

Southern Planning Committee

Agenda

Date:	Wednesday, 9th April, 2014
Time:	1.00 pm
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

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

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

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

1. Apologies for Absence

To receive apologies for absence.

2. Declarations of Interest

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

3. Minutes of Previous Meeting (Pages 1 - 14)

To approve the minutes of the meeting held on 12 March 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 with any apologies or requests for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

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

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

5. **14/0381N Land at Bunbury Heath, Whitchurch Road, Bunbury: Outline application for erection of two detached family houses and double garages, closing of existing shared access and provision of new shared access with associated landscaping for James France-Hayhurst** (Pages 15 - 28)

To consider the above planning application.

6. **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** (Pages 29 - 38)

To consider the above planning application.

7. **14/0183N Adj 16 Huntersfield, Shavington, Crewe CW2 5FB: 4 no. detached houses and ancillary works for Renew Land Developments Ltd** (Pages 39 - 46)

To consider the above planning application.

8. **14/0084N Land at Maw Green Road, Crewe CW1 4HH: Erection of 8 No. Dwellings, Vehicular Access, Associated Car Parking and Landscaping for RJC Regeneration Ltd** (Pages 47 - 58)

To consider the above planning application.

9. **12/3427N Existing P.E.T. Hire Centre Limited 68- 70, Earle Street, Crewe CW1 2AT: Variation of Condition 2 on Planning Permission P01/0074 to Allow for A1 Non-Food Retail for Carl Banks, P.E.T. Hire Centre Limited** (Pages 59 - 70)

To consider the above planning application.

10. **13/4648N Former Stapeley Water Gardens, London Road, Stapeley, Cheshire CW57LH: Replan of plots 110-120 at former Stapeley Water Gardens, London Road, Stapeley for David Wilson Homes** (Pages 71 - 76)

To consider the above planning application.

11. **13/4904N Land off Wrens Close, Nantwich: Full planning permission for 11 dwellings including access and associated infrastructure for Mr F Lloyd-Jones, Thomas Jones and Sons** (Pages 77 - 92)

To consider the above planning application.

12. **13/4963N Reaseheath College, Reaseheath, Nantwich, CW5 6DF: Construction of an earth bunded dirty water lagoon for Steve Challinor** (Pages 93 - 98)

To consider the above planning application.

13. **13/5162N Land East of 22 Heathfield Road, Audlem CW3 0HH: Outline application for erection of up to 26 dwellings, access and open space Resubmission of 13/3210N for Frank Hockenhull, Hockenhull Properties Ltd** (Pages 99 - 122)

To consider the above planning application.

14. **13/5284N Overwater Marina, Coole Lane, Newhall, Cheshire CW5 8AY: Variation of condition 10 (workshop repairs, servicing, cleaning/painting of hulls and maintenance) & condition 11 (hire boats) on 13/0673N for Mrs Janet Maughan** (Pages 123 - 132)

To consider the above planning application.

15. **14/0066N 114, Earle Street, Crewe, Cheshire CW1 2AQ: Demolition of Existing Dwelling House; Partial Demolition of Former Blockbuster Store and Change From Use From Class A1 To Class A3 And A5; and Associated Access and Landscaping Works for UBS Global Asset Management (UK) Limited** (Pages 133 - 140)

To consider the above planning application.

16. **14/0308C Land off Brook Street, Congleton, Cheshire: Variation of conditions 2 (Arboricultural implications) and 24 (Vehicular access) as to plan 882/P/PL01 rev K on approved application 12/0410C (residential development for 54 dwellings) for N Burns, Morris Homes North Ltd** (Pages 141 - 146)

To consider the above planning application.

17. **14/0456N 271, Newcastle Road, Wybunbury, Nantwich, Cheshire CW5 7ET: Variation of conditions 2 & 8 on approval 13/3046N - Change of use from shot-blasting heavy goods vehicles to car repairs, dismantling and salvage of parts for Mr Victor Pickering** (Pages 147 - 158)

To consider the above planning application.

18. **14/0515N New Bentley Showroom Land Adjacent Sunnybank Car Park, Crewe:
Variation of condition 9 (hours of opening) on approval 12/4373N - New build
showroom with associated car parking for Bentley Motors Ltd (Pages 159 - 164)**

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 12th March, 2014 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor G Merry (Chairman)

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

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors D Brickhill and L Gilbert

OFFICERS PRESENT

Nigel Curtis (Principal Development Officer - Highways)
Daniel Evans (Principal Planning Officer)
Rachel Goddard (Senior Lawyer)
Susan Orrell (Principal Planning Officer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors M J Weatherill, D Bebbington, R Cartlidge, J Clowes, P Groves
and D Marren

145 DECLARATIONS OF INTEREST

The following declarations were made in the interests of openness:

With regard to application numbers 13/4240N and 13/4632N, 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. He had also attended a public meeting but had kept an open mind.

Councillor P Butterill declared that she was a member of Nantwich Town Council and Nantwich Civic Society.

Councillor M Martin declared that she was a member of Crewe Town Council but was not involved in its planning considerations.

All Members of the Committee declared that they had received correspondence regarding application number 13/3294C which they had read but on which they had not commented.

146 **MINUTES OF PREVIOUS MEETING**

RESOLVED – That, subject to the following amendments, the minutes of the meeting held on 12 February 2014 be approved as a correct record and signed by the Chairman:

- The inclusion of apologies for absence from Councillor D Bebbington
- Condition 17 of minute 138 to read: 'Obscure glazing to the side elevations of plots 5 and 6'.

147 **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**

Note: Councillor D Brickhill (Ward Councillor), Parish Councillor W McIntyre (on behalf of Shavington-cum-Gresty Parish Council), Mr R Trotter and Mr D Leake (objectors) and Ms A Lander (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update, an oral report of the site inspection and an oral update by Mr D Evans, Principal Planning Officer, confirming that four additional letters of objection had been received and that Shavington-cum-Gresty Parish Council was objecting to the proposal.

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

The Local Planning Authority considers that the proposed development by reason of its design and layout would be harmful to the character and appearance of the area. As a result the proposed development would be contrary to Policies BE.2 (Design Standards) and RES.8 (Affordable Housing in Rural Areas Outside Settlement Boundaries) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

148 **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**

Note: Parish Councillor R Hovey attended the meeting and addressed the Committee on behalf of Haslington Parish Council.

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 NE2 (Open Countryside) and Res 5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan , Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version 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.

149 **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**

The Chairman reported that this application had been withdrawn by the applicant prior to the meeting.

150 **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**

Note: Councillor A Thwaite declared that he had previously worked closely with the applicant.

Note: Mr S Kennish (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, two written updates, an oral report of the site inspection and an oral update by Ms S Orrell, Principal Planning Officer.

RESOLVED

(a) 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. 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 – 18:00 hrs
Saturday 09:00 – 14:00 hrs
Sunday and Public Holidays Nil
14. Details of any External Lighting to be submitted and agreed in writing
15. Noise mitigation scheme
16. A suitable travel plan incorporating; car parking thresholds, monitoring, and remedial measures, is to be agreed with the Strategic Highways Manager and implemented prior to first occupation.
17. Details of dust suppression to be submitted and agreed in writing

18. Contaminated land details to be submitted and agreed in writing
 19. A construction access plan/lorry routing plan will be agreed by the SHM prior to first development
 20. Safeguarding Breeding Birds
 21. Implementation of submitted badger mitigation method statement including an undeveloped 20 metres buffer around the sett
 22. Tree Protection Measures
 23. Details of service routes to be submitted and agreed in writing
 24. Prior to the commencement of development an updated Arboricultural Method Statement shall be submitted and approved in writing by the LPA
 25. Hours of Construction/deliveries
- (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.

151 **13/3294C FORMER FISIONS 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**

Note: Councillor L Gilbert (Ward Councillor), Ms N Clarke (on behalf of Holmes Chapel Parish Council) and Mr G Halman (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Parish Councillor D Savage had registered his intention to address the Committee on behalf of Holmes Chapel Parish Council but did not attend the meeting and did not speak.

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 £20,000 towards the revision of local speed limit management

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/Deliveries 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
- (b) That authority be DELEGATED to the Interim Planning and Place Shaping Manager to negotiate the Hours of Use/Deliveries.
- (c) 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.

- (d) 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.

152 **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**

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

Note: Parish Councillor R Hovey (on behalf of Haslington Parish Council), Mr M Riley (objector) and Mr C Jones (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update and an oral update by Mr D Evans, Principal Planning Officer, confirming that the third paragraph under the heading 'Affordable Housing' in the officer's report was to be deleted.

RESOLVED

- (a) That the application be REFUSED for the following reasons:
 - 1. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version 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 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.
 - 2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy

NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.

- (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.

153 **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**

Note: Parish Councillor J Bond attended the meeting and addressed the Committee on behalf of Wistaston Parish Council.

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 limit
2. Approved Plans
3. Tree Protection
4. Safeguard Breeding Birds
5. Shooting range hours 10.00 to 15.00 hrs
6. Limited to .22 air rifle use and 2 at any one time
7. Implementation of the proposed noise mitigation measures.
8. Submission of landscape scheme.
9. Implementation of landscape scheme.

154 **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**

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

Note: Mr J Hancock 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, for the reasons set out in the report, the application be APPROVED 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 1st March and 31st 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
- (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.

155 **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**

Note: Mr J Hancock 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, for the reasons set out in the report, 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

(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.

- 156 **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**

The Chairman reported that this application had been withdrawn by the applicant prior to the meeting.

- 157 **13/4830N PUSEY DALE FARM, MAIN ROAD, SHAVINGTON CW2 5DY: ERECTION OF NEW DWELLING FOR STUART SHAW**

Note: Mr D Evans, Principal Planning Officer, read a statement submitted by Councillor D Brickhill (Ward Councillor), who had registered his intention to address the Committee but had left the meeting prior to consideration of this application.

Note: Mr R Ellison attended the meeting and addressed the Committee on behalf of the applicant.

Note: Mr S Shaw (applicant) had registered his intention to address the Committee but did not speak.

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

RESOLVED

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

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE2 (Open Countryside) and NE4 (Green Gaps) of the Crewe and Nantwich Replacement Local Plan , Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version 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.
- 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.

- (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.

158 **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**

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. 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
- (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.

159 **RACHEL GODDARD**

The Chairman reported that Rachel Goddard was about to leave Cheshire East Borough Council. The Committee thanked Rachel for all her hard work and wished her every success in her future career.

The meeting commenced at 1.00 pm and concluded at 6.10 pm

Councillor G Merry (Chairman)

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Application No: 14/0381N

Location: Land At Bunbury Heath, WHITCHURCH ROAD, BUNBURY

Proposal: Outline application for erection of two detached family houses and double garages, closing of existing shared access and provision of new shared access with associated landscaping

Applicant: James France-Hayhurst

Expiry Date: 17-Mar-2014

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Principle of Development
- Housing Land Supply
- Residential Amenity
- Design and Layout
- Open Countryside
- Highway Safety

DESCRIPTION OF SITE AND CONTEXT

The application site is a garden/paddock found on the west side of the A49, Bunbury Heath with the open countryside and outside of the Settlement Boundary for Bunbury.

To the north lies a cluster of residential dwellings. To the south is a track, beyond which is a small field before there is another cluster of residential properties.

The site is border to the east and south (frontages with the highway) with a substantial mature hedge.

DETAILS OF PROPOSAL

This application seeks outline approval for one detached single storey dwelling on the site. All matters are reserved, apart from access, for subsequent approval, however indicative plans have been submitted to provide parameters of what could be achieved. These plans show two detached dwellings of approximately 98 square metres each with a detached garage of approximately 43 square metres. It has been indicated that the ridge height of the proposed dwellings would be between 8.5 metres and 8.75m with eaves height at between 5 metres and 5.2 metres.

It has also been indicated that the ridge height of the proposed detached garages would be between 5.3 metres and 5.6 metres with the eaves height being between 2.4 to 2.6 metres.

RELEVANT HISTORY

P95/0777 – Vehicular access and change of use of land to residential – approved with conditions 1995

P97/0222 – Vehicular access – approved with conditions 1997

POLICIES

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 28th 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.

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

SD.1 Sustainable Development in Cheshire East

SD.2 Sustainable Development Principles

SE.1 Design

PG.5 – Open Countryside

MP.1 – Presumption in Favour of Sustainable Development

Crewe & Nantwich Borough Council Local Plan Policy

BE.1 – Amenity

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

Supplementary Planning Document - Development on Backland and Gardens

National Policy

National Planning Policy Framework

Other Material Considerations

Village Design Statement (2009)

CONSIDERATIONS (External to Planning)

Environmental Health

No objection with recommended conditions:

Hours of pile driving
Hours of construction
Contaminated land

United Utilities

No objection

Highways

No objection

VIEWS OF THE PARISH / TOWN COUNCIL

Bunbury Parish Council has no objections and supports this Application, which they consider is in line with the current Village Design Statement (2009) and in keeping with the character of the surrounding area.

OTHER REPRESENTATIONS

4 letters of representation have been received which make the following points:

- Loss of privacy/daylight and outlook from neighbouring dwellings to the north of the application site
- Disruption during construction
- Loss of single access
- Proposed development may be out of character with the surrounding area
- Proposed access will not be safe
- Overshadowing and overlooking
- Potential relocation of existing road signs and electricity poles impeding outlook from neighbouring properties
- Disturbance to road surface from access to existing drainage
- Could set a precedent for further development encroaching on green space along the A49

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Habitat Survey

OFFICER APPRAISAL

Principal of Development

The site lies largely in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 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.

Policy PG.5 (Open Countryside) of the Cheshire East Local Plan Strategy – Submission Version is consistent with Policy NE2 and can therefore be accorded weight in this determination.

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.

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 Cheshire East Local Plan Strategy – Submission Version, 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 within the 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 and Infilling a Small Gap

Policy NE2 (Open Countryside) allows for development which would infill a small gap with one or two dwellings in an otherwise built up frontage.

The existing development along the section of the A49 which contains the application site mainly takes the form of ribbon development with a cluster of properties to the north of the site and a handful to the south. However, it is not considered that there is a strong building line with pockets of development appearing sporadically along the A49 in the wider context.

The gap between the existing dwellings to the north of the site and those to the south is approximately 105 metres. An appeal decision from 2012 (Inspectorate ref: APP/R0660/A/12/2169141 Council ref: 11/4228N, 202 Crewe Road, Haslington) considered what could be considered as a “small gap”. In this instance the gap between two dwellings in which the application site was situated was approximately 75 metres. In paragraph 8 of the appeal decision the Inspector states that:

“This distance has not been contested and represents a substantially greater gap than that which could be reasonably be considered as being ‘small’.”

Further to this an appeal decision (APP/K0615/A/08/2084048) relating to application P08/0656, Estele, London Road, Stapeley the inspector stated in paragraph 6 of the appeal decision that:

“The appeal site forms part of the land separating Estele from the neighbouring semi-detached property, Hollies. Within this area are two garages, one between the site and the side elevation of Estele and the second located inside the front boundary of Hollies adjacent to the boundary with the appeal site. While the presence of the garages reduces the size of the gap between the dwellings I do not consider that they consolidate it to such an extent that the development would appear as an integral part of the existing sporadic group of dwelling.”

And in paragraph 7:

“I therefore conclude that the proposed development would not constitute infill development and would thus materially harm the character and appearance of the open countryside, contrary to Policies NE.2 and RES.5 of the Crewe and Nantwich Replacement Local Plan 2011.”

The gap between the two above properties in the above application and subsequent appeal was approximately 46 metres.

With the above in mind it is not considered that the proposed development would constitute an 'infill' plot when viewed in context with the surrounding area and in the spirit of the Policy.

Therefore the proposed development is not in accordance with Policy NE2 of the Local Plan and PG.5 (Open Countryside) of the Cheshire East Local Plan Strategy – Submission Version.

Sustainability

The sustainability of the site is another key issue in the assessment of this application. The Framework supports a presumption in favour of sustainable development and with regard to new dwellings in the Open Countryside stating in paragraph 55 that housing should be located where it will enhance or maintain the viability of rural communities.

Due to the isolated location of the site, the closest amenities and services are found in the centre of Bunbury which is approximately 1000 metres away. It is noted that a public footpath can be used which reduces the distance to the services at the centre of Bunbury by approximately 150 metres, however this will not always be practicable, especially during winter months.

To aid the assessment as to whether the application site is located within a sustainable location, 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 facilities which developments should aspire to achieve. The performance against these measures is used as a "Rule of Thumb" as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The toolkit sets maximum distances between the development and local amenities.

These comprise of:

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

- Children's playground (500m)

The accessibility of the site shows that following facilities meet the minimum standard:

- Primary School (1000m) – 800m
- Local meeting place (1000m) – 1000m
- Bus Stop (500m) – 320m
- Public Right of Way (500m) – 53m
- Public House (1000m) – 1000m
- Supermarket (1000m) – 1000m

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

- Post box (500m) – 1000m
- Convenience Store (500m) – 1000m
- Outdoor Sports Facility (500m) – 800m
- Child Care Facility (nursery or crèche) (1000m) - 1200m

The following amenities/facilities fail the standard:

- Bank or cash machine (1000m) – 1803m
- Pharmacy & Medical Centre (1000m) – 2145m
- Railway station (2000m where geographically possible) – over 3000m
- Secondary School (1000m) – 4500m
- Children's Play Space (500m) – 1100m
- Amenity Open Space (500m) – 2500m

In terms of the economic, social and environmental role of planning, it is considered that, there are significant environmental dis-benefits of the scheme in terms of the impact upon open countryside. The proposed development would create two relatively isolated dwellings and result in the erosion of the substantial gap of approximately 105 metres between the existing dwellings to the north and those to the south of the application site. This in turn will lead to a harmful loss of open countryside along the A49 through Bunbury Heath.

Any economic benefits, which are likely to be limited to construction, would be limited. In addition there are social dis-benefits of the sites unsustainable location and little services and in the area to maintain and enhance. Any benefits of the scheme are significantly outweighed by the harm caused by the development.

Whilst the issues raised as part of the application have been fully considered, it is not considered that the proposal would not comply with policy NE.2 of the Local Plan, and would lead to the creation two isolated dwellings in a rural area, therefore contrary to advice within the Framework. Whilst Housing Land Supply and the creation of jobs and increased spending within the economy can be cited as being in favour of the development, the planning balance would not tip the balance in favour of the proposal.

Amenity

The Supplementary Planning Document on Development on Backland and Gardens advises that a distance of 21 metres should ideally be achieved between principal elevations of dwellings, with 13.5 metres between a principal elevation with habitable rooms and a side or blank elevation.

In terms of the residential amenity of neighbouring dwellings the submitted indicative layout shows that that proposed dwellings would be approximately 37 metres from the neighbouring dwellings to the north of the site.

To the dwellings to the south there is a distance of approximately 47 metres, while to the east there is a distance of approximately 35 metres to the nearest dwelling. Therefore the proposed development exceeds the recommended spacing distances between new and existing dwellings.

Furthermore, it is not considered that the proposed development would have a significantly detrimental effect upon surrounding residential dwellings in terms of loss of light, loss of privacy, overshadowing or overlooking.

As a result the proposed development is in accordance with Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Design

This is an Outline application, as such only a site layout with the indicative sizes of the proposed dwellings and detached garages have been submitted.

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided. In addition an **indicative** layout has been submitted.

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 design of the proposed development will be considered through the submission of a Reserve Matters or Full Planning application should this application be approved.

Highways and Access

It is proposed that the existing access to Orchard House and Orchard Barn be closed with the access to these and the two proposed dwellings being taken from a new access approximately 4 metres to the south of the existing.

The Applicant has indicated limited visibility at the existing access to Orchard House/Barn. The proposed access, for all three dwellings, lies just to the south and will provide improved visibility. The visibility is considered adequate for this location with a speed limit of 30mph.

The development proposals indicate suitable levels of parking for the proposed additional dwellings and the ability of the vehicles to enter and leave the site in forward gear.

Overall the Strategic Highways Manager considers the proposed access to be safe and provides for a sufficient level of car parking.

Therefore, the proposed development is in accordance with Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Other Matters

The issues raised regarding rights of access and land ownership in respect of the new access are a civil matter not something that can be controlled by the LPA.

Bunbury Village Design Statement 2009.

The Parish Council consider the proposal accords with the Bunbury Village Statement 2009. This document can be afforded only very limited weight in the determination of this application as a material consideration.

Page 16 sets out specific recommendations in regards to development in Bunbury Heath, with the relevant points to this application being:

- Future development should be small scale and not spread outside the existing built-up area
- New properties should conform to the character, scale and wherever possible, the building materials of the existing nearby properties

The design of the proposed dwellings is not for consideration at this stage.

The application site lies outside of the existing pockets of development along the A49 through Bunbury Heath. Therefore, the proposed development would not be in accordance with the Bunbury Village Design Statement since it is not within Bunbury Heath.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The site is located within the Open Countryside, as defined in the Replacement Local Plan, where according to Policy NE2 and RES5 of the Local Plan and Policy PG.5 of the Cheshire East Local Plan Strategy – Submission Version there is a general presumption against new residential development, although an exception may be made where there is the opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage.

It is not considered that the application and 'gap' between the existing dwellings to the north and the south can be accepted as an 'infill'. There have been a number of Inspectors Decisions in this area where smaller gaps in frontages have not been regarded as being 'infill' for the purposes of the Plan.

Overall, it is considered that the proposed development would be unsustainable and lead to an erosion in the physical gap between the existing pockets of development along the A49, and in turn would have a harmful effect on the surrounding open countryside.

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

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 as a result, the proposal is considered to be unsustainable and contrary to policies NE2 of the local plan and Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version

RECOMMENDATIONS

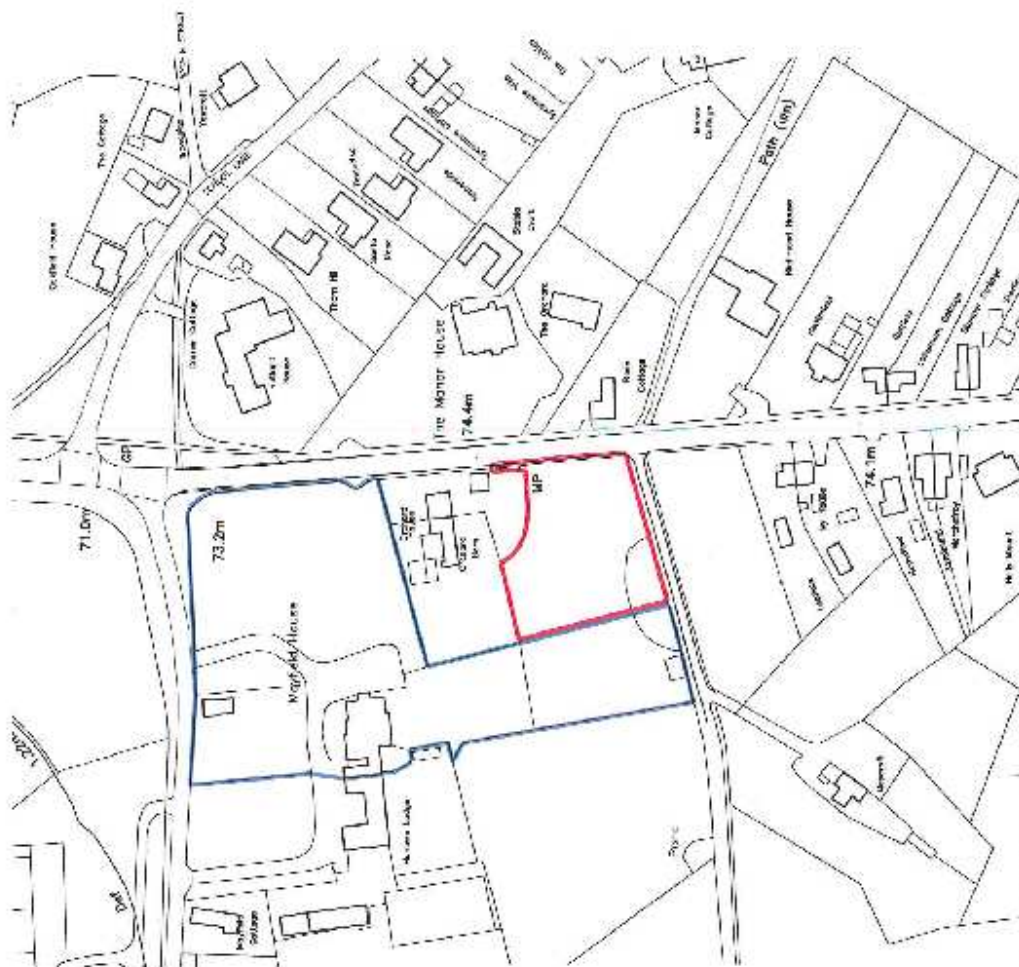
REFUSE:

1. The site lies in an area of open countryside where there is strict control over new development. The application site does not constitute a small gap in an otherwise built up frontage and therefore the proposed dwelling represents an unjustified and unwarranted intrusion into the open countryside. Furthermore, the application site is considered to be an unsustainable location. The proposal is therefore contrary to the National Planning Policy Framework and Policies NE.2 (Open Countryside) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan 2011 and Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version 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.

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 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.



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Application No: 13/4818C

Location: Sandbach County High School for Girls, Middlewich Road, Sandbach, Cheshire, CW11 3NT

Proposal: The installation of biomass boiler with ancillary plant including flue and the construction of the plan enclosure. Resubmission of 13/3444C

Applicant: Mr John Bailey, Mathieson Biomass Ltd.

Expiry Date: 08-Jan-2014

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Principle

Design

Amenity

**REASON
FOR
REFERRAL**

The application is referred to Southern Planning Committee

due to call in by Councillor Moran ; *"In view of the continued public interest and concern with this unusual application, it is considered that there are a number of key issues that should be debated and tested against appropriate policies by the Planning Committee, in particular those relating to policies GR6 and GR8, as follows:*

- 1. Adverse impact on the amenity to nearby residents, including excessive operating noise levels from the boiler and extraction equipment, along with the resultant disturbance and harm;*
- 2. Detrimental impact on amenity, again to nearby residents, due to the proximity of the flue/stack to nearby houses;*
- 3. Re-assurance that the emissions from a large scale wood burning boiler would not be excessive and not cause harm through environmental disturbance and/or pollution;*
- 4. That the flue/stack height is adequate to allow proper dispersal of emissions and pollutants, and allowing for the existing roof top plant and telecoms mast;*
- 5. Re-assurance that large volumes of fuel storage, delivery arrangements, ash removal and resultant dust will not cause issues and harm to residents and pets."*

DESCRIPTION OF SITE AND CONTEXT

The application relates to Sandbach County High School (for Girls) that is situated to the north of Middlewich Road, the main route leading out to the west out of Sandbach. The school site is situated within the Settlement Zone and the site is a protected area of open space/recreational facility by way of policy RC2 of the Congleton Borough Local Plan. Residential properties predominantly bound the application site to the north, south, east and west. The nearest dwellings are approximately 70 metres to the west and south.

Members will recall deferring this application at February Committee to undertake a Site Visit to an existing Biomass Boiler on school premises in the area.

DETAILS OF PROPOSAL

The application relates to the installation of a biomass boiler with ancillary plant including flue and the construction of the plant enclosure. The proposed boiler and plant within an enclosed space within the school complex and would be positioned towards the southern boundary of the school site to Middlewich Road. The boiler would be a combustion chamber made from fireproof ceramic with a 2-zone step grate, manufactured from solid cast chromium steel with fully automated combustion unit ash removal; fully insulated boiler casing, vertical heat exchanger with automatic mechanical cleaning. It would use wood pellets for fuel.

The boiler itself would be 4.735 metres long, 1.375 metres wide and 1.977 metres high. The boiler is to be contained within a purpose built enclosure with the following construction: blockwork walls 100 mm thick; single ply membrane roof with 18 mm moisture resistant plywood; and louvered access doors to south elevation (assumed no acoustic attenuation). The flue would be 0.3 metres in diameter and 15 metres in height would therefore project visibly 5.85 metres above the present roof height of the school.

This application is a resubmission of 13/3444C that was withdrawn to enable further discussions with Environmental Health Officers.

POLICIES

National Planning Policy

National Planning Policy Framework

Local Plan Policy

GR1 (New Development)

GR2 (Design)

GR6 (Amenity and Health)

RC2 (Protected Areas of open Space)

Emerging Planning Policy

SE1 (Design)

SE 8 (Renewable and Low Carbon Energy)

CONSULTATIONS (External to Planning)

Environmental Health: At a committee hearing on 12 February the decision on this application was deferred in order to find out more information on the technology. Specifically committee members requested that;

- Regulatory Services and Health Officers visit a similar installation
- Planning committee members visit a similar installation
- Further information on noise
- More information on Deliveries
- More information on fuel types
- Further information on the Air Pollution Model / assessment undertaken
- Question on how the new system compares with the existing system
- Ash disposal

Regulatory Services and Health officers visited a Biomass Boiler installed at Upton by Chester High School, Chester. The boiler was a smaller capacity (350mw as opposed to the 800mw proposed at Sandbach School) however the system is comparable in terms of noise and emissions.

Noise

The noise sources related to the installation are as follows:

- Pumps
- Fans
- The fuel delivery auger (intermittent)
- Deliveries of fuel to the site

It was noted that residential properties were in closer proximity (~40m) to this installation than the proposed installation in Sandbach. It was also noted that the building enclosing the boiler is of a similar construction to the proposed building in Sandbach, is surrounded by School classrooms and is in a courtyard enclosed on 3 sides by the higher school buildings so in a similar position to the proposed application boiler within the school premises at the Sandbach site.

Outside the enclosure the noise was barely audible at 5m from the building in any direction. The noise was not audible off site. Within the enclosure, with the plant in operation the noise was primarily pumps and fans, with an intermittent click from the auger feeding fuel to the

boiler. It was noted that ordinary conversation could be held at 1m without having to raise voices.

When entering standby mode, the main fan noise increased slightly for a period of 5 minutes, however conversation was still possible within the enclosure. Once this had passed the unit was in standby and quieter than operation mode.

Fuel deliveries were not witnessed but are understood to be undertaken by blowing fuel pellets from a tanker into the fuel store. Fuel deliveries take place (on average) every 10 days but are less frequent in summer months and perhaps slightly more frequent (8 days) in the coldest parts of winter. Fuel deliveries take place during the daytime only (as would be proposed at Sandbach) and no complaints have been received by the School or Cheshire West and Chester Council.

In summary, it is the EHO view that noise would not cause a nuisance or loss of residential amenity in accordance with the NPPF and Noise Policy Practice Guidance, and no objection is raised on the grounds of noise subject to adequate condition being attached (see below).

Atmospheric Emissions

Particulate emissions (PM_{10} and $PM_{2.5}$) from burning natural gas tend to be extremely low, typically less than 1 mg/MJ. Boilers burning light fuel oil might have emissions around 5 mg/MJ, while those burning heavy fuel oil might be around 50 mg/MJ and coal might be 120 mg/MJ upwards, and significantly higher for larger and older equipment. The proposed boiler at Sandbach has a MAXIMUM emission limit of 30 mg/MJ (in order to comply with the RHI – Renewable Fuel Incentive – requirements).

The proposed boiler has modern abatement equipment to deal with particulates larger than those described above (known as coarse)

NO_x (Oxides of Nitrogen) emissions are similarly capped by the RHI at 150 mg/MJ however in practice the boiler will not operate near this level. Typical figures for good modern gas boilers tend to fall around 5-20 mg/MJ, oil boilers at perhaps 50-70 mg/MJ.

Please note these are emission levels and can not be directly compared to concentrations.

Both particulates and NO_2 (one element of NO_x) have the potential to cause short and long term health impacts. As such the EU has stipulated limit values for exposure to these pollutants. The limit values are reproduced below:

Pollutant	Limit Value (Concentration)	Relevant Exposure Period
NO_2	40 $\mu g/m^3$	Annual Mean
NO_2	200 $\mu g/m^3$	Hourly Mean
PM_{10}	40 $\mu g/m^3$	Annual Mean
PM_{10}	50 $\mu g/m^3$	24 Hour mean (not to be

		exceeded more than 35 times per year)
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If, therefore, the proposed boiler's emissions would cause concentrations of these pollutants to rise over the above limits there would be a concern that human health would be adversely affected.

The proposed boiler in Sandbach will replace an oil fired system which has been in situ for a number of years. As such it is considered the new boiler, whilst not as clean as a comparable gas installation, has potential to be more efficient and comparable emissions if not offer an improvement upon the current oil fired boiler used at the school.

An atmospheric dispersion model was used to ensure that the proposed stack height (15m) was adequate to ensure that any emissions reaching ground level were adequately dispersed to ensure that concentrations are below European health base limit values.

The model used (AERMOD) is approved for use in the UK by the Environment Agency, and the methodology followed is in accordance with DEFRA guidance. Dispersion of pollutants is affected by many factors such as distance from the source, nearby buildings, the terrain, meteorological conditions and other assumptions (such as the chemical conversion rate of NO_x to NO₂).

The model was run for 23 separate receptors to the North, East and South of the source. The West is bounded by open land and there are no receptors. The receptors chosen were the closest ones to the source.

The data input into the model assumes the worst case situation (including the assumption that the boiler will be operated 24 hours a day 365 days per year). In practice the boilers' operation will be during the opening times of the School and Leisure Centre and clearly much less in Summer months. Certification has been provided to show the proposed boiler complies with the emission limits specified above.

The results of the dispersion model predict (with a known uncertainty) that there will be NO exposure at any receptor above the relevant limit values. The degree of change in concentrations (between the existing background without the boiler, and the background + the boiler) is shown to be either imperceptible or small (with one assessed as medium).

The predicted results can be seen in full within the dispersion modelling report (tables 10 – 14). The highest change in concentrations predicted as a result of the boiler is summarised in the table below.

Pollutant	Predicted increase (ug/m³)	Predicted Total Concentration (ug/m³)	Limit Value (ug/m³)
NO ₂ Annual Mean	2.98	18.55	40

NO ₂ Hourly Mean	27.8	58.94	200
PM ₁₀ Annual Mean	0.85	14.76	40
PM ₁₀ 24H Mean	2.3	30.12	50 (35 times per year)

It is therefore the EHO view, based on the above; it is unlikely there will be any exceedances of health based air quality limits due to the installation of the boiler.

This conclusion is based on the boiler being operated as per the information submitted in support of this application, including, the type of boiler, the fuel quality, fuel moisture content and position of the stack and as such, conditions should be attached, to maintain air quality.

Ash Disposal

It has been confirmed that for every tonne of fuel burned, approximately 1KG of ash is generated (equivalent to a bag of sugar). Ash is generated in the fire bed and collected in the Cyclone abatement system. All the ash is disposed of on site, as a fertiliser for gardens etc. In addition ash is collected in the Cyclone Abatement Plant and this is disposed of in the same way.

It is not considered that ash generation is a material issue.

NOISE AND VIBRATION

NOISE MITIGATION SCHEME

The applicant has submitted a scheme of acoustic insulation with the application. The report recommends mitigation designed to ensure that occupants of nearby properties are not adversely affected by noise from the proposed biomass boiler.

The mitigation recommended in the report undertaken by Miller Goodall Reference 100764 shall be implemented prior to the use of the development.

In addition,

Within 6 months of completion and commissioning of the biomass boiler a noise assessment shall be undertaken to validate the noise survey submitted with the application. In the event that the noise survey indicates that additional mitigation would be required this shall be undertaken to the satisfaction of the local planning authority with 3 months. The scope and methodology of the assessment shall be agreed prior to the assessment being undertaken with this Division.

Air Quality Conditions

1. The stack height shall not be less than 15m, and shall be positioned in accordance with revised drawing 3716-302-RevB submitted with the application.
2. The boiler shall be installed in accordance with the manufacturer's recommendations.
3. The boiler shall only be operated using clean wood pellets that comply with a recognised fuel quality standard (such as CEN/TS 14961:2005, or ONAD).
4. The operator shall notify the Local Authority Regulatory Services and Health department of any changes in the fuel type / quality and if required to do so submit a declaration that the new fuel complies with a recognised fuel quality standard (such as CEN/TS 14961:2005, or ONAD) and that emission values (as specified on the Biomass Boiler Information Form) will not be raised.
5. Prior to coming into first use, the method of fuel delivery, to incorporate sheeting and fully enclosed receptacles to minimise spillages and fugitive emissions in all weather conditions shall be submitted to and agreed by the LPA.
6. Prior to coming into first use, the operator shall agree with the Local Authority Regulatory Services and Health department a written maintenance schedule to include removal of ash, inspection, maintenance of particulate arrestment plant, and servicing schedule.
7. The boiler shall be operated in accordance with the above agreements at all times.
8. Any changes / alterations to the maintenance schedule shall be notified to the Local Authority Regulatory Services and Health department
9. There shall be no visible smoke emissions from the boiler flue during normal operation of the plant except during start up procedures, unless otherwise agreed in writing by the LPA.

Reason: To safeguard public health and residential amenity with respect to potential air pollution.

VIEWS OF TOWN COUNCIL

Unless the Council can provide expert opinion giving assurance that both noise and air pollution will be no greater than the levels from existing system, Members object to the proposal. Members expressed serious concern that delivery of large quantities of fuel required for the boiler will add to existing traffic problems on Middlewich Road, and be a risk to school and leisure centre users.

OTHER REPRESENTATIONS

8 letters of objection and a petition of objection with over 80 signatures to the proposal that raise the following;

- Noise and disturbance caused by boiler itself and more HGV visits to the site.
- Visual intrusion of an industrial flue in a residential area and out of character for school.
- Pollution by way of particles and emissions located only 70 metres from residential houses.
- Height of flue insufficient to disperse pollution.
- Health & Safety risk to students at the school.

The full contents of these representations are available to view on the Councils website.

SUPPORTING INFORMATION

Noise Assessment
Emissions Assessment

OFFICER APPRAISAL

Principle of Development

The school site falls within the Sandbach Settlement Zone Line and the proposed development would be situated within the Settlement Zone Line. The site is also designated as an area of protected open space under Local Plan policy RC2 (Protected Areas of Open Space). This policy allows for the development or extension of existing buildings associated with the use of the site, provided that there would be no significant loss of a recreational facility involved or where it would allow for improved facilities on site which would offset any loss the proposal would comply with policy RC2 (Protected Areas of Open Space).

There is some synergy between renewable energy and sustainability in locating such a use; a use that is intended to serve the school. The proposal is broadly supported in paragraphs 97 and 98 of the NPPF that seeks to *"help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources."* However, this would depend on the fuel being from a renewable source. The NPPF states applications should be approved *"if its impacts are (or can be made) acceptable."*

The key local considerations in the determination of the application is therefore whether or not the proposal complies with Local Plan policies GR1 (New Development), GR2 (Design) and GR6 (Amenity and Health). It should be noted that the proposal is supported by emerging Policy SE8 (Renewable and Low Carbon Energy) in the Cheshire East Local Plan Strategy Submission Version March 2014.

Design

The existing school complex includes a range of buildings of a functional character. The proposed development functional by nature and only the slim flue would be readily visible. In design terms therefore, it is the view that the proposal would be acceptable having regard to Local Plan policies GR1 (New Development) and GR2 (Design).

Amenity

Clearly the main issue that has led to strong local opposition is concern regarding noise, and more specifically prospective air pollution. The technical detail and nature of the proposed use and the location, the scale of the development and the hours of operation has been rigorously assessed by the Environmental Health Officer.

The Environmental Health Officer is satisfied that the Applicant has addressed concerns in the previous application by increasing the height of the flue. On this basis there would be such a detrimental impact to neighbouring residential amenity to justify refusal as the noise would sit within current ambient noise levels and the emissions would be effectively dispersed. Thus, there are no planning reasons to resist permission. Further to the meeting of Southern Planning Committee in February the EHO has visited a comparable installation in Chester and the findings have been reported earlier in this report, therefore not rehearsed here, with the proposed planning conditions that are proposed to be attached to any approval. It is clear that the proposed heating system would be cleaner in terms of emissions than the present older oil fired system at the school.

As such, subject to the conditions suggested by the EHO the boiler will not have a material impact on neighbouring residential amenity and would comply therefore with Local Plan Policy GR6 (Amenity and Health).

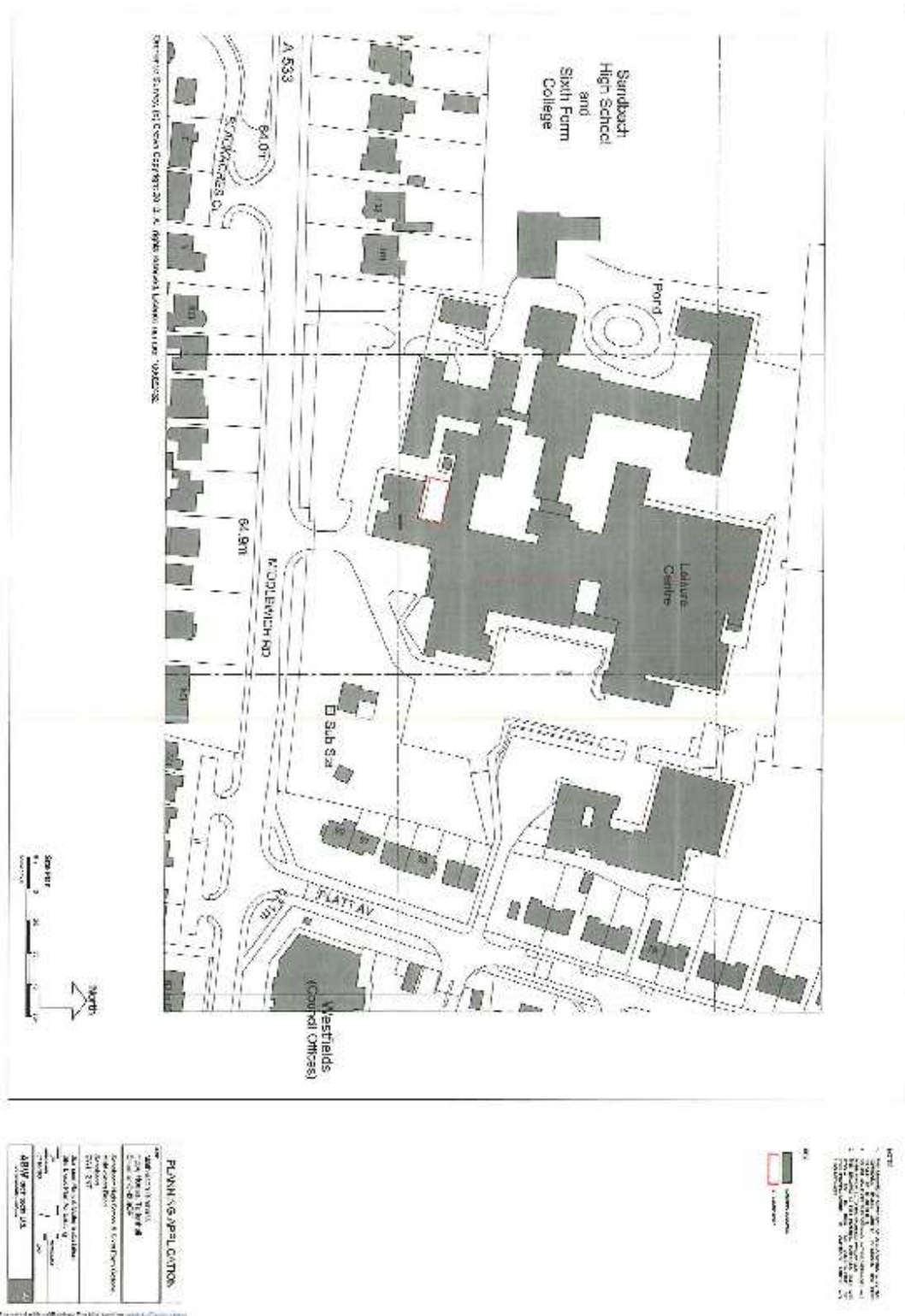
CONCLUSIONS

It is considered that the application proposes an acceptable form of development. On the basis of the very thorough analysis carried out by the EHO, in this context it is unlikely to overly impact on neighbouring residential (by issues of noise, disturbance or emissions) and visual amenity. Therefore, it is considered that the proposal is in accordance with the relevant policies of the Development Plan and is therefore recommended for approval.

RECOMMENDATION - Approve

CONDITIONS

1. Full.
2. Approved Plans.
3. Hours of deliveries.
4. Hours of construction.
5. Stack height.
6. Boiler installation.
7. Boiler operation.
8. Notification of change of fuel.
9. Method of fuel delivery.
10. Maintenance schedule.
11. Operation agreement
12. Alterations to the maintenance schedule subject to notification.
13. Smoke emissions.
14. Noise mitigation scheme.



Application No: 14/0183N

Location: ADJ 16 HUNTERSFIELD, SHAVINGTON, CREWE, CW2 5FB

Proposal: 4 no. detached houses and ancillary works

Applicant: Renew Land Developments Ltd

Expiry Date: 24-Feb-2014

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

Principle of Development

Amenity

Design

Access

Trees and Hedgerows

Nature Conservation

Drainage

REASON FOR REFERRAL

The application has been called in by Councillor Brickhill. The reason is the following:-

“...members may like to consider whether the site is outside the publish perimeter of Shavington and is in open countryside contrary to policies NE2 and NE4. Members may also like to consider whether the extra four houses are really necessary given the adjacent Triangle application for up to 400 houses and whether they would consider this green field to be a very necessary open space between the existing houses and the new development which would prevent loss of privacy and amenity and possible damage during the construction process.”

DESCRIPTION OF SITE AND CONTEXT

The application site is a slither of open land, and immediately to the south of houses on Huntersfield and east of Dig Lane. Huntersfield is a relatively modern close of houses that is immediately to the south of Newcastle Road. This slither of land forms part of the greater site known as the Shavington/Wybunbury Triangle that benefits from outline planning permission for residential development for 365 houses (12/3114N).

DETAILS OF PROPOSAL

The now amended proposed development is for the construction of a four houses of which two would be detached and two would be semi-detached. This application seeks full planning permission. The detached houses would have four bedrooms and integral garage. The semi-detached house would have three bedrooms and separate garages at the front of the drive.

RELEVANT HISTORY

12/3114N – Outline Application for Residential Development of up to 360 Dwelling, Local Centre of up to 700 sq m. Etc – Approved 23/01/14
P95/0310 - 4 detached dwellings – Refused (Restraint Policy and Proximity to Rear elevations) 01/06/95

POLICIES

National

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
NE.2 – Open Countryside

Development on Backland and Gardens Supplementary Planning Document

Emerging Local Plan Policy

CS6 - The Shavington/WybunburyTriangle
SE1 – Design
PG5 – Open Countryside

CONSIDERATIONS (External to Planning)

Highways

No comments received at the time of writing.

Environmental Health

No comments received at time of writing.

United Utilities

No objection but state a public sewer crosses the site that cannot be built over and would require an access strip width of 6 metres in accordance with current issue of "Sewers for Adoption." A modification may be necessary or a sewer diversion may be necessary at the applicant's expense.

Natural England – Any comments will be reported to the meeting.

VIEWS OF THE PARISH / TOWN COUNCIL

Wybunbury PC object on the following grounds:-

"This is a failed previous planning application P95/0310 when it was refused by Crewe and Nantwich B C on the following grounds: the development is too close to the rear elevations of houses recently built to the north, the proximity posed a risk to anyone in the garden during construction phase - this would equally apply to the current application particularly in respect of residents at Nos. 7 and 8 the walls being immediately adjacent to the existing boundaries. The plot of land forming this application was initially included in 12/3114N (the Triangle site), but was subsequently removed. The hedgerow was protected and therefore could not be removed. The triangle sites approval now means there is no need to provide four houses squeezed into a narrow site. The hedgerow has been reduced in height prior to the application being submitted to avoid any suggestion of the need for protection of the hedgerow. This is at odds with the applicants own ecology statement which states where possible trees and hedgerows should be retained and gaps closed with native species. There are privacy issues with the proposed development as it overlooks the rear gardens of Nos. 5, 6, 7 & 8 Huntersfield. Access to the site needs to be investigated, as the road identified to be used as access crosses the driveways of 16 and 17 Huntersfield. The estate access road is also narrow, with two 90 degree bends and no footpaths."

Shavington PC object on the following grounds:-

"Failed previous planning application P95/0310

Planning application P95/0310 (again an application for 4 dwellings) was previously refused by Crewe & Nantwich Borough Council on the following grounds: the 'proposed development is too close to the rear elevations of the houses recently built to the north.'

The Parish Council understands that at the time the residents objected that the proposed new dwellings partly on the grounds that they would be sited too close to their boundaries and posed a risk to anyone in the garden during the construction phase. This would also apply to the current application particularly in respect of the residents at Nos. 7 and 8, as again the wall of one of the dwellings is directly next to some of the existing boundaries.

Removal from previous 'Shavington Triangle' planning application

The plot of land forming this application was initially included in 12/3114N (the Triangle site), but was subsequently removed. The hedgerow bordering the site of this current application was identified as being protected, and as a caveat of outline approval of 12/3114N was required to be maintained and thus couldn't be removed.

As a result of the approval of the triangle site, and the removal of this small piece of land from that application there is no need to construct an additional 4 houses squeezed into a narrow site. The residents feel that the land would create a welcome small buffer between existing homes and the very large triangle site development.

Removal of Hedgerow prior to submitting a planning application

Prior to the submission of this application agents of the registered land owner attended the site and reduced the hedgerow (and trees contained in it) from 20 feet to as little as tree stumps in some places, clearly to improve the appearance of the site before submitting the application to Cheshire East Council where restrictions may have been imposed to protect the hedgerows.

This is at odds with the applicant's own Ecology Statement which states 'Wherever possible trees and hedgerows should be retained and enhanced at this site during the proposed development. Any gaps in hedgerows should be planted with native species.'

Impact on Privacy

There are privacy issues with the proposed development as it overlooks the rear gardens of 5, 6, 7 & 8 Huntersfield.

Access to the Site

Access to the site needs to be investigated, as the road identified to be used as access crosses the driveways of 16 and 17 Huntersfield. The estate access road is also narrow, with two 90 degree bends and no footpaths."

OTHER REPRESENTATIONS

Nearly 30 letters of objection have been received on the following grounds:-

- Loss of privacy and outlook
- Housing Supply is satisfied
- Site is designated as Open Countryside by Policy NE2. Contrary to both NE2 and NE4.
- Previously refused applications on the site
- Inappropriate design
- Access is inadequate across accessway.
- Inadequate parking
- Increase in traffic
- Loss of important ecology, wildlife and hedgerows
- Loss of open space
- Should be retained as green gap/play space
- Emergency access

This is a brief encapsulation of the objections and the full content of each letter is published on the Councils website.

APPLICANT'S SUPPORTING INFORMATION

Design & Access Statement

OFFICER APPRAISAL

Principle of Residential Development

It is of overriding weight that the principle of development has previously been accepted within the very recent outline permission of January 2014. Planning history pre-dating this is no longer extant or of relevance and was judged with a different policy backdrop.

The site does presently lie within an area of open countryside as designated by policy NE2 of the Crewe and Nantwich Local Plan 2011. However, in this particular instance, of even greater significance is the emerging site allocation policy CS6 of the Cheshire East Local Plan of March 2014. This policy commits the overall site, of which the application site is a constituent part, to the delivery of 350 new homes, appropriate retail provision to meet local needs, community hub and village green and the provision of green infrastructure. The policy acknowledges the outline planning permission.

The principle of residential development on the land to the south which surrounds this site to the east and south with the settlement boundary to the north and west is therefore set and the proposal complies with up to date local policy and the NPPF. This site already forms part of the Councils five year land supply through the extant permission and it remained part of the site edged red and is identified on the approved plans list attached to permission 12/3114N. It has not been omitted from that permission. The legal control or ownership of the site is a civil matter that is not the remit of a planning application to assess.

Amenity

The physical effect of the development upon the amenity of adjacent properties and the future occupiers of the proposed dwellings is a key consideration. The proposal would have a minimal impact upon the residential amenities of the nearby residents. The initial submission proposed for detached house but Officers were concerned in respect the visual impact of a side elevation on the boundary to the rear of houses on Huntersfield. In response the applicants have submitted revised proposals to amalgamate 2 plots to form semi detached houses and thus provide a gap to the boundary. The proposal now provides separation of 13.8 metres and respects local plan SPD guidelines on distances between gable ends and habitable windows which requires a separation of 13.5 metres and is therefore acceptable. The proposed house next to 16 Huntersfield would carry on the pattern and run and would not be detrimental to amenity. In layout terms it is more comfortable and respects the pattern of development on Huntersfield and Dig Lane.

Design

The amended proposals are for a built form very similar to those on Huntersfield. The area has no specific character and the relationship with neighbouring development is within context. Huntersfield is a fairly modern development and of a red brick suburban vernacular and this proposal would follow suit. The amended layout is an efficient use of the oblong shape of the site. Therefore, the proposals comply with extant Policy BE1 Design and emerging Policy SE1 Design. However lingering concerns remain regarding the proposal for garages in front of the semi-detached houses. It is considered that these would be visually

obtrusive in the new development and amended drawings have been requested that omit these as part of the proposals.

Access

In Highway terms the proposed access, layout and parking provision would appear to be acceptable but the comments of the Highways Officer are awaited and will be reported to Committee as an update. The proposal requires use of the access way that serves 16 Huntersfield and the planning assessment must consider whether this would be acceptable in Highway safety terms. The legal rights over the strip are for the applicant to resolve (or not) and cannot be used to withhold planning permission.

Trees and Hedgerows

It is considered by the Landscape Officer that the trees and hedgerows are not significant and the trees are grade C and not worthy of protection. Should the development be implemented it is proposed that the hedgerow, although not of notable value, would be utilised as boundary treatment and thus would be retained and that should be commended and is acceptable.

Nature Conservation

The Nature Conservation Officer has confirmed that the proposed development is unlikely to have an adverse impact upon the features for which Wybunbury Moss was designated. A more detailed Appropriate Assessment under the Habitat Regulations is not therefore required in respect of this application. If planning permission is granted conditions are attached to safeguard breeding birds and ensure some additional features are provided for breeding birds and roosting bats as part of the proposed development. Although badger activity has been recorded on site there is no habitat on this or adjacent land and therefore development is not likely to have an adverse impact.

Drainage

The necessity or not of a sewer diversion is a matter between the applicant and United Utilities and but a pre-commencement condition is proposed to be attached as a safeguard to ensure the issue is addressed by the applicant prior to implementation of the scheme.

CONCLUSIONS

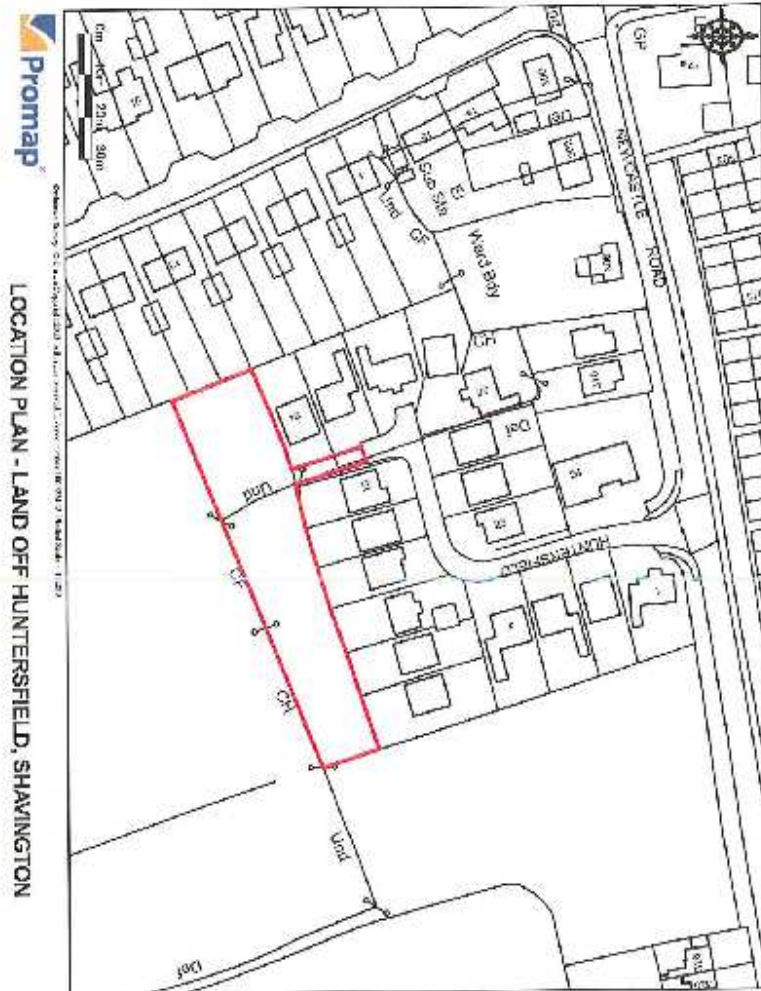
It is clear that the proposal accords with the present policy landscape of the emerging Cheshire East Local Plan CS6 (that is a specific site allocation) and that the principle of development is already established planning permission 12/3114N granted in January 2014. It would be untenable to recommend refusal of the application on policy and any refusal would be justifiably open to challenge. It would neither be possible to justify refusal on the notion of a buffer zone to future development on the greater site, as the principle of development is set within an extant planning permission. In the fullness of time it is possible that this may not be the ultimate scheme that is implemented, but it is acceptable in planning terms, and is recommended for approval.

RECOMMENDATION – Approve subject to the following conditions

1. Standard time limit
2. Approved Plans
3. Materials to be submitted and approved prior to implementation.
4. Drainage/sewer easement scheme to be submitted and approved prior to implementation

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 Southern Planning Committee , provided that the changes do not exceed the substantive nature of the Committee's decision.

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



Application No: 14/0084N

Location: LAND AT MAW GREEN ROAD, CREWE, CW1 4HH

Proposal: ERECTION OF 8 NO. DWELLINGS, VEHICULAR ACCESS,
ASSOCIATED CAR PARKING AND LANDSCAPING

Applicant: RJC REGENERATION LTD

Expiry Date: 17-Feb-2014

SUMMARY RECOMMENDATION**APPROVE****MAIN ISSUES****Impact of the development on:-**

Planning Policy and Housing Land Supply
Affordable Housing,
Highway Safety and Traffic Generation
Landscape Impact
Hedgerow and Tree Matters
Ecology
Design
Amenity
Drainage and Flooding

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it relates to a departure from the development plan.

DESCRIPTION OF SITE AND CONTEXT

The site comprises approximately 0.37ha and is bounded by Maw Green Road to the north and to the west by land used for stabling and the rear of properties on Sydney Road. To the east is an established boundary hedge which abuts the site which has planning consent for residential development (discussed below).

The site is currently occasionally used for storage (albeit without the benefit of planning permission) and has been surfaced with hardcore/stone and is relatively flat.

DETAILS OF PROPOSAL

This is a full planning application for the erection of 8 dwellings, vehicular access, associated car parking and landscaping on land at Maw Green Road, Crewe.

The dwellings would take the form of six, 2-storey detached properties and two detached bungalows adjacent to the boundaries of numbers 24, 26 and 28 Sydney Road.

Access is proposed from a junction to be created off Maw Green Road from a short access road with a turning head at the end.

RELEVANT HISTORY

11/2745N	2011	Refusal for change of use to contractors storage yard
12/0831N	2013	Outline approval for 165 dwellings (adjacent site)
13/4633N		Reserved matters application for 72 dwellings (approved subject s106) (adjacent site)

POLICIES

National Guidance

National Planning Policy Framework

Local Policy

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 28th 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.

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy SE 1 Design
Policy SE 2 Efficient Use of Land
Policy SE 3 Biodiversity and Geodiversity
Policy SE 4 The Landscape
Policy SE 5 Trees, Hedgerows and Woodland
Policy SE 9 Energy Efficient Development
Policy SE 12 Pollution, Land Contamination and Land Instability
Policy PG 1 Overall Development Strategy
Policy PG 2 Settlement Hierarchy
Policy PG 5 Open Countryside
Policy EG1 Economic Prosperity

The relevant policies saved in the **Congleton Borough Local Plan First Review** are:

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.2 – Open Countryside
NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.7 – Affordable Housing
RES.3 – Housing Densities

CONSULTATIONS (External to Planning)

United Utilities:

No objection.

Strategic Highways Manager:

It was the highway preference for the access to serve the site from the nearby residential development that already had a new roundabout access onto Maw Green Road. However, it seems that this can't be achieved and therefore a separate access has been submitted with access to Maw Green Road. The highway concern was that the proposed access was too close to the new roundabout and subsequently a revised access design was submitted to move the proposed access further away from the new access roundabout and incorporate the access the adjacent stables.

The revised access design was supported by a safety audit that considered the proximity of the access to the roundabout and forward visibility to the access position for vehicles exiting the roundabout and also vehicles on Maw Green Road. The safety audit did not raise any fundamental safety concerns regarding the proposed access location.

Given the small number of units proposed in this development, the traffic generations are very low and these would not produce an impact on the road network to warrant a severe impact reason for refusal. The site internally will be a shared surface design but will have turning facilities for refuse and delivery vehicles.

In summary, the main highway issue is the location of the access. The access has been carefully considered against highway standards and also has been the subject of a safety audit that has not found any material problems with the design, I would have to conclude that it is acceptable.

There are no traffic impact or design issues with the scheme and I do not raise objections to the application.

Environmental Health:

Recommend conditions relating to noise generation, contaminated land and electric vehicle infrastructure. Also recommend refusal having regard to protection from road noise.

Network Rail:

It is noted on our geospatial databases that there is a drain or some type of water course running to the east of the site and under the railway. Network Rail would require confirmation from the developer that no surface water or foul water will be discharged into this water course that passes under the railway. All foul water and surface water must be discharged in a direction away from the railway.

VIEWS OF THE PARISH COUNCIL

The Town Council wishes to see the development linked into the sustainable transport network and that the comments of neighbours be taken into consideration.

OTHER REPRESENTATIONS

At the time of report writing, approximately 11 objections have been received relating to this application. These can be viewed on the application file. They express concerns about the following issues:

- Highway safety
- Inaccurate plans
- Drainage problems
- Loss of light and privacy
- The properties should be bungalows
- Boundary dispute subject to a court case

OFFICER APPRAISAL

Principal of Development

The site lies largely in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 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.

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 Cheshire East Local Plan Strategy – Submission Version, 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 Local Plan Strategy – Submission Version or the Assessed Housing land supply.

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.

In the case of this proposal, it is a small site which is ‘sandwiched’ between existing development on Maw Green Road and Sydney Road and the site to the east which has outline consent for 165 dwellings and 72 of those dwellings have been given reserved matters approval. In addition it has been hard surfaced albeit without planning permission, and therefore does not offer any benefit to the character and openness of the countryside. Therefore it should be considered as a rare exception to the strict controls on development on land designated as Open Countryside.

Affordable Housing

As the site is for less than fifteen units and is less than 0.4 hectares in size, therefore there is no requirement to provide affordable housing.

Highways Implications

Concern has been expressed by local residents and other interested parties that the development would have an adverse impact on highway safety due the proximity of the access to the proposed roundabout which is a requirement of the development to the east of the site.

The site and the proposed access have been assessed by the Strategic Highways Manager (SHM) who had concerns and requested some amendments. The amendment moves the proposed access further away from the new roundabout and incorporate access to the adjacent stables. The amendments to the access were supported by a safety audit which did not raise any fundamental safety concerns about the location of the access.

Having regard to the small number of units proposed, there would be very low traffic generation. As such, it could not be demonstrated that the development would have a severe impact on highway safety and a reason for refusal on these grounds could not be sustained.

Amenity

Originally the proposal was for all two-storey dwellings. Following discussions with the local Ward Member plots 1 and 2 were amended to provide bungalows and it is considered that this is a more appropriate form of development in relation to the surrounding development.

All the proposed dwellings would meet the required separation distances, therefore there would be no issues relating to privacy, light loss or outlook from neighbouring properties.

Having regard to the amenity of future occupiers of the dwellings, adequate private residential amenity space could be provided, as could areas for bin storage.

Environmental Protection have requested that the application is refused due to lack of information on traffic noise from Maw Green Road. It would not be reasonable to refuse the application on these grounds as mitigation against this is possible. This is because on the neighbouring site, a Noise Assessment was submitted that concluded that it was possible to achieve suitable internal noise and vibration levels. The Council's Environmental Protection Officers accepted these conclusions and did not object on these grounds and this site is immediately adjacent. As such a condition should be imposed requiring submission of a noise assessment with full details of mitigation methods.

The proposal is therefore considered to be acceptable in these terms. Environmental Protection have recommended refusal on the grounds of lack of information relating to noise. However; it is considered that this issue can be addressed by means of condition.

Infrastructure

Environmental Protection have recommended that a electric vehicle charging point is installed at each dwelling. It is considered that this is reasonable and in compliance with the requirements of Policy SD 1 of the Cheshire East Local Plan Strategy – Submission Version and the NPPF.

Landscape

As stated in the Principle section of the report, the site is 'sandwiched' between existing housing and the approved development site to the east. There are hedgerows on the boundaries of the site; however they are not of significant quality. The hedgerow adjacent to plots 7 and 8 is proposed for retention and a condition should be imposed requiring protection measures being put in place. It is considered that it may be difficult to construct these dwellings without damage to this hedgerow and as such any conditions should include the requirement for replacement planting if it is not possible to retain this hedge.

In order to ensure satisfactory landscaping of the site, conditions should be imposed requiring full landscaping details, protection of hedgerows where possible and proposed levels.

Design

This is a full planning application with all matters, including design to be considered.

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 dwellings are of a relatively traditional design, in keeping with the character and appearance of the area and the newly approved dwellings to the east. The application form

indicates that external materials would be subject to the approval of the Local Planning Authority, as such this could be controlled by condition.

Following the input from the local ward member, the dwellings on plots 1 and 2 would have bungalows in keeping with the existing neighbouring properties.

The proposal is therefore considered to be in accordance with Policy BE.2 of the adopted local plan and Policies SD 2 and SE 1 of the Cheshire East Local Plan Strategy – Submission Version.

Ecology

The ecological submitted in respect of this application is acceptable. With the exception of breeding birds and hedgerows on site, it is not anticipated that there would be any significant ecological issues associated with the proposed development.

The hedgerow on the eastern boundary of the site is shown as being retained as part of the proposed development. This is supported, however it should be ensured that the hedgerow is enhanced as part of any detailed landscaping scheme for the site.

The application site is unlikely to be significantly important for breeding birds however if planning consent is granted conditions are required to safeguard breeding birds:

Drainage

United Utilities have no objection to the proposal provided that it 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. In addition surface water run off should be controlled.

These issues should be controlled by condition.

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.

Given the location of the site, its size and the hardstanding that has been in situ for some time, it is not considered that there are any adverse impacts in terms of the loss of agricultural land.

Other issues

There is currently a boundary dispute between the applicants and the neighbouring property. This is not a material consideration in the determination of this application. If it transpires that the applicant does not have control of any of the application site, they would be unable to implement any planning permission that may be granted.

CONCLUSIONS

Whilst the site lies within the Open Countryside, it is considered that the nature of this particular small plot of land, being 'sandwiched' between existing development and the approved major development to the east, does not contribute to the character of Open Countryside. As such it is considered that this should be treated as a **rare** exception to the Council's strict stance on development in the Open Countryside. The circumstances surrounding this application are unlikely to be repeated elsewhere and it is not therefore a precedent for other sites.

The proposal is considered to be acceptable in terms of design, amenity, highway safety, landscaping and ecology.

The proposed development would provide a suitable access from the new junction off Maw Green Road.

RECOMMENDATIONS

APPROVE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. Time limit.**
- 2. Approved plans**
- 3. Materials to be approved.**
- 4. Tree/hedgerow protection including replacement if necessary.**
- 5. Submission of landscape details.**
- 6. Implementation of landscape details.**
- 7. Submission of drainage details.**
- 8. Controls over any piling operations.**
- 9. Submission of a noise assessment with mitigation methods to address traffic noise.**
- 10. Provision of electric vehicle charging points.**

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



Application No: 12/3427N

Location: Existing P.E.T. Hire Centre Limited 68- 70, EARLE STREET, CREWE, CW1 2AT

Proposal: Variation of Condition 2 on Planning Permission P01/0074 to Allow for A1 Non-Food Retail

Applicant: Carl Banks, P.E.T. Hire Centre Limited

Expiry Date: 02-Nov-2012

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Key Issues;
- Condition2;
- Impact Assessment;
- Impact upon Town Centre Vitality and Viability;
- Sequential Test;
- Highways;
- Amenity; and
- Design

REFERRAL

The application is included on the agenda as the floor area of the building exceeds 1000m2 and therefore constitutes a major proposal.

1. SITE DESCRIPTION AND DETAILS OF PROPOSAL

This application is for a variation of Condition 2 on planning permission P01/0074 to allow for A1 non-food retail at the existing P.E.T. Hire Shop, Earle Street. The applicants property is a large shed, which is set back from Earle Street with car parking located to the site frontage and the site is accessed via Rainbow Street. The application site is located in a predominately commercial area and is wholly within the Crewe settlement boundary.

2. PREVIOUS RELEVANT DECISIONS

P01/0074 - Replacement Premises – Approved – 29th March 2001

P93/0936 - Retail park with associated car parking, servicing, and new highway works – Approved – 20th January 1994

3. PLANNING 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)
E.7 (Existing Employment Sites)
NE.17 (Pollution Control)
TRAN.1 (Public Transport)
TRAN.3 (Pedestrians)
TRAN.4 (Access for the Disabled)
TRAN.5 (Provision for Cyclists)
TRAN.6 (Cycle Routes)
TRAN.9 (Car Parking Standards)
S.10 (Major Shopping Proposals)
S.12.2 (Mixed Use Regeneration Areas) Mill Street, Crewe

Cheshire East Local Plan Strategy - Submission Version

SE1
SD2
EG3
CO1
CO2
EG5

The above Policies are consistent with the Crewe and Nantwich Local Plan

4. OBSERVATIONS OF CONSULTEES

Highways: Comments are still awaited at the time of writing this report

5. VIEWS OF THE PARISH / TOWN COUNCIL:

No comments received

6. OTHER REPRESENTATIONS:

A number of letters of representation have been received from Turleys (Planning Agent) acting on behalf of Scottish Widows.

- The current premises can only be used for tool and plant hire and the proposal is to vary condition 2 of the operating planning permission (P01/0074) to allow the use of this property for A1 non food retail use. The site is in an out of centre location so applicants must show that more central sites have been rigorously assessed (the 'sequential test'). Where this test is failed, planning permission should be refused;
- Scottish Widows Investment Partnership (SWIP) represent the owners of the Market Shopping Centre in Crewe and are working closely with Cheshire East Council with regards to future investment and development in Crewe Town Centre. We are becoming increasingly concerned that any decision to approve this application will undermine attempts to regenerate the town centre and alongside other potential decisions, further weaken its position in the retail hierarchy. It will set a dangerous precedent for out of centre retail development and is contrary to the Council's town centre first policy.
- The applicant should submit a sequential assessment and from the information available online, we note that this has not been submitted. The requirement to undertake a sequential assessment for out of centre retail proposals is long-standing and clear. If no such assessment has been submitted to form the basis for assessment then your Council cannot make an informed judgement that this requirement has been passed;
- We are therefore concerned to learn that the application is likely to be approved albeit with a 'bulky goods only' restriction, applied by way of an additional condition. We understand that the rationale for this appears to be highway related (in terms of trip generation) albeit that the application remains untested against the clear requirements of the sequential test.
- The requirements of the sequential test set out in NPPF are clear in that where it is not satisfied, planning permission should be refused. This is the only reasonable conclusion your Council could reach in the absence of any updated information or assessment of the proposal's compliance with the sequential test. It is therefore perverse to suggest that planning permission should be granted;
- We note that the applicant has changed the description of the proposal to bulky goods retail only and that the sequential assessment is undertaken on this basis. The differences in trading formats of bulky goods retailers compared to open comparison goods retailers are acknowledged in the Practice Guidance (December 2009) (para. 6.31) however it is also stated in this Guidance that 'promotion of a particular business model will not justify discounting more central sites where they are available, suitable and viable' (para. 6.33). We consider that the applicant has been insufficiently flexible in considering sites on this basis. The reasons for this are explained below, leading to failure of the sequential test and a deemed refusal under NPPF para. 27;
- With regards to Car Parks 1 and 2 of the Market Centre Extension, the applicant has assessed the sequential suitability of these allocated town centre retail development sites. However, the applicant relies heavily on a historic approval of retail development at Grand Junction Retail Park, which considered the sequential availability, suitability and viability of these sites at that time. We expressed serious concern about that

decision at the time and do not consider the conclusions drawn then remain valid or should indicate that the position remains the same;

- Planning decisions should be made with regard to all material considerations and up to date information, and involve proper interrogation of the issues and consequences of granting planning permission. The Planning Authority should not automatically reach the same conclusion on the sequential preference of these sites, based on a decision taken many years ago. These sites are allocated for development in a soon to be adopted development plan and could come forward within a reasonable timeframe. In this case, the Council's vision for the future of Crewe is a longer-term one, whereby a period of 5-10 years would be a reasonable assessment period with regards to availability
- The applicant dismisses the availability of this site for development in the short-term but fails to consider a 'reasonable timescale' as required by the guidance. Furthermore, we do not accept that the sites are unsuitable or unviable for the development proposed based purely on the proposal now being for bulky goods. Your Planning Authority should be satisfied that there would be genuine difficulties in operating from a more central site and the applicant provides insufficient justification to support its conclusions in this regard. The applicant's approach to the sequential test is therefore insufficiently flexible, contrary to policy and guidance.

7. APPLICANT'S SUPPORTING INFORMATION:

Sequential Test

Transport Statement

Retail/Planning Statement

Two Reports by Martin Tonks (Retail Planning Consultant acting on Behalf of Cheshire East Council)

8. OFFICER APPRAISAL

Key Issues

The main issues in the consideration of this application are the acceptability of the development in principle having regard to its impact on residential amenity, vitality and viability of the town centre, highway safety.

Condition

Condition 2 states

'The site premises shall be used for Tool and Plant Hire and for no other purpose whatsoever, including any other purpose in Class B8/B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987

Reason: - The Local Planning Authority would wish to give further consideration to other uses within the specified Class(es) in this location'.

As part of the application, the applicant has submitted a sequential test, which is a key element of both the NPPF and Policy S.10 (Major Shopping Proposals). In support of this application a number of alternative sites within the town centre and edge of centre have been considered.

Impact Assessment

The scope of impact assessments is set out in paragraph 26 of the National Planning Policy Framework (NPPF) that advises 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 applicant consider that a proposal has to demonstrate there will not be a 'significant adverse' impact for either of these impact tests, which is agreed. They also advise that where an impact is adverse and 'significant adverse' then it should be weighed against positive social, economic and environmental impacts in the overall planning balance, and this interpretation of the NPPF is correct (para 27). Finally, the applicant considers an impact assessment isn't strictly necessary as the proposal is below the NPPF 2,500 sq m (gross) threshold and there isn't a threshold in the Adopted Local Plan. This is the same guidance as PPS4 and the Practice Guide (PG 7.5) still advise:

"In advance of LDFs being revised to reflect PPS4, it may occasionally also be relevant to consider the impact of proposals below this threshold, for example if they are large compared to a nearby centre, or likely to have a disproportionate effect or 'tip the balance' of a vulnerable centre."

Generally the approach that has been adopted by LPAs / PINS under PPS4 / PG in the absence of development plan thresholds is for much smaller edge / out-of-centre developments than this proposal to be supported by impact assessments proportionate in detail to the scale of the development.

The PG (7.17) advises with regard to this impact test:

"Where the LPA and / or private sector has identified town centre development opportunities and is actively progressing them, it will be highly material to assess the effect of proposals on that investment. Key considerations will include; the stage at which the proposal has reached; the degree to which key developer / occupier interest is committed; and the level and significance of predicted direct and indirect impacts."

PG (7.21) also advises *"any adverse impacts ...should be balanced against the positive effects of the proposals, in terms of; investment; employment generation; social inclusion; and physical and economic regeneration."* I consider the proposal against this guidance below.

Crewe Town Centre has secured significant new private sector retail investment in the form of the Delamere Place proposals approved in 2007, however, this development has not commenced.

The Delamere Place site is identified / designated in the Crewe and Nantwich Local Plan as a town centre investment for retail use (S6.1) therefore it must be afforded considerable policy weight and protection.

The 2011 WYG Study (CW.26) treated the Delamere Place as a commitment concluding along with the other commitments it will meet most of the identified capacity up to 2021. The applicant fail to demonstrate any capacity for additional comparison goods floorspace in the town, instead they compare the turnover of the proposal against the growth in comparison goods expenditure without taking into account commitments, that take up all capacity to 2021. However, the 2011 WYG Study was based upon constant market shares and WYG acknowledge the possibility of the commitments increasing market share which would allow further retail development in Crewe such as this proposal.

It is considered that the proposal and the town centre stores are competing for the same market opportunity. Whilst How refer to the proposal as a retail warehouse format potentially selling bulky goods they are seeking an open A1 non-food consent for the unit on site 1. There are a number of potential tenants at the Delamere Place scheme that also have retail warehouse formats such as the Arcadia Group (Top Shop, Burtons, Dorothy Perkins et al) who are not currently represented on the Grand Junction Retail Park.

The cumulative impact of the proposal in addition the Delamere Place proposals is potentially a cause for concern as they may be competing for the same market opportunity although it is expected Delamere Place to increase market share in the town's catchment area in which case cumulative impact should not be an issue.

It is considered that the development will lead to the redevelopment of a brownfield site and to a lesser extent will create some additional jobs, which are both important material planning considerations.

Overall, it is considered that the impact of the proposal on existing investment in the town centre without a bulky goods condition will be adverse but not significant adverse. The proposal therefore satisfies this particular NPPF impact test.

Impact upon Town Centre Vitality and Viability

The applicant has not undertaken a health check for Crewe town centre instead referring to the conclusions of the 2011 WYG study. This concluded:

"The centre has a strong proportion of convenience goods floorspace, and strong comparison goods provision, but service provision is below national average. Since 2000 the town centre has experienced a gradual increase in vacancies and since 2006 is above the national average, this coupled with the level of comparison goods provision declining. The centre position in the hierarchy has remained constant with moderate growth levels in rents and stable yields showing the centres resilience to current economic conditions, however despite good performance indicators Crewe may become vulnerable if conditions worsen."

It is clear the centre is not performing that well on some key indicators of vitality and viability. The centre is in need of investment that will be realised by the Delamere Place development and the Earle Street proposal may discourage that investment if it is competing for the same market opportunity.

The applicant considers that the retail warehouse format of the proposal is likely to be complementary to the town centre rather than competitive. However, it is considered that unless the proposal is restricted to bulky goods it could be competing for the same market opportunity albeit in a slightly different format. The applicant also refers to academic research (without referencing it) that indicates in the right circumstances in-centre shops can benefit from new edge-of-centre retailers as they can generate linked trips.

The applicant consider that because the amount of comparison goods floorspace has declined in Crewe Town Centre this proposal will help to redress that balance. However, the amount of floorspace whilst lower than in 2000 has increased since 2005 and as this is based upon Experian Goad it will not include comparison goods floorspace in convenience businesses such as Asda. However, the proportion of comparison floorspace (45%) is still above the Experian Goad national average (38.2%).

Overall it is considered that the proposal will not have a 'significant adverse' impact upon the vitality and viability of Crewe town centre. It is considered that the proposal will have an 'adverse' impact particularly if it is not restricted to bulky goods retailing.

Sequential Test

The proposal satisfies most of the checklist criteria for assessing compliance with the sequential assessment. The edge-of-centre proposal is fairly well accessed by public transport although the pedestrian route to the town centre is unattractive and there are obstacles enroute. None of the discounted sites require further justification and it is unlikely that there are any vacancies in the town centre capable of accommodating the proposed floorspace. The proposal is modest in scale and even with a flexible approach it is unlikely smaller sites / premises capable of accommodating the proposed floorspace can be identified. Therefore the sequential assessment to site selection appears to be largely satisfied. However, there is a remaining concern that the former JJB unit and Delamere Place should have been assessed as without a restrictive bulky goods condition the proposal may be competing for the same market opportunity.

The application has been subject to a number of negotiations which have taken a considerable amount of time. Therefore, it was considered prudent for the applicant to reassess the current proposal and assess whether there have been any changes since the initial sequential test was produced. Paragraph 010 of this section of PPG advises it is for the applicant to demonstrate compliance with the sequential test. Wherever possible, the LPA should support the applicant in undertaking the sequential test, including sharing any relevant information. The guidance advises application of the test should be proportionate and appropriate for the given proposal. Where appropriate, the potential suitability of alternative sites should be discussed between the developer and LPA at the earliest opportunity.

Para 011 advises use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. It goes on to advise in such situations robust justification must be provided where this is the case.

The PPG recognises (para 012) new development in town centre locations can be more expensive and complicated than building elsewhere and LPAs need to be realistic and flexible in terms of their expectations.

The PPG does not retain the PPS4 Practice Guide (para 6.15) test of *'available within a reasonable timescale to accommodate such needs'* that is the main point of Turleys representation with regard to *'Car Parks 1 and 2 of the Market Centre Extension.'* The applicant discount these sites on the basis that the sites are in active use as surface car parks, they are not being marketed and are designated in the adopted local plan for longer term development (post 2016) therefore they are not available. Turleys counter this by stating the sites are allocated in *"a soon to be adopted development plan"* although this would dispute this as the emerging local plan is currently at the pre-submission consultation stage. Given the current use of these sites, the lack of marketing, the removal of the *"available within a reasonable timescale"* test from national planning guidance and the programme for the emerging local plan it is accepted that these sites are not available.

In terms of the suitability and viability of the sites for the proposal the applicant's agent concludes that the site is suitable as a town centre extension but not for bulky goods retailing such as that proposed by their client. They also conclude that the requirement to replace the existing car parking makes the site unviable for the proposed development. Turleys consider the site is suitable for bulky goods retailing when allowing for flexible formats. They do not comment on the viability issues raised by the applicants agent.

According to PPG (para 010) guidance indicates *'It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed'* whilst para 012 advises *'new development in town centre locations can be more expensive and complicated than building elsewhere and LPAs need to be realistic and flexible in terms of their expectations.'* Again I am inclined to agree with How Planning that these sites are not suitable for a small retail warehouse development restricted to the sale of 'bulky goods' even when allowing for flexibility. It is considered that the site is unviable for such a development.

Overall it is considered that these sites raised by Turleys can be discounted on all three tests of the sequential assessment – availability, suitability and viability. Turleys do not put forward any other sites and it is considered that all town centre sites have been considered. The proposal satisfies the sequential assessment therefore the NPPF planning balance exercise (para 14) has to be addressed as a final policy test: *"any adverse impacts... would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."* Consequently, provided the development is restricted to the sale of bulky goods, which will be conditioned accordingly, the proposal is in accord with the Local Plan and guidance advocated within the NPPF.

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.

Amenity

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.

In view of the previous use of the site as a tool hire business. It is not considered that the nature of the proposed use will adversely impact on residential amenity of neighbouring occupiers.

A distance of over 35m will be maintained between the building and the dwellings on the opposite side of the road. It is therefore considered that there will be no adverse effect on the living conditions of these properties as a result of overshadowing or loss of privacy and as such the proposal complies with policy BE.1 (Amenity)

Design

According to the submitted application forms and plans no alterations are proposed to the external fabric of the building and as such the proposal complies with policy BE.2 (Design Standards).

9. CONCLUSIONS

The proposed variation of condition 2 of planning permission is acceptable in principle and, as conditioned, would not cause any detrimental harm to the amenities of nearby residents or the character and appearance of the area or have any significant adverse impact on the vitality and viability of Crewe Town Centre. 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), E.7 (Existing Employment Sites), NE.17 (Pollution Control), TRAN.1 (Public Transport), TRAN.3 (Pedestrians), TRAN.4 (Access for the Disabled), TRAN.5 (Provision for Cyclists), TRAN.6 (Cycle Routes), TRAN.9 (Car Parking Standards), S.10 (Major Shopping Proposals), S.12.2 (Mixed Use Regeneration Areas) Mill Street, Crewe and E.7 (Existing Employment Sites) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

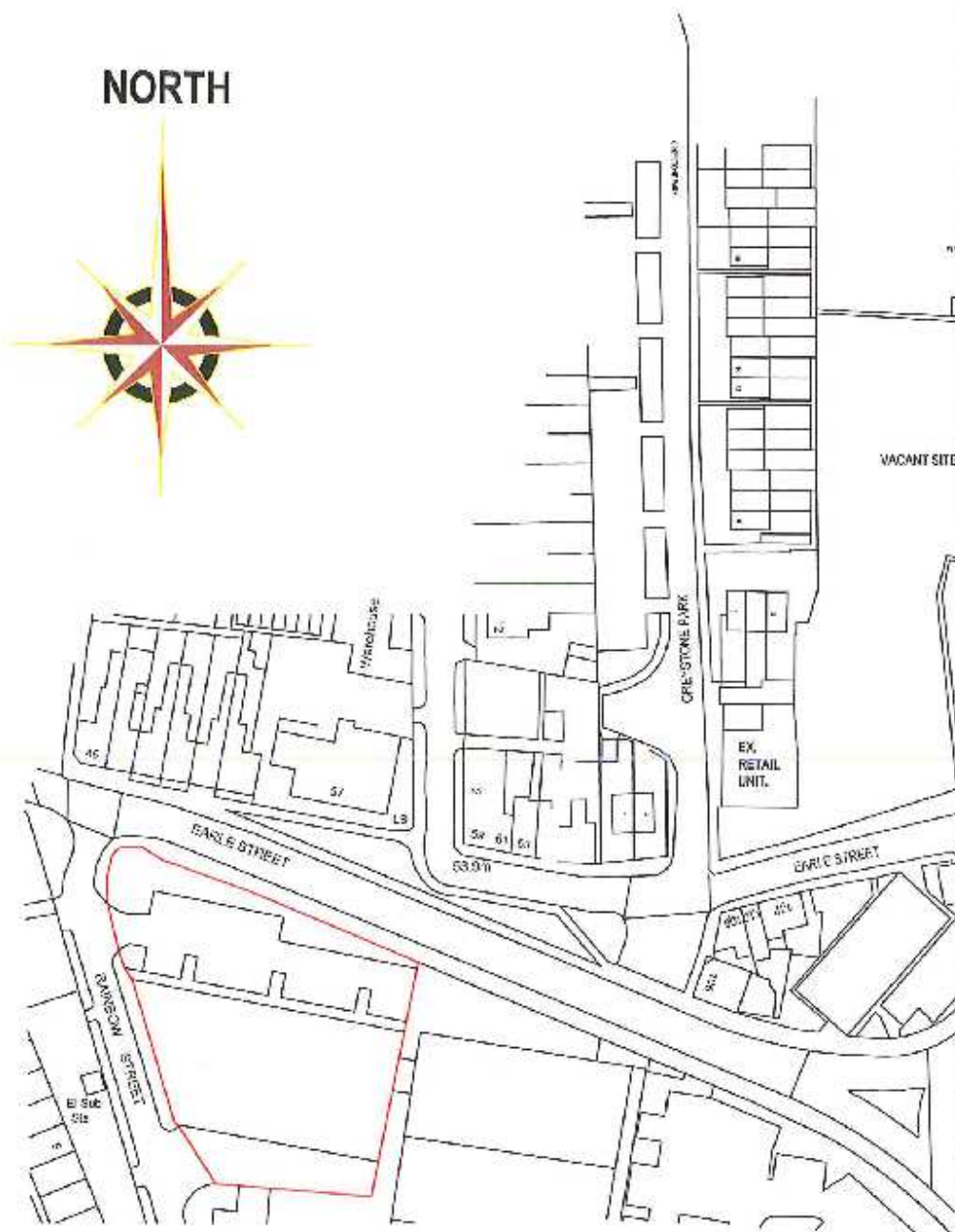
10. RECOMMENDATIONS

Approve subject to the following conditions providing no adverse comments from Highways are received:

- 1. Standard Time limit**
- 2. Plan References**
- 3. Bulky Goods:–**

The range and type of goods to be sold from the non-food retail units hereby permitted shall be restricted to the following: DIY and/or garden goods; furniture, carpets and floor coverings; camping, boating and caravanning goods; motor vehicle and cycle goods; and bulky electrical goods.

- 4. Materials**
- 5. Cycle Parking**
- 6. Car Parking**
- 7. Access**
- 8. Landscaping**
- 9. Hours of Operation**
- 10.No External Storage**
- 11.Drainage**



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Application No: 13/4648N

Location: Former Stapeley Water Gardens, London Road, Stapeley, Cheshire, CW57LH

Proposal: Replan of plots 110-120 at former Stapeley Water Gardens, London Road, Stapeley

Applicant: David Wilson Homes

Expiry Date: 15-Feb-2013

SUMMARY RECOMMENDATION

Approve subject to conditions and completion of a deed of variation to the S106 Agreement

MAIN ISSUES

- Principle of Development;
- Design;
- Amenity
- Landscape and Forestry;
- Ecology
- Access and Parking

REFERRAL

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

1. SITE DESCRIPTION AND DETAILS OF PROPOSAL

This is a full application for the replan of plots 110 to 120 at the former Stapeley Water Gardens, London Road, Nantwich. The application site forms part of the wider former Stapeley Water Gardens and Stapeley Manor site which is located within the Settlement Boundary for Nantwich as defined by the Borough of Crewe and Nantwich Replacement Local Plan Proposals Map. A number of dwellings have already been constructed on the site and the access to them is via London Road.

2. PREVIOUS RELEVANT DECISIONS

12/1381N - Erection of 146 Dwellings, Public Open Space, Access and Associated Works – Approved – 8th November 2012

09/4017N – Planning permission approved for The Construction of Two Newt Mitigation Areas and Associated Connection Corridors on 23rd April 2010.

P06/1001 – Outline Planning Permission was approved for the redevelopment and relocation of the existing garden centre facilities, A1 and A3 retail units, construction of Class C3 residential development, B1 office development, car parking, and ancillary facilities and infrastructure on 21st May 2010.

3. PLANNING 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:

NE.5 Nature Conservation

NE.9 Protected Species

NE.17 Pollution Control

NE.20 Flood Prevention

BE.1 Amenity

BE.2 Design Standards

BE.3 Access and Parking

BE.4 Drainage, Utilities and Resources

BE.5 Infrastructure

TRAN.9 Car Parking Standards

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

RT.9 Footpaths and Bridleways

S.12.5 Mixed Use Regeneration Areas - Stapeley Water Gardens

Stapeley Water Gardens Development Brief Supplementary Planning Document (2006)

4. OBSERVATIONS OF CONSULTEES

Housing: No objections

5. VIEWS OF THE PARISH / TOWN COUNCIL:

No representations received

6. OTHER REPRESENTATIONS:

No representations received

7. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement

A Design and Access statement has been submitted to accompany the application. This is available on the application file and provides an understanding of the proposal and why it is required.

8. OFFICER APPRAISAL

Principal of Development

The principal of residential development has already been accepted on this site following the approval of application 12/1381N.

Design

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.

The proposal comprises the redesign of plots 110 to 120. The plots comprise 3 groups of terrace properties. According to the submitted plans there will be car parking located to the front of the plots with private amenity space located directly towards the rear. The scale and massing of the proposed houses are comparable to other properties in the locality and as such will not be seen as alien or incongruous features within the streetscene. Each unit will incorporate corbelling below the eaves line and a flat roof dormer window on the front facing roof plane, with a rooflight on the rear roof plane.

According to the submitted plans each unit will be constructed out of facing brick under a concrete tile roof, which will be secured by condition, in the event that planning permission is approved. Internally each unit will comprise hall, cloakroom, kitchen and lounge at ground floor

level. The first floor accommodation will comprise 2no. bedrooms and family bathroom. Whilst, the second floor accommodation will contain a master bedroom with en-suite bathroom. Overall, it is considered that the proposed house types are in keeping with the character and appearance of the streetscene and will not cause any demonstrable harm and as such the proposal complies with policy BE.2 (Design Standards).

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.

According to the submitted plans the proposal complies with the Councils separation distances and there will be no loss of amenity as a result of the proposed alterations and as such the proposal complies with policy BE.1 (Amenity).

Landscape and Forestry

In terms of the impact of this amendment upon trees, the Council's Tree and Landscape Officer has advised that there are no arboricultural implications in respect of this application. Furthermore, the Councils Landscape Officer goes on to state that there are no significant landscape issues envisaged with the amendments proposed and landscape implementation conditions are considered prudent. Overall, it is considered that the proposed development will comply with policy NE.5 of the Local Plan.

Ecology

The proposed changes would have no additional ecological impact than the approved scheme. As such, the development would adhere with Policy NE.9 of the Local Plan.

Access and Parking

The proposed development would have no additional impact upon highway safety or parking than the scheme approved. As such, the development would adhere with Policy BE.3 of the Local Plan.

9. CONCLUSIONS

The redevelopment of plots 110 to 120 of planning permission 12/1381N is acceptable in principle and, as conditioned, would not cause any detrimental harm to the amenities of nearby residents or the character and appearance of the area or highway safety. 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.2 (open Countryside), NE.5 (Nature Conservation and Habitats) and TRAN.9 (Car Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the Local Development Framework Development on Backland and Gardens SPD (2008) and guidance contained within the National Planning Policy Framework 2012.

10.RECOMMENDATIONS

APPROVE subject to the following conditions and the satisfactory completion of a deed of variation to the S106 Agreement comprising;

Heads of terms:-

- 1. Provision of 30% affordable housing units – 50% to be provided as social rent/affordable rent with 50% intermediate tenure**
- 2. The provision of a LEAP and Public Open Space and maintenance and management details**
- 3. Financial Contribution of £54,231 towards Primary School Education**
- 4. Financial Contribution of £47,000 towards Highways Improvements**
- 5. Details of Access road arrangements for Angling Centre and details to be provided of private drive to be provided once angling centre ceases**

Conditions:

- 1. Standard Time Limit**
- 2. Plan references**
- 3. Materials to be submitted and Agreed**
- 4. Details of Boundary Treatment to be Submitted and agreed**
- 5. Details of Surfacing Materials to be Submitted and Agreed**
- 6. Remove Permitted Development Rights**
- 7. Details of Drainage Scheme to be Submitted and Approved**
- 8. Landscaping Submitted**
- 9. Landscaping Implemented**
- 10. Car Parking**
- 11. Details of External Lighting to be Submitted and Agreed in Writing**
- 12. Doors/Windows to be set behind a 55mm Reveal**



Application No: 13/4904N

Location: Land off Wrens Close, Nantwich

Proposal: Full planning permission for 11 dwellings including access and associated infrastructure.

Applicant: Mr F Lloyd-Jones, Thomas Jones and Sons

Expiry Date: 19-Feb-2014

SUMMARY RECOMMENDATION**REFUSE****MAIN ISSUES****Impact of the development on:-**

Planning Policy and Housing Land Supply
Affordable Housing,
Highway Safety and Traffic Generation
Landscape Impact
Hedgerow and Tree Matters
Ecology
Design
Amenity
Sustainability
Education

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it relates to a small scale major development and a departure from the development plan.

DESCRIPTION OF SITE AND CONTEXT

The application site is an area of land approximately 0.33 hectares in size, to the south of Wren's Close, Nantwich. It is a predominantly flat site with the southern and western boundaries adjacent to properties on Audlem Road, the northern boundary is adjacent to the 5 properties that make up Wrens Close and to the east is open countryside.

The land to the east is currently subject to an appeal against refusal for 189 dwellings contrary to open countryside policies (12/3747N).

The site is designated as being within the Open Countryside in the adopted local plan.

DETAILS OF PROPOSAL

This is a full planning application for the erection of 11 dwelling houses on land south of Wrens Close, Nantwich. They consist of 10 semidetached properties and 1 detached. The properties would be accessed from Peter Destapleigh Way, passing Wrens Close and each property would have 2 parking spaces.

RELEVANT HISTORY

P05/0033 2005 Approval for 5 dwellings.

POLICIES

National Guidance

National Planning Policy Framework

Local Policy

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 28th 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.

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy SE 1 Design
Policy SE 2 Efficient Use of Land
Policy SE 3 Biodiversity and Geodiversity
Policy SE 4 The Landscape
Policy SE 5 Trees, Hedgerows and Woodland
Policy SE 9 Energy Efficient Development
Policy SE 12 Pollution, Land Contamination and Land Instability
Policy PG 1 Overall Development Strategy
Policy PG 2 Settlement Hierarchy
Policy PG5 Open Countryside
Policy EG1 Economic Prosperity

The relevant policies saved in the **Congleton Borough Local Plan First Review** are:

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.2 – Open Countryside
NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.7 – Affordable Housing
RES.3 – Housing Densities
RT.3 – Provision of Recreational Open Space and Children's Playspace in New Housing Developments

CONSULTATIONS (External to Planning)

Environment Agency:

Request conditions and informatives to control noise, dust, air quality and contaminated land.

Strategic Highways Manager:

Parking Provision

Following the receipt of revised site plan 1851-110-Rev A, 200% parking is now provided at each dwelling, which is consistent with Cheshire East Highways (CEH) parking standards for 2/3 dwelling houses.

Car and Service Access

The proposed access into the site would take the form of a 4.5m single carriageway shared surface with 2.0m service strips. The site will take access onto the main public highway at the

existing junction of Wren's Close/Peter Destapleigh Way. It is considered that, in view of the number of dwellings within the new development, the existing access will be adequate.

A Swept Path Analysis was provided, SCP/14045/ATR02, which demonstrates that a refuse vehicle could enter the site, manoeuvre and exit in a forward gear within the carriageway and service strips. Therefore, the carriageway layout is acceptable.

The proposed access road would appear to be potentially suitable for adoption, and given the number of dwellings, it would be preferable that the road were offered for adoption under the s.38 process. Simon Skates would be the contact for this.

Pedestrian Access

Connectivity to the nearest public footway in the plans provided would require residents to walk on the private shared surface on Wrens Close to reach a gate, which in turn provides access to a public footway located outside of the site. The use of this space as a pedestrian route to the new dwellings is not considered appropriate due to its use for parking and manoeuvring combined with its restricted width. In addition, it is not clear whether residents of the new development would have a right of access over this land to reach the gate connecting to the public footway.

To alleviate this concern, I would recommend that the existing pedestrian footway outside the site should be extended along the to the vehicular access, to run parallel to the metal fencing on Wrens Close. A recommended condition/informative wording is provided below:

Condition:- Prior to first occupation the developer will construct and provide a 2.0 metre wide footpath fronting Peter Destapleigh Way to connect the joint use surface of Wrens Close to the existing footpath at the junction of Peter Destapleigh Way with Audlem Road.

Environmental Health:

Recommend conditions relating to contaminated land, noise generation, electric vehicle infrastructure and travel plans.

VIEWS OF THE PARISH COUNCIL

Nantwich Town Council object on the grounds that this site was not identified in the Town Strategy and is not a preferred site in the Core Strategy the site is not brownfield land and that development will add to the overall housing figure for the town in excess of the proposed requirement in the Core Strategy. They also object on the grounds of highway safety.

OTHER REPRESENTATIONS

At the time of report writing, approximately 13 objections have been received relating to this application. These can be viewed on the application file. They express concerns about the following:

- Highway safety
- Inadequate parking provision

- Access issues
- Flood risk and drainage
- Noise generation
- Site is outside the settlement boundary (contrary to NE.2 and RES.5)
- The site is not a windfall site
- Impact on wildlife
- No affordable housing provision
- Loss of privacy and overlooking
- Overbearing development
- Loss of light
- Cramped development
- There is no common right of way along Wrens Close
- Too much development going on in the local area
- Poor design and boundary treatments
- Access should be provided to allow residents on Audlem Road to park to the rear of their properties
- Further development is not needed in Nantwich but in the north of the borough

These can be viewed on the application file.

OFFICER APPRAISAL

Principal of Development

The site lies within the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 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.

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 Cheshire East Local Plan Strategy – Submission Version, 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 within the 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.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

The Checklist can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

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

The toolkit sets maximum distances between the development and local amenities.

These comprise of:

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

The application has not included such an assessment, but puts forward the argument that the site is in close proximity to Nantwich Town Centre and the facilities and services available there.

It is considered that as the site lies adjacent to existing residential development in Nantwich, it would therefore be difficult to uphold a reason for refusal on the grounds of the site not being in a sustainable location.

Affordable Housing

The Interim Planning Statement on Affordable Housing (IPS) states that in settlements of 3000 or more affordable housing provision will be sought on sites of 0.4 hectares or more or 15 dwellings or more. The site is in Nantwich and is a proposal for 11 units on a site of 0.33

hectares. The site size and dwelling numbers do not meet the threshold to trigger an affordable housing requirement.

Highways Implications

The Strategic Highways Manager (SHM) is satisfied that there is adequate parking provision within the site and that the access is acceptable. A Swept Path Analysis has also been provided to demonstrate that a refuse vehicle could enter and leave the site in a forward gear.

Having regard to pedestrian access the SHM has concerns that pedestrian access along Wrens Close would not be appropriate and that there may not be right of access across that land. He therefore recommends that the developers should provide a pedestrian footway to Peter Destapleigh Way. Private access rights are not a planning matter and it would not be possible to require the provision of the footpath as the land is not in the control of the applicant.

It is not considered that the concerns about pedestrians using Wrens Close are severe given that it is a small street with just 5 dwellings. As such it would not be reasonable to refuse the application on these grounds.

Amenity

The proposed layout of the site means that the dwellings on plots 6-11 would have rear elevations directly facing the existing properties on Wrens Close. Some of these properties have conservatories and it is considered that adequate screening is proposed by the 1.8m screen fence shown on plan number 110. The distances between first floor windows to main rooms would fall just short of what is generally accepted as an acceptable separation distance (21m) by 1 metre and whilst this is not ideal, these distances are used as a guide and it is considered that a reason for refusal on these grounds would be difficult to sustain.

Having regard to the amenity of future occupiers of the dwellings, adequate private residential amenity space could be provided, as could bin storage. The proposal is therefore considered to be acceptable in these terms.

Trees & Landscape

The site adjoins the gardens of existing residential properties to the north and west with a mix of hedged and fenced boundaries and is contained by a hedgerow on the eastern boundary although this hedge is gappy and contains a high proportion of elm. It is considered that the site has the landscape capacity to accommodate the development proposed although there would be impacts on the outlook from some adjoining properties.

In the event of approval it would be important to secure appropriate boundary treatments with the retention of existing boundary hedges where possible and in particular a green edge to the east.

A comprehensive landscape scheme would be required. This could be covered by condition.

The submission is supported by an Arboricultural Implications Assessment (AISA) dated 15/11/13. A tree survey covers 4 lengths of hedge and 5 trees. The AIA suggests the tree and

hedgerow cover that exists is predominantly poor with the exception of the recently established boundary planting to the rear of 1-4 Wrens Close. The AIA indicates that two small fruit trees would be retained and the remaining trees removed as part of the development (although the submitted site layout plan 1851-110 shows all retained). Hedges would be retained (where these are in the control of the applicant) and protected however, there is a recommendation that the eastern boundary hedge (a gappy remnant hedge dominated by elm regeneration) is coppiced and gaps planted up.

It is agreed that the tree quality is low and there are no concerns regarding the removal of the specimens identified. Coppicing the eastern boundary hedge would reduce its screen value in the short term however; there would be an opportunity to secure management and replanting on this boundary by condition.

A condition would also be appropriate to secure the protective fencing for the retained vegetation as indicated in the AIA.

Design

This is a full planning application that should be assessed in terms of its design and proposed layout.

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 dwellings would be of a relatively traditional design with pitched roofs and gable features and would be constructed from brick and tile. This is considered to be appropriate and in keeping with the character and appearance of the local area, specific details of the materials should be controlled by condition.

Ecology

Great Crested Newts

Whilst great crested newts are known to be widespread in this part of Nantwich however the proposed development is too remote from any ponds for great crested newts to be likely to be present on site. No further action is required in respect of this species.

Grassland Habitats

The grassland habitats on site are of relatively low value and do not present a significant constraint upon development. The development proposals however may still result in an overall loss of biodiversity. It is therefore recommended that the residual impacts of the development be off-set by means of a commuted sum that could be utilised to fund off site habitat creation/enhancement potentially within the Meres and Mosses Nature Improvement Area.

The suggested method of calculating an appropriate commuted sum is based on the Defra report 'Costing potential actions to offset the impact of development on biodiversity – Final Report 3rd March 2011'):

The loss of habitat (Semi improved grassland) amounting to roughly 0.3ha.

Cost of creation of Lowland Grassland 0.3ha x £11,291.00 (cost per ha) = £3,387.90 (Source UK BAP habitat creation/restoration costing + admin costs)

Hedgerows

Hedgerows are a Biodiversity Action Plan priority species and hence a material consideration. The existing hedgerow on the eastern boundary of the site will be retained and enhanced as part of the proposed development.

Bats

The application site is likely to support foraging and commuting bats however it is considered that the site is unlikely to be significantly important for this species group.

Reptiles

Grass snakes have been recorded in within the broad location of the proposed development site and the submitted report identifies the application site as having potential to support reptile species. It is therefore advised that to enable the council to assess the potential impacts of the proposed development upon reptiles the applicant should submit a detailed reptile survey prior to the determination of this application. The survey should be undertaken by a suitably experienced ecological consultant at the correct time of year.

Hedgehogs

The submitted report has identified the potential for Hedgehogs a UK Biodiversity Action Plan species to occur on site, however no evidence of this species was recorded during the submitted survey. The submitted report includes suitable mitigation proposals to address the potential impacts of the proposed development upon this species.

Breeding Birds

If planning consent is granted standard conditions will be required to safeguard breeding birds.

Education

The Education Department have been consulted on this application but as yet a response has not been received. This is being pursued by the case officer and an update will be provided prior to Committee debating the application.

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.

The supporting statement submitted with the application states does not address this issue. However; given the scale of the proposal limited size of the site, it is not considered that its loss would be significantly detrimental.

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, off-site contributions to habitat creation/enhancement would help to make the development sustainable and is fair and reasonable.

Other issues

The objectors have raised issues relating to rights of way across land. This is a private matter and not a material planning consideration.

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 Council can now demonstrate a five year housing land supply. This issue will form a reason for refusal.

The proposal does not accord with the Cheshire East Local Plan Strategy – Submission Version.

Insufficient information has been submitted in order to assess the impact of the development on reptiles.

The scheme is acceptable in all other forms apart from open countryside policy and housing land supply and ecology..

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 as a result, the proposal is considered to be unsustainable and contrary to policies NE2 of the local plan and Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version.

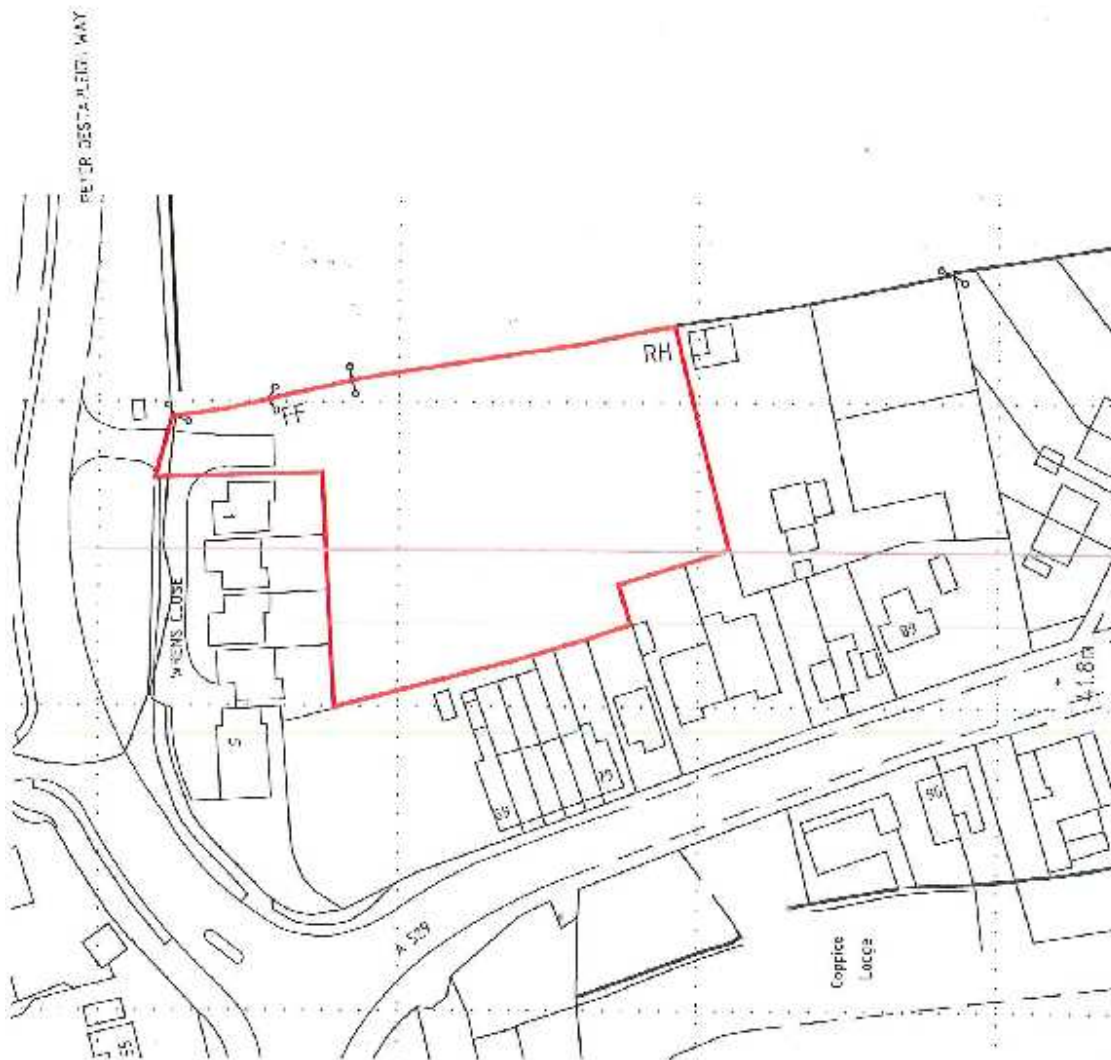
RECOMMENDATIONS

REFUSE:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version 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. Insufficient information has been submitted with the application relating to ecology in order to assess adequately the impact of the proposed development having regard to reptiles. In the absence of this information it has not been possible to demonstrate that the proposal would comply with Development Plan policies and other material considerations.**

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 Strategic Planning Board, 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 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.



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Application No: 13/4963N

Location: Reaseheath College, Reaseheath, Nantwich, CW5 6DF

Proposal: Construction of an earth bunded dirty water lagoon.

Applicant: Steve Challinor

Expiry Date: 20-Jan-2014

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

- Principle of Development
- Residential Amenity
- Design and Layout
- Open Countryside

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 over 1,000 square metres in size.

DESCRIPTION OF SITE AND CONTEXT

This application relates to Hall Farm which is part of the Reaseheath College campus and within a within a 500 acre agricultural holding. Continued investment in the college and its farms have led to the requirement for a dirty water lagoon.

The application site is found in a field to the north of the Reaseheath College complex situated

DETAILS OF PROPOSAL

The proposed development is the construction of an earth bunded dirty water lagoon measuring 67 metres by 67 metres. The total site area will measure, including the area of the bund, 92 metres by 92 metres. The earth bund will be at a height of approximately 1.7 metres with a green finish wire fence on top standing at a height of 1.7 metres. Beyond the earth bund will be a timber post and rail fence at a height of 1 metres.

The proposed development will be used to store parlour washings, dirty water from the dairy cows and effluent from a silo. In the spring the dirty water will be pumped from the lagoon and spread on the surrounding grass farm lands.

At present the farm does not have sufficient dirty water storage to enable an entire winters worth of dirty water to be stored.

RELEVANT HISTORY

None

POLICIES

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 28th 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.

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

SD.1 Sustainable Development in Cheshire East

SD.2 Sustainable Development Principles

SE.1 Design

PG.5 – Open Countryside

MP.1 – Presumption in Favour of Sustainable Development

EG.2 - Rural Economy

Crewe & Nantwich Borough Council Local Plan Policy

BE.1 – Amenity

NE.14 – Agricultural Buildings Requiring Planning Permission

National Planning Policy Framework

CONSIDERATIONS (External to Planning)

Environmental Health

No objections with the recommended condition:

The dirty water lagoon should only be filled with dirty water sourced from Reaseheath College Farm.

Highways

The Strategic Highways Manager has no objection to this planning application.

VIEWS OF THE PARISH / TOWN COUNCIL

None received

OTHER REPRESENTATIONS

None received

APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Ecological Survey

OFFICER APPRAISAL

Principle of Development

Policy PG.5 (Open Countryside) of the Cheshire East Local Plan Strategy – Submission Version is consistent with Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 in that development within the Open Countryside is restricted to which is essential for the purposes of agriculture, forestry, outdoor recreation or other uses appropriate to a rural area.

Policy NE.14 (Agricultural Buildings Requiring Planning Permission) states that proposals for the erection of agricultural buildings will be permitted where:

- The development is essential either to the agricultural operation of to comply with current environmental and welfare legislation, and maintains the economic viability of the holding.

The submitted Design and Access Statement states that the proposed development is needed to allow the farm to increase its current storage capacity for dirty water meet. It is also required to meet current Environment Agency Legislation and is to be constructed in accordance with their issued guidance.

NPPF

Paragraph 28 of the National Planning Policy Framework states that Planning should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable development, in particular:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.

The NPPF encourages LPA's to actively support the existence and enhancement of rural businesses of all types. This is further enhanced by Policy MP.1 (Presumption in Favour of Sustainable Development) which states that:

'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants to find joint solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy EG.2 (Rural Economy) states that when outside of Principal Towns, Key Service Centres and Local Service Centres developments that encourage the retention and expansion of existing businesses.

Therefore the proposed dirty water lagoon accords with both Local and National Policy in terms of its functional need.

Amenity

The application site is approximately 90 metres from the nearest college building or residential dwelling. With this in mind it is not considered that the proposed development will have a detrimental harm upon residential amenity.

As a result the proposed development is in accordance with Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Character and appearance

This is an application for the construction of an earth bank slurry lagoon within an agricultural field within the Open Countryside.

The proposed development is sited approximately 150 metres from the public highway to the east (B5074, Main Road).

The scheme consists of 1.7m high earth banks with a 1.8 metre high green finish wire fence around the perimeter with a further 1 metres high post and rail fence around the whole site.

The proposed development will be situated relatively close to the existing complex of college buildings and, when viewed from the public highway, will not appear as a prominent form of development to the detriment of the open countryside. Furthermore, the proposed

development will be partially screened from view by the exiting hedgerow between the site and the highway and will not appear as an alien form within the Open Countryside setting. It is considered that the development does not have a significantly detrimental impact on the streetscene or open countryside.

As a result the proposed development is in accordance with Policy SE.1 (Design) of the Cheshire East Local Plan Strategy – Submission Version

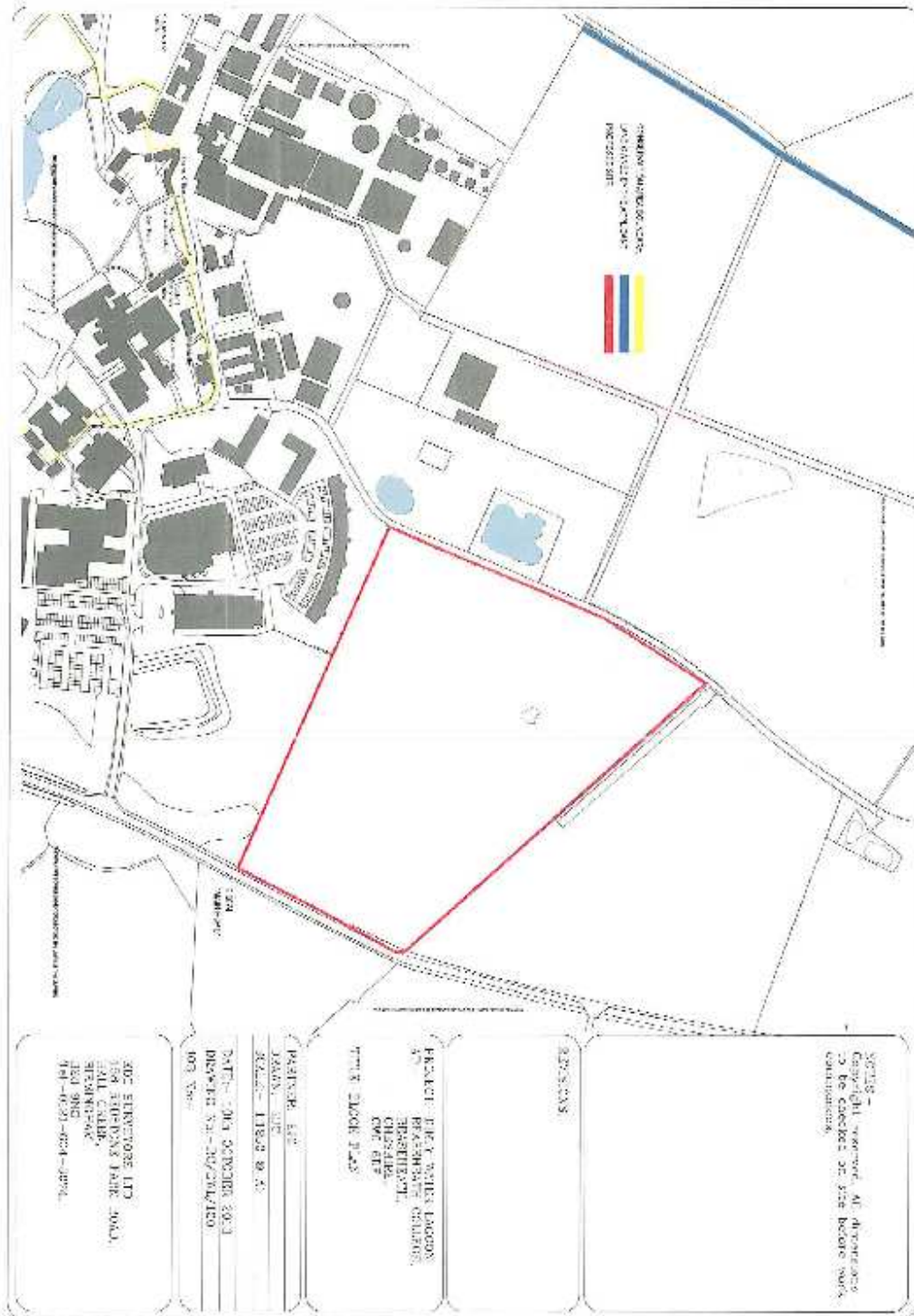
CONCLUSIONS AND REASON(S) FOR THE DECISION

The earth bank slurry lagoon is an appropriate form of development within the Open Countryside. The development does not have a detrimental impact on the character and appearance of the surrounding area and as conditioned would not have a significantly detrimental impact on the amenity of nearby buildings. The proposal complies with Policies NE.14 (Agricultural Buildings Requiring Planning Permission), BE.1 (Amenity), and BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, Policies SD.1 (Sustainable Development in Cheshire East), SD.2 (Sustainable Development Principles), SE.1 (Design), PG.5 (Open Countryside), MP.1 (Presumption in Favour of Sustainable Development) and EG.2 (Rural Economy) of the Cheshire East Local Plan Strategy – Submission Version and the National Planning Policy Framework.

RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard time 3 years**
- 2. Materials as stated**
- 3. Plans**
- 4. Only dirty water sourced from the Reaseheath Farm**



Application No: 13/5162N

Location: Land east of 22, HEATHFIELD ROAD, AUDLEM, CW3 0HH

Proposal: Outline application for erection of up to 26 dwellings, access and open space Resubmission of 13/3210N

Applicant: Frank Hockenhull, Hockenhull Properties Ltd

Expiry Date: 20-Mar-2014

SUMMARY RECOMMENDATION**REFUSE****MAIN ISSUES****Impact of the development on:-**

Planning Policy and Housing Land Supply
Affordable Housing,
Highway Safety and Traffic Generation
Landscape Impact
Hedgerow and Tree Matters
Ecology
Design
Amenity
Open Space
Drainage and Flooding
Sustainability
Education

REASON FOR REFERRAL

This application is referred to the Strategic Planning Board as it relates to a departure from the development plan.

DESCRIPTION OF SITE AND CONTEXT

The application site covers an area of approximately 1.27 ha and is located to the east of Audlem on land to the east of Heathfield Road. The site comprises the curtilage of number 22 Heathfield Road and an adjacent field to the south. It is bounded by residential dwellings on Heathfield Road to the west, Mill Lane to the north east and properties known as The Paddock and Mill Cottage to the north.

The majority of the site is designated as being within the open countryside, with the access point from Heathfield Road being within the settlement boundary.

A previous application was refused by Strategic Planning Board on 9th October 2013 for the following reasons:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy NE.2 (Open Countryside) 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.*
- 1. The proposed access to plots 19 and 20, on Mill Lane is not suitable for further development. The proposal would therefore have a significant adverse impact on highway safety. The development would therefore be contrary to Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.*
- 2. Insufficient information has been submitted with the application relating to bats in order to assess adequately the impact of the development having regard to the issue of protected species. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policies, the NPPF and other material considerations.*
- 3. The proposal fails to make adequate provision for infrastructure requirements and community facilities, in the form of medical provision, the need for which arises directly as a consequence of the development, contrary to Policy BE 5 of the adopted Borough of Crewe and Nantwich Replacement Local Plan. It is therefore socially unsustainable contrary to the provisions of the National Planning Policy Framework.*

DETAILS OF PROPOSAL

This is an outline application for the erection of up to 26 dwellings, provision of open space and access works on land east of Heathfield Road, Audlem. The application is in outline with all

matters reserved apart from access. However several **indicative** plans have been submitted with the application including layout and house types.

Access is proposed from a junction to be created off Heathfield Road, opposite Hilary Road and would be created by the demolition of number 22 Heathfield Road. This would run through the site to the proposed dwellings forming a 'T' shape.

The previous proposal was for up to 39 dwellings and included two further parcels of land to the east and south of Mill Lane. This proposal does not include that land.

RELEVANT HISTORY

13/3210N 2013 Refusal for the erection of up to 39 dwellings

Two Local Plan Inquiries have excluded the site. At the most recent in November 2003, a Local Plan Inspector concluded that this site should not be allocated for housing.

POLICIES

National Guidance

National Planning Policy Framework

Local Policy

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 28th 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.

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy SE 1 Design
Policy SE 2 Efficient Use of Land
Policy SE 3 Biodiversity and Geodiversity
Policy SE 4 The Landscape
Policy SE 5 Trees, Hedgerows and Woodland
Policy SE 9 Energy Efficient Development
Policy SE 12 Pollution, Land Contamination and Land Instability
Policy PG 1 Overall Development Strategy
Policy PG 2 Settlement Hierarchy
Policy PG5 Open Countryside
Policy EG1 Economic Prosperity

The relevant policies saved in the **Congleton Borough Local Plan First Review** are:

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.2 – Open Countryside
NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.7 – Affordable Housing
RES.3 – Housing Densities
RT.3 – Provision of Recreational Open Space and Children's Playspace in New Housing Developments

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 SHLAA

CONSULTATIONS (External to Planning)

Environment Agency:

Request conditions relating to flood risk, land levels, surface water run-off and a landscape management plan

United Utilities:

No objection subject to no building over a public sewer that runs through the site and submission of scheme for the disposal of foul and surface water.

Strategic Highways Manager:

Development has been previously considered on this site, this application proposes a reduction in the number of units to 26 from the 36 dwellings previously proposed.

Access to the site remains the same with a change of priority with the main access being Hilary Drive and Heathfield Road giving way at the junction. The proposed access proposal has been the subject of a safety audit commissioned by CEC, although the report highlighted a number of design issues that needed to be addressed there was no fundamental safety concerns raised regarding the type of access proposed. This application does not propose the use of Mill Lane to serve any residential units and there is no car park proposed at the north of the site.

As highlighted in the previous comments, the access roads to the site particularly Heathfield Road are narrow and do not have a footway in places. Clearly, if this proposal was for a major development that would materially increase traffic flows on these roads then I would be concerned. However, the accident records do not indicate any PIA's accidents in the vicinity of the site and traffic flows are generally very light on Heathfield Road and Hilary Drive. The peak level of trips from the site is likely to be 15 two-way trips in the busiest hour, this level of generated traffic during the course of a hour is not sufficient to constitute a severe harm.

In summary, as this is an outline application the main consideration is access and the issues regarding the internal layout will be dealt with at reserved matters stage. With regard to traffic impact, it is acknowledged that the local road infrastructure has deficiencies, but it is not the case that local roads could not support the level of development proposed in this application and the further additional traffic that it generates.

Therefore subject to conditions the Strategic Highways Manager does not raise highway objections on this application.

Environmental Health:

Recommend conditions relating to contaminated land, noise generation, lighting, electric vehicle infrastructure, travel plans and bin storage.

Education:

An application of 26 dwellings is anticipated to generate 5 primary and 3 secondary aged pupils.

Audlem St James is the only primary school within a 2 mile radius and this school has sufficient capacity to accommodate the pupils which are expected.

Brine Leas is the catchment secondary school. This school is forecast to be oversubscribed and so a contribution will be required. This amounts to the sum of £49,028.

Public Rights of Way

The Illustrative Site Layout plan depicts a 'potential footpath link' from the proposed development site to the Public Bridleway. As the Public Bridleway is available to users on foot,

bicycle and horseback, it could be anticipated that at least the first two categories of users may wish to use this potential link, and this should be borne in mind during detailed design.

The legal status of this link path would require the agreement of the Council as the Highway Authority, and the developer would be expected to include the maintenance of the path within the arrangements for the open space of the site.

Should the development be granted consent, appropriate information should be provided by the developer to inform prospective residents about the availability of pedestrian, cyclist and horseriding routes for both leisure and travel purposes.

Public Open Space:

Greenspaces would like to see a multi use games area on the open space within the development. This would need to be floodlit.

VIEWS OF THE PARISH COUNCIL

The Audlem Parish Council writes formally to **object** to this planning application. The Parish Council acts on behalf of the residents of Audlem Village as elected members. The Parish Council is extremely concerned by the development, its effect on the characteristics and vitality of the village, safety of the villagers and potential environmental and sustainability hazards caused by the proposed development of the site.

Reasons for the objection:

- a. Compliance with the Development Plan.
- b. Compliance with the National Planning Policy Framework (NPPF).
- c. Impacts on local Heritage and Environment.
- d. Flood Risk.
- e. Layout & Design.
- f. Drainage.
- g. Habitat/Protected Species.
- h. Transport Issues.
- i. Sustainability.

The Parish Council have also requested that should the application be deemed to be acceptable, that conditions/s106 monies should be sought for the following:

- Enhancement of the pedestrian and disabled access from the site to the school and other village facilities.
- Mitigation of flood risk as requested by the Environment Agency
- Monies to cover the 3 year funding gap for the medical practice and to allow additional accommodation e.g. at the Public Hall for use by the medical practice
- Design to retain the character of the Salford Conservation Area
- Securing that the affordable housing is 'pepper potted', included at each stage of building and 50% should be managed by a housing association
- Limit the length of time the developers have to complete the development
- Bind the developer to take full responsibility for any subsequent failures or deficiencies in drainage

- Mitigate against damage to bats

OTHER REPRESENTATIONS

At the time of report writing, approximately 33 objections have been received relating to this application. These can be viewed on the application file. They express concerns about the following issues:

Principal of the development

Circumstances have not changed since the Local Plan Inspector rejected the site as a housing allocation

The site is outside the settlement boundary in open countryside

Loss of good quality agricultural land

The proposal does not comply with

Adverse impact when considered in conjunction with the proposed Gladman development

Unplanned development in open countryside

Contrary to the Audlem Village Design Statement and Landscape Character Assessment

Cheshire East can now demonstrate a 5 year housing land supply

The amount of development is excessive in relation to local plan requirements

The site is in an unsustainable location

The SHLAA does not deem that this site is suitable for development

Development should be on 'Brownfield' land

The site is inaccessible peripheral and has a rural character

Design and Scale

Inappropriate design and scale of the proposed development

The dwellings would be out of keeping with the bungalows on Heathfield Road

Adverse impact on the visual amenity of the area

Excessive density of the development

Disproportionate size

The development would be over dominant due to its elevated position

Poor quality design

The design is a 'stereotypical reproduction of urban twee'

The properties are of the 'standard identikit Legoland cottage pastiche'

The development would be a visual eye-sore

Amenity

The land is elevated and would lead to a loss of privacy

Noise and disruption

Overshadowing/Loss of outlook

Overlooking/loss of privacy

Light pollution

The car park on the public open space will affect the peace and quiet of existing local residents

The site should not have a floodlit multi-use games area

Highways

Increased traffic congestion

Parking problems

Highway safety

The roads in the area are in a poor state of repair
Lack of pavements on Heathfield Road
Danger to children walking to school from additional traffic
75% of the traffic will use Heathfield Drive as evidenced by a traffic survey undertaken by local residents
There was no pre-application consultation with the local community
Inappropriate access through a residential estate
Heathfield Road unsuitable for additional traffic
This is urban sprawl

Infrastructure

General lack of the necessary infrastructure in the village
Existing secondary schools are full
Medical has reached capacity and would have 'to close our list'
The local drainage system would not be able to accommodate further development

Ecology

Impact upon protected species
Loss of habitat
Adverse Impact upon wildlife
Loss of protected hedgerow
Loss of protected trees
Inadequate protected species surveys

Heritage

The development would help connect Salford and Audlem and have an adverse impact on the Woore Road (Audlem) Conservation Area
Adverse impact on the character of the Conservation Area
Adverse impact on the setting of 'The Mount'

Other issues

The reduction in the amount of houses does not change the objections
No demand for new houses
Audlem needs more low cost housing
The location of the site is not sustainable
The flood risk assessment is wholly inaccurate
Increased flooding from the site caused by the development of the site
Lack of employment in Audlem
The site was used for burying cattle during a Foot and Mouth outbreak
Loss of biodiversity
Increased surface water run-off
Inadequate notification to local residents
Formal notification of local residents during the Christmas period
No information on who will maintain the open space and car park
Would open up the opportunity for further development

APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Supporting Planning Statement
- Design and Access Statement
- Transport Statement
- Protected Species Survey & Site Assessment Report
- Arboricultural Statement
- Tree Survey
- Flood Risk Assessment

These documents are available to view on the application file.

OFFICER APPRAISAL

Principal of Development

The site lies largely in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 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.

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 Cheshire East Local Plan Strategy – Submission Version, 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 within the 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.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

The Checklist can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

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

The toolkit sets maximum distances between the development and local amenities.

These comprise of:

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

The application does not include such an assessment but puts forward the argument that the Development Strategy identifies Audlem as a 'Local Service Centre' that provides a range of services and facilities.

It is considered that as the site lies adjacent to existing residential development in Audlem, it would therefore be difficult to uphold a reason for refusal on the grounds of the site not being in a sustainable location.

Affordable Housing

The Interim Planning Statement: Affordable Housing states that for both allocated sites and windfall sites the Council will negotiate for the provision of a specific percentage of the total dwelling provision to be affordable homes. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the 2010 Strategic Housing Market Assessment. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

Strategic Housing Market Assessment Update 2013

The site falls within the Audlem sub-area in the SHMA update 2013 which identified an annual affordable housing requirement of 22 homes between 2013/14 and 2017/18, broken down this equates to an annual need of 4 x 1bed, 16 x 3 bed and 4 x 4/5 bed general needs units, as well as 3 x 2 bed older persons accommodation.

Cheshire Homechoice

In addition to the information from the SHMA Update 2013 the Council's choice based lettings system shows 27 live applicants who have selected the Audlem lettings area as their first choice. These applicants require 15 x 1 bed, 8 x 2 bed, 1 x 3 bed and 1 x 4 bed units.

Audlem Rural Housing Needs Survey

A Rural Housing Needs survey specifically for Audlem was also carried out in January 2013, 810 questionnaires were sent to all households in the Audlem, with 416 returned giving a return rate of 51%.

The survey highlighted several types of resident that had an affordable housing need within Audlem, including:

- 29 respondents requiring alternative housing within the parish, most commonly because they needed smaller accommodation
- 40 current Audlem residents who might wish to form a new household inside Cheshire East within the next 5 years
- 29 ex-Audlem residents who might move back into the parish within 5 years if affordable housing were available.

Therefore, there were a potential total 98 new households that might be required within Audlem within the next 5 years.

Of these 98 potential new households at least 37 would need to be subsidised ownership or rentable properties, with the majority of these being for a son or daughter of a current resident.

To date there has been no delivery of the affordable housing required between 2009/10 – 2013/14 in the Audlem sub-area, there has recently been a resolution for planning approval for 9 affordable homes at a site in Buerton which is located within Audlem sub-area, however this is a rural exceptions site and all the properties should be either let or sold to people with specific local connections to Buerton rather than the wider Audlem sub-area.

There is currently a shortfall of affordable housing delivery in Audlem and therefore there should be affordable housing provision as per the Interim Planning Statement: Affordable Housing, based on the proposal for a total of up to 36 dwellings this equates to a requirement for 7 social or affordable rented dwellings and 4 intermediate tenure dwellings.

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

The applicants are offering 30% of the total dwellings as affordable.

As there is evidence of need for a variety of sizes of affordable homes a balanced mix of affordable dwellings would be required and the applicant should have further discussions with the Council about the type of affordable housing to be provided prior to the submission of any Reserved Matters application. Any social rented/affordable rented units should be provided through a registered provider of affordable housing.

Highways Implications

Considerable concern has been expressed by local residents and the Parish Council that the development would have a severe adverse impact on highway safety due to lack of footways and high levels of existing traffic being exacerbated by increased vehicle movements generated by the proposed development. The Neighbourhood Residents Association have stated by email on 10th February 2014 that they have employed a highways consultant to prepare a report. However; at the time of report writing the Council has not received this.

The site and the proposal including the submitted transport statement have been assessed by the Strategic Highways Manager (SHM). The SHM agrees that there are narrow parts to the local roads and areas without a footway and states that if the proposal was for a more significant number of dwellings that he would be concerned. However; given the traffic flows and the number of trips that would be generated from the site the SHM considers that the development would not result in severe harm as required by the NPPF and a reason for refusal on these grounds could not be sustained.

Should planning permission be granted a condition should be imposed requiring submission of details of signage, lighting and access design.

Amenity

An **indicative** layout has been submitted with the application and this shows that minimum separation distances could be achieved between the proposed and existing dwellings adjacent to the site.

Having regard to the amenity of future occupiers of the dwellings, adequate private residential amenity space could be provided, although it is considered that plots 1-7 may be dominated by trees on the northern boundary that overhang the site. However; as this proposal is in outline with all matters other than access to be determined at reserved matters stage, this issue could be addressed at that stage.

Landscape

Although the Design and Access Statement includes a paragraph on Landscaping and Ecology (v 4.13 – 4.19), the submission does not include a landscape and visual assessment or appraisal.

Paragraph v of the Design and Access Statement does indicate that a tree survey has been submitted, as well as an ecological assessment and that significant trees and hedgerows are located across the site, but no assessment of the landscape character has been included, nor has a visual assessment been conducted.

The Cheshire landscape Character Assessment identifies the application site as being located beyond the urban edge of Audlem in Landscape Type 10: Lower Farms and Woods and specifically within the Audlem Character Area (LFW4). This identifies this character area as being broadly undulating, with steeper slopes along watercourses and an area where settlement is of relatively low density, with settlements linked by a network of narrow country lanes. The assessment also identifies that around Audlem specifically the topography is more undulating,

with tree-lined streams and small woodlands and copses and that the resulting landscape is a verdant and enclosed landscape on a smaller scale. The application site would appear to be representative of the Audlem Character Area (LFW4).

Unfortunately a landscape and visual appraisal or assessment has not been submitted as part of this application, but the agricultural nature of the application site together with the topography, relatively intact nature of the agricultural landscape, and proximity of adjacent conservation areas would indicate that there will inevitably be a landscape impact on the landscape character, as well as a visual impact as well – many of the receptors and the location of a bridleway running through the site would normally be considered to be the most sensitive of receptors.

While the Design and Access Statement indicates (4.17) that 'The scheme provides the an opportunity to create additional landscaping which will expand the existing context and further enhance the ecological opportunities', this is an outline application and since no landscape or visual appraisal or assessment has been submitted it is not clear how any landscape works can enhance or exactly what is meant by this statement. In reality the proposals do have the potential to have a significant landscape and visual impact on an attractive rural local and an area that is identified in the Crewe and Nantwich Replacement Local Plan 2011 as being Open Countryside, as such policy NE:2 would also be relevant. This policy specifically states that approval will only be given for 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. As justification this policy indicates that such works themselves would be expected to respect the character of the open countryside. Since this is an outline application for housing in the Open Countryside it is not clear how this will respect the character of the Open Countryside.

Trees and Hedgerows

Two mature Lime trees standing to the north west of the site are the subjects of TPO protection.

The submission is supported by an Arboricultural Statement prepared by Cheshire Woodlands dated 17th February 2014 which incorporates a tree survey, a tree constraints plan and an evaluation of the Illustrative site layout.

The submitted arboricultural evaluation of the Illustrative site layout indicates that the development would require the removal of one moderate value category B tree to accommodate the access road, 4 individual and 3 groups and one area of low value category C trees, 2 hedges and 5 sections of hedge. (While possible impacts are cited for two of hedges -H3 and H5, these are off site and it is not clear why these should be affected. This may be a typographic error as the report appears to have been based on an earlier version prepared for application 13/3210N). Two dead trees are recommended for felling. The evaluation concludes that the loss of trees will have only a modest impact on the wider amenity that can be mitigated by silvicultural management and the provision of new trees and landscaping. It suggests all trees, shrubs and hedges proposed for retention can be retained and protected in accordance with current best industry best practice guidance.

As an outline application with only access included, limited weight can be afforded to the indicative layout. It would appear that the provision of access as indicated would result in the loss of one medium grade early mature Ash tree and several lower grade trees. In addition,

potentially, it is considered that plots in the vicinity of proposed plots 1 – 7 would be dominated by trees on the northern boundary which overhang the site

The wider arboricultural impacts could only be assessed in a comprehensive manner with a detailed layout at reserved matters stage and with full detail of services, proposed levels etc. Nonetheless, the indicative layout appears to suggest the site has the potential capacity of the site to accommodate the scale of development proposed without significant tree losses. The location of the proposed POS in the former garden of the residential property makes provision for the retention of significant trees.

Subject to application of current best practice guidance *BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations*, it appears there is scope for most of the tree cover in the vicinity to be maintained and enhanced.

Should the development be deemed acceptable, comprehensive arboricultural conditions should be imposed. At reserved matters stage the applicant would need to ensure that the layout took full account of tree constraints and provided adequate space associated with the new dwellings for the future growth potential of retained trees. Particular attention would need to be given to levels to ensure no changes in tree or hedge root protection areas.

Public Rights of Way

A Public Right of Way, namely Public Bridleway No. 30 in the Parish of Audlem, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way, is adjacent to the proposed development, though would appear to be unaffected by the revisions made since application ref. 13/3210N.

This route is a popular route of a distinct track nature, forming a key link in the network of Public Rights of Way and lanes for non-motorised users to access the countryside. This category of Public Right of Way is relatively sparse in number in Cheshire East, as recognised in the Council's statutory Rights of Way Improvement Plan. Therefore the integrity of the route is important to retain – the Illustrative site Layout suggests that this will be achieved 'where possible'.

The Illustrative Site Layout plan depicts a 'potential footpath link' from the proposed development site to the Public Bridleway. As the Public Bridleway is available to users on foot, bicycle and horseback, it could be anticipated that at least the first two categories of users may wish to use this potential link, and this should be borne in mind during detailed design. The legal status of this link path would require the agreement of the Council as the Highway Authority, and the developer would be expected to include the maintenance of the path within the arrangements for the open space of the site.

Design

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided. In addition an **indicative** layout and house types have been submitted.

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.”

Whilst the application is in outline form with access as the only matter to be agreed at this stage, the design and access statement has put forward that the development would be appropriate and in keeping with the area. The site is elevated in parts and it is considered that substantial two-storey dwellings could appear quite prominent because of this. This is an issue that could be addressed at reserved matters stage.

Ecology

Water Vole/Stream

The stream within the blue line of the application has been identified as having potential to support water voles and is a feature of some nature conservation value in its own right. Based on the submitted indicative layout it is considered that the proposed development is unlikely to have an adverse impact on the stream.

Bats

No evidence of roosting bats was recorded within the bungalow on site and the building appears to have relatively limited potential to support a roost.

Three trees on site have been identified as having bat roost potential one of these trees will be removed as part of the proposed development. As is often the case of surveying trees for bats this survey has been constrained by the height of the trees and dense ivy cover. None of the trees are considered as having high bat roosting potential and so in accordance with best practice the submitted report recommends that a bat worker be present during the felling process. This approach is acceptable and bats are not reasonably likely to be present or affected by the proposed development.

Great Crested Newts

The proposed development is unlikely to affect Great Crested Newts due to its distance from any potential breeding ponds.

Hedgerows

Hedgerows are a Biodiversity Action Plan priority and a material consideration. A number of hedgerows are present around the boundaries of the proposed development site. As no detailed landscaping proposals have been submitted it is unclear whether there will be any hedgerows lost to the development however it is likely there would be some loss of existing hedgerows. It is therefore recommended that new appropriate native species hedgerows be incorporated into any landscaping scheme produced for the site.

Breeding Birds

If planning consent is granted standard conditions will be required to safeguard breeding birds and to incorporate features for them in the development.

Public Open Space

An area of Public Open Space is identified adjacent to the access to the site. The Public Open Space Officer has requested that a floodlit, multi use games area is provided within the site. Details of this should form part of any reserved matters application.

Objectors expressed concerns about this in terms of noise and anti-social behaviour. Whilst these concerns are noted, it is not possible to say that such a facility would have this sort of negative effect.

Education

The Education Department have been consulted on this application and anticipate that the development would generate the need for 5 primary and 3 secondary aged school places. They confirm that the local primary school has the capacity to accommodate this group of pupils, but the catchment secondary school, Brine Leas is forecast to be oversubscribed. Therefore a contribution of £49,028.00 would be required. This should be secured by Section 106 Agreement.

Flood Risk and Drainage

The site is within Flood Zones 1, 2 and 3. A Flood Risk Assessment has been submitted with this application and this has been assessed by the Environment Agency. They have not objected to the proposal but have recommended that several conditions be imposed in order to protect against flood risk and retain the integrity of Audlem Brook.

Several of the objections refer to flood risk, in particular that if the site is developed it would cause additional flooding to existing properties in Audlem. Whilst these concerns have been given careful consideration, it is considered that a refusal on these grounds would not be sustainable given the lack of an objection from the Environment Agency.

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.

The supporting statement submitted with the application states that the proposal would not lead to the loss of the best and most versatile agricultural land but does not define its grading. However; given the scale of the proposal and the existing topography of the land, it is not considered that its loss would be significantly detrimental.

Infrastructure

One of the reasons for refusal on the previous application related to the lack of adequate provision for medical facilities. The Council have been contacted by a representative of the NHS who has confirmed that a s106 contribution could be deposited with the Council and then utilised when suitable works at the local surgery are identified.

As yet an exact figure has not been put forward for a contribution for the site. An update will be provided to members prior to Committee considering the application.

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, affordable housing and contributions the local medical facility and high school would help to make the development sustainable and is a requirement of the Interim Planning Policy, local plan policies and the NPPF. It is directly related to the development and is fair and reasonable.

Other issues

Many of the objections to the proposal have referred to existing problems with drainage and the sewers in Audlem. United Utilities have stated that they do not object to the development but emphasise that there is a public sewer that runs through the site that they would not permit building over. The developer would need to use this information to inform the design of the layout of the site at reserved matters stage. A condition should be imposed requiring submission of full details of foul and surface water drainage for approval.

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 Council can now demonstrate a five year housing land supply. This issue will form a reason for refusal.

The proposal does not accord with the Cheshire East Local Plan Strategy – Submission Version.

The scheme is in outline form with access being the only detailed matter, as such the issues of appearance, landscaping, layout and scale are not to be determined as part of this application.

The proposed development would provide a suitable access from the new junction at Heathfield Road/ Hillary Drive.

Subject to conditions, the scheme is acceptable in terms of its impact on protected species.

The necessary requirement for affordable housing would be provided.

The proposal is considered to be acceptable in terms of its impact upon residential amenity. 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, these are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the open countryside, and as a result, the proposal is considered to be unsustainable and contrary to policies NE2 of the local plan and Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version.

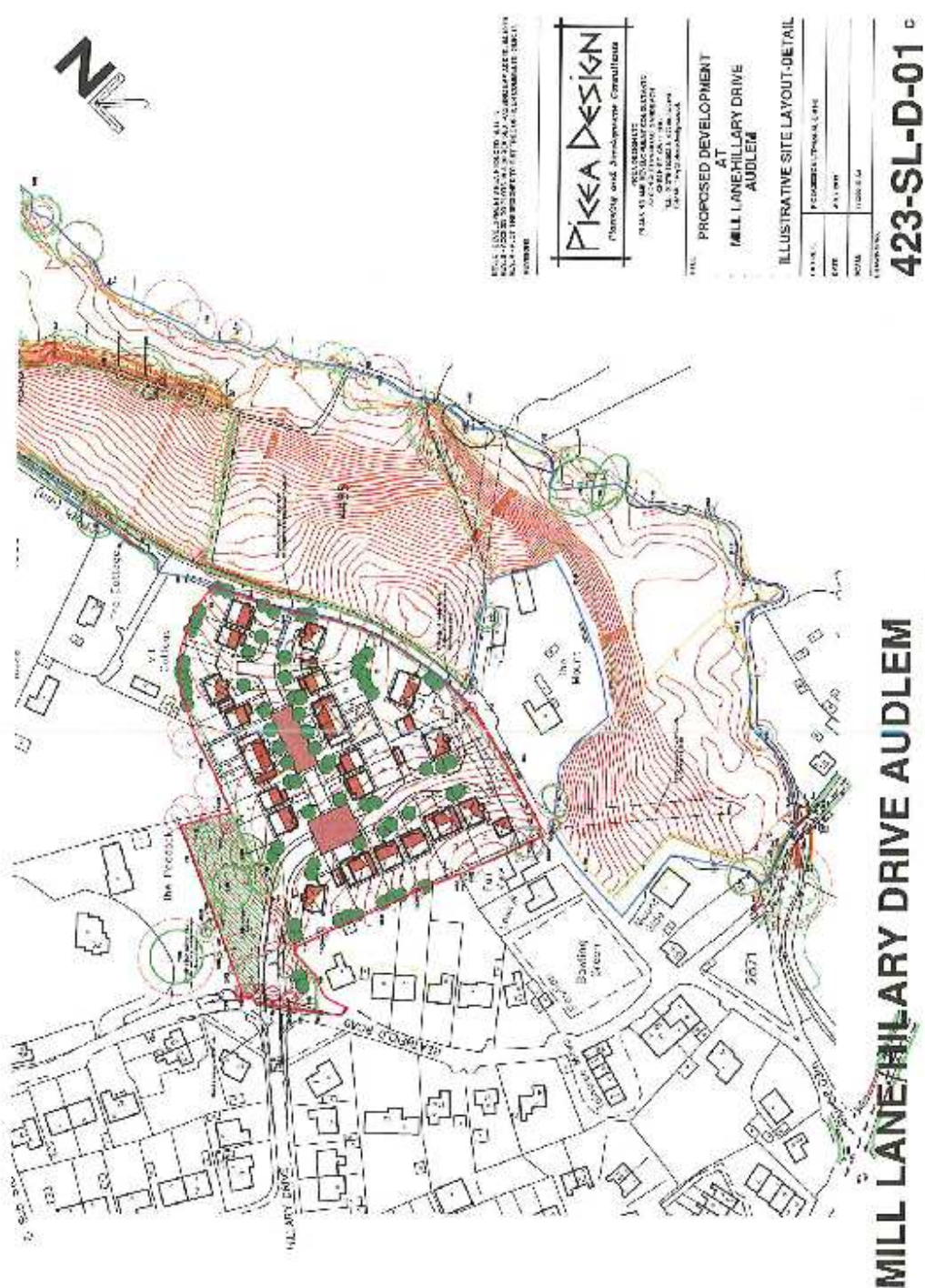
RECOMMENDATIONS

REFUSE:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version 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 proposal fails to make adequate provision for infrastructure requirements and community facilities, in the form of medical provision, the need for which arises directly as a consequence of the development, contrary to Policy BE 5 of the adopted Borough of Crewe and Nantwich Replacement Local Plan. It is therefore socially unsustainable contrary to the provisions of the National Planning Policy Framework**

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 Strategic Planning Board, 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 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.



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Application No: 13/5284N

Location: OVERWATER MARINA, COOLE LANE, NEWHALL, CHESHIRE, CW5 8AY

Proposal: Variation of condition 10 (workshop repairs, servicing, cleaning/painting of hulls and maintenance) & condition 11 (hire boats) on 13/0673N

Applicant: Mrs Janet Maughan

Expiry Date: 14-Mar-2014

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

- **Impact of varying conditions 10 and 11 on planning approval 13/0673N relating to the use of the workshop and the hiring of canal boats.**

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 relates to the variation of two conditions attached to planning permission approved under 13/0673N which was approved by the Committee.

DESCRIPTION OF SITE AND CONTEXT

The marina is located on the east side of Coole Lane but west of the Shropshire Union Canal. The access is located north of the barn conversion known as Sandown Reach and south of the dwelling known as the Beeches.

DETAILS OF PROPOSAL

This application seeks to vary conditions 10 and 11 attached to permission 13/0673/N (conditions 29 and 30 carried over from P08/1239) which read as follows:

10) – All workshop repairs, servicing, cleaning/painting of hulls and maintenance shall take place inside the building with the doors closed. No repairs, servicing, cleaning/painting of hulls and maintenance of boats which take place away from the normal mooring position shall take place in the open air.

Reason: To comply with the submitted Noise Assessment and ensure that work on boats which take place at the workshop (other than day to day repairs/ servicing/ maintenance

completed by the boat owner at the normal mooring position) does actually take place in the building and not in the open air. In the interests of residential amenities. In accordance with policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

11) - Notwithstanding the submitted application there shall be no hire boats available from the marina without the prior submission and approval of a separate planning application.

Reason: The application submitted and the Transport Assessment/ Information submitted did not include any consideration of the issues arising, particularly the additional traffic which might be generated and impact on residential amenities, by use of the site for the hiring of boats. To enable the Local Planning Authority to exercise control over development in the interests of the number of vehicles generated by the site, parking and highway safety. In accordance with policies BE.1 (Amenity), BE.3 (Access and Parking) and TRAN.9 (Car Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

This application proposes to vary condition 10 to allow pressure washing of canal barges, hull painting and light engineering to be carried out on the existing hardstanding outside of the workshop.

The variation of condition 11 is also sought to allow the operation of hire boats from the marina.

RELEVANT HISTORY

13/0673N – Variation of condition 22 of permission P08/1239 relating to the use of the cafe – Approved with conditions 2013

11/1223N - Footbridge over Marina Entrance – Approved with conditions 12th July 2011

09/2831N - Variation of Condition 9 of Planning Approval P08/1239 for Construction of Inland Waterways including Marina Facilities Building, Workshop, Footbridge, Associated Footpaths, Landscaping and Car Parking – Refused 19/10/2009

09/2957N - H frame pole mounted substation transformer and switch house – Approved with conditions 20th November 2009

P08/1239 - Construction of Inland Waterways including Marina Facilities Building, Workshop, Footbridge, Associated Footpaths, Landscaping and Car Parking - approved 21st January 2009.

POLICIES

Crewe & Nantwich Borough Council Local Plan Policy

NE.2 (Open Countryside)

NE.11 (River and Canal Corridors)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage Utilities and Resources)

RT.6 (Recreational Uses in the Open Countryside)

RT.8 (Promotion of Canals and Waterways)

National Planning Policy Framework

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 28th 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.

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

Policy SD 1 Sustainable Development in Cheshire East

Policy SD 2 Sustainable Development Principles

Policy SE 1 Design

Policy PG.5 – Open Countryside

CONSIDERATIONS (External to Planning)

Public Rights of Way

No objection subject to the following informative:

No building materials must be stored on the right of way

Vehicle movements must be arranged so as not to interfere with the public's use of the way

The safety of members of the public using the right of way must be ensured at all times

No additional barriers (e.g. gates) are to be placed across the right of way

There must be no diminution in the width of the right of way available for use by members of the public

No damage or alteration must be caused to the surface of the right of way

Wildlife mitigation fencing must not be placed across the right of way.

Environmental Protection

No objections subject to the following amended conditions to reflect the proposal:

All workshop repairs, servicing, cleaning/painting of hulls and maintenance shall take place inside the building with the doors closed, with the **exception** of pressure washing, hull painting and light engineering repairs which shall be permitted to take place on the hard standing outside the marina.

Reason: in the interest of amenity and impact on health.

No boat repairs, servicing, cleaning of hulls, and maintenance shall take place outside the hours of 08:00 till 18:00 Mondays to Saturdays with no working on Sundays and Bank Holidays.

Reason: in the interest of amenity and impact on health.

Natural England

No objection

Canal and Riverside Trust

Condition 10

Further to our letter dated 20 January 2014, I can confirm that on the basis of the further information provided (letter from Woodsyde Developments Ltd dated 28 March 2014), the Canal & River Trust is satisfied that the proposed development will not result in contaminated washings and surface water from the hard-standing entering the marina basin and the canal. The Canal & River Trust therefore has **no objections** to planning permission being granted.

Condition 11

The proposed variation of condition 11 would allow the operation of 6 hire boats from the marina. I can confirm that the Canal & River Trust has previously assessed the impact of this on the water resource available and has no objections to the proposal.

Highways

No objection.

VIEWS OF THE PARISH / TOWN COUNCIL

Audlem Parish Council have considered the above application and would comment that it is hoped that the Planning Authority would consider the potential noise pollution and chemical pollution of the canal when deciding whether to lift this condition.

OTHER REPRESENTATIONS

None received

APPLICANT'S SUPPORTING INFORMATION

Supporting Statement

OFFICER APPRAISAL

Principle of Development

The principle of this application is whether the variation of the two conditions will have a detrimental effect upon the amenity of residential dwellings lying close to the site and the possible environmental impacts on the actual canal and surrounding area in regards to condition 10, and the potential effect upon amenity and car parking with regards to condition 11.

NPPF

Paragraph 28 of the National Planning Policy Framework states that Planning should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable development, in particular:

- Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

The NPPF encourages LPA's to actively support the existence and enhancement of rural businesses of all types. The Supporting Statement included within the application addresses this stating that:

'The marina provides local employment and long term business and investment to the rural economy. The variation of these conditions will further enhance the marina, continue to aid the rural tourism and local economy and provide a sustainable operational business'

It is considered that approval of this application would, subject to compliance with Local Plan Policy, be in the spirit of the NPPF.

Amenity

There are no residential dwellings in close proximity to the application site with the nearest properties on Coole Lane to the west being approximately 500 metres away at the nearest point.

No objections have been raised by the Environmental Health Officer with regard to the variation of condition 10 of permission 13/0673N with the recommended amendment to the

condition to exclude pressure washing, hull painting and light engineering repairs from having to be carried out behind closed doors.

Further to this, an hours of working condition has been recommended will be attached to any permission restricting the boat repairs, servicing, cleaning of hulls and maintenance to the hours of 08:00 till 18:00 Monday to Saturday with no working on Sundays or Bank Holidays.

In terms of the proposed variation of condition 11 it is not considered that the availability of boats to hire will have a detrimental impact upon the neighbouring properties nearby the marina.

With the above in mind it is considered that the proposed variation of the approved conditions is in accordance with Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.

Impact upon the Canal

Concern was initially raised by the Canal and Riverside Trust regarding the proposed variation to condition 10, namely that there could be a potential significant risk that contaminated washing and surface water from the hard standing may enter the marina basin and canal.

The applicant's agent has submitted further information and has been in discussions with the Canal and Riverside Trust. As such the Canal and Riverside Trust are satisfied that the proposed variation of condition 10 of permission 13/0673N.

With regard to the proposed variation of condition 11 of permission 13/0673N to allow hire boats, and following the consultation response received from the Canal and Riverside Trust, it is not considered that this would have a detrimental impact upon the canal system.

Open Countryside

Policy RT.6 (Recreational Uses in the Open Countryside) allows development for recreational uses in the open countryside provided that there is no harm to the character or appearance of the open countryside.

The varying of the two conditions will not lead to any further built development on or near the site of the marina, nor any significant change to the existing operations. Therefore it is considered that the varying of conditions 10 and 11, as proposed, will be in accordance with the above Policy.

Highways

Following the consultation response from the Strategic Highways Manager it is not considered that the proposed variation of the conditions would have a detrimental impact upon highway safety.

Therefore the proposal is in accordance with Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The National Planning Policy Framework seeks to support sustainable rural tourism and allowing the marina to hire boats out to the general public will help to improve rural tourism in the area.

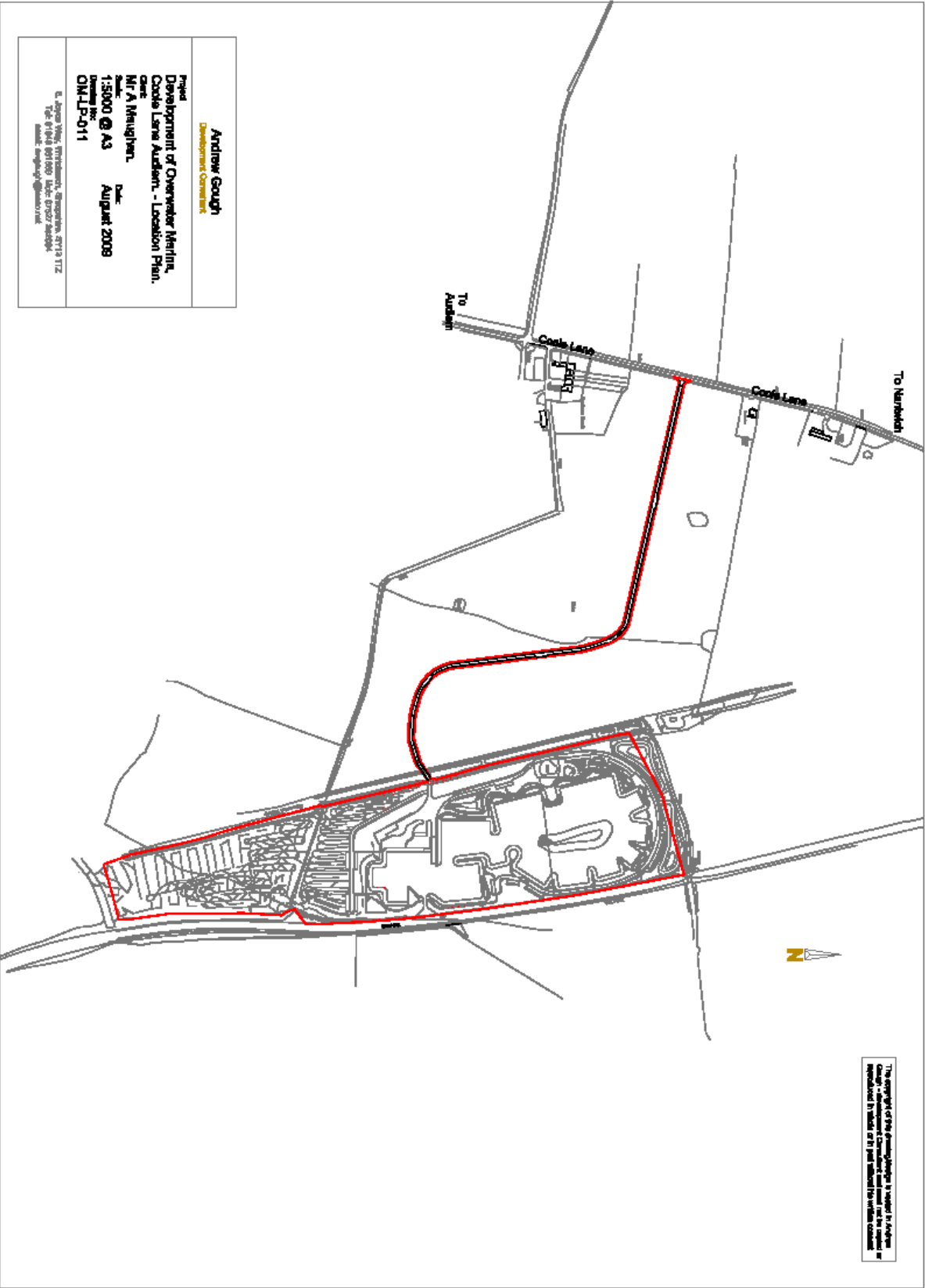
Furthermore, it is not considered that the proposed variation of conditions 10 and 11 of permission 13/0679N would have a significantly detrimental effect upon nearby residential dwellings, the open countryside or the canal itself.

The proposal is therefore considered to comply with Local Plan policies NE.2 (Open Countryside), NE.11 (River and Canal Corridors), E.6 (Employment Development in the Open Countryside) and RT.6 (Recreational Uses in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan and the National Planning Policy Framework.

RECOMMENDATION

Approve with conditions

1. Approved plans
2. Maintenance of landscaping approved under condition 5 of P08/1239
3. No Boats moored at the marina shall be used as the main or only dwelling for any persons
4. Workshop for repairs/servicing /maintenance only for boats based at the marina or those arriving by water only
5. No outside storage, excluding storage of boats awaiting repair,
6. Hours of operation for workshop 08.00 until 18.00 Mondays to Saturdays with no working on Sundays and Bank Holidays
7. The café in facilities building shall be limited to the area shown on drawing number 6039/2/P/101 rev C and shall be restricted to Use Class A3 only, with no permitted changes usually allowed under the Use Classes Order. The building shall not be extended in any way without prior submission and approval of a separate planning application.
8. Shop and Chandlery to be limited to sale of food items and goods required by boaters and not general retail
9. Withdraw permitted development rights for statutory undertakers
10. All workshop repairs, servicing, cleaning/painting of hulls and maintenance shall take place inside the building with doors closed, with the exception of pressure washing, hull painting and light engineering repairs which shall be permitted to take place on the hard standing outside the marina.
11. No pressure washing, hull painting and light engineering repairs shall take place outside the hours of 08:00 till 18:00 Mondays to Saturdays with no working on Sundays and Bank Holidays.



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Application No: 14/0066N

Location: 114, EARLE STREET, CREWE, CHESHIRE, CW1 2AQ

Proposal: DEMOLITION OF EXISTING DWELLING HOUSE; PARTIAL DEMOLITION OF FORMER BLOCKBUSTER STORE AND CHANGE FROM USE FROM CLASS A1 TO CLASS A3 AND A5; AND ASSOCIATED ACCESS AND LANDSCAPING WORKS

Applicant: UBS Global Asset Management (UK) Limited

Expiry Date: 13-Feb-2014

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Principle of development;
- Design Standards;
- Amenity;
- Landscape;
- Highways; and
- Other Matters

REFERRAL

This application was to be dealt with under the Council's delegation scheme. However, Councillor Newton has requested that it be referred to Committee for the following reasons:-

'Residents in the adjoining area have expressed concerns about increased traffic congestion as a consequence of the operation of a Drive thru food outlet, in an area already suffering from traffic congestion problems; that there would be insufficient parking for both staff of the establishment and customers when the facility is open'.

'Residents in the nearby residential area are concerned also about potential loss of amenity as a result of an increase in smells/odours, a reduction in air quality, increased noise and potential disturbance in surrounding residential streets nearby, especially at night'.

1. SITE DESCRIPTION AND DETAILS OF PROPOSAL

This is a full application for the demolition of the existing dwelling and partial demolition of the former Blockbuster store and change of use from Class A1 to Class A3 and A5 and associated access and landscaping at 114 Earle Street, Crewe. The applicants property is a detached single storey building constructed out of facing brick under a concrete tile roof. The

building is located in close proximity to Grand Junction Retail Park and is located wholly within the Crewe Settlement Boundary.

2. PREVIOUS RELEVANT DECISIONS

P95/0519 - Illuminated advertisements – Approved – 18th March 1996

P97/0597 - Projecting box sign – Approved – 16th August 1997

P95/0439 – Retail Unit – Approved – 28th July 1995

P95/0724 – Retail Unit – Approved – 21st September 1995

P97/0583 - Installation of ATM – Approved – 1st August 1997

3. PLANNING 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)

TRAN.9 (Car Parking Standards)

NE.5 (Nature Conservation and Habitats)

Cheshire East Local Plan Strategy - Submission Version

SE1

SD2

SE2

SE3

SE4

SE6

CO2

EG3

The above Policies are consistent with the Crewe and Nantwich Local Plan

4. OBSERVATIONS OF CONSULTEES

United Utilities: No objections subject to the following being conditioned

Interceptors and adequate grease traps are often required to protect the receiving sewer. Food outlets and producers must have grease traps installed and maintained.

Highways: No objections subject to the following condition and informative

Condition:- Prior to first use all parking and new/revised points of access will be properly constructed and available for use.

Informative:- Prior to first development the developer will enter into and sign a Section 184 agreement and construct the new access to CEC Highways specification.

Air Quality: No objection subject to conditions relating to dust control and electric vehicle infrastructure

Environmental Health: No objection subject to conditions relating to hours of use, odour control report submitted and odour control maintenance.

5. VIEWS OF THE PARISH / TOWN COUNCIL:

No comments received at the time of writing this application

6. OTHER REPRESENTATIONS:

1 letter of representation has been received. The salient points raised are as follows:

- Loss of earnings;
- Direct competition;
- Loss of revenue on both flats and business;
- The proposed plan includes parking for 15 cars. However they also state they will employ 16 staff and therefore there would not be enough car parking spaces for customers or visiting management, reps and other staff. Therefore, the over spill would have to be in front of my business and my small car park leaving no room for my customers.

7. APPLICANT'S SUPPORTING INFORMATION:

Scheme of Odour Abatement
Transport Statement
Acoustic Assessment

8. OFFICER APPRAISAL

Principle of Development

As the site is located within the Crewe Settlement Boundary the overarching principle of development is deemed to be acceptable subject to other local plan policies. Furthermore, this site has been earmarked for commercial development which this proposal would satisfy.

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

Given that the application site is currently vacant, is within the Crewe Settlement Boundary and would bring economic benefits to the area, it is deemed to be acceptable in principle.

Design Standards

Policy BE.2 of the Local Plan advises that planning permission will only be granted if a high standard of design is achieved, the development respects the pattern, character and form of the surroundings and would not affect the streetscene by reason of scale, height, proportions or materials used.

The applicant is proposing to utilise the majority of the former Blockbuster store. It is noted that a section of the building will need to be demolished so that the drive through lane, which sweeps around the building can be constructed. The building is in a fairly prominent position being a detached building located adjacent to the roundabout and near Grand Junction Retail Park. The building is of a simple utilitarian design being constructed out of facing brick under a concrete tile roof and containing a number of large glazed apertures.

The applicant is proposing to break up the existing façade by utilising a timber and corrugated steel facades. It is considered that the existing building appears quite stolid and typical of 1990's construction. The current proposal is more modern and is less stark. However, it is considered prudent to attach a condition regarding the submission and approval of materials, in the event that planning permission is granted. Overall, it is considered that the proposal will not appear as alien or incongruous feature within the streetscene and the proposal is in accordance with policy BE.2 (Design Standards)

In addition to the above, in order to facilitate the construction of the drive through lane an end terrace property will need to be demolished. It is not considered that the loss of this building, which is of no architectural merit will not cause any demonstrable harm to the character and appearance of the streetscene.

Amenity

Policy BE.1 of the Local Plan advises that development shall only be permitted when the proposal would not have a detrimental impact upon neighbouring amenity in terms of overlooking, overshadowing, visual intrusion or environmental disturbance.

The application site is located in a mixed use area where there are a number of commercial properties sitting in close proximity to residential dwellinghouses. Furthermore, the local highway network is heavily trafficked and as such the ambient noise levels in the locality are quite high, it is against this backdrop that the application needs to be assessed.

The applicant has submitted an Acoustic Assessment which was produced by Hann Tucker Associates, and it concludes that the proposal will not generate noise levels that will cause adverse impacts upon the nearest sensitive receptors (i.e. residential dwellings). A series of attenuation measures have been proposed to ensure noise emissions are limited and a condition is proposed to ensure these are installed as part of the development. Following the submission of this Assessment, the Environmental Health Officer has withdrawn her holding objection to the proposal.

In addition to the above, the application is submitted with a scheme of odour abatement which incorporates an electrostatic precipitator followed by an out of air stream UV odour control unit which is designed to ensure that odours associated with the use of the development (Burger King Restaurant) do not cause a significant loss of residential amenity in the vicinity. Colleagues in Environmental Health have been consulted and the scheme is accepted. Consequently, it is considered that the proposal will not have a detrimental impact on residential in relation to odour, subject to the imposition of a condition regarding that maintenance of the electrostatic precipitator. Colleagues in Environmental Health have been consulted and raise no objection and as such it is considered that the proposal complies with policy BE.1 (Amenity)

In terms of Air quality, the site lies within the Earle Street Air Quality Management Area (AQMA). As such, it has been advised that Electric Vehicle Infrastructure should be provided. Furthermore, a scheme to mitigate any dust emissions is also recommended to be submitted and approved, prior to commencement of development. Both of these conditions are considered to be reasonable given that the site lies within an AQMA.

Landscape

It is noted that there are a number of trees and areas of planting around the existing site. The vegetation is well established but not mature. Whilst retained trees and proposed landscape areas are shown on the site plan, the submission provides no detailed arboricultural data or landscape proposals.

However, the development will impact on one existing semi mature tree on the Earle Street frontage, adjacent to proposed disabled parking and some shrub planting beds will be affected. It may be possible to retain the tree with special construction for the proposed areas of hard surfacing. The tree is not located in a Conservation Area nor is it offered any statutory protection via a Tree Protection Order.

Consequently, in the event of approval it is considered prudent to attach conditions relating to tree protection measures, method statement for the construction of the area of hard surfacing if the aforementioned tree is to be retained and standard landscaping conditions. Overall, it is considered that the proposal accords with policy NE.5 (Nature Conservation and Habitats).

Highways

This application is for a change of use to fast food and drive through with parking on site. It is local to the retail park with good sustainable pedestrian links between the two. Indeed this site is in a sustainable town centre location.

According to the submitted plans there will be 17no. car parking spaces (2no. of these spaces will be for orders and 2no. disabled car parking spaces) The majority of the car parking will be located around the periphery of the site and will be screened from the wider environ by a landscaping buffer, which will be secured by condition. The existing access/egress arrangement will stay the same. However, a new egress will be formed following the demolition of a terraced property.

A Transport Statement was provided with the application detail which assessed the traffic generation from the site and considered the impact on the Earle Street roundabout. In response the Strategic Highways Manager required a revision to this document to better represent the actual traffic conditions on the ground. However it was recognised that the moving traffic queues which manifest themselves at this junction are difficult to replicate in industry recognised modelling programmes. The revised TS demonstrated with reasonable accuracy the on-site conditions.

In the final analysis it is recognised by the assessment and the S.H.M. that the actual traffic impact on the roundabout will be low in overall terms and on the worst (Manchester Rd arm) not more than 12 additional vehicles in the future assessment year of 2019. This is just one extra vehicle every 5 minutes on average.

The S.H.M recognises that this cannot reasonably be considered a severe impact from this development, especially in this sustainable location and to this end must find that there can be no sustainable objection to this development on the grounds of traffic impact on the local network. Therefore, it is considered that the proposal is in accordance with policies BE.3 (Access and Parking) and TRAN.9 (Car Parking Standards).

Other Matters

Whilst the concerns of the objector are noted, the potential impact on their business by the proposed development is not a material planning reason to refuse the application.

9. CONCLUSIONS

It is considered that the proposal would be sited in an acceptable location, would not have a detrimental impact upon neighbouring amenity and would not create any highway safety, rail or protected species issues. It would therefore adhere with the following policies within the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011: BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources) and BE.6 (Development on potentially contaminated land). The proposal would also adhere with the relevant policies within the NPPF.

10. RECOMMENDATIONS

Approve subject to the following conditions:

- 1. Standard Time Limit**
- 2. Plan References**
- 3. Materials to be submitted and agreed in writing**
- 4. Surfacing materials to be submitted and agreed in writing**
- 5. Landscaping scheme to be submitted**
- 6. Landscaping Implemented**
- 7. Tree Protection measures**
- 8. Method Statement for the construction to hardstanding to be submitted and agreed in writing**
- 9. Drainage scheme to be submitted and agreed in writing and to include information relating to interceptors and grease traps**
- 10. Prior to first use all parking and new/revised points of access will be properly constructed and available for use.**
- 11. Hours of Use (Restaurant)**

Sunday - Thursday	07.00 hrs	23.00 hrs
Friday - Saturday	07.00 hrs	24.00 hrs
- 12. Hours of Use (Drive Through Lane)**

Sunday - Thursday	07.00 hrs	24.00 hrs
Friday - Saturday	07.00 hrs	01.00 hrs
- 13. The electrostatic precipitator shall be installed and maintained in accordance with the manufacturers instructions**
- 14. Dust Controls**
- 15. The developer shall provide Electric Vehicle Infrastructure in the parking area proposed as part of this development.**
- 16. Noise Vibration Test to be submitted and Agreed in Writing**
- 17. External Lighting to be submitted and agreed in writing**
- 18. Pile foundations**
Monday – Friday 09:00 – 17:30 hrs
Saturday 09:00 – 13:00 hrs
Sunday and Public Holidays Nil

Informative:- Prior to first development the developer will enter into and sign a Section 184 agreement and construct the new access to CEC Highways specification.

Application No: 14/0308C

Location: LAND OFF BROOK STREET, CONGLETON, LAND OFF, BROOK STREET, CONGLETON, CHESHIRE

Proposal: Variation of conditions 2 (Arboricultural implications) and 24 (Vehicular access) as to plan 882/P/PL01 rev K on approved application 12/0410C (residential development for 54 dwellings)

Applicant: N BURNS, MORRIS HOMES NORTH LTD

Expiry Date: 16-Apr-2014

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

Principle of Development

Trees and Landscaping

Highway Safety

1. REASON FOR REFERRAL

This application seeks to amend a condition which was attached to a major application.

1. DESCRIPTION OF SITE AND CONTEXT

This application relates to a 2.34 ha previously developed site positioned off Brook Street in Congleton. The Dane-in-Shaw Brook runs along the northern boundary of the site before merging with the River Dane, which travels along the western boundary of the site. The site hosts a large number of trees, the majority of which line the banks of the River Dane and Dane-in-Shaw Brook.

The surrounding area is characterised by long established industrial uses to the north and east, by residential to the south and Congleton Park to the west although this is separated from the site by the River Dane. Small pockets of existing residential development do however exist on the site's immediate eastern boundary along Bridge Row and Mill Street.

Development has already commenced on the redevelopment of the site for the erection of 54 dwellings with public open space, and a new footbridge crossing over the River Dane to Congleton Park.

Due to the sites proximity to both the River Dane and the Dane-in-Shaw Brook the site is identified, to varying degrees, within flood risk zones 1, 2 and 3.

2. DETAILS OF PROPOSAL

This application seeks permission to vary conditions 2 (Arboricultural implications) and 24 (Vehicular access) attached to planning ref; 12/0410C (residential development for 54 dwellings). The changes are required to reflect the removal of some tree specimens that were shown as being retained in the Arboricultural report and so that minor alterations to the internal road layout can be regularised following the Highways s278 agreement.

3. RELEVANT HISTORY

08/1236/OUT - Outline application for residential development, close care/retirement units and care home with access sought for approval at the outline stage – Resolved to Approve subject to conditions and S106 agreement (2nd February 2011)

12/0410C - Residential Development Off Brook Street, Congleton for 54 no. Residential Dwellings With Public Open Space And A New Footbridge Crossing Over River Dane To Congleton Park – Approved 27th August 2013

4. POLICIES

Relevant Local Plan Policy

GR1	New Development
GR2	Design
GR4	Landscaping
GR9	Accessibility, servicing and parking provision
NR1	Trees & Woodland

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 28th 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.

Cheshire East Local Plan Strategy – Submission Version Policies:

SD 2	Sustainable Development
SE 1	Design
SE 4	Landscape
SE5	Trees

Other Relevant Considerations

National Planning Policy Framework

5. CONSULTATIONS (External to Planning)

Strategic Highways Manager

No objection

6. VIEWS OF THE TOWN COUNCIL

No comment

7. OTHER REPRESENTATIONS

A petition with 10 signatures has been received objecting to this proposal on the following grounds:

- The tree have already been felled
- The trees were felled before neighbours were notified
- There should be no vehicular access to Bridge Row
- The footpath access that leads onto Bridge Row could be used by cyclists, motorcyclists and possibly a small car
- The access to the site is an accident blackspot

9. APPLICANT'S SUPPORTING INFORMATION

Arboricultural Assessment

Revised Layout

10. OFFICER APPRAISAL

Principle of Development

The principle of the development has already been accepted and it is not the purpose of this report to revisit the merits of the proposal. The main considerations to consider are the loss of some of trees and the impacts of realigning the internal road in terms of design and highway safety.

Trees and Landscaping

The submission is supported by a revised Arboricultural Implications Assessment. Two of the trees concerned had failed; one Cherry and one Willow. Following setting out of plots, ground modelling and reassessment of the layout, the developer considered that it would be necessary to remove 4 further trees and this has since been carried out. The submitted reasons for the works can be summarised as follows:

- 2 Grade B Pine trees identified for removal in the original tree survey but shown retained on approved plans. Trees were deemed to be too close to dwellings (5m)
- 1 Grade A Atlantic Cedar considered was to dominate an adjacent plot and to be unsuitable for long term retention in the new situation.
- 1 Grade B Lime removed to benefit an adjacent Oak

The potential for conflict with the retained trees was accepted by the Council's Tree Officer and have already been removed. The amended plan represents an improved relationship to an Oak tree on plot 1. Taking into account the accepted use of the site for residential development and the layout approved previously, it is not considered that the loss of the trees would be harmful to the overall scheme.

Highway Safety

The revisions to the layout have arisen following advice from the Council's Highway Adoptions Team as part of the highways s278 Agreement. The proposed amendments relate to the depth of the service margins, road widths and junction arrangements internally within the site. The alterations are very minor in nature and do not require any amendments to the position or siting of the dwellings. As such, the impact on the design of the scheme will be minimal and the change in depths of the service strips will not be noticed. The Strategic Highways Manager supports the proposal and as such, there are no highway safety concerns.

Other Issues Raised by Representation

Residents on Bridge Row are concerned that the proposed layout will enable vehicular access into the proposed development. However, the proposed boundary treatments would prevent this.

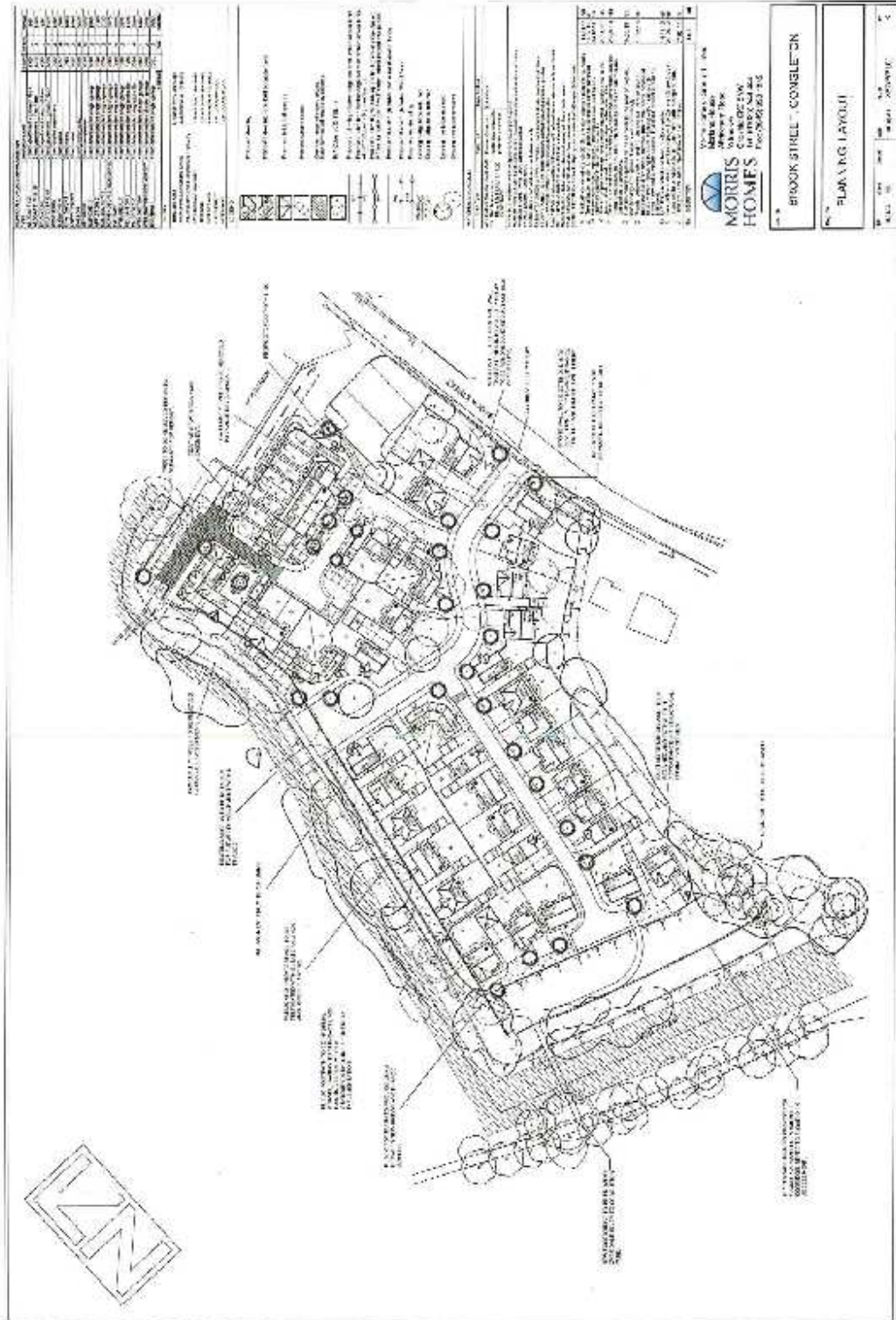
11. CONCLUSIONS

The principle of the development has already been accepted. The proposed revisions are minor and do not give rise to issues relating to design, character and appearance, residential amenity or highway safety. As such, the proposal is found to be acceptable and therefore it is recommended that condition numbers 2 and 24 of approval 12/0410C be varied to include the revised information and all other conditions be repeated as before where necessary.

12. RECOMMENDATION

APPROVE with conditions

- 1) Development in accordance with submitted / amended plans (inc. access) and updated Arboricultural Assessment
- 2 Hours restriction – construction including delivery vehicles.
- 3 Hours restriction - piling activity.
- 4 Contaminated land Phase 2
- 5 Accordance with Landscape scheme and Management Plan
- 6 Landscaping to include native species for ecological value
- 7 Implementation of approved landscaping
- 8 Survey for breeding birds and protection during breeding season
- 9 Incorporation of features into the scheme suitable for use by breeding birds
- 10 Incorporation of features into the scheme suitable for use by bats
- 11 Submission/approval and implementation of a programme of remedial works to retained trees.
- 12 Levels in accordance with submitted details
- 13 Materials in accordance with submitted details
- 14 Noise mitigation for Plots 1 and 54 to be implemented in accordance with 'Hepworth Acoustics, Report No. 21367.01v1, January 2012' prior to first occupation of these units
- 15 Detailed scheme for dust mitigation during demolition and construction
- 16 Details of external lighting strategy to be submitted and agreed
- 17 Accordance with Detailed Tree Protection Scheme to be fully implemented
- 18 Accordance with Landscape management Plan
- 19 Accordance with scheme for compensatory flood storage
- 20 Accordance with surface water regulation
- 21 Accordance with scheme for management of overland flows from surcharging of surface water drains to be submitted and agreed prior to commencement of development
- 22 Site levels to be in strict accordance with Cut and Fill Drawings unless otherwise agreed in writing
- 23 New vehicular access to Brook Street to be constructed to base course before other construction works commence and fully implemented before first occupation of any dwellings
- 24 Accordance with Site Waste Management Plan
- 25 Scheme to generate 10% of its energy requirement from low carbon sources
- 26 Accordance with boundary treatments
- 27 Precise details of internal footbridge connecting the two areas of POS to be submitted, agreed and fully implemented within an agreed timescale
- 28 Accordance with Method statement detailing proposals for the eradication of Japanese Knotweed and Himalayan Balsam
- 29 Accordance with details of bin storage
- 30 Removal of PD classes A-E plots and gates ,w alls and fences for Plots 48 - 52



Application No: 14/0456N

Location: 271, NEWCASTLE ROAD, WYBUNBURY, NANTWICH, CHESHIRE, CW5 7ET

Proposal: Variation of conditions 2 & 8 on approval 13/3046N - Change of use from shot-blasting heavy goods vehicles to car repairs, dismantling and salvage of parts

Applicant: Mr Victor Pickering

Expiry Date: 20-Mar-2014

SUMMARY RECOMMENDATION: Approve as a variation of condition

MAIN ISSUES:

- Key Issues;
- Background Information;
- Local Plan/Government Guidance;
- Character/Appearance;
- Conditions; and
- Other Matters

REFERRAL

This application is to be dealt with under the Council's delegation scheme. However, Councillor Brickhill has requested that it be referred to Committee for the following reason:-

'Note this property is clearly in SHAVINGTON and not in Wybunbury. I am the ward councillor and as such I call in the current planning application which I think is to vary the conditions. I believe that the formal application to change the shot blasting operation into a car wreckers has been approved. Please tell me by whom and when please. I am also aware that Mr Pickering is already flouting the time of work conditions eg by delivering wrecked vehicles and unloading them at 3 am in a residential area and causing disturbance to his neighbours yet again. I require Craig Wilshaw to take immediate enforcement action to stop any work outside the permitted hours or explain to me in 24 hours why he is not doing so'.

1. SITE DESCRIPTION AND DETAILS OF PROPOSAL

The application site is located to the north of the existing Blakelow Industrial Park, the proposal comprises a single storey building with associated hardstanding. The application building is utilitarian in form and is currently being used for the dismantling of vehicles. It was noted that there were several other buildings and offices, which make up remainder of the

complex. Located to the south of application are a number of residential properties, which front on to Newcastle Road. The application site is located wholly within the Open Countryside and the Green Gap.

The current proposal seeks permission to vary conditions 2 and 8 of planning application 13/3046N. Condition 2 states

Due to the potential for noise disturbance to local residents, the development should be subject to the following hours of operation restrictions:

Monday – Friday 08.00hrs 18.00hrs

Saturday 08.00hrs 14.00hrs

Sundays and Bank Holidays Nil

Reason:- To protect the amenities of neighbouring occupiers in accordance with Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

And condition 8 states

The building hereby approved shall be used solely for the dismantling of vehicles and for no other purpose whatsoever.

Reason :- The Local Planning Authority would wish to give further consideration to uses within other classes in this location, in the light of the neighbouring residential properties, and access and parking arrangements and proximity of the town centre. In accordance with Policies BE.1 (Amenity) and BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

2. PREVIOUS RELEVANT DECISIONS

13/3046N - Change of use from shot-blasting heavy goods vehicles to car repairs, dismantling and salvage of parts – Approved – 24th September 2013

10/2091N - Proposal for One Small 11Kw Gaia Wind Turbine where The Wind Turbine is Located at 27m AGL Mounted on a Free Standing Tower on a Concrete Base. The Proposed Dual-Blade Rotor has a Diameter of 13m – Refused – 2nd September 2010 – Appeal – Dismissed – 28th February 2011

P04/1169 - Change of Use from Hay Barn to Maintenance Depot for Racing Cars – Approved – 4th July 2005 – Appeal Allowed – 4th July 2005

P02/0618 - Change of use from Haybarn to Retailing – Refused – 15th October 2002

P00/0870 - Change of Use from Parking Used in Connection with Stables to Car Park Used in Connection with the Adjoining Commercial Premises – Approved – 2nd July 2004

P00/0869 - Erection of Hay Barn (Retrospective) – Approved – 29th July 2004

P99/0197 - Use of land for keeping of horses, erection of stables, tack room and implements building – Approved – 24th June 1999

P92/0166 - Maintenance building for servicing of commercial vehicles – Approved – 16th April 1992

P98/0222 - Replacement portal frame building – Approved – 5th May 1998

P93/0597 - Double garage – Approved – 20th September 1993

7/18460 - COU of land to form additional parking and turning area for commercial vehicles – Approved – 24th October 1990

7/08649 - Extension of area to rear of workshop of parking and storing vehicles – Refused – 25th February 1982

3. PLANNING 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:

NE.2 (Open Countryside)

NE.4 (Green Gaps)

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)

TRAN.9 (Car Parking Standards)

E.4 (Development on Existing Employment Sites)

E.6 (Employment Development within the Open Countryside)

Cheshire East Local Plan Strategy - Submission Version

SE1

SD2

SE2

SE3

SE4

SE6

CO2

EG2

EG3

PG5

PG6

The above Policies are consistent with the Crewe and Nantwich Local Plan

4. OBSERVATIONS OF CONSULTÉES

Environment Agency: No objections

Environmental Health: Comments to follow

5. VIEWS OF THE PARISH / TOWN COUNCIL:

The Parish Council has considered the above planning application and has instructed me to raise the following strong objections to the proposal.

When permission was granted for the current activities last year the Parish Council, concerned about the potential for impact on neighbouring residential properties, requested restrictions on the hours of use to protect neighbours from noise and other disturbance.

The Parish Council has received representations from local residents which indicate the current conditions of use are already being ignored, and will therefore object to any proposed variation which in its view will make this situation deteriorate further. It is strongly of the opinion that rather than consider easing the restrictions on hours of use, Cheshire East Council should take action to firmly enforce the existing planning consent conditions.

6. OTHER REPRESENTATIONS:

1 Letter of support has been received. The salient points raised are as follows:

I operate a double-decker bus from the rear yard at Blakelow business park. I wish to offer my support for the change in planning conditions for Unit 5, Blakelow business park.

The staff at Unit 5 are considerate and helpful and I have not seen them working outside their current permitted hours. I cannot see how any car maintenance work carried out in this building could infringe on residents of Newcastle road as it is completely screened by buildings and tall hedges. I support the application to amend the onerous conditions originally applied by the council.

10 letters of representation have been received objecting to the proposal and the salient points raised are as follows:

- As local residents, we strongly object to the application to amend the existing conditions;
- We have already experienced increased noise levels and the flouting of the original conditions on this site and feel that this nuisance will only be exacerbated if the application is allowed;
- The situation will only become worse in the summer months when we are in the garden or in the house with windows open in the evening or at weekends.
The application should be refused and the original conditions rigorously enforced. The original conditions restricting operational hours have been breached on several occasions resulting in unacceptable noise levels and movement of heavy goods vehicles onto the site in the early hours. The amendment of these conditions would result in a further nuisance and loss of amenity to nearby residents;

- The original conditions should be rigorously policed and enforced. The application is to extend the working hours inside the building and reference is made to the existing operation on site of racing car maintenance already allowed. The noise from this operation is particularly obtrusive and any additional noise would be unwelcome. Also, the noise from the movement of heavy goods vehicles to and from the premises as already experienced in the early hours is very annoying and would not be restricted to inside the building.
- The industrial unit is less than 100 metres from adjacent residential properties. The processes involved in the change of use would inevitably cause noise pollution for local residents.
- Increase in vehicular movements to and from the site would cause noise pollution for local residents.
- On the grounds of noise and disruption in rural residential area out of normal working hours;
- This site has domestic dwellings in close proximity and the noise from dismantling and cutting up of scrap metal with hand held petrol saws would have a big impact to the local community in the surrounding area;
- The other concern is movement of large vehicles entering and leaving the site at night and weekends to add to the noise and disruption to the local residential area;
- There is also a concern about pollution and contamination in the area around this site owing to possible spillages of oil, brake fluid and in the surrounding ground and water sources in the area to the detriment of the environment;
- There are strict regulations regarding the dismantling and salvage of car parts.
- We ask you to reject the extension to the working hours requested in this application. As stated on many occasions, this is a residential area, Mr Pickering has no respect for the surrounding residents. It is very unlikely that he would police the hours worked by anyone working within this site.;
- As a taxpayer, working each day of the working week, this would be severely disrupted if kept awake until the early hours of the morning because of industrial noise. At weekends it is a time for relaxation but again it is unacceptable to be disrupted by industrial noise, surely we have a right to relax in the garden in peace and have windows open at night. Why is it we must accept the goings on this site time and time again. Laws are supposed to offer the protection residents require. Why is it necessary for this business to operate at such unsocial hours? Surely it needs to be sited within a more conventional industrial park, far away from residents and communities.
- Reference has been made in the application to the existing hours allowed for the racing car repairs and the comparison to the activities in the application, we would prefer both to have more restricted time limits.

In addition to the above, the occupier 269 Newcastle Road has submitted a diary which makes reference to a number of alleged breaches of the current planning permission

1 letter of objection received from Richard Ellison (Planning Consultant) acting on behalf of the occupiers no. 269 Newcastle Road, the conclusion of his report are as follows:

Currently the activity, the subject of this planning application for the variation, is still unlawful and has been operated in this way to cause major harm to residential amenity since

December 2012. This is despite the approval of planning application 13/3046N with a number of conditions, most of which have not been enforced by Cheshire East Council.

The activity in all its manifestations is causing significant noise and disturbance especially during unsocial hours particularly when background noise levels are much lower than during the day time through the uncontrolled way it is still operating as described in this Statement.

The proposed development is contrary to NPPF para 123 and policy NE.17 of the CNRLP.

An Inspector had previously imposed similar conditions those attached to 14/3046N on a the previous use of the building for shot blasting due to location of the building near to 279 Newcastle Road and the likely harmful effect on residential amenity.

The most strongest objection is made to this proposal. However, no strong case has been made for the variation of conditions 2 and 8 on 13/3046N.

7. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement

8. OFFICER APPRAISAL

Key Issues

The main issues in the consideration of this application are the acceptability of the development in principle having regard to its impact on residential amenity, drainage, highway safety.

Background Information

Members may recall that planning permission was recently sought for change of use from shot-blasting heavy goods vehicles to car repairs, dismantling and salvage of parts (13/3046N) and was approved on the 24th September 2014. Having considered the application it was felt that the change of use of the building from shot blasting to the dismantling of vehicles was an appropriate use within the Open Countryside in this existing industrial complex. Furthermore, it is considered given the scale and nature of the proposal and its location and juxtaposition in relation to other residential properties means that the amenities of surrounding uses would not be detrimentally compromised. However, following the grant of this planning permission, the applicant is seeking to vary a number of these conditions. In particular conditions 2 and 8 attached to planning permission 13/3046N.

Local Plan Policy/Government Guidance

As previously stated, the application site is located outside of the settlement boundary, as defined on the Crewe and Nantwich Replacement Local Plan Proposals Map, and is therefore situated in Open Countryside and within the Green Gap.

Policy NE.2 (Open Countryside) of the Crewe and Nantwich Replacement Local Plan restricts development other than that required for agriculture, forestry, outdoor recreation or other uses appropriate to the rural area. Policy NE.4 (Green Gaps) 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 the erosion of the physical gaps between built up areas or adversely affect the visual character of the landscape. It is considered given that proposal is located wholly within an existing industrial complex and as such will not adversely affect the visual character of the landscape neither will it result in the creation of any new buildings and as such the proposal is broadly in accord with policy NE.4. The change of use would not result in the erosion of the physical gaps between built up areas.

According to Policy E.4 states that proposals for new employment development, for the re-use, re-development or intensification of the use of land within existing employment areas will be permitted. Whilst Policy E.6 of the Local Plan (Employment Development within the Open Countryside) restricts employment development to 'small scale' employment development in rural areas in order to diversify the rural economy. Small scale development should be adjacent to existing buildings or other existing employment areas. All new development should also meet the requirements of policies BE.1 – BE.5 as contained within the Local Plan.

According to the NPPF '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' (para 19). The guidance goes on to state that 'To help achieve economic growth, local planning should plan proactively to meet the development needs of business and support an economy fit for the 21st Century'.

In relation to supporting a prosperous rural economy 'planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development'.

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."*

Character and appearance

The application site is located towards the north of Blakelow Business Park, which is a relatively small estate comprising several other buildings and workshops located on the western edge of Shavington. Located towards the south of the estate are a number of residential properties which front onto Newcastle Road. The industrial park boundaries are demarcated by mature native hedgerows on the northern and western boundaries. The site is accessed directly off Newcastle Road to the south.

The application building is utilitarian in form measures approximately 5.7m high with a rectangular footprint, with a floor area of approximately 108 square metres. Large entrance doors are located on southern elevation of the building. The remainder of the site provides parking for staff vehicles and open storage for vehicles and parts.

The building is not clearly visible from Newcastle Road as there is another building located closer to Newcastle Road, which helps to screen the application building.

Conditions

Condition 2 states:

Due to the potential for noise disturbance to local residents, the development should be subject to the following hours of operation restrictions:

Monday – Friday 08.00hrs 18.00hrs

Saturday 08.00hrs 14.00hrs

Sundays and Bank Holidays Nil

Reason:- To protect the amenities of neighbouring occupiers in accordance with Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The applicant's agent as part of their supporting statement stresses that the hours of operation permitted by this condition are too restrictive and would make the enterprise unviable. The agent goes on to enunciate that the restricted hours of operation do not take into account the nature of the activity and the hours of operation that are permitted on adjacent uses that lie between the application site and residential properties on Newcastle Road.

It is contended that the industrial, storage and distribution uses at 269 Newcastle Road (immediately adjacent to the application site) operate with no planning condition restricting hours of operation. It is accepted that the neighbouring unit has no hours of operation condition, as stated by the applicants agent.

It is also confirmed that Blakelow Business Park, which includes general industrial and distribution uses, also mainly operates with no planning condition restricting hours of operation. There are two exceptions. Firstly, the permission granted on appeal for shot blasting (on the current application site) restricts shot blasting and the operation of ancillary machinery to within the building and between 08.30 to 17.30 on weekdays, 08.30 to 13.30 on Saturdays and not at all on Sundays and Bank holidays. Secondly, a permission for the maintenance of racing cars, granted on appeal under application reference P05/0175, restricts use of a converted barn to the hours of 08.00 to 22.00 on weekdays and 10.00 to 16.00 on Saturday and Sunday, with no outside working.

The applicants agent acknowledges that the hours of operation permitted by condition 2 are *'acceptable to control outside working at unsocial hours, but in view of the lack of control over the use of nearby industrial buildings and the much more generous hours of operation permitted on appeal for the use of the nearby barn for maintenance of racing cars, such a restriction on hours of operation within the building is unreasonable. It is also noteworthy that*

the building on the application site is insulated to an approved level for shot blasting, a noisier activity than that which is now proposed'. The agent proposes to vary the above times so that it reads,

Hours of operation outside the building are restricted to the following:

Monday - Friday 08.00hrs to 18.00hrs

Saturday 08.00hrs to 14.00hrs

Sundays and Bank Holidays Nil

Hours of operation inside the building are restricted to the following:

Monday - Friday 08.00hrs to 22.00hrs

Saturday 08.00hrs to 16.00hrs

Sunday and Bank Holidays 08.00hrs to 16.00hrs

The agent stresses the above hours of operation are similar to the hours of operation imposed by the Planning Inspector as part of application P05/0175. It is accepted that the adjoining industrial premises do not operate with any hours of operation as does the applicants wider business premises, which includes general industry and bus repairs. Whilst, it is also noted that there a number of residential properties in close proximity to the application site (approximately 65m away), they cannot be afforded the same level of protection, as they are located close to a number of B2 Uses, which by definition are not compatible with residential dwellings. Therefore, these properties are not located in a secluded countryside location, but are adjacent to an area with high levels of ambient noise. Furthermore, it is considered given the separation distances, the intervening building, boundary treatment and the other factors cited above will all help to mitigate any negative externalities caused by the proposed development. Furthermore, it is considered providing conditions relating to hours of use, noisy works to place inside and the same conditions on 13/3046N preventing any sales to members of the public will all help to alleviate any problems associated with the proposal. Overall, it is considered that the rewording of this condition in line with the applicants wishes is acceptable and reasonable. Colleagues in Environmental Health have been consulted and their comments have not been received at the time of writing this report. Members will be updated regarding Environmental Health comments in the update report.

Condition 8 states:

The building hereby approved shall be used solely for the dismantling of vehicles and for no other purpose whatsoever.

Reason :- The Local Planning Authority would wish to give further consideration to uses within other classes in this location, in the light of the neighbouring residential properties, and access and parking arrangements and proximity of the town centre. In accordance with Policies BE.1 (Amenity) and BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

It is acknowledged that the wording of this condition explicitly excludes car repairs and salvage of parts which were included in the particulars of development as described on the application form, the Committee Report and the Decision Notice. The agent contends that this condition *'may be ultra vires. Circular 11/95: The Use of Conditions in Planning Permission advises at paragraphs 34 and 35 that a condition can be ultra vires on grounds of unreasonableness because it is unduly restrictive. Paragraph 84 deals with conditions altering the nature of the development and advises that a condition modifying the development cannot be imposed if it would make the development permitted substantially different from that comprised in the application. In this case, car repairs and salvage of parts are integral parts of the business and their exclusion is unduly restrictive and makes the development substantially different from that described in the application and on the decision notice'*.

It is noted that the neighbouring unit repairs buses and other large vehicles. The development will help to support a prosperous rural economy. Furthermore, the proposal is an industrial use taking place within an industrial complex and as such the repair of vehicles and salvaging car parts is not unreasonable. Overall it is considered that the rewording of the condition to *'The building hereby approved shall be used solely for car repairs, the dismantling of vehicles and salvage of parts, and for no other purpose whatsoever'* as proposed by the applicants agent is entirely reasonable.

Other Matters

A number of representations state that the applicants have been in breach of the current planning permission by working outside the permitted hours of operation. Whilst it is acknowledged that this may be the case any breach in planning control will be dealt with by colleagues in the Enforcement Section. Furthermore, residents have stated that the noise generated from the applicants premises causes demonstrable harm to their residential amenity, for example, keeping them up at night. If the proposal is causing a noise nuisance, this can be dealt with by colleagues in Environmental Health as a statutory noise nuisance.

A number of local residents claim that when the vehicles arrive at the site they have not been de-polluted i.e. none of the oil, brake fluid anti freeze etc has been removed. The applicant has stated that *'Vehicles have all possible contaminants removed within the building where a concrete slab enables any spillage to be contained and cleaned. All possible contaminants are to be disposed of in an approved manner by Enviro Care North West'*. The local residents are concerned that these vehicle contaminants can run off and cause significant damage to the local environ. Consequently, colleagues in the Environment Agency have been consulted and raise no objection

Colleagues in the Enforcement Section are aware of the current situation and requested that the applicant submit the current application. The Enforcement Team are awaiting the outcome of this application to assess whether its expedient for the Council to take any formal enforcement action.

9. CONCLUSIONS

The proposed variation of conditions 2 and 8 of planning permission 13/3046N is acceptable in principle and, as conditioned, would not cause any detrimental harm to the amenities of nearby residents or the character and appearance of the area. It is concluded that the

proposed development would be in accordance with Policies NE.2 (Open Countryside), NE.4 (Green Gaps), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking) and E.6 (Employment Development in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

10. RECOMMENDATIONS

Approve subject to conditions:

- 1. Plan References**
- 2. Hours of Operation**

Hours of operation outside the building are restricted to the following:

Monday - Friday 08.00hrs to 18.00hrs

Saturday 08.00hrs to 14.00hrs

Sundays and Bank Holidays Nil

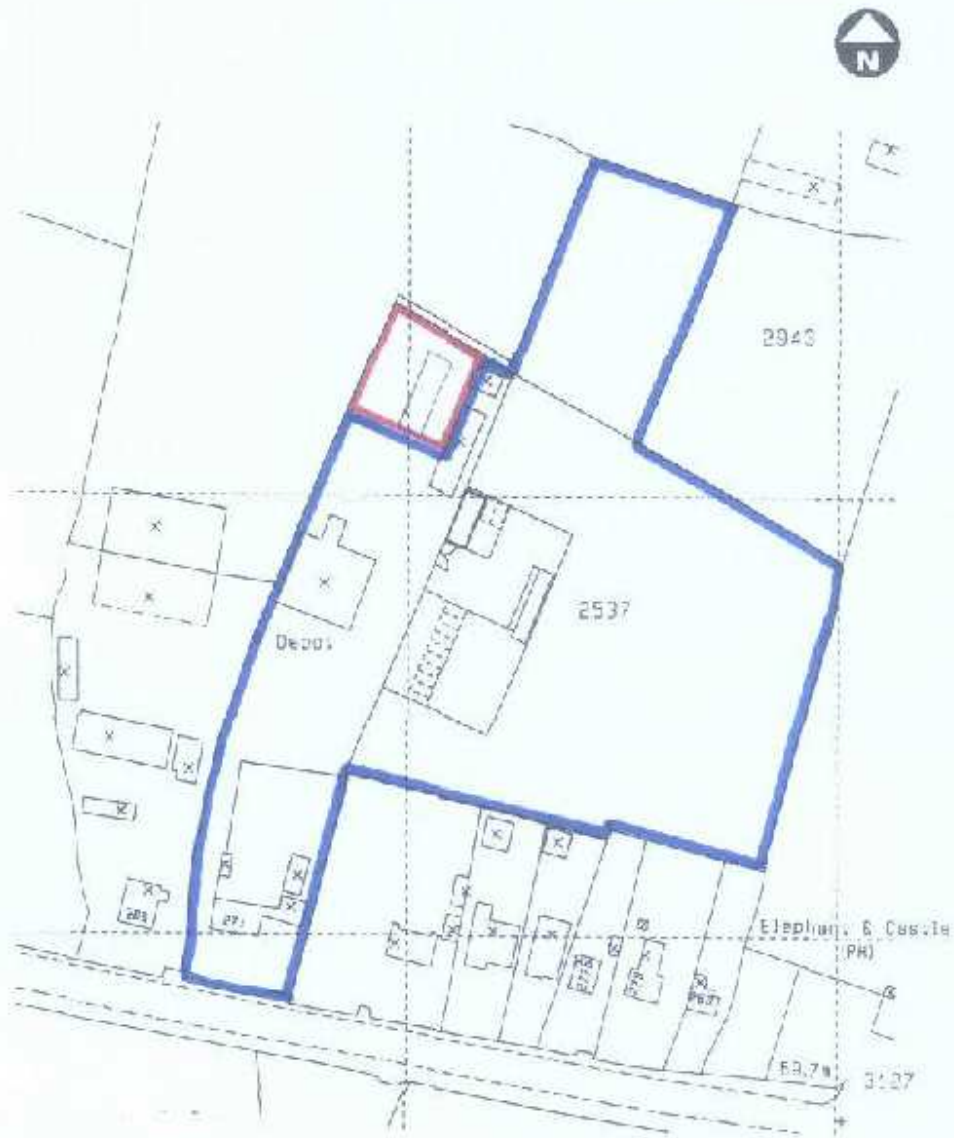
Hours of operation inside the building are restricted to the following:

Monday - Friday 08.00hrs to 22.00hrs

Saturday 08.00hrs to 16.00hrs

Sunday and Bank Holidays 08.00hrs to 16.00hrs

- 3. No Trade Counter or Sales to Members of the General Public**
- 4. Height of any vehicles stacked not to exceed 2m**
- 5. All noisy work to be done inside with the doors closed**
- 6. Drainage**
- 7. Details of External Lighting**
- 8. The building hereby approved shall be used solely for car repairs, the dismantling of vehicles and salvage of parts, and for no other purpose whatsoever**
- 9. Management plan for the removal of waste material to and from the site**
- 10. Details of the areas for storage and staff car parking be submitted for approval**
- 11. Drainage Details**



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Application No: 14/0515N

Location: New Bentley Showroom Land Adjacent SUNNYBANK CAR PARK, CREWE

Proposal: Variation of condition 9 (hours of opening) on approval 12/4373N - New build showroom with associated car parking

Applicant: Bentley Motors Ltd

Expiry Date: 25-Apr-2014

SUMMARY RECOMMENDATION**APPROVE subject to conditions****MAIN ISSUES****Principle of Development**
Impact on Residential Amenity**REFERRAL**

This application seeks to amend a condition which was attached to a major application that was determined by the Southern Planning Committee.

1. SITE DESCRIPTION

This application relates to the site of new Bentley Showroom positioned on the southern side of Pym's Lane within the Crewe settlement boundary. The site is adjoined to the east by a car park and to the south and west by a Greenfield land all within the ownership of the applicant, Bentley Motors, whose main production facility is directly to the east. On the opposite side of Pym's Lane, is the Pym's Lane Waste Recycling Centre as well as other industrial and commercial units and associated parking further along.

1. DETAILS OF PROPOSAL

This application seeks permission to amend the hours of opening for the new Bentley Showroom that was approved under planning ref; 12/4373N.

Condition number 9 restricted the hours of opening to between the hours of 09.00 to 17.00 Monday to Sunday. This application seeks to vary the hours to between 08.00 to 17.00

Monday to Sunday and so that they can open up to 23.00 on four occasions each month between Monday to Friday and on one occasion each month on a Sunday evening.

3. RELEVANT PLANNING HISTORY

There is an extensive planning history for the Bentley Motors site. However, the only applications of relevance to this proposal are as follows:

12/4373N - New build showroom with associated car parking approved on 6th February 2013

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 HGV's – Approved 03-Jun-2013

4. PLANNING POLICIES

National Policy

National Planning Policy Framework

Relevant Local Plan Policies

BE.1 Amenity

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 28th 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.

Cheshire East Local Plan Strategy – Submission Version Policies:

Policy SD2 Sustainable development principles

5. OBSERVATIONS OF CONSULTEES (EXTERNAL TO PLANNING)

Environmental Protection:

No objection, subject to hours of construction being restricted.

6. VIEWS OF THE CREWE TOWN COUNCIL

No comments received

7. OTHER REPRESENTATIONS

None received

8. OFFICER APPRAISAL

Main Issues

Considerations relating to the suitability of the site for use as a showroom have already been accepted and the proposed amendments do not raise issues relating to highways, parking, traffic generation or any other material planning considerations. The main issue to consider as a result of the proposed change in hours of opening is the potential impact on any neighbouring properties.

Impact on Residential Amenity

The nearest residential properties to the site front onto Middlewich Road to the West, and include 'Brassey Bank', 'Bridge Farm' and 'Oakleigh Farm'. The latter would be mostly affected by the proposal given that it is the nearest property. However, the new showroom still achieves a distance of at least 150 metres with this neighbour.

This proposal would allow the showroom to open 1 hour earlier in the mornings from 08.00 instead of 09.00. The proposed amendment would also allow the showroom to open later (until 11 pm) but this would be, in terms of the information submitted by the Applicant, on an infrequent basis being four times a month on weekdays and 1 time per month on a Sunday.

Having regard to the generous separation with the nearest neighbours and the industrial / commercial nature of the area, it is considered that the proposals would not materially harm neighbouring residential amenity. In the absence of any objection from Environmental Protection, the scheme is deemed to be compliant with local plan policy BE.1 and would facilitate the business and economy by assisting a large local employer.

10. REASONS FOR APPROVAL

The principle of the development has already been accepted. The extended hours of opening are considered to be acceptable in terms of their impact upon residential amenity and

therefore the proposal complies with the relevant local plan policy requirements and accordingly is recommended for approval.

11. RECOMMENDATION

APPROVE subject to the following conditions:-

- 1. Accordance with Amended Plans**
- 2. Materials in accordance with those details already discharged**
- 3. Landscaping in accordance with those details already discharged**
- 4. Landscaping implementation**
- 5. Breeding bird survey in accordance with those details already discharged**
- 6. Construction of Access in accordance with approved plans**
- 7. Hours of construction limited**
- 8. Hours of opening limited to times specified**
- 9. Details of lighting in accordance with those details already discharged**



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