2</sub> emissions; the proposal would be accessible by a choice of means of transport and would bring investment in this out-of-centre site coupled with economic benefits, job creation and growth to the village. This is one of the core principles of the NPPF and therefore in this instance, it is considered that the benefits of the proposal would tip the balance in favour of the development.

### **Loss of Employment Land**

The site is previously developed and unallocated, in the local plan. However, in the light of the previous employment use of the site, policy E10 is relevant. This states that the loss of the employment site can only be justified if it can be demonstrated that the site is not suitable for employment uses or that there would be significant planning benefit arising from the alternative use proposed. This advice is largely reflected within the NPPF where it states that;

*'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for land uses to support sustainable local communities'*

The site has stood vacant for a while and a number of buildings that once stood on the site have now been removed with the exception of the attractive art deco building situated towards the front of the site. An Employment Land Market Assessment was previously carried out by DTZ Planning Consultants. From the market analysis, it concluded that there is no clear evidence to support the development of employment floorspace (office and industrial) on anything but the smallest scale.

Holmes Chapel does not play a very strong role in terms of employment floorspace, with the vast majority of East Cheshire demand directed at the key nodes of business activity in the larger settlements of Crewe, Winsford, Congleton and Knutsford. Locational disadvantages of the subject site, and the lack of profile of Holmes Chapel as an employment location, are such that

any new development in the town will serve a predominantly local market. This view is supported by the slow take up on new developments. The majority of local demand in Holmes Chapel is for smaller office and industrial units. The building and surrounding land has been extensively marketed for employment uses with very limited interest having been received. Existing space is currently adequately serving the local market, and there is already a significant supply. As such, it is considered that the proposal would comply with first limb of Policy E10.

Taking on board the findings of the employment land assessment, the existing extant consent, and the fact that this proposal would generate some 175 full and part-time jobs which still constitutes economic development (in line with guidance expressed in para 22 of the NPPF), it is not considered that the proposal could be refused on loss of employment grounds. The new jobs created will ensure that the development complements the local area and helps to off-set the loss of employment space. As such, the scheme is deemed to comply with local plan policy E10.

### **Highways Implications**

The site has an extant permission for mixed-use employment and retail which would take access directly from the A50 via a simple priority junction with a ghost island right turn lane. The traffic generation from this development was scrutinised via a Transport Assessment and the Strategic Highways Manager accepted the analysis and recommended appropriate Section 278 works with regard to local traffic impact mitigation and highway improvements.

The applicants have employed a Highway Consultant to produce a Transport Assessment (TA) under the Dept for Transport guidance document: 'Guidance on Transport Assessments' and the Strategic Highways Manager confirms that the TA reflects that guidance in its: structure, content and assessments.

The TA assesses traffic generation numbers and from this considers the traffic impact on the existing highway network. It is also noted that the Transport Assessment makes a comparison with the proposed trip rates from the extant planning permission and demonstrates that any variations in impact, either more or less, are very low percentages of existing traffic flows. The Strategic Highways Manager recognises this and acknowledges that variations in daily flow could give this level of variation and accepts that the net impact of traffic generation from this development proposal will be negligible in material terms when compared with the traffic generation from the extant permission.

Traffic generation from the site is calculated from vehicle trip rates derived from the TRICS database and these figures form the basis of the junction analysis provided within the Transport Assessment. The TA has assessed all of the necessary junctions on the strategic highway network which were agreed within the proposed scope and this has included an assessment of junction 18 on the M6.

The capacity of both the proposed junctions and the existing junctions has been assessed with the future development traffic added and shows there is sufficient capacity within existing junctions to deal with the additional flows at the junctions included within the agreed scope for the Transport Assessment. These capacity calculations are provided for both the projected year of opening and the future year 2020.

The traffic generation times for a food retail development vary from that of a normal business day and it has been determined through analysis that a signal junction will be required to serve the development. This is offered for provision through the development and will correctly manage the type and timing of traffic movements from this development. This junction will form a crossroad with Alum Court opposite and the design analysis shows that the junction will have capacity to deal with the projected traffic flows.

In addition, the signals will provide pedestrian phases and there will be provision of a further pedestrian refuge just north of this junction to serve the pedestrian desire line to and from the Portree Drive estate. Discussions have taken place regard to the upgrade of pedestrian facilities at the existing signal junction at the A54/A50 crossroad where the S.H.M. has noted from a site visit with Parish Council members that revisions and improvements to pedestrian facilities in this location are required. The S.H.M. has provisionally agreed this with the highway consultant and will include these improvements in the notes for the S278 works required for this development proposal.

The site will, like the consented development, have a pedestrian/cycle link to the adjoining residential development which is currently under construction.

There is an additional development area to the rear of this proposal which was within the area of the previously consented development and this may well come forward in the future for a small mixed use development. The highway consultant has completed a sensitivity check on the likely traffic generation from this and has shown that the proposed access junction has the capacity to serve the site on development and in the future year.

As a result of the proposed new signal junction on the A50, the Strategic Highways Manager is recommending that the existing 30mph speed limit be extended out to a point just beyond the location of the proposed signal junction and that the 40mph speed limit be extended southwards to create a buffer zone between the signals and the de-restricted limit beyond the built up area. To this end, the S.H.M. will recommend that a provisional sum for the administration of these speed limit changes is provided by the developer and which will need to be secured via a Section 106 agreement.

## **Amenity**

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to, inter alia, loss of privacy, loss of sunlight and daylight and visual intrusion, and noise.

There are residential properties in the vicinity, mainly those on the opposite side of London Road forming the Alum Court development and those to the north on the other side of the railway line. It is also important to note, that the residential development on the remaining part of the former Fisons site to the east will introduce more properties close to this proposed development. However, sufficient separation will be retained from the proposed development to existing properties to avoid any loss of light or privacy.

Furthermore since the existing use of the site is B2 (General Industry), the proposed use would have less of an impact upon residential amenity. In terms of noise, the application is supported by

an Environmental Noise Study which has been considered by the Council's Environmental Protection Unit. It is confirmed that subject to appropriate mitigation measures relating to fixed plant (i.e. A/C, fans and compressors etc) the development would not adversely impact on neighboring amenity.

In terms of air quality, the Environmental Protection Unit initially objected to the scheme due to the lack of an Air Quality Impact Assessment. This has now been carried out and submitted and following this the objection has been removed. As such, subject to conditions, the proposal is found to accord with policies GR6 and GR7 of the Local Plan.

### **Trees and Landscape**

The application is supported by a Tree Survey Schedule and Tree Removal and Retention Plan. The submitted details state compliance with *BS58376:2012 Trees in Relation to Design, Demolition and Construction – Recommendations* and in terms of the categorisation of tree, the submissions comply with the Standard.

It is noted that there are a number of trees proposed for removal on the Tree Retention/Removal plan (outlined in Red). These losses (principally to the southern section of the site) are to allow for the proposed access and for the filling station to the rear and comprise of Lombardy Poplar (16 in number) and various Ash, Cypress, Cherry, Sycamore, Crack Willow, Beech, Alder, Whitebeam and Birch. Most of the trees have been categorised as C2 (low quality trees), including the Lombardy Poplar, which although feature prominently within the immediate locale, are prone to limb/stem failure due to their species characteristics. A smaller number of B2 (moderate category), trees comprising of early mature and mature Cypress, Sycamore and Ash are also proposed to be removed.

Whilst there will be some tree losses, these are low category specimens and it is intended that these losses can be adequately mitigated by replacement planting which will include further advanced nursery stock planting along the London Road frontage and supplementing existing retained Ash, Alder, Sycamore and Pine along the southern boundary of the site adjacent to the River Croco to screen views into the site when approaching from the south. These enhancements could be secured by condition, as confirmed by the Council's Landscape Officer. The impact on the wider landscape will be broadly neutral.

### **Design**

The proposal is for a predominantly single storey (commercial scale) rectangular food store building located toward the northwestern edge of the site, with a taller 'cubed' element toward the corner of the building fronting London Road. The shape of the site would be utilised to provide a service yard to the northeastern corner of the site and the remaining portion would be given over to parking and a petrol filling station in the southeastern corner of the site. The existing landscaped tier to the front would be retained and punctuated with a pedestrian access in the middle travelling up to the corner of the store. The existing vehicular access off London Road would be modified to serve the site.

The store is proposed to be orientated to the south, overlooking a substantial area of car parking. The car parking extends to the south of the site between the building and the boundary with the River Croco and Sanofi Aventis. The western boundary along London Road would be defined by



walling, shrub planting and public realm works. The service yard would be partly enclosed by a high timber screen with frontage landscaping but this would not appear prominent as it would tucked away to the rear of the site.

The building will utilise large areas of glazing to the southern and western elevations and will converge and lead to the corner cube feature which will act as a focal point along the London Road frontage. This will be double height with a mezzanine to accommodate a café.

During pre-application discussions, the applicant was advised that the building needed to be of landmark quality to help replace the landmark character of the existing Art Deco building. Whilst it achieves this to an extent in terms of physical presence, the building will not be as iconic as the existing building. However, the scheme has certain design strengths. The building positioning and entrance point, namely the focal 'tower' has been refined and enhanced, as has the remaining frontage onto London Road. However, the extent of architectural improvement and the quality of design improvement has been limited to a 'dressing up exercise' as opposed to designing something more radical and site specific in the truest sense. Materials will therefore need to be as high a quality as possible.

A major positive element of the scheme is the public realm and landscaping of the London Road frontage, between it and the corner entrance. This will create a strong arrival point for pedestrians, helping to balance between car borne and pedestrian customers. It also reinforces the current tiered landscape setting at the site foreground. It will be important that this is executed to a high quality to provide a positive and attractive frontage to the site and if it is minded to approved, there need to be conditions in place to secure this. Subject to this, the general design and appearance of the scheme is deemed to be acceptable but needs to be balanced against the loss of the existing Art Deco building.

### **Loss of a Non-designated Heritage Asset**

The Fisons site, the site of the former Bengers Foods, is both an iconic landmark and a site with a rich social history that is part of the 20<sup>th</sup> century story of Holmes Chapel. Although documented more fully elsewhere, it is important that in emphasising the heritage value of the site, that in the past, attempts were made to secure spot listing for the factory building. English Heritage in its assessment concluded that the building was not of sufficient merit to be included on the national list but highlighted its potential as an important local heritage asset. In recognition of that, there was an intention on the part of the Heritage and Design Team to secure Member approval to add the frontage element of the factory building to the Council's local list, but that has not come to fruition.

Whilst it is very much a landmark/gateway building, its heritage value is much more than its architectural character, albeit in this regard it is also a rare local example of a 20<sup>th</sup> century modernist factory building. The Bengers name is both nationally and internationally associated, albeit that the manufacture of Bengers Food ceased many years ago. The site has been inextricably linked with the community of the town since its construction during the mid 20<sup>th</sup> century and was its most significant employer for many years.

However, it is also a fact that the building has been dormant for a number of years, has suffered repeated incidents of heritage crime and there appears to be no appetite to convert the building for a commercial use, despite prolonged marketing and the benefit of outline planning permission.

The argument has also been made by the applicant that the building cannot be beneficially re-developed for the proposed wider re-use as a food store site. Purely from a built heritage and design perspective, the Council has contended that the frontage part of the building should be incorporated into an imaginative re-use of the site, where all or part of that section of the building could be designed into a new food store. However, this does not fit with the applicant's model and they argue that this would not satisfy their operational requirements.

As such, the loss of the building is considered to be regretful. However, it becomes a wider planning decision to weigh the heritage loss against the public benefit suggested in the proposal through its redevelopment as a food store. 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 consultation process has generated a lot of support from residents of Holmes Chapel including a Local Ward Member. Objections to the proposal and the loss of the building have been limited and it is evident that the existing building has not attracted reinvestment in terms of re-use. This proposal would bring this part of the site back into a viable use and would secure investment, local expenditure and job creation which is one of the core principles underpinning the NPPF. Thus, these benefits must be balanced against the loss of the Art Deco building, non-designated heritage asset.

The condition and the quality of the building were not sufficient to justify it being listed when English Heritage considered it for listing. Further, it has stood vacant for so long without generating any interest in retaining the building and re-using it. Thus, the prospects of the building finding a viable re-use to safeguard its retention are unlikely and dwindling in this current climate. The need to secure job creation, economic growth and investment is pressing and therefore owing to this, the weight to be accorded to the retention of the building in the planning balance is outweighed by the economic benefits of the scheme.

## **Ecology**

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *"in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment"* among other reasons.

The Directive is then implemented in England and Wales : The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met, then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely, if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF. In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

With respect to ecology, the application is accompanied by a Ecological Assessment. The Council's Nature Conservation Officer has considered the assessment and has confirmed that the most important feature on the site is the existing woodland beside the River Coco. This habitat will for the most part be retained. However, there will be some loss of trees in the vicinity of the proposed petrol filling station in the south-eastern corner of the site. This impact could be compensated for by means of additional native species planting which could be secured by condition. Subject to this, the application is found to be acceptable in terms of the impact on ecology.

### **Flood Risk and Drainage**

Part of the application site is located within Flood Zones 2 as shown on the Environment Agency Flood Map. However, this area represents a small parcel of land situated along the River Croco and no development is proposed on or within the vicinity of this land.

A Flood Risk Assessment has been carried out to determine the impact of the proposed development on flooding and the risk of the proposed development from flooding. The site is largely located within Flood Zone 1 indicating that the site is not at risk from fluvial or tidal sources.

In accordance with the NPPF and local policy, the FRA has considered the impact on the surface water regime in the area should development occur. The Environment Agency has confirmed that the redevelopment of the site is considered to be acceptable with the use of appropriate conditions for a drainage scheme for surface water run-off, a scheme to manage the risk of flooding from overland flow of surface water, a landscape management plan along the River Croco.

### **Renewable Energy**

In support of this application a Renewable Energy and Energy Efficiency Assessment has been produced which looks at alternative renewable energy sources to support the proposed store. The report concludes that the most appropriate renewable energy source is a Biomass Boiler and Air Source Heat Pump (ASHP). These would be installed to provide heating and hot water. The

Biomass Boiler and ASHP has been calculated as providing an energy consumption saving of 37.3%, which exceeds the target of 10% contained within Policy EM18 of the former RSS.

### **Community Infrastructure Levy (CIL) Regulations**

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

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

This application would require the provision of a commuted sum towards extending the speed limit along London Road. The commuted sum has yet to be determined but it is considered that the extension to the speed limit would be necessary, fair and reasonable, as the proposed development would result in an increase in the number and frequency of vehicle movements emerging onto London Road in close proximity to the an area that designated as national speed limit. The contribution is therefore is required in order to meet Local Plan Policy GR9.

Subject to an appropriate fee, all elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

### **Other Issues**

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

## **10. CONCLUSIONS**

The site is located within the Holmes Chapel Settlement Boundary and relates to an out-of-centre supermarket. The applicant's case is that there are no sequentially preferable sites within the village centre or edge of centre which are sequentially preferable to the application site. Further, the proposals will not give rise to any significant adverse impacts on any existing, committed or planned retail investment within Holmes Chapel Village or other surrounding centres. The Council's retail planning consultant is considering these conclusions and his findings will be reported to Members by way of an update.

Although the proposals would result in the loss of an existing employment site, the redevelopment involves new employment generating uses on part of the former factory site and its partial loss has already been accepted on a previous outline approval.

The landscape and design of proposals are considered to be acceptable. With respect to the loss of the Art Deco building, the consultation process has generated a lot of support from residents of Holmes Chapel including a Local Ward Member. Objections to the proposal and the loss of the building have been limited and it is evident that the existing building has not attracted reinvestment

in terms of re-use. This proposal would bring this part of the site back into a viable use and would secure investment, local expenditure and job creation which is one of the core principles underpinning the NPPF. , these benefits must be balanced against the loss of the Art Deco building, non-designated heritage asset.

The traffic generation is such that in comparison to the extant permission, the differences in traffic impact are in single figure percentages and are considered non-material on the wider network. The development is offering a viable access strategy and improvements to sustainable links, in particular pedestrian links at the new signal junction, a pedestrian desire line (Portree Drive) and the existing signal junction at the A54/A50 crossroad.

The application is considered to be acceptable in terms of its impact upon trees/hedgerows and protected species. It is noted that the majority of tree losses are low category trees in terms of their arboricultural significance and although some removals are deemed to be in the moderate category the impact on the wider landscape will be broadly neutral.

The application is considered to be acceptable in terms of flood risk and drainage. The development would not have a detrimental impact upon residential amenity and is acceptable in terms of the provision of renewable energy on this site.

## **11. RECOMMENDATIONS**

**APPROVE subject to:**

**Section 106 Agreement to secure:**

- **Contribution towards extending the speed limit (Amount TBC)**

**And the following conditions:-**

- 1. Standard Time limit (3 years)**
- 2. Approved Plans**
- 3. Materials**
- 4. Landscape Scheme**
- 5. Implementation of Landscaping**
- 6. Tree protection measures**
- 7. No works within protected area**
- 8. Surface water regulation system**
- 9. Maximum discharge**
- 10. Surface water attenuation measures;**
- 11. Scheme for management of overland flow**
- 12. Construction of access**
- 13. Provision of parking**
- 14. Provision of cycle parking**
- 15. Pedestrian Crossing Improvements**
- 16. Incorporation of sustainable features**
- 17. CCTV and speed humps to car park**
- 18. Contaminated Land remediation Strategy**
- 19. Jodrell Bank Electromagnetic Screening Measures**

**20. Breeding Birds Survey during bird nesting season**

**21. Suite of design and construction plans for the following aspects of the development access strategy to the satisfaction of the LPA:**

- **The proposed new traffic signal junction.**
- **The upgrades to the existing traffic signal junction at the A54/A50 crossroad to include for pedestrian phase and refuge on the southern arm and pedestrian facilities on the western arm.**
- **The central refuge on the pedestrian desire line to Portree Drive.**

**22. Hours of construction / piling restricted**

**23. Hours of Use restricted**

**24. Submission of an environmental management plan**

**25. Scheme to record the building materials including internal features**

**26. Scheme of maintenance of Biomass installation including method statement for fuel delivery and no visible smoke emissions during operation**

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

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

Application for Full Planning

RECOMMENDATION:

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Application No: 13/4632N  
Location: LAND NORTH OF, POOL LANE, WINTERLEY  
Proposal: Outline planning permission for the construction of up to 45no. dwellings  
Applicant: c/o Agent, Footprint Land and Development  
Expiry Date: 06-Feb-2014

**SUMMARY RECOMMENDATION****Refuse****MAIN ISSUES****Impact of the development on:-****Principle of the Development****Housing Land Supply****Location of the Site****Landscape****Affordable Housing****Highway Implications****Amenity****Trees and Hedgerows****Design****Ecology****Public Open Space****Agricultural Land****Education****Flood Risk and Drainage****Health****Other issues****Planning Balance****REASON FOR REFERRAL**

This application is referred to the Southern Planning Committee as it relates to a departure to the Crewe and Nantwich Borough Local Plan.

**1. DESCRIPTION OF SITE AND CONTEXT**

The site of the proposed development extends to 1.70 ha and is located to the northern side of Pool Lane and the eastern side of Crewe Road, Winterley. The site is within Open Countryside. To the northern boundary of the site is an agricultural field and residential development fronting Crewe Road. To the east of the site is agricultural land and to the south of the site is Pool Lane with residential properties to the opposite side. To the west are residential properties.

The land is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site. Two trees onto the southern boundary of the site with Pool Lane are protected by a Tree Preservation Order.

The application site is relatively flat.

## **2. DETAILS OF PROPOSAL**

This is an outline planning application for the erection of up to 45 dwellings. Access is to be determined at this stage with all other matters reserved.

The proposed development includes a single access point onto Crewe Road which would be located to the western boundary of the site.

## **3. RELEVANT HISTORY**

No planning history

## **4. POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan policy**

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.8 (Sites of Local Importance for Nature Conservation)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)

RT.9 (Footpaths and Bridleways)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

### **Other Considerations**

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Interim Planning Statement Affordable Housing  
Interim Planning Statement Release of Housing Land  
Cheshire East Development Strategy  
Cheshire East SHLAA  
Cheshire East Local Plan Strategy – Submission Version

## **Cheshire East Local Plan Strategy – Submission Version**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28<sup>th</sup> February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

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

**United Utilities:** No objection subject to the following condition:

- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

**Strategic Highways Manager:** No objections subject to a condition to secure details of the relocation of the bus shelter and bus stop.

Considering the traffic impact of the development, the submission is only for 45 units. As regards the current submission, the trip generation in the peak hours does not result in high vehicle flows

in and out the site. The likely trip generation is some 30 two way movements from the site and once distributed on the road network it is clear that numbers do not produce a severe impact.

Whilst this particular application currently does not produce a severe impact there are currently other developments under consideration in Haslington that if approved will cumulatively have an impact especially on the very congested junctions at Crewe Green and at Old Mill Road Sandbach. It may be that further development on this site will have to deal with these congestion issues.

With regard to accessibility, the site can be accessed by non-car modes and is located on a bus route with a number of services and therefore the Strategic Highways Manager would conclude that the site is reasonably accessible.

The access now provides a satisfactory separation distance from the existing junction of Newtons Lane and also there is sufficient visibility provided in both directions at the access point.

**Natural England:** Natural England advises that the proposal is unlikely to affect any statutorily protected sites or landscapes.

For advice on all other protected species refer to the Natural England standing advice.

**Environment Agency:** The Environment Agency has no objection in principle to the proposed development however the EA would like to make the following comments.

The discharge of surface water from the proposed development is to mimic that which discharges from the existing site.

The submitted Flood Risk Assessment explains that the use of infiltration methods may be suitable, which is acceptable in principle. Any such system is to be designed to a 1 in 100 years event, including allowances for climate change.

If surface water is to discharge to mains sewer, the water company should be contacted for confirmation of the acceptable discharge rate. This discharge rate should however not be greater than the mean annual runoff ( $Q_{bar}$ ) from the existing undeveloped site. On site attenuation will be required above the allowable rate for up to the 1 in 100 years event, including allowances for climate change. Therefore we request that the following planning condition is attached to any approval as set out below.

The following conditions are suggested:

- The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water runoff generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
- The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority.
- Contaminated land

**Environmental Health:** Conditions suggested in relation to hours of operation, external lighting, travel plan, dust control and contaminated land. An informative is also suggested in relation to contaminated land.

**Public Open Space:** The proposal should provide an equipped children's play area. The equipped play area needs to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children. A cantilever swing with basket seat would also be desirable, plus a ground-flush roundabout as these cater for less able-bodied children. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic.

All equipment must have wetpour safer surfacing underneath it, to comply with the critical fall height of the equipment. The surfacing between the wetpour needs to be bitmac, with some ground graphics. The play area needs to be surrounded with 16mm diameter bowtop railings, 1.4m high hot dip galvanised, and polyester powder coated in green. Two self-closing pedestrian access gates need to be provided (these need to be a different colour to the railings). A double-leaf vehicular access gate also needs to be provided with lockable drop-bolts. Bins, bicycle parking and appropriate signage should also be provided.

**Education:** A development of 45 dwellings will generate 8 primary and 6 secondary aged pupils.

A contribution of £96,544 will be required towards primary education.

A contribution of £98,056 will be required towards secondary education.

## 6. VIEWS OF THE PARISH COUNCIL

**Haslington Parish Council:** Haslington Parish Council objects to the proposed development with the following objections and concerns, it also supports residents objections to the development. This application is one of a number currently under consideration within the parish of Haslington, their potential impact on our rural communities needs to be considered as both individual applications and cumulatively.

- The application is contrary to policy NE2 and pre submission core strategy PG5, Kent's Green Farm falls outside of the settlement boundary of Haslington and Winterley, therefore should not be considered for development
- It will increase the urbanised area of the village, changing its character to the detriment of the existing properties.
- The site is within the catchments of the Sir William Stanier and Sandbach High Schools. Both schools are located within 15 – 25 minutes bicycle rides respectively which makes cycling a viable option.
- Winterley Pool is listed as a Grade C site re nature conservation: and has significant landscape value. Development of some 45 properties in a field visible from the pool, where local tourists come and spend time, would be detrimental to the pools value as a community asset. Furthermore it would make the village take on an urban character by such a significant apportionment of development compared to the current village size.
- Safe route to schools have not been demonstrated within the application. The nearest school "The Dingle" would be via Kent's Green Lane and Clay Lane, much of which is narrow, used by commuter vehicles and has no footpath or street lighting.
- The Local Plan statement 'Development will be confined to small scale infill and the change of use or conversion of existing buildings' has been blatantly ignored in favour of boxing in a

significant number of properties, on smaller footprints of land. It also outlines that developments in the settlements will only be permitted when on a scale commensurate with that of the village. Winterley has 600 houses and the addition of 70 houses at Kent's Green Farm and 45 houses at Pool Lane (19% village increase) on this development with the potential for a further 250 at Hazel Bank would not comply with any appropriate scaling levels.

- The size of the overall range of developments is unsustainable give the village support services, and as such is against Cheshire East Council's current Local Plan replacement and which states it will "avoid loading development onto existing constrained settlements"
- The conservation and enhancement of the built environment has similarly been overlooked, and the Local Plan outlines a target of 'ensuring that new development does not result in any overall net loss to the man-made heritage'.
- The application site is an arable field surrounded by hedgerows to Crewe Road and Pool Lane. It is of high landscape value because it makes an important contribution to the intrinsic character and beauty of the countryside and, specifically, to Winterley village's character and sense of place. The site is in a very prominent location and has an important role as an open green space that separates houses to the north along Crewe Road from the distinctive character of Pool Lane (as a country lane enclosed by trees and hedges) and Winterley Pool. Similarly, the site is highly visible as the focus for views when approaching from Newtons Lane, with the hedgerow and views of trees behind being extremely important in maintaining a rural feel. Loss of the hedgerow to Crewe Road and of the open, green character of this site and its replacement with houses and a new highway junction would create a continuous built frontage and have a significant urbanising effect that would have an unacceptable negative impact on local character and identity. This would be exacerbated even more because the land is approximately one metre above Crewe Road. The inclusion of a 'village green' in front of the houses would not compensate for the loss of landscape character.
- The application includes some 2.5 and 3 storey houses. There is no local precedent for this. It would introduce house types out of keeping with the area and add to the visual and landscape impacts outlined above. It retains hedges alongside Pool Lane – though with gaps – but how would these be maintained and what guarantee is there that they would not become degraded over time and/or replaced with fences that would further urbanise the area?
- The access/egress proposal close to the junction for Newtons Lane is dangerous, and will give rise to significant vehicular emissions. The additional traffic will add pressure to the gear changing up and down the stretch of road access/egressing the site by the nature of the bends, Pool Lane and Newtons Lane entrances, and would further exacerbate this issue, and cause significant damage not only to public health, but that of a wide array of wildlife located in Winterley Pool.
- Sewage proposals within the village footprint are under pressure, and there is already a leak from sewage in the neighbouring land where the sewage breaks out of its pipes off Clay Lane into hay fields which the Farmer requires not to be contaminated.
- During periods of heavy rain, there is persistent flooding accumulation from the drains on the opposite side of Crewe Road, periodically all the way along from Newtons Lane to the Forresters Arms, and which has never been addressed, so it is assumed the current drainage system cannot cope as is.
- The application only appears to address flood issues within the site boundary, the community is most concerned at the potential increase in flood risk in the area around Winterley including Winterley Pool alongside the banks of Fowle Book through into Haslington where neighbouring gardens are at increased risk of inundation by flood water. The impact of other recent applications also need to be brought into the equation and be considered when assessing changes to land drainage and flood risks.

- Traffic calming measures (bollards and reduced road width) recently installed in Winterley, along with the speed visual (adjacent to the Holly Bush), traffic humps (in Haslington) and periodic police speeding enforcement all suggest the village is already under pressure to provide adequate traffic calming measures. The inclusion of such a significant increase in vehicles would make this unmanageable.
- This location is rural and would generate more trip movements due to it being more remote from a suitable public transport network (the bus option is limited and a large majority of residents rely on cars for wider reaching employment destinations), and employment areas. Rural locations have a higher dependency car usage
- Transport does not take into account the effects of the additional traffic on the most sensitive parts of the network namely the A534 Crewe Green Roundabout and the A534/A533 junction (Old Mill Road/The Hill). The A534 Crewe Green Roundabout is currently over capacity with extensive queues on both the A534 Haslington Bypass and Crewe Green Road during AM peak. The additional traffic generated may not give issues on the immediate network but the queues on the approaches to the roundabouts will effectively increase by a corresponding amount during the AM peak. This will be worse once the approved sites in Haslington are fully developed and considerably worse should the current application for 250 units off Crewe Road, Haslington and 70 units at Kent's Green Farm be approved.
- It should be considered that the main influence in the AM peak would be the local schools, the nearest employment location in Crewe, and M6 Junction 16, all of which will influence right and left turns out of the site and will increase the number of vehicles on the Crewe Road Roundabout. The road network capabilities of both villages, and the surrounding infrastructure in relation to Crewe; Crewe Green roundabout or the Wheelock Heath to Sandbach and Waitrose roundabout leading to the motorway are all heavily overused. No evidence is apparent to address this by the additional number of cars such a development would generate. An alternative option could be Holmshaw Lane, as this is the shortest route to J16 M6, and which is not constructed to deal with an additional traffic pressure.
- It can be assumed that this site will be in the catchment area of The Dingle Primary School. Due to the distance, it can be assumed that children will be driven to school and this will increase significantly the number of vehicles on Kent's Green Lane and Newtons Lane which are narrow roads/lanes approximately 5.5m wide. Furthermore, it will increase the number of vehicles on Clay Lane which again has no footways but where noticeable numbers of parent and children do use to walk and cycle to school. Additionally there will be an increase in vehicles outside the Dingle School, Maw Lane and Maw Lane/Remer Street junction. It can also be considered that the additional turning out of the site and then into either Kent's Green Lane or Newtons Lane could increase the likelihood of collisions.
- Although there have currently been no collisions recorded resulting in injury during the past 5 years in the vicinity of the site, consideration should be given to the whole length of Crewe Road through Haslington and Winterley, as there are locations that such collisions do occur. Specifically, assessments of the roundabouts at Crewe Green Road and Wheelock should be undertaken as these do experience noticeable collisions that can be assumed to increase with the number of vehicles.
- Access/egress to Swan Lake restaurant and takeaway is continuously busy, and to assume an entranceway to properties directly adjacent to this is dangerous, especially when many cars reverse out of the current site, and could give rise to increased collisions
- Heightened flood risk is likely given the additional pressure on clay based land of additional properties, and also increases risk to damaged habitats for the wildlife, flora and fauna of the area, all of which are apparent in Fowle Brooke and Winterley Pool. Current drainage is already

unable to cope with water run off, consequently the accumulation of this, alongside any increase in wet weather would add to that risk

- The current catchment secondary provision schools of Sandbach School and Sandbach High School are already oversubscribed, (through data provided from Cheshire East School Admissions department) and remain so for the foreseeable future . These too will be exacerbated by the current developments underway in Ettiley Heath; Wheelock, and the recent planning overrule for Abbeyfields development, consequently these proposals would further exacerbate this situation, as no strategic plans are in place to provide for increased secondary educational growth on the current bus routes to the catchment schools. The solution of children attending out of area schools is unacceptable, unrealistic and unsustainable
- The primary admissions at both The Dingle and Haslington schools are currently oversubscribed by small numbers (3 and 1 respectively in 2012). However it is highly likely that the development of a wider selection of family sized properties will easily require primary education. With the recent approval alone of 44 properties in Vicarage Road, it can be assumed that the occupants would easily fill any vacant future spaces. No proposals have been put forward to resolve this position, and indeed the position requires far wider strategic, and long term consideration of need, as under consultation within the Local Plan Core Strategy process, and which outlines in its draft for no further development around the settlements of both Haslington and Winterley.
- Winterley is deemed as an unsustainable village by its lack of infrastructure around shops, education and services, therefore a collective range of proposals to build both this development and any of the additional proposal submissions currently underway cannot be considered sustainable development.
- The Pre-submission core strategy proposes a requirement for employment land allocated for "other settlements and rural areas" this application does not address this issue. Any new residential housing is likely to require employment opportunities for the new occupiers.

## **7. OTHER REPRESENTATIONS**

Letters of objection have been received from 560 local households raising the following points:

### Principal of development

- The site is within the open countryside
- Contrary to Local Plan Policies
- The development will urbanise Winterley
- The existing buildings should be retained on site
- The farm house should be considered for listed status
- The cumulative impact of developments in the village
- The development is out of scale compared to Winterley
- The size of the development is unsustainable
- Erosion of the green gap between Haslington and Winterley
- Impact upon the setting of Winterley Cottage a Grade II Listed Building
- Winterley is an unsustainable village
- All of the applications in Haslington/Winterley should be determined together
- The development is contrary to the local plan
- Speculative housing development
- The development is not commensurate to the size of Winterley
- Loss of agricultural land
- There are no jobs in the village



- This development together with the application at Kents Green Lane would increase Winterley by 19%
- The development is not essential and is contrary to the Local Plan
- The development is contrary to the NPPF
- Landscape impact
- Loss of green land
- There are many unsold homes in the area
- The development is contrary to the NPPF
- The three storey properties would be out of character
- Brownfield sites should be developed first
- Outside the settlement boundary for Winterley

#### Highways

- Increased traffic
- Pedestrian safety
- There are no safe walking routes to local schools
- Cumulative highways impact from other developments in the area
- The proposed access in at a dangerous location on a bend in the road
- The traffic survey was undertaken on 12<sup>th</sup> December 2012 and is not representative time of the year
- TRICS data is not applicable for this rural location
- The traffic statement does not consider the wider traffic impacts (Crewe Green Roundabout and Old Mill Road/The Hill)
- The distribution flows from the development are flawed
- The transport assessment makes no reference to the transport capabilities of the villages. A robust TA is required
- Increased traffic on country lanes
- There are a number of accidents along Crewe Road within Haslington and Winterley
- Unsafe access to the site
- The position of the access is not safe
- Traffic problems when there is an accident on the M6 and the bypass
- There would be no increase in public transport
- Traffic speed through the village
- Insufficient visibility at the site access point
- Increased rat running through country lanes
- Footpaths and cycleways along Crewe road are inadequate
- Increased traffic will make the traffic management measures through the village unmanageable
- Pedestrian/cyclist/horse rider safety

#### Green Issues

- Impact upon wildlife
- Impact upon protected species
- Winterley Brook is a Grade C Nature Conservation site and the development will put tourists off from visiting this site
- Increased flooding
- Inadequate assessment of flood risk within the application
- Flood risk also impacts upon wildlife, flora and fauna
- Impact upon Winterley Pool
- Increased water pollution

- Impact upon TPO trees

#### Infrastructure

- The local schools are full
- There impact upon local schools will be exacerbated by the approved developments in the area
- Drainage/Flooding problems
- Cumulative impact upon local schools
- Lack of medical facilities in the village
- Doctors surgeries are full
- The local Primary School is already full
- Insufficient capacity at the high schools in Sandbach
- Sewage infrastructure is not adequate
- Impact upon electricity infrastructure
- No shops in the village
- Insufficient medical services

#### Amenity Issues

- Visual impact
- Loss of outlook
- Increased dust
- Increased noise
- Increased air pollution
- There are existing foul drainage problems in this area

#### Design issues

- The development would be highly visible and would detract from the character of Winterley
- The suburban nature of the development would be harmful to the area
- The landscape strategy for the site is not acceptable
- The site is elevated and the proposed three-storey dwellings would be out of character
- Affordable Housing is squeezed onto the site
- The indicative plans shows housing side onto Crewe Road which is not an acceptable design solution
- Three storey dwellings would not respect the character of Winterley
- Little details on the outline application

#### Other issues

- Loss of agricultural land
- Impact upon property value

A letter of objection has been received from Edward Timpson MP raising the following points:

- Local residents understand the need for more housing supply to meet the demand, but rightly want to prevent speculative developers from building in areas that are unsustainable and erode the sense of identity and community that are such a feature in Haslington and Winterley.
- I fully support this view of the Members of Haslington and Winterley Action Groups.

An objection has been received from Haslington and Winterley Action Groups raising the following:

- The dispute between central government and Cheshire East Council over the delayed local plan and housing land supplies has left the door open for speculative developers to bombard this area with applications on agricultural land.

- This application is outside the settlement boundary on agricultural land
- The infrastructure and highways do not have the capacity to cope with an expansion on this scale
- The development is too far away from key services to be classed as sustainable and is reliant on the private car
- The development is to the detriment of the character of the villages, the erosion of green space between the villages and the loss of outlook from the roads, footpaths and surrounding dwellings
- The Local Plan is in the final stages of consultation and being based on the NPPF will provide the best way forward for strategic sustainable development

A representation has been received from CTC (The National Cycling Charity) raising the following points:

- The results from December 2012 and June 2013 on Crewe Road generated 85%ile speeds between 36 and over 40 mph. The Hazel Bank survey also recorded 254 cars exceeding 51 mph. This is high for the 30 mph zone and unattractive for cycling, affecting cycling to the site and the journey to school for example.
- The site is within the catchments of the Sir William Stanier and Sandbach High Schools. Both schools are located within 15 – 25 minutes bicycle rides respectively which makes cycling a viable option. Cycle improvements are suggested.
- Suggested cycle improvements to Sandbach and Crewe Railway Stations
- Cycle access should be provided onto Pool Lane

The full content of the objections is available to view on the Councils Website.

## **8. APPLICANT'S SUPPORTING INFORMATION**

To support this application the application includes the following documents:

- Flood Risk and Surface Water Drainage Assessment (Produced by Integra)
- Design and Access Statement (Produced by NJL Consulting)
- Planning Statement (Produced by NJL Consulting)
- Phase 1 Geo-environmental Assessment (Produced by REC)
- Statement of Community Involvement (Produced by NJL Consulting)
- Agricultural Land Assessment (Produced by Footprint Land and Development Ltd)
- Transport Statement (Produced by Croft Transport)
- Extended Phase 1 Habitat Survey and Arboricultural Report (Produced by REC)

These documents are available to view on the application file.

## **9. OFFICER APPRAISAL**

### **Main Issues**

Given that the application is submitted in outline, 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, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, open space, drainage and flooding, sustainability and education.

## Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

*“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.*

The NPPF clearly states at paragraph 49 that:

*“housing applications should be considered in the context of the presumption in favour of sustainable development. 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.”*

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

*“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole;*
- or*
- specific policies in the Framework indicate development should be restricted.”*

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough's five year housing land requirement is 8,311. This is calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply have been 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the emerging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

In the light of the above the Council will demonstrate the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the emerging draft strategy of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon with the emerging Core Strategy or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

#### Open Countryside Policy

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings Congleton and Crewe Road, Gresty Green 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. Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time.

## **Landscape**

The application has been considered by the Councils Landscape Architect who consider that housing development on this site would not have any significant impacts on the character of the wider landscape area or have any significant visual impacts.

If the application is approved a number of conditions will be attached to protect/enhance the landscape on this site.

## **Location of the site**

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities 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 accessibility of the site shows that following facilities meet the minimum standard:

- Amenity Open Space (500m) – would be provided on site
- Children's Play Space (500m) – would be provided on site
- Bus Stop (500m) – 50m
- Public House (1000m) – 350m
- Public Right of Way (500m) – 500m
- Child Care Facility (nursery or crèche) (1000m) - 200m
- Community Centre/Meeting Place (1000m) – 200m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 3800m
- Outdoor Sports Facility (500m) – 1600m
- Convenience Store (500m) – 1700m
- Primary School (1000m) – 1700m
- Pharmacy (1000m) – 2000m
- Post office (1000m) – 2000m
- Secondary School (1000m) – 3700m
- Medical Centre (1000m) - 2000m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Winterley, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development in Winterley from the application site. However, the majority of the services and amenities listed are accommodated within Haslington and are accessible to the proposed development on foot or via a short bus journey (the site is located on the main bus route between Crewe and Sandbach). It should also be noted that the site is located on National Cycle Network Route 451 and is easily accessible for cyclists. Accordingly, it is considered that this small scale site is a sustainable site.

This view is considered to be consistent with two recent appeal decisions which were refused on sustainability grounds but allowed at appeal:

- At 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) was refused by Southern Planning Committee on 29<sup>th</sup> August 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'The Council has used the North West Sustainability Checklist as a guide to assessing accessibility, albeit that this relates to policies in the now defunct RSS. Nevertheless, this gives a number of useful guidelines, many of which are met. The village has a pub, a church, a village green and a post box and there is a golf club close to the appeal site open to both members and nonmembers. However, the village has no shop or school. Audlem, which has a greater range of facilities, is only a short distance away. The appeal site has good access to 2 bus routes, which serve a number of local destinations. There are footways on both sides of the road linking the site to the village*

*centre and other public rights of way close by. Audlem Road here forms part of the national cycle network. Therefore, whilst the use of the car is likely to predominate, there are viable alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement'.*

- At land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C) was refused by Southern Planning Committee on 12<sup>th</sup> December 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'it is inevitable that many trips would be undertaken by car as happens in most rural areas. However in this case many such trips for leisure, employment, shopping, medical services and education have the potential to be relatively short. A survey of the existing population undertaken by the Parish Council confirmed that the majority use the car for most journeys. Its results should though be treated with some caution in view of the response rate of only 44%. The survey does not seem to have asked questions about car sharing or linked trips, both of which can reduce the overall mileage travelled. It is interesting to note that use of the school bus was a relatively popular choice for respondents. A few also used the bus and train for work journeys. It also should not be forgotten that more people are now working from home at least for part of the week, which reduces the number of employment related journeys. Shopping trips are also curtailed by the popularity of internet purchasing and most major supermarkets offer a delivery service. The evidence also suggests that the locality is well served by home deliveries from smaller enterprises of various kinds'*

## **Affordable Housing**

The site is located in Winterley which is within the Haslington and Englesea sub-area for the SHMA Update 2013. In this SHMA area there is an identified a requirement for 44 new affordable homes per year between 2013/14 – 2017/18 made up of a need for 1 x 1 beds, 11 x 2 beds, 19 x 3 beds, 10 x 4/5 beds and 1 x 1 & 1 x 2 bed older person dwellings (total of 220 dwellings over 5 years).

In addition to this information taken from the SHMA Update 2013, Cheshire Homechoice is used as the choice based lettings method of allocating social and affordable rented accommodation across Cheshire East. There are currently 126 active applicants on Cheshire Homechoice who have selected Haslington (which includes Winterley) as their first choice, these applicants require 46 x 1 beds, 44 x 2 beds, 25 x 3 beds and 7 x 4/5 beds (4 applicants haven't specified how many beds they require).

The Affordable Housing Interim Planning Statement (IPS) states that on all sites of 3 units or over in settlements with a population of 3,000 or less will be required to provide 30% of the total units as affordable housing on the site with the tenure split as 65% social rent, 35% intermediate tenure. This equates to a requirement of up to 21 affordable units in total on this site, split as 14 for social (or affordable rent) and 7 for intermediate tenure.

The Affordable Housing IPS also requires that the affordable units should be tenure blind and pepper-potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration. The IPS also states that the affordable housing should be provided no later than occupation of 50% of the open market dwellings unless there is a high degree of pepper-potting in which case it would be 80%.



Affordable homes should be constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).

The proposal is for 45 No. dwellings, the supporting planning statement with the application states there will be provision of 30% affordable housing contribution, with the exact details being provided at reserved matters stage.

If the application was approved there is a requirement for the following to be secured at the Reserved Matters stage:

- A requirement for provision of 13 affordable dwellings.
- 9 of the affordable dwellings are to be provided as social or affordable rent, and 4 as an intermediate tenure dwelling
- That the location and type of dwellings to make up the affordable homes are shown on a plan identifying which are the rented and which are the intermediate dwellings.
- That timing for delivery of the affordable housing, as this is a relatively small development and phasing would not be expected, that affordable housing should be provided no later than occupation of 50% of the open market dwellings.
- That the affordable homes are constructed to comply with the Homes and Communities Agency Design and Quality Standards and meet Code for Sustainable Homes Level 3.

## **Highways Implications**

### Access

The proposed development is in outline form with access to be determined at this stage. The proposed development would be accessed via a simple priority junction with a 5.5 metre wide carriageway with 2 metre wide footways on both sides and junction radii of 10 metres. The highways officer has commented that this design is typical of a residential development of this scale.

Crewe Road has a 30mph speed limit at this point. In this case the submitted plans indicate that visibility splays of at least 2.4m x 43m can be achieved in both directions. These visibility splays would comply with guidance contained within Manual for Streets.

The submitted Transport Assessment (TA) identifies that the proposed site access would operate with significant spare capacity and the traffic associated with this development can be accommodated onto the local network.

### Traffic impact

The proposed development would generate 28 two-way trips during the AM peak hour and 29 two-way trips during the PM peak hour. This traffic generation will be distributed across the highway network in both directions.

There are local concerns over the impact upon the highway network and Crewe Green roundabout and there is a scheme of CEC improvements in this location. In this case the Highways Officer

considers that the development would not have a severe impact upon this junction and as such no mitigation will be required from this development.

The only other committed development within the Parish of Haslington is at Vicarage Road (44 dwellings). Given the scale of the developments there is not considered to be a cumulative highways impact associated with this development.

### Public Transport

The application site is within easy reach of bus stops in both directions with hourly connections to Crewe, Sandbach, Winsford, Northwich and Macclesfield throughout the day.

### Highways Conclusion

In conclusion the proposed development would have an access of an acceptable design with adequate visibility. The traffic impact upon the local highway network would be limited and improvements would be secured to the bus stops in the locality. It is therefore considered that the development complies with the local plan policy BE.3 and the test contained within the NPPF which states that:

*'Development should only be prevented or refused on transport grounds where then residual cumulative impacts of development are severe'*

### **Amenity**

To the north of the site 326 Crewe Road has a blank side elevation facing the site and the orientation and separation distances shown on the indicative plan show that there would not be a detrimental impact upon the residential amenities of this property.

Due to the separation distances involved to the properties to the south and the intervening highway and boundary treatments there would not be a significant impact to the dwellings to the south on the opposite side of Pool Lane.

To the west the indicative plan shows that there would be adequate separation to the dwellings opposite due to the proposed location of the proposed public open space.

The Environmental Health Officer has requested conditions in relation to hours of operation, external lighting, and contaminated land. These conditions will be attached to any planning permission.

### **Air Quality**

The proposed development is not close to any air quality management areas (AQMA) and an air quality assessment was not deemed necessary. However, it is likely that some small impact would be made in the Nantwich Road AQMA and that when combined with the cumulative impacts of other committed and proposed developments in the Crewe area the significance is increased. There is also no assessment of the dust impacts and details of dust control would need to be submitted should planning approval be granted. Conditions would be attached in relation to dust control.

## **Trees and Hedgerows**

### Trees

A tree survey has been submitted in support of this application and this grades all trees on the site and those in close proximity to the site (including those located on the opposite side of Pool Lane). The survey grades 14 trees including the two TPO trees as Grade A (high quality and value), 2 trees as Grade B (moderate quality and value) and 4 trees as Grade C (low quality and value).

One of the two TPO Oaks on the Pool Lane road frontage exhibits signs of reduced vigour and vitality. The site plan is indicative, there will have to be amendments to accommodate the retained high value trees, but in principle there should be no objection from an arboricultural perspective subject to a suitable reserved matters layout plan.

### Hedgerows

In this case the indicative plan shows that the hedgerow boundaries to the site would be retained as part of this development apart from a small loss to provide the access point.

## **Design**

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

*“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

In this case the proposal would have a density of 26.47 dwellings per hectare this is consistent with the surrounding residential areas of Winterley

An indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved and that the areas of open space and all highways would be well overlooked. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

## **Ecology**

### Winterley Pool Site of Biological Importance (SBI)

The proposed development is located in close proximity to this locally designated site. The Council's Ecologist advises that the proposed development is unlikely to have an adverse impact upon the ecological features for which Winterley Pool was designated.

### Hedgerows

Hedgerows are a biodiversity action plan priority habitat and hence a material consideration. As a result of the proposed development it appears likely that there would be some loss of hedgerows along the western boundary to provide access into the site. Any unavoidable loss of hedgerows will be compensated for through the incorporation of new native species hedgerows into any finalised landscaping scheme produced for the site.

#### Arable Field Margins

Arable field margins are a UK Biodiversity Action Plan priority habitat and hence a material consideration. The submitted report identifies the presence of arable field margins on site. However, as the arable field margins recorded on site have been recorded as being 0.5m wide the Councils Ecologist advises they fall outside of the habitat description of this habitat and the habitats located within this 0.5m area should be better regarded as forming part of the hedgerow habitats bordering the site rather than being classified as Arable Field Margins.

#### Bats

Two trees have been identified on site as having potential to support roosting bats (These are identified as T13 and T14). Both of these trees are identified as being subject to a TPO, and are to be retained as part of the proposed development. As a result there is not considered to be any impact upon breeding bats.

#### Breeding Birds

Conditions will be attached to safeguard breeding birds.

#### **Public Open Space**

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. In this case the level would be 1,575sq.m and the indicative plan shows that the developer will provide 1,810sq.m of public open space. This would exceed the requirement for Policy RT.3 by a considerable margin and is considered to be acceptable.

In terms of children's play space this would be provided on site and the applicant has indicated that they are willing to provide a LEAP with 6 pieces of equipment. This would be an acceptable level given the number of dwellings on the site and would comply with Policy RT.3. It is not considered that the POS Officers request for 12 pieces of equipment is commensurate to a development of this site.

#### **Agricultural Land Quality**

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (Grades 1, 2 and 3A) will not be permitted unless:

- The need for the development is supported by the Local Plan
- It can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non-agricultural land
- Other sustainability considerations suggest that the use of higher quality land is preferable

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this case the Agricultural Land Assessment indicates that 1 hectare of the site is Grade 2 and 0.7 hectare is Grade 3a. As a result this issue needs to be considered as part of the planning balance.

## **Education**

The proposed development would generate 8 primary school pupils and 6 secondary school pupils.

In terms of primary school education, the proposed development would generate 8 new primary places. As there are capacity issues at the local primary schools, the education department has requested a contribution of £96,554. The applicant has agreed to make this contribution and this would be secured via a S106 Agreement.

In terms of secondary school education, the proposed development would generate 6 new secondary places. As there are capacity issues at the local secondary schools, the education department has requested a contribution of £98,056. This would be secured via a S106 Agreement.

## **Flood Risk and Drainage**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is more than 1 hectare, a Flood Risk Assessment (FRA) has been submitted in support of the application.

The submitted FRA identifies the following:

- Flooding - The Environment Agency has stipulated that there are to be no off site surface water flood routes generated by the development during an enhanced 1 in 100 year storm.
- Site Surface Water Drainage – SUDS in the form of soakaways is considered to be a practical option
- Foul Water Drainage – Foul water will be discharged into the existing sewer located beneath Crewe Road subject to the agreement of United Utilities
- Off Site Impacts - All roofed and paved areas are to be drained into the site surface water drainage system. The design of the onsite surface water drainage system will ensure that no off site flood flows are generated by the proposed development in the 1% plus climate change event.
- Residual Impacts - With careful design of the drainage elements, there will be no residual flood related risk remaining after the development has been completed.

The Environment Agency and United Utilities have been consulted as part of this application and have both raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

## **Health**

A number of the letters of objection raise concerns about the impact upon health provision in this area. In response to this issue there are 3 medical practices within 2.5 miles of the site and according to the NHS choices website all are currently accepting patients indicating that they have capacity. Furthermore no practices have closed their list and they are not being forced to accept new patients.

## **LEVY (CIL) REGULATIONS**

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

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

As explained within the main report, POS and children's play space is a requirement of the Local Plan Policy RT.3. It is necessary to secure these works and a scheme of management for the open space and children's play space. This contribution is directly related to the development and is fair and reasonable.

The development would result in increased demand for primary and secondary school places in the area and there is very limited spare capacity. In order to increase capacity of the primary and secondary schools which would support the proposed development, contribution towards primary and secondary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

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

## **10. CONCLUSIONS**

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. The Council can now demonstrate a 5 year housing land supply and as a result the principle of development is not considered to be acceptable and the development would be contrary to Policy NE.2.

The proposed development would not adversely affect the visual character of the landscape, in this location.

The proposed development would provide a safe access and the development would not have a detrimental impact upon highway safety or cause a severe traffic impact.

In terms of Ecology it is not considered that the development would have a significant impact upon Winterley Pool, ecology or protected species subject to the necessary contribution to off-set the impact.

The proposed development would provide an over provision of open space on site and the necessary affordable housing requirements.

The education department has confirmed that there are capacity issues within local schools and this issue could be mitigated through the use of a commuted sum secured as part of a S106 Agreement.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

However, it is considered that the harm caused by virtue of the loss of open countryside outweighs any benefits of the scheme that might accrue by virtue of the delivery of housing supply including affordable housing, at 30%, of the total housing numbers and the economic benefits that the development and new residents would bring.

## **11. RECOMMENDATIONS**

**REFUSE for the following reasons:**

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 and RES.5 of the Crewe and Nantwich 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, consequently the application is premature to the emerging Development Strategy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.**

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

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



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Application No: 13/5006N

Location: ALVASTON HALL HOTEL, PEACH LANE, WISTASTON, CW5 6PD

Proposal: Development of existing driving range site to create additional recreational facilities areas for use by the hotel guests.

Applicant: Ken Younie, Bourne Leisure

Expiry Date: 27-Feb-2014

**SUMMARY RECOMMENDATION**

Approve with Conditions

**MAIN ISSUES**

- Principle of development
- Impact on trees/landscape character of the park
- Landscape Design
- Impact on the amenity of neighbouring houses

**REASON FOR REFERRAL**

The application is being referred to Southern Planning Committee as it is classified as a small scale major application.

**DESCRIPTION OF SITE AND CONTEXT**

The site is Alvaston Hall Hotel which is a vibrant and popular hotel and recreational facility. It is surrounded by and located the open countryside to the north of the Middlewich Road between Nantwich and Crewe. An equipped golf driving range is located in the west of the site that is going through significant expansion of hotel facilities under 12/3735N that gave permission for "*Alterations and Extensions to Existing Hotel/ Leisure Site Including Part Demolition of Existing Buildings, New Build Bedroom Accommodation, Extension and Refurbishment of Dining/ Cabaret/ and Lounge Areas with Associated Parking and Landscape Works.*"

The site is relatively level. To the north and west the land falls to a significantly lower level where the Alvaston Hall golf course is located adjacent to the River Weaver. The hotel car park and complex are located to the east and the golf club house and Turley Farm Cottages to the south.

**DETAILS OF PROPOSAL**

The proposals will provide a multitude of activity areas, including: mini golf; tennis; badminton; short mat bowls; shuffleboard; archery and shooting. The archery and shooting will make use of the existing driving range, which will be used as the backstop. A new shelter will be

provided at the firing point. The activities will be provided mostly within soft landscaping, with a mixture of lawn, structural and amenity planting and wildflower areas greatly improving the existing ecological value of the site. Hard landscaping is limited, however there will be a fully accessible pathway circling the activity area. The existing driving range will be painted, and the existing entrance will be over-clad with matching

Cladding, to prevent access from the rear. Hay bales will be inserted underneath the roof to provide a back-stop to the targets. A new open sided shelter with a timber frame and corrugated metal roof will be provided at the firing point. The kiosk will be clad in Scandinavian pine with a shingle pitched roof, reflecting the materials used on the new development. A new kiosk will be positioned at the north of the site, for equipment hire and light refreshments.

## **RELEVANT HISTORY**

Numerous through the years on the hotel site but most recent and relevant is described in the description section earlier.

## **POLICIES**

### **Local Plan Policy**

- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- BE.5 (Infrastructure)
- NE.2 (Open Countryside)

### **National Policy**

National Planning Policy Framework  
Cheshire East Local Plan Strategy – Submission Version

### **Cheshire East Local Plan Strategy – Submission Version**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28<sup>th</sup> February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

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

Environment Agency - No objections in principle to the proposed development and comment that although the total site area is greater than 1 ha, the majority of the development will be soft landscaping/permeable ground as it is now. The proposals do include a slight increase in impermeable area in terms of a path and a new kiosk, however it is unlikely that this small increase will cause flood risk elsewhere.

Environmental Health – Recommend that a condition is attached to limit the use of the shooting range to between 10 am to 3 pm. Also states that the acoustic report recommendations in respect of cladding, barriers and noise mitigation are attached. Rifles used should be limited to 22 air rifles and restricted to 2 in use at any one time.

### **VIEWS OF THE PARISH COUNCIL**

Object on grounds of excessive noise from the discharge of firearms at the proposed shooting range due to the close proximity of nearby properties in Peach Lane.

### **OTHER REPRESENTATIONS**

None

### **APPLICANT'S SUPPORTING INFORMATION**

Design and Access Statement  
Tree Survey and root and protection plan

### **OFFICER APPRAISAL**

#### **Principle of development**

Within the open countryside NE.2 specifies that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. This proposal is for outdoor recreation that is already situated in the open countryside but is being enhanced and would protect and retain the character and amenity therefore it is acceptable.

### **Impact on trees/landscape character of the site**

The site is located within the open countryside and therefore consideration has to be given to whether the proposed development is appropriately design and sited so as to not result in unacceptable harm on the character and appearance of the area. It is very open in character and as the actual above ground development is minimal, effectively the kiosk, it is therefore considered that the proposals would not result in a detrimental intrusion into the open countryside. Once construction is complete the old driving range area would return to being a full useable and vibrant space.

The application is supported by an Arboricultural Impact Assessment Tree Survey and Tree Protection Statement by B. J. Unwin Forestry Consultancy. The report indicates that the assessment has been carried out in accordance with the recommendations of British Standard BS5837:2012 Trees in relation to design, demolition and construction. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

*BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations* references Arboricultural Impact Assessments (sub section 5.4 of the Standard). The assessment should evaluate the effects of the proposed design, including potentially damaging activities such as proposed excavations and changes in levels, positions of structures and roads etc in relation to retained trees. In this regard BS5837:2012 places greater robustness and level of confidence necessary to ensure the technical feasibility of the development in respect of the successful retention of trees.

The British Standard identifies at paragraph 5.2 *Constraints posed by Trees* that all relevant constraints including Root Protection Areas (RPAs) should be plotted around all trees for retention and shown on the relevant drawings, including proposed site layout plans. Above ground constraints should also be taken into account as part of the layout design

The submitted plans and particulars illustrate which trees are suggested for retention and are cross referenced with their Root Protection Areas and respective Tree protection details onto a proposed Master Plan. As a consequence it is possible to determine the direct or indirect impact of the proposed layout on retained trees.

The redevelopment of the driving range requires no tree removal, with all trees identified for retention able to be protected in accordance with current best practice BS5837:2010. Levels changes have been modified outside Root Protection Areas (RPA) with no direct implications for trees. Subject to the appropriate condition the proposed development would proceed without any significant detrimental impact on the immediate area or the wider landscape.

### **Landscape Design**

The majority of the site is laid to grass with the existing driving bays to the south and a ball stop fence to the west. There is one mature Oak tree within the site midway long its length, a line of hybrid Poplar trees along part of the south western boundary and a line of Leyland Cypress on the northern boundary. The proposals would incorporate spoil arising from the

ongoing works within the hotel complex and would provide a new landscape setting for a variety of leisure activities. A specification is provided for structural planting with a concept plan for a golf area and proposals for hard landscaping. The development would be relatively localised and in combination with retained trees and proposed mounding, once established the new structural planting proposed would provide some containment. The proposed tennis and badminton courts would be grass surfaced.

The landscape proposals are generally appropriate for the intended use although but it has been suggested to the applicants that the number of Purple Beech be significantly reduced overall and replaced with an alternative native species of tree. This is particularly relevant on the western boundary where it would be desirable to avoid prominent features on the skyline. A condition is proposed to require these landscape details In the event of approval, together with details for the golf area and an implementation condition for all landscape works. The application therefore complies with BE.2 (Design Standards).

### **Impact on the amenity of nearest houses**

The nearest houses are a significant distance from the site on Peach Lane and any lingering concerns about the discharging of firearms on the shooting range are well capable of control via the conditions recommended by the Environmental Health Officer. Thus the application is not envisaged to have any notable impact on residential amenity and therefore complies with policy BE.1 (Amenity).

### **Ecology**

The Nature Conservation Officer advises that there are unlikely to be any significant ecological issues associated with the proposed development but recommends that standard conditions are attached to safeguard breeding birds.

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

It is considered that there would be no harm caused to the character and amenity of the open countryside. The proposal is therefore in compliance with NE.2. It is also in compliance with BE.1 (Amenity), BE.2 (Design Standards), BE.4 (Drainage, Utilities and Resources), of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

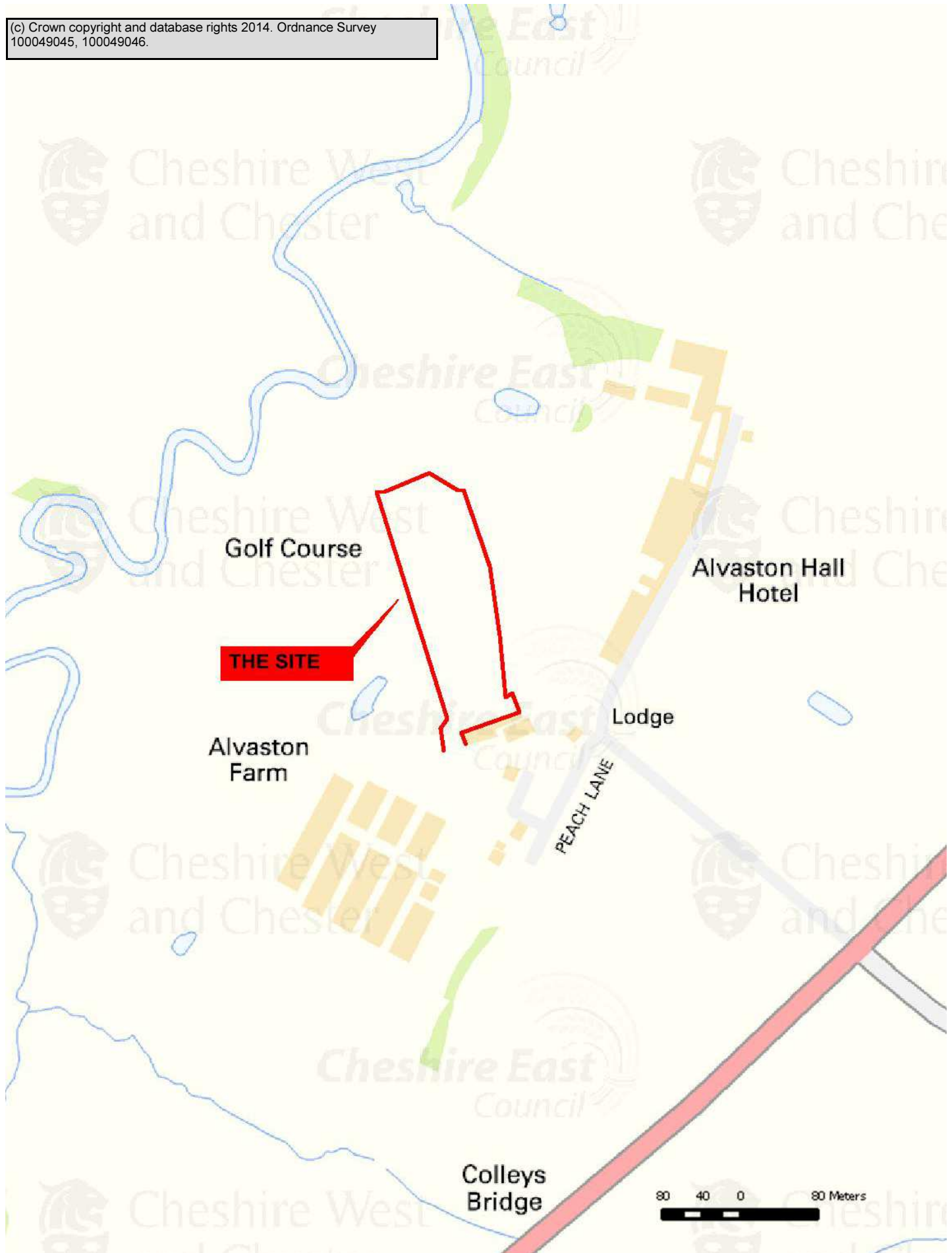
## **RECOMMENDATION – Approve subject to the following conditions**

1. Standard time limit
2. Approved Plans
3. Tree Protection
- 4 Safeguard Breeding Birds
5. Shooting range hours 10.00 to 15.00 hrs
6. Rifle use limited to 2 at any one time and 22 overall.

7. Implementation of the proposed noise mitigation measures.
8. Submission of landscape scheme.
9. Implementation of landscape scheme.



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Application No: 14/0024N

Location: CREWE HALL, WESTON ROAD, WESTON, CW1 6UZ

Proposal: Extension to existing building to provide 46 additional guest bedrooms, with associated external works.

Applicant: Philip King, Marston Hotels Ltd

Expiry Date: 21-Mar-2014

**SUMMARY RECOMMENDATION****Approve with Conditions****MAIN ISSUES**

- Impact upon the Historic Park and Garden
- Impact on character and setting of Crewe Hall
- Impact on highways

**1. REASON FOR REFERRAL**

This application is referred to the Southern Planning Committee as it involves a development of over 1000sq.m

**1. DESCRIPTION OF SITE AND CONTEXT**

Crewe Hall is a Grade I Jacobean Listed Building standing within an Historic Park and Garden in the open countryside about one mile from the settlement boundary of Crewe. There have been recent extensions on land to the west of the main building to form a restaurant, additional bedroom accommodation, and leisure (gym / spa etc.) facilities. The application relates to an extension to the modern part of the hotel on the north side of the existing complex. The site of the proposed extension is close to the recently constructed leisure centre and separated from the old hall by other modern development. The site of the extension is currently laid to lawns with some tree and shrub planting; and beyond that are trees, hedgerows and fields.

**2. DETAILS OF PROPOSAL**

This application seeks planning permission for an extension to the existing modern bedroom building. The site is located to the north west of Crewe Hall. The proposed extension would have an L-shaped form and would consist of 2 bedroom wings. A single storey extension would link to southern part of the proposed extension which would be two storeys in height. To the north-west would be a three storeys element to the proposed extension. A curved three storeys link element

would link the two parts of the proposed extension. The extension would serve an additional 46 guest bedrooms with en-suite bathrooms.

This development is identical to application 10/3860N which was approved but the permission has now expired.

### **3. RELEVANT HISTORY**

13/4708N - Listed building consent for extension to existing spa facility – Approved 20<sup>th</sup> December 2013

13/4707N - Extension to existing hotel spa facility – Approved 20<sup>th</sup> December 2013

10/3861N - Listed Building Consent for Extension to Existing Building to Provide 46 Additional Guest Bedrooms with Associated External works – Approved 4<sup>th</sup> February 2011

10/3860N - Extension to Existing Building to Provide 46 Additional Guest Bedrooms with Associated External Works – Approved 22<sup>nd</sup> December 2010

10/1162N - Extension to Existing Spa Facility – Approved 17<sup>th</sup> June 2010

10/1161N – Listed Building Consent Extension to Existing Spa Facility - Approved 17<sup>th</sup> June 2010

P07/1353 - Listed Building Consent for Essential Repairs. Stone Repair or Partial Replacement Using Natural Stone Indent. Small Repairs to Masonry with Lime Restoration Mortar Limited Repointing With Lime Mortar - Approved 18<sup>th</sup> December 2007

P07/1267 - Listed Building Consent for Variation of Condition 6 on Permission P07/0630 to allow Lighting Columns 6m High - Approved 1<sup>st</sup> November 2007

P07/1266 - Variation of Condition 8 on Permission P07/0276 to allow Lighting Columns 6m High - Approved 1<sup>st</sup> November 2007

P07/0630 - LBC Two Storey Conference and Leisure Buildings and Associated Landscaping and Car parking - Approved 20<sup>th</sup> July 2007

P07/0619 - Listed Building application for pedestrian link and water tank - Approved 20<sup>th</sup> July 2007

P07/0618 - Listed Building Consent for bedroom accommodation - Approved 20<sup>th</sup> July 2007

P07/0293 - Planning permission for bedroom accommodation - Approved 3<sup>rd</sup> May 2007

P07/0289 - Planning permission for glazed link between bedroom accommodation and restaurant - Approved 20<sup>th</sup> April 2007

P07/0276 - Two storey conference and leisure building with landscaping and car parking - Approved 3<sup>rd</sup> May 2007

P06/1220 - Diversion of Existing Brook, Excavations to reinstate part of historic lake landscaping, planting and other works - Approved 7<sup>th</sup> April 2008

P06/1221 - Listed Building Consent for Alterations to Boat House - Approved 20<sup>th</sup> December 2006

P00/0191 - Listed Building Consent for extension for 101 bedrooms, facilities for health fitness and multi activities, restaurant, car parking and landscaping - Approved 27<sup>th</sup> July 2000

P00/0190 - Planning permission for extension for 101 bedrooms, facilities for health fitness and multi activities, restaurant, car parking and landscaping - Approved 27<sup>th</sup> July 2000

### **4. POLICIES**

#### **Local Plan policy**

NE.2 – Open Countryside

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.9 - Listed Buildings: Alterations and Extensions

BE.14 - Development Affecting historic parks and gardens  
TRAN.9 - Car Parking Standards  
S.11 - Leisure and Entertainment  
RT.6 - Recreations Uses in the Open countryside

#### **National policy**

National Planning Policy Framework

Good Practice Guide on planning for Tourism

#### **Cheshire East Local Plan Strategy**

***Members are aware that the submission version of the new local plan is now in the public domain. This will be presented to the Strategic Planning Board and full Council at the end of February. Subject to this being accepted an update will be provided in relation to this issue.***

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

**The Strategic Highways and Transportation Manager:** No comment or objection

**English Heritage:** The introduction of a built form into a part of the landscape which has been designated to be green space constitutes some harm to the significance of the registered park and garden and setting of Crewe Hall. However the proposed location and architectural style as proposed in line with the pre-application discussions is well established within the site in question and therefore will not have a substantial impact upon the significance of the heritage asset in question.

The inclusion of an appropriate landscape assessment as advised in pre-application advice is noted as positively informing the proposed works. The resultant proposal to visually screen the new intervention through the introduction of tree species is noted as a positive aspect of the proposal, however great care must be taken to ensure that the species selected are appropriate in the historic landscape. Similarly the levels must be carefully managed to avoid raising levels which has previously resulted in dieback in the surrounding trees.

In light of the above, English Heritage recommend that the LPA weigh the harm of the proposed works against the associated public benefits, giving great weight to the conservation of the heritage assets in question.

English Heritage urges the LPA to address the above issues and recommend that this application be determined in accordance with national and local policy guidance and on the basis of the LPA's own expert conservation advice.

**Victorian Society:** Objects to the application on the following grounds;

- Crewe Hall is one of only ten Grade I-listed secular buildings in the former Crewe and Nantwich district. It is also on the English Heritage Register of Parks and Gardens of special historic interest. Essentially it is a complete Victorian mansion by EM Barry within a Jacobean shell. It is complemented by a Grade II\* Listed stable block containing a tower by Edward Blore. The gardens north of the main house were laid out circa 1860 by WA Nesfield with a complicated

series of terraces, parterres and balustrades; while the planting has become degraded since then most of this scheme survives. Therefore it is deeply unfortunate that an industrial estate has been permitted to develop immediately to the east of the hall. It is even more unfortunate that a large series of hotel buildings which do not relate to the hall architecturally have been permitted in recent years immediately to the west of Crewe Hall. The cumulative result of these piecemeal developments is a landscape and setting that has been degraded, and the historic character of which has been eroded. As a result English Heritage has placed the park and garden on its Heritage at Risk Register

- The Victorian Society deeply regret any further degradation of the setting of this building. Any future developments should be of commensurate quality to that of the Grade I listed building, and should both respond to its character and respect its setting. The Victorian Society feels that the proposed development falls short of this standard. The vigorous articulation and massing of Crewe Hall is not reflected in the standardised blocks of the proposed extension. Crewe Hall's high quality materials - brick, stone, lead and slate - are not reflected in the palette of acrylic render, stainless steel and unspecified architectural masonry chosen for the proposed extension. Above all, the proposed development would impinge further on views from the Nesfield Garden, and would further degrade the historic character of the grounds. Planting screens of trees is not effective mitigation for this. Policy HE10 of PPS5 is clear on the importance that should be given to the effect of proposed developments on the setting of designated heritage assets. There are no benefits to the heritage elements of the estate proposed in these plans; instead there is further erosion of the architectural character of the estate.

- The owners of the hotel should be required to produce a long term Conservation Management Plan for the Hall and grounds in order to safeguard the future of the heritage assets. The Victorian Society feels that the current application would cause significant harm to the setting of one of the major historic buildings of Cheshire.

The Victorian Society urges the LPA to refuse this application.

**Garden History Society:** No comments received at the time of writing this report.

**Cheshire Gardens Trust:** No comments received at the time of writing this report.

**South Cheshire Chamber of Commerce:** Support the application.

Crewe Hall is a fantastic asset for South Cheshire and their plans to expand should be welcomed. The visitor and business tourism economy is important to this area and the economic regeneration plans will see an increased demand for hotel accommodation.

**Cheshire East Visitor Economy Development Manager:** Cheshire East is well positioned to access markets from other parts of Cheshire and surrounding areas, with the highest proportion of visitors being day visitors. Whilst Day visitors are welcome, overnight visitors spend more per head, putting more money into the local economy. They also create more job opportunities in the area, meaning Cheshire East Council's aim is to get our visitors to stay longer. It means giving reasons for day visitors to dwell longer or stay on into the evening and overnight, and encouraging conference delegates to stay longer or to return to enjoy Cheshire at their leisure.

Working with Marketing Cheshire, the sub-regional place marketing board, Cheshire East is promoting the region as a short breaks destination as well as a location for business tourism. This will be promoted through a series of thematic brands including Cheshire Market Towns and

Nantwich & South Cheshire. This means attracting more high-spending 'Cosmopolitans', and to meet their high standards and expectations, we need to improve the quality and choice of accommodation, including the 4 and 5 star accommodation offer; of which Crewe Hall Hotel is one.

Within Cheshire East Council's Visitor Economy Strategy, there is a strong focus on quality accommodation through supporting the development of tourism infrastructure, an improved environment and a focus on customer service to ensure a quality visitor experience. Also through encouraging and facilitating business sector development in areas such as accommodation, skills training and visitor welcome. There is a requirement to increase jobs directly related to the visitor economy and a key priority set out within the Cheshire East Council Visitor Economy Strategy is to 'Encourage investment in quality tourism product and services in Cheshire East to the benefit of jobs and economic growth'

The applicant is looking to develop the accommodation in line with the stated objectives of Cheshire East's visitor Economy Strategy. The accommodation is of a high standard and this extension will add to its attractiveness to visitors and business users. There is also potential for local traders in Crewe to benefit from the development. Finally it is a stated aim of turning day visitors into overnight visitors; this will increase the value of the visitor economy of Cheshire East. There is potential to widen to scope for activity to the rest of Cheshire East through [www.cheshiremarkettowns.co.uk](http://www.cheshiremarkettowns.co.uk) which highlights what is going on in the area at a particular time.

Crewe is based within the Cheshire East Visitor Economy brand of 'Nantwich & South Cheshire'. This means the area is actively promoted as a visitor destination in its own right. In the context of Marketing Cheshire's strategic vision for the sub-region there are a number of relevant points to note including:

- Identification of the need to improve the quality of the destination product offering in terms of accommodation and experiences.
- The key target markets in terms of profile, behaviour and spend for rural Cheshire include 'independent' market segments – especially traditionalists and cosmopolitans.
- Be fully established as a quality, short-break destination.

Quality accommodation for the business market, associated with other hotel facilities is a potential asset for the area. Crewe is a target area for wider economic growth, which will drive business tourism. The business market requires a high quality of establishment, which the application would support.

- Cheshire East STEAM figures for 2012 (latest figures available) show that the proportion of staying visitors is increasing showing a requirement for additional accommodation.
- Marketing Cheshire records show known bed stock in Cheshire East is almost 11,000 beds less than in Cheshire West.
- Of all recorded accommodation within Cheshire East, less than 1% is rated at 5 Star and only 21% is rated at 4 Star. However the 4 Star sector is predominately bed & breakfast accommodation, as there are only 9 hotels within Cheshire East that are classed as 4 Star.

#### Cheshire East Visitor Economy

- The annual STEAM (Scarborough Tourism Economic Activity Monitor) analysis of the area's visitor economy shows that in 2012 Cheshire East's tourism industry grew by 9% by comparison with the previous year and is now worth £689 million.
- Last year, visitors to Cheshire East spent over £69 million on accommodation, over £24 million on things to see and do, £206 million on shopping, and £112 million on food and drink with the self-catering sector in rural areas also showing significant growth.
- The tourism industry in Cheshire East now employs 9849 (FTE) people directly and indirectly, up 10.5% on the previous year,
- The area attracted well over 13 million visitors in 2012, a 9.4% increase on 2011.

**Environmental Health:** Contaminated land informative to be attached

## **6. OTHER REPRESENTATIONS**

No representations received

## **7. PARISH COUNCIL**

**Crewe Green Parish Council:** Supports this application.

**Weston & Basford Parish Council:** No objection in principle to this proposal and notes the conditions attached to the original Planning Permission 10/3860N.

Notwithstanding this, the addition of 46 bedrooms represents a significant increase in the number of guest rooms. Although the application states that there will be no increase in the numbers of parking spaces, it is logical to assume that the amount of traffic generated will increase as a result of the proposal. In this context the Local Planning Authority is requested to satisfy itself that the existing access on to Weston Road is adequate, given the fact that this is already difficult to negotiate, particularly for right turning traffic leaving the Hall, on account of the high volume of traffic travelling to and from Crewe linking to the A500 / Junction 16 on M6.

## **8. APPLICANT'S SUPPORTING INFORMATION**

**Design and Access Statement (Produced by Brocklehurst Architects)**

**Planning Statement (Produced by Rollinson Planning Consultancy Limited)**

**Business Case for the Proposed Extension (Produced by the HIA Hotel Investment)**

**Historic Landscape Appraisal (Produced by AMEC)**

**Arboricultural Report; Impact Assessment & Method Statement (Produced by Crown Consultants)**

These documents are available to view on the Planning file

## **10. OFFICER APPRAISAL**

**Principle of Development**



The site is located within the Open Countryside where according to Policy NE.2 only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

However, Policy RT6 states that development proposals for recreational uses in the open countryside, as defined on the proposals map, will be permitted provided that, inter alia, they do not harm the character or appearance of the countryside; they do not harm sites of historic or archaeological importance; they can be integrated with existing visitor attractions in the borough or in the vicinity. Proposals should re-use existing buildings wherever possible. Any new buildings or structures should be sited close to any existing buildings and should blend into the surrounding landscape in design, siting, materials and landscape.

The proposal involves the extension of an existing hotel and leisure complex. It will therefore be integrated with an existing visitor attraction. The new build elements will be situated adjacent to the existing buildings. As a result there will be no encroachment beyond the curtilage of the hotel. The site is located within close proximity to Crewe Hall which is a Grade I Listed Building and is located within the Crewe Hall Historic Park and Garden. The impact of the development upon these historical assets will be discussed below.

The 'Good Practice Guide on Planning for Tourism' remains extant and states that:

*'Tourism, in all its forms, is of crucial importance to the economic, social and environmental well-being of the whole country. The planning system has a vital role to play in terms of facilitating the development and improvement of tourism in appropriate locations'*

The NPPF advises that there should be a presumption in favour of sustainable development. At paragraph 14 it advises that development should be approved, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Therefore having regard to the provisions of Policy RT6 and the NPPF, the proposal is considered to be acceptable in principle, subject to compliance with the other criteria set out in Policy RT6. Specifically, the proposal should blend into the surrounding landscape in design, siting, materials and landscaping; it should not harm sites of nature conservation; there must be safe vehicular access to the site; the access roads must be suitable for the likely traffic generation; car parking provision should be in accordance with adopted standards; and it should be accessible by a range of means of transport. These issues are considered in more detail below.

### **Design and impact upon the setting of the Listed Buildings at Crewe Hall and the Historic Park and Garden**

Crewe Hall is noted for its Grade II registered landscape featuring mid C19 formal gardens by William Andrews Nesfield which are associated with the Grade I listed country house and the remains of a landscaped park on which Lancelot Brown, William Emes, John Webb and Humphry Repton are all said to have worked.

The proposed extensions would be attached to the rear of the recent modern extensions which are themselves located to the rear of the Crewe Hall. The location of the proposed extensions will serve to minimise their immediate visual impact upon Crewe Hall.

It should also be noted that there are changes in land level between Crewe Hall and the modern extensions (the extensions are constructed at a lower level). The proposed removal of the current made ground/demolition rubble will enable the overall bulk, massing and height of the extension to be constructed at a lower level and to be less prominent in relation to Crewe Hall as a result.

Although some trees would be removed to facilitate the proposed development the proposed landscaping scheme together with the remaining trees would form a screen from the Nesfield Garden.

It is therefore considered that the visual impact of the proposed extension would not readily impact upon the hall, the existing complex of extensions, the historic park and garden and the Nesfield Garden. It will however be important to fully ensure that the landscape works are conditioned and their implementation monitored, together with the recommendations in the management issues section of their landscape appraisal.

The proposal to follow the established architectural style, materials and colours of the current extensions is the most appropriate approach in this context, given the location of the proposed buildings in relation to the recent modern extensions.

The footprint of the new extension has been staggered back, to retain more of the open setting between the new development and the Listed Building, which was requested as part of the pre application negotiations.

The proposed extension would be set down at the same level as the existing extensions, to ensure that they would be visually integrated and less prominent. The window design would also be visually integrated, with the design of the new extensions having less glazing than some of the existing recent extensions. This will serve to present a more sympathetic face to these rear elevations.

The existing ancillary pipes and vents (plant) to the current extension closest to the proposed new extension (east elevation) will be integrated visually by close board screening in order to improve the overall presence of the new extensions.

In this case English Heritage have stated that the development will not have a substantial impact upon the heritage asset and it is necessary to consider the development in line with Paragraph 134 of the NPPF which states that:

*'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'*

In this case there is considered to be public/economic benefits associated with this application as identified within the South Cheshire Chamber of Commerce consultation response which would outweigh the less than substantial harm.

## **Amenity**

There are no residential properties within close proximity to the site. As a result the proposed development would not have a detrimental impact upon residential amenity.

## **Highways**

The views of Weston & Basford Parish Council have been noted. However the Strategic Highways Manager has been consulted and has raised no objection to the proposed development. As a result it is considered that the proposed development would not raise any significant highway safety/parking implications.

## **11.CONCLUSIONS**

In summary, the proposal involves the redevelopment and expansion of an existing tourist/leisure and recreational facility in the open countryside, which is supported, in principle by the provisions of Policy RT6 of the adopted Local Plan and guidance contained within the NPPF. The proposed development will not have a detrimental impact upon the character and setting of the Grade I Listed Crewe Hall and will not detract from the character and appearance the open countryside or the Historic Park and Garden. It has been demonstrated that the proposal is acceptable in terms of its impact on Trees and Landscape, Ecology, Residential Amenity and Highway Safety and it therefore complies with Local Plan Policies NE.2 Open Countryside, NE.5 Nature Conservation and Habitats, NE.9 Protected Species, NE.20 Flood Prevention, BE1 Amenity, BE2 Design Standards, BE3 Access and Parking, BE4 Drainage Utilities and Resources, BE.9 Listed Buildings: Alterations and Extensions, BE.14 Development Affecting historic parks and gardens, TRAN 9 Car Parking Standards, RT6 Recreational Uses in the Open Countryside and RT7 Visitor Accommodation. Therefore in the absence of any other material considerations and having due regard to all other matters raised, the proposal is considered to be acceptable and accordingly is recommended for approval.

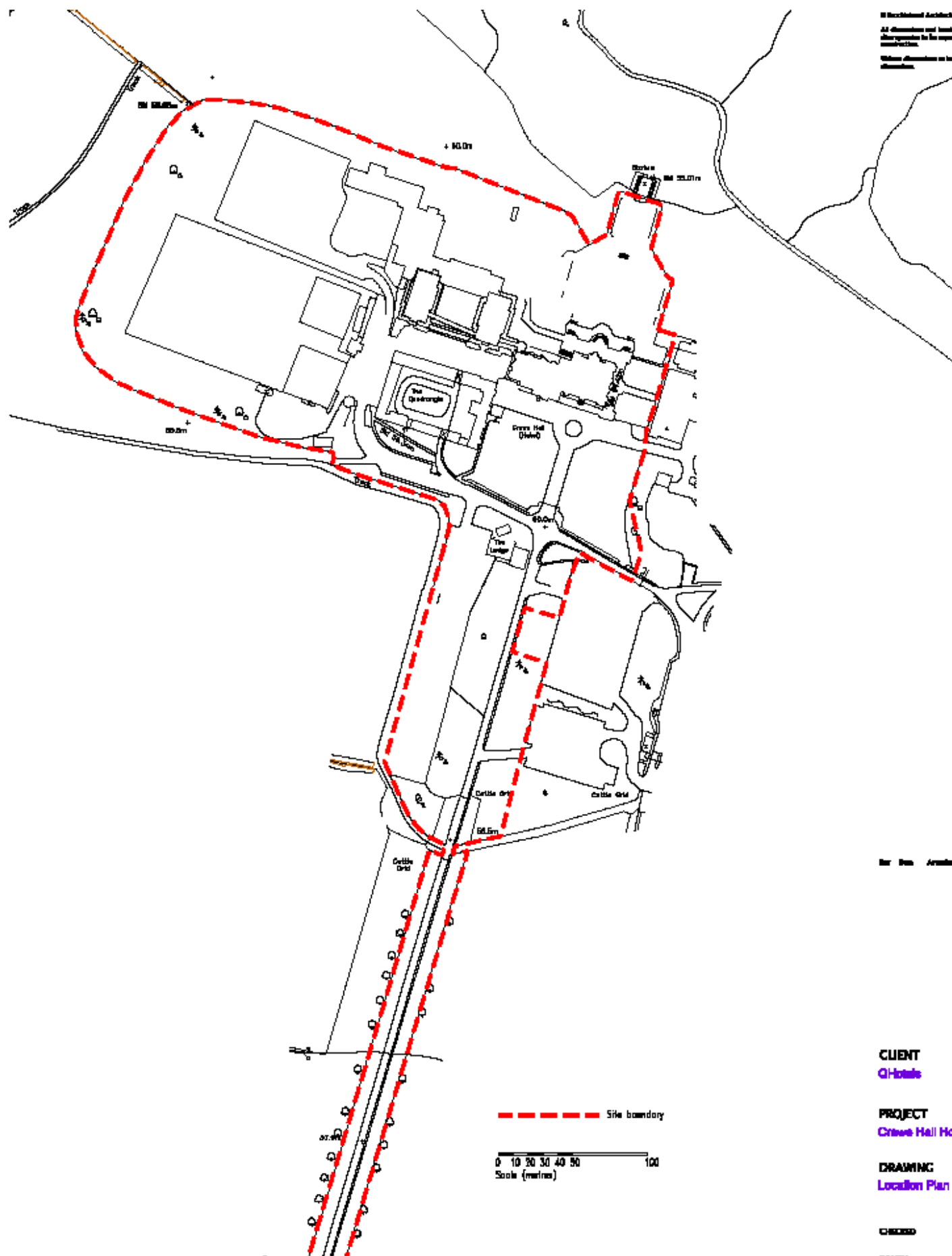
## **12. RECOMMENDATIONS**

**APPROVE** subject to the following conditions

- 1. Standard time 3 years**
- 2. Materials to be submitted to the Local Planning Authority and approved in writing**
- 3. Tree protection measures to be carried out in accordance with the submitted Arboricultural Report; Impact Assessment & Method Statement**
- 4. Details of improvements to the surface of the paths around the site to be submitted to the Local Planning Authority and approved in writing**
- 5. Details of landscaping to be submitted prior to the commencement of development. The landscaping scheme shall include additional shrub beds with large ornamental shrubs to replace those being removed as part of the building works and a proposed beech hedge to separate the proposed extension and Nesfield Garden which shall be supplied as a 'ready grown' hedge**
- 6. Implementation and maintenance of the approved landscaping scheme**
- 7. The development shall be carried out in accordance with the approved plans only**
- 8. Prior to any commencement of works between 1<sup>st</sup> March and 31<sup>st</sup> August in any year, a detailed survey is required to check for nesting birds on the application site**

**9. Details of existing and proposed levels to be provided prior to the commencement of development**

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





Application No: 14/0031N

Location: CREWE HALL, WESTON ROAD, WESTON, CW1 6UZ

Proposal: Extension to existing building to provide 46 additional guest bedrooms, with associated external works.

Applicant: Philip King, Marston Hotels

Expiry Date: 11-Feb-2014

**SUMMARY RECOMMENDATION**

**The application should be referred to the Secretary of State with a recommendation to approve with conditions**

**MAIN ISSUES**

- Impact upon the Historic Park and Garden
- Impact on character and setting of Crewe Hall

**1. REASON FOR REFERRAL**

This application is referred to the Southern Planning Committee as the associated planning application is also referred to the Southern Planning Committee.

**1. DESCRIPTION OF SITE AND CONTEXT**

Crewe Hall is a Grade I Jacobean Listed Building standing within an Historic Park and Garden in the open countryside about one mile from the settlement boundary of Crewe. There have been recent extensions on land to the west of the main building to form a restaurant, additional bedroom accommodation, and leisure (gym / spa etc.) facilities. The application relates to an extension to the modern part of the hotel on the north side of the existing complex. The site of the proposed extension is close to the recently constructed leisure centre and separated from the old hall by other modern development. The site of the extension is currently laid to lawns with some tree and shrub planting; and beyond that are trees, hedgerows and fields.

**2. DETAILS OF PROPOSAL**

This application seeks Listed Building Consent for an extension to the existing modern bedroom building. The site is located to the north west of Crewe Hall. The proposed extension would have an L-shaped form and would consist of 2 bedroom wings. A single storey extension would link to southern part of the proposed extension which would be two storeys in height. To the north-west

would be a three storeys element to the proposed extension. A curved three storeys link element would link the two parts of the proposed extension. The extension would serve an additional 46 guest bedrooms with en-suite bathrooms.

This development is identical to application 10/3861N which was approved but the permission has now expired.

### **3. RELEVANT HISTORY**

13/4708N - Listed building consent for extension to existing spa facility – Approved 20<sup>th</sup> December 2013

13/4707N - Extension to existing hotel spa facility – Approved 20<sup>th</sup> December 2013

10/3861N - Listed Building Consent for Extension to Existing Building to Provide 46 Additional Guest Bedrooms with Associated External works – Approved 4<sup>th</sup> February 2011

10/3860N - Extension to Existing Building to Provide 46 Additional Guest Bedrooms with Associated External Works – Approved 22<sup>nd</sup> December 2010

10/1162N - Extension to Existing Spa Facility – Approved 17<sup>th</sup> June 2010

10/1161N – Listed Building Consent Extension to Existing Spa Facility - Approved 17<sup>th</sup> June 2010

P07/1353 - Listed Building Consent for Essential Repairs. Stone Repair or Partial Replacement Using Natural Stone Indent. Small Repairs to Masonry with Lime Restoration Mortar Limited Repointing With Lime Mortar - Approved 18<sup>th</sup> December 2007

P07/1267 - Listed Building Consent for Variation of Condition 6 on Permission P07/0630 to allow Lighting Columns 6m High - Approved 1<sup>st</sup> November 2007

P07/1266 - Variation of Condition 8 on Permission P07/0276 to allow Lighting Columns 6m High - Approved 1<sup>st</sup> November 2007

P07/0630 - LBC Two Storey Conference and Leisure Buildings and Associated Landscaping and Car parking - Approved 20<sup>th</sup> July 2007

P07/0619 - Listed Building application for pedestrian link and water tank - Approved 20<sup>th</sup> July 2007

P07/0618 - Listed Building Consent for bedroom accommodation - Approved 20<sup>th</sup> July 2007

P07/0293 - Planning permission for bedroom accommodation - Approved 3<sup>rd</sup> May 2007

P07/0289 - Planning permission for glazed link between bedroom accommodation and restaurant - Approved 20<sup>th</sup> April 2007

P07/0276 - Two storey conference and leisure building with landscaping and car parking - Approved 3<sup>rd</sup> May 2007

P06/1220 - Diversion of Existing Brook, Excavations to reinstate part of historic lake landscaping, planting and other works - Approved 7<sup>th</sup> April 2008

P06/1221 - Listed Building Consent for Alterations to Boat House - Approved 20<sup>th</sup> December 2006

P00/0191 - Listed Building Consent for extension for 101 bedrooms, facilities for health fitness and multi activities, restaurant, car parking and landscaping - Approved 27<sup>th</sup> July 2000

P00/0190 - Planning permission for extension for 101 bedrooms, facilities for health fitness and multi activities, restaurant, car parking and landscaping - Approved 27<sup>th</sup> July 2000

### **4. POLICIES**

#### **Local Plan policy**

BE.2 – Design Standards

BE.9 - Listed Buildings: Alterations and Extensions

BE.14 - Development Affecting historic parks and gardens



## National policy

National Planning Policy Framework

### Cheshire East Local Plan Strategy

***Members are aware that the submission version of the new local plan is now in the public domain. This will be presented to the Strategic Planning Board and full Council at the end of February. Subject to this being accepted an update will be provided in relation to this issue.***

## 5. CONSULTATIONS (External to Planning)

**English Heritage:** The introduction of a built form into a part of the landscape which has been designated to be green space constitutes some harm to the significance of the registered park and garden and setting of Crewe Hall. However the proposed location and architectural style as proposed in line with the pre-application discussions is well established within the site in question and therefore will not have a substantial impact upon the significance of the heritage asset in question.

The inclusion of an appropriate landscape assessment as advised in pre-application advice is noted as positively informing the proposed works. The resultant proposal to visually screen the new intervention through the introduction of tree species is noted as a positive aspect of the proposal, however great care must be taken to ensure that the species selected are appropriate in the historic landscape. Similarly the levels must be carefully managed to avoid raising levels which has previously resulted in dieback in the surrounding trees.

In light of the above, English Heritage recommend that the LPA weigh the harm of the proposed works against the associated public benefits, giving great weight to the conservation of the heritage assets in question.

English Heritage urges the LPA to address the above issues and recommend that this application be determined in accordance with national and local policy guidance and on the basis of the LPA's own expert conservation advice.

**Victorian Society:** Objects to the application on the following grounds;

- Crewe Hall is one of only ten Grade I-listed secular buildings in the former Crewe and Nantwich district. It is also on the English Heritage Register of Parks and Gardens of special historic interest. Essentially it is a complete Victorian mansion by EM Barry within a Jacobean shell. It is complemented by a Grade II\* Listed stable block containing a tower by Edward Blore. The gardens north of the main house were laid out circa 1860 by WA Nesfield with a complicated series of terraces, parterres and balustrades; while the planting has become degraded since then most of this scheme survives. Therefore it is deeply unfortunate that an industrial estate has been permitted to develop immediately to the east of the hall. It is even more unfortunate that a large series of hotel buildings which do not relate to the hall architecturally have been permitted in recent years immediately to the west of Crewe Hall. The cumulative result of these piecemeal developments is a landscape and setting that has been degraded, and the historic character of which has been eroded. As a result English Heritage has placed the park and garden on its Heritage at Risk Register

- The Victorian Society deeply regret any further degradation of the setting of this building. Any future developments should be of commensurate quality to that of the Grade I listed building, and should both respond to its character and respect its setting. The Victorian Society feels that the proposed development falls short of this standard. The vigorous articulation and massing of Crewe Hall is not reflected in the standardised blocks of the proposed extension. Crewe Hall's high quality materials - brick, stone, lead and slate - are not reflected in the palette of acrylic render, stainless steel and unspecified architectural masonry chosen for the proposed extension. Above all, the proposed development would impinge further on views from the Nesfield Garden, and would further degrade the historic character of the grounds. Planting screens of trees is not effective mitigation for this. Policy HE10 of PPS5 is clear on the importance that should be given to the effect of proposed developments on the setting of designated heritage assets. There are no benefits to the heritage elements of the estate proposed in these plans; instead there is further erosion of the architectural character of the estate.
- The owners of the hotel should be required to produce a long term Conservation Management Plan for the Hall and grounds in order to safeguard the future of the heritage assets. The Victorian Society feels that the current application would cause significant harm to the setting of one of the major historic buildings of Cheshire.

The Victorian Society urges the LPA to refuse this application.

**Garden History Society:** No comments received at the time of writing this report.

**Cheshire Gardens Trust:** No comments received at the time of writing this report.

**South Cheshire Chamber of Commerce:** Support the application.

Crewe Hall is a fantastic asset for South Cheshire and their plans to expand should be welcomed. The visitor and business tourism economy is important to this area and the economic regeneration plans will see an increased demand for hotel accommodation.

**Cheshire East Visitor Economy Development Manager:** Cheshire East is well positioned to access markets from other parts of Cheshire and surrounding areas, with the highest proportion of visitors being day visitors. Whilst Day visitors are welcome, overnight visitors spend more per head, putting more money into the local economy. They also create more job opportunities in the area, meaning Cheshire East Council's aim is to get our visitors to stay longer. It means giving reasons for day visitors to dwell longer or stay on into the evening and overnight, and encouraging conference delegates to stay longer or to return to enjoy Cheshire at their leisure.

Working with Marketing Cheshire, the sub-regional place marketing board, Cheshire East is promoting the region as a short breaks destination as well as a location for business tourism. This will be promoted through a series of thematic brands including Cheshire Market Towns and Nantwich & South Cheshire. This means attracting more high-spending 'Cosmopolitans', and to meet their high standards and expectations, we need to improve the quality and choice of accommodation, including the 4 and 5 star accommodation offer; of which Crewe Hall Hotel is one.

Within Cheshire East Council's Visitor Economy Strategy, there is a strong focus on quality accommodation through supporting the development of tourism infrastructure, an improved environment and a focus on customer service to ensure a quality visitor experience. Also through

encouraging and facilitating business sector development in areas such as accommodation, skills training and visitor welcome. There is a requirement to increase jobs directly related to the visitor economy and a key priority set out within the Cheshire East Council Visitor Economy Strategy is to 'Encourage investment in quality tourism product and services in Cheshire East to the benefit of jobs and economic growth'

The applicant is looking to develop the accommodation in line with the stated objectives of Cheshire East's visitor Economy Strategy. The accommodation is of a high standard and this extension will add to its attractiveness to visitors and business users. There is also potential for local traders in Crewe to benefit from the development. Finally it is a stated aim of turning day visitors into overnight visitors; this will increase the value of the visitor economy of Cheshire East. There is potential to widen the scope for activity to the rest of Cheshire East through [www.cheshiremarkettowns.co.uk](http://www.cheshiremarkettowns.co.uk) which highlights what is going on in the area at a particular time.

Crewe is based within the Cheshire East Visitor Economy brand of 'Nantwich & South Cheshire'. This means the area is actively promoted as a visitor destination in its own right. In the context of Marketing Cheshire's strategic vision for the sub-region there are a number of relevant points to note including:

- Identification of the need to improve the quality of the destination product offering in terms of accommodation and experiences.
- The key target markets in terms of profile, behaviour and spend for rural Cheshire include 'independent' market segments – especially traditionalists and cosmopolitans.
- Be fully established as a quality, short-break destination.

Quality accommodation for the business market, associated with other hotel facilities is a potential asset for the area. Crewe is a target area for wider economic growth, which will drive business tourism. The business market requires a high quality of establishment, which the application would support.

- Cheshire East STEAM figures for 2012 (latest figures available) show that the proportion of staying visitors is increasing showing a requirement for additional accommodation.
- Marketing Cheshire records show known bed stock in Cheshire East is almost 11,000 beds less than in Cheshire West.
- Of all recorded accommodation within Cheshire East, less than 1% is rated at 5 Star and only 21% is rated at 4 Star. However the 4 Star sector is predominately bed & breakfast accommodation, as there are only 9 hotels within Cheshire East that are classed as 4 Star.

#### Cheshire East Visitor Economy

- The annual STEAM (Scarborough Tourism Economic Activity Monitor) analysis of the area's visitor economy shows that in 2012 Cheshire East's tourism industry grew by 9% by comparison with the previous year and is now worth £689 million.
- Last year, visitors to Cheshire East spent over £69 million on accommodation, over £24 million on things to see and do, £206 million on shopping, and £112 million on food and drink with the self-catering sector in rural areas also showing significant growth.
- The tourism industry in Cheshire East now employs 9849 (FTE) people directly and indirectly, up 10.5% on the previous year,

- The area attracted well over 13 million visitors in 2012, a 9.4% increase on 2011.

**Environmental Health:** Contaminated land informative to be attached

## **6. OTHER REPRESENTATIONS**

No representations received

## **7. PARISH COUNCIL**

**Crewe Green Parish Council:** Supports this application.

**Weston & Basford Parish Council:** No objection in principle to this proposal and notes the conditions attached to the original Planning Permission 10/3860N.

Notwithstanding this, the addition of 46 bedrooms represents a significant increase in the number of guest rooms. Although the application states that there will be no increase in the numbers of parking spaces, it is logical to assume that the amount of traffic generated will increase as a result of the proposal. In this context the Local Planning Authority is requested to satisfy itself that the existing access on to Weston Road is adequate, given the fact that this is already difficult to negotiate, particularly for right turning traffic leaving the Hall, on account of the high volume of traffic travelling to and from Crewe linking to the A500 / Junction 16 on M6.

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The proposal to follow the established architectural style, materials and colours of the current extensions is the most appropriate approach in this context, given the location of the proposed buildings in relation to the recent modern extensions.

The footprint of the new extension has been staggered back, to retain more of the open setting between the new development and the Listed Building, which was requested as part of the pre application negotiations.

The proposed extension would be set down at the same level as the existing extensions, to ensure that they would be visually integrated and less prominent. The window design would also be visually integrated, with the design of the new extensions having less glazing than some of the existing recent extensions. This will serve to present a more sympathetic face to these rear elevations.

The existing ancillary pipes and vents (plant) to the current extension closest to the proposed new extension (east elevation) will be integrated visually by close board screening in order to improve the overall presence of the new extensions.

In this case English Heritage have stated that the development will not have a substantial impact upon the heritage asset and it is necessary to consider the development in line with Paragraph 134 of the NPPF which states that:

*'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'*

In this case there is considered to be public/economic benefits associated with this application as identified within the South Cheshire Chamber of Commerce consultation response which would outweigh the less than substantial harm.

## **11.CONCLUSIONS**

In summary, the proposal involves the redevelopment and expansion of an existing tourist/leisure and recreational facility in the open countryside. The proposed development will have a less than substantial harm upon the character and setting of the Grade I Listed Crewe Hall and will not detract from the character and appearance the open countryside or the Historic Park and Garden. In this case this harm is outweighed by the economic/public benefits. The proposed development therefore complies with Local Plan Policy BE.9 Listed Buildings: Alterations and Extensions and the provisions of NPPF.

If the Council is minded to approve an application where there is an objection from English Heritage or any of the national amenity societies then the application for Listed Building Consent should be referred to the Secretary of State. In this case an objection has been received from the Victorian Society, a national amenity society, and as a result the application will need to be referred to the Secretary of State (This applies to the application for Listed Building Consent only and not the Planning Application).

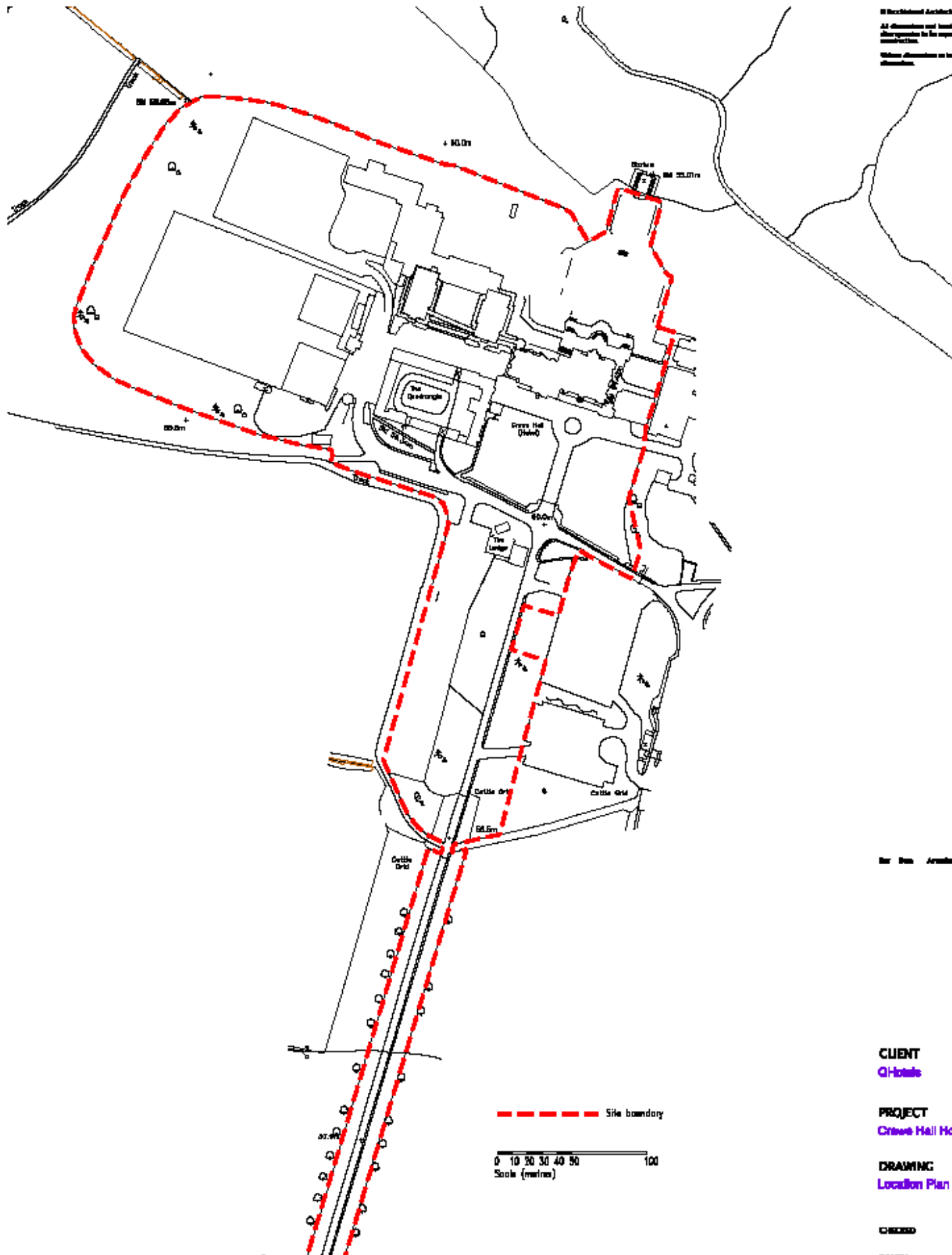
## **12. RECOMMENDATIONS**

**The application be referred to the Secretary of State with a recommendation to APPROVE subject to the following conditions**

- 1. Standard time 3 years**
- 2. Materials to be submitted to the Local Planning Authority and approved in writing**
- 3. Tree protection measures to be carried out in accordance with the submitted Arboricultural Report; Impact Assessment & Method Statement**
- 4. Details of improvements to the surface of the paths around the site to be submitted to the Local Planning Authority and approved in writing**
- 5. Details of landscaping to be submitted prior to the commencement of development. The landscaping scheme shall include additional shrub beds with large ornamental shrubs to replace those being removed as part of the building works and a proposed beech hedge to separate the proposed extension and Nesfield Garden which shall be supplied as a 'ready grown' hedge**
- 6. Implementation and maintenance of the approved landscaping scheme**
- 7. The development shall be carried out in accordance with the approved plans only**
- 8. Details of existing and proposed levels to be provided prior to the commencement of development**

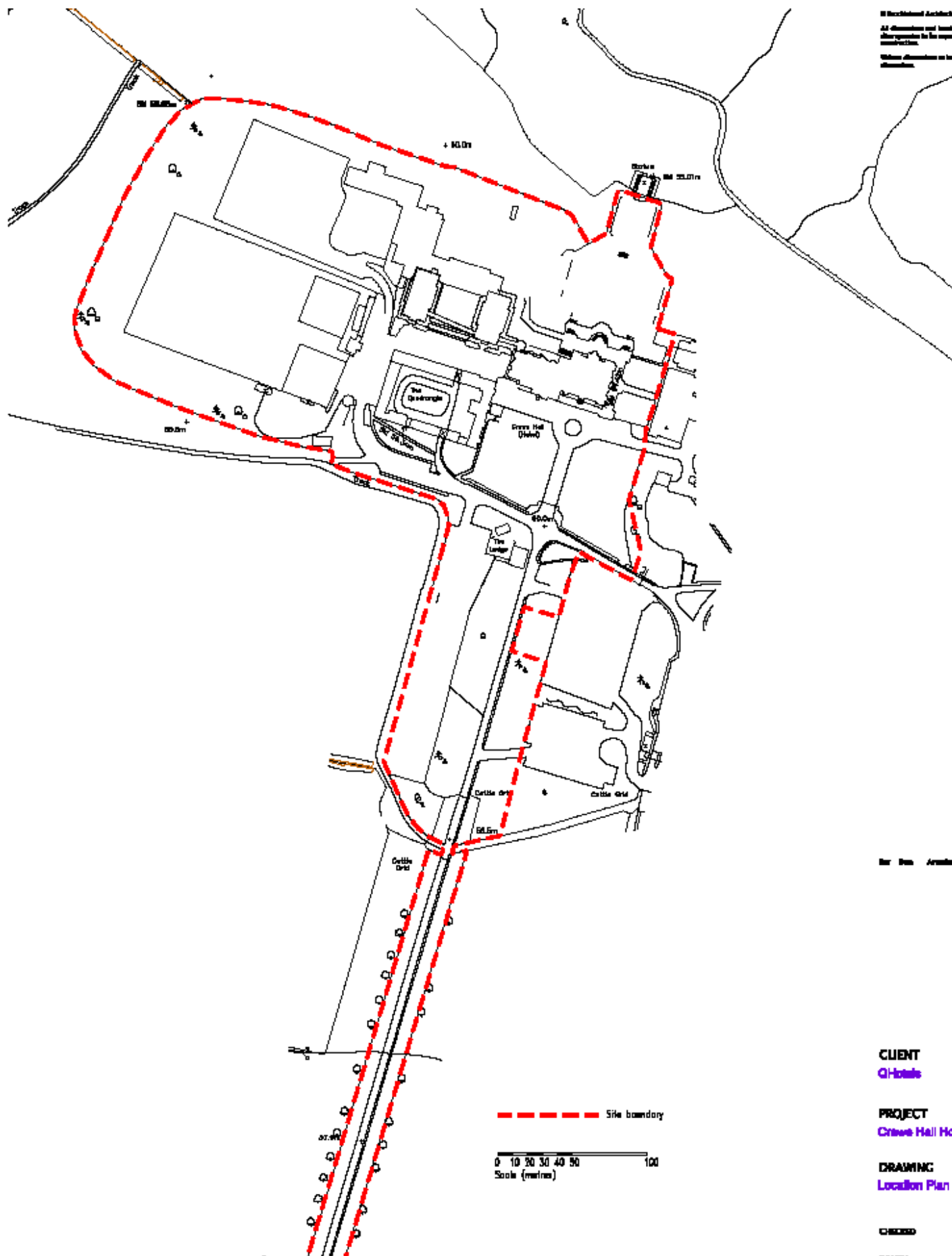
**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do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













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Application No: 14/0448N

Location: Robert Eardley & Son, Coppenhall Garage, REMER STREET, CREWE, CW1 4LS

Proposal: Proposed change of use of the Coppenhall Garage at Remer Street, Crewe to form a retail unit with associated servicing and parking area for approximately 21 cars including 2no. wheelchair accessible spaces

Applicant: Robert Eardley

Expiry Date: 19-Mar-2014

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Principle of the development
- Amenity
- Highways
- Retail Impact

**REASON FOR REFERRAL**

The application is before Committee as it has been called in by Councillor Chris Thorley on the grounds of highways and access.

**DESCRIPTION AND SITE CONTEXT**

The application site comprises an existing car showroom and associated vehicle repair shop. It is sited adjacent to the roundabout that serves Remer Street, Stoneley Road, North Street, Broad Street and Greenway.

The site is designated as being within the settlement boundary of Crewe.

**DETAILS OF PROPOSAL**

The proposal seeks full planning permission to change the use of the site from car sales (Sui-Generis) to retail use (A1). The retail use would utilise the existing showroom building and it would be converted to provide a sales floor, storage area and associated ancillary accommodation.

No material changes to the existing elevations or extensions are proposed as part of this application.

## **RELEVANT HISTORY**

13/3976N    2013    Withdrawn application for change of use to retail unit

There are also several historic applications on this site, none of which are relevant to this application. However; Outline consent has been granted for a residential development of 650 dwellings, a public house and associated infrastructure (11/1643N Coppenhall East) to the north of the site.

## **POLICIES**

### **National Guidance**

National Planning Policy Framework

### **Local Plan**

BE.1 - Amenity  
BE.2 - Design Standards  
BE.3 - Access and Parking  
E.4 – Development on Existing Employment Areas

### **Cheshire East Local Plan Strategy**

Members are aware that the submission version of the new local plan is now in the public domain. This will be presented to the Strategic Planning Board and full Council at the end of February. Subject to this being accepted an update will be provided in relation to this issue.

## **CONSIDERATIONS (External to Planning)**

### **Environmental Health:**

Recommend conditions relating the following;

- hours of construction
- hours of operation
- external lighting
- acoustic enclosure of fans
- bin storage
- travel planning

### **Highways:**

Recommend refusal of the application due to lack of information.

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

None received at the time of report writing.

## **OTHER REPRESENTATIONS**

None received at the time of report writing.

## **OFFICER APPRAISAL**

### **Principle of Development**

The application site is within the settlement boundary of Crewe where there is a presumption in favour of development.

Policy E.4 allows for the re-use, re-development or intensification of the use of the land within existing employment areas, The proposal is considered to be in compliance with Policy E.4.

The proposal includes provision of a convenience store of 500sqm in floor area.

The site lies outside the town centres of Crewe and Nantwich, as defined in the Local Plan, where Policy S.10 states that major retail developments will be permitted only if all of a number of criteria are met. According to the supporting text major proposals for the purposes of this policy will be regarded as those with a gross floorspace of over 2500 sq. m.

Similarly, the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. However, it goes on to state that local planning authorities should only require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m).

The Local Plan policies have been saved. As a result, it is concluded that the proposal is in accordance with the up-to-date development plan. The total floorspace within proposed local centre would remain under the 2,500sq.m. Therefore, under the provisions of both the Local Plan Policy and the NPPF, it is not necessary for the developer to demonstrate that there is a proven need for the development; a sequential approach to site identification has been followed; or that the proposal, either by itself or together with other shopping proposals or developments, will not harm the vitality or viability of another shopping centre. Furthermore, the proposed store would improve considerably the sustainability credentials of the surrounding area including the nearby proposed development. The revised proposal is therefore acceptable in terms of retail impact.

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.

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.

According to the statement, *“in determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery.”*

The proposal is therefore in accordance with the relevant provisions of the NPPF and in accordance with policy.

## **Design and Scale**



The proposal is for the change of use of this existing car showroom and associated vehicle repair shop and no external alterations are proposed as part of the application. The design and scale of the site will therefore not be altered.

### **Amenity**

The site is close to residential properties and Environmental Protection have requested conditions to control the hours of use, the acoustic enclosure of any fans, bin storage and any external lighting in order to protect residential amenity. This is considered to be necessary and reasonable.

The Transport Assessment of the proposed development indicates that there will be an impact of road traffic volumes and as a result a small adverse impact in air quality emissions in the area. The cumulative impact of a number of developments in the Crewe area (regardless of their individual scale) has the potential to significantly increase traffic emissions and as such adversely affect local air quality for existing residents by virtue of additional road traffic emissions.

The Transport Statement submitted with the scheme makes reference to the accessibility of public transport, walking and cycling routes. The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions. However it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years. (The Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow charging of electric vehicles in new, developments.

Having regard to the issues discussed above, it is considered necessary to impose a condition requiring the provision of individual Travel Plans, including the provision of electric vehicle infrastructure on a minimum of one parking space.

Given the existing use of the site it is not considered that the change of use would have any significant adverse impact on amenity subject to the conditions proposed.

The proposal is therefore considered acceptable and in compliance with Policy BE.1 of the adopted local plan.

### **Highways**

The key issue relating to this proposal is highway safety. As part of the Coppenhall East development there will be alterations made to the roundabout which is adjacent to the site.

The Strategic Highways Manager (SHM) recommended refusal of the previous application due to lack of information. As a result this application offers a revised Transport Statement with stage one Road Safety Audit, revised design drawings and car-park accumulation figures. Assessment has been made for the existing roundabout arrangement and the proposed new roundabout which will be developed with the Coppenhall East housing

development. There is also a drawing showing delivery vehicle tracking which shows access taken from the roundabout and egress via Greenway with an enforced left turn down Broad Street which is unsatisfactory. 21 car spaces are shown to serve the proposed retail store and traffic generation numbers have been derived from the TRICS database specifically for a food retail use.

The Traffic Statement predicts that the traffic generation from the store in terms of additional traffic will be minimal given many of the trips will already be on the highway network however it must be remembered that these trips will still take access and egress to and from the site onto the existing or new roundabout and they are likely to be in peak traffic times.

Examination of the revised information revealed continuing concerns regarding the service vehicle access strategy and the likely compromise of the safe operation of the revised roundabout design for the Coppenhall East housing development. This was questioned by the CEC safety audit team along with a number of other minor issues and these were communicated to the applicant's highway consultant.

On the 27th February a completely new service vehicle access strategy was provided showing the vehicle access taken via Greenway and exiting onto the roundabout – the reverse of the previous proposal. The provided service vehicle tracking is very tight against pedestrian desire lines and shows splitter-island hatching areas to be compromised. No safety audit is provided for this new access strategy. The CEC safety audit team have expressed related concerns.

Despite the parking accumulation figures which show that for the most part the provided car-parking will adequately serve the site the fact remains that as most of the visiting vehicles are demonstrated to be on the network rather than new trips there remains some concern about parking displacement from the site. Certainly other similar sites around the Borough can generate displaced parking at times and particularly when on-site parking prevents appropriate delivery movements and delivery vehicles are compromised. Displaced parking would not be acceptable.

In addition the traffic generation from the customer car park will be direct onto the new roundabout and whilst it is acknowledged that the emerging vehicle numbers will be low, their times of generation are very different from the existing use. The Road Safety Audit has not strictly considered the interaction of these vehicles with those circumnavigating the roundabout and it is not considered that the provision of a warning sign is sufficient to mitigate the safety audit concerns.

As a result the S.H.M. still considers that there are unresolved issues with this proposal, especially given the very late information provided and must therefore recommend refusal of this application on lack of information and highway safety grounds.

## **CONCLUSIONS AND REASONS FOR THE DECISION**

In conclusion, the proposal is acceptable in principle, there would be no change to the design and scale of the building and subject to conditions there would be no significant adverse impact on residential amenity.

Having regard to issues of highway safety insufficient information has been submitted in order to assess the application on highway safety grounds.

**RECOMMENDATION:**

**Refuse for the following reason:**

1. Insufficient information has been submitted with the application relating to highway safety in order to assess adequately the impact of the proposed development having regard to highway safety. In the absence of this information, it has not been possible to demonstrate the proposal would comply with the Development Plan policies or other material considerations.

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Application No: 13/4830N  
Location: PUSEY DALE FARM, MAIN ROAD, SHAVINGTON, CW2 5DY  
Proposal: Erection of new dwelling  
Applicant: Stuart Shaw  
Expiry Date: 08-Jan-2014

**SUMMARY RECOMMENDATION****REFUSE****MAIN ISSUES****Impact of the development on:-**

**Planning Policy and Housing Land Supply  
Highway Safety and Traffic Generation  
Hedgerow and Tree Matters  
Ecology  
Design  
Amenity**

**REASON FOR REFERRAL**

The application has been called in to Southern Planning Committee by Councillor David Brickhill on the following grounds:

*"I am calling in application 13/4830N which is a resubmission of a previous application which was refused by an officer under delegated powers. I support this application and wish my fellow councillors to consider it for approval. It is for one new house situated on the applicants land intermediately between houses fronting Main Road Shavington and his own house, which is set a distance back from the road. The parish council considered it last night and had no objection. On the previous application there were no objections from neighbours. I therefore believe that this application should be approved and would be allowed on appeal especially under the current no local plan circumstances. I am prepared to speak on the applicants behalf to the committee as indeed is the applicant themselves."*

**DESCRIPTION OF SITE AND CONTEXT**



The application site covers an area of approximately 1321sqm and is located to the west of Main Road, Shavington. It is sited to the rear of existing dwellings on Main Road and to the east of Pusey Dale Farm. There are several trees on the eastern boundary of the site. Access would be taken from the existing access to Pusey Dale Farm which also serves three other dwellings.

The site has a public footpath running through it and is designated as being within the Open Countryside and Green Gap in the adopted local plan.

## **DETAILS OF PROPOSAL**

This application is for full planning permission for the erection of one dwelling. The dwelling would be two-storey with four bedrooms and would have a barn like appearance.

## **RELEVANT HISTORY**

13/3499N 2013      Refusal for one dwelling for the following grounds:

1.      *The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy NE.2 (Open Countryside) and NE.4 (Green Gaps) and the principles of the National Planning Policy Framework and create 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.*

2.      *The proposed development will clearly erode the physical gaps between the built up areas and fundamentally change the existing agricultural landscape character into a domestic character and so is contrary to policy NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan which seeks to maintain the definition and separation of existing communities and prevent Crewe and Shavington merging into one another.*

## **POLICIES**

### **National Planning Policy**

National Planning Policy Framework

### **Local Plan policy**

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.6 – Development on Potentially Contaminated Land

NE.2 – Open Countryside

NE.4 – Green Gaps

NE.5 – Nature Conservation and Habitats

NE.9 – Protected Species

## NE.17 – Pollution Control

### Cheshire East Local Plan Strategy

Members are aware that the submission version of the new local plan is now in the public domain. This will be presented to the Strategic Planning Board and full Council at the end of February. Subject to this being accepted an update will be provided in relation to this issue.

### Other Considerations

‘Planning for Growth’

‘Presumption in Favour of Economic Development’

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

### CONSULTATIONS (External to Planning)

#### United Utilities:

None received at the time of report writing.

#### Strategic Highways Manager:

No objection.

#### Environmental Health:

Recommend conditions relating to hours of construction and piling.

#### Public Rights of Way:

The development will affect Public Footpath Rope No. 4, as recorded on the Definitive Map of Public Rights of Way held at this office (working copy extract attached). An application is currently in progress to divert this footpath and we therefore have no objection to the planning application.

The PROW Unit expects that the Planning department will ensure that any planning conditions concerning the right of way are fully complied with. In addition, advisory notes should be added to the planning consent as follows:

*"No change to the surface of the right of way can be approved without consultation with the PROW Unit. The developer should be aware of his/her obligations not to interfere with the public right of way either whilst development is in progress or once it has been completed; such interference may well constitute a criminal offence. In particular, the developer must ensure that:*

- *there is no diminution in the width of the right of way available for use by members of the public*
- *no building materials are stored on the right of way*

- *no damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way*
- *vehicle movements are arranged so as not to unreasonably interfere with the public's use of the way*
- *no additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature*
- *no wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right of way or allowed to interfere with the right of way*
- *the safety of members of the public using the right of way is ensured at all times"*

If the development will temporarily affect the right of way then the developer must apply for a temporary closure of the route (preferably providing a suitable alternative route). The PROW Unit will take such action as may be necessary, including direct enforcement action and prosecution, to ensure that members of the public are not inconvenienced in their use of the way both during and after development work has taken place.

Please note the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights of way exist which have not been recorded, and of which we are not aware. There is also a possibility that higher rights than those recorded may exist over routes shown as public footpaths and bridleways.

## **VIEWS OF THE PARISH COUNCIL**

No objection.

## **OTHER REPRESENTATIONS**

None received at the time of report writing.

## **APPLICANT'S SUPPORTING INFORMATION**

- Planning Statement

This document is available to view on the application file.

## **OFFICER APPRAISAL**

### **Principle of Development**

The site lies in the Open Countryside and Green Gap as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2, NE.4 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it



constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Members should note that on 23<sup>rd</sup> March 2011, the Minister for Decentralisation, Greg Clark published a statement entitled ‘Planning for Growth’. On 15<sup>th</sup> June 2011, this was supplemented by a statement highlighting a ‘presumption in favour of sustainable development’ which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

*“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”.*

### ***Housing Land Supply***

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

*“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.*

The NPPF clearly states at paragraph 49 that:

*“housing applications should be considered in the context of the presumption in favour of sustainable development. 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.”*

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

*“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

n any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or  
n specific policies in the Framework indicate development should be restricted.”

A number of recent appeal decisions have concluded that the Council has not conclusively demonstrated a five year supply of deliverable housing land, founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013. However, the Council has recently published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Borough's five year housing land requirement is 8,311. This is calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It includes a 5% buffer, which is considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times has been applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply have been 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, have also been taken on board.

Sources of supply include sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accords with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance*.

A discount has been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission have been identified and could contribute to the supply if required. However, these sites are not relied upon for the five year supply at present.

The current deliverable supply of housing is assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer', the *Five Year Housing Land Supply Position Statement* demonstrates that the Council has a 5.87 year housing land supply. If a 20% 'buffer' is applied, this reduces to 5.14 years supply.

In the light of the above the Council will demonstrate the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the emerging draft strategy of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not

relied upon with the Cheshire East Local Plan Strategy – Submission Version or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

### **Open Countryside Policy**

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings Congleton and Crewe Road, Gresty Green 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. Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time.

### **Green Gap**

As well as lying within the Open Countryside, the application site is also within the Green Gap. Therefore, as well as being contrary to Policy NE.2, it is also contrary to Policy NE.4 of the Local Plan which states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would:

- result in erosion of the physical gaps between built up areas;
- adversely affect the visual character of the landscape.

In allowing a recent Appeal relating to a site at and adjoining Rope Lane, which was also located within the Green Gap the Inspector determined that Policy NE.4 is not a freestanding policy; its genus is in Policy NE.2 and if Policy NE.2 is accepted as being out-of-date, then it must follow that Policy NE.4 must also be considered out-of-date for the purposes of applying Framework policy.

However, given that the Council now has a 5 year supply of housing land, it is no longer considered that Policy NE.2 is out of date. Furthermore, as detailed, above, more recent Appeal decisions in Cheshire East have indicated that even in a scenario where no five year housing land supply exists Open Countryside policy remains up-to-date and consistent with the Framework and must be taken into account in the “planning balance”. Therefore, following the Rope Lane Inspector’s logic, Policy NE.4 must also still stand.

This proposed development when taken cumulatively with the Rope Lane site which has been allowed at Appeal will completely eradicate the physical gap between Shavington and Crewe and the proposal would therefore clearly be contrary to Policy NE.4. The impact on the landscape is discussed in greater detail below.

Policy NE.4 goes on to state that exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available. Through the emerging Development Strategy it has been demonstrated that there are a number of sites on the periphery of Crewe which, although designated as Open Countryside, are not subject to Green Gap policy and can be used to address the Council’s housing land supply shortfall and which would not contravene the provisions of Policy NE.4.

### **Highways Implications**

The dwelling would be served by an existing access which is considered to be acceptable by the Strategic Highways Manager. In addition there is adequate space for the parking of a minimum of three vehicles.

The proposal is therefore considered to be in compliance with Policy BE.3 (Highways & Parking).

### **Amenity**

The siting of the dwelling means that all the minimum separation distances to neighbouring properties would be exceeded. There would be an adequate level of private open space for future occupiers of the dwelling.

The proposal is therefore considered to be acceptable and in compliance with Policy BE.1 (Amenity).

### **Public Rights of Way**

A Public Right of Way, namely Public Rope No.4, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way, would be affected by the proposed development.

The PROW has no objection to the proposal as an application is currently in progress to divert the footpath.

### **Design**

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

*“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

The proposed dwelling has been designed in such a way as to have the appearance of an agricultural building and would be constructed of traditional materials such as Cheshire brick and clay tiles. This form of design is considered to be appropriate and in keeping with the character of neighbouring properties and the surrounding area.

### **Ecology**

There is a pond in close proximity to the site, however it contains a large number of fish and as such the Council's Ecologist has confirmed that there is unlikely to be any adverse impact on Great Crested Newts. No other adverse impacts on ecology are anticipated to result from the proposed development.

### **Agricultural Land**

Policy NE.12 (Agricultural Land Quality) of the Crewe and Nantwich Replacement Local Plan has been saved. The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

It is not known what grade this parcel of land is classified as. However; given the scale of the proposal and the siting of the plot of the land, it is not considered that its loss would be significantly detrimental.

## **CONCLUSIONS**

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the recently published 5 Year Supply Position has shown that the Council can demonstrate a supply of between 5.14 to 5.87 year housing land supply.

Details of amenity, design, ecology and highway safety are considered to be acceptable.

However, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside and Green Gap, and as a result, the proposal is considered to be unsustainable and contrary to policies NE2 and NE4 of the local plan and the provisions of the NPPF in this regard.

## **RECOMMENDATIONS**

### **REFUSE:**

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy NE.2 (Open Countryside) and NE.4 (Green Gaps) and the principles of the National Planning Policy Framework and create 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 Pre-. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

2. The proposed development will clearly erode the physical gaps between the built up areas and fundamentally change the existing agricultural landscape character into a domestic character and so is contrary to policy NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan which seeks to maintain the definition and separation of existing communities and prevent Crewe and Shavington merging into one another.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons

for approval/refusal) prior to the decision being issued, the Planning and Interim Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



[illegible]



Application No: 13/5295N

Location: Linden Court, HUNGERFORD AVENUE, CREWE, CW1 6HB

Proposal: Variation of condition 2 on approval 13/0019N - 22 No. new residential units, predominantly two storey semi-detached dwellings with 6No. 1 bedroom flats and a new access road

Applicant: Ann Lander, Wulvern Housing

Expiry Date: 17-Mar-2014

**SUMMARY RECOMMENDATION**

Approve with conditions

**MAIN ISSUES**

- Principle of Development
- Residential Amenity
- Tress and Landscape
- Design and Layout
- Highway Safety

**REASON FOR REPORT**

This application has been referred to the Southern Planning Committee in accordance with the Council's Scheme of Delegation as the proposal is for the variation of a condition of a development which was approved by the Committee.

**DESCRIPTION OF SITE AND CONTEXT**

The application site is situated within the Settlement Boundary for Crewe, off Hungerford Avenue. The site is located within a predominantly residential area, with a large area of public open space situated directly to the south.

The former buildings have recently been demolished under prior notification reference number 12/3751N with approval granted for 22 residential properties predominantly two storey semi-detached dwellings with six one bedroom flats and a new access road under application 13/0091N.

**DETAILS OF PROPOSAL**

This is a retrospective application seeking approval for the variation of condition 2 (Approved Plans). The development has already been implemented.

Due to a setting out error during the construction of the originally approved scheme, blocks 15-17, 6-8 and 9-10 have been implemented a distance of 1.19 metres south from the originally approved position.

This application has been submitted to regularise the situation.

## **RELEVANT HISTORY**

12/3751N - Demolition of 32 Units of Accommodation at Linden Court – (prior notification) – Approved, no further details required 31<sup>st</sup> October 2012

13/0019N – 22No residential units – approved with conditions 2013.

## **POLICIES**

### **Cheshire East Local Plan Strategy**

Members are aware that the submission version of the new local plan is now in the public domain. This will be presented to the Strategic Planning Board and full Council at the end of February. Subject to this being accepted an update will be provided in relation to this issue.

### **Crewe & Nantwich Borough Council Local Plan Policy**

#### **Nantwich Settlement Boundary**

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.5 – Nature Conservation and Habitats

NE.9 – Protected Species

#### **National Planning Policy Framework**

## **CONSIDERATIONS (External to Planning)**

### **Housing**

No objection

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

None received at time of writing this report

## **OTHER REPRESENTATIONS**

None received

## **APPLICANT'S SUPPORTING INFORMATION**

None received

## **OFFICER APPRAISAL**

### **Principle of Development**

The application site is located within the Crewe Settlement Boundary and Policy RES.2 of the Adopted Local Plan allows for residential development on unallocated sites in Crewe.

The principle of residential development on this site has been accepted with permission 13/0019N which granted approval for 22 residential units. Therefore, this application seeks to determine if the proposed variation of the approved plans condition would lead to any additional impacts caused by the development with regards to Local Plan Policy.

### **Amenity**

The development site is surrounded by residential properties on three sides with an area of public open space to the south.

In terms of the residential amenity of neighbouring dwellings the proposed variation of the approved plans condition will not bring the proposed development any closer to existing neighbouring dwellings along Gresty Terrace to the west.

### **Design**

This application seeks approval for the re-siting of three of the previously approved residential blocks (A, B and C on the submitted site layout R-0022-101 rev X) by 1.19 metres to the south.

This will result in the loss of a 1.2 metres wide strip of land adjacent to the footpath to the south of block C and a change to the front/rear garden ratio to blocks A and B; however the amount of garden space within each plot will remain as approved.

The elevations of the three blocks in question will not be altered from that of the approved. Likewise the approved road and footpath layout will not be altered.

Further to this the approved internal road/footpath layout of the development will not be changed. Accordingly, it is considered that the changes as applied for are design neutral within the context of the overall scheme.

### **Conclusion**

It is considered that the proposed variation of the approved plans condition of permission 13/0019N will not materially change the development that has been previously approved. Furthermore, the proposal complies with the relevant Local Plan policies.

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

It is considered that the variation of condition would not create any additional impact with regards to Local Plan Policies BE.1 (Amenity), BE.2 (Design) and NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, than the scheme originally approved under application 13/0019N. As a result, the proposal to amend the conditions is recommended for approval.

## **RECOMMENDATIONS**

**APPROVE** subject to the following conditions

- 1. Standard time 3 years**
- 2. Revised Plans**
- 3. Hours of construction limited to 08:00 to 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays**
- 4. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays**
- 5. Prior to installation details of external lighting shall be submitted to and agreed in writing by the Local Planning Authority.**
- 6. Dust Control to be implemented as submitted and approved.**
- 7. Development to be carried out in accordance with the Phase II Contaminated Land Assessment as submitted to the LPA.**
- 8. Development to be carried out in accordance with the previously approved materials details.**
- 9. The development shall be carried out in accordance with the approved details of the landscaping scheme**
- 10. The proposed development shall be carried out in accordance with the previously approved information regarding the protection of trees during construction Submission of updated arboricultural method statement to include details of key contacts, and an auditable schedule of arboricultural supervision which includes the construction of the proposed retaining structures**
- 11. The development shall be carried out in accordance with the approved details of services routes**
- 12. The development to be carried out in accordance with the approved details of the bin storage area. Implementation of Boundary Treatment.**
- 13. Dwellings to be retained as affordable housing**
- 14. Drainage details to be submitted**
- 15. Highway and car parking works to completed prior to first occupation**
- 16. Removal of permitted development rights, extensions and outbuildings**

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

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