

# Southern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 24th September, 2014</b>
<b>Time:</b>	<b>1.00 pm</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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

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

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

**1. Apologies for Absence**

To receive apologies for absence.

**2. Declarations of Interest/Pre Determination**

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 - 20)**

To approve the minutes of the meeting held on 27 August 2014.

**4. Public Speaking**

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

Please contact Julie Zientek on 01270 686466

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

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

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

5. **14/2310N Morris Care, Corbrook Court Care Home, Corbrook, Audlem, Crewe, CW3 0HF: Proposed construction of an outbuilding to house biomass boilers to serve Corbrook Court Care site for Morris Care** (Pages 21 - 30)

To consider the above planning application.

6. **14/3487N Karibu, Bunbury Road, Alraham, CW6 9JD: Proposed dwelling adjacent to Karibu, Bunbury Lane, Alraham for D Evans** (Pages 31 - 42)

To consider the above planning application.

7. **14/3306N Ridley Hall Farm, Wrexham Road, Ridley CW6 9SA: Conversion of existing Barns into 10 No Dwellings. Demolition of outbuildings sheds. Listed archway - Minor remedial work externally. Internally - removal of timber floor/ wall and installation of Bat Roost for Mr Steve Gildea, Goldcrest Finance Ltd** (Pages 43 - 54)

To consider the above planning application.

8. **14/3312N Ridley Hall Farm, Wrexham Road, Ridley CW6 9SA: Listed building consent for conversion of existing barns in 10 no dwellings. Demolition of outbuildings and sheds. Listed archway - minor remedial work externally. Internally - removal of timber floor/ wall and installation of Bat Roost for Mr Steve Gildea, Goldcrest Finance Ltd** (Pages 55 - 60)

To consider the above planning application.

9. **14/3052N Land off Mill Lane, Bulkeley, Cheshire: Outline application for 18 dwellings with access to Mill Lane including 8 no. two bedroom and 6 no. three bedroom houses and 4 bungalows. Resubmission of 14/0943N for Mr M Schofield** (Pages 61 - 78)

To consider the above planning application.

10. **14/2351C Land Off Sandbach Road, Church Lawton ST7 3RB: Construction of 14no semi-detached houses for IPM Pensions Ltd** (Pages 79 - 96)

To consider the above planning application.

11. **13/5248N The Printworks Crewe Road, Haslington CW1 5RT: Outline application for new residential development of up to 14 dwellings for Georgina Hartley** (Pages 97 - 114)

To consider the above planning application.

12. **14/3393N Land North Of Pool Lane, Winterley: Outline planning permission for the construction of up to 45no. dwellings (Resubmission of 13/4632N) for Footprint Land and Development** (Pages 115 - 138)

To consider the above planning application.

13. **14/1242C Former Arclid Hospital Site, Newcastle Road, Arclid: Proposed housing development consisting of 83no 2 and 2.5 storey 1, 2, 3 & 4 bedroom semi detached/mews and detached dwellings for Mr Stephen Miller, Morris Homes Limited** (Pages 139 - 150)

To consider the above planning application.

14. **14/3053N The Woodlands, Whitchurch Road, Aston, Nantwich, CW5 8DB: Erection of 33 No. dwellings with associated garages, car parking, landscaping, means of access and site infrastructure, including construction of replacement garage of existing bungalow for Elan Homes Ltd** (Pages 151 - 170)

To consider the above planning application.

15. **14/3267N Land East of Rope Lane, Shavington, Crewe, Cheshire, CW2 5BL: Construction of up to 53 dwellings including details of access for Wainhomes (North West) Ltd** (Pages 171 - 192)

To consider the above planning application.

16. **14/3440N 19, Shakespeare Drive, Crewe CW1 5HX: New build attached single storey dwelling (re-sub of refused planning application 14/2114N) for Mr Ken Bailey** (Pages 193 - 200)

To consider the above planning application.

17. **13/4608N Forestry Tracks Peckforton Woods, Tarporley, Cheshire: This retrospective application covers the proposed change of use of woodland tracks from forestry use to include use by 4x4 off-road experience in Peckforton Woods, Peckforton, Tarporley, Cheshire Hill Lane due south to the quarry for Mr Chris Naylor, Majorstage Ltd** (Pages 201 - 208)

To consider the above planning application.

18. **13/4614N Former Quarry and Access Tracks South of Hill Lane, Peckforton, Tarporley, Cheshire: This retrospective application covers the proposed change of use of a former quarry to a 4x4 off-road experience site including a viewing platform at the former quarry, as well as a holding pond at the north end of the access track that leads from Hill Lane due south to the quarry for Mr Chris Naylor, Majorstage Ltd (Pages 209 - 216)**

To consider the above planning application.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 27th August, 2014 at The Ballroom, Sandbach Town  
Hall, High Street, Sandbach, CW11 1AX

**PRESENT**

Councillor G Merry (Chairman)

Councillors Rhoda Bailey, D Bebbington, P Butterill, R Cartlidge, J Clowes,  
W S Davies, I Faseyi, S Hogben, P Groves and D Marren

**NON-COMMITTEE MEMBERS IN ATTENDANCE**

Councillors J Hammond, D Hough, M Jones, S Jones and C Thorley

**OFFICERS PRESENT**

Nigel Curtis (Principal Development Officer - Highways)  
Patricia Evans (Lawyer)  
Peter Hooley (Planning & Enforcement Manager)  
Susan Orrell (Principal Planning Officer)  
Julie Zientek (Democratic Services Officer)

**Apologies**

Councillors M J Weatherill, A Kolker, M A Martin and S McGrory

**48 DECLARATIONS OF INTEREST/PRE DETERMINATION**

The following declarations were made in the interests of openness:

With regard to application number 14/1975N, Councillor P Groves declared that he had spoken to local residents and had not kept an open mind. Councillor Groves declared that he would exercise his separate speaking rights as a Ward Councillor and withdraw from the meeting during consideration of this item.

With regard to application number 14/3247N, Councillor P Groves declared that he had been appointed as a Council representative on the Board of Wulvern Housing but that he had not participated in the discussions at Wulvern Housing with respect to this application and therefore felt comfortable declaring his appointment to Wulvern, staying in the room and participating in the decision.

With regard to application number 14/1975N, Councillor P Butterill declared that she was a member of Nantwich Town Council and Nantwich Civic Society, but that she had kept an open mind.

With regard to application number 13/1841N, Councillor S Hogben declared that he was a member of Shavington-cum-Gresty Parish Council, but that he had kept an open mind.

With regard to application number 14/2671C, Councillor R Bailey declared that she was Deputy Cabinet Member for Safeguarding Children and Adults, but that she had not discussed this application and had kept an open mind.

With regard to application number 14/3129N, Councillor D Bebbington declared that he was a member of Minshull Vernon & District Parish Council, but that he had not discussed this application and had kept an open mind.

All Members of the Committee declared that they had received correspondence regarding application number 14/2204N.

#### **49 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 30 July 2014 be approved as a correct record and signed by the Chairman.

#### **50 14/2204N LAND AT SCHOOL LANE, BUNBURY: ERECTION OF 34NO. DWELLINGS, A SCHOOL CAR PARK WITH ASSOCIATED ACCESS ROAD AND NEW LANDSCAPING FOR BLOOR HOMES NORTH WEST**

Note: Councillor M Jones (Ward Councillor), Parish Councillor R Pulford (on behalf of Bunbury Parish Council), Ms S Nash (on behalf of Bunbury Heath Action Group) and Mrs L Potter (objector) attended the meeting and addressed the Committee on this matter.

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

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

RESOLVED

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

The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies 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.

- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Principal Planning Manager, in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That, should this application be the subject of an appeal, authority be delegated to the Principal Planning 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, as follows:
  - 1. The housing mix to encompass the following:
    - 4 no. 2 bed bungalows Affordable Rent for Over 55's
    - 4 no. 2 bed 3 person House Intermediate
    - 2 no. 2 bed 4 person House Affordable Rent
  - 2. A private management agreement for the Public Open Space on site.

**51 13/5045C LAND ADJACENT TO HEATH END FARM, HASSALL ROAD, ALSAGER, CHESHIRE ST7 2SL: RE-SUBMISSION OF APPLICATION 12/3905C OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT ON LAND ADJACENT TO HEATH END FARM, HASSALL ROAD, ALSAGER FOR FRANK EVASON & MR ALLAN KEY**

Note: Councillor D Hough (Ward Councillor), Councillor S Jones (on behalf of Alsager Town Council) and Mr R Nickson (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That the application be REFUSED for the following reasons:
  - 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 (Open Countryside) and H6 (Residential Development in the Open Countryside) of the Congleton Borough Local Plan First Review 2005, 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 proposed development would involve the removal of an “important” hedgerow as defined in the Hedgerow Regulations 1997. Policy NR3 of the adopted Congleton Borough Local Plan First Review, states that proposals for development that would result in the loss or damage to important hedgerows will only be allowed if there are overriding reasons for allowing the development. Therefore the scheme is contrary to Policy NR3 of the adopted Congleton Borough Local Plan First Review and guidance contained within 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 Principal Planning 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 Principal Planning 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.

S106 Heads of Terms:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
  - The numbers, type, tenure and location on the site of the affordable housing provision
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. The provision of a Open Space/Ecological Mitigation to be maintained by a private management company



3. A commuted payment of £65,078 towards primary school education
4. A commuted payment of £45,789.83 towards offsite POS and play equipment

**52 14/1200C LAND AT HASSALL ROAD, ALSAGER, STOKE-ON-TRENT:  
VARIATION OF CONDITION 8 (ENERGY REQUIREMENTS) ON  
12/1670C - ERECTION OF 30NO DWELLINGS (INCLUDING 9NO  
AFFORDABLE DWELLINGS) VEHICULAR ACCESS AND  
ASSOCIATED LANDSCAPING FOR SEDDON HOMES LIMITED**

Note: Councillor D Hough (Ward Councillor) and Councillor S Jones (on behalf of Alsager Town Council) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

**RESOLVED**

- (a) That the amendment to the wording of condition 8 be APPROVED subject to a Deed of Variation to the Section 106 Agreement to reference the new consent and the following conditions as originally imposed on appeal
  1. Time Limit
  2. Plans
  3. Contaminated land
  4. hard and soft landscaping details
  5. existing and proposed ground levels
  6. Materials to be submitted
  7. Drainage details
  8. Fabric first approach to energy efficiency
  9. Construction environmental management plan
  10. Breeding birds and roosting bats
  11. PROW diversion
  12. tree protection and landscaping implementation
  13. access visibility splays
  14. Permitted development right removal for plots 22 -30
  15. Open plan estate
- (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 Principal Planning 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 Principal Planning Manager, in consultation with the

Chairman of the Southern Planning Committee, to enter into a Deed of Variation to the planning agreement attached to permission 12/1670C in accordance with the S106 Town and Country Planning Act to attach the suggested revised condition to the original planning permission.

**53 13/1841N DEMOLITION OF 187A, CREWE ROAD, SHAVINGTON CUM GRESTDY, CREWE CW2 5AH AND OUTLINE APPLICATION WITH SOME MATTERS RESERVED FOR 30 RESIDENTIAL UNITS FOR G SCOTT**

Note: Parish Councillor W McIntyre attended the meeting and addressed the Committee on behalf of Shavington-cum-Gresty Parish Council.

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

**RESOLVED**

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

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies 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. In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Shavington and Crewe which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.
3. The Local Planning Authority considers that insufficient information has been submitted in relation to the affordable housing provision of the site. In this case there no detail in relation to the proportion of affordable housing on the site, tenure proposals for the affordable units including the arrangements for transfer to a Registered Provider, provisions for the units to be affordable in perpetuity and confirmation that the affordable homes to be let or sold to people who

are in housing need and have a local connection. The application does not confirm that the affordable units will be built to CFSH Level 3 or to HCA Design and Quality Standards. As a result it is not considered that the proposal would create a sustainable, inclusive, mixed and balanced community and would be contrary to the Interim Planning Policy on Affordable Housing and Policy RES.7 (Affordable Housing) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.

4. There are a number of ponds within 250 metres of the site and the submitted Phase 1 Habitat Survey recommends that a full Great Crested Newt Survey is undertaken. No Protected Species Survey has been submitted as part of this application to assess the potential impacts of the development on Great Crested Newts. In the absence of this information, to allow this development would be contrary to Policy NE.9 (Protected Species) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.
  5. There are grassland habitats on the application site and there are species present which are indicative of restorable semi-improved grassland habitats. The submitted habitat survey was undertaken in February which is a poor time of year as a result the Council has insufficient information to assess the nature conservation value of the site. To allow the development in the absence of this information would be contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.
  6. There are a number of trees located onto the boundaries of the site and no arboricultural information has been provided to assess the impact upon these trees. Furthermore the indicative layout does not demonstrate that the proposed development can be accommodated on the site without resulting in the loss or future pressures to remove the trees which would be harmful to nature conservation and the character and appearance of the area. The development would be contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the NPPF.
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Principal Planning Manager, in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That, should this application be the subject of an appeal, authority be delegated to the Principal Planning 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.

S106 Heads of Terms:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
  - The numbers, type, tenure and location on the site of the affordable housing provision
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. A commuted payment of £54,231 towards primary school education
3. A commuted payment of £24,000 towards offsite POS and play equipment

**54 14/1018N LAND OFF WRENBURY ROAD, ASTON: OUTLINE APPLICATION FOR 31NO. DWELLINGS WITH ACCESS TO WRENBURY ROAD INCLUDING 10NO. TWO BEDROOM AFFORDABLE HOMES FOR MR M SCHOFIELD, CARLTON HOLDINGS**

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

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

**RESOLVED**

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

The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, and as such the housing supply policies of the Local Plan can be considered to be up to date. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan. The proposed development is therefore contrary to Policy NE.2 (Open Countryside) , Policy RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right

location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use.

- (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 Principal Planning 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 Principal Planning 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
  - Affordable housing:
    - 30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)
    - A mix of 1, 2 , 3 bedroom and other sized properties to be determined at reserved matters
    - units to be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.
    - constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
    - no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.
    - developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.
  - Commuted Sum payment in lieu of secondary education provision of £65,371
  - Private residents management company to maintain all on-site open space and associated areas in perpetuity

**55 14/1975N LAND OFF WRENS CLOSE, NANTWICH, CHESHIRE: FULL PLANNING PERMISSION FOR 11 DWELLINGS INCLUDING ACCESS AND ASSOCIATED INFRASTRUCTURE (RESUBMISSION OF 13/4904N) FOR MR F LLOYD-JONES, THOMAS JONES AND SONS**

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

Note: Mrs G Barry (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

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

The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to 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.

(b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Principal Planning Manager, in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

(c) That, should this application be the subject of an appeal, authority be delegated to the Principal Planning 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.

**56 14/2671C HOLMES CHAPEL COMPREHENSIVE SCHOOL, SELKIRK DRIVE, HOLMES CHAPEL, CHESHIRE CW4 7DX: NEW 3G ARTIFICIAL SPORTS PITCH FACILITY FOR TONY HALSALL**

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

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

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Standard
  2. Plans
  3. Materials as per application
  4. Landscape (Implementation)
  5. Protected species mitigation measures
  6. Use restricted to sports facility
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Principal Planning Manager, in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

**57 14/2715C 50A, NANTWICH ROAD, MIDDLEWICH, CHESHIRE CW10 9HG: VARIATION OF CONDITION 2 ON 13/3680C TO ALLOW FOR AMENDED PLANS ON RESIDENTIAL DEVELOPMENT AT LAND AT 50A NANTWICH ROAD, MIDDLEWICH FOR P E JONES (CONTRACTORS) LTD**

Note: Mr T Loomes (on behalf of the 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 Taylor to speak.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to a Deed of Variation to the Section 106 Legal Agreement attached to 13/0100C and 13/3680C to secure incorporation of the layout detailed within 14/2725C and the following conditions:
1. Time limit – 3 years
  2. Plans – as amended
  3. Materials as previously approved – additional materials to be submitted and approved
  4. Access to be constructed, formed and graded to satisfaction of highways authority
  5. Protection of highway from mud and detritus during construction

6. Tree and hedgerow protection measures
  7. Arboricultural Specification/Method statement
  8. Details of Hard and Soft Landscaping to be submitted prior to commencement. Landscape scheme to include replacement native hedgerow planting and trees for ecological purposes and boundary treatments
  9. Implementation of landscaping scheme, including replacement hedgerows
  10. Development to be undertaken in accordance with updated ecological survey (badger)
  11. Bats and bird boxes to be installed as agreed
  12. On going development to accord with translocation scheme for reptiles the submitted Reptile Mitigation Strategy produced by RSK dated October 2012
  13. Site drainage on separate system – development as approved
  14. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to:  
Monday – Friday 08:30 – 17:30 hrs Saturday 09:30 – 13:00 hrs  
Sunday and Public Holidays Nil
  15. Mitigation measures to minimise any impact on air quality from construction dust – as approved
  16. Contaminated Land Phase II investigation implementation as approved.
  17. Development to be in accordance with Construction Management Plan (inc wheel wash facilities, location of contractors parking, storage of site cabins etc) for access via Nantwich Road
  18. Construction specification/method statement
  19. No new windows – gable elevations plot 12 and 15
  20. Details of design / surfacing of proposed footpath links to site frontage implemented as approved
  21. Open plan estate layout – removal of permitted development rights for fences in front gardens
  22. Removal of permitted development rights for extensions-plots 11,12,12a,14,15,16,17,18,19,20,21,22,23
  23. Details of ground levels – development to accord with levels as approved
  24. Details of bin/bike store as approved be implemented for plots 12-15
  25. Method statement (trees) footpath link to Nantwich rd and construction of walls/access way to rear plot 12-15 - Nantwich Rd
  26. Management scheme for the maintenance of communal garden area plots 12-15 implemented as approved
  27. The parking provision to plots 12 to 15 shall be a maximum of 150%
  28. Scheme of affordable housing to be implemented as approved
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Principal Planning Manager, in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.



- (c) That, should this application be the subject of an appeal, authority be delegated to the Principal Planning 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.

**58 14/2944N BENTLEY MOTOR COMPANY, PYMS LANE, CREWE, CHESHIRE CW1 3PL: CONSTRUCTION OF A NEW PAINTED BODY STORE WAREHOUSE AND ANCILLARY ACCOMMODATION TOTALLING APPROXIMATELY 5060SQM GROSS INTERNAL FLOOR AREA. THE RELOCATION OF FUEL TANKS AND A FUEL FILLING LOCATION. THE PROPOSED BUILDING COMPRISES A LARGE WAREHOUSE WITH ONE AND A HALF PORTAL FRAME STRUCTURE, A SINGLE STOREY OFFICE ANNEX TO THE NORTH ELEVATION WITH REST AND WC FACILITIES, AN ENCLOSED LINK TO THE EXISTING ADJACENT WAREHOUSE TO THE EAST AND AN ENCLOSED BRIDGE LINK ABOVE THE PRIVATE ROAD TO THE ADJACENT PROPERTY TO THE NORTH. A 10M OVERHANGING CANOPY WILL BE PROVIDED FOR THE FULL WIDTH OF THE BUILDING TO THE WEST ELEVATION AND A 2M DEEP CANOPY TO THE NORTH SIDE OF THE EAST LINK FOR STEPHEN ELLIOTT, BENTLEY MOTORS**

The Committee considered a report regarding the above planning application.

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

- 1) Standard time limit (3 years)
- 2) Development to be carried out in accordance with approved plans
- 3) Materials / colours in accordance with submitted details
- 4) Hours of construction limited
- 5) Hours of piling limited
- 6) Acoustic Enclosure of any Fans / Compressors to be submitted
- 7) Site to be drained on a separate system with foul water draining to the public sewer

**59 14/3102N OAK FARM, HEATLEY LANE, BROOMHALL, CHESHIRE CW5 8AH: ERECTION OF A FREE RANGE EGG UNIT AND ASSOCIATED FEED BINS, HARDSTANDINGS AND ACCESS ROAD FOR ANDREW HOLLINS**

Note: Mr S Harrison attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
- 1) Standard time limit
  - 2) Approved plans
  - 3) Facing and roofing materials to be submitted
  - 4) In accordance with protected species survey
  - 5) Foul and surface drainage water details to be submitted
  - 6) Submission of a waste management plan
  - 7) Deliveries and collections from site including delivery and removal of livestock and waste only Monday- Friday 8am – 6pm
  - 8) No external lighting unless agreed in writing by the LPA.
  - 9) PROW signage
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Principal Planning Manager, in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

60 **14/3129N ST PETERS CHURCH, MIDDLEWICH ROAD, MINSHULL VERNON, CHESHIRE CW1 4RD: EXTENSION OF EXISTING GRAVEYARD AT ST. PETERS CHURCH FOR MINSHULL VERNON PAROCHIAL CHURCH COUNCIL**

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Standard (Time)
  2. Plans
  3. Landscaping scheme to be submitted
  4. Landscape Implementation
  5. Details of shed to be submitted
  6. Prior submission of a drainage plan
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Principal Planning Manager, in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

**61 14/3141C VALLEY COURT PHASE 2, SANDERSON WAY,  
MIDDLEWICH, CHESHIRE: VARIATION OF CONDITION 2 OF  
PERMISSION 13/0247C TO AMEND THE LAYOUT OF PLOT B TO  
CREATE A SINGLE UNIT OF 9000SQF FOR BOB NICHOLSON,  
POCHIN LAND & DEVELOPMENT LTD**

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

**RESOLVED**

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
  - 1) Standard (3 years)
  - 2) Plans
  - 3) Materials as per application
  - 4) Landscaping (details – including buffer zone & native fruit bearing trees)
  - 5) Landscaping (implementation)
  - 6) Prior submission of a Schedule of works to improve Footpath 19 between Pochin Way and Brooks Lane within the development site only
  - 7) Prior submission of surface-run off limitation measures
  - 8) Prior submission of an implementation programme of archaeological work
  - 9) Prior submission of detailed design and location of the proposed artificial badger sett
  - 10) Prior submission of proposals for the erection of badger fencing
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Principal Planning Manager, in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That, should this application be the subject of an appeal, authority be delegated to the Principal Planning 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.

**62 14/0009N LAND LOCATED TO THE EAST OF THE DINGLE AND  
SOUTH OF CLAY LANE, HASLINGTON, CREWE, CHESHIRE: THE  
ERECTION OF 34 DWELLING HOUSES (BETWEEN 30% AND 35%  
AFFORDABLE UNITS), WITH ASSOCIATED ACCESS, INTERNAL  
HIGHWAYS, PARKING AMENITY SPACE AND LANDSCAPING FOR  
WCE PROPERTIES LTD AND KATHERINE ELAINE**

Note: Councillor J Hammond (Ward Councillor), Parish Councillor R Hovey (on behalf of Haslington Parish Council), Ms L Allen (objector) and Mr R Gee (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

- (a) That the application be REFUSED for the following reasons:
1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) 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 proposed development by reason of incursion of built form into the open countryside, would detract from the generally open and rural character of the site. This would be a harmful effect which would fail to take account of the different roles and character of different areas or recognise the intrinsic character and beauty of the countryside and would be contrary to policies NE.2 (Open Countryside) and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the National Planning Policy Framework.

## Informative

Whilst not forming a reason for refusal, the Southern Planning Committee wish to advise the Applicant of their concerns about the implications of this proposal upon the local highway conditions, particularly in relation to on-street parking associated with the school and the implications this application will have due to the loss of on street parking on the Dingle.

- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Principal Planning Manager, in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the

wording of the resolution, between approval of the minutes and issue of the decision notice.

- (c) That, should this application be the subject of an appeal, authority be delegated to the Principal Planning 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.

**S106 Heads of Terms:**

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
  - The numbers, type, tenure and location on the site of the affordable housing provision
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. The provision of a Open Space/Ecological Mitigation and a LEAP with 6 pieces of equipment to be maintained by a private management company
3. A commuted payment of £65,078 towards primary school education
4. TRO contribution of £5,000 to protect the junction from inappropriate parking

**63 14/1915N KENTS GREEN FARM, KENTS GREEN LANE, HASLINGTON  
CW1 5TP: RESUBMISSION OF 13/4240N - OUTLINE PLANNING  
APPLICATION FOR A HOUSING DEVELOPMENT DWELLINGS WITH  
ASSOCIATED CAR PARKING, ROADS AND LANDSCAPED OPEN  
SPACE FOR RENEW LAND DEVELOPMENTS LTD**

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

**64 14/3143M 2, MEDDINGS CLOSE, ALDERLEY EDGE, WILMSLOW,  
CHESHIRE SK9 7XA: TWO STOREY SIDE AND SINGLE STOREY  
REAR EXTENSION, RENDER EXISTING HOUSE AND PITCHED ROOF  
OVER EXISTING FLAT ROOF FOR J WILLIAMSON**

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
  - 1) Commencement of development (3 years)
  - 2) Development in accord with approved plans
  - 3) Materials as application
  - 4) No windows to be inserted- first floor side elevation
  - 5) Obscure glazing requirement- en suite
- (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 Principal Planning 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.

**65 14/3247N LAND TO REAR OF SITE OF NORTH STREET METHODIST CHURCH, NORTH STREET, CREWE, CHESHIRE CW1 4NJ: VARIATION OF CONDITION 2 (DRAWINGS) ATTACHED TO PLANNING PERMISSION 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**

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
  - 2. Plans
  - 3. Materials - As per discharge
  - 4. Hours of construction
  - 5. Lighting - As per discharge
  - 6. Dust suppression scheme – Implementation
  - 7. Kerb radius and tactile paving – As per discharge
  - 8. Landscaping – Implementation
  - 9. Boundary treatment – Implementation
  - 10. Internal site layout – Implementation
  - 11. Affordable housing – - As per discharge
  - 12. Parking layout – As per discharge
  - 13. Drainage details - As per discharge

- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Principal Planning Manager, in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

**66 14/3440N 19, SHAKESPEARE DRIVE, CREWE CW1 5HX: NEW BUILD ATTACHED SINGLE STOREY DWELLING (RE-SUB OF REFUSED PLANNING APPLICATION 14/2114N) FOR MR KEN BAILEY**

Note: Councillor C Thorley (Ward Councillor) 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 the application be DEFERRED

- (a) for a Committee site inspection to enable Members to assess the impact of the proposed development
- (b) to enable officers to undertake consultation with the Brine Consultation Board

The meeting commenced at 1.00 pm and concluded at 5.20 pm

Councillor G Merry (Chairman)

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Application No: 14/2310N

Location: Morris Care, Corbrook Court Care Home, Corbrook, Audlem, Crewe, CW3 0HF

Proposal: Proposed construction of an outbuilding to house biomass boilers to serve Corbrook Court Care site

Applicant: Morris Care

Expiry Date: 07-Jul-2014

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

- Principle of the development
- Design, layout and scale
- Amenity
- Ecology
- Trees and Landscaping
- Highways

**PREVIOUS MEETING**

The application was deferred by Members on 2<sup>nd</sup> July 2014 for the following reasons:

- For a Committee site inspection to enable Members to assess the impact of the proposed development
- To enable the applicant and Officers to consider an alternative site for the building
- For a response to the application from Environmental Protection and the attendance of an Environmental Protection Officer when the matter returns to Committee for consideration

**REASON FOR REFERRAL**

The application was called in to Committee by Cllr Rachel Bailey on the following grounds:

*“BE1 Impact on Amenity*

*The need of alternative forms of energy is understood however the proposed site will result in loss of greenspace/countryside.*

*Concern in relation to existing highway issues and potential impact.”*

## **DESCRIPTION AND SITE CONTEXT**

The application relates to Corbrook Court at Audlem, which is a former country residence, which has been converted and heavily extended in order to form a nursing home.

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

## **DETAILS OF PROPOSAL**

The proposal seeks consent for the erection of an outbuilding to house 2 biomass boilers to serve the Corbrook Care site. The building would be approximately 9.8m wide and 13.7m deep. The roof height would be approximately 4.5m at the eaves 5.8m at the ridge. It would be constructed of a timber frame with a grey fibre cement roof and a concrete base.

The building would be sited to the south of the complex of buildings close to an existing garden store.

## **RELEVANT HISTORY**

The site has an extensive planning history, the most recent of which are:

12/3740N     2012   Approval for alterations to Cedar Court to provide a 35 bed nursing home

10/4845N     2011   Approval for extensions to provide 12 nursing bedrooms and change of use of part of the building from Extra Care to nursing home use.

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

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  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 8 Renewable and Low Carbon Energy  
SE 9 Energy Efficient Development  
SE 12 Pollution, Land Contamination and Land Instability  
PG 1 Overall Development Strategy  
PG 2 Settlement Hierarchy  
PG 5 Open Countryside  
EG1 Economic Prosperity

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

NE.2 Open Countryside  
BE.1 Amenity  
BE.2 Design  
BE.3 Access and Parking

### **Other Material Considerations**

National Planning Policy Framework.

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

#### **Environmental Health:**

Recommend conditions relating to the stack heights of the boilers and the hours of operation maintenance and deliveries. A detailed assessment of impact on air quality is contained within the Amenity and Health section of this report.

#### **Highways:**

No objection.

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

Audlem Parish Council voted unanimously to object to the application.

There was great concern about the loss of amenity for local residents and specifically environmental health issues relating to fume emissions and noise pollution. There was concern that these significant aspects of such an installation had been given little consideration in the proposed building, both in terms of its close proximity to residential properties and modifications to the building to minimise its impact.

Councillors also objected to the application on the grounds of the poor access point onto the public highway for the large delivery vehicles associated with the regular fuel deliveries required to biomass boilers; there is limited visibility of the access point due to the bends in the road, even smaller, more manoeuvrable vehicles find exiting this point challenging.

Furthermore, Councillors were also concerned to hear that the area is regularly utilised by local bat populations; a large building with exhaust fumes and noise prevalent particularly in evening (when demand for the boilers would be greatest) could severely impact bat flight routes through this piece of countryside.

Audlem Parish Council do hope that you will give due consideration to these concerns.

## **OTHER REPRESENTATIONS**

Two local households have objected to the proposals expressing the following concerns:

- Lack of warning about and consultation on the application
- Adverse impact on the character of the Open Countryside
- Excessive size and scale which will be overbearing and dominate their outlook
- The building seems to be larger than it needs to be
- The building is located too close to residential properties
- Inappropriate design
- Noise
- Emissions and the effect on health
- Smells
- Adverse impact on wildlife
- Transplanting of trees
- Loss of privacy because of delivery drivers and maintenance staff
- Fire risk
- Highway safety
- A safer drive for vehicles and a pedestrian pathway should be provided by the existing oil tanks

## **OFFICER APPRAISAL**

### **Principle of Development**

The site is designated as being within the Open Countryside where Policy NE.2 applies. This Policy states that *“Within Open Countryside only development which is 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.”*

Policy SE 8 of the Cheshire East Local Plan Strategy – Submission Version states that *“The development of renewable and low carbon energy schemes, together with any ancillary buildings and infrastructure will be positively supported and considered in the context of sustainable development and any impact on the landscape.”*

The proposal is broadly supported in paragraphs 97 and 98 of the NPPF that seeks to *“help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.”* The NPPF also states that applications should be approved *“if its impacts are (or can be made) acceptable.”*

### **Design and Scale**

The proposal is for a single outbuilding to house biomass boilers. The building would be 9.8m wide and 13.7m, with a maximum ridge height of 5.8m. There would be two boiler flues that would be 7m from ground level at their highest point. It would be a timber clad building with a fibre cement roof. The outbuilding would have the appearance of a small agricultural building which is considered appropriate in this rural location.

### **Amenity and Health**

Having regard to neighbouring amenity, the care home stands in its own grounds and is a large complex. The nearest residential property is Corbrook Lodge and the building would be sited approximately 17m away from the boundary with this property and approximately 30m away from the nearest house itself. The occupiers of this property have expressed several concerns about the application, including loss of privacy and an overbearing impact on their outlook. However it is not considered that a building of an agricultural appearance such as this would have a significant overbearing impact on this property, given its size, design and siting.

Both the occupiers of the neighbouring property, a resident of the complex and the Parish Council have raised concerns about emissions and noise pollution and these are addressed below.

Biomass burning can lead to increased emissions of particulates due to the combustion process. In addition, in comparison to conventional gas burning, biomass can lead to an overall increase in emissions of nitrogen oxides. In certain areas, this can be a problem as the increase at ground level could lead to local exceedances of the [air quality objectives](#).

At the request of the Council the applicant has submitted further information detailing dispersion modelling of the emissions and the estimated ambient pollutant concentrations

arising from the proposed development. This was in response to concerns regarding the adequate dispersion of the pollutants given the proposed stack height and fuel specifications.

The report considers the impacts at all residential receptors in the area surrounding the proposed biomass plant. The receptors and the stack positions are identified by their national grid references. The model uses meteorological data derived from Manchester Airport. Whilst this data may not be fully representative of meteorological conditions at the site, in the experience of Environmental Protection Officers, dispersion models run in this area using this data have given acceptable results. A wind rose measured more locally would likely have a more evenly distributed wind direction from the south west quadrant than the Manchester Airport wind rose shown in the report. However, it is considered that these differences in the wind data would not significantly affect the results of the study.

The oxides of nitrogen (NO<sub>x</sub>) and particulate matter (PM<sub>10</sub>) emissions parameters used have been considered as acceptable and models a conservative scenario where the emission limits set out the Renewable Heat Incentives model have been assumed to be emitted from each stack. Information supplied by the applicant has demonstrated that the proposed boilers would not emit pollutants at these levels given the proposed fuel specification and assuming adequate plant maintenance. For a conservative estimate of ambient pollutant concentrations the boilers have been assumed to be operating for 50% of the year which is likely to be longer than in reality. A revised drawing showing higher stack heights of 7 metres has been submitted. The emissions are modelled using AERMOD software and the methodology and the inputs are considered acceptable.

Existing background levels of nitrogen dioxide and PM<sub>10</sub> are known to be low and well below the national health based standards for these pollutants. The report estimates that increases in short and long term concentrations of these pollutants would result from the proposed development at all sensitive receptors. For long term concentrations these increases can be considered as small and, given the low background levels, these increases are also not considered as significant and levels are predicted to remain well below the health objectives. The predicted increases in short term concentrations are considered as moderate. However the low existing levels mean that the increases are again considered to be insignificant.

The assessment has therefore shown that adverse health impacts should not occur if the biomass plant is correctly installed, operated and maintained. Therefore it is considered that appropriate planning conditions should specify the design, operation and maintenance of the plant.

Notwithstanding the operational controls for normal operation of the boiler, biomass burners have the potential to cause higher short term emissions and annoyance from smoke emissions. With the exception of plant start up, there should be no visible smoke emissions from the stacks.

There is the potential for fugitive dust emissions from the delivery and storage of wood fuels. Good practice measures can control these emissions and implementation of these should be conditioned.

Given the above it is considered that the refusal of the application on the grounds of adverse impact on air quality could not be sustained.

Therefore given the information submitted and the distance to sensitive receptors it is recommended that if planning permission is granted conditions should be imposed to control stack heights, installation, operation and maintenance, the fuel used, method of delivery and visible smoke emissions.

Having regard to noise, Environmental Protection have recommended an informative relating to noise generative operations and a condition relating to delivery hours. However, given that deliveries of fuel (oil) to the site are not restricted currently, it would not be reasonable to impose such a condition.

Having regard to noise generated by the boilers, whilst Environmental Protection have no specific concerns about noise generated by the boilers, in order to ensure that they would not cause detriment to the amenity of the neighbouring property, a condition should be imposed requiring submission of a noise report together with any necessary mitigation methods, prior to commencement of development.

### **Landscaping and Trees**

Three small trees are proposed to be relocated in order to accommodate the building. The occupiers of Corbrook Lodge have expressed concern about the trees being located nearer to their property having an overbearing effect and whether in fact they would survive being relocated. It is considered that in order to ensure that the building is adequately screened; a condition requiring submission of landscaping proposal should be imposed.

Having regard to other trees present tree protection measures should be secured by condition.

### **Ecology**

Great Crested Newts have been identified as breeding at one of the ponds at this site. The proposed development is located on habitat of low value for Great Crested Newts. The only adverse impacts associated with the development relate to the potential risk posed to any Great Crested Newts that may venture onto the development during the construction phase.

In order to address this risk the applicant's ecologist has recommended a suite of non-licensable reasonable avoidance measures. It is recommended that, if planning consent is granted, provided the recommended reasonable avoidance measures are secured by condition, the proposed development would be unlikely to significantly affect Great Crested Newts or result in an offence under the Habitat Regulations. Consequently it is not necessary to have regard to the requirements of the Habitats Regulations during the determination of this application.

### **Highways**

Both the Parish Council and the neighbours have raised concerns about the size and frequency of vehicles delivering fuel to the site. The route to the site is the A529 which is a primary route network road. This road has sufficient capacity to carry the service vehicles to

and from this site. Indeed the existing heating mechanisms require the delivery of fuel oils by tanker, which are also heavy commercial vehicles.

The frequency of heavy commercial vehicle trips to the site would be 52 per year (26 in and 26 out), given that some of the existing delivery vehicles would be replaced, any net impact would be negligible.

Injury accident records demonstrate that there are no collisions related to the access junction in the last 5 years. In fact the last recorded road traffic crash in the vicinity of the junction into the site occurred in 2004 when a single vehicle lost control and turned over after dark in wet conditions. Causal factor was driver losing control. No other vehicle was involved and the vehicle was not negotiating the access into the application site. The existing access geometry and visibility combined with the safe operational record demonstrates that this access does operate safely with existing heavy commercial vehicle use and that there is no reason to consider that the changed heavy commercial vehicle movements will be less safe.

The Strategic Highways Manager has stated that there is no foundation for a highways reason for refusal on this site.

### **Alternative Siting**

Members and the objectors have requested that an alternative siting for the building should be considered. The applicants reviewed the possibility of locating the building elsewhere within the site, however they do not wish to do this. The reasons for this are that it is in a closer position to the access for deliveries, it is a relatively short distance to pipe the heat and there would be less trenching that could impact on Great Crested Newts. In addition to this Officers would not wish to see the building located further into the open countryside where it would have a greater impact on openness.

However; In order to make sure that there is no conflict with the tree canopy the building has been moved a further 2m away from the hedgeline.

### **CONCLUSIONS AND REASONS FOR THE DECISION:**

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

### **RECOMMENDATION:**

**Approve subject to the following conditions:**

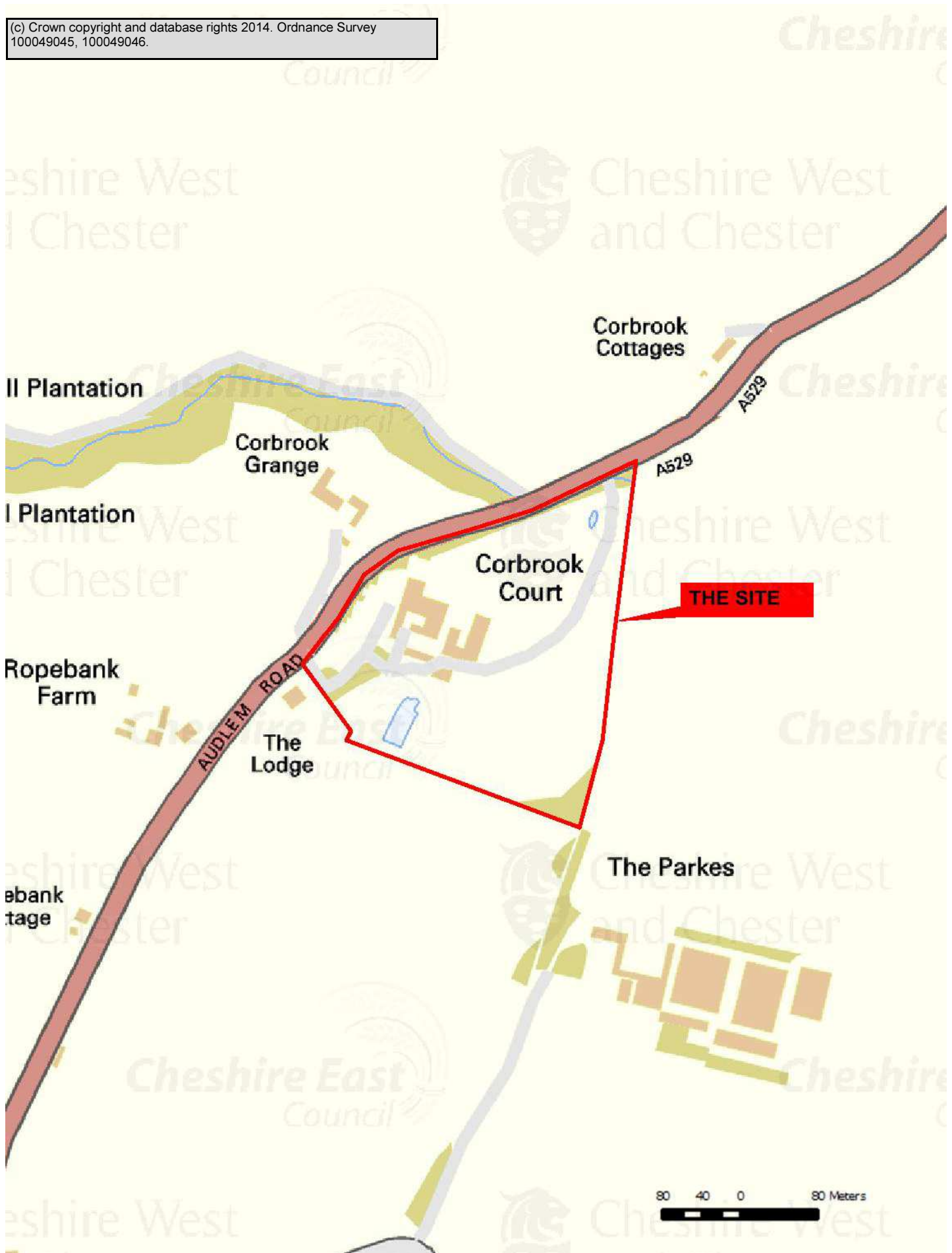
- 1. Commence development within 3 years**
- 2. Development in accordance with agreed drawings**
- 3. Materials as application**
- 4. Submission of landscaping scheme prior to commencement of development**
- 5. Implementation of landscaping scheme**
- 6. Submission of tree protection measures prior to commencement of development**



7. Submission of Noise Report and necessary mitigation measures prior to commencement of development
8. Stack heights of both boilers shall not be less than 7m above ground level and shall be positioned as shown on drawing no. 431.4A
9. The boiler shall be installed, maintained and operated in accordance with the manufacturer's recommendations
10. The boiler shall only be operated using clean wood pellets that comply with a recognised fuel quality standard (such as CEN/TS 14961:2005 or ONAD)
11. The operator shall notify the LPA of any changes in the fuel type/quality and if required to do so, submit a declaration that the new fuel complies with a recognised fuel quality as set out in condition 10
12. Prior to first use, the method of fuel delivery, to incorporate sheeting and fully enclosed receptacles to minimise spillages and fugitive emissions in all weather conditions shall be submitted and approved by the LPA
13. Prior to first use, the operator shall agree a written maintenance schedule with the LPA, to include removal of ash, inspection, maintenance of particulate arrestment plant and servicing schedule

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his/her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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Application No: 14/3487N

Location: Karibu, BUNBURY ROAD, ALPRAHAM, CW6 9JD

Proposal: Proposed dwelling adjacent to Karibu, Bunbury Lane, Alpraham

Applicant: D Evans

Expiry Date: 15-Sep-2014

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Key Issues;
- Site History
- Principal of development;
- Design;
- Amenity;
- Private Amenity Space;
- Ecology;
- Highways;
- Flooding;
- Drainage; and
- Landscape

**REFERRAL**

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

*The proposed development will have a detrimental impact on the residential amenity of the neighbouring property and will be out of character within the streetscene and the wider environ.*

**SITE DESCRIPTION AND DETAILS OF PROPOSAL**

The application site forms part of a garden belonging to Karibu, which is a relatively large detached bungalow constructed out of facing brick under a tile roof. The application site is currently laid to lawn and includes a number of fruit bearing trees. The site is located wholly within the open countryside. This is a full application for a single detached dwelling and land adjacent to Karibu, Bunbury Lane, Nantwich

**PREVIOUS RELEVANT DECISIONS**

13/5083N - Proposed dwelling adjacent to Karibu, Bunbury Lane, Alraham – Refused – 6<sup>th</sup> February 2014

7/09768 – Timber Stable Block – Approved – 24<sup>th</sup> February 1983

7/15507 – Extension and Alterations – Approved – 9<sup>th</sup> June 1988

## **PLANNING POLICIES**

### **National Policy**

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

National Planning Policy Framework

### **Local Policy**

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

BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.6 (Development on Potentially Contaminated Land)  
TRAN.9 (Car Parking Standards)  
NE.2 (Open Countryside)  
NE.5 (Nature Conservation and Habitats)  
NE.9 (Protected Species)  
RES.5 (Housing in the Open Countryside)

### **Other Material Considerations**

SPD Development on Backland and Gardens

Cheshire East Local Plan Strategy - Submission Version

PG2 – Settlement Hierarchy  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE3 – Biodiversity and Geodiversity  
SE5 – Trees, Hedgerows and Woodland  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 3 - Biodiversity and Geodiversity

SE 13 - Flood Risk and Water Management  
SE 6 – Green Infrastructure  
IN1 – Infrastructure  
IN2 – Developer Contributions

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

## **OBSERVATIONS OF CONSULTEES**

**Highways:** No objections

**Ecology:** No objections

**Environment Agency:** No objections

**Environmental Health:** No objections raised subject to an informative relating to hours of construction.

**Contaminated Land:** No objection subject to the imposition of the standard informative

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

Alraham parish Council has reviewed the new planning application along with the appeal decision from the 3rd of July 2014. The appeal states the 'site does represent a small gap in an otherwise built up frontage and therefore the proposed development would accord with Policies RES5 and NE2 of CNLP.' The appeal also notes the proposed development is of a scale in keeping with other properties in the vicinity. The single concern raised was the proximity of the development to the neighbouring property Amberlee.

On reviewing the new application the proposed development has moved position and is now central between Karibu and Amberlee. The distance from Amberlee has therefore increased and the impact on the residents of Amberlee will be reduced.

Given the facts that the site is deemed a small gap and infill, that the proposed development is in keeping with neighbouring properties, that the site does not enter directly onto the A51 and that the positioning between neighbouring properties has improved Alraham Parish Council support this application.

## **OTHER REPRESENTATIONS:**

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

Paragraph 4.11 States ALL LAND OUTSIDE THE SETTLEMENT BOUNDARIES DEFINED ON THE PROPOSALS MAP WILL BE TREATED AS OPEN COUNTRYSIDE...I have checked this Map and Alraham Village Settlement Boundary does not contain any Houses on Bunbury Road just the Ribbon Development on the A51. Therefore Karibu is in Open Countryside and the proposed site a Garden.

Paragraph 4.11 States an exception may be made where there is a gap with one or two dwellings in an otherwise built up frontage.

How can the Appeal Planning Inspector Alison Partington in Paragraph 9 of Appeal Decision class three houses Randomly Spaced with Gardens at different Building Line Angles along the right hand side of Bunbury Road as "An Otherwise Built up Frontage" ? , The Planning Inspector Alison Partington is in my opinion misguided as it is not "Reasonable" that she considers the Gap of some 45m in between our two properties as a small gap in an otherwise built up frontage ? This goes against all Cheshire East Councils Planning Policy to prevent building in Open Countryside and Developing on Garden Plots.

The original Karibu Planning Application Appeal was dismissed on 23rd June 2014 on the grounds of contravening Policies BE1 & BE2 of the Crewe and Nantwich Local Plan by having a detrimental impact on the living conditions of our home Amberlee by the loss of Outlook and Sunlight. Although the Footprint of the proposed Dwelling has moved some 6 metres this will not prevent this still happening as stated by the British Research Establishment (BRE) document "Site Layout Planning for Daylight and Sunlight": A guide to good practice (2011). The BRE Guide explains that Sunlight availability may be adversely affected if the centre of our three Ground Floor Windows on the South Facing Elevation receive less than 25% of Annual probable Sunlight hours, or less than 5% of annual probable sunlight hours between 21st September and 21st March. As this is very likely as our habitable Ground Floor room Windows face South and with the Proposed Dwelling in between the low Winter Sun on the horizon and our windows. I would request that Cheshire East Council defer the Planning Permission decision until they undertake an assessment of Sunlight which may affect Amberlee's homeowners living conditions. The BRE Guide also states that sunlight availability may be adversely affected if Windows receive less than 0.8 times its former Sunlight during either period and has a reduction in Sunlight received over the whole year greater than 4% of annual probable Sunlight hours. Furthermore the Proposed Dwelling in the Garden of Karibu will have an Overbearing impact on Amberlee as it will dominate the Outlook from our Three Ground Floor habitable room windows. Together with the Noise from the Back door of the proposed dwelling being so close to Amberlee and the North Elevation Windows of the Proposed dwelling overlooking Amberlee which will result in lack of Privacy.

Newts can be found in the Gardens along Bunbury Road as it is a low lying area and prone to Water retention. Karibu had a Pond in the Garden Plot before it was filled in in October 2013. I inadvertently killed one with my Lawnmower in April 2014 this year in the long Grass at the first cut of the year. I would recommend that Cheshire East Council carry out a Newt Survey prior to any planning permission decision being made. Furthermore Cheshire East's Borough of Crewe and Nantwich Replacement Local Plan 2011 section NE.2 OPEN COUNTRYSIDE

Paragraph 4.11 States ALL LAND OUTSIDE THE SETTLEMENT BOUNDARIES DEFINED ON THE PROPOSALS MAP WILL BE TREATED AS OPEN COUNTRYSIDE...I have checked this Map and Alpraham Village Settlement Boundary does not contain any Houses on Bunbury Road just the Ribbon Development on the A51. Therefore Karibu is in Open Countryside and the proposed site a Garden.

#### **APPLICANT'S SUPPORTING INFORMATION:**

No supporting information

## **OFFICER APPRAISAL**

### **Main Issues**

The main issues are the principle of development, design and layout, impact on highway safety, living conditions, ecology, trees and landscape.

### **Site History**

A similar application was recently refused on the 6<sup>th</sup> February 2014 under delegated powers (13/5083N) for the following reasons:

*'The application seeks full planning permission for a new dwelling within the Open Countryside. The proposal is not essential for the purposes of agriculture, forestry, outdoor recreation, works by statutory undertakers, or other uses appropriate to a rural area; and does not meet the exception of policy NE2 (Open Countryside) which allows the infilling of a small gap with one or two dwellings in an otherwise built up frontage. The application site would amount to a new dwelling within the open countryside, in an unsustainable location. The dwelling is not of an exceptional quality or innovative nature of the design and therefore would not meet any of the special circumstances set out in the National Planning Policy Framework which would permit a new dwelling in the open countryside. It is therefore considered that the proposed development would have a significantly adverse effect on the open countryside and therefore the provision of one new dwelling would not outweigh the harm. The development is therefore contrary to Local Plan policies NE2 (Open Countryside) and RES5 (Housing in the Open Countryside) and the National Planning Policy Framework and is recommended for refusal accordingly'.*

*'In the opinion of the Local Planning Authority the proposed dwelling would cause demonstrable harm to the residential amenities of the occupiers of Amberlee. It is considered the proximity of the development to the boundary of the neighbouring property would result in an un-neighbourly and overbearing form of development. The proposal is therefore considered to be an inappropriate development of a residential. The proposed development would therefore be contrary to Policies BE.1 (Amenity) and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, guidance contained within the Local Development Framework Development on Backland and Gardens SPD (2008) and guidance contained within the National Planning Policy Framework 2012'.*

### **Principle of Development.**

The site is located wholly within the open countryside, local plan policy NE.2 explains that there is a presumption against development unless it is essential for the purposes of agriculture, forestry, outdoor recreation or other uses or works appropriate within a rural area. Policy RES.5 stipulates that outside the settlement boundaries new dwellings will be restricted, inter alia, to those that, meet the criteria for infilling (Policy NE.2). Proposals for new residential development within the open countryside comprising of one or two dwellings may be appropriate where there is an opportunity to infill a small gap within an otherwise built up frontage.

The agent has intimated that Policies RES.5 (Housing in the Open Countryside) and NE.2 (Open Countryside) are no longer valid as the Council can not demonstrate that they have a 5 year housing land supply as required by paragraph 14 of the National Planning Policy Framework (NPPF).

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.”*

Since the publication of the Housing Position Statement in February 2014 there have now been 5 principal appeal decisions (as of 1st August) which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively



assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

### Open Countryside Policy

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.

### Gap

Development along this stretch of Bunbury Lane is characterised by ribbon development and is of a scattered and sporadic nature. In addition there are varying styles of house types which have been erected in the 1960’s/70’s and many older cottages. It is noted that the adjacent property Amberlee is of relative modern construction. The application site is approximately 28m in width. Although the Local Plan does not define what constitutes a ‘small gap’, the question has been considered on many occasions by Inspectors at Appeal.

*The Inspector on the recent Appeal decision stated ‘The existing houses along the lane are large dwellings set in generous sized plots which have substantial frontages to the road, with the existing frontage of Karibu being approximately 93m. The proposed site would have a frontage of approximately 28m, leaving that of Karibu as approximately 65m. Although in many circumstances 28m would not constitute a small gap, it needs to be judged in the context of each site. In this case, in the context of other lengthy frontages, I consider it can be judged as a small gap in the frontage. This conclusion is supported by the fact that in order for the proposed dwelling to be of a scale and mass similar to other houses along the road, the development of the site would only result in the creation of a single dwelling’.*

The Inspector clearly states that they consider that the proposal does constitute a small gap in an otherwise built up frontage. The Inspectors decision is a strong material consideration which carries significant weight. There has not been any changes in policy or other circumstances since the Inspectors decision and it is considered in light of the above factors that the proposal does constitute

a small gap and as such the proposal accords with policies NE.2 (Open Countryside) and RES.5 (Housing in the Open Countryside)'.

## **Design**

The design of new development should be of a high standard and wherever possible the built environment and surroundings should be enhanced. It is important that the relationship with the existing street scene is considered and improved, and not harmed by new development. (SPD – Development on Backland and Gardens: paragraph 3.5)

Looking at the full length of Bubury Lane there is no strong building line in the area, and a number of other properties are located much closer to the highway than the proposal, for example, Rose Cottage and The Gable Cottage, whereas, others are set further back into their plot, i.e. The Willows and Karibu. The proposed dwellinghouse would be located to the north of the applicants property, which is a large detached bungalow which is shaped like a cross in footprint terms (albeit slightly offset).

The scale of development in the general area is a mixture of detached bungalow, cottages and two storey detached houses. The dwelling would be read against its immediate neighbour Karibu which is a large detached bungalow and Amberlee which is a large two storey detached dwellinghouse.

The proposed dwelling is located close to the front of the site, with hard standing to the frontage and the private amenity space to the rear. The footprint of the proposed dwellinghouse would be roughly letter 'L' shaped. The proposal would measure approximately 10.3 wide and 18.9m deep (at the widest points) and is 4.5m high to the eaves and 6.6m high to the apex of the pitched roof. According to the submitted plans the building will incorporate pitched roofs, dormer and catslide roof. In addition, the property will incorporate two chimneys which would give the property a vertical emphasis and help draw the eye. According to the application forms the building would be constructed out of facing brick under a tile roof and a condition relating to materials would be attached to the decision notice. The windows would retain the visual hierarchy with larger windows located at ground floor level and smaller ones above them. It is considered that the fenestration would be relatively simple. Overall, it is considered that the proposal would not appear out of keeping with the local vernacular and would not appear as a discordant and incongruous feature out of keeping with the locality. Furthermore, the scale, bulk and massing would be in keeping with the character for the area.

Internally the ground floor accommodation will comprise utility room, cloakroom, snug, kitchen, dining area, living room and garage. The first floor accommodation will comprise 4no. bedrooms, bathroom and ensuite.

## **Amenity**

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

It is noted that the proposed dwellinghouse has been re-sited and is located more centrally within its plot in relation as opposed to previously refused application. Furthermore, the gable of the proposed

dwellinghouse faces Amberlee. Located to the north of the application is Amberlee, which as previously stated is a large detached two storey residential property. There are a number of windows on the side elevation of this property (Amberlee) facing the application. Several of these windows at ground floor level are principal room windows serving habitable rooms. However, it is considered that the existing boundary treatment (Native hedgerow approx. 1.8m high) will help to mitigate any loss of residential amenity. Located at first floor level is another principal room window serving a bedroom and there is a distance of approximately 13.5m separating the two properties, which is in accordance with the Councils SPD. It is considered that the separation distance is sufficient and the proposal will not appear over bearing and will not cause demonstrable harm to the residential amenities of the occupiers of Amberlee.

It is not considered that the proposal will result in any demonstrable harm to the residential amenities of other properties in the locality.

### **Private Amenity Space/Density**

According to the submitted plans the dwellinghouse would have a proportion of private amenity space located to the rear. The Supplementary Planning Document 'Development on Backland and Gardens' states at paragraph 3.35 'dwellinghouses should have adequate open space provided; as a general indication/guideline this should be no less than 50m<sup>2</sup> per dwelling. The 50m<sup>2</sup> garden area excludes any parking provision which may have been made for the dwelling. The amount of garden area provided should be proportional with the size of the dwelling proposed. There should be sufficient open space provided to enable general activities such as drying of washing, storage of dustbins, play space for small children and sitting outside to take place in a private area'.

It is considered that the proposed layout would not represent an over intensive development of the site in relation to the prevailing pattern and scale of the residential development and due to the amount of provision of external amenity space for the potential occupiers of the site. The amount of private amenity would be in excess of 50m<sup>2</sup> and would be commensurate with other properties in the immediate locality.

### **Ecology**

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

- In the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and

- a licensing system administered by Natural England.

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

The Councils ecologist has been consulted and states that *'I understand that a pond was previously present on this site but that this was removed prior to the submission of this application. The former pond may have had nature conservation value and there are anecdotal records of great crested newts in this vicinity. The value of the former pond is difficult to assess, however the application is likely to be of limited value for great crested newts.*

*I advise that on balance there are unlikely to be any significant ecological issues associated with the proposed development.*

*I recommend that a new wildlife/garden pond be incorporated into the development to deliver a nature conservation benefit in accordance with the NPPF'. Therefore, it is considered in light of the above that the proposal is in accordance with policy NE.9 (Protected Species).*

## Highways

According to the submitted plans the proposal is to utilise the existing access/egress arrangements, which currently serves the applicants property. According to the submitted plans there is sufficient space within the curtilage of the proposed dwelling for at least two vehicles to be parked clear of the public highway and enough space for them to manoeuvre so that vehicles can enter/leave in a forward gear. Colleagues in Highways have been consulted regarding the proposal and no objections have been raised. Overall, it is considered that there is insufficient justification to warrant a refusal on highway safety grounds and sustain it at any subsequent Appeal. Overall, it is considered that the proposal complies with Policy BE.3 (Access and Parking).

## Flooding

The objector has stated that the application site and their property is subject to flooding. Whilst the concerns of the objector are noted, colleagues in the Environment Agency have been consulted and raise no objection to the proposal.

## Drainage

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall. Advice advocated within the NPPF states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to condition the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff

generated by the development is sufficiently discharged. This will probably require the use of Sustainable Drainage Systems (SUDS) which include source control measures, infiltration devices as well as filter strips and swales which mimic natural drainage patterns. Overall, it is considered that the application is in accordance with policy BE.4 (Drainage, Utilities and Resources).

## **Landscape**

Policy NE.5 (Nature Conservation and Habitats) states that the LPA will protect, conserve and enhance the natural conservation resource. The policy goes on to stipulate in the justification 'Landscape features can be important individually, as well as helping to enrich the character of the landscape. These features should be conserved wherever possible'. In the event that planning permission is approved a condition will be attached to the decision notice regarding the retention of the native hedgerow along the site frontage and normal landscaping conditions to help assimilate the proposal into the local environ. It is acknowledged that a large mature tree was felled prior to the application being submitted. However, the tree was not located within a conservation area or protected by a TPO, therefore, whilst the loss of the tree is regrettable it was not afforded any statutory protection.

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

The Local Planning Authority considers that the proposed residential development is an appropriate form of development. The proposed dwelling (as conditioned) would be sympathetic to the surrounding area and would not be harmful to the amenities of neighbouring properties and has provided satisfactory parking provision. Therefore the proposed development complies with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), NE.2 (Open Countryside), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species) and RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice advocated within the National Planning Policy Framework.

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

1. **Standard time limit**
2. **Plan References**
3. **Materials to be submitted and agreed in writing**
4. **Boundary Treatment to be submitted and agreed in writing**
5. **Landscaping to be submitted and agreed in writing**
6. **Landscaping Implemented**
7. **Hedgerow protection to be submitted and agreed in writing**
8. **Drainage to be submitted and agreed in writing**
9. **Car Parking to be submitted and agreed in writing**
10. **Details of the pond to be constructed to be submitted and agreed in writing**
11. **External Lighting to be submitted and agreed in writing**

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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Application No: 14/3306N

Location: RIDLEY HALL FARM, WREXHAM ROAD, RIDLEY, CW6 9SA

Proposal: Conversion of existing Barns into 10 No Dwellings. Demolition of outbuildings sheds. Listed archway - Minor remedial work externally. Internally - removal of timber floor/ wall and installation of Bat Roost

Applicant: Mr Steve Gildea, Goldcrest Finance Ltd

Expiry Date: 10-Oct-2014

**SUMMARY RECOMMENDATION:**

**Approve with Conditions**

**MAIN ISSUES:**

- Principle of development/alternative uses
- Amenity
- Design
- Impact upon the Grade II\* Listed Structure and its Setting
- Highways
- Protected Species
- Archaeology

**REFERRAL**

The application has been referred to Southern Planning Committee as it relates to the conversion of an existing barn complex to form 10 dwellings.

**DESCRIPTION OF SITE AND CONTEXT**

Ridley Hall Farm is located to the north of A534, the Nantwich to Wrexham Road between the A49 and the village of Bulkeley. The application area comprises the brick buildings which formed the farm outbuildings to Ridley Hall, although the Hall itself, outbuildings immediately to the north of it and the dwelling to the front of the site are excluded from the application area. The farmhouse has relocated to a new dwelling with modern farm outbuildings some 300 metres north of this group of buildings. Access is along the existing drive to the farm outbuildings and passes immediately adjacent to the existing farmhouse to the front of the site. The access passes into the courtyard through a stone and brick Gatehouse which is a Grade II\* Listed Building.

The Gatehouse is a structure located centrally within the southern range of brick buildings rather than a separate building. The single access point on the highway splits into two

separate accesses, one to the Hall and a second to the application site, part of Ridley Hall, the dwelling to the front and the new farm located to the north. This access which serves the majority of buildings then subdivides into two separate accesses some 50m back from the highway.

The site is located in open countryside as represented in the Borough of Crewe and Nantwich Replacement Local Plan.

## **DETAILS OF PROPOSAL**

This application comprises the conversion of the outbuildings to ten dwellings on three sides of the courtyard with Ridley Hall (now split into two dwellings) forming the fourth side of the courtyard. A sandstone enclosure in the centre of the courtyard would be retained and eight of the proposed dwellings would incorporate garages. A timber structure has been constructed as garaging to units 9 and 10. Dwellings would be three or four bedroomed properties with rear garden areas arranged to the outside of the courtyard.

Landscaping is proposed either side of the access to the new dwellings and also hedging around the edge of the development site.

This application is very similar to the scheme which was approved as part of applications 10/1477N and P05/1529 which have now expired. This application includes the following amendments to the previously approved schemes:

- North West Elevation (south range) – 1 set of additional garage doors, 3 new windows, 1 door increased in width, 1 window changed to a door
- South West Elevation (South Range) – Removal of 1 door
- North East Elevation (North Range) - 1 window changed to a door

Listed Building Consent application 14/3312N accompanies this application.

## **RELEVANT HISTORY**

10/1477N - Extension of Time to Approved Planning Permission P05/1529 - Conversion of Redunda10/1477nt Detached Farm Buildings into 10 Residential Units – Approved 14<sup>th</sup> October 2014

P05/1529 - Conversion of Redundant Detached Farm Buildings into Ten Residential Units – Approved 16<sup>th</sup> May 2007

## **POLICIES**

### **National Planning Policy**

National Planning Policy Framework

### **Local Plan policy**

NE.2 Open Countryside

NE.5 Nature Conservation and Habitats

NE.9 Protected Species



NE.16 Reuse of a Rural Building for Residential Use

BE.1 Amenity

BE.2 Design Standards

BE.3 Access and Parking

BE.4 Drainage, Utilities and Resources

BE.9 Listed Buildings Alterations and Extensions

BE.10 Change of Use to Listed Buildings

TRAN.9 Car Parking Standards

### **Other Legislation**

EC Habitats Directive

Conservation (Natural Habitats &c.) Regulations 1994

ODPM Circular 06/2005

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

SD 1 - Sustainable Development in Cheshire East

SD 2 - Sustainable Development Principles

SE 1 - Design

PG 5 – Open Countryside

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

**Environmental Health:** Conditions suggested in relation to construction hours, dust control and contaminated land.

**Highways:** The Strategic Highways Manager has no objection to this planning application subject to the following condition.

- The approved development shall not be occupied until details of vehicular access through the Drift House have been submitted and agreed with the LPA.

**Archaeology:** The application is supported by a project design for a programme of archaeological work, which has been prepared by Earthworks Archaeological Services on behalf of the applicants. This document was, in fact, submitted in support of the previous applications for this site and it outlines an appropriate scheme of works which will allow the recognition, excavation, and recording of any archaeological deposits present. There is, therefore, no archaeological objection to the start of the development although there should be no final discharge of the archaeological condition until fieldwork is complete and the archaeologist is able to advise that a satisfactory report has been received.

**Natural England:** Statutory Sites – No objection. Protected Species refer to the standing advice.

**English Heritage:** The application should be determined in accordance with national and local policy guidance and on the basis of your expert conservation advice.

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

**Bulkeley and Ridley Parish Council:** No comments received at the time of writing this report.

#### **OTHER REPRESENTATIONS:**

No representations received.

#### **APPLICANT'S SUPPORTING INFORMATION:**

Management of Dust and Emissions (Produced by Kitwe Developments Ltd)  
Schedule of Works (Produced by Kitwe Developments Ltd)  
Conservation Method Statement (Produced by Kitwe Developments Ltd)  
Heritage Statement (Produced by Kitwe Developments Ltd)  
Bat and Barn Owl Survey (Produced by Ecologically Bats)  
Design and Access Statement (Produced by Kitwe Developments Ltd)  
Ground Report (Produced by Platt White)  
Nesting Bird Survey (Produced by Dunelm Ecology)  
Newt and Water Vole Appraisal (Produced by CES Ecology)  
Archaeology Report (Produced by Earthworks Archaeology)  
Structural Survey (Produced by Hodkinson Mallinson)

#### **OFFICER APPRAISAL**

##### **Principle of development/alternative uses**

The National Planning Policy Framework states that planning policies should support economic growth in rural areas and take a positive approach to new development. One of the core principles is that planning should '*encourage the reuse of existing resources, including conversion of existing buildings*'.

Policy NE.16 of the Replacement Local Plan allows for the re-use of rural buildings to residential use where the applicant can demonstrate either that the building is inappropriate for commercial, industrial or recreational use by virtue of its character and/or location and that every reasonable attempt has been made to secure a business re-use, or that the residential use is ancillary to a business use.

In this case the residential re-use of the barns has been accepted as part of two previous applications (10/1477N and P05/1529) which have both expired. Given the previous approvals on this site the principle of residential use is still considered to be acceptable.

Furthermore in this case the development would provide housing units which would assist with the Councils 5 year housing land supply. This is a requirement of the NPPF and adds significant weight in favor of the principle of development.

As part of this application a Structural Survey has been provided and this states that the buildings '*can be converted into residential accommodation*'. There would be some repair work to the roofs and strengthening of walls. The results of this survey are accepted.

##### **Amenity**

The proposed conversion is not so close to the two existing dwellings at Ridley Hall or the dwelling to the front of the site as to adversely affect residential amenities at these properties. The proposed layout would retain appropriate open space and separation distances for the new dwellings.

## **Design**

Policy NE.16 states that the reuse of rural buildings is permitted provided buildings are capable of being converted without major or complete reconstruction and any conversion work respects local building styles and materials.

The proposed works generally relate to works to open a series of currently bricked up openings, insert additional rooflights, alter the approved window glazing bar design, insert horizontal boarding in areas previously bricked up or open.

The alterations proposed to the buildings have previously been approved under two separate applications (10/1477N and P05/1529). Under both applications the development was considered to be compliant with Policies NE.16, BE.2, BE.9 and BE.10 of the Crewe and Nantwich Replacement Local Plan 2011. In this case the proposed development seeks to secure approval for the following additional alterations;

- North West Elevation (south range) – 1 set of additional garage doors, 3 new windows, 1 door increased in width, 1 window changed to a door
- South West Elevation (South Range) – Removal of 1 door
- North East Elevation (North Range) - 1 window changed to a door

It is considered that the proposed development including the additional alterations still complies with Policies NE.16, BE.2, BE.9 and BE.10 as well as guidance contained within the NPPF.

## **Impact upon the Grade II\* Listed Structure and its Setting**

The barns include a Grade II\* Listed gatehouse and the listed description states as follows:

*Gatehouse, circa 1530 (Leland's Report). Stone and brick with roof of large slates. Archway with floor above. Front and rear walls mainly coursed stonework, passageway walls between the arched openings mainly brickwork. The facade (south) has projecting plinth, ovolo moulded quoins to archway, plain imposts and ovolo moulded segmental arch with scotia hood mould. The stonework is separated from the brick section above by a slender ogee cornice. At the crown of the arch the cornice supports a carved stone achievement of arms consisting of the Egerton escutcheon flanked by term pilasters, with heads, and scrolls supporting horn players and animals. This is set in a brick wall with quoins which supports the roof. The rear (north) archway is similar to the facade but the imposts are moulded and there are no arms in the brick area above the stone cornice. Interior: The ceiling, between the two arches, has ovolo moulded beams front and rear, an ovolo moulded main beam, and large section stop chamfered joists supporting the oak boarded floor above. The pitched roof over the gatehouse has been retimbered but some chamfered purlins remain. Later farm buildings flank*

*the archway east and west. This structure may be all that remains of the "fine Ridley Hall" mentioned in Leland's Itinerary of 1530, in which case it is among the earlier Classical Structures of the region.*

It is not considered that the proposed conversion works would have a detrimental impact upon the listed gatehouse or its setting. This view is supported by the comments made by the Councils Conservation Officer and English Heritage.

## **Highways**

### Site access

The proposed access is via an existing priority junction with the A534 Wrexham Road. The existing junction which is already in use and is considered suitable as an access for ten dwellings as well as the existing uses on the site.

Beyond the immediate access from Wrexham Road is a private driveway which takes cars towards the development. The applicant proposes a cobbled road towards the proposed access into the development; through the listed gatehouse. Concern has been raised about the width of the gatehouse (2.5m wide). However this was previously accepted as part of the previous approvals and would not raise any safety issues in relation to the A534 Wrexham Road.

Access for refuse, emergency and delivery vehicles is proposed via the private driveway and the open end (west side) of the courtyard.

### Traffic generation

Traffic impact from ten dwellings will be relatively minor with six to eight two-way vehicle trips expected to be generated in any peak hour by such a development in this location. There is not considered to be any issues raised in terms of traffic generation.

### Car Parking

Parking provision is indicated at three spaces per dwelling which is in line with Cheshire East Council's latest parking standards.

## **Protected Species**

### Great Crested Newts

A Natural England license has been secured in respect of the site under the previous consent 10/1477N. The applicant has stated that this license is still extant and is in the process of being implemented.

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

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and
- a licensing system administered by Natural England.

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

The NPPF advises that LPA’s should contribute to *‘protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy’*.

The NPPF also states that the planning system should contribute to and enhance the natural and local environment by *‘minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures’*.

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In terms of the 3 tests, it is considered that:

- There are no satisfactory alternatives as without conversion the barns and farmhouse would fall into further disrepair which would be harmful to the character and appearance of the site. There would also be the potential loss of a Grade II\* Listed Building.
- The derogation is not detrimental to the protected species recorded on site as a scheme of mitigation and Natural England Licence have been secured.
- There are imperative social reasons of overriding public interest as the development would assist with achieving the Councils 5 year housing land supply, the development would provide a boost to the economy and the buildings would be at risk of further deterioration if the development was not approved.

### Water Voles

The Councils Ecologist states that the proposed development is not reasonable likely to have an adverse impact upon this protected species.

### Bats

An updated bat survey has been completed. The level of bat activity does not appear to have increased since the 2010 survey.

Evidence of bat activity in the form of minor roosts of two relatively common bat species has been recorded within the barns. The usage of the building by bats is likely to be limited to small numbers of animals using the buildings for short periods of time and there is no evidence to suggest a significant maternity roost is present. The loss of the buildings on this site in the absence of mitigation is likely to have only a low-medium impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

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

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

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

The NPPF advises that LPA's should contribute to '*protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy*'.

The NPPF also states that the planning system should contribute to and enhance the natural and local environment by '*minimising impacts on biodiversity and providing net gains in*

*biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'.*

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In terms of the 3 tests, it is considered that:

- There are no satisfactory alternatives as without conversion the barns and farmhouse would fall into further disrepair which would be harmful to the character and appearance of the site. There would also be the potential loss of a Grade II\* Listed Building.
- The derogation is not detrimental to the protected species recorded on site as the submitted report recommends the installation of bat boxes and a replacement 'bat loft' as a means of compensating for the loss of the roost and also recommends measures to mitigate the risk of bats being killed/injured when the works are completed.
- There are imperative social reasons of overriding public interest as the development would assist with achieving the Councils 5 year housing land supply, the development would provide a boost to the economy and the buildings would be at risk of further deterioration if the development was not approved.

#### Barn owls

An up to date barn owl survey has been undertaken. The barns subject to this application are considered to support a temporary rest site which is utilised by a single barn owl and there is no evidence to suggest that barn owls are breeding on site. The Councils Ecologist advises that the loss of this resting site in the absence of mitigation is likely to have an adverse impact on barn owls. The significance of this impact is difficult to fully predict but is obviously likely to be lower than if breeding was taken place within the barns.

In order to compensate for the loss of the existing resting place the applicant is proposing the incorporation of two barn owl lofts into the converted building. The submitted updated barn owl report states that the lofts will be provided above units 7 and 10, however the plan included with the report still shows the loft being provided above unit 6. A revised drawing has been provided showing the barn owl lofts in the appropriate locations. The Councils Ecologist advises that the proposals are adequate to compensate for the loss of the existing barn owl rest site.

#### Breeding Birds

Conditions would be used to safeguard breeding birds on this site.

#### **Archaeology**

The Councils archaeologist has considered the application and has commented that the development shall proceed in accordance with the approved scheme of archaeological fieldwork.

## **CONCLUSIONS**

The buildings are in good structural and physical condition and can be converted with only minor alterations and repairs. The proposed conversion makes maximum use of existing openings and would retain the rural appearance of the buildings. The use of the buildings for residential use would not have a detrimental impact upon the character of the Open Countryside or the setting of the Grade II\* Listed Building. The proposal is considered to be acceptable in terms of its impact upon protected species subject to suitable mitigation. The proposal is therefore considered to comply with Policies NE.2 (Open Countryside), NE.3 (Areas of Special County Value), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), NE.16 (Re-use and Adaptation of a Rural Building for Residential Use), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.5 (Infrastructure) and BE.9 (Listed Buildings), Alterations and Extensions and BE.10 (Change of Use to Listed Buildings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.

## **RECOMMENDATIONS**

**APPROVE** subject to the following conditions

- 1. Commencement within 3 years**
- 2. Development in accordance with approved plans**
- 3. Reclaimed materials to be used to match those existing**
- 4. Implementation of landscaping and surfacing materials shown on plan reference 0673/PL04**
- 5. Boundary treatment in details as shown on plans reference 01A Rev 03 and 13**
- 6. Contaminated land**
- 7. Archaeology**
- 8. Consent for conversion only**
- 9. Compliance with conservation method statement prepared by Kitwe Construction Ltd**
- 10. Treatment of the ventilation bricks as stated in the letter referenced 0673**
- 11. Roof lights**
- 12. Metal rainwater goods**
- 13. All doors and windows to be timber with reveals**
- 14. All new brickwork or timber infill panels in Dutch barn areas to be recessed in accordance with the submitted details**
- 15. Retention of all stone on site for use in enclosure in courtyard. Walled enclosure within courtyard to be retained and repaired**
- 16. No other enclosure within the courtyard or on the western side of the courtyard to separate the site from Ridley Hall.**
- 17. Compliance with scheme for repair of sandstone lean-to the side of the Gatehouse**
- 18. The proposed development to proceed in accordance with the submitted Bat mitigation proposals unless varied by a European Protected Species license subsequently issued by Natural England. In the interests of securing the maximum benefit for biodiversity any variation of the agreed mitigation required by Natural England must not result in the reduction in the quality or quantity of mitigation/compensation provided.**



19. Provision of nesting bird boxes in accordance with the approved details.
20. No works to commence between 1<sup>st</sup> March and 31<sup>st</sup> August in any year without prior survey. If nesting birds are found appropriate clearance allowed.
21. The proposed development to proceed in strict accordance with the submitted letter from Dunelm ecology dated 14<sup>th</sup> August 2014 and submitted drawing reference Job number 0673 drawing number PL01 produced by City Architectural Ltd.
22. Obscure glass to south east gable first floor window at Unit 6
23. Garages to be retained for parking of cars and not used as part of living accommodation
24. Withdraw PD Classes A, B, C, D, E, G, H and for means of enclosure and Domestic Microgeneration Equipment.

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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Application No: 14/3312N

Location: RIDLEY HALL FARM, WREXHAM ROAD, RIDLEY, CW6 9SA

Proposal: Listed building consent for conversion of existing barns in 10 no dwellings. Demolition of outbuildings and sheds. Listed archway - minor remedial work externally. Internally - removal of timber floor/ wall and installation of Bat Roost

Applicant: Mr Steve Gildea, Goldcrest Finance Ltd

Expiry Date: 10-Oct-2014

**SUMMARY RECOMMENDATION:**

**Approve with Conditions**

**MAIN ISSUES:**

- Design
- Impact upon the Grade II\* Listed Structure and its Setting

**REFERRAL**

The application has been referred to Southern Planning Committee as it relates to the Listed Building Consent of a development of an existing barn complex to form 10 dwellings.

**DESCRIPTION OF SITE AND CONTEXT**

Ridley Hall Farm is located to the north of A534, the Nantwich to Wrexham Road between the A49 and the village of Bulkeley. The application area comprises the brick buildings which formed the farm outbuildings to Ridley Hall, although the Hall itself, outbuildings immediately to the north of it and the dwelling to the front of the site are excluded from the application area. The farmhouse has relocated to a new dwelling with modern farm outbuildings some 300 metres north of this group of buildings. Access is along the existing drive to the farm outbuildings and passes immediately adjacent to the existing farmhouse to the front of the site. The access passes into the courtyard through a stone and brick Gatehouse which is a Grade II\* Listed Building. The Gatehouse is a structure located centrally within the southern range of brick buildings rather than a separate building. The single access point on the highway splits into two separate accesses, one to the Hall and a second to the application site, part of Ridley Hall, the dwelling to the front and the new farm located to the north. This access which serves the majority of buildings then subdivides into two separate accesses some 50m back from the highway.

The site is located in open countryside as represented in the Borough of Crewe and Nantwich Replacement Local Plan.

## **DETAILS OF PROPOSAL**

This application for Listed Building Consent comprises the conversion of the outbuildings to form ten dwellings on three sides of the courtyard with Ridley Hall (now split into two dwellings) forming the fourth side of the courtyard. A sandstone enclosure in the centre of the courtyard would be retained and eight of the proposed dwellings would incorporate garages. A timber structure has been constructed as garaging to units 9 and 10. Dwellings would be three or four bedroomed properties with rear garden areas arranged to the outside of the courtyard.

Landscaping is proposed either side of the access to the new dwellings and also hedging around the edge of the development site.

This application is very similar to the scheme which was approved as part of applications 10/1477N and P05/1529 which have now expired. This application includes the following amendments to the previously approved schemes:

- North West Elevation (south range) – 1 set of additional garage doors, 3 new windows, 1 door increased in width, 1 window changed to a door
- South West Elevation (South Range) – Removal of 1 door
- North East Elevation (North Range) - 1 window changed to a door

Planning application 14/3306N accompanies this application.

## **RELEVANT HISTORY**

10/1477N - Extension of Time to Approved Planning Permission P05/1529 - Conversion of Redundant Detached Farm Buildings into 10 Residential Units – Approved 14<sup>th</sup> October 2014

P05/1529 - Conversion of Redundant Detached Farm Buildings into Ten Residential Units – Approved 16<sup>th</sup> May 2007

## **POLICIES**

### **National Planning Policy**

National Planning Policy Framework

### **Local Plan policy**

BE.9 Listed Buildings Alterations and Extensions

BE.10 Change of Use to Listed Buildings

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

**English Heritage:** The application should be determined in accordance with national and local policy guidance and on the basis of your expert conservation advice.

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

**Bulkeley and Ridley Parish Council:** No comments received at the time of writing this report.

## **OTHER REPRESENTATIONS:**

No representations received.

## **APPLICANT'S SUPPORTING INFORMATION:**

Schedule of Works (Produced by Kitwe Developments Ltd)  
Conservation Method Statement (Produced by Kitwe Developments Ltd)  
Heritage Statement (Produced by Kitwe Developments Ltd)  
Design and Access Statement (Produced by Kitwe Developments Ltd)  
Archaeology Report (Produced by Earthworks Archaeology)  
Structural Survey (Produced by Hodkinson Mallinson)

## **OFFICER APPRAISAL**

### **Design**

Policy NE.16 states that the reuse of rural buildings is permitted provided buildings are capable of being converted without major or complete reconstruction and any conversion work respects local building styles and materials.

The proposed works generally relate to works to open a series of currently bricked up openings, insert additional rooflights, alter the approved window glazing bar design, insert horizontal boarding in areas previously bricked up or open.

The alterations proposed to the buildings have previously been approved under two separate applications (10/1477N and P05/1529). Under both applications the development was considered to be compliant with Policies NE.16, BE.2, BE.9 and BE.10 of the Crewe and Nantwich Replacement Local Plan 2011. In this case the proposed development seeks to secure approval for the following additional alterations;

- North West Elevation (south range) – 1 set of additional garage doors, 3 new windows, 1 door increased in width, 1 window changed to a door
- South West Elevation (South Range) – Removal of 1 door
- North East Elevation (North Range) - 1 window changed to a door

It is considered that the propose development including the additional alterations still complies with Policies NE.16, BE.2, BE.9 and BE.10 as well as guidance contained within the NPPF.

### **Impact upon the Grade II\* Listed Structure and its Setting**

The barns include a Grade II\* Listed gatehouse which includes the following listing description:

*'Gatehouse, circa 1530 (Leland's Report). Stone and brick with roof of large slates. Archway with floor above. Front and rear walls mainly coursed stonework, passageway walls between the arched openings mainly brickwork. The facade (south) has projecting plinth, ovolo moulded quoins to archway, plain imposts and ovolo moulded segmental arch with scotia hood mould. The stonework is separated from the brick section above by a slender ogee cornice. At the crown of the arch the cornice supports a carved stone achievement of arms consisting of the Egerton escutcheon flanked by term pilasters, with heads, and scrolls supporting horn players and animals. This is set in a brick wall with quoins which supports the roof. The rear (north) archway is similar to the facade but the imposts are moulded and there are no arms in the brick area above the stone cornice. Interior: The ceiling, between the two arches, has ovolo moulded beams front and rear, an ovolo moulded main beam, and large section stop chamfered joists supporting the oak boarded floor above. The pitched roof over the gatehouse has been retimbered but some chamfered purlins remain. Later farm buildings flank the archway east and west. This structure may be all that remains of the "fine Ridley Hall" mentioned in Leland's Itinerary of 1530, in which case it is among the earlier Classical Structures of the region'*

Subject to the imposition of planning conditions it is considered that the proposed works (including the additional alterations to openings) would not have a detrimental impact upon the Grade II\* Listed gateway or its setting. This is supported by the comments made by English Heritage and the Councils Conservation Officer.

## **CONCLUSIONS**

The buildings are in good structural and physical condition and can be converted with only minor alterations and repairs. The proposed conversion makes maximum use of existing openings and would retain the rural appearance of the buildings. The use of the buildings for residential use would not have a detrimental impact upon the character of the Open Countryside or the Grade II\* Listed Gatehouse or its setting. The proposal is therefore considered to comply with Policies BE.9 (Listed Buildings Alterations and Extensions) and BE.10 (Change of Use to Listed Buildings) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.

## **RECOMMENDATIONS**

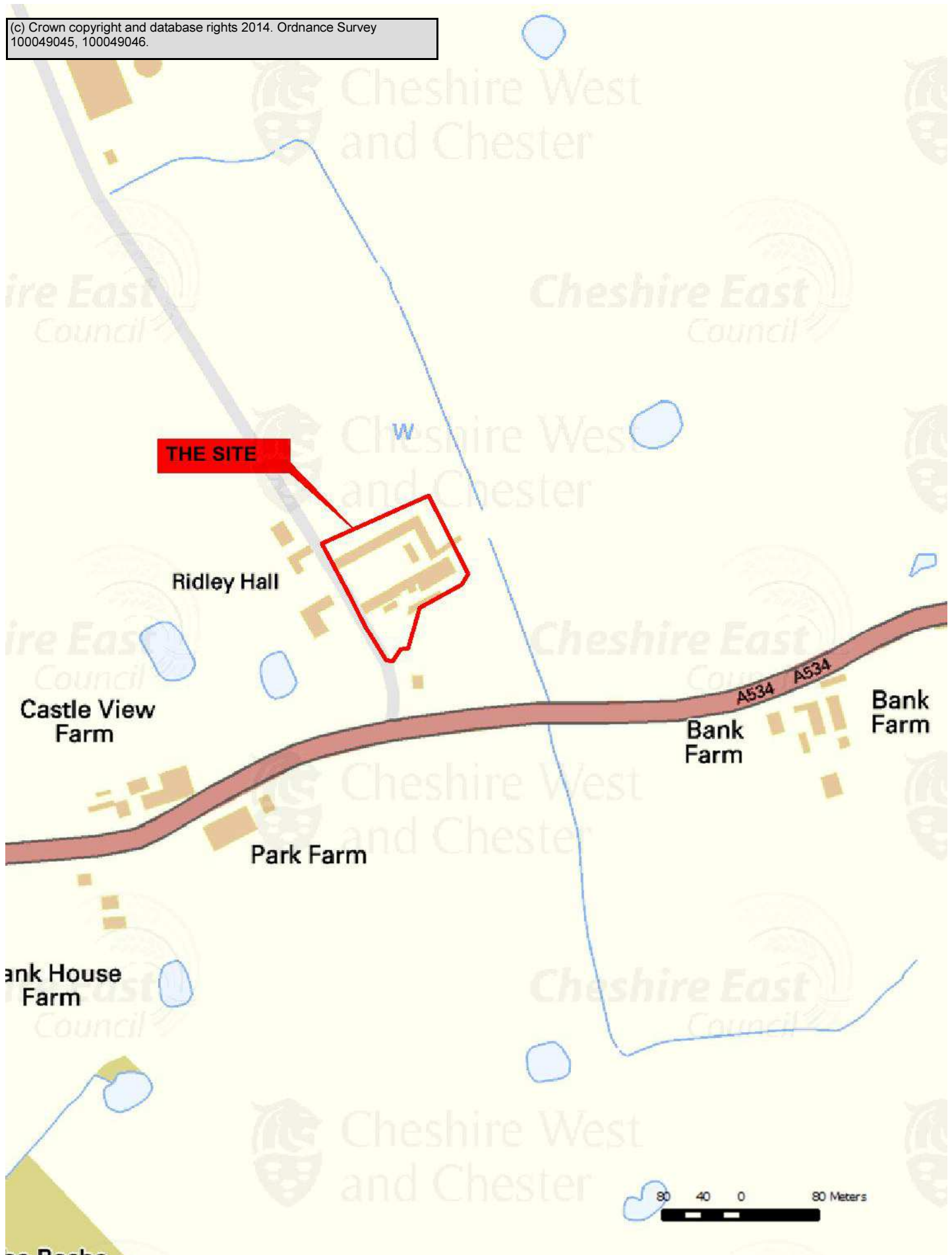
**APPROVE:     Conditions**

- 1. Commencement within 3 years**
- 2. Development in accordance with approved plans**
- 3. Use of reclaimed brick and slate to match existing**
- 4. Boundary treatment in accordance with Plans reference reference 01A Rev 03 and 13**
- 5. Surface materials in accordance with details shown on plan reference 0673/PL04**
- 6. Development to be carried out in accordance with the scheme of archaeological works submitted as part of application 13/2807D**
- 7. Consent for conversion only**

8. Compliance with the conservation method statement prepared by Kitwe Construction Ltd
9. Treatment of the ventilation bricks as stated in the letter referenced 0673
10. Roof lights
11. Metal rainwater goods
12. All doors and windows to be timber with reveals. Details to be carried out in accordance with the details approved as part of application 13/4245D
13. All new brickwork or timber infill panels in Dutch barn areas to be in accordance with the details approved as part of application 13/2807D
14. Retention of all stone on site for use in enclosure in courtyard. Walled enclosure within courtyard to be retained and repaired
15. No other enclosure within the courtyard or on the western side of the courtyard to separate the site from Ridley Hall.
16. Scheme for repair of sandstone lean-to the side of the Gatehouse in accordance with plan reference 0673/PL08

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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Application No: 14/3052N

Location: Land off Mill Lane, Bulkeley,Cheshire

Proposal: Outline application for 18 dwellings with access to Mill Lane including 8 no. two bedroom and 6 no. three bedroom houses and 4 bungalows.  
Resubmission of 14/0943N

Applicant: Mr M Schofield

Expiry Date: 19-Sep-2014

### **SUMMARY RECOMMENDATION**

**Refuse**

### **MAIN ISSUES**

**Impact of the development on:-**

**Principal of the Development**

**Location of the Site**

**Landscape**

**Affordable Housing**

**Highway Implications**

**Amenity**

**Trees and Hedgerows**

**Design**

**Ecology**

**Public Open Space**

**Agricultural Land**

**Education**

**Flood Risk and Drainage**

**Health**

### **REASON FOR REFERRAL**

This application is referred to the Southern Planning Committee as it relates to a major development of more than 10 units.

### **DESCRIPTION OF SITE AND CONTEXT**

The site of the proposed development extends to 0.73 ha and is located to the western side of Mill Lane, Bulkeley. The site is within the Open Countryside and Area of Special County Value. The site is a flat rectangular field which is bound by hedgerows and trees to all sides with a wide grass

verge to Mill Lane. To the south of the site are residential properties which front Mill Grove and Mill Lane. To the north of the site is a dwelling known as The Oaks and a nursery which includes a number of pollytunnels.

The site includes 5 trees along the northern boundary and 2 trees to the south-east corner which are subject to TPO protection.

## **DETAILS OF PROPOSAL**

This is an outline planning application for the erection of up to 18 dwellings (including 4 bungalows). Access is to be determined at this stage with all other matters reserved.

The proposed development includes a single access point onto Mill Lane which would be located to the eastern boundary of the site.

## **RELEVANT HISTORY**

14/0943N - Outline application for 26no. dwellings with access to Mill Lane including 10no. two bedroom and 16no. three bedroom houses – Withdrawn 23<sup>rd</sup> April 2014

P92/0850 - Detached house – Refused 20<sup>th</sup> November 1992

P92/0500 - Detailed application for a detached house – Withdrawn 12<sup>th</sup> June 1992

7/19786 - Detached dwelling – Withdrawn 5<sup>th</sup> June 1991

7/08254 - Residential development – Refused 20<sup>th</sup> August 1981. Refused for the following reasons:

- The proposed development is contrary to the County Development Plan
- Extension of the settlement in agricultural land
- The site is not identified for development within the Cheshire Structure Plan

7/08093 - Residential development – Withdrawn 3<sup>rd</sup> July 1987

## **POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan policy**

NE.2 (Open countryside)

NE.3 (Areas of Special County Value)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

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

RT.9 (Footpaths and Bridleways)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

### **Other Considerations**

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

Cheshire East Development Strategy

Cheshire East SHLAA

Pre-submission Core Strategy

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

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE3 – Biodiversity and Geodiversity

SE5 – Trees, Hedgerows and Woodland

SE 1 Design

SE 2 Efficient Use of Land

SE 4 The Landscape

SE 5 Trees, Hedgerows and Woodland

SE 3 Biodiversity and Geodiversity

SE 13 Flood Risk and Water Management

SE 6 – Green Infrastructure

IN1 – Infrastructure

IN2 – Developer Contributions

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

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

- Prior to the commencement of any development details of foul drainage to be submitted to the LPA for approval
- Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

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

**Natural England:** The proposed development is unlikely to affect any statutory sites. For advice on all other protected species refer to the Natural England standing advice. General comments offered in relation to local sites, biodiversity enhancements, landscape enhancements.

**Environmental Health:** Conditions suggested in relation to hours of operation, environmental management plan, waste provision, travel plan, electric vehicle management plan, dust control and contaminated land. An informative is also suggested in relation to contaminated land.

**Public Rights of Way:** The site is adjacent to Public Footpath Bulkeley No. 4. An informative to be added to the decision notice.

**Flood Risk Manager:** The authority's records indicate that part of this site may be vulnerable to local surface water flooding during extreme storm events.

Whilst there are no objections in principle to this development proposal, the use and appropriateness of soakaways to drain this site, as indicated under this application, should be investigated in more detail. Should these prove to be inappropriate, further detailed discussions will be required with Cheshire East Flood Risk Manager regarding the adequate and safe disposal of surface water from this site. It is recommended that an appropriate condition is included to ensure that a scheme for the management of surface water from this site is submitted and approved prior to any development commencing.

Any alteration to existing land drainage systems, culverts and or watercourses should be discussed in detail with Cheshire East Flood Risk Manager, and may be subject to formal Land Drainage Act 1991 approvals and consents from Cheshire East Council as Lead Local Flood Authority.

**Education:** A development of 26 dwellings is expected to generate 3 primary aged pupils.

There is insufficient capacity in the local primary school (Bickerton Holy Trinity CE Primary) and so a contribution will be required. A sum of £32,539 will be required towards accommodating the pupils generated from this development.

There are no capacity issues at local secondary schools.

## **VIEWS OF THE PARISH COUNCIL**

**Bulkeley and Ridley Parish Council:** No comments received at the time of writing this report.

## **OTHER REPRESENTATIONS**

Letters of objection have been received from 5 local households raising the following points:

- Outside the settlement boundary within the open countryside
- Impact upon the peaceful village of Bulkeley
- The sewage system is not able to cope
- Water supply issues in the village
- Drainage problems
- Impact upon property value
- Loss of outlook
- Loss of privacy
- No need for affordable housing in Bulkeley

- There is no speed limit on Mill Lane
- Previous applications have been refused on this site
- Increased vehicular movements
- There are no facilities and a lack of shops in the vicinity of the site
- Lack of car parking on the proposed plans
- Impact upon wildlife
- Highway safety
- Mill Lane is too narrow
- Noise and dust pollution
- Local highway cannot support additional vehicle movements
- Lack of public transport in the vicinity of the site
- Local schools cannot cope
- Visibility problems at the junction of Mill Lane/Cholmondeley Lane/Wrexham Road

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

### **APPLICANT'S SUPPORTING INFORMATION**

To support this application the application includes the following documents:

- Design and Access Statement (Produced by Bower Edleston Architects)
- Highways Report (Produced by AHDPC)

These documents are available to view on the application file.

### **OFFICER APPRAISAL**

#### **Main Issues**

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, open space, drainage and flooding, sustainability and education.

#### **Principle of Development**

The site lies largely in the Open Countryside and Area of Special County Value 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.

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."*

Since the publication of the Housing Position Statement in February 2014 there have now been 5 principal appeal decisions (as of 1st August) which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that "differing conclusions" had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay "especial attention" to all the evidence and provide his "considered view" on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

### Open Countryside Policy

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.

### **Landscape**

The application site is located within the boundary of an Area of Special County Value. To be precise it is located within the boundary of the Beeston/Peckforton/Bolesworth/Bickerton Hills Local Landscape Designation Area (formerly ASCV). This is characterised by the dramatic wooded sandstone ridge that forms a distinctive landform from long distances and the surrounding landscape, creating rich texture and character. The wooded slopes of Bulkeley Hill are clearly visible to the north of the application site.

The application does not include a landscape and visual assessment or even a landscape appraisal, and the Design and Access Statement notes that detailed design will be addressed as a reserved matter; nevertheless the same document states that the development will enhance the character of the area in which it is located. The application does include an illustrative Site Plan and this plan shows minimal detail.

Although the Design and Access Statement does indicate that the application site lies within a designated landscape, it doesn’t identify saved Policy NE.3 Areas of Special County Value of the Crewe and Nantwich Replacement local Plan 2011. This policy provides additional protection to areas which have been designated in order to preserve and enhance their special landscape

quality. It further notes that any development will therefore need to be of a high standard consistent with the quality of the area, and wherever possible enhance this further. Since this is an outline application for housing in an area that is currently in open countryside, it is not clear how this application will comply with Policy NE.3. This issue will form a reason for refusal.

### **Location of the site**

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

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

- Bus Stop (500m) – 250m
- Public Right of Way (500m) – 20m
- Community Centre/Meeting Place (1000m) – 320m

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

- Public House (1000m) – 1280m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 12500m
- Convenience Store (500m) – 4500m
- Primary School (1000m) – 2500m
- Amenity Open Space (500m) – 4500m
- Pharmacy (1000m) – 5600m
- Post office (1000m) – 2500m
- Children’s Play Space (500m) – 4500m
- Secondary School (1000m) – 7400m
- Medical Centre (1000m) - 5790m
- Outdoor Sports Facility (500m) – 4500m
- Child Care Facility (nursery or crèche) (1000m) - 3800m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Bulkeley, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical and will be the same distances for the residential development in Bulkeley from the application site. However, the majority of the services and amenities listed are accommodated within Bunbury.



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

- At 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) was refused by Southern Planning Committee on 29<sup>th</sup> August 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'The Council has used the North West Sustainability Checklist as a guide to assessing accessibility, albeit that this relates to policies in the now defunct RSS. Nevertheless, this gives a number of useful guidelines, many of which are met. The village has a pub, a church, a village green and a post box and there is a golf club close to the appeal site open to both members and nonmembers. However, the village has no shop or school. Audlem, which has a greater range of facilities, is only a short distance away. The appeal site has good access to 2 bus routes, which serve a number of local destinations. There are footways on both sides of the road linking the site to the village centre and other public rights of way close by. Audlem Road here forms part of the national cycle network. Therefore, whilst the use of the car is likely to predominate, there are viable alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement'*.
- At land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C) was refused by Southern Planning Committee on 12<sup>th</sup> December 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'it is inevitable that many trips would be undertaken by car as happens in most rural areas. However in this case many such trips for leisure, employment, shopping, medical services and education have the potential to be relatively short. A survey of the existing population undertaken by the Parish Council confirmed that the majority use the car for most journeys. Its results should though be treated with some caution in view of the response rate of only 44%. The survey does not seem to have asked questions about car sharing or linked trips, both of which can reduce the overall mileage travelled. It is interesting to note that use of the school bus was a relatively popular choice for respondents. A few also used the bus and train for work journeys. It also should not be forgotten that more people are now working from home at least for part of the week, which reduces the number of employment related journeys. Shopping trips are also curtailed by the popularity of internet purchasing and most major supermarkets offer a delivery service. The evidence also suggests that the locality is well served by home deliveries from smaller enterprises of various kinds'*

## **Affordable Housing**

The site falls within the Peckforton sub-area for the purposes of the Strategic Housing Market Update 2013. This identified a net requirement for 13 affordable units per annum for the period 2013/14- 2017/18. Broken down this is a requirement for 5x 1bd, 4x 2bd, 3x 3bd general needs units and 1x 1bd older persons accommodation. There was no identified need for 4+bd units.

Cheshire Homechoice shows there are currently 2 applicants who have selected the Bulkeley lettings area as their first choice.

There has also been a recent Rural Housing Needs Survey carried out for the Parish of Bulkeley and Ridley in November 2013. This identified 9 households who required affordable housing within the Bulkeley and Ridley Parish.

The proposal is a resubmission of 14/0943N and is for a reduced number of 18 no 2 and 3 bed houses and bungalows, with 8 no 2 bed houses to be provided as affordable units (44% affordable). There is an identified housing need in Bulkeley, with a higher need for 2 bed units as evidenced by the SHMA 2013. The applicant has not outlined the tenure split of the proposed affordable units. The policy requirement is for 5 to be provided as social/ affordable rent and 3 to be provided as intermediate tenure.

The Affordable Housing Interim Planning Statement requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%.

### **Highways Implications**

No highways comments have been received at the time of writing this report and an update will be provided.

### **Amenity**

In terms of the surrounding residential properties, these are mainly to the south of the site. The indicative plan shows that there would be a separation distance of 25 metres from the proposed dwellings to the nearest point of 20 Mill Lane and No 13 Mill Grove. All separation distances would exceed the guidance contained within the Councils SPD on Development on Backland and Gardens.

A separation distance of 52 metres would be provided to The Oaks to the north of the site which exceeds the guidance.

Although the proposed rear garden appear short at 8 metres it is considered that the layout could be amended and the rear gardens increased in length at the reserved matters stage.

The Environmental Health Officer has requested conditions in relation to hours of operation, environmental management plan, waste provision, travel plan, electric vehicle management plan, dust control and contaminated land. These conditions will be attached to any planning permission.

### **Trees and Hedgerows**

#### Trees

The site is a parcel of agricultural land bounded by hedgerows with hedgerow trees. There are also three trees on the roadside verge. This includes 5 trees along the northern boundary and 2 trees to the south-east corner which are subject to TPO protection.

*BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations* places an emphasis on 'evidence based planning' and accords with standard RIBA work stages. The standard now requires higher levels of competency and a more precautionary approach to tree protection. This means that at planning permission stage the following information will have been

completed and where appropriate submitted as part of the planning application for validation purposes.

1. Topographical Survey
2. Soil Assessment
3. Tree Survey
4. Tree Categorisation
5. Tree Constraints and Root Protection Areas identified to influence design on the site plan.
6. Arboricultural Impact Assessment including evaluation of tree constraints and a draft tree protection plan (BS5837:2012 para 5.4.3 provides all the details)
7. Issues to be addressed by the Arboricultural Method Statement - these issues will provide certainty of outcome for example details of special engineering within the Root Protection Area to test the feasibility of the detail at planning application stage

Whilst the proposed site plan includes tree symbols, there is no differentiation between existing and proposed trees; there is no reference to the roadside trees or any other arboricultural information with the submission. As a consequence it is not possible to determine with confidence the direct or indirect impact of the proposed layout on trees.

Whilst it is accepted that this is an outline application, access is included. It appears that the access off Mill Lane will have direct tree impacts.

In relation to the indicative layout, in addition to the access tree conflicts, it appears there would be conflict between existing trees on two plots on the northern boundary and an improvement would be required as part of a detailed application be submitted.

On this basis it is considered that there is insufficient information in relation to the impact upon the trees which bound the site. This issue will form a reason for refusal.

### Hedgerows

The proposals would involve the creation of a new access into the site, removing a section of hedge. This would normally require a full assessment be made under the Hedgerow Regulations. However outside a planning application, the Regulations include an exemption to make provision for the creation of a new opening for access provided that the existing access is infilled with hedge within 8 months. This could be achieved on this site and the development is acceptable in terms of its hedgerow impact.

### **Design**

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

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

In this case the density of the development is considered to be acceptable at 24.6 dwellings per hectare and would be consistent with the surrounding area of Bulkeley. The development is for 14 two-storey dwellings and 4 bungalows it is considered that these house types would be appropriate in this locality.

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

## **Ecology**

In this case there is no supporting ecological information for the application. As the application relates to a green field site surrounded by mature trees and native species hedgerows there is some potential for the site to have ecological interest.

The Councils Ecologist recommends that an ecological assessment is undertaken in accordance with the following specification:

- Extended Phase 1 Habitat Survey Carried out to evaluate all habitat within 50m of the site and the access routes, for the presence of, or suitability for any Biodiversity Action Plan species/habitats, and any rare or protected plant or animal species. This survey should also include a full botanical survey including DAFOR ratings with incidental records of any other species encountered. Where any uncommon, BAP or protected species or habitats, including semi-improved grassland, are found or suspected specific surveys should be carried out, by appropriately licensed or experienced surveyors, using appropriate methodology, at the optimal time of year.
- Desk based study including a search of biological records held by the Local Biological Record Centre.
- Great Crested Newt survey/assessment of any ponds within 250m.
- An assessment of the potential impacts of the proposed development In accordance with the IEEM guidelines (2006)
- Mitigation/compensation Proposals for any adverse impacts identified during the above assessment.
- Proposals for ecological enhancement in accordance with the NPPF.

The access to the site is likely to result in the loss of native species hedgerow – a material consideration. The landscaping scheme for the site should include proposals for replacement hedgerows to compensate for those lost.

## **Public Open Space**

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. In this case the development would be less than 20 dwellings.

## **Agricultural Land Quality**

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

- The need for the development is supported by the Local Plan

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

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

In this case the applicant has provided supporting which identifies that the site is Grade 2 agricultural land which is contrary to Policy NE.12 and the NNPF.

### **Education**

The proposed development would generate 3 primary school pupils.

In terms of primary school education, the proposed development would generate 3 new primary places. As there are capacity issues at the local primary schools, the education department has requested a contribution of £32,539. This would be secured via a S106 Agreement.

There are no capacity issues at local secondary schools.

### **Flood Risk and Drainage**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is less than 1 hectare, a Flood Risk Assessment (FRA) is not required in support of this application.

A number of objections have been received in relation to the drainage of the site. The Councils Flood Risk Manager and United Utilities have been consulted as part of this application and have both raised no objection to the proposed development subject to the imposition of planning conditions. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

### **Health**

There is 1 medical practices within 3 miles of the site and according to the NHS choices website this practice is currently accepting patients indicating that they have capacity. Furthermore the practice has closed their list and they are not being forced to accept new patients.

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

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

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

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

## **CONCLUSIONS**

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. The Council can now demonstrate a 5 year housing land supply and as a result the principle of development is not considered to be acceptable and the development would be contrary to Policy NE.2.

No Landscape Assessment has been submitted in support of this application and as a result there is insufficient information to demonstrate that the proposed development would not adversely affect the visual character of the landscape/ASCV.

An update will be provided in relation to the highways impact of the development.

Insufficient information has been provided to demonstrate that the proposed development would not have a detrimental impact upon the trees which bound the site (including TPO trees).

In terms of Ecology no supporting ecological information has been provided and this issue will form a reason for refusal.

The proposed development would provide the necessary affordable housing requirements.

The education department has confirmed that there is capacity within local primary schools and this could be mitigated through the suggested contribution which could be secured as part of a S106 Agreement.

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

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

## **RECOMMENDATIONS**

**REFUSE for the following reasons:**

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 and RES.5 of the Crewe and Nantwich Replacement Local Plan 2011 and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework, consequently the application is premature to the emerging Development Strategy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. There are a number of trees located onto the boundaries of the site (including TPO trees) and no arboricultural information has been provided to assess the impact upon these trees. Furthermore the indicative layout does not demonstrate that the proposed development can be accommodated on the site without resulting in the loss or future pressures to remove the trees which would be harmful to nature conservation and the character and appearance of the area. The development would be contrary to Policy NE.5 (Nature Conservation and Habitats) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the NPPF.**
- 3. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.**
- 4. No protected species/ecological information has been submitted as part of this application to identify the impact upon biodiversity or whether or not protected species are present in this area or any mitigation measures to protect the protected species during the construction works. In the absence of this information, to allow this development would be contrary to Policies NE.5 (Nature Conservation and Habitats) and NE.9 (Protected Species) and advice advocated within the National Planning Policy Framework.**
- 5. No Landscape Assessment has been submitted in support of this application. In the absence of this the Local Planning Authority considers that the proposed development by reason of incursion of built form into the open countryside and Area of Special County Value, would detract from the generally open and rural landscape of the site and wider area. This would be a harmful effect which would fail to take account of the different roles and character of different areas or recognise the intrinsic character and beauty of the countryside and ASCV. The development would be contrary to policies NE.2 (Open Countryside), NE.3 (Areas of Special County Value) and BE.2 (Design**

Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

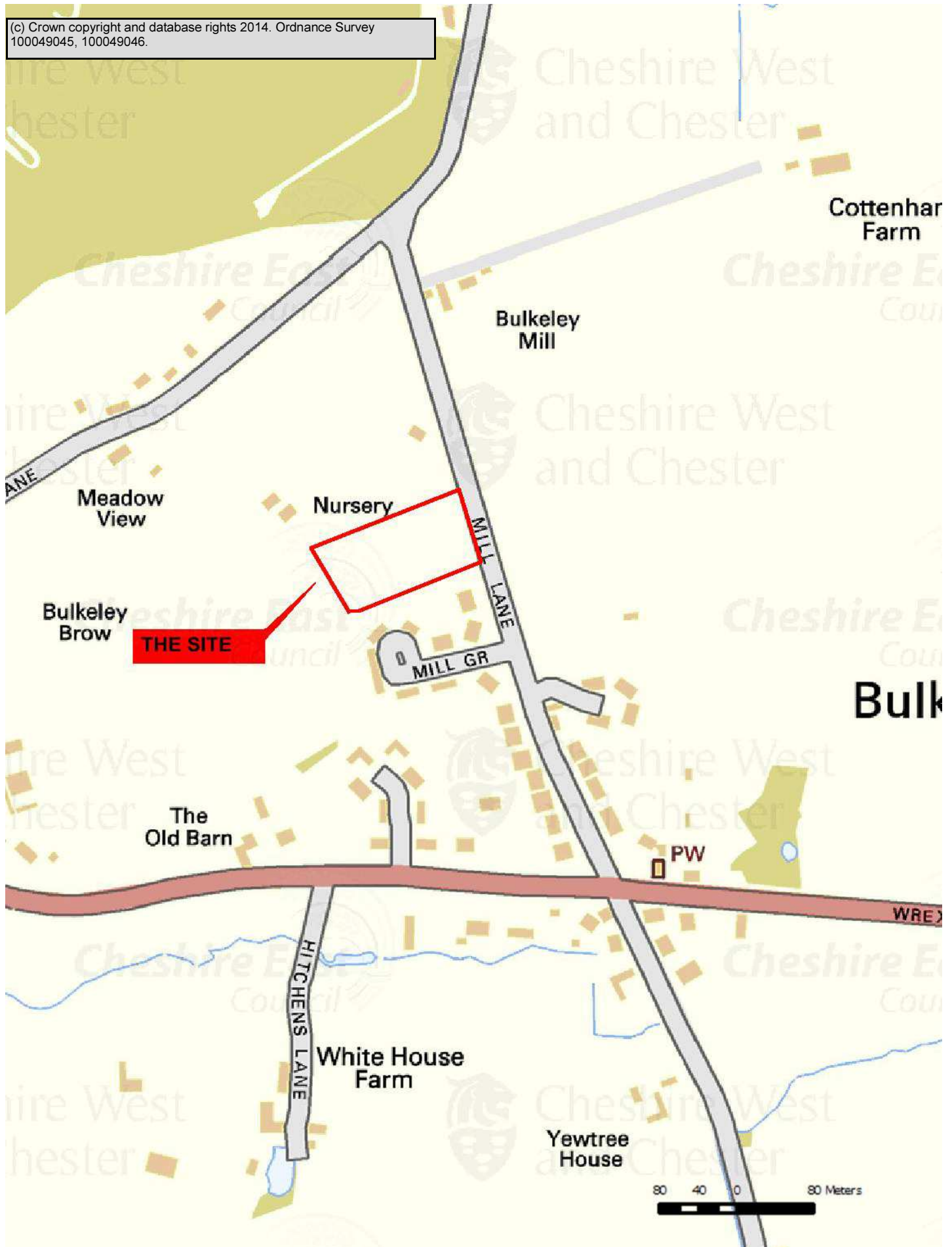
Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chair of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for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

**S106 Heads of Terms:**

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
  - The numbers, type, tenure and location on the site of the affordable housing provision
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. A commuted payment of £32,539 towards primary school education



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Application No: 14/2351C

Location: LAND OFF SANDBACH ROAD, CHURCH LAWTON, ST7 3RB

Proposal: Construction of 14no semi-detached houses.

Applicant: IPM Pensions Ltd

Expiry Date: 08-Aug-2014

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

- Principle of the development
- The impact of the design and layout
- The impact upon neighbouring amenity
- Highway safety
- Open space provision
- The impact upon protected trees
- The impact on protected species

**REASON FOR REFERRAL**

The application is referred to Cheshire East Southern Planning Committee as it involves residential development comprising of over 10 units.

**DESCRIPTION OF SITE AND CONTEXT**

The application site comprises of a vacant grassed field on the north side of Sandbach Road and the western side of Chells Hill, Lawton Heath End, Alsager, within the Open Countryside. The site measures approximately 3545 square metres and is undeveloped.

**DETAILS OF PROPOSAL**

Revised plans have been submitted for the erection of 14 affordable semi-detached dwellings.

An amended layout scheme has been provided following concerns raised by the Council's Urban Design Officer, Tree Officer and Strategic Highways Manager.

**RELEVANT HISTORY**

- 11/1562C** - Construction of 5no Detached Dwellings – Withdrawn 30<sup>th</sup> July 2011  
**32792/3** - Construction of 6no 2 bedroom affordable homes for shared ownership including new access road and demolition of existing sheds – Refused 12<sup>th</sup> March 2001  
**27119/1** - Proposed five new detached two storey houses – Refused 25<sup>th</sup> April 1995  
**26780/1** - Proposed 6 new detached two storey houses – Withdrawn 20<sup>th</sup> December 1994  
**17412/1** - Construction of approximately 6 dwellings – Refused 11<sup>th</sup> March 1986

## **POLICIES**

### **Local Plan Policy**

- PS8 - Open Countryside  
H6 – Residential Development in the Open Countryside and Green Belt  
H14 - Affordable Housing  
GR1 - New Development – General Criteria  
GR2 - Design  
GR6 - Amenity  
GR9 - Accessibility, Servicing and Parking Provision  
GR19 - Infrastructure  
GR20 - Public Services  
GR21 - Flooding  
GR22 - Open Space Provision  
NR1 - Trees and Woodlands  
NR2 - Protected Species

### **National Policy**

National Planning Policy Framework (NPPF)

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

- PG5 – Open Countryside  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 - Design  
SE2 - Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 - The Landscape  
SE5 – Trees, Hedgrows and Woodland  
SE14 - Jodrell Bank  
IN1 - Infrastructure  
IN2 – Developer Contributions

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

**Environmental Protection** – No objections, subject to a number of conditions including; Prior submission of a piling method statement and hours of piling, the prior

submission of an environmental management plan, the prior submission of a dust mitigation scheme and a contaminated land condition. In addition, informatives regarding hours of construction and contaminated land are also sought.

**Strategic Highways Manager** – No objections, subject to a condition that prior to the first occupation of the site, the developer will complete a new junction and access road together with the frontage footpath and necessary visibility splay in accordance with the submitted plan.

In addition, an informative is sought that the developer should enter into a Section 38 Agreement under the Highways Act.

**United Utilities** – No objections, subject to a condition regarding the prior submission of a foul drainage scheme and a condition for the prior submission of a surface water drainage scheme. In addition, a number of informatives are proposed.

**Environment Agency** – No comment (27<sup>th</sup> May 2014)

**Cheshire Brine Subsidence Board** – No objections, subject to conditions relating to precautions against brine subsidence being included such as; raft foundations.

**Housing (Cheshire East Council)** - No objections, subject to the housing being delivered by a Registered Provider registered with the Homes and Communities Agency. This needs to be secured in the s106 agreement as well as restricting occupancy to those living locally or with a strong local connection. Furthermore a cascade mechanism needs to be in place for properties to be sold or let to people from neighbouring parishes or failing that from the Council's Housing Register.

**Greenspaces (Cheshire East Council)** - No objections, subject to the provision of £3,547.50 towards the future maintenance of on-site Public Open Space and the provision of £8,995 towards the provision and maintenance of a LEAP including at least 5 items of play equipment for children's play space requirements

#### **VIEWS OF THE PARISH COUNCIL:**

**Betchton Parish Council** – No comments received at time of report

**Church Lawton Parish Council** – Object to the proposed development on the following grounds;

- Sustainability
- Impact upon Open Countryside
- Highway safety
- Design – loss of Cheshire railings

It is also requested that open space provisions be sought for a play ground off Heath Avenue and POS in Heath End.

#### **OTHER REPRESENTATIONS:**

Letters of objection have been received from 18 neighbouring dwellings. The main areas of objection relate to;

- Principle of development on site
- Loss of open countryside, green buffer
- Site contrary to SHLAA
- No need for housing in area
- Sustainability – insufficient public transport links, no nearby shops, schools or doctors
- Amenity – Loss of light/overshadowing, loss of privacy, noise during construction, lack of bin storage
- Design – too high density of dwellings, loss of Cheshire railings, dwellings do not reflect local design in terms of layout – gardens to front, does not reflect local form (bungalows and chalet style design)
- Ecology – impact upon species within pond to rear and on-site itself
- Highway safety – parking issues, safe access, poor visibility, pedestrian safety, speed limits regularly exceeded
- Flooding and drainage
- Re-positioning of electricity pylons
- Impact upon nearby equestrian centre
- Impact upon nearby power cables
- Pressures of further development on adjacent land

#### **SUPPORTING INFORMATION:**

Updated Highways Statement  
Highways Letter  
Ecological report  
Badger Survey  
Extended Phase 1 Habitat Survey  
Planning Statement  
Design and Access Statement  
Consultation statement  
Updated Sustainability Statement

#### **OFFICER APPRAISAL**

##### **Principle of development**

The site lies entirely within the Open Countryside so is therefore subject to Policy PS8 of the Local Plan. Policy PS8 advises that development in the Open Countryside is only acceptable in certain circumstances. One of these circumstances is *'new dwellings in accordance with policy H6'* another is *'affordable housing for local needs which comply with policy [H14](#);*

Policy H14 of the Local Plan advises that Local Planning Authorities will encourage affordable housing by granting planning permission for affordable housing in rural parishes which meet a local need. The policy advises that the proposal must; comprise of a site close to existing or proposed services and facilities; comprise of a small scheme, the scale and layout of which is

appropriate to the locality; consist entirely of affordable housing in perpetuity and is supported by a housing needs survey.

In response to this policy criteria;

### Need

The Council's Housing Officer has advised that although the proposed site falls within the parish of Betchton, the site lies adjacent to the Church Lawton Parish and the need should be looked at for this area also.

The Strategic Housing Market Assessment Update 2013 (SHMA) shows that for the Alsager Rural sub-area (of which Church Lawton is a part) there is a requirement for 175 new affordable units between 2013/14 – 2017/18, this is made up of a net requirement for 35 new units per year. The unit types required are 14 x 1bed, 8 x 3bed, 6 x 4+bed and 14 x 1bed older persons units (there is an oversupply of 2+bed older persons units).

Betchton comes under the Sandbach Rural sub-area for the purposes of the SHMA. The SHMA shows that for Sandbach Rural there is a requirement for 75 new affordable units between 2013/14 – 2017/18, this is made up of a net requirement for 12 new units per year made up of 13 x 1bed, 2 x 2bed, 3 x 4bed and 2 x 1bed older persons units (there is an oversupply of 3-bed accommodation).

Betchton also had a Rural Housing Needs Survey carried out in 2012. 317 questionnaires were sent out to residents of the Betchton Parish, with 83 returned giving a return rate of 26%. The survey established that there are 5 hidden households, these are households that contain at least one adult who wishes to form a new household within Cheshire East in the next 5 years. There is also 1 household where at least one adult has left within the last five years due to a lack of affordable housing and would wish to return if affordable housing was available. The total number of hidden and returning households is 6.

In addition to the information taken from the SHMA and the Rural Housing Needs Survey, Cheshire Homechoice is used as the choice based lettings method of allocating social/affordable rented accommodation across Cheshire East. There are currently 21 applicants who require housing in Church Lawton and 2 applicants who require housing in Betchton. The applicants who require housing in Church Lawton require 13 x 1bed, 5 x 2bed and 3 x 3bed. The applicants who require housing in Betchton require 1 x 2bed and 1 x 3 bed.

The Housing Need information shows a need for Affordable Housing in the Church Lawton area plus need in Betchton and to date there has been no delivery of any of the Affordable Housing needed between 2013/14 – 2017/18 for these areas.

As such there is an identified need for affordable housing in the area.

### Locational 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 (NWDA). 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 accessibility of the site shows that following facilities meet the minimum standard:

- Post box (500m) – 210m
- Outdoor Sports Facility (500m) – 110m
- Primary School (1000m) – 994m
- Secondary School (2000m) – 1100m
- Public House (1000m) – 270m
- Playground/Amenity Area (500m) – On site
- Amenity Open Space (500m) – On site
- Children’s Play Space (500m) – On site
- Bus Stop (500m) – 270m
- Public Right of Way (500m) – 170m
- Transport node (300m) – 270m

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

- Leisure Facilities (1000m) – 1100m
- Public park or village green (100m) – 1300m
- Child Care Facility (nursery or crèche) (1000m) - 1490m
- Railway station (2000m where geographically possible) – 2200m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 1700m
- Medical Centre (1000m) – 2100m
- Post Office (1000m) – 1858m
- Pharmacy (1000m) – 1900m
- Convenience Store (500m) – 1700m
- Bank or Cash machine (1000m) – 1700m
- Local meeting place (1000m) – 1600m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Lawton Heath End, there are some amenities that are not within the ideal standards set within the toolkit. Nevertheless this is not untypical for suburban dwellings.

However, the majority of the services and amenities listed are accommodated within Alsager and are accessible to the proposed development via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

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



- At 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) was refused by Southern Planning Committee on 29<sup>th</sup> August 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'The Council has used the North West Sustainability Checklist as a guide to assessing accessibility, albeit that this relates to policies in the now defunct RSS. Nevertheless, this gives a number of useful guidelines, many of which are met. The village has a pub, a church, a village green and a post box and there is a golf club close to the appeal site open to both members and nonmembers. However, the village has no shop or school. Audlem, which has a greater range of facilities, is only a short distance away. The appeal site has good access to 2 bus routes, which serve a number of local destinations. There are footways on both sides of the road linking the site to the village centre and other public rights of way close by. Audlem Road here forms part of the national cycle network. Therefore, whilst the use of the car is likely to predominate, there are viable alternative modes of transport. In locational terms, the appeal site appears to me to be reasonably accessible for a rural settlement'*.
- At land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C) was refused by Southern Planning Committee on 12<sup>th</sup> December 2012 for sustainability reasons. In allowing the appeal the Inspector found that *'it is inevitable that many trips would be undertaken by car as happens in most rural areas. However in this case many such trips for leisure, employment, shopping, medical services and education have the potential to be relatively short. A survey of the existing population undertaken by the Parish Council confirmed that the majority use the car for most journeys. Its results should though be treated with some caution in view of the response rate of only 44%. The survey does not seem to have asked questions about car sharing or linked trips, both of which can reduce the overall mileage travelled. It is interesting to note that use of the school bus was a relatively popular choice for respondents. A few also used the bus and train for work journeys. It also should not be forgotten that more people are now working from home at least for part of the week, which reduces the number of employment related journeys. Shopping trips are also curtailed by the popularity of internet purchasing and most major supermarkets offer a delivery service. The evidence also suggests that the locality is well served by home deliveries from smaller enterprises of various kinds'*

### Design – layout and scale

The proposed development comprises of 14, semi-detached, two-storey dwellings which would be constructed adjacent to each other fronting Sandbach Road and Chells Hill respectively.

The development site would be highly visible within the streetscene.

The layout and design of the proposal has been amended significantly since the submission of the original application following advice received from the Councils' Urban Design Officer, Tree Officer and Strategic Highways Manager.

The updated submitted layout shows that the dwellings would be arranged in a linear pattern which would follow the curvature of the highway apart from the dwellings to the south-east

which shall be staggered in order to more accurately respect the building line of the dwellings on Sandbach Road.

The dwellings would front onto and be inset from the highway between approximately 4 and 9 metres. Originally, between the proposed dwellings and the highway, the main gardens of the properties were proposed and it was proposed that the Cheshire Railings were to be removed.

The design has now been amended on the advice of the Council so the main gardens are to the rear of the properties and the Cheshire Railing retained.

Behind the proposed dwellings, the properties would benefit from rear gardens, then parking and a rear access road that would extend from a new access point on Chells Hill. A turning head and additional parking is also proposed behind the properties.

It is considered that the general layout of the proposed dwellings in a linear pattern and inset from the highway would reflect that of the adjacent properties.

With regards to scale, the proposed dwellings would have footprints between approximately 45 and 56 metres squared and heights of 7.7 metres.

The closest properties to the east of the site comprise of linked-detached bungalows. The properties on the opposite side of Sandbach Road comprise of detached 'chalet-style' properties which are 1 ½ - 2-storeys tall.

The closest property to the north would be No.1 Chells Hill, a detached, two-storey dwelling. Planning history searches show that the heights on the opposite side of Sandbach Road are approximately 6.5 metres tall.

The height of No.1 Chells Hill is approximately 8 metres tall.

As such, the height of the dwellings sought would not be considerably taller than the surrounding development. Furthermore, the closest of the dwellings proposed to the bungalow would include a hipped roof to reduce the visual impact between the heights of the two forms.

The footprints of the dwellings would also not be significantly out of character with the surrounding properties.

As such, it is considered that the layout of the proposal would reflect the local character with regards to the layout and scale.

#### Other matters

It is advised within the application that the proposal is for 100% affordable housing. The Council's Housing Officer has proposed that should the application be approved, all the affordable homes need to be delivered by a Registered Provider registered with the Homes and Communities Agency. This needs to be secured in the s106 agreement.

Although no housing needs survey was submitted by the applicant, the Council has identified a need.

#### Planning balance

It is considered that the need for affordable housing in the locality, in conjunction with the siting of the development, adjacent to the Lawton Heath End Infill Boundary Line and between built form, results in the development being deemed as acceptable in principle.

### **Affordable Housing**

This has already been considered in the above assessment.

It has been concluded that the development meets the relevant affordable housing requirements, subject to a S106 agreement to secure the management and tenure split. As such, it is considered that the proposal adheres to Policy H14 of the Local Plan.

### **Design**

The layout and scale and height of the proposal has already been considered in the above assessment. It was concluded that the layout was acceptable.

In terms of design features, materials and finishes, it is proposed that the dwellings would comprise of a mixture of exposed brickwork and render walls, a mixture of dual-pitched and hipped roofs, a mixture of gable-end and half-dormer window frontage features and canopies over the front doors.

It is advised within the submitted Design and Access Statement that the properties have *'...been designed as a cottage appearance to reflect the character of the local area. As the development will be highly visible from the streetscene, stone header detail is proposed similar to that found on adjacent existing semi-detached properties and designed to create a distinction between the design found on Chells Hill...'*

Within the submitted application form, basic details of the materials have been provided. It is advised that the walls would be constructed from brick, the roofs of concrete tiles, the windows of white uPVC and the doors of insulated composite GRP – colour to be agreed. Given the vague details provided and the highly visible location, should the application be approved, it is recommended that materials be conditioned for prior approval.

Subject to the above conditions, it is considered that the proposal would adhere to Policy GR2 of the Local Plan.

### **Amenity**

The closest neighbouring properties to the application site are the occupiers of No.1 Chells Hill to the north, the occupiers of No.188 Sandbach Road to the east and the occupiers of the dwellings on the opposite side of Sandbach Road to the development proposal. Consideration of the amenities of the future occupiers of the dwellings sought themselves is also a material consideration.

The closest of the proposed dwellings to No.1 Chells Hill would lie parallel with this neighbouring property's side elevation and be sited approximately 17 metres away. Within the side elevation of No.1 Chells Hill there are 2 ground-floor windows and a first-floor window.

Both of the ground-floor windows act as secondary windows to a lounge. The first-floor window acts as a secondary window to a bedroom.

Within the relevant side elevation of the closest of the dwellings sought, a first-floor bathroom window is sought.

As none of the windows impacted serve as sole windows to principal habitable rooms, subject to the conditioning of the first-floor bathroom window to being obscurely glazed, it is not considered that the development would have a detrimental impact upon the occupiers of this neighbouring property in terms of loss of light, visual intrusion or loss of privacy.

Within the relevant side elevation of No.188 Sandbach Road, there are 2 ground-floor windows. These comprise of a secondary lounge window and what appears to be a principal bedroom window. This assumption is confirmed by this neighbour in their objection letter as they state that *'The property next to my bungalow and will also have views into my bedroom and lounge.'*

Within the relevant side elevation of the closest of the dwellings proposed, a first-floor bathroom window is proposed.

The separation distance between these two built forms would be approximately 3.2 metres.

Although concerns have been raised regarding loss of privacy, light and visual intrusion by the occupiers of No.188, the window most impacted is the secondary lounge window in the side elevation. The principal bedroom window in the side elevation is set further to the rear and would not directly onto the proposed development according to the submitted plans.

No.188 Sandbach Road benefits from a rear conservatory. Given that this is open on 3 sides and would lie approximately 8.5 metres away and be considerably offset from 'Dwelling 14' the closest neighbouring unit, it is not considered that the impact upon this room in terms of loss of privacy, light or visual intrusion would be significant.

As the proposed 'Dwelling 14' would be positioned further forward towards the highway than the building line of No.188 Sandbach Road, consideration of the impact of the proposed development would this neighbour's front elevation is also a consideration.

On the front elevation of No.188 Sandbach Road, the closest window impacted is a lounge window.

When applying the 45 degree guide from the centre of this neighbouring window towards the development, 'Dwelling 14' would not cut through this line. As such, it is considered that the occupiers of this neighbouring room would not be significantly detrimentally impacted by the proposal in terms of loss of light or visual intrusion.

As such, it is not considered that the occupiers of No.188 Sandbach Road would be significantly impacted by the development in terms of loss of light, visual intrusion or privacy, subject to the obscure glazing of the proposed first-floor bathroom window.

It should be noted that the projection of the proposed 'dwelling 14' has been reduced by 3 metres following negotiations with the applicant in order to help alleviate the impact of the development on No.188.

The properties on the opposite side of Sandbach Road would be over 23 metres away from the proposed development, a distance considered far enough so not to create unacceptable degrees of loss of privacy, light or visual intrusion.

In terms of the relationship between the proposed dwellings themselves, as these properties would lie adjacent to each other, subject to the conditioning of the obscure glazing of the bathroom windows proposed, it is not considered any amenity issues would be created.

With regards to private amenity space, paragraph 3.2 of this policy note recommends that each garden should be no less than 65 metres squared.

It is calculated that the gardens proposed would measure over 30 square metres.

Although this would be significantly below the recommended minimum standard, given that the applicant proposes an area of open space to the rear, it is considered that this provision offsets this to an acceptable standard.

The Council's Environmental Protection Team have considered the proposal from an environmental disturbance perspective. It has been concluded that they have no objections to the proposed development, subject to a number of conditions. These conditions include; the Prior submission of piling details and hours of piling, the prior submission of an environmental management plan, the prior submission of a dust mitigation scheme and a contaminated land condition. In addition, informatives regarding hours of construction and contaminated land are also sought.

Subject to the above conditions and the obscure glazing conditions, it is considered that the proposal would adhere with Policy GR6 of the Local Plan.

### **Highway safety**

The Strategic Highways Manager has advised that the details provided on the submitted plan provides all of the required details and demonstrates that the proposal meets all of the required standards for; junction geometry and visibility, parking provision and adoptable layout.

As such, no objections are raised subject to a condition that prior to the first occupation of the site, the developer will complete a new junction and access road together with the frontage footpath and necessary visibility splay in accordance with the submitted plan.

In addition, an informative is sought that the developer should enter into a Section 38 Agreement under the Highways Act.

As a result, subject to the above, it is considered that the proposal would adhere with Policy GR9 of the Local Plan.

### **Drainage and Flooding**

A number of neighbouring concerns have been raised about drainage.

United Utilities have been consulted on the application and have advised that they have no objections, subject to the addition of conditions. These conditions include the prior submission

of a plan to show foul drainage details and a condition for the prior submission of a plan to show surface water drainage details.

A number of informatives have also been proposed.

Subject to these conditions and informatives, it is not considered that the proposed development would have a detrimental impact upon drainage and would therefore adhere with Policy GR20 of the Local Plan.

The Environment Agency have raised no objections in relation to flooding matters.

## **Open Space**

The Council's Greenspaces team have been consulted on the proposal. They have provided comments in relation to Public Open Space (amenity greenspace) and Children and Young Persons provision.

### Amenity Greenspace

It has been advised that the site layout plan shows there would appear to be an area of Public Open Space to the East of the Development enclosed by the existing hedge to be retained and proposed new hedging.

In order to maintain this section of land, financial contributions sought from the Developer are: £3,547.50

### Children and Young Persons provision

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons Provision.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development.

On site play provision in the form of a LEAP would be required. This should include at least 5 items incorporating DDA inclusive equipment, using play companies approved by the Council. The Council's Greenspace Officer has advised that *'...We would request that the final layout and choice of play equipment be agreed with Ansa Environmental Services, the construction should be to the Council's satisfaction. Full plans must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works. A buffer zone of a least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.'*

A financial contributions is sought from the Developer for the future maintenance of this equipment of £8,955.

### Conclusion

As such, subject to a S106 agreement for the provision of a LEAP with at least 5 items of play equipment and a financial contribution of £12,502.50 for future maintenance, it is considered that the proposal would adhere with Policy GR22 of the Local Plan.

## **Landscape and Trees**

### Landscape

No details regarding the landscaping of the site have been provided. Concerns have been raised by the Council's Landscape Officer regarding the loss of the open space and levels. In response, the loss of an open space is a natural consequence of a rural exceptions site. It is recommended that subject to the addition of conditions to secure levels details and landscaping details, the proposal would adhere with Policy GR4 of the Local Plan.

### Trees

There are no TPO trees on site. However, there are a few mature trees positioned on the rear boundary.

The applicant has proposed that these trees are retained and the development has been designed around these trees so that they are not affected by the development.

As a result, it is considered that the proposal would adhere to Policy NR1 of the Local Plan.

## **Ecology**

The application is supported by a Great Crested Newt survey, an Extended Phase 1 Habitat Survey and a Badger Survey.

### Grassland Habitats

The updated Habitat survey was undertaken in October, however the Council's Ecologist is satisfied in this instance that an adequate level of botanical survey data has been submitted for the Council to be satisfied that grassland habitats on site are unlikely to be of significant nature conservation value.

### Great Crested Newts

Although the submitted ecological assessment was undertaken three years ago, the Council's Ecologist is satisfied, considering the location and types of ponds surrounding the application site, that great crested newts are unlikely to be present or affected by the proposed development.

### Reptiles

The Council's Ecologist has advised that '*Grass snakes are known to occur in significant numbers to the south of the proposed development site. Whilst habitats on site are not particularly suitable for grass snakes there remains the possibility that this species may use the site on a transitory basis. I recommend that the applicant submits a brief method statement detailing how it would be ensured that the site is sensitively rendered unsuitable for reptiles prior to the commencement of works.*'

An update shall be presented to committee in the form of a written update on this matter.

#### Other Protected Species

The Council's Ecologist has advised that two minor setts have been recorded on site, however both were inactive at the time of the survey and there was no evidence of Other Protected Species activity on the site. The submitted report includes an outline mitigation method statement.

It is advised, based on the current status of Other Protected Species on the application site, that the proposed development is unlikely to have a significant impact upon Other Protected Species.

However, should the application be approved, it is recommended that a condition requiring the prior submission of an updated survey be included. If the further survey identifies any changes in the level of Other Protected Species activity on the site, the submitted report should include revised mitigation/compensation proposals.

Subject to the acceptability of the reptile method statement, it is considered that the proposal would adhere with Policy NR2 of the Local Plan, subject to the recommended conditions.

#### Other Matters

Should the application be approved, the Council's Ecologist has recommended that a condition to safeguard breeding birds and a condition to secure the provision of features for bat and bird boxes be included.

In addition, a commuted sum of £2000 to fund off-site barn owl works to compensate the loss of barn owl foraging habitat be secured.

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

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

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

The development would result in the creation of Public Open Space and in order to maintain that space, and provide necessary children's play equipment, a financial contribution of £12,502.50 is required and is a LEAP.

This is considered to be necessary, fair and reasonable in relation to the development.

A £2000 sum for the provision of off-site barn owl works to compensate the loss of barn owl foraging habitat are sought.

This is considered to be necessary, fair and reasonable in relation to the development.



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

## **CONCLUSIONS**

It is considered that the need for affordable housing in the locality, in conjunction with the siting of the development, adjacent to the Lawton Gate Infill Boundary Line and in-between built form, results in the development being deemed as acceptable in principle.

The revised proposal would be of an acceptable design which would not create any significant amenity concerns, subject to the addition of conditions in order to protect overlooking.

Subject to a condition, no highway safety issues would be created.

The development would not have a detrimental impact upon drainage subject to conditions and no flooding issues would occur.

Subject to the provision of a LEAP and a financial contribution towards the maintenance of the onsite open space provided, to be secured via a S106 Agreement, it is considered that the proposal would not create any new issues in relation to open space.

With regards to landscape and trees, subject to conditions to secure details regarding landscaping and levels, it is considered that the proposal would not create any significant concerns.

Subject to a number of conditions to secure the protection of protected species, it is not considered that the proposal would have an adverse impact upon protected species.

As a result of the above reasons, the application is recommended for approval.

## **RECOMMENDATIONS**

**APPROVE** subject to S106 Agreement to secure;

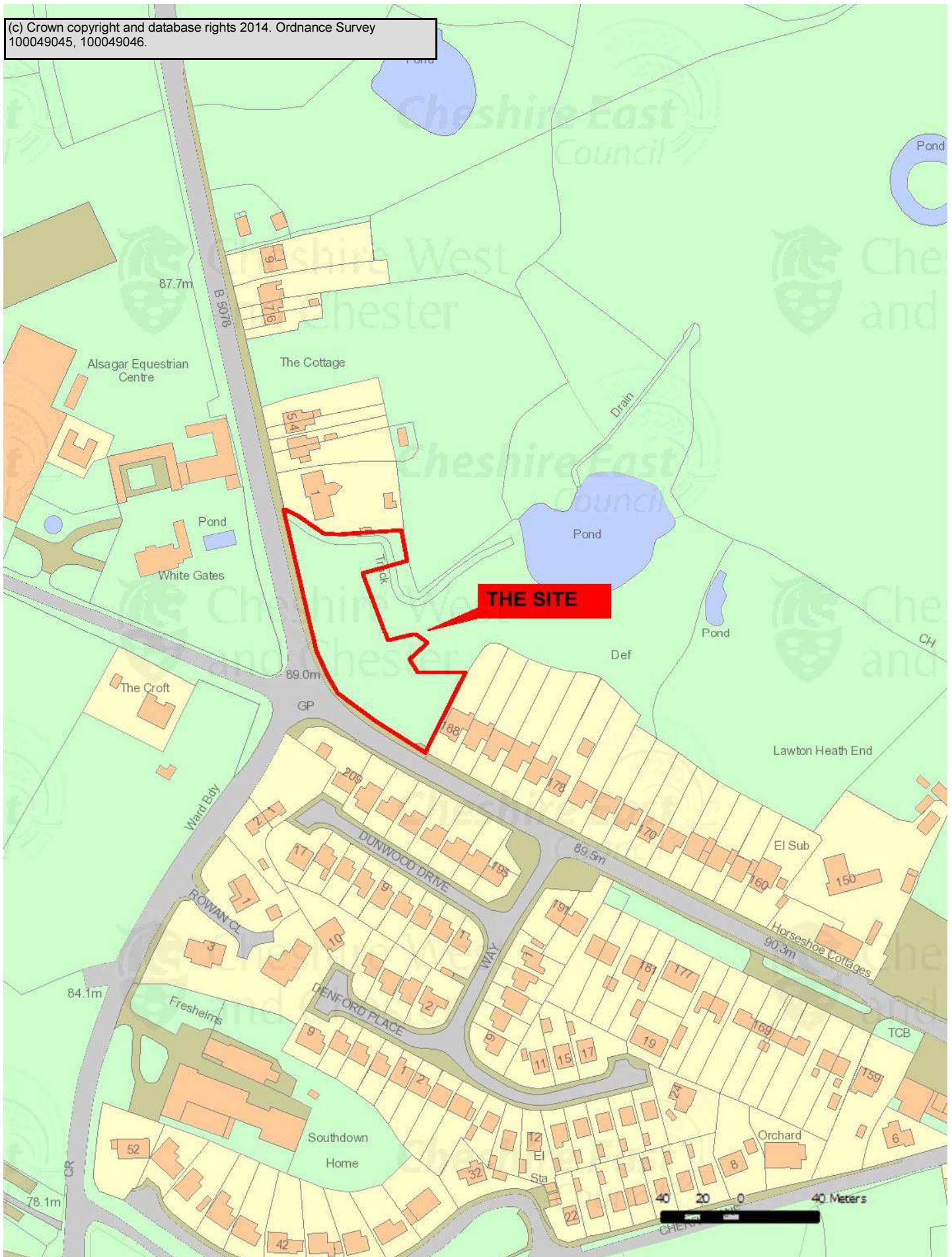
- 1. LEAP (At least 5 items of play equipment)**
- 2. £12,502.50 for Open Space maintenance**
- 3. £2000 to fund offsite Barn Owl works**
- 4. A scheme for the provision of 100% affordable housing – 50% to be provided as social rent/affordable rent with 50% intermediate tenure. The scheme shall include:**
  - The numbers, type, tenure and location on the site of the affordable housing provision**
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**

**And conditions**

- 1. Time (3 years)**
- 2. Plans**
- 3. Materials – Prior submission**
- 4. Obscure Glazing (First-floor side windows)**
- 5. Piling method statement – Including piling hours**
- 6. Environmental Management Plan – Prior submission**
- 7. Dust mitigation scheme – Prior submission**
- 8. Contaminated Land**
- 9. New junction, access road and footpath to be completed prior to first occupation**
- 10. Levels to be submitted and approved**
- 11. Foul drainage scheme – Prior submission**
- 12. Surface water scheme – Prior submission**
- 13. Prior submission of updated Badger Survey**
- 14. Breeding birds – Timing of works**
- 15. Provision of Bat and Bird boxes – In accordance with submitted Extended Phase One habitat survey dated 20 November 2013**
- 16. Landscaping (Details)**
- 17. Landscaping (Implementation)**
- 18. Boundary Treatment to be submitted and approved**
- 19. Removal of PD – A-E**

**In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**

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Application No: 13/5248N

Location: The Printworks CREWE ROAD, HASLINGTON, CW1 5RT

Proposal: Outline application for new residential development of up to 14 dwellings.

Applicant: Georgina Hartley

Expiry Date: 13-Mar-2014

#### **SUMMARY RECOMMENDATION**

#### **REFUSE**

#### **MAIN ISSUES**

#### **Impact of the development on:-**

**Planning Policy and Housing Land Supply**  
**Affordable Housing,**  
**Highway Safety and Traffic Generation**  
**Trees and Landscape**  
**Ecology**  
**Design**  
**Amenity**  
**Sustainability**  
**Education**

#### **REASON FOR REFERRAL**

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

## DESCRIPTION OF SITE AND CONTEXT

The application site comprises a cleared site formerly associated with no. 204 Crewe Road, Haslington, a large detached dwelling and coach house fronting Crewe. The dwelling and application site share a vehicular access from Crewe Road which subdivides within the curtilage of the property. The site was formerly occupied by a commercial building, which was located to the rear of no. 204, approximately 105m back from Crewe Road, this has now been demolished.

The boundaries within the site are defined by established planting predominantly with trees throughout the site, although a significant number of trees have been removed as part of recent works. The site falls within the open countryside as designated in the Local Plan.

The surrounding area is characterised by residential properties set within large gardens. The site is within Open Countryside, as defined in the local plan, albeit only a short distance outside the Haslington Settlement Boundary.

## DETAILS OF PROPOSAL

This is an outline application for the erection of up to 14 dwellings on land adjacent to 204 Crewe Road, Haslington. The application is in outline form with all matters reserved apart from access. However an **indicative** site layout plan has been submitted with the application.

Access is proposed from a junction to be created off Crewe Road. The access road shown on the **indicative** layout plan runs straight through the site to a turning head at the end with the dwellings arranged around it.

## RELEVANT HISTORY

12/1535N	2012	Non material amendment to application number 12/0325N
12/0325N	2012	Approval for replacement dwelling for previously approved residential conversion.
11/3894N	2012	Withdrawn application for conversion to residential
10/4295N	2010	Approval for residential conversion

## POLICIES

### National Guidance

National Planning Policy Framework

### Local Policy

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

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

#### **Environment Agency:**

No objection.

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

Previously the SHM objected to the application, however the applicant has now demonstrated that adequate visibility splays can be demonstrated and that there would not be conflict with the reinstated access to number 204 Crewe Road.

#### **Environmental Health:**

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

**Education:**

Require a contribution to education of:.

Primary = £32,539

Secondary = £32,685

**United Utilities:**

No objection.

**VIEWS OF THE PARISH COUNCIL**

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

The application is contrary to Policy NE2 and pre submission core strategy Policy PG5, 'The Printworks' falls outside of the settlement boundary of Haslington and Winterley, therefore should not be considered for development

it will increase the urbanised area of the village, changing its character to the detriment of the existing properties.

The pre submission core strategy outlines that applicants need to demonstrate a location in open countryside is essential for agriculture etc. this is not the case for this application.

Safe route to schools have not been demonstrated within the application. There is no footpath on the Printworks side of the busy Crewe Road putting all children at increased risk during their journey to school by foot, or via bus.

The Local Plan statement 'Development will be confined to small scale infill and the change of use or conversion of existing buildings' has been blatantly ignored in favour of low density new build. It also outlines that developments in the settlements will only be permitted when on a scale commensurate with that of the village. Haslington has 2300 houses and the addition of an additional 14 houses to the already proposed 250 houses at the nearby Hazel Bank development with a further 44 approved properties at Vicarage Road; a possible 34 on The Dingle, 70 at Kent's Green Farm, and 45 on Pool Lane Winterley would not comply with any appropriate scaling levels.

The Printworks building has been demolished, the site should be returned to Open Countryside, there is no existing rural building to be converted or reused on the site.



The size of the overall range of developments is utterly unsustainable and as such is against Cheshire East Council's current Local Plan replacement, which states it will "avoid loading development onto the periphery of existing constrained settlements"

The conservation and enhancement of the built environment has similarly been overlooked, and the Local Plan outlines a target of 'ensuring that new development does not result in any overall net loss to the man-made heritage'. The proximity of this development to the Grade 1 Listed Haslington Hall, and a number of Victorian Farm buildings on Holmshaw Lane is unacceptable, and non-compliant with the local plan requirements

This proposal is outside the village curtilage, infringes the separation between the two villages of Haslington and Winterley, and erosion of green space. The proposals are not adjacent to the existing settlement boundary so cannot be considered as a logical extension to the boundary.

Sewage and surface water do not appear to have been considered for this site. The streams feeding into Fowle Brook around Haslington have become increasingly liable to flooding in recent years, with gardens becoming inundated with flood water and contaminated farm effluent. It is vital that any new development proposal in and around Haslington and Winterley fully address drainage issues.

The current catchment secondary provision schools of Sandbach School and Sandbach High School are already oversubscribed, (through data provided from Cheshire East School Admissions department) and remain so for the foreseeable future. These too will be exacerbated by the current developments underway in Ettiley Heath and Wheelock, and the recent planning outcome for Abbeyfields development, consequently these proposals would further exacerbate this situation, as no strategic plans are in place to provide for increased secondary educational growth on the current bus routes to the catchment schools. The solution of children attending out of area schools is unacceptable, unrealistic and unsustainable.

The current primary admissions at both The Dingle and Haslington schools are currently oversubscribed by small numbers (3 and 1 respectively in 2012). However it is highly likely that the development of a wider selection of family sized properties will easily require primary education. With the recent approval alone of 44 properties in Vicarage Road, it can be assumed that these properties occupants would easily fill any vacant future spaces. No proposals have been put forward to resolve this position, and indeed the position requires far wider strategic, and long term consideration of need, as under consultation within the Local Plan Core Strategy process, and which outlines in its draft for no further development around the settlements of both Haslington and Winterley.

Haslington Parish Council also notes:

The proposed site is in a very prominent position and would create a new entrance / gateway to the built up area of the village. There are no substantial details of how the proposed houses would be designed. It is very dangerous to approve any sort of permission without more detail given the sensitive nature of the location.

The phase 1 desk study from 2011 relates to the now demolished Printworks building and does not cover the full area of the outline planning application. It covers an area outside the SHLAA Site 4247 boundary. Much of the report is generic and of no direct relevance to the proposed

development site. So the report appears to be out of date and fails to cover the full application site.

The proposals appear to be very much outline with very little detail included with the application. Plots 1 and 2 are very close to Crewe Road and are forward of the building line established by neighbours at 204 and 212 Crewe Road.

The part of the site was reviewed as a SHLAA Site 4247 in the most recent update where room for 19 houses was proposed on only part of the site - this application is for a much lower density on a larger area of land. The SHLAA site 4247 did not include the Printworks building.

## **OTHER REPRESENTATIONS**

At the time of report writing, approximately 45 objections have been received relating to this application. These can be viewed on the application file. They express concerns about the following:

- Highway safety
- Inadequate parking provision
- Access issues particularly pedestrian access
- Noise generation
- Disruption during development
- Site is outside the settlement boundary (contrary to NE.2 and RES.5)
- Not in the Parish Plan or the emerging local plan
- There are plenty of empty homes available
- Brownfield sites should be used
- Erosion of the green gap between Haslington and Winterley
- Opportunist application
- Over development of the site
- Poor layout out of character with the area
- Misleading information contained in the application
- Schools and doctors are over subscribed
- Lack of affordable housing
- Impact on wildlife
- Approval would set a precedent for future development
- Loss of trees
- Inadequate drainage
- Flooding
- Adverse impact on heritage assets
- Loss of views
- Impact on house prices
- Waste and materials falling into Fowle Brook
- Increase in crime
- Haslington is under siege by developers

These can be viewed on the application file.

## **OFFICER APPRAISAL**

## Principal of Development

The site lies within the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*".

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

## Housing Land Supply

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

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

The NPPF clearly states at paragraph 49 that:

*"housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

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

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

- *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."*

Since the publication of the Housing Position Statement in February 2014 there have now been 5 principal appeal decisions (as of 1st August) which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

### Open Countryside Policy

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 relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

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

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

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

These comprise of:

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

- Children's playground (500m)

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

### **Affordable Housing**

The site is located within Haslington which falls within the Haslington and Englesea sub area for the Strategic Housing Market Assessment (SHMA) update 2013. The SHMA identified an annual requirement of 44 affordable homes in the period 2013/14 – 2017/18. This is made up of a need for 1x 1bd, 11x 2bd, 19x 3bd, 10x 4/5bd general needs units and 1x 1bd and 1x 2bd older person's accommodation.

In addition to this, information taken from Cheshire Homechoice, identifies a housing need. There are currently 72 applicants who have selected the Haslington lettings area as their first choice; these applicants require 27x 1bd, 25x 2bd, 13x 3bd and 6x 4bd properties (1 applicant did not specify their bedroom requirement).

The Council's Interim Planning Statement on Affordable Housing (IPS) outlines that on sites of 15 dwellings or more or more than 0.4 hectares in size, the Council will normally seek an on-site provision of 30% affordable housing, with 65% provided as social or affordable rent and 35% intermediate. This is the preferred tenure split identified in the SHMA and highlighted in the Interim Planning Statement on Affordable Housing (IPS).

The site is 0.7 hectares in size and therefore a requirement of 30% affordable housing is required on-site. The proposal is for 14 dwellings which equates to 4 affordable units to be provided as 3 for social or affordable rent and 1 for intermediate tenure. Furthermore the following should be met:

- The affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.
- The affordable homes should be constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
- The IPS also states: In order to ensure the proper integration of affordable housing with open market housing, particularly on larger schemes, conditions and/or legal agreements attached to a planning permission will require that the delivery of affordable units will be phased to ensure that they are delivered periodically

throughout the construction period. The actual percentage will be decided on a site by site basis but the norm will be that affordable units will be provided not later than the sale or let of 50% of the open market homes.

The affordable housing statement accompanying the application states that the proposal includes 30% affordable dwellings and as such complies with policy. The applicant makes reference to Draft Heads of Terms agreement including a provision of affordable housing submitted with the outline application; however this does not appear to be included.

The affordable housing should be secured by way of a S106 agreement, which:

- secures 30% of the total dwellings to be provided as affordable housing
- secures 65% of the affordable dwellings to be affordable or social rented, 35% to be intermediate
- requires them to transfer any rented affordable units to a Registered Provider
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted at reserved matters application stage that includes full details of the affordable housing on site including location, type and size.
- requires the affordable units to be constructed to HCA Design and Quality Standards (2007) and Level 3 of the Code for Sustainable Homes (2007).

## **Amenity**

The application is in outline form and the site layout submitted is only indicative. Nonetheless, it is considered that the site is capable of accommodating 14 dwellings without having an adverse impact having regard to privacy, light loss or outlook.

Adequate private residential amenity space could be provided within the domestic curtilages of each property.

Should the application be approved conditions should be imposed relating to piling operations, external lighting, noise mitigation, contaminated land and electric vehicle infrastructure.

## **Highways Implications**

The application is for 14 new dwellings on the site of a former printworks and undeveloped land adjacent to a single residential dwelling at 204 Crewe Road. The site currently shares a highway access with 204 Crewe Road, and as part of the application it is proposed that the new dwellings will be served from a new access adjacent to the existing access to 204 Crewe Road.

The Strategic Highways Manager (SHM) has been in discussions with the applicant's highway consultant, regarding the application. The SHM raised an objection to the proposals initially. The most recent consultation response had raised concerns about the site access in relation to visibility measurements, land ownerships and access spacing.

Subsequently, the SHM has been in further discussions with SCP, and additional information has been provided to the SHTM, including a new Proposed Site Access.

The SHM's previous objection identified the following three issues in relation to the access proposal:

- Achieving appropriate visibility measurements to and from the access;
- Providing visibility to/from the access within the available land ownership; and
- Providing sufficient spacing between the access and existing accesses.

The SHM has agreed to accept a 2.4m x 59m visibility splay from the site access, which is based on the stopping sight distance (SSD) for on-street wet weather speeds of up to 38mph. The previous site access drawings received did not demonstrate that a 59m SSD could be achieved.

The latest drawing provides a site access located eastwards of the previously proposed location, and the drawing demonstrates that a 2.4m x 59m visibility splay can be achieved the kerblines in both directions from the revised access location.

In order to obtain visibility to the left of the site access, a sightline across a third party section of land is required. The SHM was previously unable to accept this requirement, as there was no evidence presented that sightlines could be maintained in future.

Land title deeds have subsequently been presented on behalf of the applicant, which demonstrate a legal right to the maintenance of a visibility splay across the section of land affected, on behalf of the Printworks site.

The previous site access drawings showed minimal spacing between the new access (for use by the application site only) and the existing access (which will be used by 204 Crewe Road only). The SHM was concerned about the possibility for collisions between vehicles entering and exiting the two junctions, and requested that the spacing be maximised insofar as reasonably practical.

The new site access drawing has increased the junction spacing from approximately 17m to approximately 25m. The new access location is approximately central to the site, and is therefore approximately equidistant to the access to 204 Crewe Road and to a farm gate to the east, meaning that the junction has been located as far as possible from accesses on either side.

At locations where the adjacent accesses were serving more than a single dwelling or a single farm access, the SHM would seek a greater level of junction spacing; however, at this particular location, the SHTM will accept the 25m junction spacing as shown.

## **Trees & Landscape**

This is an outline application for a residential development of up to fourteen dwellings. Although there is a description of the site given in the Design and Access Statement, no landscape appraisal has been submitted.



An illustrative layout has also been submitted and the Arboricultural assessment indicates that a number of trees will need to be removed, as well as a hedge (H1). The Design and Access Statement indicates that trees located on the boundary will be retained, nevertheless three trees, T1, T2 and T3, located along the front of the application site along the Crewe Road frontage will need to be removed, along with a number of others within the site.

Whilst it is not considered that the proposals would result in any significant landscape or visual impacts, it is considered that appropriate landscape conditions should be attached to any planning permission, to both mitigate the losses and to ensure good design.

## **Design & Layout**

This is an outline planning application therefore the layout drawing is only indicative. Should the application be approved, appearance and layout would be determined at reserved matters stage.

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 indicative layout shows a development of a very suburban nature not appropriate to this rural location. Therefore, should the application be approved the reserved matters should take account of this and amend the design accordingly.

## **Ecology**

### *Habitats and Botanical Value*

An area on site described by the original habitat survey report submitted in support of this application as ‘Target Note One - Derelict Orchard Area’ supports the required number of indicator species at sufficient abundances to qualify as a Local Wildlife Site under the ‘Semi-improved grassland’ selection criteria.

During the consideration of this application much of this area of habitat has been destroyed and a revised habitat survey has been submitted which shows the reduced area of this habitat on site. Much of the remaining area of this habitat is shown as being retained on the submitted indicative layout however if planning consent is granted there is likely to be a further loss of this habitat associated with the proposed access road etc. However the Council’s ecologist advises that:

If planning consent is granted it is recommended that conditions be attached to secure the following:

- Retention of the remaining area of semi-improved grassland located in the northern portion of the site as shown on the submitted habitat plan dated August 2014.

- The submission of a method statement for the safeguarding of this area of habitat during the construction process in support of any future reserved matters application.
- The submission of a 10 year habitat management plan in support of any future reserved matters application.

#### *Great Crested Newts*

Ponds are present a short distance from the proposed development. However, the Council's Ecologist considers that Great Crested Newts are unlikely to be present or affected by the proposed development.

#### *Habitat*

A habitat for protected species has been identified in close proximity to the proposed development. An acceptable outline mitigation method statement detailing how this habitat would be safeguarded as part of the proposed development has been submitted.

It is recommended that if planning consent is granted a condition be attached requiring any future reserved matters application to be supported by an updated protected species survey and a detailed mitigation method statement.

### **Education**

A development of 14 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 be oversubscribed and so a contribution will be required for all of the pupils anticipated.

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

### **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, education contributions and affordable housing provision are directly related to the development and fairly and reasonably related in scale and kind to the development, as required by paragraph 204 of the NPPF.

## **CONCLUSIONS**

The site is within the Open Countryside where under Policies NE.2 and RES.5 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 Policy PG5 of the Cheshire East Local Plan Strategy – Submission Version.

## **RECOMMENDATIONS**

### **REFUSE:**

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy NE.2 (Open Countryside) and Policy RES.5 (Housing in the 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 in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**

**In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his/her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**

**Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chair 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.**

### **S106 Heads of Terms:**

- 1. A scheme for 30% affordable housing – 65% of the affordable dwellings to be provided as social/affordable rent with 35% intermediate tenure. The scheme shall include:**

The numbers, type, tenure and location on the site of the affordable housing provision

The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing

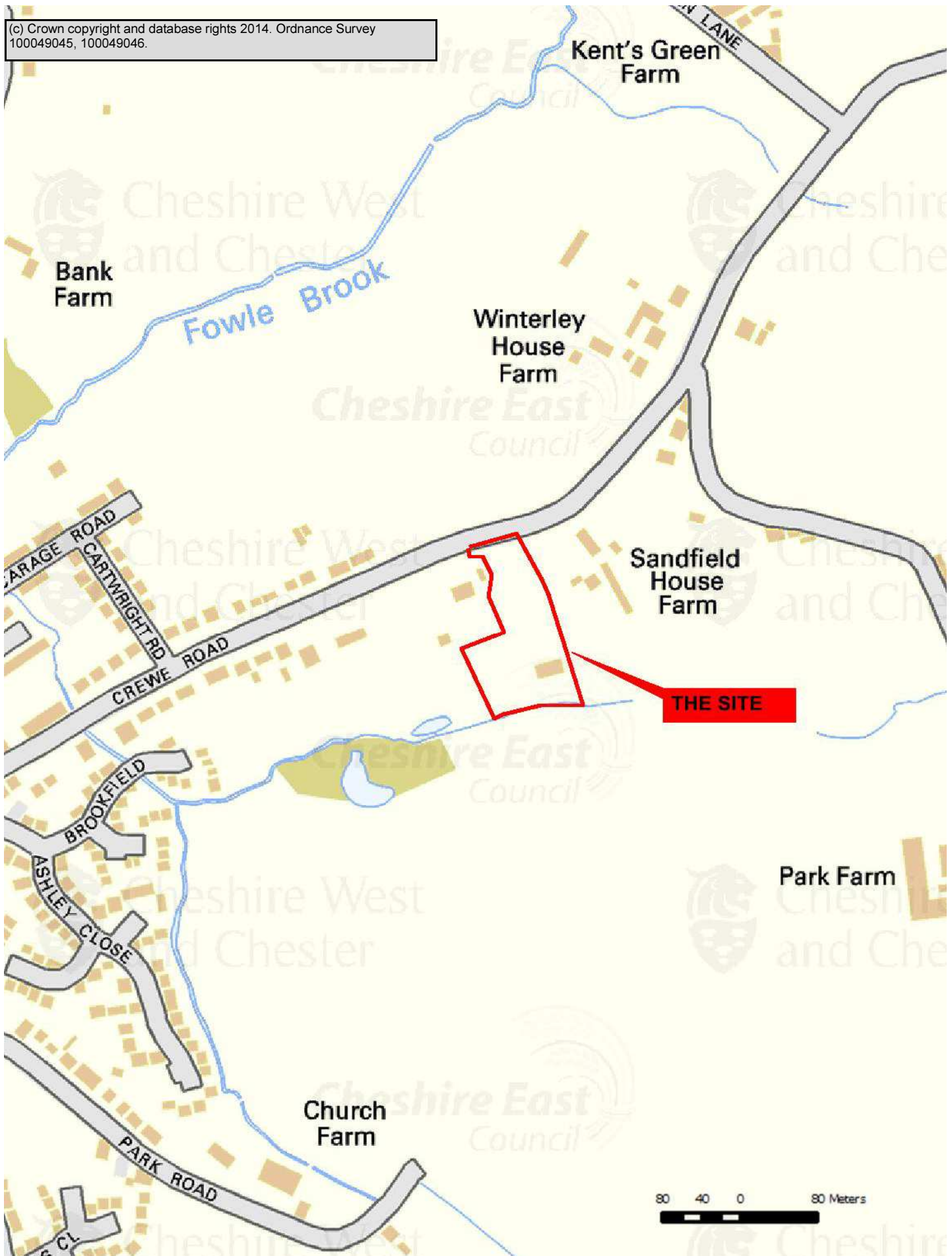
The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved

The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2. A commuted payment of £32,539 will be required towards primary education and £32,685 towards secondary education.

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Application No: 14/3393N

Location: Land North Of, POOL LANE, WINTERLEY

Proposal: Outline planning permission for the construction of up to 45no. dwellings  
(Resubmission of 13/4632N)

Applicant: Footprint Land and Development

Expiry Date: 14-Oct-2014

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

**Principal of the Development**  
**Housing Land Supply**  
**Location of the Site**  
**Landscape**  
**Affordable Housing**  
**Highway Implications**  
**Amenity**  
**Trees and Hedgerows**  
**Design**  
**Ecology**  
**Public Open Space**  
**Agricultural Land**  
**Education**  
**Flood Risk and Drainage**  
**Health**  
**Other issues**  
**Planning Balance**

**REASON FOR REFERRAL**

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

**DESCRIPTION OF SITE AND CONTEXT**

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

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

The application site is relatively flat.

## **DETAILS OF PROPOSAL**

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

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

This application is a resubmission of application 13/4632N.

## **RELEVANT HISTORY**

13/4632N - Outline planning permission for the construction of up to 45no. dwellings – Refused 1th March 2014. Appeal Lodged.

Reasons for refusal as follows:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*
- 2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.*

## **POLICIES**



## **National Policy**

National Planning Policy Framework

## **Local Plan policy**

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

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

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

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

RT.9 (Footpaths and Bridleways)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

## **Other Considerations**

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

Cheshire East Development Strategy

Cheshire East SHLAA

Pre-submission Core Strategy

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

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE3 – Biodiversity and Geodiversity

SE5 – Trees, Hedgerows and Woodland

SE 1 - Design

SE 2 - Efficient Use of Land

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 3 - Biodiversity and Geodiversity

SE 13 - Flood Risk and Water Management

SE 6 – Green Infrastructure  
IN1 – Infrastructure  
IN2 – Developer Contributions

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

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

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

**Strategic Highways Manager:** The Highways Officer has confirmed that the comments made as part of the previous application still apply to this application. Previous comments were as follows:

*‘Considering the traffic impact of the development, the submission is only for 45 units. As regards the current submission, the trip generation in the peak hours does not result in high vehicle flows in and out the site. The likely trip generation is some 30 two way movements from the site and once distributed on the road network it is clear that numbers do not produce a severe impact.*

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

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

*The access now provides a satisfactory separation distance from the existing junction of Newtons Lane and also there is sufficient visibility provided in both directions at the access point. There are no highway objections raised subject to a condition to secure details of the relocation of the bus shelter and bus stop to be submitted and agreed by the LPA at reserved matters stage’*

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

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

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

The EA have reviewed the Phase One Geo-Environmental Site Assessment for Land off Pool Lane, Winterley, Sandbach, Cheshire dated May 2013 (Report Ref: 44971p1r0) report to assess the risk to controlled waters from land contamination.

The site is located above a Secondary A and an Unproductive aquifer, related to the superficial and bedrock geology respectively, and within 30m of a surface water feature (Winterely Pool). The report indicates that the site has been used as agricultural land.

The EA consider that planning permission could be granted for the proposed development as submitted if a planning condition is included in relation to contaminated land.

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

**Public Open Space:** No comments received. As part of the last application they stated that:

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

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

**Education:** No comments received. As part of the last application they stated that:

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

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

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

## **VIEWS OF THE PARISH COUNCIL**

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

- The application is contrary to policy NE2 and pre submission core strategy PG5, Kent's Green Farm falls outside of the settlement boundary of Haslington and Winterley, therefore should not be considered for development
- It will increase the urbanised area of the village, changing its character to the detriment of the existing properties.

- The site is within the catchments of the Sir William Stanier and Sandbach High Schools. Both schools are located within 15 – 25 minutes bicycle rides respectively which makes cycling a viable option.
- Winterley Pool is listed as a Grade C site re nature conservation: and has significant landscape value. Development of some 45 properties in a field visible from the pool, where local tourists come and spend time, would be detrimental to the pools value as a community asset. Furthermore it would make the village take on an urban character by such a significant apportionment of development compared to the current village size.
- Safe route to schools have not been demonstrated within the application. The nearest school “The Dingle” would be via Kent’s Green Lane and Clay Lane, much of which is narrow, used by commuter vehicles and has no footpath or street lighting.
- The Local Plan statement ‘Development will be confined to small scale infill and the change of use or conversion of existing buildings’ has been blatantly ignored in favour of boxing in a significant number of properties, on smaller footprints of land. It also outlines that developments in the settlements will only be permitted when on a scale commensurate with that of the village. Winterley has 600 houses and the addition of 70 houses at Kent’s Green Farm and 45 houses at Pool Lane (19% village increase) on this development with the potential for a further 250 at Hazel Bank would not comply with any appropriate scaling levels.
- The size of the overall range of developments is unsustainable give the village support services, and as such is against Cheshire East Council’s current Local Plan replacement and which states it will “avoid loading development onto existing constrained settlements”
- The conservation and enhancement of the built environment has similarly been overlooked, and the Local Plan outlines a target of ‘ensuring that new development does not result in any overall net loss to the man-made heritage’.
- The application site is an arable field surrounded by hedgerows to Crewe Road and Pool Lane. It is of high landscape value because it makes an important contribution to the intrinsic character and beauty of the countryside and, specifically, to Winterley village’s character and sense of place. The site is in a very prominent location and has an important role as an open green space that separates houses to the north along Crewe Road from the distinctive character of Pool Lane (as a country lane enclosed by trees and hedges) and Winterley Pool. Similarly, the site is highly visible as the focus for views when approaching from Newtons Lane, with the hedgerow and views of trees behind being extremely important in maintaining a rural feel. Loss of the hedgerow to Crewe Road and of the open, green character of this site and its replacement with houses and a new highway junction would create a continuous built frontage and have a significant urbanising effect that would have an unacceptable negative impact on local character and identity. This would be exacerbated even more because the land is approximately one metre above Crewe Road. The inclusion of a ‘village green’ in front of the houses would not compensate for the loss of landscape character.
- The application includes some 2.5 and 3 storey houses. There is no local precedent for this. It would introduce house types out of keeping with the area and add to the visual and landscape impacts outlined above. It retains hedges alongside Pool Lane – though with gaps – but how would these be maintained and what guarantee is there that they would not become degraded over time and/or replaced with fences that would further urbanise the area?
- The access/egress proposal close to the junction for Newtons Lane is dangerous, and will give rise to significant vehicular emissions. The additional traffic will add pressure to the gear changing up and down the stretch of road access/egressing the site by the nature of the bends, Pool Lane and Newtons Lane entrances, and would further exacerbate this issue, and cause significant damage not only to public health, but that of a wide array of wildlife located in Winterley Pool.

- Sewage proposals within the village footprint are under pressure, and there is already a leak from sewage in the neighbouring land where the sewage breaks out of its pipes off Clay Lane into hay fields which the Farmer requires not to be contaminated.
- During periods of heavy rain, there is persistent flooding accumulation from the drains on the opposite side of Crewe Road, periodically all the way along from Newtons Lane to the Forresters Arms, and which has never been addressed, so it is assumed the current drainage system cannot cope as is.
- The application only appears to address flood issues within the site boundary, the community is most concerned at the potential increase in flood risk in the area around Winterley including Winterley Pool alongside the banks of Fowle Book through into Haslington where neighbouring gardens are at increased risk of inundation by flood water. The impact of other recent applications also need to be brought into the equation and be considered when assessing changes to land drainage and flood risks.
- Traffic calming measures (bollards and reduced road width) recently installed in Winterley, along with the speed visual (adjacent to the Holly Bush), traffic humps (in Haslington) and periodic police speeding enforcement all suggest the village is already under pressure to provide adequate traffic calming measures. The inclusion of such a significant increase in vehicles would make this unmanageable.
- This location is rural and would generate more trip movements due to it being more remote from a suitable public transport network (the bus option is limited and a large majority of residents rely on cars for wider reaching employment destinations), and employment areas. Rural locations have a higher dependency car usage
- Transport does not take into account the effects of the additional traffic on the most sensitive parts of the network namely the A534 Crewe Green Roundabout and the A534/A533 junction (Old Mill Road/The Hill). The A534 Crewe Green Roundabout is currently over capacity with extensive queues on both the A534 Haslington Bypass and Crewe Green Road during AM peak. The additional traffic generated may not give issues on the immediate network but the queues on the approaches to the roundabouts will effectively increase by a corresponding amount during the AM peak. This will be worse once the approved sites in Haslington are fully developed and considerably worse should the current application for 250 units off Crewe Road, Haslington and 70 units at Kent's Green Farm be approved.
- It should be considered that the main influence in the AM peak would be the local schools, the nearest employment location in Crewe, and M6 Junction 16, all of which will influence right and left turns out of the site and will increase the number of vehicles on the Crewe Road Roundabout. The road network capabilities of both villages, and the surrounding infrastructure in relation to Crewe; Crewe Green roundabout or the Wheelock Heath to Sandbach and Waitrose roundabout leading to the motorway are all heavily overused. No evidence is apparent to address this by the additional number of cars such a development would generate. An alternative option could be Holmshaw Lane, as this is the shortest route to J16 M6, and which is not constructed to deal with an additional traffic pressure.
- It can be assumed that this site will be in the catchment area of The Dingle Primary School. Due to the distance, it can be assumed that children will be driven to school and this will increase significantly the number of vehicles on Kent's Green Lane and Newtons Lane which are narrow roads/lanes approximately 5.5m wide. Furthermore, it will increase the number of vehicles on Clay Lane which again has no footways but where noticeable numbers of parent and children do use to walk and cycle to school. Additionally there will be an increase in vehicles outside the Dingle School, Maw Lane and Maw Lane/Remer Street junction. It can also be considered that the additional turning out of the site and then into either Kent's Green Lane or Newtons Lane could increase the likelihood of collisions.

- Although there have currently been no collisions recorded resulting in injury during the past 5 years in the vicinity of the site, consideration should be given to the whole length of Crewe Road through Haslington and Winterley, as there are locations that such collisions do occur. Specifically, assessments of the roundabouts at Crewe Green Road and Wheelock should be undertaken as these do experience noticeable collisions that can be assumed to increase with the number of vehicles.
- Access/egress to Swan Lake restaurant and takeaway is continuously busy, and to assume an entranceway to properties directly adjacent to this is dangerous, especially when many cars reverse out of the current site, and could give rise to increased collisions
- Heightened flood risk is likely given the additional pressure on clay based land of additional properties, and also increases risk to damaged habitats for the wildlife, flora and fauna of the area, all of which are apparent in Fowle Brooke and Winterley Pool. Current drainage is already unable to cope with water run off, consequently the accumulation of this, alongside any increase in wet weather would add to that risk
- The current catchment secondary provision schools of Sandbach School and Sandbach High School are already oversubscribed, (through data provided from Cheshire East School Admissions department) and remain so for the foreseeable future . These too will be exacerbated by the current developments underway in Ettiley Heath; Wheelock, and the recent planning overrule for Abbeyfields development, consequently these proposals would further exacerbate this situation, as no strategic plans are in place to provide for increased secondary educational growth on the current bus routes to the catchment schools. The solution of children attending out of area schools is unacceptable, unrealistic and unsustainable
- The primary admissions at both The Dingle and Haslington schools are currently oversubscribed by small numbers (3 and 1 respectively in 2012). However it is highly likely that the development of a wider selection of family sized properties will easily require primary education. With the recent approval alone of 44 properties in Vicarage Road, it can be assumed that the occupants would easily fill any vacant future spaces. No proposals have been put forward to resolve this position, and indeed the position requires far wider strategic, and long term consideration of need, as under consultation within the Local Plan Core Strategy process, and which outlines in its draft for no further development around the settlements of both Haslington and Winterley.
- Winterley is deemed as an unsustainable village by its lack of infrastructure around shops, education and services, therefore a collective range of proposals to build both this development and any of the additional proposal submissions currently underway cannot be considered sustainable development.
- The Pre-submission core strategy proposes a requirement for employment land allocated for "other settlements and rural areas" this application does not address this issue. Any new residential housing is likely to require employment opportunities for the new occupiers.

## **OTHER REPRESENTATIONS**

Letters of objection have been received from 85 local households raising the following points:

### Principal of development

- The site is within the open countryside
- The application has previously been refused
- Contrary to Local Plan Policies
- The development will urbanise Winterley
- The existing buildings should be retained on site

- The farm house should be considered for listed status
- The cumulative impact of developments in the village
- The development is out of scale compared to Winterley
- The size of the development is unsustainable
- Erosion of the green gap between Haslington and Winterley
- Impact upon the setting of Winterley Cottage a Grade II Listed Building
- Winterley is an unsustainable village
- All of the applications in Haslington/Winterley should be determined together
- The development is contrary to the local plan
- Speculative housing development
- The development is not commensurate to the size of Winterley
- Loss of agricultural land
- There are no jobs in the village
- This development together with the application at Kents Green Lane would increase Winterley by 19%
- The development is not essential and is contrary to the Local Plan
- The development is contrary to the NPPF
- Landscape impact
- Loss of green land
- There are many unsold homes in the area
- The development is contrary to the NPPF
- The three storey properties would be out of character
- Brownfield sites should be developed first
- Outside the settlement boundary for Winterley

#### Highways

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

- Increased traffic will make the traffic management measures through the village unmanageable
- Pedestrian/cyclist/horse rider safety

#### Green Issues

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

#### Infrastructure

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

#### Amenity Issues

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

#### Design issues

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

#### Other issues



- Loss of agricultural land
- Impact upon property value

## **APPLICANT'S SUPPORTING INFORMATION**

To support this application the application includes the following documents:

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

These documents are available to view on the application file.

## **OFFICER APPRAISAL**

### **Main Issues**

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, ecology, amenity, open space, drainage and flooding, sustainability and education.

### **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.

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.”*

Since the publication of the Housing Position Statement in February 2014 there have now been 5 principal appeal decisions (as of 1st August) which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land

supply position by supporting planned developments and utilising brownfield land wherever possible.

### Open Countryside Policy

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.

### **Landscape**

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

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

### **Location of the site**

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

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

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

The following amenities/facilities fail the standard:

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

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

### **Affordable Housing**

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

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

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

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

The proposal is for 45 No. dwellings, the supporting planning statement with the application states

there will be provision of 30% affordable housing contribution, with the exact details being provided at reserved matters stage.

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

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

## **Highways Implications**

### Access

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

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

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

### Traffic impact

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

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

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

It should be noted that the recent appeal decision at Land off Crewe Road, Haslington for 250 dwellings does not change this view of the Strategic Housing Manager.

### Public Transport

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

### Highways Conclusion

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

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

### **Amenity**

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

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

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

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

### **Air Quality**

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

### **Trees and Hedgerows**

#### Trees

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

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

### Hedgerows

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

### **Design**

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

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

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

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

### **Ecology**

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

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

### Hedgerows

Hedgerows are a biodiversity action plan priority habitat and hence a material consideration. As a result of the proposed development it appears likely that there would be some loss of hedgerows along the western boundary to provide access into the site. Any unavoidable loss of hedgerows

will be compensated for through the incorporation of new native species hedgerows into any finalised landscaping scheme produced for the site.

### Arable Field Margins

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

### Bats

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

### Breeding Birds

Conditions will be attached to safeguard breeding birds.

### **Public Open Space**

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

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

### **Agricultural Land Quality**

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

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

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



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

## **Education**

As part of the last application the Education Department stated that the proposed development would generate 8 primary school pupils and 6 secondary school pupils.

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

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

## **Flood Risk and Drainage**

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

The submitted FRA identifies the following:

- Flooding - The Environment Agency has stipulated that there are to be no off site surface water flood routes generated by the development during an enhanced 1 in 100 year storm.
- Site Surface Water Drainage – SUDS in the form of soakaways is considered to be a practical option
- Foul Water Drainage – Foul water will be discharged into the existing sewer located beneath Crewe Road subject to the agreement of United Utilities
- Off Site Impacts - All roofed and paved areas are to be drained into the site surface water drainage system. The design of the onsite surface water drainage system will ensure that no off site flood flows are generated by the proposed development in the 1% plus climate change event.
- Residual Impacts - With careful design of the drainage elements, there will be no residual flood related risk remaining after the development has been completed.

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

## **Health**

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

## **LEVY (CIL) REGULATIONS**

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

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

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

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

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

## **10. CONCLUSIONS**

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. The Council can now demonstrate a 5 year housing land supply and as a result the principle of development is not considered to be acceptable and the development would be contrary to Policy NE.2.

The proposed development would not adversely affect the visual character of the landscape, in this location.

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

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

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

The education department has confirmed that there are capacity issues within local schools and this issue will be mitigated through the use of a commuted sum secured as part of a S106 Agreement.

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

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable.

## **11. RECOMMENDATIONS**

**REFUSE for the following reasons:**

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.**

**In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**

**Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chair 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.**

**S106 Heads of Terms:**

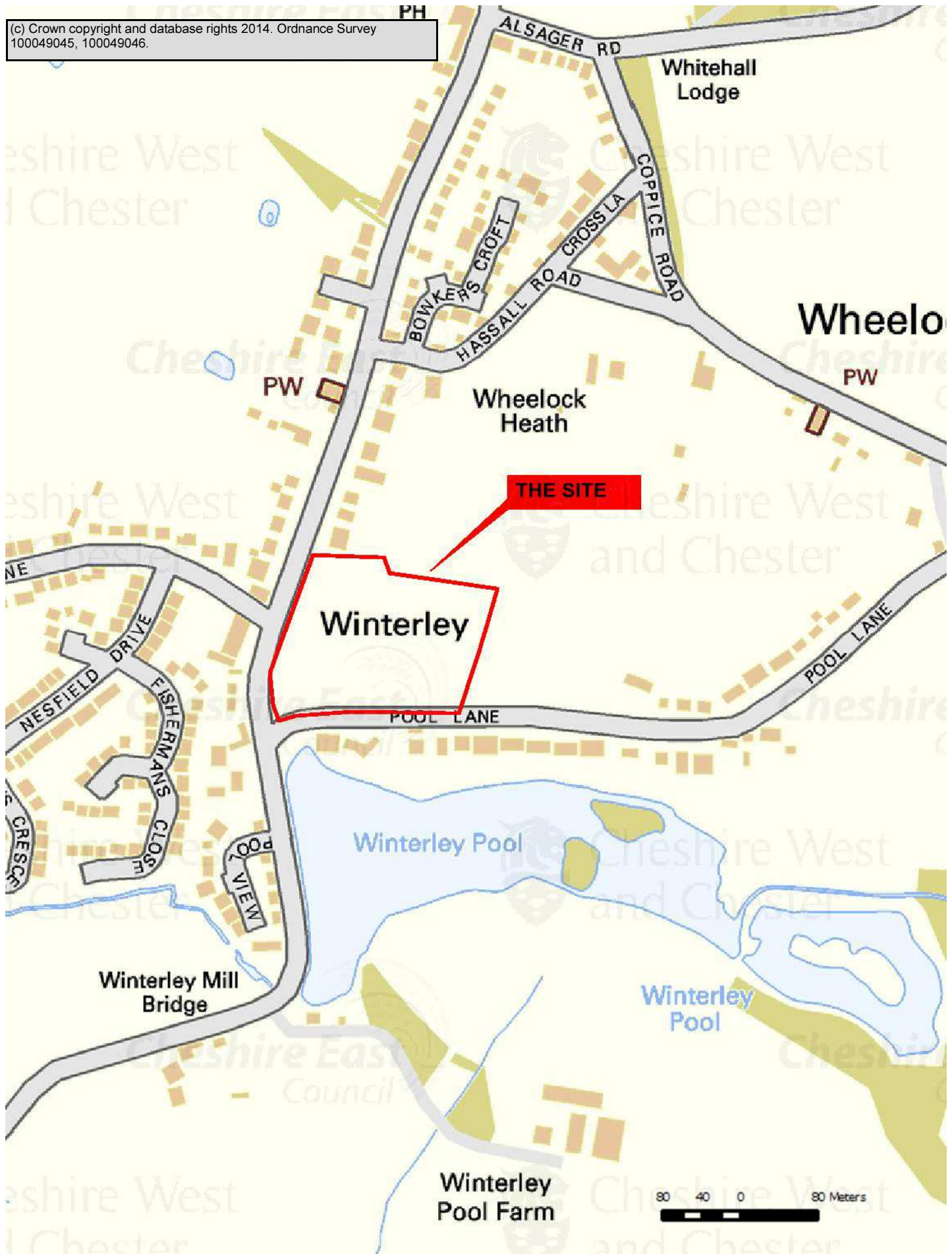
**1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:**

- The numbers, type, tenure and location on the site of the affordable housing provision**
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing**
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved**
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**

**2. Provision of POS and a LEAP (with a minimum of 6 pieces of equipment) and a scheme of management**

**3. A commuted payment of £96,544 will be required towards primary education and a contribution of £98,056 will be required towards secondary education.**

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Application No: 14/1242C

Location: FORMER ARCLID HOSPITAL SITE, NEWCASTLE ROAD, ARCLID

Proposal: Proposed housing development consisting of 83no 2 and 2.5 storey 1, 2, 3 & 4 bedroom semi detached/mews and detached dwellings

Applicant: Mr Stephen Miller, Morris Homes Limited

Expiry Date: 20-Jun-2014

**SUMMARY RECOMMENDATION**

- **APPROVE** subject to Section 106 Agreement and Conditions

**MAIN ISSUES**

Planning Policy  
Access  
Landscape  
Design/Layout  
Amenity

**REFERRAL**

This application is referred to Southern Planning Committee because it is a small scale major development and a departure from the Development Plan.

**SITE DESCRIPTION**

The site is that of the former Arclid Hospital that was demolished in the late 1990's. The site comprises approximately 3.4ha of previously developed land and is located to the north-east of the A534 / A50 junction, in the village of Arclid. It is adjacent to housing to the east, farmland to the south and ribbon of development fronting the A50 within the open countryside. The south west of the site is abutted by a restaurant and to the west side of the A50 is open countryside. A group of trees protected by a Tree Preservation Order (TPO) are located along the boundary with the A50. Arclid is a small settlement with only a petrol filling station/shop, a large agriculture engineering sales/workshop unit, a restaurant, small offices in a former chapel, and a council tip.

**DETAILS OF PROPOSAL**

This is a full application for the erection of 81 houses. Access would be taken off Newcastle Road (A50). Davenport Lane would be re-aligned to improve the safety of the junction with Spark Lane (A538).

## **RELEVANT PLANNING HISTORY**

### **Very extensive site history but most recent:-**

10/1575C – Extension to time limit: Development of 80 bed care home – Refused 19/08/10

## **PLANNING POLICIES**

### **National Guidance**

National Planning Policy Framework

### **Local Policy**

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
- SE 2 Efficient Use of Land
- SE 3 Biodiversity and Geodiversity
- SE 4 The Landscape
- SE 5 Trees, Hedgerows and Woodland
- SE 9 Energy Efficient Development
- SE 12 Pollution, Land Contamination and Land Instability
- PG 1 Overall Development Strategy
- PG 2 Settlement Hierarchy
- EG1 Economic Prosperity
- IN1 Infrastructure
- IN2 Developer Contributions

The relevant policies saved in the **Congleton Borough Local Plan First Review 2005** are:

- GR1 New Development
- GR2 Design
- GR3 Residential Development
- GR5 Landscaping
- GR6 Amenity and Health
- GR9 Accessibility, servicing and provision of parking
- GR14 Cycling Measures
- GR15 Pedestrian Measures
- GR17 Car parking
- GR18 Traffic Generation
- GR21 Flood Prevention
- GR 22 Open Space Provision
- NR1 Trees and Woodland



NR2 Statutory Sites (Wildlife and Nature Conservation)  
NR3 Habitats  
NR5 Habitats  
H2 Provision of New Housing Development  
H13 Affordable Housing and Low Cost Housing  
DP1 Employment Allocation

### **Other Material Policy 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

### **OBSERVATIONS OF CONSULTEES**

**Environment Agency:** No objections

**United Utilities:** Comment that it is the responsibility of the applicant to secure relationship to provide for the development.

**Environmental Health:** Recommend refusal on insufficient information in respect of air quality. Subject to satisfactory information being received would require conditions regarding piling, environmental management plan, and contamination.

**Jodrell Bank:** Have requested the incorporation of certain materials into the buildings to negate adverse electromagnetic issues.

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

**POS Officer:** No comments received at the time of writing this report.

**Highways:** Comment as follows:

- The access road into the site still does not have a footway on each side.
- Parking is difficult to assess and current authority standards require 3 car spaces for 4-bed dwellings in a rural area such as this.
- The flats are acceptable at 100% provision as they are one-bed units.
- The layout shows all of the carriageways to be of a width where two footways are required by design.
- There is no hierarchy to the proposed layout and pedestrians have no priority in any area of the proposed layout.
- The site does have strong merit with its treatment of Davenport Lane where the improvement – particularly to the junction with the A534 – will provide significant local betterment and benefit highway safety.
- The extra off-street parking for the existing residents looks adequate to at 16 spaces.
- The private drives to plots 6 & 83 require tracking for refuse vehicle.

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

Supports the application for housing on the former hospital site and the associated change of planning from commercial to residential and believe the proposed provision of gas and the improvements of the junction between Davenport Lane and the A534 (Spark Lane), the provision of the footpath and widening of Davenport Lane and the provision of the play area and green space are all positive improvements for the local area. They are concerned about proposed access on to Davenport Lane for 11 new properties and the position of the “pump station” for the foul sewage.

Although some parking space has been included in the application to “relocate” the vehicles currently using the area of Davenport Lane affected by the proposed new houses, the parking requirements of current residents (mainly from Heath Terrace), their visitors/delivery vehicles combined with the requirements of the new houses, their visitors and delivery vehicles is likely to exceed the parking availability (as currently used in the lane) particularly since a number of positions will be lost due to the driveways of the new houses.

Unless Cheshire East Highways and the developers can propose a solution to the above parking requirements which provides legal and safe on street and off road parking in that area and not displace the vehicles to cause impact elsewhere in the area then the council believes that the proposed access is inappropriate. It would impact the environment and potentially cause safety issues.

The Parish Council ask that the siting of the pump station be reconsidered to see if there is a better position. In its proposed position it is expected that the noise and visual aspect will impact current residents. Also the access required for maintenance vehicles and possibly for “sludge tankers” will cause further problems in Davenport Lane. The Parish Council feel that the “pump station” should be relocated to provide safer access and to avoid impact on residents.

## **OTHER REPRESENTATIONS**

A petition signed by over 50 people has been received which states that they are not opposed in principle to the development but seek a reduction in the amount of housing with concern with access and parking onto/on Davenport lane, and to secure adequate parking for the residents of Heath Terrace. Concern is also expressed in respect of the comments of the Parish Council, the siting of the pumphouse, loss of wildlife and school provision.

A further 19 letters have been received that are a mix of objection/observation/general support. To summarise the general principle of development has been accepted but concern is expressed again over:-

- Parking/traffic/access on Davenport Lane
- Position of pump station
- Inadequate parking for Heath Terrace
- Impact on wildlife and ecology and hedgerows
- Inadequate capacity in local schools

Certain technical aspects of development are welcomed particularly elements of the house design and introduction of a gas supply to the locality.

The letters are extensive and this is a summary. The full content can be viewed on the Council website.

#### **APPLICANT'S SUPPORTING INFORMATION:**

- Flood Risk Assessment
- Design and Access Statement
- Ecological Appraisal
- Transport Assessment
- Sustainability statement.
- Noise report
- Affordable housing statement

These documents are available to view on the application file.

#### **OFFICER APPRAISAL**

##### **Principle**

The site is within the settlement zone line of Arclid that is designated by policy PS6 as a settlement in the Open Countryside. It states that limited development in accordance with policy H6 will be permitted where it is appropriate to local character in terms of use, intensity, scale and appearance. This site has sustainability issues in terms of access to local shops and services but this must be balanced against the redevelopment of previously developed land and provision of new homes.

The National Planning Policy Framework states that one of its core principles is that planning should:

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

(This former hospital site was initially subject to a land allocation as an employment commitment in the Congleton Local Plan. However, this is not a saved policy.)

##### **Affordable Housing**

As this proposal is in a rural area that has a population of fewer than 3,000 and the site is larger than 0.2ha or has more than 3 dwellings on it there is a requirement for affordable housing to be provided as per the Interim Planning Statement: Affordable Housing (IPS). The site lies in the Arclid Parish close to the boundaries with Brereton and Smallwood Parishes as well as to Sandbach. Arclid is located in the Sandbach Rural sub-area in the Strategic Housing Market Assessment (SHMA) Update 2013. The SHMA Update identified a need for 12 new affordable units per year between 2013/14 and 2017/18 in the Sandbach Rural sub-

area, made up of a need for 13 x 1 bed, 2 x 2 beds, 3 x 4+ beds and 2 x 1 bed older persons units. The SHMA Update shows an oversupply of 3 beds.

In addition to this information there are also 2 applicants on the housing register who have selected Arclid as their first choice, both of which require 1 beds. A rural housing needs survey was carried out for Arcild Parish in January 2013. The results show a need for potentially 3 new affordable homes. Arclid is a small parish and the housing need of the parish is lower than the proposed delivery of affordable housing on this site. However, it is the view of the Strategic Housing Manager that a brownfield site such as this should provide affordable housing for neighbouring rural locations and the wider Sandbach Rural SHMA sub-area as there are limited opportunities to meet the identified need in rural areas.

Therefore there should be provision of 30% of the total dwellings as affordable, with 65% provided as social rent (affordable rent is also acceptable at this site) and 35% intermediate. This is the preferred tenure split identified in the SHMA 2010, SHMA Update 2013 and highlighted in the IPS. This equates to a requirement for 25 affordable dwellings on this site, with 16 provided as social or affordable rent and 9 provided as intermediate tenure.

The IPS requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%. Also, all the Affordable homes should be constructed in accordance with the Homes and Communities Agency's Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and therefore 'pepper-potted' and be tenure blind and also not be segregated in discrete or peripheral areas.

The application states that 15% (12 units) affordable housing will be provided on this site due to viability reasons. The Strategic Housing Officer has no objections to the reduced amount of affordable housing and location of the housing as long as the viability assessment is reasonable. An update will be provided in relation to the tenure of the affordable housing.

### **Access, parking and traffic**

The Highways Officer has commented on a number of issues that seem resolvable with minor changes to the proposed layout. This includes the provision of footpaths on both sides of the internal roads and clarification on the number of car parking spaces for each plot. The provision for Heath End Terrace is generous and the applicants are to be commended on this point. It is anticipated that amended plans would be in place by the date of the meeting.

#### Access

The principle access is provided off the A50/Newcastle Road and a ghost island is proposed in this location.

#### Parking

The Highways Officer has sought more information on the exact number of car parking spaces provided on site in comparison to the number of units. The outcome of this clarification will be reported as an update.

### Traffic generation

The Highways Officer has no objections in respect of traffic generation from the proposals.

### Public Transport

Bus Stops are located immediate to the site on Spark Lane and Newcastle Road and would be adequate to serve the development on journeys to North, South, East and West.

### **Layout and Design**

Houses are shown to the facing north east on to Davenport Lane and south east on to Newcastle Road. The main access roads are within the site, creating a permeable active frontage to all principle routes outside and within the development, whilst now, via amended plans, retaining the boundary hedgerow to the northwest.

Nearby development comprises a mixture of ages and architectural styles, ranging from modern suburban development to terraced cottages. There is ribbon development along Spark Lane and Newcastle Road. There is a mix in terms of materials with most dwellings being finished in simple red brick, and grey / brown slates / concrete / clay tiles.

The primary route along Davenport Lane creates a strong, active frontage. The secondary routes into and around the development would serve houses with a more informal building line and architecture and the tertiary routes are defined by predominantly detached houses. The proposed houses are two storeys high; the only single storey buildings are garages. It is considered that the proposed houses are appropriate in the existing context as they are not overly excessive in scale or mass in comparison to the surrounding buildings.

### **Amenity**

It is generally considered that in New Residential Developments, a distance of 21m between principal windows and 13m between a principal window and a flank elevation is required to maintain an adequate standard of privacy and amenity between residential properties.

The layout and design of the site demonstrates overall that 81 dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings to the rear. Distances are also respected to the houses on John Ford Way. However, the scheme falls substantially short of the recommended distances, on some plots, as little as 16m would be achieved between principal windows across an internal road. Nevertheless, the Local Planning Authority must be mindful of the need to make effective and efficient use of brownfield land in the consideration of planning applications, in order to ease pressure on Greenfield sites elsewhere in the Borough and if the minimum standards were to be achieved, it would not be possible to accommodate within the site the density of development which is currently proposed. Furthermore, modern urban design principles encourage the tightly defined streets and spaces, with parking to the rear to avoid car dominated frontages. The reduction of separation distances between front elevations helps to achieve these requirements

### **Landscape**

The Landscape Office considers that improvements are evident on the latest revised layout (revision F), some issues remain outstanding. Greater separation from retained Pine tree T21 to the west is recommended and plot 1 would be dominated by TPO trees. Also plots 78-81 are too close to crown of retained Lime trees. Poor social proximity would result in ongoing pressure on trees and increased separation recommended. Whilst the tree is shown retained in POS, on Plot 34 the mature Sycamore tree would totally dominate the garden and the tree would also influence the garden of plot 35. Character of tree is such that it is unsuitable for such a location. Should an acceptable layout be secured, conditions would be appropriate in respect of submission and approval of levels, tree and hedge protection scheme, an Arboricultural Method Statement statement to include details of any special construction measures and arboricultural supervision, and details of service routes.

Amendments have been requested on these issues and the outcome will be reported at the meeting.

### **Hedgerows**

The submission initially proposed a development beyond the fringes of the former employment allocation and thus the loss of the established hedgerow to the north west of the site. This was unacceptable as it would have both impinged on the open countryside and resulted in the loss of the hedgerow.

Consequently, the proposals have been revised to restrict the site cover to solely the previously developed land/former employment allocation and this is now acceptable. Plots 35 to 40 would look outwards towards the hedgerow and it is now incorporated as a feature.

### **Ecology**

The Nature Conservation Officer has commented that in order to assess the potential loss of habitats a further botanical survey be submitted of the semi-improved grassland habitats be undertaken and include a full botanical species list and DAFOR rating for each species recorded. It is possible that a great crested newt survey and assessment of a nearby pond and bat survey may need to be undertaken. The parameters are being discussed with Officers and the outcome will be reported as part of an update report.

### **Air Quality**

Insufficient information had initially been submitted with the application, in order to assess adequately the impact of the proposed development having regard to local air quality. However, this work has now been undertaken by the applicants and has been forwarded to the EHO for analysis.

### **Flood Risk/Drainage**

There are no outstanding issues and the Environment Agency has no objections.

### **Education**

The Education Officer has been consulted on the application and the comments in respect of educational provision will be reported as an update.

### **Public Open Space**

The POS officer has been consulted and the comments in respect of proposed provision will be reported as an update.

### **Viability and Section 106 Matters**

The developer has submitted a viability appraisal, undertaken by consultants DTZ, of the scheme. Under the provisions of the NPPF economic viability is an important material consideration. Paragraph 173 states:

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

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

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

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

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

Officers are considering the viability appraisal and will report on the conclusions once clarification is received in respect of education. The IPS on Affordable Housing requires development appraisals to be independently verified by an external valuation expert (cost to be borne by the applicant). Also the Local Plan Strategy Submission Version (March 2014) in SC 5, no.7 says the Council will commission an independent review of the viability study and the developer will bear the cost. This is being considered. Also, existing and emerging policy both require overage to be paid if the financial situation changes over the life of the development.

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

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

(a) necessary to make the development acceptable in planning terms;

- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

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

The development would result in increased demand for primary and secondary school places in the area. In order to increase capacity of the schools which would support the proposed development, a contribution towards school education may well be required. This would be considered to be necessary and fair and reasonable in relation to the development. If that is the case, and a figure duly agreed, the S106 recommendation would be compliant with the CIL Regulations 2010. An update in progress on the terms of the Section 106 will be reported to the meeting.

## **CONCLUSIONS**

The site lies within village settlement boundary, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The site is a vacant previously developed site which would be brought back into beneficial use. The proposal would also provide 81 units towards the Council's housing land supply, which will ease pressure on green field sites elsewhere within the Borough, notwithstanding the unsustainable location. It is also accepted that the proposal would not result in a detrimental impact on the supply of employment land or premises in the Borough.

There would be no adverse impact on residential amenity and it is considered that, subject to the use of appropriate materials the proposal represents a good design which respects the character and appearance of the area in which it is located can be achieved and as such it complies with policy GR2 of the Local Plan and the provisions of the NPPF in respect of design. Concerns regarding internal highway layout and the location of parking have been addressed through the submission of amended plans. Environmental Health matters of air quality, noise and contaminated land can be addressed through appropriate conditions.

The submitted viability appraisal is being scrutinised and it is considered that the developer has adequately demonstrated that this the affordable provision offered is acceptable. However, following the successful negotiation of a suitable Section 106 package, the proposed development may require further educational provision.

Concern has been raised by the highway, ecology landscape officers. These have been brought to the attention of the developer and a response was awaited at the time of report preparation. A further update will be provided on this issue to Members in due course.

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

## **RECOMMENDATION**

**Approve subject to a Section 106 to secure the following:**

**S106 Heads of Terms to be provided as part of an update report**

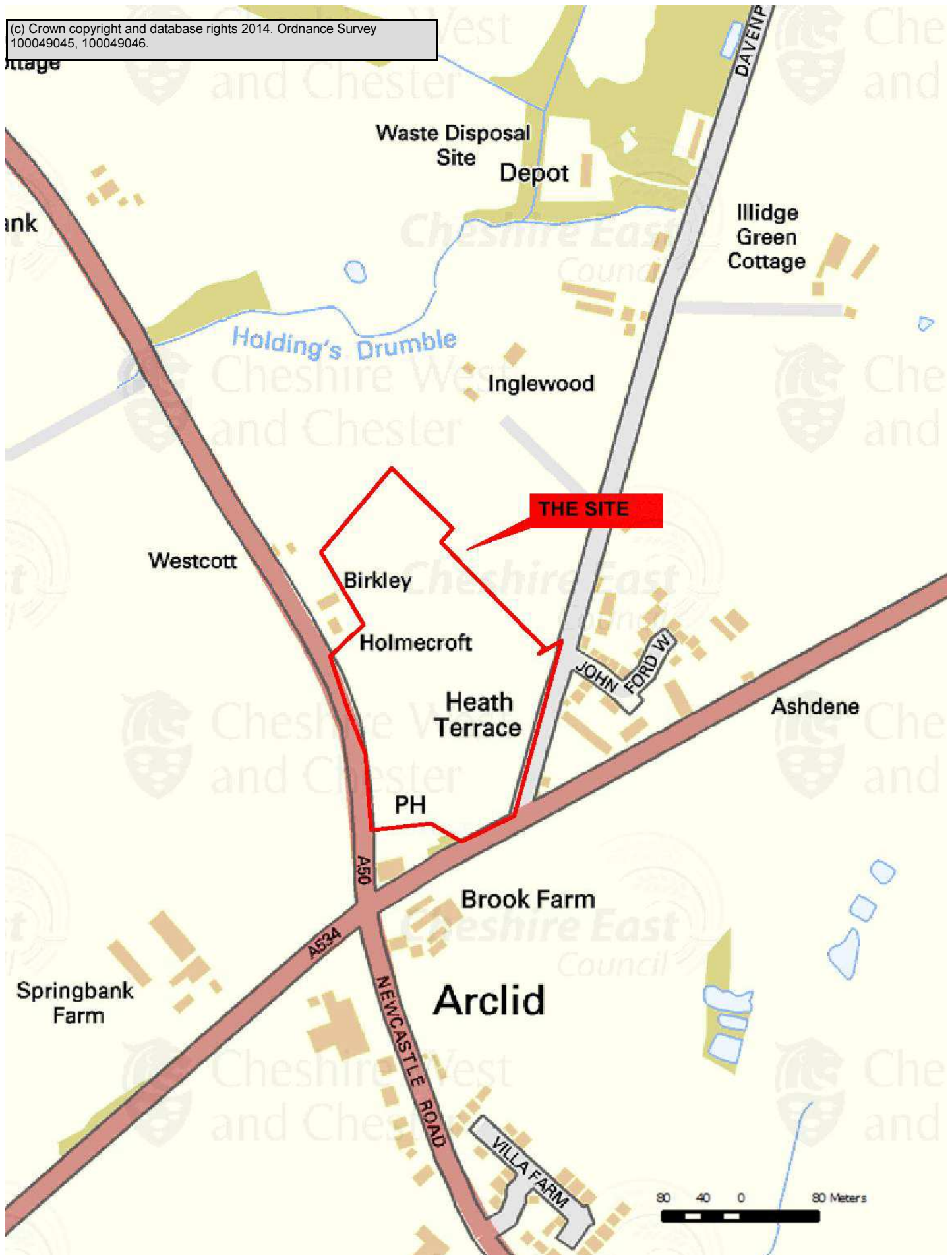


and the following conditions

1. Time
2. Materials to be submitted
3. Approved plans
4. Piling details to be provided
5. Environmental Management Plan
6. Levels to be submitted and approved
7. Landscape to be submitted and approved
8. Landscape implementation
9. Tree/Hedge Protection
10. Arboricultural Method Statement
11. Contamination details to be submitted and approved
12. Boundary Treatment Details to be submitted and approved

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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Application No: 14/3053N

Location: The Woodlands, Whitchurch Road, Aston, Nantwich, CW5 8DB

Proposal: Erection of 33 No. dwellings with associated garages, car parking, landscaping, means of access and site infrastructure, including construction of replacement garage of existing bungalow.

Applicant: Elan Homes Ltd

Expiry Date: 26-Sep-2014

#### **SUMMARY RECOMMENDATION**

##### **REFUSE**

##### **MAIN ISSUES**

##### **Impact of the development on:-**

**Principal of the Development**

**Housing Land Supply**

**Location of the Site**

**Landscape**

**Affordable Housing**

**Highway Implications**

**Amenity**

**Trees and Hedgerows**

**Design**

**Ecology**

**Public Open Space**

**Education**

**Flood Risk and Drainage**

**The Planning Balance**

#### **REASON FOR REFERRAL**

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

#### **DESCRIPTION OF SITE AND CONTEXT**

The site comprises 1.2ha of gently undulating undeveloped, unkempt open land located on land to the rear of the Woodlands and Greenways on Whitchurch Road in Aston.

The village of Aston has seen various phases of growth over many years, with the result that it has properties of a variety of ages and designs. It includes modern bungalows and houses as well as the older, original properties of the settlement. The village stands on the junction of the A530, Whitchurch Road, and Sheppenhall Lane/Wrenbury Road, although the majority of the village lies to the south of Whitchurch Road, including the more recent development on Sheppenhall Grove.

Existing residential development lies to the south of the site in Sheppenhall Grove. No connection into Sheppenhall Grove is intended via either car or pedestrian access. Aston Cricket Ground adjoins the Western boundary and the eastern boundary is open agricultural land. There is no evidence that the site has ever been used agriculturally.

## **DETAILS OF PROPOSAL**

This is a fully detailed application for a residential development of 33 dwellings with associated garages, car parking, open space/landscaping, access and site infrastructure and a replacement garage for the existing bungalow at the Woodlands.

The dwellings are two storey and comprise 10 semi detached and 23 detached units accessed via a single access via Whitchurch Road over part of the garden of an existing bungalow at the Woodlands. 670m<sup>2</sup> of open space are included in a central area of open amenity and play space

The site comprises part garden area to the side and rear of the Woodlands, the rear of Greenways and part unkempt open land.

## **RELEVANT HISTORY**

None of relevance

## **POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan policy**

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

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

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

### **Other Considerations**

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land

Cheshire East Development Strategy

Cheshire East SHLAA

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

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE3 – Biodiversity and Geodiversity

SE5 – Trees, Hedgerows and Woodland

SE 1 - Design

SE 2 - Efficient Use of Land

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 3 - Biodiversity and Geodiversity

SE 13 - Flood Risk and Water Management

SE 6 – Green Infrastructure

IN1 – Infrastructure

IN2 – Developer Contributions

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

**United Utilities:** No objection subject to conditions concerning foul water, surface water drainage and 6 metres access strip as a sewer easement. A public sewer crosses this site and we will not permit building over it. 3 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with UU - a lengthy lead in period may be required if a sewer diversion proves to be acceptable. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

**Strategic Highways Manager:** No objection subject to conditions. Conditions suggested in respect of speed reduction scheme in form of Vehicle Actuated Signage, provision of new footway on Whitchurch Rd

**Environment Agency:** No objection and no suggested conditions

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

**Natural England:** This application is in close proximity to the Sound Heath Site of Special Scientific Interest (SSSI). Satisfied that the application, if implemented in accordance with the details will not have any adverse impact upon this SSSI

Refer to Natural England standing advice in relation to protected species.

**Public Open Space:**

**Education:** No comments at time of writing report. Previously advised that contribution likely to be required for secondary education provision. To be reported via Update report

**Strategic Housing Manager:** No objection subject to the provision of 30% affordable housing in a 65:35 split.

**Sustrans:** Offer the following comments

- 1) Can this development make a contribution to traffic management measures on the A530 through Aston?
- 2) We would like to see travel planning set up with targets, monitoring and a sense of purpose.

## **VIEWS OF THE PARISH COUNCIL**

**Newall Parish Council:** Makes the following statement -

Does the application meet current National Planning Policy Guidelines?

Consideration must be given in order to sustain local services within the Parish in relation to Schools, Doctors, Sewers etc and a full review of such implications should be considered.

Concern was expressed over the A530 with regard to traffic, and it is requested that a full appraisal should be undertaken of current traffic levels. Further it was asked that access from this proposed site meets Highway recommendations.

If such an application is approved, its close proximity to the Cricket Club will have an impact on them, and as such the Parish Council request that a section 106 be implemented to provide some funding for their benefit.

The Parish Council request to be afforded the opportunity to speak at the Planning Meeting, and would be grateful if the Planning Office would inform the Parish Council of the date and time of such a meeting.

## **OTHER REPRESENTATIONS**

Letters of objection have been received from 58 local households raising the following points:

### **Principal of development**

Loss of open space and open countryside in a rural village  
Increase in population putting pressures on local services i.e. schools, doctors etc  
Potential significant loss of mature trees and green habitat  
Impact upon the cricket club

### **Highways**

Increased traffic generation  
Increased traffic within already dangerous road area, likelihood of serious injury/death of road users  
Whitchurch Road is on a red route and the 5th most dangerous in the County

### **Infrastructure**

Impact on drainage and other infrastructure  
Local infrastructure cannot cope with additional housing

### **Other Matters**

Aston Cricket Club and a number of their members have objected to the proposal on grounds of the potential impact on the Cricket Club by virtue of the introduction of residential properties on the Cricket Ground. They state that on average 8 cricket balls per week are hit into the application site as a result of their cricket use of the Ground adjacent and given that the cricket ground is already adjoining residential development to all other boundaries, this proposal will increase their insurance premiums. No Insurance Company will cover a "known" risk. We would be liable and could not take that risk. They are concerned that this will lead to the Cricket Club having to leave the area. Club is an asset to the local community in their view.

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

## **APPLICANT'S SUPPORTING INFORMATION**

To support this application the application includes the following documents:

- Design and Access Statement
- Planning Statement
- Statement of Community Involvement
- Air Quality Assessment
- Transport Statement
- Flood Risk Assessment
- Ecology Survey and Assessment
- Noise Assessment

- Energy Report
- Utilities Connection report
- Ground Investigations report

These documents are available to view on the application file.

## 9. OFFICER APPRAISAL

### Main Issues

The main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, design, ecology, amenity, open space, drainage and flooding, sustainability and education.

### 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.

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.”*

Since the publication of the Housing Position Statement in February 2014 there have now been 5 principal appeal decisions (as of 1st August) which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

#### Open Countryside Policy

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.

### **Sustainable Development**

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. In order to access services, it is unlikely that future residents and travel movement will be minimised and due to its location, the use of sustainable transport modes maximised.

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside.

In addressing sustainability, members should be mindful of the key principles of the National Planning Policy Framework. This highlights that the principal objective of the planning system is to contribute to sustainable development. As the Planning Minister states in his preamble:

“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.”

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

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to locational accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

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

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

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

- post box - 204m Wrenbury Road
- bus stop 130m
- Bhutfore Inn Wrenbury Rd Aston (965m)
- Local meeting place Church 1km Wrenbury Road
- Amenity Open Space (500m) – Provided on site

A failure to meet minimum standard (with a significant failure being greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m) exists in respect of the following:

- primary school – Wrenbury 1.9km
- playground / amenity area - 1.93 km Wrenbury Recreation Ground
- post office / bank / cash point - 1.9 km Wrenbury Rd
- pharmacy - 1.9 km Wrenbury
- Wrenbury railway Station 2092m
- shop – 1.9km Wrenbury Rd
- medical centre – 1.93km Wrenbury
- leisure facilities – 1.93 km Wrenbury Recreation Ground
- public park – 8.3 km Nantwich

Clearly, existing residents in the area would have to travel the same distance to most everyday services.

The principal bus service passing through the Whitchurch Road/Wrenbury Road junction is the service 72. This operates 6 services per day from Nantwich and 4/5 services per day from Whitchurch, Marbury and Wrenbury. There is a service linking the crossroads (Departs 08:05) to Nantwich (arrives 08:23) for the morning commute and in the evening there are services leaving Nantwich (16:35 and 17:35) and serving the crossroads (16:53 and 17:53). The service is infrequent as it is 2 hourly during the day during weekdays but does not run on Sundays.

A school bus service does operate for children to go to the secondary school. Whilst most services are in Wrenbury, the next village over, the bus service does serve the site and therefore in location terms this site must be regarded as being generally sustainable.

This view is considered to be consistent with two recent appeal decisions which were refused on sustainability grounds but allowed at appeal and considered sustainability in the context of the three strands of sustainability referred to in the NPPF:

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

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

There are, in addition, three dimensions to sustainable development -: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built

environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

These roles should not be undertaken in isolation, because they are mutually dependent. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development. The proposal would also generate Government funding through the New Homes bonus from the 33 units.

An Energy report has been submitted with the application. This concludes that required 10% reduction in energy use can be achieved by achieving Code Level 3 and the use of improved technologies eg shower water recovery systems in each dwelling.

No economic benefit analysis has been provided as part of the application, however, it is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services and as a result of the New Homes Bonus. Affordable housing is also a social benefit and the new residents would utilise medical and education facilities thereby sustaining the overall numbers within the catchment.

To conclude, the benefits include the provision of affordable housing and continuing housing delivery and the monies spent in the local economy, however, these benefits do not outweigh the harm caused by virtue of the loss of the open countryside in this area.

## **Landscape**

The site is a flat field enclosed by native hedgerows with some mature trees on and around the boundaries. The site sits behind and between existing residential properties with the cricket ground on the western boundary.

The rural character of the village is dominated to some extent by the large, conspicuous HJ Lea Oakes grain mill located nearby on the other side of Sandy Lane. The local road network appears to be heavily used by HGVs going between the A530 and the mill. Despite the rural location, this part of the village is not considered to have a particularly rural character due to the proximity to the A530 and the mill traffic.

The Council's Landscape Officer has made some comments about the detailed design of the landscape layout which require minor modification, however this is considered to be achievable by amending conditions.

On this basis it is considered that a layout can be accommodated on this site without adverse impact upon the landscape.

### **Affordable Housing**

The proposal is for 33 dwellings, therefore there is a requirement for 10 affordable units, with 6 to be provided as affordable/ social rented and 4 to be provided as intermediate tenure. The applicant in their Design and Access Statement is offering 10 no 2 and 3bd houses as affordable.

The site falls within the Audlem sub area for the purposes of the Strategic Housing Market Update (SHMA) 2013. This identified a net requirement for 22 affordable units per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 4x 1bd, 16x 3bd, 4x 4bd general needs units and 3x 2bd older persons accommodation. The SHMA showed an over-supply of 2 bed units.

In addition to this, information taken from Cheshire Homechoice shows there is currently one applicant who has selected the Newhall lettings area as their first choice, this applicant requires a 1 bed unit.

The IPS outlines that in order to ensure full integration with open-market homes the affordable units should not be segregated in discrete or peripheral areas and therefore should be pepper-potted within the development and that the affordable units will be provided not later than the sale or let of 50 % of the open market homes. The external design, comprising elevation, detail and materials should be compatible with open-market homes on the development.

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

The IPS states that: -

“The Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended) It also goes on to state

“In all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996”

It is the Council's preference that any affordable or social rented units are transferred to a Registered Provider of social housing to own and manage.

### **Highways Implications**

Policy BE3 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.

Paragraph 32 of the National Planning Policy framework states that:-

'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that any plans or decisions should take into account the following;

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

This is a fully detailed application with a single access point to Whitchurch Road.

Whitchurch Road is a red route and the Highways Manager is aware of the concerns expressed by neighbours with regard to the safety of the access onto Whitchurch Rd.

The key highways and transport issues associated with the application are as follows:

- 1) Achieving sufficient visibility from the site access road onto Wrenbury Road
- 1) Off-site Highway Impact
- 2) Ensuring accessibility by non-car modes
- 3) Appropriateness of highway network to access residential development

The applicant proposes that highway access to the site would be provided from Whitchurch Road via a new priority junction.

According to the Transport Statement, observed 85<sup>th</sup> percentile speeds (with wet weather adjustment) were 41mph in the northbound direction, and 42.3mph in the southbound direction. Based on Manual for Streets (MfS) calculations, such speeds would equate to required visibility splays of 68m to the left (towards northbound traffic) and 71m to the right (towards southbound traffic).

Drawing 1372 submitted with the application indicates that achievable visibility splays from the site access measured to the nearside kerb are 90m to the left and 58m to the right, as measured to the nearside kerblines. Therefore, visibility to the left can be achieved to above the required standard, while visibility to the right is 13m short of the required standard to the right, when measured to the nearside kerblines.

Drawing 1372 also indicates that additional visibility is likely to be achievable if the visibility splay were measured to the path of an oncoming vehicle, rather than to the kerblines. Furthermore, the applicant has proposed to make a financial contribution to cover the cost of a speed reduction scheme in the vicinity of the site entrance.

The Transport Statement provides the outputs of PICADY modelling at the proposed site access onto Whitchurch Road, and does not indicate any likely capacity issues associated with the new junction.

In light of the limited magnitude of difference between the achievable visibility and the ordinarily required visibility splay and the evidence presented regarding visibility into the path of an oncoming vehicle, the Strategic Highways Manager advises that he would not be minded to object to the proposals on the basis of visibility, subject to the applicant delivering a speed reduction scheme prior to first development. This could be achieved by condition

### **Off-Site Impact**

The Transport Statement quotes typical trip rates for a residential development in this location, which would be equivalent to between approximately 23 and 22 vehicles entering or leaving the site in the peak hours.

In the absence of significant capacity issues at junctions in the vicinity of the site, it is accepted that the traffic generated by the site is unlikely to have a significant adverse impact on off-site highway capacity.

### **Accessibility by Sustainable Modes**

The Transport Statement provides evidence of existing local services within a reasonable walking distance of the site, in addition to existing public transport services. However, pedestrian footways in the immediate vicinity of the site are presently limited.

Drawing 1372 indicates that footways would be provided on both sides of the proposed site access. On the south-western side of the proposed site access, the new footways into the site would connect to an existing footway on the south-western side of Whitchurch Road. On the north-eastern side of the proposed site access, the new footways would connect to new footways which would be provided by the applicant on the south-eastern side of Whitchurch Road.

The applicant must therefore provide new footways on Whitchurch Road between the proposed site access and, as a minimum, Will'O'Bee Cottage to the east, as shown in Drawing 1372.

### **Highways Layout**

A revised site layout has been provided which incorporates a central access road designed in closer accordance with Manual for Streets.

### **Amenity**

A key consideration of the development would be the impact it would have on neighbouring amenity in terms of privacy and overlooking.

The indicative layout suggests that the amenities of neighbours opposite can be adequately safeguarded, in line with the interface standards in the Local Plan.

Whilst this scheme itself is of a relatively small scale, and as such would not require a detailed air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

The cumulative impact of a number of developments in the area around Crewe and the AQMAs (regardless of their individual scale) has the potential to significantly increase traffic emissions and as such adversely affect local air quality for existing residents by virtue of additional road traffic emissions.



The Environmental Health Officer feels it 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 home charging of electric vehicles in new, modern properties.

The Environmental Health Officer has raised no objections to the development on air quality grounds subject to the use of conditions.

### Contaminated Land

The Environmental Health Officer has requested an informative in relation to land contamination.

### **Trees and Hedgerows**

#### Trees

There are trees and hedgerows present on the application site.

### **Design**

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

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

In this case the density of the site at circa 34 dwellings per hectare is appropriate and is consistent with that adjacent.

The cul-de-sac layout of houses would be broken-up by the use of differing varieties of house styles within the layout of the dwellings, parking is set mainly behind the building lines and within detached garages. Smaller semi-detached units are spread through the site. Building heights are limited to 2 storey development, which is considered to reflect the existing vernacular in Aston.

It is considered that the development would comply with Policy BE.2 (Design Standards) and the NPPF.

### **Ecology**

In this case Natural England advises that the proposed development is not likely to have an adverse impact upon the features for which the site was designated and they advise that an Appropriate Assessment under the Habitat Regulations is not required.

### Other Protected Species

The Councils Ecologist advises that in relation to the following :

#### Bats

No trees on site have been identified as having high potential to support roosting bats.

The proposed development is unlikely to have a significant adverse impact upon roosting bats. However, if planning consent is granted a condition is required to ensure any lighting scheme developed for the site as part of the detailed design stage for the site is agreed with the LPA prior to the commencement of development.

#### Great Crested Newts

The Councils Ecologist advises that this species is unlikely to be present or affected by the proposed development.

#### Hedgerows

Hedgerows are a UK and Local BAP priority habitat and a material consideration. There is likely to be loss of sections of hedgerow to facilitate site access road. There are however opportunities for suitable replacement hedgerows to be provided as part of the layout of the scheme. The Councils Ecologist recommends the provision of suitable replacement hedgerows be secured through an appropriate landscaping scheme.

#### Breeding Birds

The application site is likely to support a number of species of breeding birds including the more widespread priority species which are a material consideration for planning. If planning consent is granted the Councils Ecologist recommends the use of conditions to safeguard breeding birds.

### **Public Open Space**

Policy RT.3 of the Replacement Local Plan says that in new housing developments with more than 20 dwellings the provision of a minimum of 15sqm of shared recreational open space per dwelling will be sought. It goes on to say that where the development includes family dwellings an additional 20sqm of shared children's play space per family dwelling will be required as a minimum for the development as a whole, subject to various requirements.

The POS (670m) is located to a central part of the site and is overlooked by dwellings, aiding surveillance. The proposal should provide an equipped children's play area. The equipped play area needs to cater for younger children - 5 pieces of equipment. A ground-flush roundabout would be desirable, as these cater for less able-bodied children. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic.

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

A scheme of management for the POS and LEAP will need to be secured as part of a S106 Agreement if permission were to be granted.

### **Education**

There are 2 primary schools within a 2 mile radius – Sound & District Primary and Wrenbury Primary.

The catchment secondary school is Brine Leas.

There is sufficient capacity within the primary sector however Brine Leas school is over-subscribed therefore a secondary contribution will be required ( $4 \times 17959 \times 0.91 = £65,371$ ).

### **Flood Risk and Drainage**

A Flood Risk Assessment has been submitted as part of the application.

The advice of the Council's Flood Risk Manager is awaited and will be reported to Committee in an update report.

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

For the purposes of any appeal that may be submitted in the event this application is refused and in order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is now necessary for planning applications/appeals with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

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

As explained within the main report, POS and children's play space is a requirement of the Interim Planning Policy and Local Plan Policy RT.3. A scheme of management is required and is directly related to the development and is fair and reasonable.

The development would result in increased demand for school places in the Brine Leas catchment. In order to increase capacity of the school which would support the proposed development, a contribution towards secondary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

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

## **10. CONCLUSIONS**

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the Council can now demonstrate a five year housing land supply.

In terms of the highways impact of the proposal, subject to conditions the Strategic Highways Manager is satisfied that the proposal will not have any impact that would justify a refusal of planning permission.

In terms of Ecology there would be no ecological issues associated with this application.

The detailed design and layout of the site is considered to be in keeping with the existing mixed character of the area.

The education impact could be accommodated within local schools with a contribution to fund additional secondary education provision.

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

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable, however, this is one element of sustainability

The overall benefits of the proposal in terms of the affordable housing and continuing supply of housing to the housing supply chain and the economic contributions new housing would bring are considered to be insufficient to outweigh the harm that would be caused in terms of the impact on the loss of open countryside given the housing land supply position of the Council, in the absence of a need to develop the site in order to meet housing land supply requirements.

The proposal is not essential for the purposes of agriculture, forestry, outdoor recreation, works by statutory undertakers, or other uses appropriate to a rural area; and does not meet the exception of policy NE.2 (Open Countryside) which allows the infilling of a small gap with one or two dwellings in an otherwise built up frontage. The application site would amount to new dwellings within the open countryside. It is therefore considered that the proposed development would have a significantly adverse effect on the open countryside. The development is therefore contrary to Local Plan policies NE.2 (Open Countryside) and RES.5 (Housing in the Open Countryside) and the National Planning Policy Framework and is recommended for refusal accordingly.

As a material consideration the proposal is also contrary to Policy PG5 of the Submission Version of the Local Plan Strategy.

## 11. RECOMMENDATIONS

**REFUSE** for the following reasons:

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 (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.

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chair 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.

**S106 Heads of Terms:**

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

1. Provision of POS and 5 piece LEAP and a scheme of management.

2. Commuted Sum payment in lieu of secondary education provision £65,371

[illegible]

Application No: 14/3267N

Location: Land East of Rope Lane, Shavington, Crewe, Cheshire, CW2 5BL

Proposal: Construction of up to 53 dwellings including details of access

Applicant: Wainhnomes (North West) Ltd

Expiry Date: 17-Oct-2014

**SUMMARY RECOMMENDATION****REFUSE****MAIN ISSUES****Impact of the development on:-****Principal of the Development****Housing Land Supply****Green Gap****Location of the Site****Landscape****Affordable Housing****Highway Implications****Amenity****Trees and Hedgerows****Design****Ecology****Public Open Space****Education****Flood Risk and Drainage****REASON FOR REFERRAL**

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

**1. DESCRIPTION OF SITE AND CONTEXT**

The site comprises 3.13ha of gently undulating undeveloped agricultural land located on the north western edge of Shavington. The site is described as Phase 2 of a wider development by Wain Homes. Phase 1 was granted following the appeal decisions as part of applications 11/4549N and 13/1021N. Phase 1 lies directly to the south of this site and at the time of the case officer's site visit preparatory works were underway (e.g. the erection of the tree protective fencing).

The site is defined by the A500 to the north and west. A small tree lined brook runs along the eastern boundary with the land beyond in equine and agricultural use. The site is bound by existing hedgerows, some of which contain trees. In addition, there are two hedgerows which project into the site.

Existing residential development lies to the south of the site fronting Rope Lane, Vine Tree Avenue and Northfield Place. Further west lies Shavington high school and leisure centre and Rope Green Medical Centre.

## **2. DETAILS OF PROPOSAL**

This is an outline application for residential development of up to 53 dwellings with access to be determined at this stage.

The proposed development would be served via a single access point which would tie into Phase 1 to the south (Phase 1 is accessed via a single point of access onto Rope Lane).

The indicative plan shows that the development would mainly be located at the centre of the site with open space located to the north, east and west.

## **3. RELEVANT HISTORY**

14/1534N - Variation of condition 1 (plans) attached to planning application 13/1021N. Land off Rope Lane, Shavington, Crewe, Cheshire CW2 5DA Development proposed for the erection of up to 80 dwellings – Approved 20<sup>th</sup> May 2014

13/2299N - Approval of details of the appearance, landscaping, layout and scale as required by condition 1 attached to the outline planning permission 11/4549N – Refused 30<sup>th</sup> May 2013

13/1021N - Approval of details of the appearance, landscaping, layout and scale as required by condition 1 of 11/4549N attached to the outline planning permission – Appeal Against Non Determination – Appeal Allowed 22<sup>nd</sup> January 2014

11/4549N - Outline Planning Permission for Erection of Up to 80 Dwellings Including Details of Access Land – Refused 21<sup>st</sup> March 2012. Appeal Lodged. Appeal Allowed 28<sup>th</sup> November 2012

## **4. POLICIES**

### **National Policy**

National Planning Policy Framework

### **Local Plan policy**

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)



BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
RES.5 (Housing in the Open Countryside)  
RES.7 (Affordable Housing)  
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

### **Other Considerations**

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

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

PG2 – Settlement Hierarchy  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE3 – Biodiversity and Geodiversity  
SE5 – Trees, Hedgerows and Woodland  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 3 - Biodiversity and Geodiversity  
SE 13 - Flood Risk and Water Management  
SE 6 – Green Infrastructure  
IN1 – Infrastructure  
IN2 – Developer Contributions

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

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

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

- A public sewer crosses this site and UU will not permit building over it. UU will require an access strip width of eight metres, four metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.
- Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

**Strategic Highways Manager:** Object as no assessment of the cumulative impact of other approved development upon the local highways network.

**Environment Agency:** No objection. The proposed development will only meet the requirements of the National Planning Policy Framework (NPPF) if the following measures, as detailed in the Flood Risk Assessment (FRA) from Weetwood Services reference Rope Lane, Shavington (Phase 2) FRA Final Report v1.1 dated 5 June 2014, submitted with this application are implemented and secured by way of a planning condition on any planning permission.

The following conditions are required:

- The development permitted by this planning permission shall only be carried out in accordance with the approved FRA and the following mitigation measures detailed within the FRA:
  - Limiting the surface water run-off generated by the proposed development so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
  - Finished floor levels are set no lower than the relevant 1 in 100 years plus climate change fluvial flood level plus 600mm freeboard.
- Contaminated land.

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

**Public Rights of Way:** The Transport Assessment states that Rope Lane benefits from cycle lanes on both sides of the road at footway level, to the north of the site. However, these cycletracks do not link up with the proposed site access, as the adjacent development arrangements provide only a footway on the eastern side of Rope Lane. Efforts should be made to accommodate shared cycle/pedestrian use on these footways in order to link the proposed site access with the existing cycle facilities which offer connections towards Crewe, although available widths may limit this provision.

Further improved access to and from the site for cyclists would be the design of the western access footpath to accommodate both pedestrians and cyclists. This proposed route connects to the existing shared use pedestrian/cycleway alongside Rope Lane.

The legal status, specification and maintenance of the proposed paths within the public open space of the site would need the agreement of the Council as Highway Authority and the developer would be expected to include the future maintenance of any such routes within the arrangements for the management of the public open space.

The developer should be tasked to provide new residents with information about local walking and cycling routes for both leisure and travel purposes. Of particular reference, local aspirations logged under the Council's statutory Rights of Way Improvement Plan include the aim to produce information on walks in the parish (ROWIP Ref. W78) and to provide destination signage on all footpaths in the parish (ROWIP Ref. W79). The developer should be tasked to contribute towards these aims.

**Natural England:** This application is in close proximity to the Wybunbury Moss Site of Special Scientific Interest (SSSI). This SSSI forms part of the West Midlands Mosses SAC and Midland Meres & Mosses – Phase 1 Ramsar. Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which West Midlands Mosses SAC and Midland Meres & Mosses – Phase 1 Ramsar have been classified.

Refer to Natural England standing advice in relation to protected species.

**Public Open Space:** The proposal should provide an equipped children's play area. The equipped play area needs to cater for younger children - 5 pieces of equipment. A ground-flush roundabout would be desirable, as these cater for less able-bodied children. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic.

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

**Education:** Cheshire East has undertaken some expansion works at a number of schools in the area due to a shortage of places. This has in turn created some surplus capacity and therefore no contribution is required.

## 6. VIEWS OF THE PARISH COUNCIL

**Rope Parish Council:** Rope Parish Council objects to this application for the following reasons:

- The proposed site is within the green gap contrary to policy NE4. In the decision notice for the houses now being built, (Appeal Ref APP/R0660/A/12/2173294, Land at Rope Lane, Shavington, Crewe, Cheshire), the Inspector made the following statement:  
*'The appeal site lies within an indentation in the northern boundary of the settlement formed by a spur of residential development on Burlea Drive that extends up to the bridge on Rope Lane over the A500 and residential development at Northfield Place. Thus, in views from Rope Lane and the public footpath that runs from Rope Lane to Vine Tree Avenue whilst there would be a localised loss of openness, the development would not, overall, result in Shavington coming closer to Crewe or increase the visibility of the built-up edge of Crewe. In the above context, the development would not materially reduce the physical or perceived separation of Shavington and Crewe.'*
- The addition of these houses would change this and visibly reduce the green gap.
- The proposed site is open countryside contrary to policy NE2.

- The site is marked in the submitted local plan as 'Proposed Green Belt Broad Area of Search'.
- The proposed development will add more traffic to Rope Lane which is already congested at peak times. If it is to be approved then the developers should be required to contribute to the cost of the pedestrian crossing near the end of Bankfield Avenue to help students at Shavington High School cross the road. This project has been delayed due to lack of funding.

**Shavington Parish Council:** The Parish Council objects to the Wain Homes phase 2 planning application to construct a further 53 dwellings on land off Rope Lane Shavington. When the original application for 80 dwellings was made the Council made a detailed and robust argument against the intrusion into open countryside and the erosion of the green gap. This was supported by a large number of resident objections. This latest application for 'Phase 2' draws an equal strength of objection.

'Phase 2' is an extension of the existing development and on an adjacent site, and the Parish Council's objections are no different in respect of site specifics than for the original application. Whilst it appreciates that the local plan process has moved on significantly since the first application was made, the principal objections to this new application are the same as for the first application.

The Parish Council objection concludes as follows:

- The application site is clearly outside and beyond the current well defined local plan settlement boundaries of Crewe and Shavington.
- The proposed development is in conflict with the Countryside Protection policies NE2 Open Countryside and NE4 Green Gaps of the CNRLP.
- The development of this site will result in a significant change to, and have a major impact on, the character of the landscape within the Green Gap. It will certainly reduce both the extent of and erode the integrity of this open buffer between Crewe and Shavington and if granted permission will increase the pressure for development on sites within the Green Gap, a large number of which have been identified in the SHLAA. It will undermine the important role of the Gap.
- The site's release for development will make it more difficult to retain the essential separateness, identity and individuality which characterises the village of Shavington and which the local residents and the Parish Council have striven vigorously to protect.
- The IPP is in place and has been adopted by Cheshire East for Development Management purposes. This specifically excludes Shavington from its consideration and the requirement to provide sites to meet a 5 year housing supply. The Council has made no decision to review this document or widen the criteria for or location of sites which may be acceptable to meet the housing supply.
- The release of this site for housing will undermine the credibility of the LDF process and it is premature pending the any decision to review the extent of the Green Gaps in Cheshire East and to confirm the principal locations for new development through the LDF process.
- Granting planning permission would deny the local community the opportunity of determining its preferred choice of housing sites.
- Whilst it is conceded that there is not a 5 year supply of housing land available in Cheshire East, the extent of the undersupply is a matter of some conjecture between the Council and promoters of proposed housing sites. Nevertheless it is not considered that this is so significant a factor to outweigh the harm to other planning considerations.

## 7. OTHER REPRESENTATIONS

Letters of objection have been received from 14 local households raising the following points:

Principal of development

- Shavington is being bombarded by applications
- Erosion of the Green Gap
- The original scheme included a country park and children's play area which would be lost
- The first phase was allowed against the wishes of local residents
- Loss of the village feel of Shavington
- Loss of green land
- Cumulative impact of this and other approved developments
- The development does not accord with the Local Plan
- Phase 1 was a Trojan Horse to obtain planning permission on the whole site
- The arguments put forward by the Council at the appeal on Phase 1 still apply
- Loss of the country park
- There are no details of build rates or anticipated completions. This is needed to ensure that the development assists the 5 year supply
- Shavington is losing its identity
- Brownfield sites should be developed first
- Large number of houses up for sale in Shavington
- Loss of agricultural land
- The development will result in urban sprawl

Highways

- Local roads cannot cope with this increased population
- Rope Lane is too narrow
- Vehicles speed along Rope Lane up to 70mph
- Increased traffic generation
- Rope Lane already suffers from traffic congestion

Design issues

- The density of the development is too high
- Over development of the site

Infrastructure

- Drainage infrastructure problems exist in the area
- The site floods
- Increased flooding
- Lack of facilities in Shavington
- Local infrastructure cannot cope with additional housing
- Local schools are at capacity
- The Doctors Surgery is at capacity

Amenity Issues

- Noise pollution from the A500
- Residents will be blighted during the construction phase of the development
- Loss of privacy

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:

- Design and Access Statement (Produced by Emery)
- Air Quality Assessment (Produced by Stopford)
- Transport Statement (Produced by White Young Green)
- Flood Risk Assessment (produced by Weetwood)
- Ecology Survey and Assessment (Produced by Erap)
- Noise Assessment (Produced by Martec Environmental Consultants Ltd)

These documents are available to view on the application file.

## 9. OFFICER APPRAISAL

### Main Issues

The main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply, affordable housing, highway safety and traffic generation, contaminated land, air quality, noise impact, landscape impact, hedge and tree matters, design, ecology, amenity, open space, drainage and flooding, sustainability and education.

### 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.

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.”*

Since the publication of the Housing Position Statement in February 2014 there have now been 5 principal appeal decisions (as of 1st August) which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for “objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

Open Countryside Policy

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.

### **Green Gap**

Policy NE.4 of the Local Plan states that *“approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would either:*

- result in erosion of the physical gaps between built up areas or;*
- adversely affect the visual character of the landscape.*

*Exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available”*

A development of the scale proposed will clearly erode the physical gap between Shavington and Crewe. It is impossible to see how building 53 houses on an open site could do anything other.

At paragraph 14.2.5 of the Local Plan First Review Inspectors report it states that *“moving to the point of looking at the extent of the Green Gap land I believe that, in general, the Council is right to avoid the trap of looking in detail at the edges of the built-up areas. It would be too easy to allow those edges to be nibbled away, eroding the extent of the gaps, and through a cumulative process eventually negating their purpose”.*

It is acknowledged that the gap between Shavington and Crewe is substantial. The dwellings to the south of the site (including Phase 1) represent a line of development with the application site projecting into the gap, with views between properties. This is consistent with the appeal decision as part of Phase 1 where the Inspector finds that:

*‘The appeal site lies within an indentation in the northern boundary of the settlement formed by a spur of residential development on Burlea Drive that extends up to the bridge on Rope Lane over the A500 and residential development at Northfield Place. Thus, in views from Rope Lane and the public footpath that runs from Rope Lane to Vine Tree Avenue whilst there would be a localised loss of openness, the development would not, overall, result in Shavington coming closer to Crewe or increase the visibility of the built-up edge of Crewe. In the above context, the development would not materially reduce the physical or perceived separation of Shavington and Crewe’*



Furthermore, it is the fact that the edge of the built development steps in and out, which helps to create the perception of width to the gap in the areas where it is narrowest. To reduce the gap to its common denominator and to form a wall of development, along that line, would undoubtedly reduce its effectiveness. Had this been an acceptable or reasonable proposition, the boundaries of the gap could have been drawn in this way.

Other land within the Green Gap is also under pressure from development, just as it was at the time of previous Local Plan Inspectors report. An Appeal against non-determination of a scheme for 880 dwellings at land between Crewe Road, Rope Lane, Gresty Lane and the A500 is under consideration by the Inspectorate at the moment, along with a site at Church Lane, Wistaton. Planning consent was granted on appeal for the land off Rope Lane and recently at Moorfields whilst an Inquiry into refusal of planning permission for a proposed development at Weston Lane is part heard. The cumulative effect of these proposals, coupled with the Appeal scheme would be to gradually eradicate the Green Gap with piecemeal development proposals.

The position is simply that this land is protected against all development which would erode the gap. 53 dwellings would erode the gap and therefore the proposed development is not in accordance with the development plan.

### **Location of the site**

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

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

- Post office (1000m) – 480m
- Post Box (500m) – 480m
- Public House (1000m) – 320m
- Cash Point (1000m) – 595m
- Primary School (1000m) – 804m
- Local meeting place (1000m) – 643m
- Convenience Store (500m) – 480m
- Bus Stop (500m) – 320m
- Public Right of Way (500m) – 100m
- Secondary School (1000m) – 320m
- Medical Centre (1000m) - 700m
- Pharmacy (1000m) – 700m
- Children’s Play Space (500m) – Provided on site
- Leisure Centre (1000m) – 320m
- Outdoor Sports Facility (500m) – 320m
- Child Care Facility (nursery or crèche) (1000m) - 500m
- Amenity Open Space (500m) – Provided on site

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 4000m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Shavington, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless, this is not untypical for a sustainable village (Shavington is classed as a local service centre in the Cheshire East Local Plan Policy Principles document) and will be the same distances for the residential development on Newcastle Road from the application site. However, all of the services and amenities listed are accommodated within Shavington, Nantwich or Crewe and are accessible to the proposed development via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

## **Landscape**

The application site is roughly triangular and extends over two agricultural fields. The north western boundary is bound by the A500, the north eastern boundary by Swill Brook beyond which is a number of agricultural fields. The area directly to the south of the application site was granted permission for 80 houses at appeal, and is referred to in the application documents as Phase 1.

As part of the application a Landscape and Visual Appraisal has been submitted with reference to and using aspects of the guidance found within 'Guidelines for landscape and Visual Impact Assessment' 3<sup>rd</sup> Edition, this correctly identifies the baseline landscape of the application site and surrounding area, it also identifies a number of visual receptors in the surrounding area including the existing developments along Vinetree Avenue and Northfield Place to the south east. The Landscape Appraisal also identifies the National Landscape Character Area and the Cheshire Landscape Character Assessment, which identifies that the application site is located with the Lower farms and Woods character Type, and specifically within the LFW7 Barthomley Character Area.

The appraisal identifies that the value of the key existing landscape features is considered to be high and that the sensitivity of the landscape is also high and offers an assessment of effect on landscape features that is minor beneficial, and assessment of significance of landscape effect on the landscape character as minor adverse, for year 1.

The appraisal identifies that the proposed development will result in changes to views for a number of receptors, including those along Vinetree Avenue and Northfield Place and Chestnut Avenue as well as some road users and offers an overall anticipated significance of visual effect of minor adverse/negligible for year 1.

The Councils Landscape Architect considers that both the landscape and visual significance of effect will be greater than identified in the submitted appraisal, although not substantially so. The application site is located within the area designated as Green Gap under Policy NE.4 in the Crewe and Nantwich Replacement Local Plan 2011, this policy specifically states that approval will not be given for construction of new buildings or the change of use of existing buildings or land would:

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

Since the Landscape and Visual Appraisal indicates that there will be both a landscape and visual significance of effect, the proposals appear to be contrary to policy NE.4.

### **Affordable Housing**

This proposal is for 53 dwellings on a site that crosses the boundary of Rope and Shavington parishes. Shavington is a settlement which has a population exceeding 3,000. Rope is part of Crewe sub-areas for the purposes of the Strategic Housing Market Assessment Update 2013 (SHMA) and as such has a population exceeding 3,000.

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population exceeding 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size. It goes on to state that this will normally be 30% which is in line with the Strategic Housing Market Assessment 2010, with a tenure split of 65% social rent (affordable rent would be acceptable on this site) and 35% intermediate housing.

The SHMA Update 2013 identified a requirement for 270 new affordable homes between 2013/14 – 2017/18 in the Wybunbury & Shavington sub-area, which is made up of a requirement for 8 x 1 bed, 20 x 2 bed, 7 x 3 bed, 12 x 4+ bed and 1 x 1 bed older persons dwelling & 7 x 2+ older persons dwellings. The Crewe sub-area shows a need for 50 x 1 beds, 149 x 3 beds, 37 x 4+ beds and 12 x 1 bed & 20 x 2 bed older persons accommodation. (The SHMA shows an oversupply of 2 bed general needs accommodation in Crewe).

There are currently 50 applicants on the housing register with Cheshire Homechoice (which is the choice based lettings system for allocating social & affordable rented housing in Cheshire East) who have selected Shavington as their first choice, these applicants require 19 x 1 bed, 13 x 2 bed, 16 x 3 bed and 2 x 4 bed.

Rope does not have any identified need on Cheshire Homechoice as there is no social or affordable rented stock in the parish. Neighbouring areas of Wistaston, Willaston, Shavington and Crewe all show high numbers of applicants.

There is an affordable housing requirement of 30% of the total dwellings with 65% provided as affordable or social rented dwellings and 35% as intermediate tenure dwellings. The affordable housing requirement equates to 16 affordable dwellings of which 10 should be rented and 6 should be intermediate.

The Design, Access and Planning Statement states that the 16 affordable homes will all be houses. In this case the Strategic Housing Manager would welcome a discussion at reserved matters stage if this application is approved on other property types and sizes as the SHMA Update shows a broad range of housing need. Also, the Cheshire Homechoice information confirms that 1 bed units are in demand due to Welfare Reform changes to Housing Benefit regulations.

### **Highways Implications**

### Access

There is a planning approval for 80 units adjacent to this site and this proposal is effectively a further phase of development. The site access approved with access onto Rope Lane is to be used as access to this development and the proposed design that has already been accepted and is of a sufficient standard to serve a total development of 133 units.

### Traffic Generation

The applicant has submitted a Transport Statement in respect of a further development of 53 units without any highway capacity assessments in the assumption that as a development of 130 units was previously tested on the highway network then no further assessment is necessary.

The previous application was submitted in 2011 and since that submission there have been numerous planning applications approved in Shavington. There is also a major development proposal of 880 units at the Gresty Oaks site that is located adjacent to this proposal and is currently at appeal, this application has significant effects on the road network in the vicinity of the site. It is the Strategic Highways Managers view that there is a material difference in the operation of the local highway network in the vicinity of the site when all these developments are included and there needs to be an assessment made of cumulative traffic impact on the already congested junctions.

It was clearly intended that further development would come forward on the site and that 130 units were previously assessed in the original application. However, there has been no recognition in the Transport Statement of the committed development that has occurred in the local area of Shavington since the previous application was submitted. Therefore, it is important that the Council understands the impact of the development proposals and given the information submitted the Strategic Highways Manager is not in a position to provide a positive recommendation on the application at present. This issue will form a reason for refusal.

### **Amenity**

In terms of the surrounding residential properties, the existing properties affected are those to the opposite side of Phase 1. The indicative layout shows the proposed development can achieve adequate separation distances to the dwellings on Phase 1 and between dwellings on Phase 2.

### Noise

In support of this application the applicant has submitted a scheme of acoustic insulation with the application. The report recommends mitigation designed to ensure that occupants of the development are not adversely affected by road traffic noise from the adjacent A500. The mitigation recommended in the report based on the indicative layout is that:

- For Plots 14 to 27 inclusive Living rooms on the front facades should be provided with upgraded thermal glazing of the form 10mm glass, 12mm air gap, 6 mm glass and Passivent TVALdB 450 Window Frame Vents of similar and approved.
- The rear gardens of Plots 14 to 28 inclusive should be protected by a 2.5 m high acoustic grade fence.

The Environmental Health Officer has considered this report and stated that the mitigation is acceptable and should be implemented prior to the first occupation of the development.

### Air Quality

An air quality assessment has been submitted with this application and has considered the local impacts of the proposed development by using the DMRB screening method as agreed. No local verification of the model was possible due to the lack of monitoring locations near the site and it is not agreed that the modelled speed input used for the traffic on the A500 is considered a conservative estimate. In addition there is no consideration of the likely wider air quality impacts and, in particular, those in Crewe and the Nantwich Road Air Quality Management Area (AQMA) where verification would have been possible. Given that the predicted margin of compliance with the national air quality limit values in the locality and the likely small impact in the AQMAs the supporting AIR quality Assessment is considered to be acceptable.

Whilst this scheme itself is of a relatively small scale, and as such would not require a detailed air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

The cumulative impact of a number of developments in the area around Crewe and the AQMAs (regardless of their individual scale) has the potential to significantly increase traffic emissions and as such adversely affect local air quality for existing residents by virtue of additional road traffic emissions.

The transport 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 the Environmental Health Officer feels it 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 home charging of electric vehicles in new, modern properties.

The Environmental Health Officer has raised no objections to the development on air quality grounds subject to the use of conditions.

### Contaminated Land

The Environmental Health Officer has requested an informative in relation to land contamination.

## **Trees and Hedgerows**

### Trees

There are trees and hedgerows present on the application site. In this case the submission provides no detailed arboricultural information. On this basis the submission fails to meet

validation requirements or follow the guidance contained within BS 5837:2012 Trees in relation to design, demolition and construction.

However in this case the indicative layout shows that all of the existing trees would be retained. It is also considered that the site has the capacity to accommodate the number of dwellings proposed. Further arboricultural information would be required at the Reserved Matters stage.

### Hedgerows

Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan. The Regulations require assessment on various criteria including ecological and historic value.

The indicative plans suggest some sections of hedgerow would be removed to allow access. The Ecological Survey and Assessment contains an evaluation of hedgerows under the ecological criteria in the Hedgerow Regulations 1997. The survey concludes none of the hedgerows qualify as important under the ecological criteria. However there is no assessment of the hedgerows under the historic or landscape criteria. This lack of this information will form a reason for refusal.

### **Design**

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

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

In this case the density of the site at 16.9 dwellings per hectare is appropriate and is consistent with that of the surrounding area of Shavington.

The application is in outline form and the indicative layout shows that the development would be designed with the majority of the dwellings fronting the POS (Although there could be some improvements to the layout). There is no reason to dispute that an acceptable design and layout could not be negotiated at the Reserved Matters stage.

It is considered that the development would comply with Policy BE.2 (Design Standards) and the NPPF.

### **Ecology**

Wybunbury Moss SSSI, Ramsar (midland Meres and Mosses Phase 1), National Nature Reserve, Special Area of Conservation

The proposed development is located approximately 1.9km from Wybunbury Moss which holds a number of statutory designations for its nature Conservation value.

In this case Natural England advises that the proposed development is not likely to have an adverse impact upon the features for which the site was designated and they advise that an Appropriate Assessment under the Habitat Regulations is not required.

Under regulation 61 of the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant effects'. This assessment has been undertaken and concludes that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated, either alone or in combination with other plans or projects, on the Midland Meres and Mosses (phase one) Ramsar or West Midlands Mosses Special Area of Conservation (SAC).

### Other Protected Species

A number of disused setts have been recorded on and adjacent to the site. The submitted indicative layout plan shows appropriate buffer zones being provided between the setts and the proposed residential properties.

The Councils Ecologist advises that based upon the current status of the identified setts the proposed development is unlikely to have an adverse impact upon other protected species. However, as the status of this species can change within a short period of time it is recommended that if outline planning consent is granted a condition should be attached requiring any future reserved matters application to be supported by an updated survey and assessment.

### Bats

No trees on site have been identified as having high potential to support roosting bats. A number of trees have been identified as having lower levels of potential to support bats. These trees appear to be retained as part of the proposed development.

The Councils Ecologist advises that based on the submitted indicative layout the proposed development is unlikely to have a significant adverse impact upon roosting bats. However, if planning consent is granted a condition is required to ensure any lighting scheme developed for the site as part of the detailed design stage for the site is agreed with the LPA prior to the commencement of development.

### Swill Brook

Swill Brook runs along the eastern boundary of the site. The Councils Ecologist advises that if planning consent is granted a condition should be attached requiring the provision of an undeveloped buffer of 8m adjacent to Swill Brook. The buffer should be measured from the top of the bank of the brook.

To avoid any adverse impacts on the retained Swill Brook corridor it should be ensured at the detailed design stage that the proposed properties should face rather than back onto the brook corridor.

### Great Crested Newts

The Councils Ecologist advises that this species is unlikely to be present or affected by the proposed development.

### Hedgerows

Hedgerows are a UK and Local BAP priority habitat and a material consideration. There is likely to be loss of a number of sections of hedgerow to facilitate site access roads. There are however opportunities for suitable replacement hedgerows to be provided as part of the layout of the scheme. The Councils Ecologist recommends the provision of suitable replacement hedgerows at the detailed design stage be secured through an appropriate landscaping scheme.

### Breeding Birds

The application site is likely to support a number of species of breeding birds including the more widespread priority species which are a material consideration for planning. If planning consent is granted the Councils Ecologist recommends the use of conditions to safeguard breeding birds.

### **Public Open Space**

Policy RT.3 states that, where a development exceeds 20 dwellings, the Local Planning Authority will seek POS on site. The Policy does also state that where sufficient recreational open space is already available in close proximity, the LPA may require the developer to enhance that Open Space instead.

The approved plans for the reserved matters application to the south of the site identify that part of the current application site would be developed as a countryside park including a play area. The development as part of this application would result in the loss of the countryside park and play area in the approved position.

The POS and play area would be pushed further north towards the boundary with the A500 as identified on the indicative layout.

In terms of open space and in accordance with Policy RT.3 the proposed development together with phase 1 would result in a requirement of 4,620sq.m of POS. In this case the development would provide 12,500sq.m and would comply with Policy RT.3.

In terms of children's play space there would be provision on the application site and the Councils POS Officer has requested a LEAP with 5 pieces of equipment. This would be secured as part of a S106 Agreement.

A scheme of management for the POS and LEAP would be secured as part of a S106 Agreement.

### **Education**



In this case the Education Department have commenced works at a number of schools within the catchment of this site which will create surplus spaces. As a result the local schools have capacity to serve this proposed development.

### **Flood Risk and Drainage**

Part of the application site is located within Flood Zones 2 and 3 along the boundary with Swill Brook with the majority of the site located within Flood Zone 1. In support of this application a Flood Risk Assessment has been undertaken which recommends that:

- No development within the 1 in 100 year flood outline
- Finished floor levels to be set at a minimum of 600 mm above the adjacent 1 in 100 year plus climate change modelled water level or 0.15 m above adjacent ground levels, whichever is the greater
- No land raising within the 1 in 100 year plus climate change flood outline
- The detailed drainage design, developed in accordance with the principles set down in this FRA, should be submitted to and approved by the local planning authority prior to the commencement of development

This has been considered by the Environment Agency who have confirmed that they have no objection to the development providing that it is developed in accordance with the submitted FRA.

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

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

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

As explained within the main report, POS and children's play space is a requirement of the Interim Planning Policy and Local Plan Policy RT.3. A scheme of management is required and is directly related to the development and is fair and reasonable.

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

## **10. CONCLUSIONS**

The site is within the Open Countryside where under Policy NE.2 there is a presumption against new residential development. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the Council can now demonstrate a five year housing land supply.

The development would result in the erosion of the physical gaps between Crewe and Shavington and adversely affect the visual character of the landscape contrary to Policy NE.4.

In terms of the highways impact of this development there has been no cumulative assessment with the committed developments in Shavington upon the highway network.

The development would provide adequate affordable housing, Public Open Space and a LEAP on site.

There is not considered to be a significant tree impact, but there is insufficient information in relation to the hedgerows on the site.

In terms of Ecology there would be no ecological issues associated with this application.

In terms of the flood risk/drainage implications the development is considered to be acceptable.

The education impact could be accommodated within local schools without the need for a contribution.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and design 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.

## **11. RECOMMENDATIONS**

**REFUSE for the following reasons:**

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 (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. In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Shavington and Crewe and would adversely affect the visual character of the landscape which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.**

3. Insufficient information has been submitted with the application to determine if the proposal would involve the removal of an “important” hedgerow as defined in the Hedgerow Regulations 1997. As the Local Planning Authority can demonstrate a 5 year supply of housing land there are overriding reasons for allowing the development. Therefore the scheme is contrary to Policy NE.5 OF THE Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.
4. Insufficient information has been submitted to demonstrate that this development together with other committed development in Shavington would not have a severe impact upon the local highway network. As a result the proposed development would be contrary to Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the NPPF.

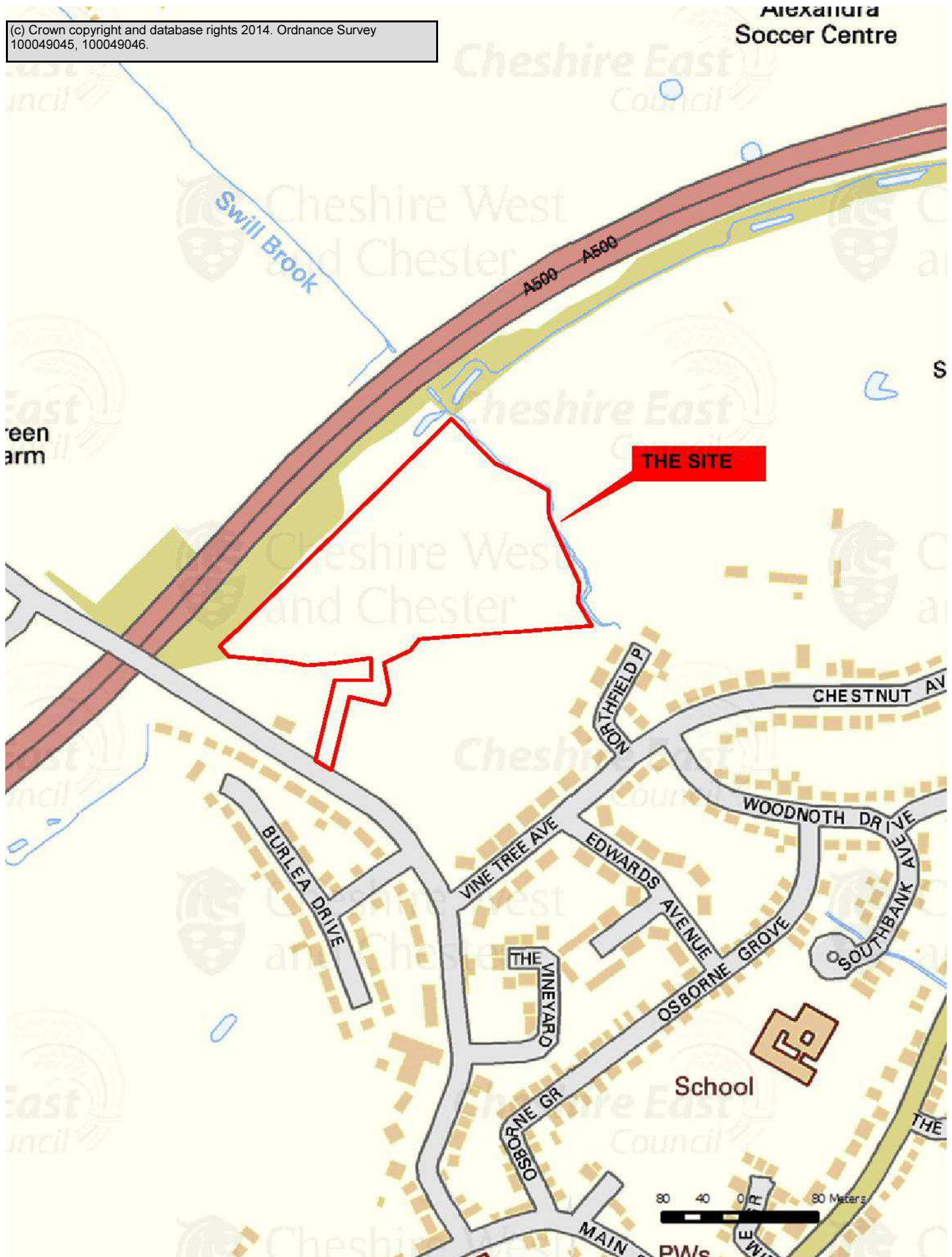
In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chair 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.

#### **S106 Heads of Terms:**

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
  - The numbers, type, tenure and location on the site of the affordable housing provision
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of POS and a LEAP with 5 pieces of equipment and a scheme of management.

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Application No: 14/3440N

Location: 19, SHAKESPEARE DRIVE, CREWE, CW1 5HX

Proposal: New build attached single storey dwelling (re-sub of refused planning application 14/2114N)

Applicant: Mr Ken Bailey

Expiry Date: 10-Sep-2014

**SUMMARY RECOMMENDATION**

Approve

**MAIN ISSUES**

Principle  
Design and character of the area  
Amenity  
Highway Issues

**REASON FOR REFERRAL**

The application has been called-in to Southern Planning Committee by Cllr Thorley for the following reason;

"I wish to object to the above planning application on the following grounds:

1. This is town cramming.
1. BE.1 Amenity.
2. Detrimental highway issues with regard to residents of Elliot Close"

This application was deferred at the last Committee pending the views of the Brine Board being reported.

**DESCRIPTION OF SITE AND CONTEXT**

The application site is comprised of the side garden to No.19 Shakespeare Drive within the Crewe Settlement Boundary.

**DETAILS OF PROPOSAL**

The application seeks planning permission for the erection of a bungalow within the site. Access would be taken from Shakespeare Drive, whilst access to the existing dwelling would be taken from Eliot Close.

The previous application on site was refused for the following reasons;

*“The proposal would by reason of scale, form and design result in a cramped and intrusive form of development out of keeping with the character of the existing properties in the immediate vicinity of the site”*

## **RELEVANT HISTORY**

14/2114N      New build detached single storey dwelling  
Refused 24/6/2014.

## **POLICIES**

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

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

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

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

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

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

SD1    Sustainable Development in Cheshire East  
SD2    Sustainable Development Principles  
SE1    Design

SE2 Efficient Use of Land

### **Local Plan Policy**

Crewe and Nantwich Replacement Local Plan 2011

BE.1	Amenity
BE.2	Design Standards
BE.3	Access and Parking
BE.4	Drainage, Utilities and Resources

### **Other Material Considerations**

National Planning Policy Framework  
SPD: Development on Backland and Gardens

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

**Highways:** No objections

**Cheshire Brine Board:** No objections and request a condition for raft foundations.

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

Crewe Town Council: No comments received

### **OTHER REPRESENTATIONS**

Three letters of objection have been received to date, a summary of the objections is provided below. The full documents can be viewed on file.

- Impact upon character of the area
- Unsafe access
- Noise and congestion caused by the development
- Impact on existing parking in the area
- Existing tree within the site has already been removed
- Neighbours daughter would be unable to park adjacent to her elderly parents property
- Would remove turning point from the existing street (Elliot Close)

### **OFFICER APPRAISAL**

#### **Principle of Development**

The site lies within the settlement boundary line of Wistaston, and therefore the principle of housing is acceptable subject to other considerations such as highways, visual impact, and the amenity of nearby residents.

Local Plan policy RES.4 states that housing within the settlement boundary of Crewe is accepted, subject to being in keeping with the area, and not conflicting with policies BE.1 – BE.4.

### **Siting, Design & Impact upon Character of the Area**

Policies BE.2 and RES.11 seek to ensure that the design of proposed extensions are in keeping with the character of the area, respecting the setting, design, scale form and materials of the existing dwelling whilst respecting the character and form of its surroundings not adversely affecting the streetscene.

Shakespeare Drive is typified by brick built semi-detached & detached bungalow properties with garages set within decent sized plots. The application site forms the side garden space of No.19 and can be viewed from Eliot Close.

The proposal seeks planning permission for a semi-detached bungalow with a footprint of 68sqm. The proposed bungalow would attach to the existing detached bungalow and would front onto Shakespeare Drive, with access provided for two vehicles to the front of the site.

The application site is in a prominent corner location of Sydney Road and Shakespeare Drive. The bungalow would be small in scale, but relatively traditional in design and the proposal mirrors the frontage design of the existing bungalow on site.

The proposal seeks to address the reasons for refusing the previous application for a detached bungalow on site.

This has been accomplished by reducing the footprint from 78 sqm (as previously refused) to 68sqm as currently proposed. By virtue of this reduction, it is considered that the proposed semi-detached bungalow would sit comfortably within the site, and would mirror the character, scale and design of the existing property, No.19.

This development would not appear cramped in relation to the site and wider street scene, therefore there would not be an adverse impact upon the wider character of the area. The street also contains a number of other semi-detached properties, therefore matching the existing character of the area.

The Council's Development on Backland and Gardens SPD states;

*'understanding and respecting the character and context of the surrounding area is very important; a development which looks out of place and doesn't respect the positive characteristics of immediate surroundings will not be permitted. Although new development should have its own sense of identity this should not be at the cost of the surrounding built environment'*



It is considered that the proposal achieves this requirement, thus addressing the reasons for the previous refusal on site.

The proposal is considered to comply with policy BE.2 within the Local Plan and advice within the Council's SPD.

### **Residential Amenity**

Policy BE.1 seeks to ensure that the amenities of neighbouring properties are protected from development.

The proposed bungalow would be sited with sufficient spacing between the dwelling and neighbours in order to prevent any adverse impact upon space, light and in terms of being overbearing.

The proposal includes windows to the front and rear elevations of the bungalow, the windows would not result in any overlooking or loss of privacy to any neighbouring dwelling.

The Council's Development on Backland and Gardens SPD requires a minimum of 50m<sup>2</sup> private amenity space for new dwellings. The layout plan suggests that the proposed dwelling would have a rear garden of approximately 56sqm therefore complying with the guidance. No.19 would lose some of the rear garden space to the proposed parking and access from Eliot Close, however a front garden of approximately 50sqm would be retained, which is considered to be acceptable in this instance.

### **Highways**

The proposed dwelling would benefit from the existing parking area serving no. 19, which is accessed off Shakespeare Drive. The existing dwelling, no. 19, would be served via a new driveway and parking area to the rear which would be accessed off the head of Eliot Close, a residential cul-de-sac.

Eliot Close is a standard width estate road and has two footways. All of the properties have off road parking for two cars. Whilst on-street parking could cause some obstruction this can be an issue on any residential road and is a matter for the Police to enforce and is not a material planning consideration. As such, a refusal could not be sustained on this matter.

The proposed parking space for no. 19 has already been formed in gravel with a new opening made. The SHM has confirmed that the opening that has been formed is not wide enough to allow two cars to enter/leave without manoeuvring both vehicles; however there is clearly enough frontage for this to be adjusted. As such, it is recommended that this could be secured by condition. The proposal is therefore found to be acceptable with regard to highways and parking

### **Other Matters**

The objections received have also referred to impact upon trees within the site, however none of the trees are held under TPO and as such could be removed at any time without consent. Landscaping conditions can also be imposed to require replacement planting.

With regard to the Brine Board request for raft foundations, this is matter that is fully covered under building regulations. It is not the function of the Town and Country Planning Act to replicate other statutory functions and on this basis any such condition is unnecessary.

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

The proposal is considered to be of acceptable design, and would have an acceptable impact upon the character of the area. The development would not adversely affect the amenities of neighbouring dwellings, or the existing highway. The proposal would comply with relevant policies within the Crewe and Nantwich Local Plan, Supplementary Guidance and emerging Core Strategy. As such, the application is recommended for approval.

### **APPROVE subject to the following conditions:**

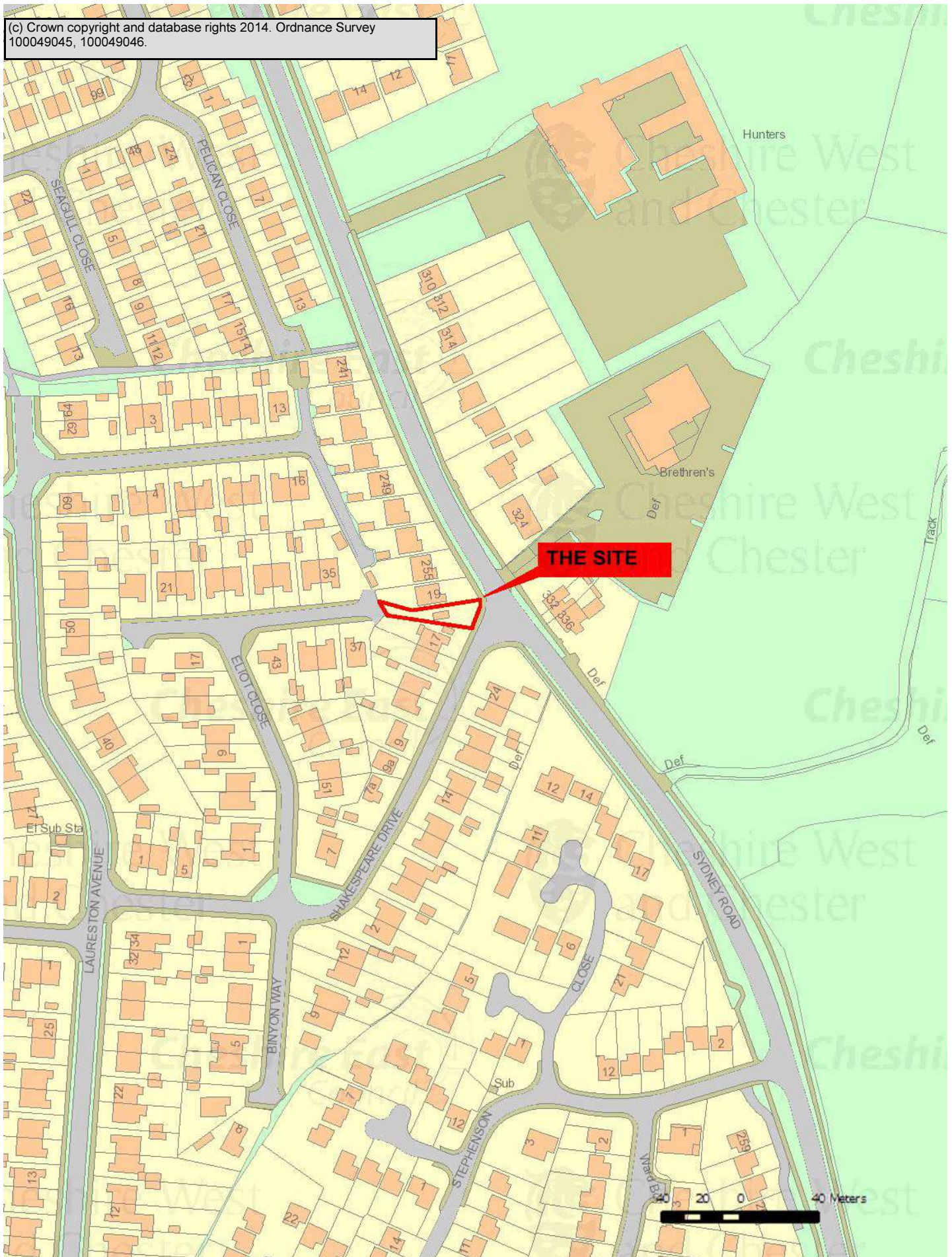
- 1) Time Limit
- 2) Approved plans
- 3) Materials to be submitted
- 4) Submission of landscaping scheme
- 5) Implementation of landscaping scheme
- 6) Submission of boundary treatment

Application for Full Planning

### **RECOMMENDATION:**

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A01LS - Landscaping - submission of details
4. A04LS - Landscaping (implementation)
5. A12LS - Landscaping to include details of boundary treatment

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Application No: 13/4608N

Location: Forestry Tracks Peckforton Woods, Tarporley, Cheshire

Proposal: This retrospective application covers the proposed change of use of woodland tracks from forestry use to include use by 4x4 off-road experience in Peckforton Woods, Peckforton, Tarporley, Cheshire Hill Lane due south to the quarry.

Applicant: Mr Chris Naylor, Majorstage Ltd

Expiry Date: 27-Dec-2013

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Site history;
- Principle of development;
- Ecology;
- Landscape;
- Amenity; and
- Trees.

**REFERRAL**

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

*'Desecration of historical woodland and area of outstanding beauty'*

**SITE DESCRIPTION AND DETAILS OF PROPOSAL**

This is a retrospective application for change of use of woodland tracks from forestry use to include use by 4x4 off-road experience in Peckforton Woods, Peckforton, Tarporley, Cheshire Hill Lane due south to the quarry.

**PREVIOUS RELEVANT DECISIONS**

No previous site history

**PLANNING POLICIES**

**National Policy**

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

National Planning Policy Framework

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

SD2 Sustainable Development Principles

SE1 Design

PG5 Open Countryside

SC1 Leisure and Recreation

SC2 Outdoor Sports Facilities

The policies from the **Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP)** are:

BE.1 (Amenity)

BE.2 (Design Standards)

NE.2 (Open Countryside)

RT.1 (Recreation and Tourism)

RT.6 (Recreational Uses in the Open Countryside)

RT.9 (Footpaths and Bridleways)

RT.16 (Noise Generating Sports)

NE.2 (Open Countryside)

NE.3 (Areas of Special County Value)

NE.5 (Nature Conservation and Habitats)

NE.7 (Sites of National Importance for Nature Conservation)

NE.9 (Protected Species)

**OBSERVATIONS OF CONSULTEES**

**PROW:** No objections subject to standard condition

**Natural England:** No objection

**Landscape:** No objections

**Forestry:** No objections

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

No comments received

**OTHER REPRESENTATIONS:**

No representations received

**APPLICANT'S SUPPORTING INFORMATION:**



## Design and Access Statement

### OFFICER APPRAISAL

#### Site History

According to the applicants Design and Access Statement commercial recreational four-wheel drive vehicle (4x4) driving is an activity that has been undertaken from Peckforton Castle since 2006. Between 2006 and 2012, the service was operated from Peckforton Castle by Land Rover directly. During that period, the 4x4 vehicles travelled along existing forestry tracks in the Peckforton Estate woodland to access the former quarry (the subject of a separate planning application) in order to drive over basic obstacles.

In 2012 Land Rover sold the franchise to the owners of Peckforton Castle (Majorstage Ltd) who continued to operate the business from its administrative base in the Grainstore tower in Peckforton Castle. Currently, upon leaving the castle, the 4x4 vehicles continue to travel along various existing forestry tracks in the Peckforton Estate to reach the former quarry. No physical development has occurred along these tracks as they are used as a means of access to the quarry only.

In March 2013 Cheshire East planning authority inspected the facility and advised that the development that had taken place required retrospective planning permission for the change of use of the quarry to commercial activity (ie the recreational 4x4 driving) that does not relate to quarrying or forestry. Subsequent conversations regarding the existing surrounding forestry tracks themselves established that they also required a change of use application as the LPA considered they were being used for uses and activities other than forestry (ie the recreational 4x4 driving). It is on this basis that the application has been submitted.

#### Principle of development

The site is located within the Open Countryside. Policy NE.2 (Open Countryside) allows for appropriate uses to rural areas whilst NE.13 (Rural Diversification) allows for schemes which assist in rural diversification. The NPPF aims to promote the development and diversification of rural businesses. In particular, paragraph 28 states *'Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development'*. Furthermore, Paragraph 73 of the NPPF states that *'Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well being of communities'*. According to Policy RT.6 (Recreational Uses in the Open Countryside) states that development should not harm the character and appearance of the open countryside. Overall, it is considered that principle of the proposal is broadly in accord with the policies stipulated in the Local Plan and the NPPF. Consequently, the main issues within the proposal are whether the development results in significant harm to the character and appearance of the Open Countryside, ASCV, protected sites and species, amenity of neighbouring residents, and highway safety.

#### Ecology

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

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and

- a licensing system administered by Natural England.

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

The Councils ecologist has been consulted and stipulates that ‘This retrospective development is located within and adjacent to the Peckforton Woods Site of Biological importance (SBI) the Peckforton Hill and Bulkeley Hill SBI and Peckforton Woods Site of Special Scientific Interest (SSSI).

The proposed development takes place on the existing forestry access tracks and does not appear to have resulted in any significant loss of habitat or had a significant impact upon either the SBI or the SSSI. The Councils ecologist has raised no other concerns and as such it is considered that the proposal is in accordance with policies NE.5 (Nature Conservation and Habitats), NE.7 (Sites of National Importance for Nature Conservation) and NE.9 (Protected Species).

## **Landscape**

As previously stated this is a retrospective application which is located wholly within the open countryside and needs to be assessed against policy NE.2 which seeks to restrict new development within the open countryside. Policy NE.3 stipulates additional protection is required in Areas of Special County Value and any development will therefore need to be of a high standard consistent with the quality of the area, and wherever possible enhance this further.

The dramatic landform of the sandstone ridge with its woodland cover is widely visible from the surrounding Cheshire Plain and is a local landmark. Panoramic views can be obtained from the ridge line and popular trails and footpaths in the area provide extensive recreational amenity. The wooded ridge is an important feature of this ASCV that should be protected. The



woodland, understood to be owned by Peckforton Estates, comprises a mixture of coniferous and deciduous trees.

Some sections of the forestry tracks cross public rights of way and others can be viewed at a distance from public rights of way. Part of the route utilises a section of Hill Lane which is both a public footpath and a permissive bridleway. Vehicles using these tracks will be visible and audible. Distant views will be clearer in the winter months when the deciduous vegetation is not in leaf. The vehicles currently employed are white and readily identified.

Whilst the forestry tracks could legitimately be used for forestry operations at any time, in practice within a managed woodland, the timing of forestry operations will be limited to key periods such as planting, extraction and ongoing management. The proposals subject of this application indicate a use of up to 10 trips per day throughout the year with a maximum speed of 10mph. The current operation appears to be strictly controlled and operated and whilst there are some associated visual impacts and impacts on the peace and tranquillity of the area, at present these are judged to be limited.

It should be noted that any future forestry operations resulting in tree clearance could increase visibility of the operations, at least until replacement planting established. Further, without appropriate control there is the potential for the management of the 4x4 operation to change, the number of vehicles and intensity of use to be increased, and the type of use expanded, say to allow private vehicles to use the site. It is anticipated that intensification of use could be perceived as harmful to the ASCV and the recreational enjoyment of the ASCV by users of public rights of way in the area and consequently this will be controlled by conditions.

### **Amenity**

It is noted that there are a number of residential properties located around the track at very sporadic intervals. It is considered given the relative low key nature of the proposal the impact on residential amenity will be minimal and as such the proposal is in accord with policy BE.1 (Amenity).

### **Trees**

Policy NE.5 (Nature Conservation and Habitats) states that the LPA will protect, conserve and enhance the natural conservation resource. The policy goes on to stipulate in the justification 'Landscape features can be important individually, as well as helping to enrich the character of the landscape. The Councils Landscape Officer has been consulted and advises that given the 4x4 vehicles are utilising existing forestry access tracks and the soils are free draining in nature. Any impact upon trees within the woodland in terms of compaction and physical damage is considered negligible. Overall, it is considered that the proposal complies with policy NE.5 (Nature Conservation and Habitats).

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

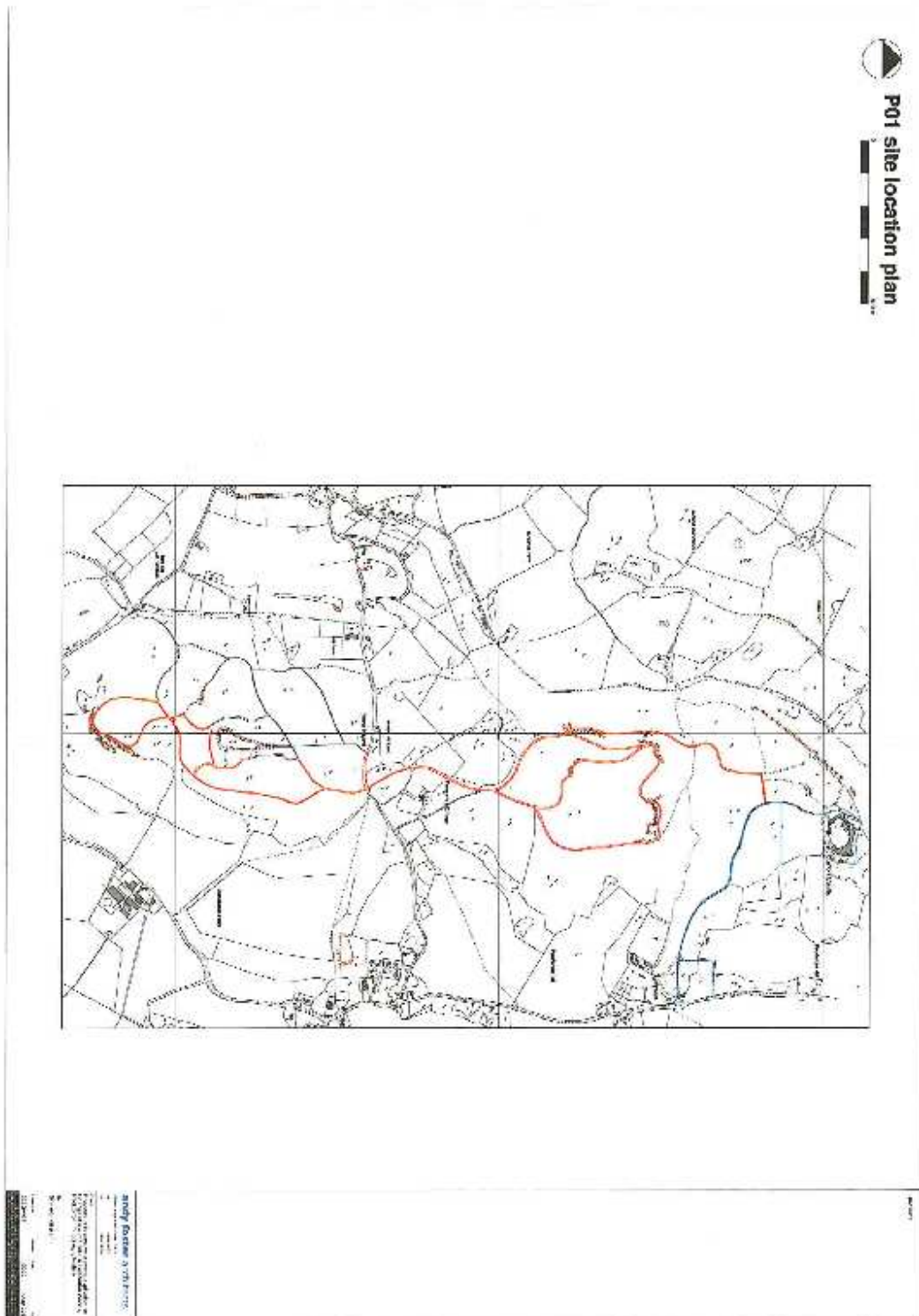
The development would be beneficial to the rural economy and would not be harmful to the character and appearance of the surrounding open countryside or the ASCV. In addition, the proposal will not have a detrimental impact on residential amenity, highway safety or any

protected species. The proposal therefore complies with NE.2 (Open Countryside), NE.3 (Areas of Special County Value), NE.9 (Protected Species), NE.7 (Sites of National Importance for Nature Conservation), RT.6 (Recreational Uses in the Open Countryside), BE.1 (Amenity) and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice advocated within the National Planning Policy Framework.

**Approve subject to conditions:**

- 1. Plan References**
- 2. Limit the number of trips per day to 10**
- 3. Personal to the applicant**
- 4. Restrict hours of use**  
**Monday to Friday 0830 to 1800**  
**Saturday 0830 to 1800**  
**Sunday/Bank holidays 1000 to 1700**
- 5. Only Road Legal Vehicles to Use the Track**

**In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**



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Application No: 13/4614N

Location: Former Quarry and Access Tracks South of Hill Lane, Peckforton, Tarporley, Cheshire

Proposal: This retrospective application covers the proposed change of use of a former quarry to a 4x4 off-road experience site including a viewing platform at the former quarry, as well as a holding pond at the north end of the access track that leads from Hill Lane due south to the quarry.

Applicant: Mr Chris Naylor, Majorstage Ltd

Expiry Date: 27-Dec-2013

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Site history;
- Principal of development;
- Ecology;
- Landscape;
- Amenity; and
- Trees

**REFERRAL**

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

*'Desecration of historical woodland and area of outstanding beauty'*

**SITE DESCRIPTION AND DETAILS OF PROPOSAL**

This is a retrospective application for change of use of a former quarry to a 4x4 off-road experience site including a viewing platform at the former quarry, as well as a holding pond at the north end of the access track that leads from Hill Lane due south to the quarry at South of Hill Lane, Peckforton, Tarporley, Cheshire.

**PREVIOUS RELEVANT DECISIONS**

No previous site history

**PLANNING POLICIES**

## **National Policy**

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

National Planning Policy Framework

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

SD2 Sustainable Development Principles

SE1 Design

PG5 Open Countryside

SC1 Leisure and Recreation

SC2 Outdoor Sports Facilities

The policies from the **Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP)** are:

BE.1 (Amenity)

BE.2 (Design Standards)

NE.2 (Open Countryside)

RT.1 (Recreation and Tourism)

RT.6 (Recreational Uses in the Open Countryside)

RT.9 (Footpaths and Bridleways)

RT.16 (Noise Generating Sports)

NE.2 (Open Countryside)

NE.3 (Areas of Special County Value)

NE.5 (Nature Conservation and Habitats)

NE.7 (Sites of National Importance for Nature Conservation)

NE.9 (Protected Species)

## **OBSERVATIONS OF CONSULTEES**

**PROW:** No objections subject to standard condition

**Natural England:** No objection

**Landscape:** No objections

**Forestry:** No objections

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

No comments received

## **OTHER REPRESENTATIONS:**

No representations received

## **APPLICANT'S SUPPORTING INFORMATION:**

### **Design and Access Statement**

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

## **OFFICER APPRAISAL**

### **Site History**

According to the applicants Design and Access Statement commercial recreational four-wheel drive vehicle (4x4) driving is an activity that has been undertaken from Peckforton Castle since 2006. Between 2006 and 2012, the service was operated from Peckforton Castle by Land Rover directly. During that period, the 4x4 vehicles travelled along existing forestry tracks in the Peckforton Estate woodland to access the former quarry (the subject of a separate planning application) in order to drive over basic obstacles.

In 2012 Land Rover sold the franchise to the owners of Peckforton Castle (Majorstage Ltd) who continued to operate the business from its administrative base in the Grainstore tower in Peckforton Castle. Currently, upon leaving the castle, the 4x4 vehicles continue to travel along various existing forestry tracks in the Peckforton Estate to reach the former quarry. No physical development has occurred along these tracks as they are used as a means of access to the quarry only.

In the autumn of 2012, in conjunction with the Peckforton Estate, Majorstage Ltd undertook development in the former quarry to create more challenging obstacles to improve the customer experience. At the same time they created a viewing platform on the edge of the quarry and a holding pond at the north end of the access track that leads from Hill Lane to the quarry.

In March 2013 Cheshire East planning authority inspected the facility and advised that the development that had taken place required retrospective planning permission for the change of use of the quarry to commercial activity (ie the recreational 4x4 driving) that does not relate to quarrying or forestry. Subsequent conversations regarding the existing surrounding forestry tracks themselves established that they also required a change of use application as the LPA considered they were being used for uses and activities other than forestry (ie the recreational 4x4 driving). It is on this basis that the application has been submitted.

### **Principle of development**

The site is located within the Open Countryside. Policy NE.2 (Open Countryside) allows for appropriate uses to rural areas whilst NE.13 (Rural Diversification) allows for schemes which assist in rural diversification. The NPPF aims to promote the development and diversification of rural businesses. In particular, paragraph 28 states *'Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development'*. Furthermore, Paragraph 73 of the NPPF states that *'Access to high quality open spaces and opportunities for sport and recreation can make*

*an important contribution to the health and well being of communities*’. According to Policy RT.6 (Recreational Uses in the Open Countryside) states that development should not harm the character and appearance of the open countryside. Overall, it is considered that principle of the proposal is broadly in accord with the policies stipulated in the Local Plan and the NPPF. Consequently, the main issues within the proposal are whether the development results in significant harm to the character and appearance of the Open Countryside, ASCV, protected sites and species, amenity of neighbouring residents, and highway safety.

## **Ecology**

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

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and

- a licensing system administered by Natural England.

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

The Councils ecologist has been consulted and stipulates that ‘This retrospective development is located within and adjacent to the Peckforton Woods Site of Biological importance (SBI) the Peckforton Hill and Bulkeley Hill SBI and Peckforton Woods Site of Special Scientific Interest (SSSI).

The proposed development takes place on the existing forestry access tracks and does not appear to have resulted in any significant loss of habitat or had a significant impact upon either the SBI or the SSSI. The Councils ecologist has raised no other concerns and as such it is considered that the proposal is in accordance with policies NE.5 (Nature Conservation and Habitats), NE.7 (Sites of National Importance for Nature Conservation) and NE.9 (Protected Species).

## **Landscape**



As previously stated this is a retrospective application which is located wholly within the open countryside and needs to be assessed against policy NE.2 which seeks to restrict new development within the open countryside. Policy NE.3 stipulates additional protection is required in Areas of Special County Value and any development will therefore need to be of a high standard consistent with the quality of the area, and wherever possible enhance this further.

The dramatic landform of the sandstone ridge with its woodland cover is widely visible from the surrounding Cheshire Plain and is a local landmark. Panoramic views can be obtained from the ridge line and popular trails and footpaths in the area provide extensive recreational amenity. The wooded ridge is an important feature of this ASCV that should be protected. The woodland, understood to be owned by Peckforton Estates, comprises a mixture of coniferous and deciduous trees.

The quarry is located to the south of Hill Lane and is accessed through a narrow rock cutting via a section of forestry track leading from Hill Lane. A holding pond/wading obstacle has been constructed adjacent to the track. Hill Lane and a section of the forestry track leading from the lane are designated public rights of way.

Whilst the interior of the quarry has been remodelled and obstacles created, being below the level of the surrounding landscape, it does not appear to be publicly visible. The timber viewing platform on the edge of the quarry is not prominent in the landscape.

It is not considered the viewing platform, wading obstacle or obstacles within the quarry enhance the environment. Nevertheless, they do not appear to result in significant harm to the character or features for which the ASCV has been designated.

Vehicles using the track and wading obstacle will be both visible and audible by users of the rights of way. Whilst the forestry tracks could legitimately be used for forestry operations at any time, in practice within a managed woodland, the timing of forestry operations will be limited to key periods such as planting, extraction and ongoing management. The proposals subject of this application indicate a use of up to 10 trips per day throughout the year with a maximum speed of 10mph. The current operation appears to be strictly controlled and operated and whilst there are some associated visual impacts and impacts on the peace and tranquillity of the area, at present these are judged to be limited.

It should be noted that any future forestry operations resulting in tree clearance could increase visibility of the vehicles using the tracks, at least until replacement planting established. Further, without appropriate control there is the potential for the management of the 4x4 operation to change, the number of vehicles and intensity of use to be increased, and the type of use expanded, say to allow private vehicles to use the site. It is anticipated that the intensification of use could be perceived as harmful to the ASCV and the recreational enjoyment of the ASCV by users of public rights of way in the area.

### **Amenity**

Given the distance from residential properties in the vicinity, being in excess of 300m, the proposal would not have an adverse impact on neighbouring amenity in terms of loss of light,

over-domination or disturbance. Therefore, it is considered that the proposal is in accord with policy BE.1 (Amenity).

### **Trees**

Policy NE.5 (Nature Conservation and Habitats) states that the LPA will protect, conserve and enhance the natural conservation resource. The policy goes on to stipulate in the justification 'Landscape features can be important individually, as well as helping to enrich the character of the landscape. The Councils Landscape Officer has been consulted and advises that 'there are no significant arboricultural/forestry implications in respect of this application'. Overall, it is considered that the proposal complies with policy NE.5 (Nature Conservation and Habitats).

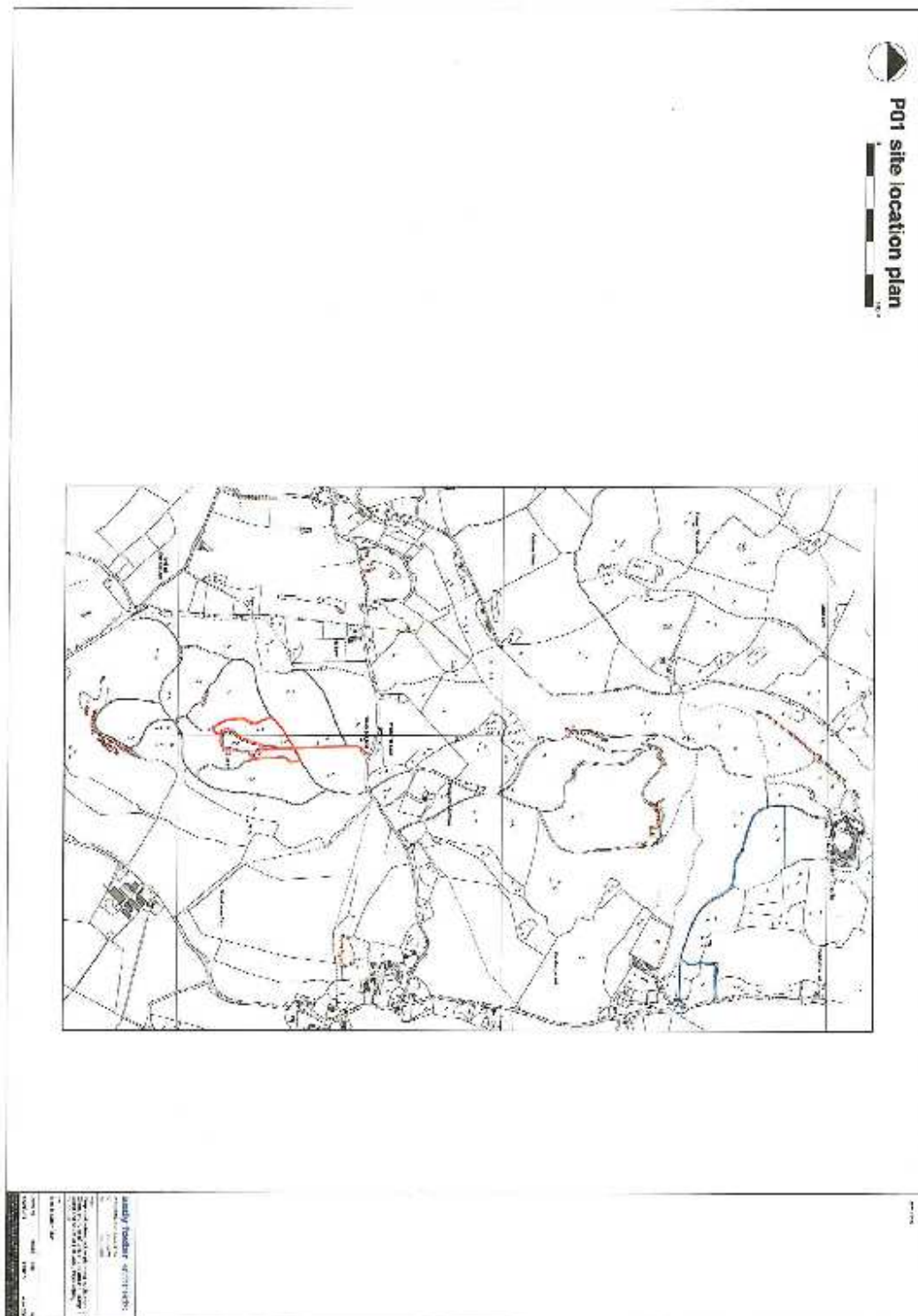
### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The development would be beneficial to the rural economy and would not be harmful to the character and appearance of the surrounding open countryside or the ASCV. In addition, the proposal will not have a detrimental impact on residential amenity, highway safety or any protected species. The proposal therefore complies with NE.2 (Open Countryside), NE.3 (Areas of Special County Value), NE.9 (Protected Species), NE.7 (Sites of National Importance for Nature Conservation), RT.6 (Recreational Uses in the Open Countryside), BE.1 (Amenity) and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice advocated within the National Planning Policy Framework.

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

1. **Plan References**
2. **Limit the number of trips per day to 10**
3. **Personal to the applicant**
4. **Restrict hours of use**  
**Monday to Friday 0830 to 1800**  
**Saturday 0830 to 1800**  
**Sunday/Bank holidays 1000 to 1700**
5. **Only Road Legal Vehicles to Use the Quarry**

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.



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