

Southern Planning Committee

Agenda

Date:	Wednesday, 7th May, 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 9 April 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. **14/0640N Moss Square, Crewe, Cheshire: Redevelopment of existing car parks for the erection of a Lifestyle Centre (7,682 sqm) incorporating a Library (D1), Day centre (D1) with associated Offices (B1), Leisure centre (D2) with a 4 court Multifunction Sports Hall, Gym, studios, 25m and 17m pools; with vehicle and cycle parking provision, means of vehicular and pedestrian access, servicing, bin storage, plant, electricity sub-station and associated landscaping and public realm provision; involving the removal of the Church Hall and its covered walkway link and partial stopping-up of Crewe Street and opening-up of Moss Square as a through route for Steve Cottle, Cheshire East Council** (Pages 15 - 34)

To consider the above planning application.

6. **14/0641N Moss Square, Delamere, Crewe, CW1 2DF: Listed building consent for removal of the church hall and its covered walkway link for Steve Cottle, Cheshire East Council** (Pages 35 - 44)

To consider the above planning application.

7. **11/2720C Sanofi Aventis, London Road, Holmes Chapel, Cheshire CW4 8BE: Outline Application for Extension to Manufacturing, Warehouse and Office Facility for Fisons Ltd, Trading as Sanofi Aventis** (Pages 45 - 50)

To consider the above planning application.

8. **13/4656N Greenbank Cottage, Welshmans Lane, Nantwich, Cheshire CW5 6AB: Demolition of Greenbank Cottage and erection of 19 dwellings for Renew Land Developments Ltd** (Pages 51 - 68)

To consider the above planning application.

9. **13/4857C Land at Rose Way, off Hassall Road, Sandbach, Cheshire CW11 4HN: To develop proposed site to include 4no. two storey detached houses, with off road parking and landscaping to the front and garden to the rear. The access road will be an extension off the existing Rose Hill road for M Styles** (Pages 69 - 78)

To consider the above planning application.

10. **14/1027N 7, Chesterton Drive, Wistaston CW2 8EA: Extension to Dwelling for Mr D Grindlay** (Pages 79 - 86)

To consider the above planning application.

11. **14/1125C 31, Spring Bank, Scholar Green ST7 3LA: Regularisation of Alterations to Garage Construction for Ruth Reeves** (Pages 87 - 92)

To consider the above planning application.

12. **14/1185N North Street Methodist Church, North Street, Crewe CW1 4NJ: Variation of Condition 2 (Plans) Inclusion of Balconies to Application 13/0136N - Demolition of Existing Church Building, Erection of Church Community Centre and 18 Affordable Retirement Apartments and Associated Access and Car Parking Provision for Ann Lander, Wulvern Housing Ltd** (Pages 93 - 100)

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 9th April, 2014 at Council Chamber, Municipal Buildings,
Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors Rhoda Bailey, D Bebbington, P Butterill, R Cartlidge, J Clowes,
W S Davies, P Groves, A Kolker, D Marren, M A Martin and D Newton

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors Rachel Bailey, D Brickhill, M Jones, A Moran and B Moran

OFFICERS PRESENT

Nigel Curtis (Principal Development Officer - Highways)
Daniel Evans (Principal Planning Officer)
Thomas Graham (Solicitor)
Margaret Hopley (Environmental Health Officer) - Minute No. 130 Only
Phil Mason (Senior Enforcement Officer) - Minute No. 130 Only
Susan Orrell (Principal Planning Officer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors S McGrory and A Thwaite

160 DECLARATIONS OF INTEREST

The following declarations were made in the interests of openness:

With regard to application number 14/0381N, Councillor S Davies declared that he knew the applicant but that he had kept an open mind.

With regard to application number 14/0066N, Councillor D Newton declared that he had called in the application on the basis of concerns expressed by residents, and that the wording of his call in request in the officer's report did not reflect his own views. He had kept an open mind and would consider the application on its merits, having heard the debate and all the information.

With regard to application number 13/4904N, Councillor P Groves declared that, as a Ward Councillor, he had been contacted by a resident and had visited the site but had kept an open mind.

With regard to application number 14/0183N, Councillor J Clowes stated that the site was located on the boundary between two wards. The application had been called in by the other Ward Councillor on behalf of the local parish council and she had kept an open mind.

With regard to application number 13/4904N, Councillor P Butterill declared that she was a member of Nantwich Town Council, but that she had not taken part in any discussions in respect of the application.

With regard to application number 13/4818C, Councillor G Merry declared that she was a member of Sandbach Town Council and that she had received correspondence from the Headteacher regarding the application.

Members of the Committee declared that they had been sent a link to a u-tube video regarding application number 13/4818C.

161 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 12 March 2014 be approved as a correct record and signed by the Chairman.

162 13/4818C SANDBACH COUNTY HIGH SCHOOL FOR GIRLS, MIDDLEWICH ROAD, SANDBACH, CHESHIRE CW11 3NT : THE INSTALLATION OF BIOMASS BOILER WITH ANCILLARY PLANT INCLUDING FLUE AND THE CONSTRUCTION OF THE PLAN ENCLOSURE. RESUBMISSION OF 13/3444C FOR MR JOHN BAILEY, MATHIESON BIOMASS LTD

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

Note: Councillor B Moran (Ward Councillor), Mr A Hudson (objector) and Mr A Connor (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

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

163 **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**

Note: Councillor M Jones (Ward Councillor) and Mrs J France-Hayhurst (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 report of the site inspection.

RESOLVED – That, contrary to the planning officer's recommendation for refusal, the application be APPROVED, as in the context of service centre land allocation Parish Councils should be able to use design statements and housing land supply to determine where additional sites will be placed.

The approval to be subject to the following conditions:

1. Standard Outline
2. Submission of Reserved Matters
3. Submission of Materials
4. Hours of Construction
5. Piling method statement
6. Construction management plan

164 **14/0183N ADJ 16 HUNTERSFIELD, SHAVINGTON, CREWE CW2 5FB: 4 NO. DETACHED HOUSES AND ANCILLARY WORKS FOR RENEW LAND DEVELOPMENTS LTD**

Note: Councillor D Brickhill (Ward Councillor), Mr P Davies (objector) and Mr R Lee (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

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

1. The proposed development constitutes backland development and by reason of the siting of the dwellings the development would not

respect the pattern, character and form of the surroundings. The proposed development would be contrary to Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

2. The proposed residential development 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, 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. The proposed development would also be contrary to the NPPF.

165 **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**

Note: Councillor D Marren declared that Mr Spruce was a fellow parish councillor, and that he would not take part in the debate or vote.

Note: Mr R Spruce 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. 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. Prior to the commencement of development, details of a drainage scheme for the site shall be submitted to and approved in writing by the LPA (in consultation with UU and Network Rail). The development shall only proceed in accordance with the approved 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.
 11. The bungalows shall be life time homes
 12. Remove PD for the proposed bungalows

- (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 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.

166 **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**

Note: Mr D Brown attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application and an oral update by Ms S Orrell, Principal Planning Officer, which confirmed that Highways had no objection to the proposed development.

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

- (a) consultation with Environmental Health regarding air quality and no objection being received
- (b) the imposition of any additional conditions suggested by Environmental Health
- (c) the following conditions:
 - 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

167 **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**

Note: Councillor R Cartlidge left the room during consideration of this application.

The Committee considered a report regarding the above planning application.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the satisfactory completion of a deed of variation to the S106 Agreement comprising the following 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

and the following 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

168 **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**

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

Note: Councillor D Bebbington left the room during consideration of this application.

Note: Ms G Barry (objector) and Mr S Taylor (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

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 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 Policy NE.9 of the Crewe and Nantwich Replacement Local Plan 2005 and the NPPF.

(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 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 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.

Note: In accordance with paragraph 31.4 of the Committee and Sub-Committee Procedure Rules, Councillor D Marren requested that the minutes of the meeting record that he abstained.

169 **13/4963N REASEHEATH COLLEGE, REASEHEATH, NANTWICH, CW5 6DF: CONSTRUCTION OF AN EARTH BUNDED DIRTY WATER LAGOON FOR STEVE CHALLINOR**

The Committee considered a report regarding the above planning application.

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

- (a) consultation with the Environment Agency and no objection being received
- (b) the imposition of any additional conditions suggested by the Environment Agency
- (c) the following conditions:
 - 1. Standard time 3 years
 - 2. Materials as stated
 - 3. Plans
 - 4. Only dirty water sourced from the Reaseheath Farm

170 **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**

Note: Councillor Rachel Bailey (Ward Councillor), Parish Councillor H Jones (on behalf of Audlem Parish Council), Mr S Amies (on behalf of a local representative group) and Mr G Seddon (objector) attended the meeting and addressed the Committee on this matter.

Note: Mr F Hockenhull (applicant) had not registered his intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Mr Hockenhull to speak.

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

- (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 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
- (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 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 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.

171 **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**

The Committee considered a report regarding the above planning application.

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

1. 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.

172 **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**

Note: Mr T Price attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the completion of a Section 106 Agreement to secure £7,500 towards local traffic management/local parking measures.

and 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
19. Details of customer litter bins within the car park to be submitted and approved in writing.

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.

173 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

Note: Councillors D Bebbington and R Cartlidge left the room prior to consideration of this application.

Note: Councillors A Kolker, M Martin and D Newton left the meeting prior to consideration of this application.

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 an objector.

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

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

The variation of conditions 2 and 8 would prejudice the amenity of the occupiers of the adjacent residential properties by reason of noise and disturbance. The development would be contrary to Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

- 174 **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**

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED to enable officers to secure an amended plan showing details of replacement tree planting within the site.

- 175 **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**

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

The Committee considered a report regarding the above planning application.

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

1. 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

The meeting commenced at 1.00 pm and concluded at 6.43 pm

Councillor G Merry (Chairman)

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Application No: 14/0640N

Location: MOSS SQUARE, CREWE, CHESHIRE

Proposal: Redevelopment of existing car parks for the erection of a Lifestyle Centre (7,682 sqm) incorporating a Library (D1), Day centre (D1) with associated Offices (B1), Leisure centre (D2) with a 4 court Multifunction Sports Hall, Gym, studios, 25m and 17m pools; with vehicle and cycle parking provision, means of vehicular and pedestrian access, servicing, bin storage, plant, electricity sub-station and associated landscaping and public realm provision; involving the removal of the Church Hall and its covered walkway link and partial stopping-up of Crewe Street and opening-up of Moss Square as a through route.

Applicant: Steve Cottle, Cheshire East Council

Expiry Date: 15-May-2014

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

Impact of the development on:-

Principle of the Development

Highway Implications

Amenity

Air Quality

Trees

Impact upon the Setting of the Grade II Listed Building

Design

Archaeology

Ecology

Flood Risk and Drainage

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it relates to a major development of between 1,000sq.m and 9,999sq.m.

1. DESCRIPTION OF SITE AND CONTEXT

The site of the proposed development extends to 0.95 ha and is located on an area of existing car-parking which is to the south of Crewe Police Station and Christ Church (a Grade II Listed

Building) and to the west of Vernon Way. The development will result in the demolition of the existing Church Hall. The site is within the Crewe Settlement Boundary and Crewe Town Centre Boundary. To the south of the site is retail warehousing occupied by Home Bargains and Dunelm Mill with the associated car-parking. To the east of the site are existing offices and a public house (Hops).

The land is currently level, although the retail units to the south of the site are set at a slightly lower level.

This application is accompanied by Listed Building application 14/0641N.

2. DETAILS OF PROPOSAL

This is a full planning application for the erection of a Lifestyle Building on the existing car-parking. The lifestyle building would be rectangular in form and would accommodate the following:

- New public main swimming pool – 25m, 8 lanes
- New public small swimming pool – 17m
- New wet and dry leisure facilities
- New public library
- New fitness suite and studios
- New sports hall
- New day-care for adults and children (including offices, meeting rooms, family rooms, treatment rooms, training facilities and an external garden/play area).

3. RELEVANT HISTORY

14/0661S - EIA screening opinion for - Redevelopment of existing car parks for the erection of a Lifestyle Centre (7,682 sqm) incorporating a Library (D1), Day centre (D1) with associated Offices (B1), Leisure centre (D2) with a 4 court Multifunction Sports Hall, Gym, studios, 25m and 17m pools; with vehicle and cycle parking provision, means of vehicular and pedestrian access, servicing, bin storage, plant, electricity sub-station and associated landscaping and public realm provision; involving the removal of the Church Hall and its covered walkway link and partial stopping-up of Crewe Street and opening-up of Moss Square as a through route – EIA not required

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

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)

BE.9 (Listed Buildings: Alterations and Extensions)

BE.11 (Demolition of Listed Buildings)

S.1 (New Retail Development in Town Centres)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)
TRAN.8 (Existing Car Parks)
TRAN.9 (Car Parking Standards)
RT.17 (Increasing Opportunities for Sport)

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Cheshire East Development Strategy
Cheshire East SHLAA
Pre-submission Core Strategy

Cheshire East Local Plan Strategy

SD1 – Sustainable Development in Cheshire East
SD2 – Sustainable Development Principles
SC1 – Leisure and Recreation
SC3 – Health and Well-Being
SE1 – Design
IN1 – Infrastructure
IN2 – Developer Contributions
CO2 – Enabling Growth through Transport Infrastructure
MP1 – Presumption in Favour of Sustainable Development

5. CONSULTATIONS (External to Planning)

United Utilities: No objection subject to the following condition:

- The site must be drained on a separate system with foul drainage to the public sewer and surface water draining in the most sustainable way
- Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow that mimics existing site run plus 30% betterment for climate change. The development shall be completed, maintained and managed in accordance with the approved details
- UU will not permit building over the public sewers which cross the site and modification of the site layout or a diversion of the public sewer may be required
- Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems

English Heritage: Within the context of the Grade II Listed structure the church hall and covered walkway are a 1960's addition which due to its lack of contextual design and visually disruptive impact upon a once enclosed setting and constitute a harmful impact upon the setting and significance of the historic site.

The demolition of the church hall and the covered walkway appear to constitute an enhancement of the significance of the site and therefore satisfies paragraph 131 of the NPPF. There is no objection to the removal of the church hall and walkway provided that great care is taken not to damage any historic fabric during the course of the works.

Given the archaeological potential of the development site in question with regards to remains of the 19th century railway housing, it will be important to condition a report and recording process as part of any approval in line with advice from the County Archaeologist.

Archaeology: There are, a number of issues relating to activities on and around the site over the last century and a half. In particular, the submitted report notes the presence of Christ Church, immediately to the north of the application area, and its surrounding cemetery area. An examination of the historic mapping indicates that the cemetery has never extended beyond its present southern boundary and, consequently, there does not appear to be any potential for the disturbance of human remains by the development. The application boundary does extend into the cemetery but this is to accommodate new path surfaces and no major ground disturbance is proposed in this area. There should, therefore, be no danger of burials being disturbed, although it would be helpful to remind contractors of the presence of human remains in this area as, if deep excavations prove necessary for unexpected reasons, a formal process will be required to secure a Licence from the Ministry of Justice.

The other consideration concerns the former presence of 19th century housing on the car park area. It is not suggested that this represents a major archaeological constraint or that a large programme of archaeological mitigation is required. This type of housing is, however, typical of the town and whilst aspects of Crewe's industrial heritage have been explored, the remains of the actual houses have not been explored. It is advised that this issue could be addressed by means by a simple strip and record exercise over the footprint of one house and yard (an area of c 6m by 20m) and the recording of details of foundations and activities within the yards. Any such work could be secured by condition and carried out in tandem with the initial groundworks programme. A report will also be required and a suggested wording for the condition is as follows:

No development shall take place within the application area until the applicant, or their agents or successors in title, has agreed a programme of archaeological mitigation in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.

Strategic Highways Manager: The process for the assessment of transport issues related to the proposed development have followed the DfT Guidance on Transport Assessment Document and added first principle options for data collection which have been agreed with the Strategic Highways Manager.

The Jacobs TA is clear and detailed in its findings and provides an acceptable analysis of the related traffic impacts of the development.

The Strategic Highways Manager recommends that the following conditions be attached to any permission which may be granted for this proposed development:

1. Prior to first development the developer will provide a detailed signing strategy for the site to the satisfaction of the LPA.
2. Prior to first occupation the schedule of signs contained within the signing strategy will be provided and erected on site at the agreed locations, to the satisfaction of the LPA.
3. Within six months of occupation the developer will provide a detailed travel plan for the development to the satisfaction of the LPA.
4. Prior to first occupation all new and dedicated parking will be provided and marked out and the dedicated parking controls will be in place.
5. Prior to first occupation the real time information facility will be operational within the development facility.
6. Prior to first development the developer will provide a construction management plan for the proposals to the satisfaction of the LPA.
7. Prior to first occupation all related road closures and traffic regulation orders will be in place.

Environment Agency: The site appears to be less than 1ha in size and located within Flood Zone 1. Additionally there does not appear to be any other environmental constraints within our remit.

Natural England: Statutory Sites – No objection. General advice offered in relation to green infrastructure, local sites, biodiversity enhancements and landscape enhancements.

Environmental Health: Conditions suggested in relation to hours of operation, environmental management plan, external lighting, external plant noise, amplified music, public announcement system, electrical vehicle infrastructure, travel plan, dust control. An informative is also suggested in relation to contaminated land.

Sustrans: Sustrans offer the following comments:

- Sustrans are particularly interested in the quality of the public realm to be created around the site given its importance in the overall vision to regenerate this part of Crewe.
- Sustrans suggest that the design should be establishing the area essentially as a space for pedestrians and cyclists, with car use for the new amenity restricted to access from Vernon Way, with no through route for general traffic from Prince Albert Street/Crewe Street to Lyon Street and Vernon Way. This would allow Crewe Street, Forge Street and the southern end of Prince Albert Street to be treated in a manner to suit the wider vision.
- Sustrans would expect surfacing materials to be in keeping with the high quality established on the Municipal Square and for there to be tree/shrub planting wherever possible.
- The most convenient cycle access will be from the proposed Vernon Way footway/cycle track, Prince Albert Street/Crewe Street. Pedestrians can also use the alleyway from Market Street. In time we hope there will be a connection from this site directly south to the High Street/Mill Street junction as part of a boulevard pedestrian/cycle route from the town centre to the station.

- Sustrans would expect the new amenity to be signed from the Crewe town pedestrian/cycle network, as this is developed.
- Cycle parking for the public should be located at the main entrance, based on the Sheffield stand and be under cover, such as from the canopy of the building. Currently there are six racks at Nantwich pool; we suggest installing a modest number at first, say 15, at this new Crewe amenity, with room to expand if required. It is important that the racks are set at the correct distance apart and from adjacent walls.
- Also there should be cycle parking for staff at conveniently sited, secure locations around/within the building.
- As part of the planning process Sustrans would expect there to be travel planning with targets and monitoring, and a sense of purpose.

8. VIEWS OF THE TOWN COUNCIL

Crewe Town Council: The Town Council welcomes the proposals from Cheshire East Council to build a lifestyle centre in the Town. The Council raises the following points and questions and asks Cheshire East to consider these matters as part of the overall implementation of the project.

1. Full consultation with the public is essential and Cheshire East is asked to make a concerted effort to liaise with groups and users from the disabled community to ensure ongoing input is provided at both planning and construction stages.
2. The Council asks that Cheshire East consider utilising the geothermal heat source under Crewe to reduce the running costs of the centre and to provide for wider connections to the supply.
3. The Council asks that the new building is connected to the rest of the Town through an enhanced network of walking and cycling routes. If possible a direct foot bridge connection to the retail park would be welcomed.
4. There should also be secure and covered cycle storage at the site.
5. The Council wishes to see integration with the public transport network and to have in place sufficient parking provision for the development as a whole.
6. Car-parking issues in general need to be considered carefully. If the site of the existing library is used, then it must not impinge in any way on the Civic Square and War Memorial. The Council wishes to see greater clarity as part of the on-going consultation as to the location and scale of parking provision that will support the needs of the centre and its users.
7. The Council wishes to better understand what the future is for what will be the former library. The building will become redundant once the library moves and the Town as a whole needs to understand what usage will be made of the vacated space.
8. The Council can see the benefit of an integrated library, but raises the question as to whether a separate library would be more beneficial for the town, so as to permit more space for other uses within the centre.
9. The Council wishes to see a statement on the proposed charging regime for chargeable services to be delivered at the centre. Such charges should be affordable for all of the community.
10. The design should have something of a 'wow' factor but should also be sympathetic to the area and especially to the historic Christ Church.
11. The pool will be 25 metres long and 8 lanes wide, is this a suitable replacement for the current Flag Lane facilities and provide for the necessary competition standard.
12. The Council would also wish to see assurances that the Flag Lane Baths once redundant is sympathetically developed and that the façade in particular is not lost to the Town.

13. The Council would wish to see the multi-use space in the building equipped such that facility can host conferences, seminars and conventions. This would include suitable seating, break out areas and appropriate projection and sound systems as an integral part of the build.
14. There should be a well-equipped room (as at the present library) available for local societies to hire for monthly meetings/small exhibitions. If the proposed University Technology College uses the Victoria site, there also needs to be a replacement for the large hall there which is used for large exhibitions etc.
15. The existing library based Family History Room, run by volunteers and well-used, providing an important additional resource to the library, needs protecting, indeed enlarging to form a Family/Local History Study Centre with a large exhibition/education room - not necessarily in the library, but as part of the proposed 'Cultural Quarter'.
16. The site itself is constrained on all four sides and the draft plans attempt to get as much use of the available space as possible. In view of the ambitions for Crewe and its future growth, it is essential that it remains fit for purpose for 50 years and is not found to be inadequate in a few years' time. The design as such may need to incorporate long term options for an extra floor or other means of expansion/development.
17. The Council seek to query whether the combined loss of other facilities is to be greater than the floor area provided by the new site. Crewe is a growing town and is already in need of an expansion of the infrastructure. As indicated at (15) the lack of the potential to expand may prove a hindrance in future.

Members noted comments to be submitted by the Chairman in connection with application 14/0640N (Crewe Lifestyle Centre) expressing that it is recognised that the lifestyle centre will bring benefits to the Town. However, there are serious concerns that the level of parking provision is inadequate especially given proposals to develop the undercroft car park. The facilities do not adequately replace those that will be lost in the Town in scale or extent. Traffic management aspects are unclear and may not be appropriate. The nature of the development does not add to the amenity of the area and the construction/appearance of the development does not enhance the character of the Town.

9. OTHER REPRESENTATIONS

Letters of objection have been received from 3 local households raising the following points:

- Loss of 250 car parking spaces from the Town Centre
- The existing car parks are well used for the existing Town Centre shops
- Users of the nearby Hilary Centre require the use motor vehicle and the parking on the site
- The development will provide just 30 parking spaces
- The subsidised bus service is not available for all
- There would be no coach parking within Crewe Town Centre
- A multi-storey car park should be provided
- There are no bus stops within the vicinity of the site
- Lack of suitable parking within Crewe Town Centre
- The development will not increase footfall within the Town Centre
- Dangers to cyclists when using the roads within the vicinity of the site
- Pay and display parking will deter users of the proposed development

An objection has been received from HM Courts and Tribunals Service raising the following points:

- The main access for the Ethel Elks Child Contact Centre is located close to Lyon Street. There will be an increase in pedestrian activity especially children on Lyon Street which is frequently used by prison vans and police vehicles. The submitted plans do not indicate adequate crossing facilities. The proposal increases potential pedestrian/vehicle conflict.
- The submitted Construction Management Plan states that Lyon Street will provide access to the construction site. Lyon Street is a key vehicular access route and prison vans require clear uncongested routes. It is essential that access is maintained to the rear of the Courts at all times.
- Details relating to construction management should be subject to condition requiring a Construction Environment Management Plan to secure mitigation.
- Access routes should be maintained for HMCTS parking spaces within the Civic Centre Car Park
- Construction signage should be secured during the construction phase
- Potential noise disruption to the law courts.

A letter of concern has been received from the Autism Network raising the following points:

- Concerns over the impact upon the service for which users are dependent on local parking
- Will there be replacement parking provision?
- Most users have blue badges and will park outside causing parking problems
- Loss of parking

One letter of support has been received from a local resident raising the following points:

- Support the demolition of the Church Hall which has become a focal point for anti-social behaviour
- The demolition work must be carried out carefully to avoid any disturbance of graves within the Church yard

A letter of support has been received from Scottish Widows Investment Partnership raising the following points:

- Support investment within Crewe Town Centre
- The development will support a sustainable, balanced and vibrant town centre
- The proposal is compliant with national policy and the Town Centre first objective
- The development will provide opportunities for all
- The development will provide a boost to the local economy

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

10. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Drainage Design Statement (Produced by Clancy Consulting)
- Geo-Environmental Appraisal (Produced by Clancy Consulting)
- Air Quality Assessment (Produced by GEM Air Quality Ltd)
- Crime Impact Assessment (Produced by Cheshire Constabulary)
- Operational Statement (Produced by Cheshire East Council)
- Cultural Quarter Vision Statement (Produced by Cheshire East Council)
- Equality Impact Assessment (Produced by Cheshire East Council)
- Energy Statement (Produced by TACE)
- External Lighting Strategy (Produced by TACE)

- Utilities Statement (Produced by TACE)
- Landscape Design Energy Statement (Produced by Wardell Armstrong)
- Design and Access Statement (Produced by Pozzoni)
- Demolition Method Statement (Produced by Pozzoni)
- Acoustic Design Report (Produced by Environoise)
- Archaeological Desk Based Assessment (Produced by Kier)
- Planning Statement (Produced by J10 Planning)
- Statement of Community Involvement (Produced by J10 Planning)
- Transport Statement (Produced by Jacobs)
- Ecological Assessment (Produced by JW Ecological Ltd)
- Arboricultural Impact Assessment (Produced by Tree Solutions)
- Construction Management Methodology (Produced by Kier)
- Heritage Statement (Produced by Peter De Figueiredo)

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principle of Development

Amongst other things the National Planning Policy Framework (NPPF) identifies that leisure, recreational uses and offices are main town centre uses. The Framework states that in drawing up Local Plans that local planning authorities should:

‘Allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability’

As a result it is considered that this development which is a main town centre use is acceptable within Crewe Town Centre as defined by the proposals map for the Borough of Crewe and Nantwich Replacement Local Plan.

The Framework also includes a strong emphasis on securing economic growth and states that:

‘The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.’

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’

The site would result in the loss of the existing car-parking and this issue is raised within the representations received and the comments from Crewe Town Council.

The existing car parks are covered by Policy TRAN.8 (Existing Car Parks) which states *'that proposals for new development involving the loss of existing car parks, as shown on the proposals map, will not be permitted unless the developer provides:*

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

In relation to parking provision the Framework states that:

If setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- *the accessibility of the development;*
- *the type, mix and use of development;*
- *the availability of and opportunities for public transport;*
- *local car ownership levels; and*
- *an overall need to reduce the use of high-emission vehicles.*

Highways Implications

This development proposal has been the subject of detailed pre-application negotiations and the scope for the supporting Transport Assessment has been agreed with the applicant highways consultant.

The use of local examples of similar facilities allowed a first principles approach to the production of representative trip rates and a close assessment of parking facilities in the local Crewe area provided a detailed and accurate assessment of available car parking throughout the town.

These numbers were ratified through the Authorities parking manager and also considered the loss of the car parks at the Christchurch site which led to the identification of a need for specifically allocated car parking for the Lifestyle Centre within 200 metres of the site.

Impact upon the Local Highway Network

The local highway network is made up of the A532 corridor (West Street / Vernon Way / Earle Street), which forms a radial link into Crewe town centre from Chester and Nantwich from the west; and east from Sandbach and the M6 at Junction's 16 & 17 via Macon Way / Manchester Bridge / Earle Street.

Dunwoody Way provides a route around the south of the town centre, giving access to a number of industrial and retail premises to the south and west of the town centre.

The town centre roads are subject to capacity constraints throughout the day, but most notably within the acknowledged morning and evening peak periods.

The TA identifies that the capacity of radial routes into the town centre is constrained by limited opportunities to cross the West Coast Mainline (WCML).

These more strategic issues are considered by the Strategic Highways Manager to be beyond the remit of the Crewe Lifestyle Centre proposal given that many of the trips associated with this development are already on the network.

In support of the application detailed traffic counts were undertaken to support the junction assessments for the site alongside parking survey work and also trip rate solutions which were derived from data collected from similar facilities locally in Cheshire.

Base year and future year assessments have been undertaken in accordance with GTA requirements and growth factors built in to inform future year predicted flows.

Due to a number of existing facilities being centralised at the new Lifestyle Centre existing trips from those facilities have been built into the traffic generation figures for the proposed development and these have been made robust as the normally considered: linked, pass-by and transferred trips that could have been deducted from the traffic generation have been left within the figures.

The derived figures show that given the robust assessment of trips and the available car parking that there will be sufficient parking available to accommodate traffic to the Lifestyle Centre in even the busiest times of use.

Local junction capacity has been assessed using the industry recognised standard programmes and with the exception of the Earle Street corridor the junctions are shown to operate satisfactorily at the peak times of use of the Lifestyle Centre.

The Earle Street corridor is a local network link which suffers congestion due to traffic patterns related to the retail park on that route. These congestion issues are something being dealt with separately by the Strategic Highways Manager and he finds that the issues related to this area are not a material consideration in regard to the development of the Lifestyle Centre and therefore the S.H.M. makes no recommendations against the proposed development on this basis.

Site Management Traffic

Around the site Forge Street will become one-way to regulate traffic flow. The primary route in will be via Prince Albert Street. Public Realm works will surround the site, managing the environment for pedestrians but designed in such a way that visitor traffic and coaches will have appropriate access.

Part of Crewe Street will be formally closed under the Town and Country Planning Act and the related Traffic Regulation Orders will be processed by Cheshire East Council via the Road Traffic regulation Act 1984.

As part of the vehicle access strategy, there would be new sections of highway created in the following locations. They would be for the purpose of traffic circulation for public transport (as required) and cyclists:

- Connection of Crewe Street with Moss Square at the northern site frontage.
- Creation of a one-way (westbound) link between Lyon Street and Moss Square, to facilitate the following:

- visitor access and drop-off / collection at the Ethel Elks centre;
- coach drop-off / waiting area from Vernon Way
- potential operation of public service buses northbound between Vernon Way and the town centre, as discussed further below
- The creation of new car parking alongside Forge Street and the conversion of the existing bays on Lyon Street for use by specified groups (Parent & Child and Disabled) would be implemented by the parking services department at CEC.
- Furthermore, there would be a requirement to advertise and consult upon the closure of the Christchurch car park.
- Drop-off facilities will be provided on the remaining length of Crewe Street and Moss Square.

Public Transport

The site has been assessed along with the need for the site to accommodate bus services and provide incentives and measures to promote public transport use. There are frequent bus services which would serve the site from a variety of locations and destinations which focus on the town centre.

The proximity of the railway station is some 1300metres or a 15 minute walk. Routes to and from for pedestrians are assessed and the potential improvements for the pedestrian/cycle link from the station via a development at Mill Street/Lockitt Street are identified.

It should also be noted that the site is accessible by pedestrian from the surrounding residential areas.

Town Centre Parking

A number of the representations have raised concern about the loss of the existing car park within Crewe Town Centre.

A full survey of the use and turnover of parking habits within the town centre shows that at the times of highest demand there is still 35% of parking available within car parks in proximity to the proposed site.

In addition there will be 90 car spaces dedicated to the Lifestyle Centre at the nearby Civic Centre and these spaces will be controlled for Lifestyle Centre membership.

As a result the loss of the car parks which is contrary to Policy TRAN.8 is considered to be acceptable and there would adequate parking provision within the town to serve this development.

Highways Conclusion

In conclusion the proposed development would have an access of an acceptable design. The traffic impact upon the local highway network would be limited and the site is within a sustainable location within Crewe Town Centre. The loss of the town centre car park would be contrary to Policy TRAN.8 but the supporting parking survey indicates that there is spare capacity within the Town Centre at peak times. It is therefore considered that the development complies with the local plan policy BE.3 and the test contained within the NPPF which states that:

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

Amenity

There are no residential properties in close proximity to the site and the development would not have a detrimental impact upon residential amenity through over-bearing impact, loss of light or loss of privacy.

The Environmental Health Officer has requested conditions in relation to hours of operation, environmental management plan, external lighting, external plant noise, amplified music, public announcement system, electrical vehicle infrastructure, travel plan, dust control. An informative is also suggested in relation to contaminated land. These conditions will be attached to any planning permission.

Air Quality

The proposed development is in close proximity to the Earle Street Air Quality Management Area (AQMA) and an air quality assessment has been submitted in support of this planning application.

The method used to verify the air quality modelled predictions is considered to be acceptable by the Councils Environmental Health Officer after he raised initial concerns. The impacts of the Combined Heat and Power plant (CHP) emissions on short term air quality measures have been considered and the plant should be installed as per the specification provided within the application.

The cumulative impact of a number of developments in the area around Crewe (regardless of their individual scale) has the potential to significantly increase traffic emissions and as such adversely affect local air quality for existing residents by virtue of additional road traffic emissions. Whilst the impact of some committed developments has been included in the transport assessment, further developments including multiple residential proposals have not been considered. In addition this proposal in isolation would have small adverse impacts in two existing Air Quality Management Areas (Wistaston Road and Earle Street) and the impacts are therefore considered significant by this department and that mitigation measures are necessary.

The transport assessment submitted with the scheme makes reference to the accessibility of public transport, walking and cycling routes. The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions. However it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow charging of electric vehicles in new modern developments which have an impact upon an AQMA.

As a result the Councils Environmental Health Officer has no objection to this development subject to the imposition of planning conditions.

Trees

There are a number of trees in the vicinity of the proposed development. The most prominent trees are outside the site within the grounds of Christ Church. The submission is supported by an Arboricultural Impact Assessment which covers eleven individual trees and one group of trees.

The proposed development would require the removal of four trees located within a landscaped area adjacent to Forge Street car park; two Trees of Heaven, one Maple and one Whitebeam. Three of the trees are afforded grade B and one grade C in the tree survey. A proposed sub-station would be marginally within the RPA of a young Norway Maple tree. Protection measures are proposed for retained trees and an Arboricultural Method statement is provided.

The impacts on existing trees are not so significant as to be considered a major constraint to development. The landscape masterplan incorporates new trees which would mitigate for losses.

Impact upon the setting of the Grade II Listed Building

The tower of Christ Church is a Grade II Listed Structure and the Listing states as follows:

'Church tower, 1877 (Pevsner) by J W Stansby, Engineer. Yellow sandstone square tower linked to the mainly brick outer walls of the 1843 church by John Cunningham, which had its roof removed and was gutted in 1978. Tower is of coursed rock faced rubble masonry with reducing angle buttresses. The chevron pattern boarded west door is in a gothic opening, flanked by single shafts, and surmounted by hood mould with stops carved as faces. Above the entrance there is a large window with geometrical tracery. Windows in north and south faces are at two levels, in partly blind arcades formed by shafts, lancet at the lower level and trefoil headed above. Clock dials to four sides, set in flat diaper panels of square carved masonry blocks. There are treble louvred lancets at bell stage divided by coupled shafts with rings. Octagonal pinnacles with shafts and lancet sinkings form the angles and flank the stepped and crocketed gabled parapet'

In this case the church hall and covered walk way are attached to the walls of the Listed Building and therefore form part of the Listed Building. The Church Hall is a 1960s single-storey flat roofed building with a flat roofed canopy linking it to the Christ Church, both the flat roofed building and the canopy are of no architectural merit and their removal would be seen as an enhancement to the Listed Building and its setting. This view is supported by the Councils Conservation Officer and English Heritage.

The proposed development would be viewed in relation to the existing Listed Structure and would include detailing such as vertical fins which would tie in with the Buttress detailing on the existing Church. It is considered that the proposed two-storey structure would not have a detrimental impact upon the setting of the Listed Structure due to its scale, separation distance and detailed design (as discussed below). Furthermore no objection has been raised by English Heritage of the Councils Conservation Officer in terms of the impact upon the setting of the Listed Building.

Design

The Design and Access Statement (DAS) outlines the design requirements for the Lifestyle centre and the associated constraints in terms of the layout and operational needs of the building. The DAS includes a contextual analysis of the site and its surroundings, including an historical assessment, and urban design study, including massing, movement and usage within the area, all of which highlight that, compared to the historic situation, the site and its environs have gone through substantial change, some of which has not been positive but which creates a different context to inform new development.

Architectural design

Several options were initially considered. These initial options considered splitting the building, a different configuration of the uses, retention of the Church Hall within the layout and closing off Crewe Street. But these were considered less positive in terms of site constraints, operational needs, permeability and the general quality of the scheme in its context. The preferred option includes circulation all around the building with a pedestrian only route through the centre of a linked building along the route of Crewe Street and better operational layout, with the library at the threshold to the site. It also includes demolition of the Church Hall, a potential benefit to the heritage asset and more generally in securing a more successful design.

A key concern was the linearity of the building, especially as a uniformly 2 storey building. However, the nature of buildings in the area and the historic terraced streets provides a precedent of an established sense of linearity in the vicinity of the site, and historically. Further refinement of the concept design has been undertaken to reinforce the 4 distinct elements architecturally with a purposely 'light' section at the heart of the building on the Crewe Street alignment, emphasised by the 'eyebrow' framing above the main entrance, also mirrored on the Forge Street elevation. At the pre-application stage much effort went into ensuring that this central pedestrian link was as positive as possible; in effect creating a pedestrian street through the centre of the building. It was emphasised that the building needed to be 'a comma and not a full stop' in the townscape, to ensure positive links through the site, both in the short and longer term, to the site to the south (and indeed further south beyond that).

The detailing of the leisure section of the building with a closer relationship to the most sensitive part of the Church site was also a key point of pre-application discussion. Materiality and detailing were key architectural topics, emphasising the need for this to respect but not overpower or compete with Christ Church. As this part of the building is to be clad, discussions were about introducing verticality and an active frontage and introducing texture and finer detail, as well as the potential to create day and night-time architectural interest. The introduction of vertical projecting pairs of fins responding to the verticality of the buttresses on the retained church wall and associated lighting will create relief and interest, reflecting this established characteristic. Ensuring that the pattern and finish of cladding panels is appropriate will further reinforce verticality and texture and it is important that this is not too reflective.

Concerns in relation to Forge Street and the potential for this to become an unwelcoming environment for pedestrians have been partly overcome by creating a lighter more substantial entrance, and surveillance from first floor gym area, use of lighting and public realm enhancements. It is acknowledged that, at least for the time being, this will be more of a daytime, rather than a night time street, but the improvement of the environment in this area is important to ensure community safety is maintained.

Public realm/landscape design

The quality and extent of public realm uplift is crucial to reinforce the connected nature of the development, particularly in linking it to the site to the south and the Church and its environs to the north. It is also important that a key civic project such as this sets the tone and a benchmark for future enhancement of the public realm of the town centre. For these reasons the public realm associated with this project will be crucial to its success

Hard and soft landscaping information should be secured once the landscape/public realm masterplan is in a form that is acceptable. This should include details of street furniture and lighting within the street.

Archaeology

The Councils Archaeologist has analysed the historic maps for this area and the cemetery never extended beyond its present southern boundary and as a result there does not appear to be any potential to disturb human remains.

The application site once included the presence of 19th century housing and there is archaeological potential on this site. The Councils Archaeologist, Conservation Officer and English Heritage all recommend the imposition of a planning condition to secure a scheme of mitigation for this site.

Ecology

The site is an existing car park and it is not anticipated that there are any significant ecological issues associated with this development. Conditions will be used to secure nesting bird mitigation measures.

Flood Risk and Drainage

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps and as the site is less than 1 hectare in size there is no requirement to submit a Flood Risk Assessment.

In this case the application site is made up of car parking and hard surfacing and there would be no increase in the amount of impermeable area for this development. The site will be split between two possible outfalls to the existing public surface water system. The southern network would take 25% of the site run-off with the northern network taking 75% of the run-off.

The foul water will flow to the existing public foul sewer crossing the site.

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

10. CONCLUSIONS

The site is within the Crewe Town Settlement Boundary and the Crewe Town Centre Boundary. The NPPF identifies the uses within the proposed development as main town centre uses. As a result it is considered that the principle of development is acceptable.

The proposed development is of an acceptable design and the removal of the church hall and covered link structure would provide an enhancement to the Grade II Listed structure. It is not considered that the development would not have a detrimental impact upon the setting of the Listed Building.

The issue of the archaeological potential of the site can be dealt with through the use of a planning condition.

The proposed development would provide a safe access and the development would not have a detrimental impact upon highway safety or cause a severe traffic impact. The loss of the car parking although contrary to Policy TRAN.8 is considered to be acceptable.

In terms of Ecology it is not considered that the development would have a significant impact upon ecology or protected species.

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

11. RECOMMENDATIONS

Approve subject to the following conditions:

- 1. Standard 3 years**
- 2. Approved Plans**
- 3. Prior to the commencement of development details of the external materials shall be submitted to the LPA for approval in writing.**
- 4. Prior to the commencement of development landscaping details (soft and hard) shall be submitted to the LPA for approval in writing.**
- 5. Completion of Landscaping**
- 6. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority.**
- 7. Demolition of the Church Hall and canopy to follow the submitted method statement**
- 8. No development shall take place within the application area until the applicant, or their agents or successors in title, has agreed a programme of archaeological mitigation in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.**
- 9. Prior to the removal of any vegetation or the demolition of buildings between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report submitted to and approved**

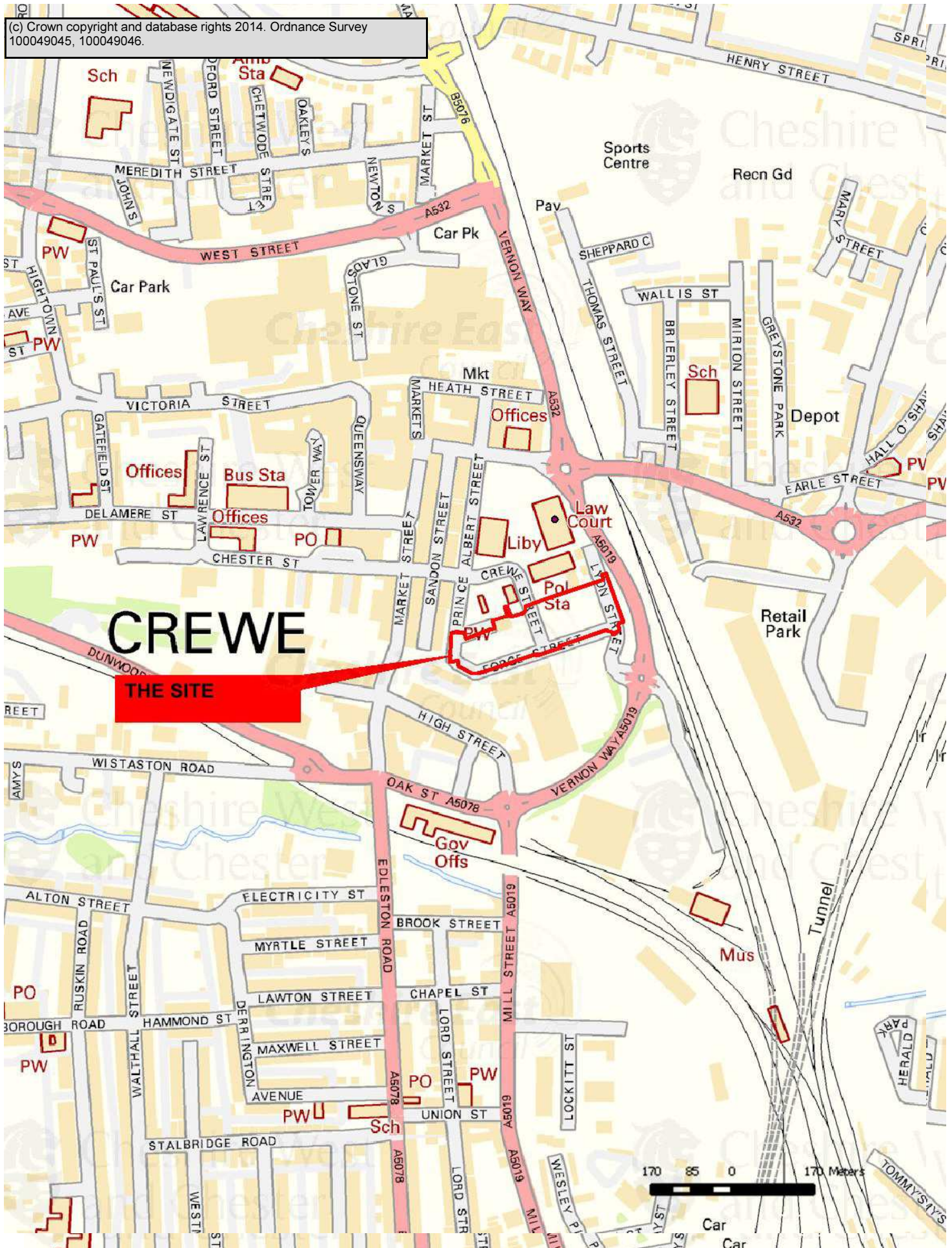
in writing by the Local Planning Authority before any further works within the exclusion zone take place.

10. Prior to the commencement of development detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds shall be submitted to and approved in writing by the Local Planning Authority. The approved features shall be permanently installed prior to the first occupation of the development hereby permitted and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.
11. Implementation of the submitted tree protection measures and method statement
12. Prior to first development the developer will provide a detailed signing strategy for the site. Prior to first occupation the schedule of signs contained within the signing strategy will be provided and erected on site at the agreed locations, to the satisfaction of the LPA.
13. Within six months of occupation the developer will provide a detailed travel plan for the development to the satisfaction of the LPA.
14. Prior to first occupation all new and dedicated parking will be provided and marked out and the dedicated parking controls will be in place.
15. Prior to first occupation the real time information facility will be operational within the development facility.
16. Prior to first development the developer will provide a construction management plan for the proposals to the satisfaction of the LPA.
17. Hours of Construction
18. Lighting to be completed in accordance with the approved scheme
19. Details of external plant noise
20. Amplified music level set at 80 dB $L_{Aeq,T}$.
21. Public Announcement System set at 80 dB $L_{Aeq,T}$.
22. Electric Vehicle Charging Infrastructure
23. Dust Control Measures
24. Contaminated Land

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

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

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Application No: 14/0641N

Location: Moss Square, Delamere, Crewe, CW1 2DF

Proposal: Listed building consent for removal of the church hall and its covered walkway link

Applicant: Steve Cottle, Cheshire East Council in partnership with

Expiry Date: 09-Apr-2014

SUMMARY RECOMMENDATION

The application should be referred to the Secretary of State with a recommendation to approve with conditions

MAIN ISSUES

Impact of the development on:-

Principle of the Development

Impact upon the Setting of the Grade II Listed Building

Archaeology

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as the associated planning application is also referred to the Southern Planning Committee.

1. DESCRIPTION OF SITE AND CONTEXT

The site of the proposed development extends to 0.95 ha and is located on an area of existing car-parking which is to the south of Crewe Police Station and Christ Church (a Grade II Listed Building) and to the west of Vernon Way. The development will result in the demolition of the existing Church Hall. The site is within the Crewe Settlement Boundary and Crewe Town Centre Boundary. To the south of the site is retail warehousing occupied by Home Bargains and Dunelm Mill with the associated car-parking. To the east of the site are existing offices and a public house (Hops).

The land is currently level, although the retail units to the south of the site are set at a slightly lower level.

This Listed Building application is associated with planning application 14/0640N.

2. DETAILS OF PROPOSAL

This is a Listed Building Consent application for the demolition of the Church Hall and covered walkway.

3. RELEVANT HISTORY

14/0661S - EIA screening opinion for - Redevelopment of existing car parks for the erection of a Lifestyle Centre (7,682 sqm) incorporating a Library (D1), Day centre (D1) with associated Offices (B1), Leisure centre (D2) with a 4 court Multifunction Sports Hall, Gym, studios, 25m and 17m pools; with vehicle and cycle parking provision, means of vehicular and pedestrian access, servicing, bin storage, plant, electricity sub-station and associated landscaping and public realm provision; involving the removal of the Church Hall and its covered walkway link and partial stopping-up of Crewe Street and opening-up of Moss Square as a through route – EIA not required

4. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

BE.2 (Design Standards)

BE.9 (Listed Buildings: Alterations and Extensions)

BE.11 (Demolition of Listed Buildings)

Cheshire East Local Plan Strategy

SD1 – Sustainable Development in Cheshire East

SD2 – Sustainable Development Principles

SE1 – Design

5. CONSULTATIONS (External to Planning)

English Heritage: Within the context of the Grade II Listed structure the church hall and covered walkway are a 1960's addition which due to its lack of contextual design and visually disruptive impact upon a once enclosed setting and constitute a harmful impact upon the setting and significance of the historic site.

The demolition of the church hall and the covered walkway appear to constitute an enhancement of the significance of the site and therefore satisfies paragraph 131 of the NPPF. There is no objection to the removal of the church hall and walkway provided that great care is taken not to damage any historic fabric during the course of the works.

Given the archaeological potential of the development site in question with regards to remains of the 19th century railway housing, it will be important to condition a report and recording process as part of any approval in line with advice from the County Archaeologist.

Archaeology: There are, a number of issues relating to activities on and around the site over the last century and a half. In particular, the submitted report notes the presence of Christ Church, immediately to the north of the application area, and its surrounding cemetery area. An

examination of the historic mapping indicates that the cemetery has never extended beyond its present southern boundary and, consequently, there does not appear to be any potential for the disturbance of human remains by the development. The application boundary does extend into the cemetery but this is to accommodate new path surfaces and no major ground disturbance is proposed in this area. There should, therefore, be no danger of burials being disturbed, although it would be helpful to remind contractors of the presence of human remains in this area as, if deep excavations prove necessary for unexpected reasons, a formal process will be required to secure a Licence from the Ministry of Justice.

The other consideration concerns the former presence of 19th century housing on the car park area. It is not suggested that this represents a major archaeological constraint or that a large programme of archaeological mitigation is required. This type of housing is, however, typical of the town and whilst aspects of Crewe's industrial heritage have been explored, the remains of the actual houses have not been explored. It is advised that this issue could be addressed by means by a simple strip and record exercise over the footprint of one house and yard (an area of c 6m by 20m) and the recording of details of foundations and activities within the yards. Any such work could be secured by condition and carried out in tandem with the initial groundworks programme. A report will also be required and a suggested wording for the condition is as follows:

No development shall take place within the application area until the applicant, or their agents or successors in title, has agreed a programme of archaeological mitigation in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.

6. VIEWS OF THE TOWN COUNCIL

Crewe Town Council: The Town Council welcomes the proposals from Cheshire East Council to build a lifestyle centre in the Town. The Council raises the following points and questions and asks Cheshire East to consider these matters as part of the overall implementation of the project.

1. Full consultation with the public is essential and Cheshire East is asked to make a concerted effort to liaise with groups and users from the disabled community to ensure ongoing input is provided at both planning and construction stages.
2. The Council asks that Cheshire East consider utilising the geothermal heat source under Crewe to reduce the running costs of the centre and to provide for wider connections to the supply.
3. The Council asks that the new building is connected to the rest of the Town through an enhanced network of walking and cycling routes. If possible a direct foot bridge connection to the retail park would be welcomed.
4. There should also be secure and covered cycle storage at the site.
5. The Council wishes to see integration with the public transport network and to have in place sufficient parking provision for the development as a whole.
6. Car-parking issues in general need to be considered carefully. If the site of the existing library is used, then it must not impinge in any way on the Civic Square and War Memorial. The Council wishes to see greater clarity as part of the on-going consultation as to the location and scale of parking provision that will support the needs of the centre and its users.

7. The Council wishes to better understand what the future is for what will be the former library. The building will become redundant once the library moves and the Town as a whole needs to understand what usage will be made of the vacated space.
8. The Council can see the benefit of an integrated library, but raises the question as to whether a separate library would be more beneficial for the town, so as to permit more space for other uses within the centre.
9. The Council wishes to see a statement on the proposed charging regime for chargeable services to be delivered at the centre. Such charges should be affordable for all of the community.
10. The design should have something of a 'wow' factor but should also be sympathetic to the area and especially to the historic Christ Church.
11. The pool will be 25 metres long and 8 lanes wide, is this a suitable replacement for the current Flag Lane facilities and provide for the necessary competition standard.
12. The Council would also wish to see assurances that the Flag Lane Baths once redundant is sympathetically developed and that the façade in particular is not lost to the Town.
13. The Council would wish to see the multi-use space in the building equipped such that facility can host conferences, seminars and conventions. This would include suitable seating, break out areas and appropriate projection and sound systems as an integral part of the build.
14. There should be a well-equipped room (as at the present library) available for local societies to hire for monthly meetings/small exhibitions. If the proposed University Technology College uses the Victoria site, there also needs to be a replacement for the large hall there which is used for large exhibitions etc.
15. The existing library based Family History Room, run by volunteers and well-used, providing an important additional resource to the library, needs protecting, indeed enlarging to form a Family/Local History Study Centre with a large exhibition/education room - not necessarily in the library, but as part of the proposed 'Cultural Quarter'.
16. The site itself is constrained on all four sides and the draft plans attempt to get as much use of the available space as possible. In view of the ambitions for Crewe and its future growth, it is essential that it remains fit for purpose for 50 years and is not found to be inadequate in a few years' time. The design as such may need to incorporate long term options for an extra floor or other means of expansion/development.
17. The Council seek to query whether the combined loss of other facilities is to be greater than the floor area provided by the new site. Crewe is a growing town and is already in need of an expansion of the infrastructure. As indicated at (15) the lack of the potential to expand may prove a hindrance in future.

Members noted comments to be submitted by the Chairman in connection with application 14/0640N (Crewe Lifestyle Centre) expressing that it is recognised that the lifestyle centre will bring benefits to the Town. However, there are serious concerns that the level of parking provision is inadequate especially given proposals to develop the undercroft car park. The facilities do not adequately replace those that will be lost in the Town in scale or extent. Traffic management aspects are unclear and may not be appropriate. The nature of the development does not add to the amenity of the area and the construction/appearance of the development does not enhance the character of the Town.

7. OTHER REPRESENTATIONS

Letters of objection have been received from 3 local households raising the following points:

- Loss of 250 car parking spaces from the Town Centre
- The existing car parks are well used for the existing Town Centre shops
- Users of the nearby Hilary Centre require the use motor vehicle and the parking on the site
- The development will provide just 30 parking spaces
- The subsidised bus service is not available for all
- There would be no coach parking within Crewe Town Centre
- A multi-storey car park should be provided
- There are no bus stops within the vicinity of the site
- Lack of suitable parking within Crewe Town Centre
- The development will not increase footfall within the Town Centre
- Dangers to cyclists when using the roads within the vicinity of the site
- Pay and display parking will deter users of the proposed development

An objection has been received from HM Courts and Tribunals Service raising the following points:

- The main access for the Ethel Elks Child Contact Centre is located close to Lyon Street. There will be an increase in pedestrian activity especially children on Lyon Street which is frequently used by prison vans and police vehicles. The submitted plans do not indicate adequate crossing facilities. The proposal increases potential pedestrian/vehicle conflict.
- The submitted Construction Management Plan states that Lyon Street will provide access to the construction site. Lyon Street is a key vehicular access route and prison vans require clear uncongested routes. It is essential that access is maintained to the rear of the Courts at all times.
- Details relating to construction management should be subject to condition requiring a Construction Environment Management Plan to secure mitigation.
- Access routes should be maintained for HMCTS parking spaces within the Civic Centre Car Park
- Construction signage should be secured during the construction phase
- Potential noise disruption to the law courts.

A letter of concern has been received from the Autism Network raising the following points:

- Concerns over the impact upon the service for which users are dependent on local parking
- Will there be replacement parking provision?
- Most users have blue badges and will park outside causing parking problems
- Loss of parking

One letter of support has been received from a local resident raising the following points:

- Support the demolition of the Church Hall which has become a focal point for anti-social behaviour
- The demolition work must be carried out carefully to avoid any disturbance of graves within the Church yard

A letter of support has been received from Scottish Widows Investment Partnership raising the following points:

- Support investment within Crewe Town Centre
- The development will support a sustainable, balanced and vibrant town centre
- The proposal is compliant with national policy and the Town Centre first objective
- The development will provide opportunities for all
- The development will provide a boost to the local economy

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

8. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents:

- Demolition Method Statement (Produced by Pozzoni)
- Archaeological Desk Based Assessment (Produced by Kier)
- Ecological Assessment (Produced by JW Ecological Ltd)
- Arboricultural Impact Assessment (Produced by Tree Solutions)
- Heritage Statement (Produced by Peter De Figueiredo)

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principle of Development

In relation to heritage assets the National Planning Policy Framework states that:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional'

Policy BE.9 (Listed Buildings: Alterations and Extensions) states that developments will not be permitted unless *'the proposal does not detract from the character or setting of the building concerned'*

Policy BE.11 relates to the full or substantial demolition of Listed Buildings. In this case it is not considered that the Policy would apply as this application relates to a 1960's addition which is not included within the Listing for the tower at Christ Church this demolition is not full or substantial.

Impact upon the setting of the Grade II Listed Building

The tower of Christ Church is a Grade II Listed Structure and the Listing states as follows:

'Church tower, 1877 (Pevsner) by J W Stansby, Engineer. Yellow sandstone square tower linked to the mainly brick outer walls of the 1843 church by John Cunningham, which had its roof removed and was gutted in 1978. Tower is of coursed rock faced rubble masonry with reducing angle buttresses. The chevron pattern boarded west door is in a gothic opening, flanked by single shafts, and surmounted by hood mould with stops carved as faces. Above the entrance there is a large window with geometrical tracery. Windows in north and south faces are at two levels, in partly blind arcades formed by shafts, lancet at the lower level and

trefoil headed above. Clock dials to four sides, set in flat diaper panels of square carved masonry blocks. There are treble louvred lancets at bell stage divided by coupled shafts with rings. Octagonal pinnacles with shafts and lancet sinkings form the angles and flank the stepped and crocketed gabled parapet'

In this case the church hall and covered walk way are attached to the walls of the Listed Building and therefore form part of the Listed Building. The Church Hall is a 1960s single-storey flat roofed building with a flat roofed canopy linking it to the Christ Church, both the flat roofed building and the canopy are of no architectural merit and their removal would be seen as an enhancement to the Listed Building and its setting and would comply with Policy BE.9 and guidance contained within the NPPF. This view is supported by the Councils Conservation Officer and English Heritage.

The proposed development would be viewed in relation to the existing Listed Structure and would include detailing such as vertical fins which would tie in with the Buttress detailing on the existing Church. It is considered that the proposed two-storey structure would not have a detrimental impact upon the setting of the Listed Structure due to its scale, separation distance and detailed design (as discussed below). Furthermore no objection has been raised by English Heritage of the Councils Conservation Officer in terms of the impact upon the setting of the Listed Building.

Archaeology

The Councils Archaeologist has analysed the historic maps for this area and the cemetery never extended beyond its present southern boundary and as a result there does not appear to be any potential to disturb human remains.

The application site once included the presence of 19th century housing and there is archaeological potential on this site. The Councils Archaeologist, Conservation Officer and English Heritage all recommend the imposition of a planning condition to secure a scheme of mitigation for this site.

10. CONCLUSIONS

The removal of the church hall and covered link structure would provide an enhancement to the Grade II Listed structure. It is not considered that the development would not have a detrimental impact upon the setting of the Listed Building.

The issue of the archaeological potential of the site can be dealt with through the use of a planning condition.

As the applicant for this Listed Building Consent application is Cheshire East Council it is necessary for the application to be referred to the Secretary of State

11. RECOMMENDATIONS

The application be referred to the Secretary of State with a recommendation to APPROVE subject to the following conditions:

1. Standard 3 years

2. Approved Plans

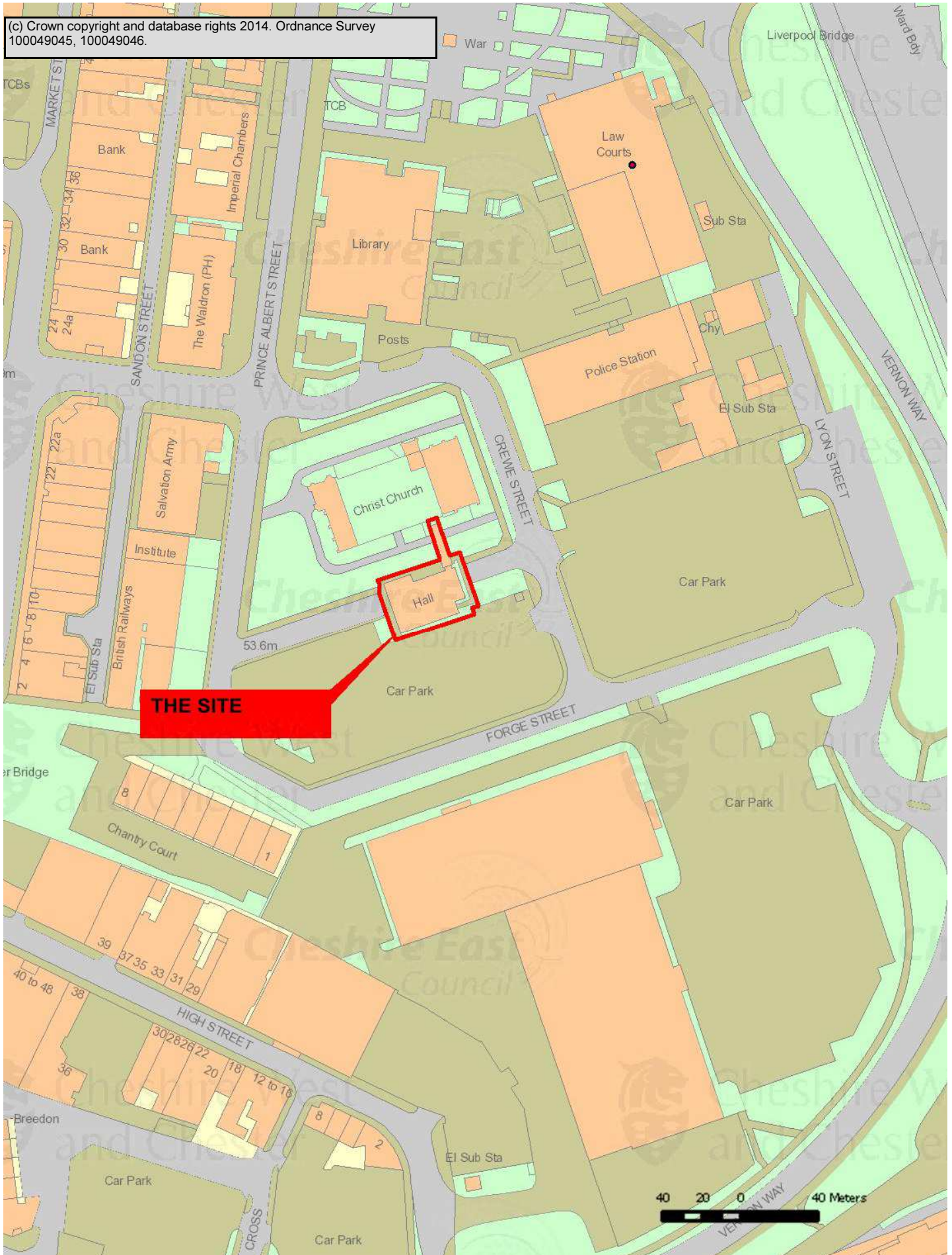
3. Demolition of the Church Hall and canopy to follow the submitted method statement

4. No development shall take place within the application area until the applicant, or their agents or successors in title, has agreed a programme of archaeological mitigation in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.

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

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

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Application No: 11/2720C

Location: SANOFI AVENTIS, LONDON ROAD, HOLMES CHAPEL, CHESHIRE, CW4 8BE

Proposal: OUTLINE APPLICATION FOR EXTENSION TO MANUFACTURING, WAREHOUSE AND OFFICE FACILITY

Applicant: FISONS LTD, TRADING AS SANOFI AVENTIS

Expiry Date: 16-May-2014

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- Principle of Development
- Design, Character and Appearance
- Parking, Highway Safety and Traffic Generation
- Impact on Residential Amenity

1. REASON FOR REFERRAL

This application is to be determined by Southern Planning Committee as the proposal exceeds 1000 square metres in floorspace.

1. DESCRIPTION OF SITE AND CONTEXT

This application relates to the site of Sanofi Aventis in Holmes Chapel, a large industrial firm specialising in the manufacture and the distribution of pharmaceutical products. The site falls within the settlement zone line of Holmes Chapel and is allocated for employment in the adopted Congleton Borough Local Plan First Review (2005).

2. DETAILS OF PROPOSAL

This is an outline application for an extension to the existing manufacturing, warehouse and office facilities at Sanofi Aventis. All matters are reserved for approval at a later stage.

3. RELEVANT HISTORY

There are a number of planning applications for the site associated with the plant's incremental growth.

4. POLICIES

Local Plan Policy

Congleton Borough Local Plan:

PS5 – Villages

GR1 – General Criteria for New Development

GR2 – Design

GR6 – Amenity and Health

GR9 – Accessibility

E4 – Employment Development in Villages

Local Plan Strategy Submission Version:

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE1 – Design

EG1 – Economic Prosperity

Other Material Considerations

National Planning Policy Framework

5. CONSULTATIONS (External to Planning)

Strategic Highways Manager:

No objection - The Strategic Highways Manager advises that there are no material reasons to resist this development proposal on highway grounds.

Environmental Health:

No objection subject to conditions limiting hours of construction, piling, floor floating operations and a condition requesting details of the acoustic enclosure of fans or compressors.

Environmental Agency (EA):

No objection subject to a condition requiring the submission of a scheme for surface water regulation. The water discharge from the development should mimic that of the existing site and where possible, Sustainable Urban Drainage Systems (SUDS) should be utilised.

Jodrell Bank:

No objection subject to the incorporation of electro magnetic screening measures into the building to prevent electromagnetic interference.

Public Rights of Way (PROW):

No objection. The developer should be tasked to provide new and existing employees and visitors with information on local walking, cycling and public transport routes to get to and from the site.

6. VIEWS OF THE BRERETON PARISH COUNCIL

No comment

8. OTHER REPRESENTATIONS

None

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement
Transport Statement

10. OFFICER APPRAISAL

Principle of Development

This proposal is for an additional office block, an extension to the warehouse and an extension to the manufacturing facility. These additions are required to assist the existing operations at the site and to help accommodate the businesses' expansion. The site is within the settlement zone line of Holmes Chapel where there is a presumption in favour of development provided that it accords with other relevant local plan policies.

Local Plan Policy E4 allows for such expansion, provided that it relates to an existing business and accords with other relevant policies. It is proposed that Policy E4 will be replaced by Policy EG1 of the Local Plan Strategy Submission Version. This states that proposals for employment development will be supported in Principal Towns, Key Service Centres and Local Service Centres such as Holmes Chapel.

The development is required in connection with the primary use of the site and therefore relates to an existing business operation. There are clear benefits arising from the scheme that would support job creation and the economic growth of the locality and the Borough. The proposals will therefore assist in the economic growth of the existing business and the area as a whole. It is considered that such benefits are in line with the local plan and the aims of the NPPF and as such, the principle of the development is deemed to be acceptable.

Design - Character and Appearance

Although this application is in outline form, the proposal includes details of how the scheme would be realised with details of elevations, scale parameters and siting.

Office Block

The proposed office block would be located within the 'area 13', which is directly in front of the existing reception and entrance to the plant and would be no higher than the main building (8.1 metres). This would square off the corner of this part of the plant and would present the opportunity to improve the design and visual appearance of the entrance to the site.

Manufacturing Extension

With respect to the warehouse extension, this would be sited in the area alongside the existing warehouse to the elevation facing London Road. It is indicated that the size of the building would be commensurate with the existing building and would be similar in terms of external appearance. Whilst this is the side of the site which fronts London Road, this section is well screened from the road by existing planting and a bund. Subject to this being supplemented with additional planting (secured at reserved matters stage when landscaping is fully considered), the visual impact of this part of the scheme could be minimised.

Warehouse Extension

The proposed warehouse extension would be located to the rear private side of the plant and would not be visible from public vantage points. It would be tucked away and would be subordinate to the main plant having regard to the indicative scale parameters.

Temporary Office Accommodation

Whilst the works area carried out, it is proposed that a maximum of 2 portacabins will be sited to the rear of the plant to serve as office floorspace. This will be tucked away from view and will be small in terms of its size and scale. Subject to conditions that the portacabins are sited on a temporary basis, the proposal is deemed to be acceptable in this regard

Given that the application relates to the site of a sizeable industrial plant, the size and scale of the proposed additions would appear subordinate to the main plant provided that the scheme is conditioned in accordance with the proposed scale parameters.

Parking, Highway Safety and Traffic Generation

The application is supported by a Transport Statement (TS) to provide some clarity in terms of staffing numbers, traffic generation and the impact on the local highway network. The details within the TS make it clear that the impact from this development will be non-material in terms of the operation of the existing site access. In terms of traffic generation, the additional trips which would be generated are considerably below the minimum threshold in guidance which defines a material impact and as such traffic impact on the network is seen as negligible. As such, the Strategic Highways Manager is satisfied that any additional vehicular movements and parking requirements as a result of the proposals could be catered for by the existing site access and parking provision already at the site.

Impact on the Amenity of Adjacent Properties

The proposed development is within an existing industrial site and would not materially affect the amenities of any nearby residents (nearest residents are on the western side of London Road 180 metres to the northwest of the site).

11. CONCLUSIONS

The principle of the development is compatible with surrounding land uses and would facilitate the delivery of new jobs and economic growth for Sanofi Aventis, a local employer. Subject to the proposed scale parameters and detailed design (which would be secured at the reserved matters stage), the proposals would not impact detrimentally on the character, appearance or landscaping

of the site. The proposal is considered to be acceptable in terms of its impact upon residential amenity and is acceptable in highways terms. The proposal therefore complies with the relevant local plan policy requirements and accordingly is recommended for approval.

12. RECOMMENDATIONS

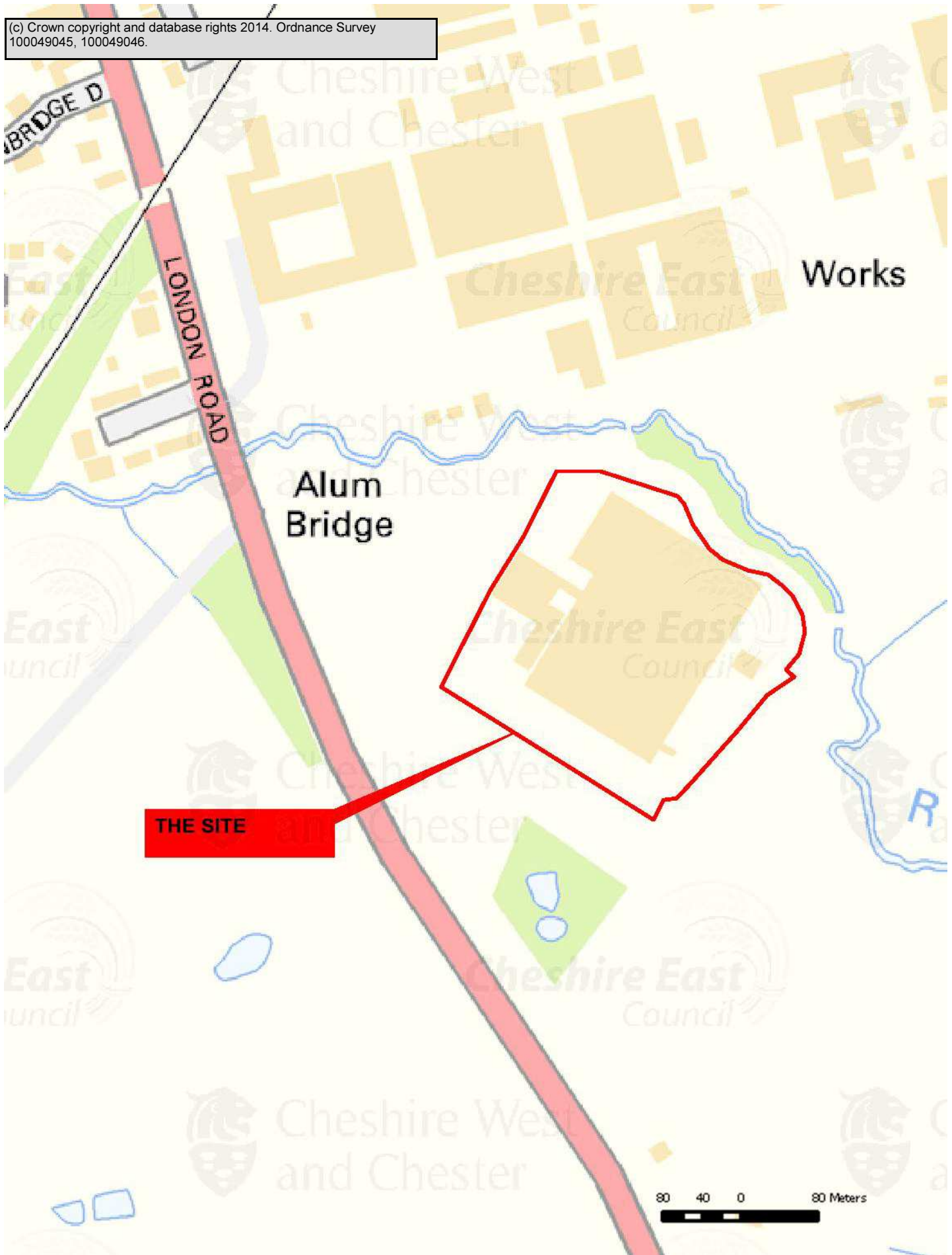
APPROVE subject to the following conditions:

- 1. Standard outline – development to commence within 3 years or within 2 years of approval of reserved matters**
- 2. Application for approval of reserved matters to be made within 3 years**
- 3. Submission of reserved matters**
- 4. Development to be carried out in accordance with approved plans**
- 5. Reserved Matters to be no greater than set scale parameters**
- 6. Details of Temporary office portacabins to be submitted**
- 7. Temporary office portacabins shall be temporary and removed from site after a period no greater than 2 years**
- 8. Materials / finishes to be submitted**
- 9. Hours of construction limited**
- 10. Hours of piling limited**
- 11. Details of Floor floating to be submitted**
- 12. Submission of a scheme for surface water regulation**
- 13. Scheme of electromagnetic screening measures to avoid interference with Jodrell Bank**
- 14. Acoustic Enclosure of any Fans / Compressors to be submitted**

* * * * *

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

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Application No: 13/4656N

Location: Greenbank Cottage, Welshmans Lane, Nantwich, Nantwich, Cheshire, CW5 6AB

Proposal: Demolition of Greenbank Cottage and erection of 19 dwellings

Applicant: Renew Land Developments Ltd

Expiry Date: 28-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
Ecology
Design
Amenity
Open Space
Drainage and Flooding
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 to the east of Welshman's Lane, Nantwich. Currently there is a detached cottage occupying the most southerly part of the site. It is a relatively flat site with allotments to the north and residential dwellings to the south.

To the north is the Kingsley Fields site (13/2471N), where Strategic Planning Board resolved to approve up to 1,100 dwellings and other facilities. There is however land between the application site and the Kingsley Fields site.

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 demolition of Greenbank Cottage and the erection of 15 detached dwelling houses on land east of Welshmans's Lane, Nantwich Three of the dwellings would face onto Welshman's Lane with all being accessed from a new cul-de-sac with a turning head faced on to by plots 6 and 7.

RELEVANT HISTORY

No relevant planning history relating to this 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 PG5 Open Countryside
Policy EG1 Economic Prosperity

The relevant policies saved in the **Borough of Crewe and Nantwich Replacement Local Plan 2011** 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:

No comments to make on the proposed development. There is a ordinary watercourse near to the site and as such is the responsibility of the Lead Local Flood Authority in this case is Cheshire East Council.

United Utilities:

No objection.

Strategic Highways Manager:

- The development does provide frontage footways to link to existing footways on Welshmen's Lane and visibility is fine.
- We would require two parking spaces up to 3 bedrooms and 3 parking spaces for 4/4+ bedroomed properties.
- SCP Transport Statement (TS) indicates four spaces per dwelling; which appears to be two on the frontage and two in a garage. Even if each double garage takes only one car then the parking standard would be achieved.
- Although the carriageway is narrow at 4.5m it is sufficient to cater for a large refuse lorry with no parking on the access road.. A refuse store will be required for plots 13, 14, and 15.
- If the Applicant wants to continue with a shared surface then they need to show a better layout that has a varying width to allow pedestrians refuge areas along the length of the carriageway. The current layout does not offer good, safe design for pedestrian use. Alternatively a footway could be considered on the southern side.

Environmental Health:

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

Education:

A development of 15 dwellings is anticipated to generate 3 primary and 2 secondary aged pupils.

The local primary schools (i.e. within a 2 mile radius) are cumulatively forecast to indicate some surplus capacity. However approved applications which impact on the same schools mean that a contribution would be sought.

The local secondary schools (i.e. within a 3 mile radius) currently indicate some surplus capacity. However there are several approved applications and applications with resolution to approve subject to s106 which impact on these schools and in light of this a contribution will be required for the anticipated pupils.

Primary = £32,539

Secondary = £32,685

Nantwich Town 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 (except for the Cottage). Development will add to the overall housing figure for the town in excess of the proposed requirement in the Core Strategy

Acton, Edleston & Henhull PC:

The Parish Council has no objection to the application but would ask what percentage of affordable housing is being provided on the site.

OTHER REPRESENTATIONS

At the time of report writing, 3 objections have been received relating to this application. These can be viewed on the application file. They express concerns about the following:

- Highway safety
- Flood risk
- Disruption during development
- Site is outside the settlement boundary
- Site is not adjacent to Kingsley Fields strategic site
- No affordable housing provision
- Loss of privacy and overlooking

These can be viewed on the application file.

OFFICER APPRAISAL

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

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 the Council 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 Position Statement set out that the Borough's five year housing land requirement as 8,311. This was calculated using the 'Sedgefield' method of apportioning the past shortfall in housing

supply across the first five years. It included a 5% buffer, which was 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 was applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply were 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the emerging Local Plan, were also been taken on board.

Sources of supply included 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 accorded with the *National Planning Policy Framework*, existing guidance and the emerging *National Planning Policy Guidance* at that time.

A discount was 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 were identified and could contribute to the supply if required. However, these sites were not relied upon for the five year supply.

The current deliverable supply of housing was therefore 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* demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Notwithstanding this, however, the recent appeal at Elworth Hall Farm, Sandbach (11 April 2014) determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be.

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during March and April 2014 and are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 5.94 year housing land supply with a 5% buffer or 5.2 year housing land supply with a 20% buffer.

Following the release of the Planning Practice Guidance (PPG), which now proposes that Council's include development which falls into the C2 Use Class category (i.e. care homes, halls of residence etc.) when considering housing land supply figures, the requirement provisionally drops to 6,496 (due to increased delivery in previous years) and the supply is elevated to 10,514. This equates to 8.09 years supply.

At the time of the Elworth Hall Farm inquiry the PPG was only in draft form, and although the Inspector gave consideration to the potential contribution of C2 accommodation to supply, the full implications of its inclusion were not known at that stage. The Inspector considered that the Council had a record of under-delivery and expressed the view that a 20% buffer would be

appropriate. However, the inclusion of the C2 consents takes away the suggestion of persistent under supply.

The Elworth Hall Farm inspector also criticised assumptions which the Council had made around build rates and lead in times, which he considered to be overly optimistic. In response Officers have been reworking the supply figures using longer lead in times, and on build rates which do not assume that on large sites there will be two or more developers except where there is the actual site specific evidence. Whilst this clearly reduces the overall supply, this is balanced out by the inclusion of the C2 permissions, and (subject to confirmation) the most recent figures still indicate that the Council can demonstrate a 5 year supply of housing land.

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

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

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

Open Countryside Policy

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings/Goldfinch Close in Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement zone line and countryside policies within the existing Plan.

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 the recent appeals in Cheshire East (mentioned above) have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by Inspectors decisions” 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 (Congleton Road and Sandbach Road North) 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 that occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply and notwithstanding the housing supply position previously identified by Inspector Major, the appeal was dismissed.

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”.

It is acknowledged that the Council has recently consented to judgement in a High Court challenge to the Sandbach Road decision and that accordingly that decision has been quashed on the grounds that the Inspector erred in law in concluding that Policies PS4, PS8 and H6 were not a relevant policy for the supply of housing within the meaning of paragraph 49 of the national Planning Policy framework to the extent that it seeks to restrict the supply of housing. This is consistent with other recent court cases such as South Northamptonshire v Secretary of State for Communities and Local Government and Barwood Land.

Whilst the implications of this judgement are still being considered, the Council’s current stance on this matter, as put at recent inquiries, such as Weston Lane, Shavington is that, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. 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 and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

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 related to former 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 puts forward the following assessment of this:

- Bus Stop – 400m
- Post Box – 750m
- Health Care – 1650m
- Secondary School – 400m
- Primary School – 850m
- Public House – 750m
- Sports Pitch – 500m
- Convenience Store – 1200m
- Cash Point – 1200m
- Allotments – 1450m
- Nursery – 800m
- Community Hall – 1450m

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 proposal was originally for the demolition of one existing dwelling and construction of 15no. units, on a site of 0.89 hectares off Welshmans Lane, Nantwich.

The IPS states that in settlements of 3000 population or more, sites of 15 dwellings or over or over 0.4 hectares in size, will be required to make an on-site affordable housing contribution of 30% of total dwelling units. The IPS further states that the tenure split will be 65% affordable or social rent and 35% intermediate tenure.

The proposal meets the threshold requirements for affordable housing provision. Furthermore there is a clearly identified need in Nantwich for affordable housing. The site falls within the Nantwich sub-area as part of the SHMA update 2013, which identifies a need for 78 affordable dwellings per annum from the period 2013/14 – 2017/18, broken down to 40 x 1bd, 15x 3bd and 35x 4/5bd general needs properties as well as 16x 1bd older persons accommodation.

In addition to the SHMA, information from Cheshire Homechoice, the Council's choice based lettings system, illustrates a need for 204x1bd, 185x 2bd, 75x 3bd, and 8x4bd units with a total of 483 live applicants who have selected a Nantwich lettings area as their first choice. 11 applicants did not specify a bedroom size requirement.

The proposal originally included no affordable housing and as such was contrary to policy.

Subsequently amended plans were submitted that increased the development from 15 to 19 dwellings. The Council's housing section still object to the application as a 30% provision would

equate to 6 units and the applicant is only offering 5. In addition the tenure offered is not policy compliant and there should be 4 rented units and 2 intermediate.

Should planning permission be granted, this could be resolved by requiring the specified amount and tenure of affordable housing to be provided and secured by a Section 106 Agreement.

Highways Implications

The Strategic Highways Manager has assessed the application on the original layout and considers that adequate parking provision could be achieved and that the carriageway would be large enough to accommodate a large refuse lorry.

However the site layout shows shared surfaces and does not allow for pedestrian refuge areas, as such he concludes that the layout does not offer safe design for pedestrian use. The proposal would therefore be contrary to Policy BE.3 (Access and Parking) of the adopted local plan.

Amenity

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 conditions and informatives be included relating to noise generation, contaminated land and air quality and these are largely considered to be reasonable and directly related to the application.

Air Quality

Environmental Protection have recommended that an 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

The application form and planning statement indicate a character and visual impact statement has been submitted. The statement identifies that within the Cheshire Landscape Assessment 2008, the site is within East Lowland Plain Character Type 7, specifically character area ELP 1 Ravensmoor.

The statement suggests that the existing vegetation and the raised canal embankment make views of the site and any development localised and enclosed. Views from the surrounding footpaths and the canal towpath are described as common, although mature woodland and hedges and existing built form limit longer views into the landscape. A change in close views from the public footpath to the east and Welshman's Lane as a result of development is recognised.

The statement suggests that the retention of the current vegetative boundaries, including where possible the mature trees, will reduce any potential visual impact. Reference is made to possible further visual screening by enhancing the hedgerows and introducing native trees. It indicates that removal of these hedgerows may lead to increased visual and landscape impact if not carefully managed.

The site is currently relatively well enclosed. Whilst it would appear that it may have the landscape capacity to accommodate residential development, taking into account the character of the adjacent residential development, the open countryside location and the constraints posed by existing trees and hedgerows, It is considered that the density proposed could be too great. It is also considered that the provision of a foot way and associated removal of the existing hedge on the road frontage would impact on the character of the lane, although it is noted that the planting of replacement hedge is proposed. Whilst the footpath would link to the allotment to the east, it appears the section to the west would stop at a grass verge. Where existing hedgerows are proposed for retention as rear garden boundaries, their long term management / retention may be difficult to secure, therefore the screening value currently provided cannot be relied upon. It is considered highly unlikely that the hedgerows would be retained at their current width as this would impact on proposed dwellings and usable garden area.

Design

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

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

The dwellings proposed would provide a varied development with design features such as projecting gables, chimneys and a mixed palette of materials. This would be considered to be appropriate if the development was not in open countryside and is therefore unacceptable in principle.

Ecology

Bats

No evidence of bats was recorded during the survey of the buildings and the buildings have low potential to support roosting bats. Two trees on site have potential to support roosting bats. However these appear to be retained as part of the proposed development. It is therefore considered that roosting bats are unlikely to be present affected by the proposed development. To ensure that foraging and commuting bats are not affected by the development it is recommended that a condition be attached to any permission granted for the lighting scheme for the development to be agreed with the LPA.

Reptiles

The submitted ecological report states that the application site is suitable for reptile and there are anecdotal records of reptiles being on site 10 years ago. The site is unlikely to be

significantly important in respect of reptiles and the applicant has now submitted a mitigation method statement to safeguard any reptiles present on site.

The submitted method statement is proportional to the potential impacts of the proposed development. If planning consent is granted a condition should be imposed requiring the proposed development to proceed in strict accordance with submitted reptile statement dated 5th March 2014.

Breeding Birds

If planning consent is granted conditions are required to safeguard breeding birds and also to ensure some additional provision is made for roosting bats and breeding birds.

Hedgerows

Hedgerows are Biodiversity Action Plan priority habitat and a material consideration. It is likely that the proposals will result in the loss of hedgerows from the Welshmans Lane frontage. It is considered that if planning consent is granted suitable replacement native hedgerow planting should be secured as part of any detailed landscaping scheme for the site. This would also ensure that the loss of bat foraging and commuting habitat is minimised.

Education

The Education Department have been consulted on this application and anticipated that the development would generate the need for 3 primary and 2 secondary aged school places. The local secondary schools (i.e. within a 3 mile radius) currently indicate some surplus capacity. However there are several approved applications and applications with resolution to approve subject to s106 which impact on these schools and in light of this a contribution will be required for the anticipated pupils.

Since this consultation response was received the number of dwellings has increased and this will affect the level of contributions. A new consultation has been sent to the education department and an update will be provided to committee prior to the meeting. Any contributions required should be secured by a Section 106 Agreement.

Flood Risk and Drainage

A Flood Risk Assessment has been submitted with the application which concluded that with compliance with the recommended mitigation measures within it, the site was suitable for development with minimal risk from flooding and would not increase flood risk elsewhere. However the development is now for 19 dwellings and therefore the FRA does not adequately address this issue.

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.

No information on agricultural land has been submitted with the application. However; given the scale of the proposal and the nature of this small plot of land, 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, affordable housing and contributions to education 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.

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.

The proposal does not accord with the Cheshire East Local Plan Strategy – Submission Version. The proposal does not provide safe pedestrian facilities within the site or the necessary requirement for affordable housing and insufficient information has been submitted in relation to flood risk at the site.

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.

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

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.

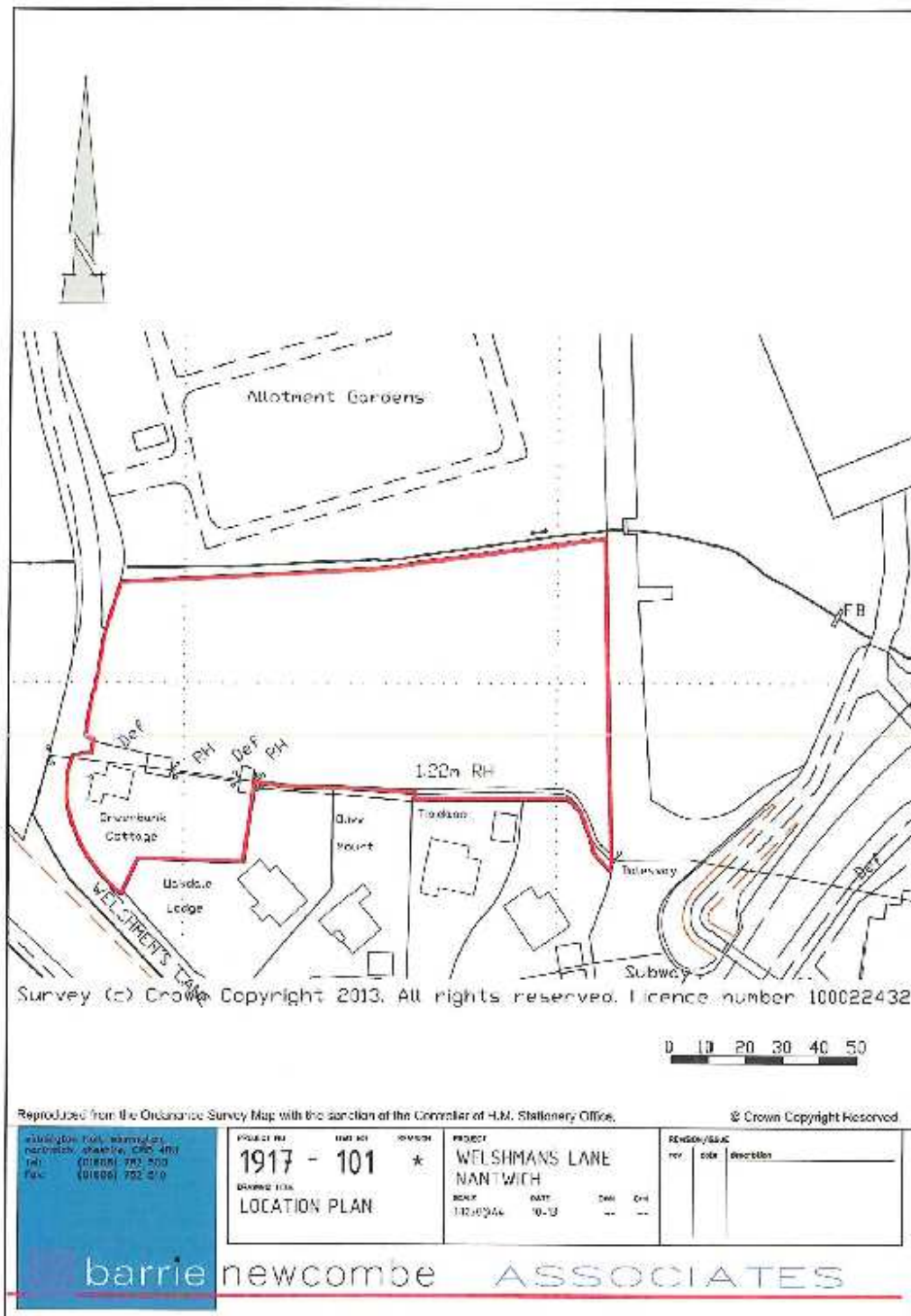
RECOMMENDATIONS

REFUSE:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in 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 safe pedestrian access within the development and is therefore contrary to Policy BE.3 (Access & Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policies SD 1 and SE 1 of the Cheshire East Development Strategy – Submission Version.**
- 3. Insufficient information has been submitted with the application relating to flood risk in order to assess adequately the impact of the proposed development having regard to the impact of 19 dwellings and associated ancillary development. In the absence of this information the applicant has failed to demonstrate that the proposal would comply with Policy NE.20 (Flood Prevention) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and 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 Interim 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, resolve to enter into a planning agreement to secure 30% affordable housing with a tenure split of 4 rented units and 2 intermediate units and a contribution to education in line with an updated consultation response from the Education Department.



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Application No: 13/4857C

Location: Land at Rose Way, off Hassall Road, Sandbach, Cheshire, CW11 4HN

Proposal: To develop proposed site to include 4no. two storey detached houses, with off road parking and landscaping to the front and garden to the rear. The access road will be an extension off the existing Rose Hill road.

Applicant: M Styles

Expiry Date: 14-Jan-2014

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES

Principle of Development
Sustainability
Design Considerations
Highway Safety and Traffic Generation
Landscape and Tree Matters
Impact on Residential Amenity
Flooding and Drainage

1. REFERRAL

This application has been 'called in' for determination by the Southern Planning Committee by Cllr Corcoran. The reasons for 'call-in' are:

- i) Poor access – the access is via an unadopted road and the access onto Hassall Road is below standard in terms of visibility splays
- i) Not sustainable – the site only meets 4 out of 15 of the NWDA sustainability toolkit distances to facilities. There is little employment in the area. The site fails the economic, social and environmental aspects of sustainability.
- ii) Out of keeping with the surrounding area – this is high density housing in an area of bungalows and large gardens
- iii) This is a garden grab scheme
- iv) There is an ongoing dispute over the rights of access to the site

1. SITE DESCRIPTION

This application relates to the rear garden associated with no. 77 Hassall Road, Sandbach. The site stretches to the rear of no.s 77 to 81 (inclusive) and measures 0.16 hectares. The site is adjoined to the north by a new residential development of 39 houses referred to as 'Rose Way'. To the east, is open countryside designated fields and to the south are the gardens associated with other properties fronting Hassall Road. To the west is residential development. The site falls entirely within the Settlement Zone Line of Sandbach as designated in the adopted Congleton Borough Local Plan First Review (2005).

2. DETAILS OF PROPOSAL

Full planning permission is sought for the erection of 4 detached two-storey dwellings on the rear garden associated with no. 77 Hassall Road, Sandbach. The turning head for the adjoining development at 'Rose Way' would be extended into the site and the proposal would utilise the neighbouring development's vehicular access off Hassall Road.

3. RELEVANT PLANNING HISTORY

11/3414C – OUTLINE PLANNING APPLICATION FOR 39 RESIDENTIAL DWELLINGS OVER 1.29HA. ACCESS FROM HASSALL ROAD WITH LANDSCAPING RESERVED – Approved 14-Aug-2012

12/1998C - Erection of 39no. Dwellings and Associated Works including Foul Water Pumping Station – Approved 07-Dec-2012

4. PLANNING POLICIES

National Planning Policy Framework

Local Plan Policy

Congleton Borough Local Plan:

PS4	Towns
GR1	New Development
GR2	Design
GR5	Landscaping
GR6	Amenity and Health
GR9	Accessibility, servicing and provision of parking
GR17	Car parking
GR18	Traffic Generation
GR21	Flood Prevention
NR1	Trees and Woodland
NR2	Statutory Sites (Wildlife and Nature Conservation)
NR3	Habitats
NR5	Habitats
H2	Provision of New Housing Development

Cheshire East Local Plan Strategy – Submission Version

Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy SE 1 Design
Policy IN 1 Infrastructure
Policy PG 1 Overall Development Strategy
Policy PG 2 Settlement Hierarchy

Other Material Policy Considerations

SPG2 - Provision of Private Amenity Space in New Residential Development
The EC Habitats Directive 1992
Conservation of Habitat & Species Regulations 2010
Circular 06/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

6. OBSERVATIONS OF CONSULTÉES (EXTERNAL TO PLANNING)

Environmental Health

No objection subject to conditions restricting hours of construction / piling, a condition requiring submission of an environmental management plan and conditions / informatives relating to contaminated land.

Highways

No objection

Flood Risk Manager

No objection – It is noted that drainage for the additional houses is indicated as discharging to mains sewer in this application. Due to the topography and location of this site in close proximity to the ordinary watercourse, the lower elevations of this site immediately adjacent to the southern boundary may be subject to localised flooding and overland flows due to the restrictive nature of the installed culvert pipework. These matters should be fully addressed by the developer in consultation with Flood Risk Manager PRIOR to any further development.

United Utilities (UU)

No objection provided that the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/surface water sewer and may require the consent of the Local Authority.

7. VIEWS OF THE SANDBACH TOWN COUNCIL

Object on the grounds that:

- i) This proposal is garden grabbing, against National Policy

- i) Inadequate access via unadopted road
- ii) Poor visibility onto Hassall Road becomes increasingly dangerous with the addition of more housing.

8. OTHER REPRESENTATIONS

Letters have been received from 18 addresses objecting on the following grounds:

- There is a culvert / watercourse to the rear of the site which should be restored
- Loss of wildlife / newts have been seen in the ditch
- Loss of trees
- Issues of flooding
- Site is unsustainable
- Garden grabbing / contrary to PPS3
- The access is not to standard and will be made more unsafe with a further 4 houses
- Proposal will add to congestion and noise
- Would require the removal of mature trees and hedgerow
- Developer has already breached conditions on adjacent development
- Disturbance to residents with more construction
- Overdevelopment - Too many houses on the site and too close together
- Design is out of keeping and unacceptable
- No provision to maximise solar gain
- Loss of view / privacy / outlook
- Loss of property values
- Contamination due to previous use as builders yard
- Lack of infrastructure to support development
- Loss of green space
- Sandbach cannot cope with anymore houses

9. OFFICER APPRAISAL

Principle of Development

The proposed development is located within the settlement zone line for Sandbach, where local plan Policy PS4 (Towns) permits development provided that it is in keeping with the town's scale and character. Policies SD 2 and SE 1 of the Cheshire East Local Plan Strategy – Submission Version also support this approach. The main consideration is therefore whether the proposed development is of acceptable design and would not result in a detrimental impact on the amenities of neighbouring properties, highway safety or ecology.

Sustainability

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 site does not comply with all of the standards advised by the NWDA toolkit, only meeting 4. Where the proposal fails to meet the standards, the majority of the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. However, these are guidelines and are not part of the development plan. Owing to its position on the edge of Sandbach, there are some facilities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned.

However, this is not untypical for suburban dwellings. However, all of the services and amenities listed are accommodated within Sandbach and are accessible to the proposed development on foot or via a short bus journey, with a bus stop in close proximity to the site. Accordingly, it is considered that this small scale site is locationally sustainable.

Design Considerations

The proposed development would follow the same linear pattern introduced by the adjoining residential development at Rose Way, which is nearing completion. The properties would back onto the adjacent fields and would front a private drive which would run to the rear of nos 77 to 81 (inclusive). Given that the site is situated to rear of existing properties with a single point of access and because the site is self contained, there is little opportunity or need for frontage onto Hassall Road.

With respect to the design and external appearance of the development, the units would be similar to those at the adjoining development and would serve as a continuation of that street scene. Given the mix in character, and having regard to the fact that the site would be self contained, the design of the dwellings would not appear out of keeping with the area. The design is considered to be acceptable and in accordance with relevant design policies of the local plan.

Highway Safety and Traffic Generation

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

The proposal would utilise the access serving the adjoining development of 39 houses, which is positioned directly in-between numbers 61 and 75 Hassall Road. With regards to visibility, on this previous application, the applicant demonstrated that visibility in the leading direction was achievable as per standards. However, visibility was much reduced in the non leading direction. To re-enforce slower speeds to make the access exemption

acceptable, contributions for a further speed reduction by the provision of a ramped junction table at the site access and Hassall Road was secured.

It is considered that the vehicle movements associated with 4 additional dwellings would not be sufficient to exacerbate existing traffic problems or issues of highway safety over the position that has already been accepted. This has been confirmed by the Strategic Highways Manager, who has also stated acceptance of the proposed parking provision. As such, the proposal is deemed to be acceptable in this regard.

Landscape and Tree Matters

The site could accommodate the proposed development without substantial harm to the landscape character of the wider area and a garden of reasonable area would be retained for the existing property. Where possible, it is considered that it would be important to retain the existing boundary hedgerows and trees to maintain a green edge to the site. This could be secured by condition.

The character of the surrounding residential development is one of being within a wider urban / residential area rather than that associated with ribbon development. Further, owing to the unique shape and site characteristics, the development of the site will lead to a natural progression of development. The location and scale of the proposed development are entirely in scale and in proportion with the existing development and in the wider visual sense will not intrude, dominate or have a significantly adverse impact on the adjacent wider landscape and open countryside.

Impact on Residential Amenity

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, and noise. Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

With respect to the existing properties on Hassall Road, the minimum separation distances would be exceeded by at least 3 metres and adequate separation (circa 13 metres) with the end of the neighbouring rear gardens would be achieved. This would ensure that no material harms arises in terms of direct overlooking, loss of light or visual intrusion. Given that the proposal would continue the row of the existing properties at the adjoining Rose Way, the proposal would impact detrimentally on the residential amenity afforded to these units.

Each dwelling unit would benefit from its own rear garden and it is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed. Subject to the removal of permitted development rights, the proposal is found to be acceptable in terms of residential amenity.

Flooding and Drainage

A Flood Risk Assessment was carried out for the adjoining scheme, to determine the impact of the proposed development on flooding. In accordance with the National Planning Policy Framework and local policy, the FRA considered the impact on the surface water regime in the area should development occur. This proposal for 4 units would not significantly alter these requirements. Subject to a condition for details of further drainage (as recommended by the Councils Flood Risk Manager), the proposed development will not adversely affect on site and the neighbouring sites and their associated residual flood risk.

10. REASONS FOR APPROVAL

This site is within the existing settlement zone line of Sandbach where there is a presumption in favour of development. Whilst it is accepted that the site does not meet 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 majority of facilities are accessible to the site. A refusal could not therefore be warranted on grounds of sustainability.

To conclude highways matters, it is not considered that a refusal could be sustained on matters relating to highways given that this proposal would only add 4 additional units.

The proposal will not have a significant impact on the landscape character of the area and the design of the scheme would tie-in well with the surrounding development.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, ecology and drainage/flooding. It therefore complies with the relevant local plan policy requirements and accordingly is recommended for approval.

11. RECOMMENDATION

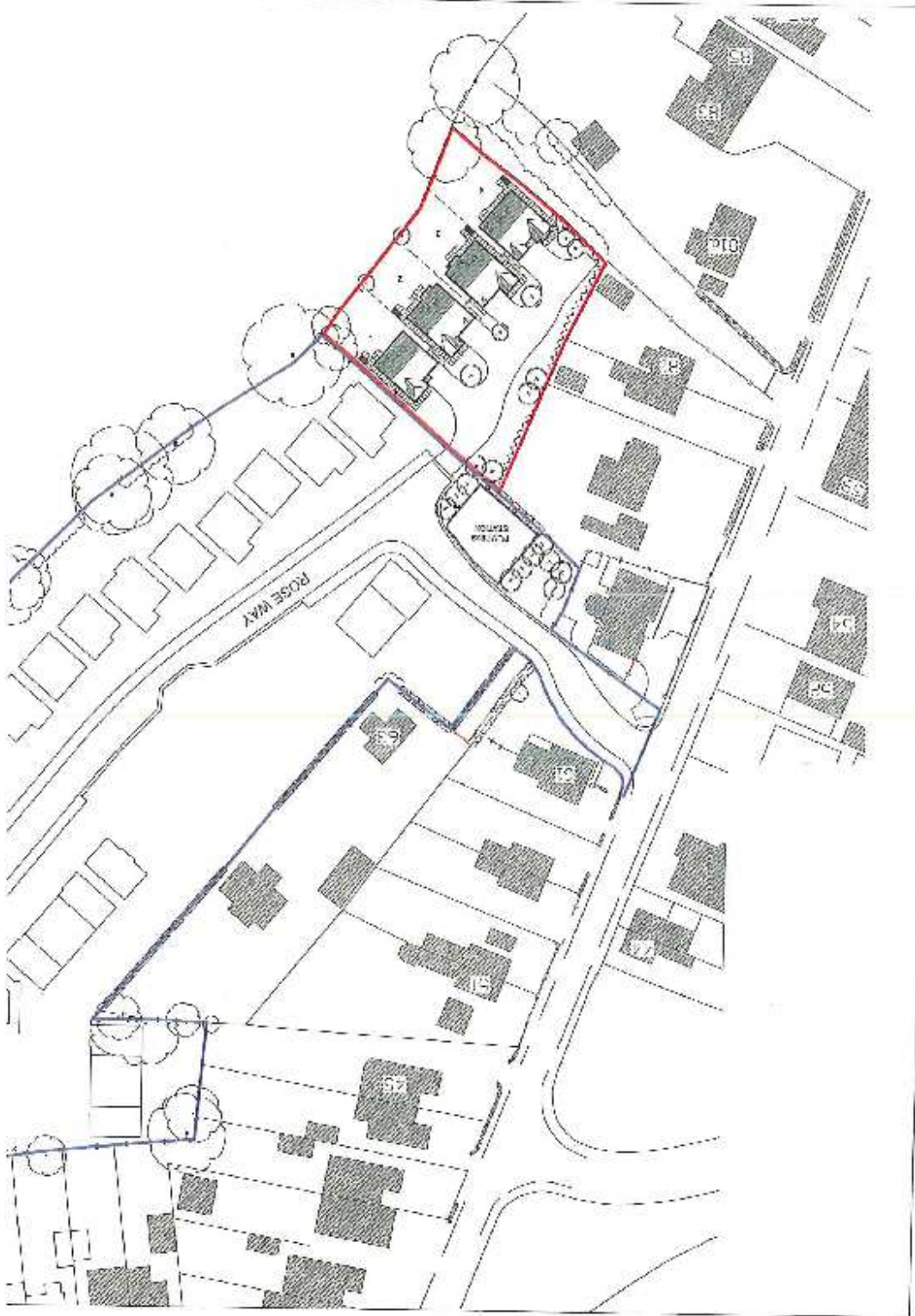
APPROVE subject to the following conditions

- 1. Standard Time limit – 3 years**
- 2. Approved Plans**
- 3. Materials**
- 4. Submission of an Environmental Management Plan**
- 5. Hours of construction to be limited**
- 6. Details of pile driving operations to be limited**
- 7. Submission of contaminated land survey**
- 8. Submission of details of bin storage**
- 9. Details of drainage (SUDS) to be submitted**
- 10. Only foul drainage to be connected to sewer**
- 11. Retention of important trees**
- 12. Tree and hedgerow protection measures**
- 13. Arboricultural Specification/Method statement**
- 14. Landscape scheme**
- 15. Implementation of landscaping scheme**

- 16. Timing of the works and details of mitigation measures to ensure that the development would not have a detrimental impact upon breeding birds.
- 17. Removal of permitted development rights for classes A-E
- 18. Details of ground levels to be submitted

* * * * *

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



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Application No: 14/1027N
Location: 7, CHESTERTON DRIVE, WISTASTON, CW2 8EA
Proposal: Extension to dwelling
Applicant: Mr D Gridnley
Expiry Date: 21-Apr-2014

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

- Principle of Development
- Residential Amenity
- Design

REASON FOR REPORT

This application has been referred to the Southern Planning Committee by Councillor Margaret Simon for the following reason:

"Over domination of neighbouring properties and the proposals are not in keeping with the character of neighbouring properties."

DESCRIPTION OF SITE AND CONTEXT

The application site is a detached dormer bungalow situated on the residential Chesterton Drive within the Settlement Boundary for Crewe.

DETAILS OF PROPOSAL

The proposed development is for a two storey rear extension. This will project from the existing rear elevation by 3.7 metres, with a width of 6.1 metres and a roof ridge height of 6.7 metres to match the existing.

The east elevation will have a dormer window which will be obscure glazed. The proposed development also includes the provision of a pitched roof to the existing dormer.

RELEVANT HISTORY

None

POLICIES

Crewe & Nantwich Borough Council Local Plan 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:

SD.1 Sustainable Development in Cheshire East
SD.2 Sustainable Development Principles
SE.1 Design
MP.1 – Presumption in Favour of Sustainable Development

Crewe & Nantwich Borough Council Local Plan Policy

BE.1 – Amenity
BE.2 – Design
RES.11 – Extensions and Alterations to Existing Dwellings

National Planning Policy Framework

Other Material Considerations

Supplementary Planning Document – Extensions and Householder Development

CONSIDERATIONS (External to Planning)

None

VIEWS OF THE PARISH / TOWN COUNCIL

Wistaston Parish Council object for the following reasons:

The proposal is out of character with existing properties in the area. It would over dominate and create lack of privacy to neighbouring properties 5 and 9 Chesterton Drive and properties to the rear at 4, 6 and 8 Swift Close.

OTHER REPRESENTATIONS

Five letters of representation have been received from the occupiers of neighbouring properties which object for the following reasons:

- Design is not in keeping with surrounding dwellings
- Proposal is too big for the size of the plot
- Reduction in privacy to 9 Chesterton Drive, 4, 6, and 8 Swift Close
- Reduction in house value
- Over domination
- Approval would set a precedent
- Impaired visual outlook and loss of light to 5 Chesterton Drive
- Proposed side window would infringed on privacy
- Impact on the amount of heat generate by sunlight to 5 Chesterton Drive

APPLICANT'S SUPPORTING INFORMATION

None received

OFFICER APPRAISAL

Principle of Development

The proposal is for a rear extension to a dwelling within the Settlement Boundary for Crewe which is acceptable in principle providing that the design is appropriate and that the development does not give rise to any detrimental impact on the amenities of adjacent properties or the surrounding streetscene.

Amenity

The application dwelling is situated on a residential cul-de-sac with surrounded with neighbouring dwellings on all sides.

To the north are the neighbouring dwellings of Chesterton Drive which lie on the opposite side of the road to the application dwelling. It is not considered that the proposed development will have a detrimental impact upon these properties.

To the east stands the neighbouring dwelling of 5 Chesterton Drive and to the west 9 Chesterton Drive.

Number 5 is set back from the application dwelling and is separated by approximately 1.5 metres, plus the attached single storey garage of number 5 is in between. The glazing of the side dormer window of the proposed development faces towards 5 Chesterton Drive, however this is to be obscure glazed and conditioned as such. Therefore, this will mitigate any potential privacy issues from this perspective.

The proposed ground floor window to the east elevation will face onto the blank garage elevation of number 5. Further to this, there will not be a breach of the 45 degree code when applied to the rear principal windows of number 5. With the above in mind it is not considered that the proposed development would lead to a significantly detrimental impact upon the amenity of 5 Chesterton Drive either through loss of privacy/light or over domination. The potential on loss of heat generated by the sun is not a material planning consideration that can be considered as part of this application.

The neighbouring dwelling to the west, number 9 Chesterton Drive, has a rear elevation that is set forward of that of the application dwelling by approximately 1 metre. These two dwellings are also separated by approximately 1.5 metres with the single storey garage of number 7 in between.

There would be no breach of the 45 degree code when applied to the rear principal windows of number 9. Therefore, it is not considered that the proposed development will lead to a detrimental impact upon the amenity of number 9 Chesterton Drive.

To the south of the site lie the neighbouring dwellings of Swift Close, the closest being numbers 4, 6 and 8. The rear elevation of number 4 lies approximately 20 metres from the application site, number 6 approximately 19 metres and number 8 approximately 21 metres away. The rear boundary of the application dwelling consists of a 1.6 metres high timber fence and semi-mature hedging/shrubs standing at a height greater than the fence.

Paragraph 3.32 of the SPD states that:

'As a general indication, to protect the privacy and living conditions of neighbouring properties, a distance of 21 metres should be achieved between any proposed principal window and a directly opposing principal window in a neighbouring dwelling.'

Paragraph 3.34 concludes by stating that:

'These distances are given as general guidance and there may be situations where mitigating measures or circumstances e.g. difference in levels, which mean that the distances can be reduced. Such a judgement will be dependent upon the context and character of the site or the proposal put forward.'

A similar application at Shorthorn Close, Middlewich (11/4598C) to the proposed development was allowed by a Planning Inspector at appeal (APP/R0660/D/12/2174898). This application was for a two storey side extension which projected beyond the existing rear elevation of the application dwelling. The distance between the principal windows of the proposal and those of directly facing neighbouring dwellings was approximately 18 metres, sharing much the same relationship as the neighbouring dwellings to 7 Chesterton Drive.

In allowing the appeal the Inspector reasoned that:

'...In my experience, some overlooking of this type is a common characteristic of the relationship between houses in residential areas. Given that a reasonable distance would still separate the proposal and the existing properties and the partial screening provided by existing vegetation and boundary treatment, it is my assessment that the additional overlooking in this case would not be so great as to significantly harm the living conditions of the occupiers of the Longhorn Close properties.'

Given the separation distances and boundary treatment involved, as well as the above mentioned appeal decision it is not considered that the proposed development will have a significantly detrimental effect upon neighbouring residential amenity to sustain a refusal.

As a result the proposed development is in accordance with Policy BE.1 (Amenity) and Policy RES.11 (Improvements and Alterations to Existing Dwellings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Design

Policy BE.2 states that new development will be permitted provided that it:

- Respects the pattern, character and form of the surroundings, and
- Does not adversely affect the streetscene by reason of scale, height, proportions or materials used.

Policy RES.11 states that development should:

- Respect the setting, design, scale and form and materials of the original dwelling.

In terms of design the proposed development is to be situated at the rear of the existing dwelling and, therefore, would not have a detrimental impact upon the surrounding streetscene.

The proposed materials are to match those of the existing dwelling as closely as possible which is considered to be acceptable.

The scale and form of the proposed development is considered to be acceptable in terms of its relationship with the host dwelling and those in the surround area. As mentioned above it is not considered that the design of the proposal will lead to a significant effect upon neighbouring residential amenity.

With regards to the setting of a precedent each application is judged on its own individual merits.

As a result the proposed development is in accordance with Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Other Matters

The potential devaluing of neighbouring dwellings is not a material planning consideration which cannot be considered as part of this application.

CONCLUSIONS AND REASON(S) FOR THE DECISION

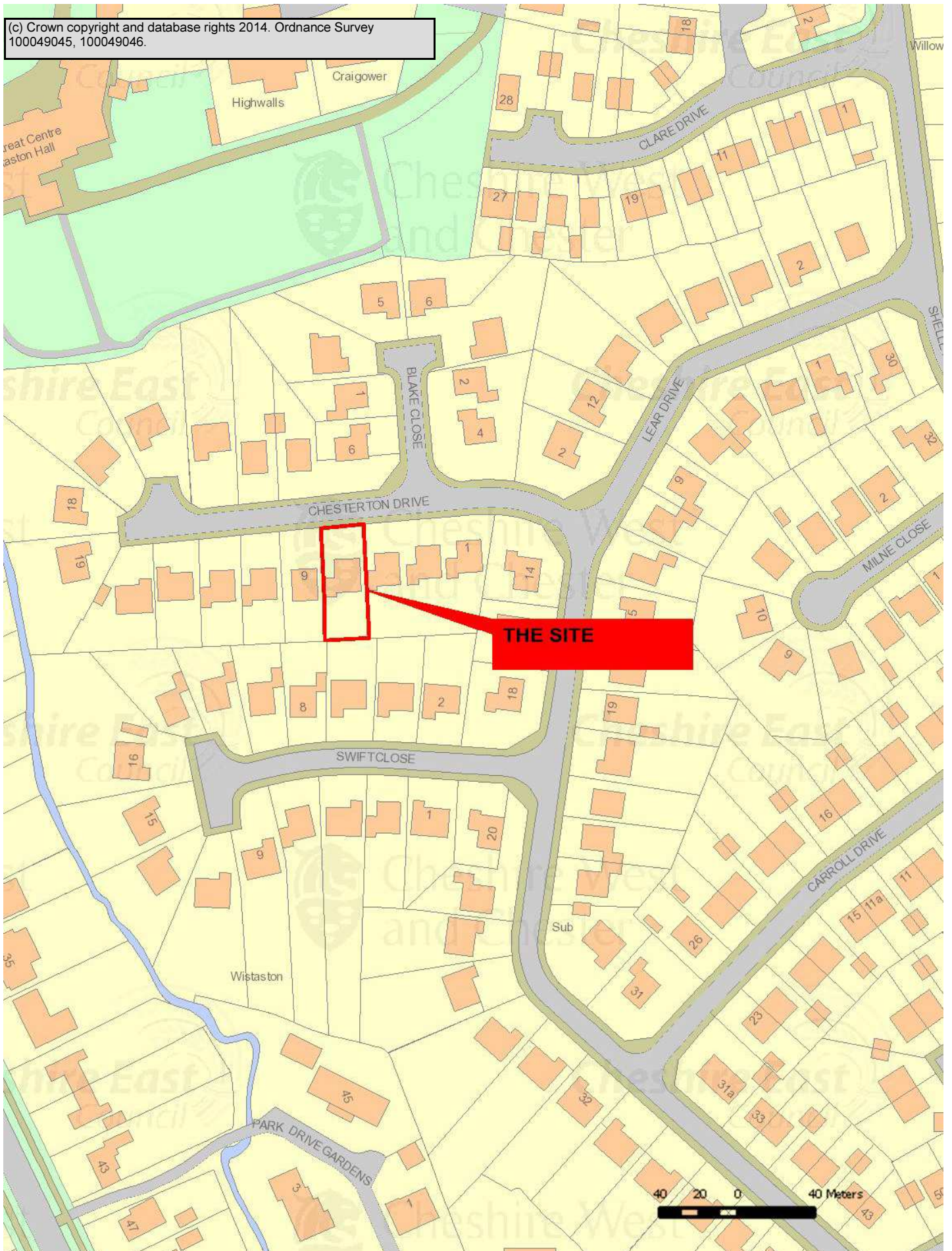
The proposed development respects the size and character of the existing dwelling and the surrounding area and will not have a significant impact upon neighbouring amenity. The proposed development is of a suitable design appropriate to the purpose it will serve in keeping with Policy SE.1 (Design). The proposal therefore complies with Policy BE.1 (Amenity), Policy SE.1 (Design), and Policy RES.11 (Improvements and Alterations to Existing Dwellings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the Emerging Local Plan Strategy Policy.

RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard time 3 years**
- 2. Materials**
- 3. Plans**
- 4. Obscure glazing to the first floor window facing No. 5 Chesterton Drive.**

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Application No: 14/1125C
Location: 31, SPRING BANK, SCHOLAR GREEN, ST7 3LA
Proposal: Regularisation of alterations to garage construction
Applicant: Ruth Reeves
Expiry Date: 22-Apr-2014

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

- Principle of Development
- Residential Amenity
- Design

REASON FOR REPORT

This application has been referred to the Southern Planning Committee by Councillor Rhoda Bailey for the following reason:

“Concerns have been expressed by residents that the building has not been designed and constructed in accordance with its permitted use as a garage but could be capable of being used for living accommodation. The application should be heard by the planning committee to decide the issues of permitted extent and use, be it garage or accommodation.”

DESCRIPTION OF SITE AND CONTEXT

The application site is found to the front of a detached dwelling situated on Springbank, within the infill Boundary for Scholar Green. The closest neighbouring dwelling to the application site is application number 33 Springbank which is situated approximately 19 metres to the east.

DETAILS OF PROPOSAL

An application was approved in 2013 (13/0250C) for a detached garage measuring 9 metres by 6.3 metres with a flat roof height of 3 metres.

This application seeks retrospective approval for the existing detached garage which has been constructed larger than originally approved. The garage in question measures 10.9 metres by 6.3 metres with a roof height of 3 metres. Other changes from the approved scheme involve the addition of two additional windows to the north elevation, the substitution

of bi-folding doors in place of the two double doors to the west elevation and a set of French windows in place of the small window to the south elevation.

A flue projecting by 0.6 of a metre above the roof also forms part of this application.

The description of development states that the building is used as a garage, workshop, store and studio. It was evident from the site visit that this seemed to be the case.

RELEVANT HISTORY

10/0831/FUL – New dwelling – approved with conditions 2010

13/0250C – Detached garage – approved with conditions 2013

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:

Policy SD 1 Sustainable Development in Cheshire East

Policy SD 2 Sustainable Development Principles

Policy SE 1 Design

The Relevant policies of the **adopted Congleton Borough Local Plan First Review 2005** are:

Local Plan policy

PS4 Plan strategy

GR1 General criteria for new development

GR2 Design

GR6 Amenity & health

PS5 - Settlements in the Open Countryside and Green Belt

National Planning Policy Framework

CONSIDERATIONS (External to Planning)

None

VIEWS OF THE PARISH / TOWN COUNCIL

Odd Rode Parish Council objects to the above application on the grounds that it's scale is obtrusive and it is not in keeping with the local street scene.

Furthermore, the flat roof structure is not as stated in the previous permission, i.e. it is not a moss/grass roof, and is an eyesore. A pitched roof would have been far more appropriate.

OTHER REPRESENTATIONS

Two letters of representation have been received from neighbouring dwellings which object to the proposed development for the following reasons:

- Completed structure is larger then and has more windows
- Building has been built as a studio and not a garage
- Not possible to get a car in
- Building is very large and an eye sore

APPLICANT'S SUPPORTING INFORMATION

None received

OFFICER APPRAISAL

Principle of Development

The principle of a detached garage on the application site has been accepted with the previous approval.

The main thrust of this application is whether the changes to the approved development will have a detrimental effect upon neighbouring residential amenity or the surrounding streetscene.

The garage as built and described within this application is an additional 1.9 metres in length than the approved scheme, the width and height are as approved.

Concerns have been raised over the building not being used as a garage as originally described and approved. The existing use of the garage appears to be for general storage and an ancillary residential use as there is area for seating. No conditions were attached to

the original permission requiring the garage to be used exclusively for the storage of a motor vehicle, therefore the garage can be used for various uses, such as general storage and ancillary residential uses, which fall within the remit of Permitted Development.

Policy PS.5 states that development within villages inset within the Green Belt will be permitted where it is appropriate to the local character in terms of use, intensity, scale and appearance and does not conflict with the other policies of the Local Plan.

Amenity

In terms of residential amenity the closest residential dwelling is approximately 19 metres away to the east. The additional windows do not directly face any neighbouring dwellings. Therefore, it is not considered that the development raises any new amenity issues since the previous approval.

With this in mind it is not considered that the proposed development will have an effect upon the amenity of any neighbouring dwellings.

As a result the proposed development is in accordance with Policy BE.1 (Amenity) and Policy RES.11 (Improvements and Alterations to Existing Dwellings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Design

The comments of the Parish Council are noted, however the principle of a detached flat roof garage has already been accepted.

The changes to the previously approved scheme and the introduction of a flue are not considered to be significant and, therefore, do not materially alter the development other than in the length.

The design of the proposed development is such that it will respect the host dwelling, those in the surrounding area and will not have a significantly detrimental effect upon the street scene. Furthermore, given the scale of the proposed development it is not considered that there will be a harmful effect on the wider Green Belt.

As a result the proposed development is in accordance with Policy GR2 (Design) of the Congleton Borough

CONCLUSIONS

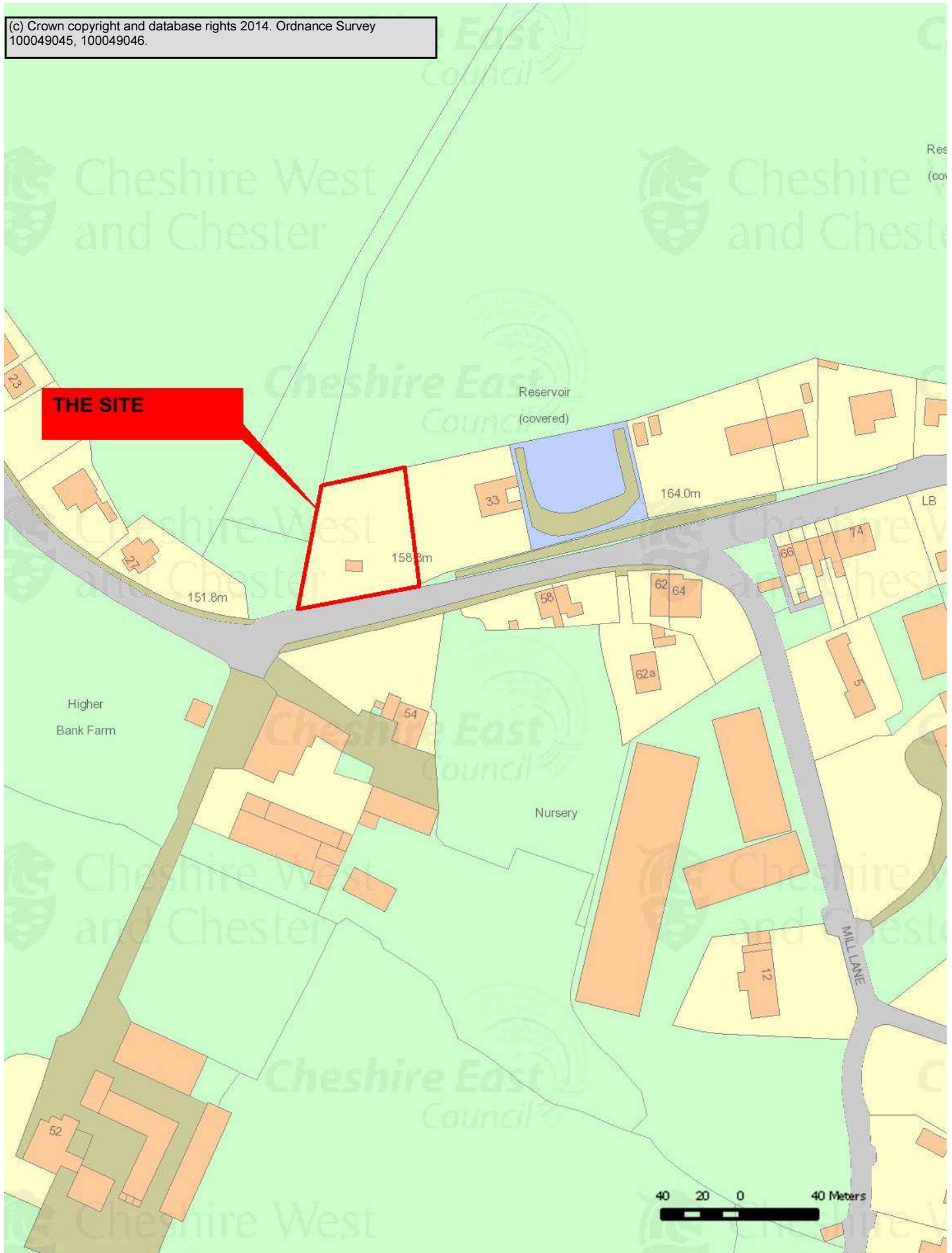
The proposed development respects the size and character of the host dwelling and the surrounding area and will not have a significant impact upon neighbouring amenity. The proposed development is of a suitable design appropriate to the purpose it will serve in keeping with Policy (Settlements in the Open Countryside and Green Belt), Policy GR.1 (New Development). The proposal therefore complies with Policy GR.2 (Design) and Policy GR.6 (Amenity & Health) of the Borough of Congleton Local Plan First Review 2005 and the Emerging Local Plan Strategy Policy.

RECOMMENDATIONS

APPROVE subject to the following conditions

1. Plans

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Application No: 14/1185N

Location: North Street Methodist Church, NORTH STREET, CREWE, CW1 4NJ

Proposal: Variation of Condition 2 (Plans) Inclusion of Balconies to Application 13/0136N - Demolition of Existing Church Building, Erection of Church Community Centre and 18 Affordable Retirement Apartments and Associated Access and Car Parking Provision

Applicant: Ann Lander, Wulvern Housing Ltd

Expiry Date: 29-May-2014

SUMMARY RECOMMENDATION

REFUSE

Main issues:

- Principle of development
- The impact of the design
- The impact upon amenity

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it relates to a variation to major development involving over 10 residential units.

DESCRIPTION OF SITE AND CONTEXT

The application site relates to the former North Street Methodist Church itself and land to its rear on the southern side of North Street, Crewe, within the Crewe Settlement Boundary.

In April 2013 planning permission was granted for the demolition of the Church and the erection of a community centre and a 3-storey affordable housing retirement block. This development is currently under construction.

There are no designations affecting the site.

DETAILS OF PROPOSAL

The application seeks to vary Condition 2 from the planning permission 13/0136N.

Planning permission 13/0136N was a Full Application for *'Demolition of existing church building, erection of church community centre and 18 affordable retirement apartments and associated access and car parking provision.'*

Condition 2 of this approval reads as follows;

Condition 2

'The development hereby approved shall be carried out in total accordance with the approved plans numbered; 1974:01 (excluding parking plan), 1974:02 (excluding parking plan), 1974:03 (excluding parking plan), 1974:04, 1974:05, 1974:06 and 1974:09, received by the Local Planning Authority on the 2nd January 2013 and the approved plan numbered; 1974:11 (excluding parking plan), received by the Local Planning Authority on the 19th February 2013.

Reason: For the avoidance of doubt and to specify the plans to which the permission relates.'

The applicant seeks to vary the approved plans condition in order to secure elevational changes to the affordable housing retirement block. The changes proposed include;

North elevation (side)

- Amendment of Juliet balcony design on 3 windows

East elevation (front)

- Removal of all 12 Juliet balconies
- Erection of 4 first-floor and 4 second-floor 'walk-on' balconies

West elevation (side)

- Amendment of Juliet balcony design on 3 windows

RELEVANT HISTORY

13/0136N - Demolition of existing church building, erection of church community centre and 18 affordable retirement apartments and associated access and car parking provision – Approved 3rd April 2013

7/02487 - Alteration of existing vehicular access to car park to place of worship – Approved 16th December 1976

POLICIES

Local Plan Policy

BE.1 - Amenity

BE.2 - Design Standards

BE.3 - Access and Parking

BE.4 - Drainage, Utilities and Resources
BE.5 – Infrastructure
BE.6 – Development on potentially contaminated land
RES.2 - Unallocated Housing Sites
TRAN 9 – Car parking standards
NE.5 – Nature Conservation and Habitats
NE.9 - Protected Species

National Policy

National Planning Policy Framework (NPPF)

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

PG1 – Overall Development Strategy
PG2 – Settlement Hierarchy
PG6 – Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 – Design

CONSULTATIONS (External to Planning)

N/a

VIEWS OF THE PARISH COUNCIL

Crewe Town Council – No comments received at time of report

OTHER REPRESENTATIONS

3 letters of neighbouring objection have been received. The main areas of concern relate to;

- Access / Boundary concerns – Insufficient restriction between the site and the Bowling Green. Approved application had a ballustrade across the ground floor openings fronting the Green which have now been removed. Furthermore, proposed fence is considered too low to prevent access from the site into the Bowling Green site.
- Amenity – Loss of light from development as a whole

APPLICANT'S SUPPORTING INFORMATION

Letter

OFFICER APPRAISAL

The acceptability of amending the approved plans condition (Condition 2) from approved planning application 13/0136N is assessed on whether the introduction of 'walk-on' balconies would create any amenity or design concerns.

Furthermore, an assessment as to whether the revised design of the Juliet balconies is deemed to be acceptable.

The principal of the affordable housing retirement block itself is not under consideration given that approval for this building has already been granted.

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.

Four 'walk-on' balconies are proposed at first-floor level and four similar balconies are also proposed at second floor level, both on the front (eastern) elevation of the nearby approved unit which fronts onto the Coppenhall Methodist Bowling Club.

Each of these balconies measure approximately 0.9 metres in depth, 2.1 metres in width and would consist of a screen surround which would measure approximately 1.1 metres in height.

The closest neighbouring properties to these 'walk-on' balconies would be the occupiers of Church Mews, North Street to the northeast, the occupiers of No.8 Churchmere Drive to the South and the occupiers of 332 and 334 Broad Street to the southeast.

The closest of the 'walk-on' balconies proposed to the approved affordable retirement building to the properties on Church Mews, North Street would be positioned approximately 26 metres away. The closest private amenity spaces of these properties within Church Mews would be approximately 20 metres away. Given this large separation distance and the oblique angle that these amenity spaces would be to the closest of the proposed 'walk-on' balconies, it is not considered that overlooking would be of significant concern to this side.

No.8 Churchmere Drive would be approximately 14 metres away from the closest of the proposed 'walk-on' balconies to the southwest. This neighbouring property would be screened from the closest of the proposed balconies by the main body of the affordable retirement apartment block itself. Notwithstanding this, a corner of this neighbouring property's garden would be located directly south of the closest balconies and would be overlooked. This issue however, could be overcome with the addition of a screen to one side of the 2 closest balconies which could be secured via condition should the application be approved.

The rear elevations of No's 332 and 334 Broad Street would be positioned between approximately 25 and 30 metres away from the closest of the proposed 'walk-on' balconies. The private rear amenity spaces of these neighbouring properties would be approximately 8-12 metres away to the closest of these proposed balconies. As such, it is considered that the private amenity spaces of these neighbouring properties would be subject to an unacceptable degree of overlooking. A screening condition would not overcome this concern in this instance given that this overlooking could be created from the front of the balconies as well as the side of the balconies.

As such, it is considered that the proposed development would be contrary to Policy BE.1 of the Local Plan.

Policy SE.1 of the Cheshire East Local Plan Strategy – Submission Version advises that development proposals should ensure an *'...appropriate level of privacy for new and existing residential properties.'*

It is considered that the proposed development would be contrary to this emerging local policy.

Paragraph 17 of the NPPF states that planning should *'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'*

As it is considered that the proposal would create an unacceptable degree of overlooking, it is considered that the development would also be contrary to the NPPF.

Design Standards

Policy BE.2 of the Local Plan advises that any new development should respect the pattern, character and form of the surroundings and not adversely affect the streetscene by reason of scale, height, proportions or materials used.

8 'walk-on' balconies on the front elevation of this recently approved 3-storey unit are proposed.

It is advised within the supporting letter that the balconies would be steel framed with concrete floor finishes and matt black painted soffits and edges. The hand rails will be formed of stainless steel sections and the front and side panels beneath the hand rails will be clear safety glass.

Given that these balconies would be constructed from glass and a simple metal handrail, and would be positioned in a symmetrical manner on the elevation, it is not considered that the impact upon the overall design of the approved building would be significant enough to warrant refusal of this application on design grounds.

It is noted that the design of the julliet balconies has also been amended from the approved plans. Although no details of the materials or finish of these balconies have been provided at this stage, it appears that vertical railings are proposed. Subject to an appropriate materials condition, it is considered that this aspect proposed development would be acceptable.

As such, it is considered that the proposed development would adhere with Policy BE.2 of the Local Plan.

Other Matters

No new issues in relation to trees, nature conservation or highway safety would be created by the proposed changes.

The concerns raised by neighbouring properties / interested parties such as; the impact of the overall development upon light and trespass concerns are not material planning matters and as such, are not considered as part of this assessment.

Furthermore, the railings shown on the boundary of the site with the Bowling Club have already been granted approval.

CONCLUSIONS

The application seeks to erect 8 'walk-on' balconies on the front (east facing) elevation of the approved affordable, 3-storey retirement block and seeks to amend the design and materials of 6 of the approved julliet balconies.

It is not considered that the addition of the 'walk-on' balconies would create a significant design concern given that they would be enclosed by glazed panels. The changes to the julliet balconies are also considered acceptable subject to a materials condition.

No new issues in relation to highway safety, protected species, landscaping or flooding would be created by the sought development.

The proposed changes to the approved scheme would however, create an unacceptable degree of overlooking onto the private amenity space for the occupiers of No's 332 and 334 Broad Street.

As such, the application is recommended for refusal.

RECOMMENDATION

REFUSE

- 1. The proposed 'walk-on' balconies are considered to create an unacceptable degree of overlooking onto the private amenity spaces of the occupiers of No's 332 and 334 Broad Street. As such, the proposal is considered to be contrary to Policy BE.1 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011. The proposal is also considered to be contrary to Policy SE.1 from the emerging Cheshire East Local Plan Strategy – Submission Version. The proposal would also be contrary to the NPPF.**

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.

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