

Southern Planning Committee

Agenda

Date:	Wednesday, 22nd October, 2014
Time:	1.00 pm
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

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

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

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

1. Apologies for Absence

To receive apologies for absence.

2. Declarations of Interest/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 - 18)

To approve the minutes of the meeting held on 24 September 2014.

4. Public Speaking

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

Please contact Julie Zientek on 01270 686466

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

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

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

5. **13/4081C Cardway Business Park, Linley Lane, Alsager, Stoke-on-Trent ST7 2UX: Outline planning application for residential development for up to 110 dwellings for Mr J Redfern, Cardway Limited** (Pages 19 - 50)

To consider the above planning application.

6. **14/3624C Land to the North of 24, Church Lane, Sandbach CW11 2LQ: Erection of 13 Dwellings (Re-Submission 13/5221C) for Chelmere Homes Ltd** (Pages 51 - 70)

To consider the above planning application.

7. **14/4304C Land Off Moss Lane, Sandbach, Cheshire: Outline Application for 13 New Dwellings for Mr Peter Richardson** (Pages 71 - 88)

To consider the above planning application.

8. **14/0841N Land Off Spinney Drive, Weston: Residential Development of 4 Detached Houses for G McDermott, CDM Developments (North West) Ltd** (Pages 89 - 96)

To consider the above planning application.

9. **14/2867C Sandy Lane, Cranage, Knutsford CW4 8HR: Construction of New House for Helen Edwards** (Pages 97 - 106)

To consider the above planning application.

10. **14/2906N 16, Gainsborough Road, Crewe CW2 7PH: Change of Use from C4 HMO to Sui Generis 7 Bed HMO for Wendy Whittaker-Large, Welcome Properties** (Pages 107 - 112)

To consider the above planning application.

11. **14/3862N Horse Shoe Inn, Newcastle Road, Willaston CW5 7EP: Outline planning application for the demolition of the former Public House and outbuildings and erection of up to four residential units with all matters reserved except for means of access at the Horseshoe Inn, Newcastle Road, Willaston for Frederic Robinson Ltd (Pages 113 - 126)**

To consider the above planning application.

12. **14/3538C Somerford Park Farm, Holmes Chapel Road, Somerford CW12 4SW: Outline Application for a Replacement Covered Riding Arena for Mr & Mrs King (Pages 127 - 132)**

To consider the above planning application.

13. **14/3853N Former Sir William Stanier Community School, Badger Avenue, Ludford Street, Crewe: Variation of Conditions 23 (in order for the Affordable Housing Statement to read in conjunction with the site layout) attached to planning permission 14/1708N Variation of Conditions 2 (to facilitate existing electrical easement shown on site master plan) and Condition 6 (to substitute brick type Ibstock Ravenshead to Hollington Blend) on application 13/4382N for Mr Chris Bent (Pages 133 - 140)**

To consider the above planning application.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 24th September, 2014 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors Rhoda Bailey, D Bebbington, P Butterill, J Clowes, W S Davies,
I Faseyi, S Hogben, P Groves, A Kolker, D Marren, M A Martin and S McGrory

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors J Hammond and C Thorley

OFFICERS PRESENT

Nigel Curtis (Principal Development Officer - Highways)
Daniel Evans (Principal Planning Officer)
Patricia Evans (Lawyer)
Conal Kearney (Enforcement Officer - Environmental Protection)
Susan Orrell (Principal Planning Officer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors R Cartlidge

67 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

With regard to application number 14/3267N, Councillor S Hogben declared that he was a member of Shavington-cum-Gresty 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 14/2310N.

With regard to application numbers 14/3306N, 14/3312N and 14/3052N, Councillor P Groves declared that he was member of Bulkeley & Ridley Parish Council. He had not been present when application numbers 14/3306N and 14/3312N had been discussed. He had attended a presentation regarding application number 14/3052N but had kept an open mind.

With regard to application numbers 13/4608N and 13/4614N, Councillor S Davies declared that he had not kept an open mind. Councillor Davies declared that he would exercise his separate speaking rights as a Ward Councillor and withdraw from the meeting during consideration of these items.

With regard to application number 13/5248N, Councillor D Bebbington declared that his wife was employed by the applicant's partner, and that he would withdraw from the meeting during consideration of this item.

68 MINUTES OF PREVIOUS MEETING

RESOLVED – That, subject to the following amendments, the minutes of the meeting held on 27 August 2014 be approved as a correct record and signed by the Chairman:

- Minute 62 Refusal reason 2 to read:

‘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 paragraphs in the National Planning Policy Framework.’

- Minute 66 Resolution (b) to read:

‘to enable officers to undertake consultation with the Cheshire Brine Subsidence Board’

69 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

Note: Mr D Evans, Principal Planning Officer, read a statement submitted by Councillor Rachel Bailey (Ward Councillor), who was unable to attend the meeting.

Note: Parish Councillor G Seddon (on behalf of Audlem Parish Council), Mr and Mrs Sandiford (objectors) and Mr J Heber Evans (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, a written update and an oral report of the site inspection.

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

The proposed development by virtue of the detailed design and siting would be detrimental to the character and appearance of the area. As such the development would be contrary to Policy NE.19 (Renewable Energy) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

70 **14/3487N KARIBU, BUNBURY ROAD, ALPRAHAM, CW6 9JD:
PROPOSED DWELLING ADJACENT TO KARIBU, BUNBURY LANE,
ALPRAHAM FOR D EVANS**

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

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

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following 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
- (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.

**71 14/3306N RIDLEY HALL FARM, WREXHAM ROAD, RIDLEY CW6 9SA:
CONVERSION OF EXISTING BARN 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**

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. 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, to include a sandstone wall and vehicle opening to Ridley Hall side of courtyard
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 and barn owl boxes in accordance with the approved details.

20. No works to commence between 1st March and 31st August in any year without prior survey and permission of the LPA. 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 14th 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 – H, means of enclosure and Domestic Microgeneration Equipment.
 25. Submission of drainage details.
- (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.

**72 14/3312N RIDLEY HALL FARM, WREXHAM ROAD, RIDLEY CW6 9SA:
LISTED BUILDING CONSENT FOR CONVERSION OF EXISTING
BARN 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**

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. 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
- (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.

73 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

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

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

RESOLVED

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

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. 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.
- (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. 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

**74 14/2351C LAND OFF SANDBACH ROAD, CHURCH LAWTON ST7
3RB: CONSTRUCTION OF 14NO SEMI-DETACHED HOUSES FOR IPM
PENSIONS LTD**

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

Note: Mr J Ashall attended the meeting and addressed the Committee on behalf of the applicant.

Note: Mr M Tristram (objector) had registered his intention to address the Committee but did not speak.

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

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to a 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.
5. Primary Education Contribution £32,539

And the following 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 to front gardens lower than 600mm in height
17. Landscaping (Implementation)
18. Boundary Treatment to be submitted and approved
19. Removal of PD – A-E
20. Implementation of Reptile Method Statement

Informative

The Southern Planning Committee wished to draw the applicant's attention to the consultation response received from the Cheshire Brine Subsidence Board, which was detailed in the report.

- (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.

**75 13/5248N THE PRINTWORKS CREWE ROAD, HASLINGTON CW1 5RT:
OUTLINE APPLICATION FOR NEW RESIDENTIAL DEVELOPMENT OF
UP TO 14 DWELLINGS FOR GEORGINA HARTLEY**

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

Note: Councillors P Groves and M Martin left the meeting prior to consideration of this application.

Note: Having made a declaration, Councillor D Bebbington withdrew from the meeting during consideration of this item.

Note: Councillor J Hammond (Ward Councillor), Parish Councillor R Hovey (on behalf of Haslington Parish Council) and Mr I Pleasant (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 reason:

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.

- (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. 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.

76 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

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

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

RESOLVED

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

1. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to 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 creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.
- (b) That, in 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. 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.

77 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

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

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

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

RESOLVED – That the application be DEFERRED pending submission of the outstanding consultation responses, and to enable officers to challenge the provision of 15% affordable housing and provide further details on the location and pepper potting of the affordable housing.

78 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

Note: Mr P Beesley (objector) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

- (a) That the application be REFUSED for the following 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. 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 5 piece LEAP and a scheme of management.
 - 3. Commuted Sum payment in lieu of secondary education provision £65,371

79 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

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

RESOLVED

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

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

- (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. Provision of POS and a LEAP with 5 pieces of equipment and a scheme of management.

80 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 an oral report of the site inspection.

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

The proposal would by reason of scale, form and design result in a cramped and intensive form of development out of keeping with the character of the existing properties in the immediate vicinity of the site contrary to Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

81 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

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

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

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

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
 - 1. Plan References
 - 2. Limit the number of vehicle trips per day to 24
 - 3. Personal to the applicant
 - 4. Restrict hours of use
 - Monday to Saturday 08:30-18:00 1st October-31st March
 - Monday to Saturday 08:30-20:00 1st April-30th September
 - Sundays and Bank Holidays 9:00 – 18:00
 - 5. Only Road Legal Vehicles to use the track (Restricted to Land Rover Vehicles or Similar)
- (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.

- 82 **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**

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

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

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

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
 - 1. Plan References
 - 2. Limit the number of vehicle trips per day to 24
 - 3. Personal to the applicant
 - 4. Restrict hours of use
 - Monday to Saturday 08:30-18:00 1st October-31st March
 - Monday to Saturday 08:30-20:00 1st April-30th September
 - Sundays and Bank Holidays 9:00 – 18:00
 - 5. Only Road Legal Vehicles to use the quarry (Restricted to Land Rover Vehicles or Similar)
- (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.

The meeting commenced at 1.00 pm and concluded at 7.05 pm

Councillor G Merry (Chairman)

Application No: 13/4081C

Location: Cardway Business Park, Linley Lane, Alsager, Stoke-on-Trent, ST7 2UX

Proposal: Outline planning application for residential development for up to 110 dwellings

Applicant: Mr J Redfern, Cardway Limited

Expiry Date: 22-Feb-2014

SUMMARY RECOMMENDATION:

APPROVE subject to conditions and the prior completion of a S106 Legal Agreement in respect of primary education, bus stop upgrade, highways improvements, 30% affordable housing in a 65:35 split, mitigation in lieu of loss of protected open land and contribution to open space maintenance and travel plan monitoring and residents management agreement for maintenance of incidental POS

MAIN ISSUES:

- Principle of Development
- Housing Need and contribution to supply
- Loss of Employment Land
- Loss of protected open land
- Affordable Housing
- Sustainability
- Design & Layout
- Landscape Impact
- Highways – access and safety
- Trees & Landscaping
- Amenity
- Ecology
- Education Impact
- Drainage and flooding
- Planning balance

REASON FOR REPORT

The application has been referred to Southern Planning Committee because it is a large scale major development of over 100 houses.

DESCRIPTION AND SITE CONTEXT

The application relates to 4.61 ha of land in mixed use situated to the west of Linley Lane (A5011). The site is located within the Alsager settlement Boundary.

To the front of the site lies a working industrial premises(6,782sqm) and associated hardstanding in majority use by Cardway Cartons for the manufacture of cardboard boxes. The rear portion of the site (Council owned) is part of wider open space and allotments. To the north of the site is the Crewe-Derby railway line. To the west of the open space within the site is further (Council owned) open space/ amenity land and allotments.

An existing modern office building is located outside the red-edge for this planning application. This building is therefore retained.

DETAILS OF PROPOSAL

This is an outline application for a residential redevelopment of the site for up to 110 dwellings, with open space and access being applied for. All other matters are reserved for further assessment.

This application has been amended significantly with the overall numbers of residential units reducing from 140 as originally submitted to 105 now indicated on revised plans, and amounts of amenity open space on site increased.

The indicative plans demonstrate a linear residential layout with accesses via Linley Lane and Linley Road, interspersed with a central area of open space and areas of incidental open space/landscaping.

Part of the site (circa one third of the application site) located to the rear of the Cardway complex comprises part of Council owned amenity Greenspace and is classed as Protected Open Space in the Congleton Local Plan.

Three phases of development are proposed. Phase 1 comprises 20% of the site in the middle of the site, currently unused area in the ownership of Cardway, phase 2 comprises the Council owned land in use as open amenity grassland with the remainder of the site (circa 80% of the site) and in use by Cardway Cartons presently proposed as the last phase. This will allow the current commercial occupier of the site time to find the alternative premises to suit their future needs.

RELEVANT HISTORY

08/0731/OUT - Development of four 464sq m (B1, B2 and B8) units and up to 108 dwellings – appeal dismissed 3 December 2009

POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004).

Policies in the Local Plan

PS3	Settlement Hierarchy
PS4	Towns
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
GR23	Provision of Services and Facilities
E10	Existing Employment Sites
RC2	Open Space
H1 & H2	Provision of New Housing Development
H6	Residential Development in the Open Countryside
H14	Affordable Housing in Rural Parishes
NR1	Trees & Woodland
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

National Policy

National Planning Policy Framework

Other Material Policy Considerations

SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments
SPD4	Sustainable Development
SPD6	Affordable Housing and Mixed Communities

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

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

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

North West Sustainability Checklist

Submission Version Core Strategy

SPD 4 Sustainable Development

Alsager Town Centre Strategy SPD

Cheshire East Local Plan Strategy – Submission Version

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

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

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

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

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
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
SE9 – Energy Efficient Development
SE13 – Flood Risk and Water Management
CS12 - Twyford and Cardway Alsager
IN1 - Infrastructure
IN2 – Developer Contributions

CONSULTATIONS (External to Planning)

Highways: No objection subject to conditions concerning detailed design of interior estate road layout and a financial contribution of £100,000 via a S106 agreement as part of the funding of highways improvements in the vicinity of the site and £25000 for bus stop upgrades

Strategic Housing Manager: No objection to the application, subject to securing the 30% (in a 65% :35% affordable rent / intermediate split) affordable housing by way of a s106 Agreement.

Environment Agency (EA): No objection in principle to the proposed development subject to conditions concerning surface water run off, overland flow.

United Utilities (UU): No reply

Environmental Health: Conditions suggested in relation to hours of pile driving, noise mitigation, environmental management plan, pile foundations, travel plan, electrical vehicle infrastructure, dust control and contaminated land.

Education: 105 dwellings would generate 19 primary and 14 secondary

An assessment has been made into the primary schools within 2 miles and secondary schools within in 3 miles for capacities, numbers on roll and forecasts taking into account approved sites where necessary.

Based on this the sum of **£206,080** (19 x 11919 x 0.91) is required towards primary education and no requirement towards secondary education

Network Rail: The following conditions are suggested:

- The submission of a risk assessment and method statement for vibro-compaction and piling to Network Rail
- Suitable Boundary treatment to the railway
- Surface water and foul drainage details to be agreed
- Full details of levels, ground works, earthworks and excavations near boundary with Network Rail Land

VIEWS OF THE TOWN COUNCIL

Alsager Town Council: Objection on the grounds that the Town Strategy allocates this site for 50 dwellings and 2 ha of employment land and that the site should retain a level of employment and open space. Alsager is unsustainable as a key service centre as it does not meet Cheshire East criteria for the amount of jobs available. Therefore the site must remain, in part, an employment site. Also raise objection to any additional access point onto the site other than the existing access on Linley Lane

OTHER REPRESENTATIONS

Kidsgrove Town Council – No objection in principal but raise concern about impact of additional traffic on the A34 at Talke

Newcastle Under Lyme Borough Council : No objection, the site is allocated within the Local Plan Strategy and as such the cumulative impact of housing proposals upon regeneration within their area has been assessed previously as part of the Development Plan consultation

Objections have been received from 25 local addresses on the following grounds -

Principal of development

- The site is not identified for an exclusively housing based development in the Alsager Town Strategy
- There is no need for more housing in Alsager
- With the Sainsburys development going ahead with planning permission for 335 in the pipeline do we need to build any more homes at this end of town
- There is a lack of employment in Alsager
- Existing employment should be retained
- Not needed or wanted by the community
- No benefit to the residents of Alsager
- Local infrastructure of services cannot cope with this additional development

Highways

- Increased traffic congestion
- Impact upon highway safety
- Future residents would be dependent on the car
- There is a lack of parking in Alsager Town Centre
- Pedestrian safety
- Poor public transport
- Access from Linley Lane is unsafe and in a dip in the road. The other site access off Linley road is almost as bad

Green Issues

- Increased flood risk
- Increased water run-off
- Increased flooding during extreme weather events

Infrastructure

- The infrastructure in Alsager cant cope
- Increased pressure on local schools
- The sewage system is overstretched

Amenity Issues

- Noise and disruption from construction of the dwellings
- Increased noise caused by vehicular movements from the site
- Loss of privacy and light from dwellings being built on land that is currently open

Other Matters

- There are so many inconsistencies between the various newly submitted documents that I have serious concerns that they even know where they are building
- Loss views of open land
- Impact upon property values

The formal representations submitted are available to view in full on the case file and web site.

APPLICANT'S SUPPORTING INFORMATION

- Supporting Planning Statement
- Affordable Housing Statement
- Marketing report
- Highways Assessment and Travel Plan
- Protected Species Habitat Survey
- Tree Survey
- Design and Access Statement
- Arboricultural Implications Assessment
- Landscape Impact Assessment
- Contaminated Land Assessment
- Open Space assessment
- Botany report

All documents are available to view on the web site. In précis, the Applicant considers the site to be sustainable development, coming in 3 phases, with the removal of the existing factory in the last phase which will allow the existing commercial occupier to relocate elsewhere in the Borough to suit the growing expansion needs of the business. The Applicant considers that the Council does not have a 5 year housing supply and therefore the presumption in favour of the housing development outweighs the employment protection policy E10 and the 2009 appeal decision, as a material consideration.

OFFICER APPRAISAL

Principle of Development

The site is an existing employment site within the settlement zone line for Alsager. Policy E.10 of the Local Plan does not allow the re-development of employment sites unless it can be shown that the site is no longer suitable for employment uses or there would be substantial planning benefits in permitting alternative uses. It is considered that this policy is largely consistent with Policy EG3 (Existing and Allocated Employment Sites) as contained within the Local Plan Strategy Submission Version.

The NPPF gives less protection to employment protection as opposed to its primary requirement to significantly boost the supply of housing. With respect to employment sites the NPPF states that;

'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that

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

Further, one of the Core Principles of the National Planning Policy Framework (NPPF) is that planning should:

'encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value'

It is recognised that the site is a brownfield site within the Settlement Boundary, close to a range of local amenities and is considered to be in a sustainable location that would deliver housing to the supply chain and would keep housing supply coming forward as required by the NPPF.

It should also be noted that the entire site is also allocated within the Core Strategy Submission Version (Site CS12) of the Cheshire East Local Plan for the delivery of housing (with Tywforde on the other side of the railway line) which is a material consideration to which substantial weight can be attached in this case.

Greater weight can be attached to this allocation because:

- The emerging Local Plan has been formulated to comply with the NPPF and the Congleton Local Plan First Review was adopted prior to the NPPF;
- The Local Plan allocates sufficient land up to mid-2011 and not beyond; and

Policy CS12 within the emerging Local Plan states that the development of Tywforde and Cardway over the Core Strategy period will be achieved through 'the delivery of 550 new homes'; retention of office development (approx 3000 sq m); incorporation of green infrastructure, appropriate level of green and childrens play space, potential to include appropriate retail provision to meet local needs (Sainsbury Supermarket granted permission on site of Tywforde) and an extra care development providing housing for the older population.

The proposals are in compliance with this as up to 110 units (together with the 'up to 335 units' approved as part of the Tywforde redevelopment equates to 445 units .

In respect of compliance with the Site Specific Principles of Development within policy CS12 which are as follows:-

- a. Contributions to improvements to the town centre street scene.
- b. The existing open space on the Cardway site be retained (not built upon) and improved
- c. Retention of the woodland areas to the north and east of the site
- d. Further archaeology investigation on the site in relation to the heritage asset in the north east area of the site

- e. Contributions towards the delivery of improvements to B5077 Crewe Rd/B5078 Sandbach Road North Junction/Linley lane/Crewe Road junction improvements
- f. Contributions to education and health infrastructure
- g. The local plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes)

This site has also been included in the Council's evidence base (SHLAA 2013) as a site that would contribute towards that housing land supply. This site is recorded by the SHLAA as being achievable with 60 units being provided within years 1-5. This site is therefore making a significant contribution to the 5 year housing land supply position of the Council.

Whilst the emerging Local Plan has not yet competed the examination stage, housing land supply has been tested through various recent appeals and therefore has been examined in part albeit not through a Local Plan examination.

The contribution (or otherwise) of these appeal decisions to housing and supply is relevant, and is discussed below in the Housing Land Supply Section. However, as this site has been assessed as being deliverable within the 1st five years for the purposes of demonstrating the 5 years housing land supply within a policy framework developed post NPPF, it is considered that very considerable weight can be attached to the allocation.

There also would be a number of other benefits (e.g. the contribution to affordable housing) should the development proceed which would need to be assessed against the disadvantages of the proposal.

As part of this application, therefore, it will be necessary to consider whether the application meets the requirements of Policy E10 and RC2 of the Congleton Local Plan and if not, is that policy framework outweighed by other material considerations within the planning balance in this case.

Loss of employment use of the site

The proposed development would result in the loss of an employment site and policy E.10 applies. This policy states that proposals to redevelop existing employment sites will not be permitted unless it can be shown that the site is no longer suitable for employment uses or there would be substantial benefit in permitting alternative uses that would outweigh the loss of the employment site.

Paragraph 17 of the NPPF Core Planning Principles states that the planning system should:

‘Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;

Paragraph 22 advises that:

‘Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that

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

Paragraph 51 goes on:

'Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.'

Policy E10 of the Local Plan states :

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

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

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

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

- a) Any benefits in terms of traffic generation, noise or disturbance to amenity*
- b) The impact the proposal would have on the environment and economy of the local area*
- d) The need for the proposal and its potential contribution to the local area*
- d) The requirements of other relevant policies of the local plan*

The Site was the subject of appeal in 2009, prior to the adoption of the NPPF. The Inspector on that occasion, in dismissing the appeal, accepted that the proposal was a sustainable one and that there was a sufficient supply of employment sites and premises in the area and that the site remained suitable for employment use, but that reasonable attempts had not been made to let the premises to justify that the site was no longer suitable in Policy E10 terms.

In terms of this application, the Applicant has not sought to demonstrate that the premises have been marketed, rather the Applicant is of the view that the policy framework has shifted significantly since the introduction of the NPPF and that the Council can not demonstrate a 5 years supply of housing and therefore, they are of the view that, given the sustainable development credentials of the proposal as accepted by the Inspector, that the Plan is time served and that the presumption in favour of sustainable housing development outweighs all other material issues.

Additionally, they also consider that if there is a 5 years supply as contended by the Council, that the allocation of this site as primarily a housing allocation within the Submission Version of the emerging Plan contributes to the continuing supply of housing as required by the NPPF which again outweighs the policy requirement of E10.

The current occupier of the site, Cardway Cartons Ltd (CCL) are a leasehold occupier having been in situ for many years. They hold a lease until 2016 according to information submitted as part of the 2009 appeal. They have considerably expanded their operations within the factory unit since 2009. In 2009, they occupied approximately 50% of the premises for the manufacture and storage of cardboard boxes, employing approximately 40/50 full and part time staff, who mainly come from the local area. In 2009, the premises were also occupied by other tenants on a short term basis who now appear to have moved out such as Dotshops although it would appear Greenworld as still located at the site.

It would appear that since the appeal, CCL have expanded their operations within the unit to a point where they occupy most of the factory building. However, this does not appear to have meant any increase in the numbers of people employed by the Company.

CCL have confirmed as part of this application that they are a growing business and will need to find larger premises in the next 5 years to meet their growth needs. There is no reason to doubt this, given that CCL appear to have expanded on site significantly in the last 5 years since the appeal, even during the recession.

In conclusion, it is clear that the policy test with E10 has not been properly satisfied, however, given the general thrust of the NPPF concerning the re-use of brownfield sites and the emerging policy framework which allocates this site for housing, the imperative need to keep a housing supply coming through for the purposes of the 5 year housing land supply, a policy framework that has evolved in the life of the NPPF, it is considered that the loss of the employment use of the site is acceptable.

In addition, some employment use will be retained by virtue of the retention of the office building (within the CS10 site allocation but not part of these proposals).

Loss of Protected Open Space

The Council owned open space to the rear is proposed to be redeveloped as part of the residential layout. This land comprises approx one third of the overall site area.

This would comprise the 2nd phase of development. As part of ongoing discussions the total of formal and incidental open space to be provided across the site measures 5800 square metres of which 4800 square metres is proposed in a centralised area of open space.

Policy RC2 of the Congleton Local Plan states that (inter alia) the loss of such areas will only be permitted where the proposal does not result in local deficiency the quantity range and accessibility of such open space, or alternatively the provision of an equivalent or improved and suitably located replacement facility is proposed within an acceptable to the Local Planning Authority. The Submission Version of the Cheshire East Local Plan, currently undergoing examination likewise requires the Council owned land to be no built upon and retained as part of redevelopment proposals.

The area is deficient in quantity in POS, however, the quality of the area in the opinion of the Greenspace Manager is deficient. A significant area of 4800 sq m in a centralised area has been negotiated which is in excess of the area required for POS in connection with a development of 105 dwellings.

Whilst this is not significantly more than would normally be required as a consequence of the housing development in terms of Open Space policy, it is considered that given the need to deliver a constant housing land supply, and the commuted sum mitigation to be utilised to improve Wayside in the locality is sufficient to justify a departure from policy in this case.

Housing Land Supply

The NPPF states at paragraph 47 there is a 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 states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government’s overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) which was adopted in March 2012.

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

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

The NPPF clearly states at paragraph 49 that:

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

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

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

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

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

In response, in February 2014 the Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The Position Statement set out that the Borough's five year housing land requirement as 8,311. This is based on the former RSS housing target of 1150 homes pa – mindful that the latest ONS household projections currently stand at 1050 pa. This was also calculated using the ‘Sedgefield’ method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

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

Members will be aware that the Housing Supply Figure is the source of constant debate as different applicants seek to contend that the Council cannot demonstrate a five year supply. This has been the source of the many and on-going appeals as the Council's defends its position against unplanned development on sites within the open countryside.

Elworth Hall Farm, Sandbach (11 April 2014). It was determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be. 1150 dwellings pa was the agreed target figure. The Inspector accepted the use of windfalls but considered a 20% buffer should be employed

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during the last few months and more are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 6.11 year housing land supply with a 5% buffer or 5.35 year housing land supply with a 20% buffer.

Dunnocksfold Road, Alsager (14 July 2014). Inspector considered that the RSS figure was now historic and that the SHMA, SHLAA and populations forecasts were more recent along with the emerging Pre-Submission Core Strategy which proposes a target of 1350 dwellings pa. 1350 should therefore be the target (6750 as a 5 year supply figure). The Inspector also accepted the appellants backlog figure but agreed that a 5% (not 20%) buffer should be applied. However the use of windfalls was rejected. This gave a five year requirement of 10146 dwellings or 2029 pa. This results in a supply figure of 3.62 years. Even using the Council's assessed supply figure of 9897 this only provided 4.8 years of supply.

Members should note that this Inquiry also took place just a few days after the introduction of the position statement when there was little or no time to prepare the full evidence case.

Newcastle Road, Hough (14 July 2014). In the absence of evidence to the contrary the Inspector accepted the position statement and that the Council could demonstrate a five year supply - 5.95 years with 5% and 5.21 with a 20% buffer. It was also considered that the RSS figures of 1150 pa represented the most recent objectively assessed consideration of housing need.

There is hence little consistency over the treatment of key matters such as the Housing Requirement, the Buffer and use of windfalls.

This state of affairs has drawn the attention of the Planning Minister Nick Boles MP who has taken the unusual step of writing to the Inspector for the Gresty Oaks appeal (14 July 2014) highlighting that the Planning Inspectorate have come to differing conclusions on whether Cheshire East can identify a five year supply. While he acknowledges that decisions have been issued over a period of time and based upon evidence put forward by the various parties he asked that "especial attention" to the evidence on five supply is given in the subsequent report to the Secretary of State. It is therefore apparent that the Planning Minister does not consider the matter of housing land supply to be properly settled.

Taking account of the above views, the timing of appeals/decisions the Council remains of the view that it has and can demonstrate a five year supply based upon a target of 1150 dwellings per annum, which exceeds current household projections. The objective of the framework to significantly boost the supply of housing is currently being met.

Affordable Housing

The site falls within the Alsager sub area within the Strategic Housing Market Assessment Update 2013, which identified a need for 54 affordable homes per annum over the period 2013/14 – 2017/18. Broken down this requirement equates to 38x 2bd, 15x 3bd, 2x 4/5bd general needs units and 5x 1bd older persons accommodation.

In addition, information from Cheshire Homechoice, identified 225 live applicants who have selected one of the Alsager lettings areas as their first choice. These applicants require 94x 1bd, 78x 2bd, 40x 3bd and 7x 4bd units.

The IPS states that sites over 15 no. units will be required to deliver 30% of the units as affordable and that normally the Council would expect a tenure split to be 65% social or affordable rented and 35% intermediate tenure.

The application is for a phased development to deliver up to 140 units over three delivery phases. The IPS states that:

“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. However, in schemes that provide for a phased delivery and a high degree of 'pepper potting' of affordable homes, the maximum proportion of open market homes that may be completed before the provision of all affordable units may be increased to 80%.”

No detail is given about how the affordable housing delivery will be phased within the scheme, however as a norm the Housing Manger would expect that within each phase the IPS requirements are met, including 30% of units to be affordable, the tenure split to be 65/35 rented and intermediate tenure, and the affordable units to be provided not later than the sale or let of 80% of the open market homes.

Furthermore the IPS states that:

“The extent to which a site can contribute towards achieving this mix will be dependent on the size of the site and other factors such as site characteristics, site suitability and economics of provision - on larger sites there will clearly be greater scope to provide a range of different house types and tenures.”

The applicant is offering 30% affordable housing contribution as outlined in the planning statement, at this stage little further information is given.

There is an identified need for a mix of properties and we would expect to see a mix of property types, size and tenure on a scheme such as this. The applicant is proposing a mix of 1, 2 and 3 bed house types which could be a mix of both house and apartments dependent on identified need. We would be happy to discuss this further with the applicant.

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

The IPS 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.

As this is an outline application with little definitive statement about the affordable provision it is the preference of the Affordable Housing Manager for the applicant to submit an affordable housing scheme as part of their reserved matters application detailing the type, tenure and size of the affordable units, a detailed plan outlining their location and a high degree of pepper-potting, as well as confirmation that the units will be constructed to achieve Level 3 Code for Sustainable Homes (2007), be tenure blind and provisions for the units to be affordable in perpetuity. It is also my preference that the developer undertakes to provide the affordable units through a Registered Provider of Affordable Housing.

Sustainability

The site is located within the settlement of Alsager and therefore is considered to have access to day to day requirements in keeping with the existing residential community adjacent.

Owing to its position on the main road into Alsager, the site is well served by Bus Service 20 (Hanley to Leighton Hospital serving Alsager) along the main road, which runs past the site

Service number 20 provides a reasonably frequent (20 mins) daytime service on the Hanley – Alsager – Crewe – Leighton Hospital route in each direction between 06:45 and 23:59 weekdays, 07:59 and 23:59 Saturdays and 08:51 and 22:51 Sundays, it is therefore considered that this site is sustainably located and is well served by a bus service to the centre of the village and beyond. No specific bus based measures have been proposed to support the site.

The rail station is located circa 1,000m from the centre of the site via an existing pedestrian footway.

No measures are proposed by the applicant to promote the use of public transport by residents of the proposed development although a condition regarding travel planning is suggested by the EHO (air quality).

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”

There are three dimensions to sustainable development:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

These roles should not be undertaken in isolation, because they are mutually dependent.

Environmental role

The site is a brownfield site and its redevelopment would be more beneficial than the loss of countryside or agricultural land. The site is within walking distance to many day to day facilities and is a short bus journey from the town centre. This centre offers a wide range of essential facilities and means that occupiers of the development will have a choice of means of transport.

Paragraph 38 of the Framework states that for larger scale residential developments, policies should promote a mix of uses in order to provide opportunities to undertake day to day activities including work on site, thereby minimising the need to travel.

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from decentralised and renewable or low carbon sources. This is repeated within the Submission Version of the Local Plan. This could be dealt with by condition in the interests of sustainable development.

Economic Role

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth'

The current brownfield site has been considered appropriate to be released for housing development as part of the emerging Plan. The NPPF makes it clear that:

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

According to paragraphs 19 to 21:

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

The NPPF excludes residential development from the definition of economic development. However, in recent appeal decisions for large housing developments Inspectors have given weight to the role such developments will play in supporting the local economy, both through the construction phase of the development and in supporting local services and businesses once occupied.

The loss of the employment use on the site carries weight against the proposal. However, given the long term strategy for the site set out in the emerging Plan and that the development itself will play a positive economic role in the local area it is considered the proposal does not conflict with objectives for economic sustainability set out in national guidance.

Social Role

The final dimension to sustainable development is its social role. In this regard, the proposal will provide up to 105 new family homes, including 30% affordable homes and the market housing which will sustain existing community facilities in the locality, on site public open space and financial contributions towards ecological mitigation, education requirements and highways improvements.

It is considered that the development will play a positive social role in local area.

Overall, the proposal is considered to be sustainable in terms of the 3 strands of sustainability in the NPPF.

Education Infrastructure

This proposal would 19 primary and 14 secondary pupils based on a layout of 105 units.

As part of this planning application the education officer considers that there is sufficient capacity in the local secondary schools to cater for those additional 14 pupils, however, that there is insufficient capacity within local primary schools to cater for the additional 19 pupils as a direct consequence of a development of 105 dwellings.

A financial contribution of £206,080 ($19 \times 11919 \times 0.91$) is required.

Design & Layout

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application a preliminary concept masterplan has been provided. This has been revised significantly during the application process involving a significant reduction in the numbers of units (from 140 to 105) and a significant increase in the amount of POS on the site

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.”

This density of 22.7 dwellings per hectare is considered to be appropriate on this site given the adjacent residential densities.

The key aspects of the preliminary concept masterplan are as follows:

- A central green/open space
- A majority 2 storey development with 3 storey provided for place making purposes
- Buffer planting
- Three phase development with independent access points

The key aspects of the preliminary concept masterplan above are considered to be acceptable and, at the reduced density capped at a maximum of 105 units, it is considered that an acceptable design solution can be agreed at the reserved matters stage.

Highways – Safety and Access

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

The existing site currently comprises of a 6,782sqm industrial factory premises and areas of associated hardstanding and parking. Access to the site is via a simple priority controlled junction with Linley Lane on its eastern boundary.

The site currently has an access from the A5011 Linley Lane on its eastern frontage and an unused access from Talke Road/Linley Road on the southern frontage.

Access Strategy.

After some negotiation the access strategy for the site has been re-modelled to provide three points of access: one which will use the existing access point from Linley Lane with a revised geometry to suit the residential development. The second and third access will be taken from the Talke Road/Linley Road frontage where the site has the opportunity for two links.

All three points of access will serve different phases of the development and these phases will only be physically linked by pedestrian/cycle routes which will also provide for emergency access between phases. No normal daily vehicle flow will be available along these pedestrian/cycle links.

This approach to access strategy is crucial for the development of this site in order that through route traffic between Talke Road and Linley Lane is avoided. There are also advantages gained by splitting the traffic generation from the site which spreads traffic distribution more evenly across the network.

The three points of access will achieve acceptable junction geometry even for Linley Lane where the existing access has some limitations to visibility however the junction operates safely with no accidents at the location which involve a vehicle emerging from the junction.

The proposed junction revision will maximise visibility and the A5011 Linley Lane is likely to benefit from speed reduction in the future which will compound the betterment.

Impact and Negotiated Highways Improvements

The traffic generation from the existing use on the site was surveyed as part of the preparation work and the potential maximum traffic generation from the site under the current use has been calculated from the TRICS database. These figures are accepted by the S.H.M.

With the site being developed in three phases the traffic generation from the proposed residential use which will issue onto Linley Lane is only part of the overall traffic generation and when compared to the potential traffic generation from the existing use-class on the site will generate 16 more trips in the peak hour (56 proposed against 40 existing).

This means the proposed use will generate just one extra trip every four minutes on average in the peak hour and as a result of the junction improvements that have been negotiated by the Strategic Highways Manager (SHM) as part of this proposal, the SHM accepts that this increase will not have a severe impact on the operation of the highway network.

The remaining two phases of development will generate smaller volumes of traffic onto Talke Road/Linley Road and this will represent only a minor impact onto these local roads.

Highway Capacity.

The industry recognised process for calculating priority junction capacity is the PICADY software programme. This programme has been employed to calculate junction capacity at the points of access into the site and also at the junctions of: Linley Road with Linley Lane and Talke Road with Sandbach Rd South and Audley Road.

The calculations show acceptable capacity at the time of full occupation of the site and in the future year analysis in accordance with the Guidance on Transport Assessment document (DfT).

Running carriageway capacity is also adequate to cater for the traffic generation from this site.

Sustainability.

Given the location of this site and the proximity to the town centre allied to the local bus/cycle/pedestrian link opportunities and the nearby railway station, this site is considered to be in a sustainable location.

Accident Records.

The accident search area for this development (provided to the applicant by CEC), showed that no accidents occurred at the proposed points of access on the Talke Road/Linley Road route and only two accidents occurred at the existing site access on Linley Lane in the last 5 years. These two accidents involved rear end shunts (failure to stop), this with vehicles waiting to turn into the site entrance.

The accident analysis has highlighted a cluster of accidents at the Linley Lane/Linley Road junction. In total 17 accidents occurred during the five year search period. Two of the accidents were classified as 'serious' and none of the accidents involved a vulnerable road user.

There will be some traffic generation from the development proposal towards and using the Linley Road/Lane junction however the impact on the junction and the related queue impact is low and will cause no capacity issues.

The Strategic Highways Manager accepts that the accident record analysis and notes that over 50% of the accidents have occurred outside peak hours and as can be seen only two accidents have occurred at the proposed points of access into the site.

Phased development.

The proposed redevelopment of the site comprises three phases. A summary of the phases is provided below:

Phase 1 – 20% of Cardway site, approx up to 18 dwellings.

This phase comprises of the development of the land to the immediate rear of the industrial unit providing approximately 18 dwellings. During this phase, the operations at the industrial unit will continue. This parcel of land will be served via an access onto Linley Road.

Phase 2 – CEC land, approx up to 30 dwellings.

This will include the development of the open amenity space to the east of the Cardway site. This section of land is owned by CEC and could accommodate approximately 30 dwellings. This parcel of land will be served via an access that links into the existing road that serves the garages to the rear of the adjacent properties off Talke Road. No vehicle link will be provided through this section of the site to other phases of the development, however all three phases will benefit from a pedestrian/ cycle link through the site.

Phase 3 – 80% of Cardway site, approx up to 72 dwellings.

This will include the redevelopment of the existing industrial unit on site providing approximately 72 dwellings. During this phase, the operations of the industrial unit will cease.

This parcel of land will be served via an access onto Linley Lane only and a pedestrian/cycle link will be provided between this and the next phase of the development. No vehicle through route will be provided through to the other phases of the site.

The location of these and the overall design of the layout will be decided at the detailed design stage.

It is intended that Phase 1 and 2 will come forward together initially with the units on Phase 3 only being developed once the existing industrial units on site have been relocated.

Internal Layout.

There is a master plan for the internal layout which after negotiation has resolved the three-way access strategy for the site and established the principles for a design approach via Manual for Streets.

Internal pedestrian and cycle links will aid the sustainability of the site and provide emergency links between phases which are otherwise separated for vehicular traffic.

The detailed design for the site will come forward with any detailed application which may be made.

Local Improvements.

To facilitate the effective use of local bus infrastructure and to contribute to sustainable forms of development there is a need to upgrade local bus shelter provision and the S.H.M. will require a contribution of £25,000 to upgrade two local bus stops to quality partnership specification. The nearest shelters to the site requiring this upgrade will be upgraded.

In addition there is a proposal to upgrade the junction of Linley Road with Linley Lane to signal junction control which needs incremental contribution towards its funding. The Authority has a detailed design for this road improvement and has already purchased the signal gear which is in stock however there are considerable civils and utility works to complete which require funding.

This development proposal does have a material impact on this junction both on the A5011 Linley Lane through flow and the Linley Road approach and whilst the junction analysis shows capacity sufficient for the generated traffic there is still an accident record at this junction which the Highway Authority would like to address through the signal provision.

Accordingly it is considered reasonable that this development contribute towards the signal scheme which will come forward as funding is accrued.

The Strategic Highways Manager considers that it is reasonable that the proposed development contribute a sum equivalent to approximately £1,000 per capita against development build out numbers which will be finalised at the detailed application stage should the development gain an outline permission.

In order that this contribution can be secured the Strategic Highways Manager recommends that given the proposal is for up to 105 residential units the contribution be set at £100,000 .

Public Open Space Provision - *Amenity Greenspace*

Following an assessment of the existing provision of Amenity Greenspace 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.

Consequently there is a requirement for new Amenity Greenspace to meet the future needs arising from the development. The amount of Amenity Greenspace required in accordance with the interim Policy Note on Public Open Space Provision would be 4020m² of usable open space

Based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

£29,799 for a period of 25 years calculated in accordance with Policy

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 of 105 dwellings were to be granted planning permission there would be a surplus in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Whilst there is no requirement for new on site play space a deficit has been identified in the existing facilities accessible to the new development and in order to meet the needs of the new development, an opportunity has been identified for enhancing the quality of an existing facility at Wayside Linley.

There are several aspects of the existing site that are considered unsatisfactory and would benefit from upgrading by replacement and relocation within the existing site, as well as the introduction of DDA inclusive equipment which would improve the quality and accessibility of the facility and encourage greater use of the area.

Given that an opportunity has been identified for upgrading the capacity/quality of Children and Young Persons Provision, based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

£23,075.64 for enhancements to the play area (at Wayside Linley)
£75,222 for the maintenance of the enhancements

Ecology

In this case the Council's Ecologist has examined the application and made the following comments.

Badgers

Badgers are known to occur in this locality. A detailed survey has now been undertaken for this species which did not record any evidence of badger activity. I advise that badgers do not present a constrain upon the proposed development.

Great Crested Newts

Protected amphibians are identified in section 3.2 of the submitted ecological report as being an issue which is relevant to this site. However, the remainder of the report makes no further reference to great crested newts or amphibians in general.

However, there are no known ponds present or adjacent to the site therefore this species is unlikely to be present or affected by the proposed development.

Botanical/habitat value

Much of the site is hard standing and is of minimal nature conservation value.

A further botanical survey has now been undertaken of the area to the west of the existing factory upon the Council owned (Protected Open Space). The grassland habitats support a number of characteristic grassland plant species, however the grassland are not of sufficient quality to meet the Local Wildlife Site selection criteria or the definition of grasslands considered to be UK Biodiversity Action plan priority habitat.

The grassland habitats and scrub areas however, as areas of open space, are likely to support a range of birds, invertebrate and small mammal species, consequently the loss of these habitats would still result in a loss of biodiversity.

It is recommended that the residual impacts of the development on biodiversity be off-set by means of a commuted sum that could utilised to fund offsite habitat creation/enhancement. This

mitigation could equally be utilised to enhance the Merelake Way footpath/ Green Corridor by Countryside Rangers in the locality to improve local facilities, given the loss of the ecological value is upon an area of Protected Open space.

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

The loss of habitat (Semi improved grassland and scrub) amounting to roughly 1.75ha.

· Cost of creation of Lowland Grassland 1.75ha x £11,293.00 (cost per ha) = £19,762.75
(Source UK BAP habitat creation/restoration costing + admin costs)

Bats

No evidence of roosting bats was recorded during the survey and the buildings on site appear to have limited potential to support this species. I therefore advise that bats do not present a constraint upon the proposed development.

Reptiles

No evidence of reptile species has been recorded on site. I advise that based on the submitted survey information this species group is unlikely to be affected by the proposed development.

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. Where 3 storey development is proposed or there are significant levels difference, this interface should be increased proportionately. A minimum private amenity space of 65sq.m is usually considered to be appropriate for new family housing.

The layout and design of the site are reserved matters and it is considered that the dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It is also considered that the same standards can be achieved between proposed dwellings within the new estate and adequate amenity space could be provided for each new dwelling.

It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy GR1 of the Local Plan.

DRAINAGE AND FLOODING

The FRA identifies that the application site is wholly located within Flood Zone 1 as defined by the Environment Agency and as a result there is a low probability of flooding.

The majority of the existing site is covered by structures and hardstanding with the remainder being dense vegetation. The FRA submitted with the application has been forwarded to the Environment Agency who has raised no objection to the proposal subject to condition regarding

surface water run off. It is therefore considered that the development would not raise any significant flooding/drainage implications that would warrant the refusal of this application.

Community Infrastructure 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 requirement for long term management of on site Public Open Space and contribution in lieu of on site provision of Childrens play space is necessary, fair and reasonable, as the proposed development will provide 105 family sized dwellings of different sizes, the occupiers of which will be using these on site facilities on site and in the area generally . Likewise there is a impact upon local primary education infrastructure as a direct consequence of the development and in this regard the education mitigation payment is fair and reasonably related to the development

The financial contribution in lieu of loss of grassland habitat within the Protected Open Space is reasonable and related to the development and will compensate for the loss locally of open space in an area that is deficient.

The financial requirements to provide the bus stop upgrade and highways improvements locally are reasonably related to the proposal as the proposal will introduce more traffic and people into the area who would put greater demand upon public transport.

CONCLUSIONS AND THE PLANNING BALANCE

This brownfield site located within the Settlement Zone Line for Alsager, comprises a sustainable form of development and significantly contributes to an adequate and continuing supply of market and affordable housing to meet the local need and the requirements to provide for the general housing supply as required by the NPPF, the brownfield nature of the site and the allocation of the site as being deliverable within the SHLAA and the housing allocation with the Allocation Version of the Local Plan.

Significant weight must be attached to the provision of a continuing supply of new market and affordable dwellings and the allocation of the site within the Submission Version of the Local Plan as a housing site in conjunction with Tywford.

The existing commercial occupier of the factory building has confirmed that they are outgrowing the site and will be looking to find other more suitable premises within a few years and whilst no direct marketing information has been provided in support of the application, the allocation of the site within the emerging Plan as a housing allocation and the reliance of the

site for the continuing delivery of a supply of housing, within settlement is considered to outweigh this lack of information in the planning balance in this case.

Likewise, whilst the area is deficient in open space negotiations have resulted in an increase in the amount of open space provided on site which compensates in part for the loss of the protected open space to the rear of the Cardway site. Conditions are proposed to ensure additional provision forms part of the reserved matters.

The NPPF supports the loss of open space if the loss is replaced by equivalent or better provision in terms of quality and quantity in a suitable place. Whilst the amount lost is greater than that which replaces it, the quality of open space on site and locally can be significantly enhanced by the mitigation negotiated. This is considered to be acceptable in this case, given the significant contribution this site makes to the continuing housing land supply position.

In highways terms, subject to appropriate mitigation in the form of local junction improvements the capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development.

There would be no adverse impact on trees. Subject to appropriate ecological mitigation and conditions, the applicants have demonstrated general compliance with national and local guidance in a range of areas.

The application is therefore recommended for approval, subject to a Section 106 Agreement and conditions.

The Section 106 Legal Agreement to Secure:

- **Affordable housing:**
 - 30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)
 - A mix of 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.
- Contribution of £206,080 ($19 \times 11919 \times 0.91$) towards primary **education**. This contribution is based on 105 units and will phased on pro rata basis and be required to be paid on first occupation of each phase (pro rata) of the development of the site

- Commuted Sum for off-site enhancement works of £ 19,762.75 in lieu of the loss of protected open space – to be spent at Merelake Way footpath/ Green Corridor
- Contributions in lieu of on site children's play of £23,075.64 for enhancements to the play area (at Wayside Linley) and £75,222 for the maintenance of the enhancements
- Contributions of £29,799 as maintenance payment for on site POS (central area not incidental areas of open space)
- Bus Shelter Contribution of £25,000 to upgrade **two local bus stops** to quality partnership specification located within the vicinity of the development site
- **Off – site highway contribution** of £100,000
- **Travel Plan** monitoring payment of £5000 (£1000 per annum for 5 years)
- **Private residents management company to maintain all on-site incidental open space (not the central area of formal open space)**

And the following -

Conditions;

1. Standard Outline
2. Submission of Reserved Matters
3. Time limit for submission of reserved matters
4. Approved Plans
5. Electric vehicle infrastructure shall be provided on car parking spaces/ each dwelling
6. materials to be submitted
7. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
8. The developer shall agree with the LPA an Environmental Management Plan (EMP) with respect to the construction phase of the development. The EMP shall identify all potential dust sources and outline suitable mitigation. The plan shall be implemented and enforced throughout the construction phase.
9. Prior to the commencement of development an additional Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.
10. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
11. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority.
- 12 Noise mitigation to be submitted and implemented to achieve a good standard and the proposed mitigation for the gardens closest to potential noise sources will require the recommended design criteria of <55dB LAeq to be achieved.

13 No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority showing how at least 10% of the predicted energy requirements of the development will be secured from decentralised and renewable or low-carbon sources. The scheme shall be implemented as approved and retained thereafter.

14. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.

15. 105 units maximum

16. Any reserved matters application for housing to include detailed proposals for the incorporation of features into the scheme suitable for use by roosting bats and breeding birds including swifts and house sparrows. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.

17. Works should commence outside the bird breeding season

18. No trees shall be removed without the prior approval of the LPA.

19. Landscaping Scheme including details of boundary treatments to be submitted

20. Submission of Statement Design (site wide) of part of 1st reserved matters principles to take into account, the Master Plan and the Parameters Plan and to include the principles for:

- determining the design, form, heights and general arrangement of external architectural features of buildings including the roofs, chimneys, porches and fenestration;
- determining the hierarchy for roads and public spaces;
- determining the colour, texture and quality of external materials and facings for the walls and roofing of buildings and structures;
- the design of the public realm to include the colour, texture and quality of surfacing of footpaths, cycleways, streets, parking areas, courtyards and other shared surfaces;
- the design and layout of street furniture and level of external illumination;
- the laying out of the green infrastructure including the access, location and general arrangements of the children's play areas, open space within the site
- sustainable design including the incorporation of decentralised and renewable or low carbon energy resources as an integral part of the development
- ensuring that there is appropriate access to buildings and public spaces for the disabled and physically impaired.
- scale parameters for 2.5/3 storey buildings on key parts of the site
- SUDS details to be submitted

All subsequent phases and reserved matters to comply with overall strategy unless otherwise agreed

21. Reserved Matters to include Arboricultural Implication Study (AIS) in accordance with para 5.4 of BS5837:2012 Trees in Relation to Design, Demolition and Construction -Recommendations , Constraints and Tree Protection Plan and Arboricultural Method Statement

22. Landscaping implementation

23. Umbrella Travel Plan to be submitted with 1st reserved matters and each Phase of development to include travel plan

24. scheme to manage the risk of flooding from overland flow

25 Existing and proposed levels to be submitted as part of each phase/ each reserved matters application whichever is sooner.

26. Reserved matters to include an area of useable public open space of a minimum of 4800 square metres in a central area of the site with access strategy from wider area

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or add additional conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Principal Planning Manager, in consultation with the Chair/ Vice Chair of the Southern Planning Committee is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.

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 above

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Application No: 14/3624C

Location: LAND TO THE NORTH OF 24, CHURCH LANE, SANDBACH, CW11 2LQ

Proposal: Erection of 13 dwellings (re-submission 13/5221C)

Applicant: Chelmere Homes Ltd

Expiry Date: 27-Oct-2014

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES:

- Principle of Development
- Housing Land Supply
- Open Countryside Policy
- Location of the site
- Design Considerations
- Highway Safety and Traffic Generation
- Residential Amenity
- Noise
- Air Quality
- Ecology
- Open Space
- Affordable Housing
- Landscape
- Infrastructure
- Levy (CIL) Regulations
- Other Issues

REASON FOR REFERRAL

This application represents a small scale major development, and as such, it is referred to the Southern Planning Committee. The proposal is also a departure from the development plan.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises of a field measuring 0.5 ha situated to the north and east of Church Lane in Sandbach. The site is bound along its eastern boundary by the M6 motorway and to the south by 2 no. residential properties. The site is located in the Open Countryside as designated in the Congleton Borough Local Plan First Review.

DETAILS OF PROPOSAL

Full planning permission is sought for the erection of 13 no. dwellings.

RELEVANT HISTORY

13/5221C - Erection of 13 dwellings – Withdrawn 18-Mar-2014

POLICIES

Local Policy

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

PS8 – Open Countryside
GR6 - Amenity and Health
GR9 - Highways & Parking
GR20 – Public Utilities
GR22 – Open Space Provision
NR3 - Habitats

National Policy

National Planning Policy Framework (NPPF)

Cheshire East Local Plan Strategy – Submission Version

Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy SE 1 Design
Policy 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 IN 1 Infrastructure
Policy IN 2 Developer Contributions
Policy PG 1 Overall Development Strategy
Policy PG 2 Settlement Hierarchy
Policy PG 5 Open Countryside
Policy SC 4 Residential Mix

Other Material Planning Considerations

SPG2 - Provision of Private Amenity Space in New Residential Development
The EC Habitats Directive 1992

CONSULTATIONS (External to Planning)

Strategic Highways Manager:

No comments received but previously advised no objection.

Environmental Protection:

Object - The site is not suitable for residential development. The acoustic environment at this location is substantially affected by traffic noise from the M6 motorway; the impact of this noise source would cause a substantial loss of amenity to future occupiers of the noise sensitive dwellings at the location.

United Utilities:

No objections, subject to the site being drained on a separate system.

Greenspaces (Cheshire East Council)

No comments received but previously advised that there would be a deficiency in the quantity of provision of amenity Greenspace accessible in the area should the application be approved. As such a financial contribution is required towards enhancement of public open space/play provision within the vicinity of the proposed development (Church Lane). The contributions sought are;

Enhanced provision: £2,694.33
Maintenance: £6,030.75 (25 years)

With regards to Children and Young Person Play provision, the following contributions are sought;

Enhanced provision: £4,670.07
Maintenance: £15,223.50 (25 years)

Education:

No comments received but previously advised that this development will generate 2 primary and 2 secondary aged pupils. The local primary and secondary schools are cumulatively forecast to be oversubscribed. In light of this the following contributions are required:

**Primary = £21,692
Secondary = £32,685**

Highways Agency:

No objection subject to conditions preventing encroachment onto the M6 embankment.

VIEWS OF SANDBACH TOWN COUNCIL:

Object on the following grounds:

- i. Significant air and noise pollution on the site, in close proximity to the motorway, will be high
- ii. Additional traffic will have an unduly detrimental impact on residents through traffic generation, access and parking; contravening policy GR6v
- iii. Contrary to requirements of policy GR18, the scale of traffic will worsen existing traffic problems in the area.
- iv. The bridge referenced as access route is weight restricted.

OTHER REPRESENTATIONS:

Objections have been received from 8 addresses objecting to this proposal on the following grounds:

- Development is in the Open Countryside
- Buildings will be too tall
- Design, density, subsequent bulk and mass in proximity to the road would appear incongruous to the overall street scene
- Site is not allocated for development and is contrary to relevant policies
- Access unsuitable for 13 houses and is in a dangerous location
- Size of the proposed properties will completely overshadow the existing bungalows
- Unsightly acoustic fence lacking
- Detrimental to wild life habitat and movement
- Interior of the houses requires mechanical ventilation and by definition leaves the gardens and surrounding areas with very dubious air quality
- A site at the top end of Heath Road (Oakotis) directly adjacent to the motorway has already been refused extra dwellings due to the proximity of the motorway and the effect of air pollution on persons living so close to the motorway
- Site is unsuitable for new residential usage due to its proximity to the M6 motorway where high traffic volumes cause intrusive traffic noise
- Proposal is not sustainable
- Design is completely out of character with the existing properties
- Future motorway widening may require the bridge to be moved
- A high pressure oil line crosses the site, have the operators been informed
- Houses are not needed and take the allocation of houses in the area above the draft Core Strategy target
- Cars use church lane (60mph) as a rat run to avoid the motorway/town centre, it is dangerous to pedestrians and children walking to church or school as there is no footpath
- Area is already congested
- Will be visible from the motorway
- No planning gain offered
- Fails to take account of Climate Change Mitigation obligations

- Layout is designed for maximum units per hectare rather than to enhance solar gain and utilisation
- Loss of amenity and outlook
- Lack of open space provision
- Lack of parking for visitors
- Residents would be car dependant
- Area is congested and suffers from traffic problems
- There is a high pressure gas line that passes through the site
- Development in this area would have a significant impact on the local ecology
- Bungalow that has recently been built adjacent to the site is too out of keeping
- Site is not included in the Cheshire East Council's Development Strategy
- No footpath provision or cycle provision
- There will be no green spaces left
- If permitted the development should fund the an extension of the speed limit and traffic calming
- The installation of the non-opening windows as the report suggests, raises doubts over how the proposed houses will meet Fire and Building Control Regulations

A petition has also been received with 101 signatories. The grounds for objection are as follows:

- The land is not allocated for development and is therefore contrary to relevant policies
- The site is unsuitable fro residential development due to its proximity to the M6 motorway – noise and air quality
- The proposed design is unsuitable for this location where the traffic generated by 13 houses will rely on a single point of access on a narrow bend in the road
- This is speculative flawed development which is reliant on an unsightly acoustic fence which will cause issues with maintenance and would be detrimental to wildlife habitat movement
- Houses would rely on mechanical ventilation and gardens would be subject to dubious air quality

SUPPORTING INFORMATION:

Design and Access Statement

Air Quality Report

Noise Report

Tree Report

Highway Report

Phase 1 Habitat Report

OFFICER APPRAISAL

Principle of Development

The site is designated as being within the Open Countryside where Policy PS8 (Open Countryside) of the Local Plan states that development will only be permitted if it falls within one of a number of categories including:

- Agriculture and Forestry
- Facilities for outdoor sport, recreation, tourism
- Other uses which preserve the openness of the open countryside and maintain or enhance its local character
- New dwellings in accordance with Policy H6
- Controlled infilling
- Affordable housing in compliance with Policy H14
- Development for employment purposes
- The re-use of rural buildings or;
- The re-use or redevelopment of existing employment sites

As the proposed development is for the erection of 13 new dwellings in the Open Countryside, it is subject to Policy H6 of the Congleton Local Plan and Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Policies H6 and PG5 advise that residential development within the Open Countryside will not be permitted unless it falls within one of the following categories:

- An agricultural workers dwelling
- The replacement of an existing dwelling
- The conversion of a rural building
- The change of use or redevelopment of an existing employment site
- Limited infill or;
- Affordable housing

The proposed development does not fall within any of the above categories relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and emerging plan and as such, there is a presumption against the proposal.

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 numerous principal appeal decisions which address housing land supply.

Each has 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

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

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

- Amenity Open Space (500m) – 105m
- Children's Play Space (500m) – 105m
- Primary School (1000m) – 514m
- Outdoor Sports Facility (500m) – 105m
- Local meeting place (1000m) – 514m
- Child Care Facility (nursery or crèche) (1000m) - 514m
- Bus Stop (500m) – 306m
- Public Right of Way (500m) – 50m
- Any transport node – 306m

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

- Post box (500m) – 638m
- Convenience Store (500m) – 648m
- Public House (1000m) – 1078m

The following amenities/facilities fail the standard:

- Bank or cash machine (1000m) – 1803m
- Pharmacy & Medical Centre (1000m) – 2145m
- Railway station (2000m where geographically possible) – over 3000m
- Supermarket (1000m) – 1803m
- Secondary School (1000m) – 1960m

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Sandbach, there are some facilities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. However, this is not untypical for suburban dwellings.

All of the services and amenities listed are accommodated within Sandbach and are accessible to the proposed development on foot or via a short bus journey, with a bus stop in close proximity to the site. Accordingly, it is considered that this small scale site is locationally sustainable. However, it is not considered that the locational sustainability of the site is outweighed by the loss of the open countryside.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. 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. More specifically, 3 dimensions are referred to within the NPPF. These are identified as being '*an economic role*', '*a social role*' and '*an environmental role*'.

These roles should not be undertaken in isolation, because they are mutually dependent.

There is an economic benefit to be derived from the construction of the scheme. A housing development of this size would bring the usual economic benefit to the closest shops service and amenities 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. Affordable housing is also a social benefit.

From an environmental perspective, the Council's Environmental Protection Unit has expressed concern regarding the impact that the adjoining M6 motorway would have in terms of noise and air quality. Thus, in this regard, the proposal would not represent the most sustainable form of development in environmental terms, but this will be explored further later on in the report. As such, it is not considered that the proposal would be environmentally sustainable.

To conclude, the benefits of the proposal include the provision of affordable housing and the close proximity of the site to public transport and public facilities. However, it is considered that these benefits are outweighed by the loss of the open countryside, which when not required for the purpose of housing land supply, is inherently unsustainable.

Planning Balance

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005. Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, it constitutes a "departure" from the development plan and there is a presumption against the proposal.

The proposal remains contrary to Open Countryside policy regardless of the Council's 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.

From a sustainability perspective, the proposal would bring positive planning benefits such as; affordable housing, a boost to the local economy and would be sited in a relatively sustainable location. However, it is considered that these benefits are outweighed by the loss of the Open Countryside and the poor level of residential amenity that would be afforded to the occupants of the proposed dwellings and as such, the use of the site for housing development is considered to be unacceptable in principle.

Design Considerations

Generally, the proposed layout would introduce a linear pattern running parallel with the rear boundary of the site with the M6 motorway. This would then terminate towards the northern end of the site where the development would be arranged around a cul-de-sac. A couple of the units would front onto Church Lane and would continue the building line of the 2 properties to the south.

With respect to the design and external appearance of the development, the units would be generous sized two storey dwellings with accommodation within the roof space to provide a third storey. Whilst the area is characterised by bungalow style properties, this site is generally detached from such properties and would achieve sufficient separation so as to not dominate them in visual terms. The bulk of the properties would be positioned towards the rear of the site reducing their intrusiveness.

Given the mix in character of properties in the area, and having regard to the fact that the site would be slightly detached, the design of the dwellings would not appear out of keeping with the area.

With respect to the general impact that the scheme would have, the proposal would require the provision of a noise attenuation barrier along the boundary with the M6 motorway. The proposed fence would provide sound reduction to the houses and their garden areas to try and mitigate the noise from the motorway. However, the proposal fence would measure some 4 metres in height. It is considered that the erection of such a structure would appear overly prominent and intrusive and would impact negatively on the character and appearance of the site and the development itself. As such, this component of the design is considered to be unacceptable and as such would not meet the requirements of the relevant design policies of the local plan and emerging plan.

Highway Safety and Traffic Generation

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

The proposed site would be served by an access directly off Church Lane. The access would be located towards the southerly part of the site frontage adjacent to the side boundary shared with no. 24 Church Lane.

The Strategic Highways Manager confirmed on the previous scheme (which was identical in highways terms to this scheme) that third party land would be required to provide even the minimum visibility splay if that were accepted. Following submission of a plan detailing the visibility splays, and confirmation that these splays fall on land that is controlled by the applicant, the Strategic Highways Manager stated that subject to conditions, the proposal would be acceptable with regard to highways and parking. The same conclusions can be drawn for this proposal.

Residential Amenity

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

Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

With respect to the existing properties, the nearest dwelling is number 24 Church Lane to the south. This neighbouring dwelling would be sited approximately 21 metres distance away from the nearest unit (plot 1). Consequently, the proposal would not cause material harm to the residential amenity afforded to the nearest neighbouring properties either by reason of loss of privacy, loss of light or visual intrusion. The proposed dwellings would comply with the separation distances.

Noise

Owing to the site's proximity to the M6 motorway, the application is supported by a Noise and Vibration survey and an Air Quality Mitigation Scheme. The Noise Policy Statement for England (NPSE), March 2010 was published in March 2010. The document seeks to clarify the underlying principles and aims in existing policy documents, legislation and guidance that relate to noise. It also sets out, in paragraph 1.6, the long term vision of Government noise policy:

“Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development”.

Aims of NPSE:

- *Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.*
- *Mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.*

The submitted noise report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by traffic noise from the M6.

The development is required to meet the requirements of BS823:2014 for internal and external noise levels as detailed below:

Activity	Location	07:00 – 23:00	23:00 – 07:00
Resting	Living Room	35 dB L _{Aeq, 16hr}	-
Dining	Dining room/area	40 dB L _{Aeq, 16hr}	-
Sleeping (daytime resting)	Bedroom	35 dB L _{Aeq, 16hr}	30 dB L _{Aeq, 8hr}

Resting	Garden	55 dB $L_{Aeq, 16hr}$	-
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The information provided in the report is detailed on the basis of windows closed and trickle ventilation provided. There are no details provided as to the noise levels which will be experienced by the future occupants with the windows open. Based on this information the following noise criteria has been adopted:

- Daytime noise below 35 dB L_{Aeq} inside living rooms and bedrooms, below 40 dB L_{Aeq} in dining rooms; and
- Night-time noise levels not exceeding 30 dB L_{Aeq} and generally not exceeding 45 dB L_{Aeq} in bedrooms.

In terms of protecting the dwellings from noise, the noise report has been compiled on the basis of the windows remaining closed with trickle ventilation in order to achieve the internal noise criteria of BS8233:2014. The precise glazing and ventilation has not been confirmed (for example the nominal gap of the glazing proposed throughout the entire development has a variance to it). Thus, and for the Council's Environmental Protection Unit to be satisfied that future occupants will be protected from traffic noise from the M6, specifics of the glazing and ventilation are required and the acoustic attenuation which will be provided by them. Without such information, it is not possible to demonstrate that the level of harm be brought within acceptable tolerances.

The sound level within a residential building is not the only consideration: most residents will also expect a reasonable degree of peaceful enjoyment of their gardens and adjacent amenity areas.

The report states that with the installation of this acoustic fence that 57 dB L_{Aeq} would be deemed acceptable.

BS8223:2014 states that for traditional external areas that used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB $L_{Aeq,T}$ with an upper guideline value of 55 dB $L_{Aeq,T}$ which would be acceptable in noisier environments.

As stated the report recommends 57dB L_{Aeq} will be deemed acceptable this is above the recommendation of BS8233:2014. It also should be noted that a 3dB increase is deemed as a double of sounding so 55dB and 57dB can be deemed a significant increase.

As previously stated most residents expect a reasonable degree of peaceful enjoyment of their gardens and adjacent amenity areas and therefore the Environmental Protection Division

are unable to support this application due to the failure of the site being able to meet the WHO guidelines for outdoor living areas.

As such, the site is not suitable for residential development - due to the inability to mitigate noise to a satisfactory level for outside living/amenity areas. It is considered that if this development is granted permission, there will be significant adverse impacts on health and quality of life, arising from the existing noise climate at this location. Indoor living environments depend on extensive mitigation measures to achieve a satisfactory acoustic environment and more details are required to achieve the good standard of BS8223 with regards to the attenuation qualities of all the materials to be used providing an overall determination of being able to achieve the standard.

Further, the use of mechanical ventilation in order to achieve a suitable acoustic environment is not, by definition, an aspiration to 'high quality residential development' and is further evidence that the site is an inappropriate unsustainable location for residential development. Outdoor living environments cannot achieve a satisfactory noise level in accordance with the WHO guidelines for Community Noise due primarily to road traffic noise and as such the proposal fails to accord with Local Plan Policy GR6.

Air Quality

An Air Quality Impact Assessment has been submitted. The assessment considers the impact of existing air quality on the proposed development due to its close proximity adjacent to the M6 motorway. The report has identified that levels of nitrogen dioxide (NO₂) at a number of the proposed dwellings closest to and facing the motorway have the potential to be exposed to NO₂ concentrations close to or above the objective. The overall significance of introducing residential uses to the site is therefore considered minor / adverse.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. As such, the report recommends that mitigation in the form of a mechanical ventilation system be installed in those properties. The Council's Environmental Protection unit consider that such mitigation is acceptable in terms of air quality and therefore refusal could not be sustained on this issue.

Ecology

The Council's Nature Conservation Officer has advised that the application will result in the loss of 0.5ha of semi-improved grassland. The grassland habitats on the site are of relatively low value and do not present a significant constraint on the proposed development. However, the proposals will result in an overall loss of biodiversity and therefore it is recommended that the residual impacts of the development be off-set by means of a commuted sum. This would be utilised to fund off site habitat creation/enhancement potentially within the 'Meres and Mosses' Nature Improvement Area or a more local site in Sandbach.

On the basis of the Defra report 'Costing potential actions to offset the impact of development on biodiversity – Final Report 3rd March 2011'): the loss of habitat (Semi improved grassland) amounting to roughly 0.5ha would equate to £5646.50 (Source UK BAP habitat creation/restoration costing + admin costs).

Subject to the above, it is considered that the development would adhere with Policy NR2 of the Local Plan and Policy SE3 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Open Space

Whilst no open space is to be provided as part of the scheme, the application site is located approximately 100 metres distance away from an area of Public Open Space which also accommodates some children's play space.

Following an assessment of the existing provision of Children and Young Persons Provision and Public Open Space accessible to the proposed development, if the development were to be granted, 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. As such a financial contribution is required towards enhancement of public open space/play provision within the vicinity of the proposed development (Church Lane). The contributions sought are;

Enhanced provision: £2,694.33
Maintenance: £6,030.75 (25 years)

With regards to Children and Young Person Play provision, the following contributions are sought;

Enhanced provision: £4,670.07
Maintenance: £15,223.50 (25 years)

As such, subject to a commuted sum being agreed and secured via legal agreement, it is considered that the proposal would be in compliance with Local Plan Policy GR22.

Affordable Housing

The application proposes the provision of 4 of the 13 dwellings to be affordable dwellings, which meets the requirements of the Interim Planning Statement on Affordable Housing.

The Interim Planning Statement advises that there should be a 30% on-site affordable housing requirement on sites over 0.4 hectares within settlements of 3000 or more. Furthermore, a tenure split of 65% affordable or social rent and 35% intermediate tenure should be sought.

The Strategic Housing Market Assessment (SHMA) 2013 Update identified that for the Sandbach sub-area there is a need for 94 new affordable units per year between 2013/14 – 2017/18, this totals a requirement for 470 new affordable homes for the period and is made up of an annual requirement for 18 x 1 bed, 33 x 2 bed, 18 x 3 bed, 9 x 4+ beds, 11 x 1 bed older persons accommodation and 11 x 2 bed older persons accommodation.

There are also currently 348 applicants on the housing register on Cheshire Homechoice who have selected one of the Sandbach letting areas as their first choice. These applicants require 126 x 1 bed, 143 x 2 bed, 55 x 3 bed & 9 x 4 bed (15 applicants haven't specified how many bedrooms they require).

This site is 0.54 hectares in size and as such there is a requirement for 30% affordable housing. The applicant is offering 4 dwellings as affordable housing, this meets the requirements of the IPS. As per the tenure split highlighted above 3 social or affordable rent and 1 intermediate dwelling will be required.

A legal agreement will be required to secure the delivery of this housing and trigger its release. As a result of the above information and comments, it is considered that the affordable housing provision proposed would be acceptable. Policy SC5 of the Cheshire East Local Plan Strategy – Submission Version, largely reflects the Affordable Housing IPS requirements.

Landscape

The Noise and Vibration Assessment Report indicates that a 4 metre high acoustic barrier would be required along the entire eastern boundary and that lower barriers (height not specified) would be required along the southern site boundary and around garden boundaries.

The high acoustic fences would appear oppressive for residents and would appear incongruous in this rural location where they would be visible from views off Church Lane. Appropriate landscape and boundary conditions could ensure that the height, materials and colour of all barrier fencing is agreed and planting proposals to screen and soften the fencing and generally enhance the development could be imposed, however, this would not be sufficient to mitigate the visual harm incurred by a 4 metre barrier.

Infrastructure

Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

The Council's Education Officer, in response to a consultation to ascertain the impact of the proposed development on nearby schools has advised that the proposed development will generate 2 primary and 2 secondary aged pupils. The local primary and secondary schools are cumulatively forecast to be oversubscribed. In light of this the following contributions are required.

Primary = £21,692

Secondary = £32,685

Subject to these, the scheme would be in compliance with the development plan and Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version.

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 a deficiency in the quantity of provision of public open space within the area. In order to offset this loss, a contribution towards of site enhancement and maintenance is required. The development would also result in a deficiency in the quantity of provision of children's space within the area. In order to offset this loss, a contribution towards of site enhancement and maintenance is required. This is considered to be necessary, fair and reasonable in relation to the development.

With respect to the affordable housing provision, the 4 units are deemed necessary to meet an identified need and accords with the Council's IPS.

The proposed commuted sum for ecology is necessary, fair and reasonable and given that the proposal will result in the loss of an existing Greenfield and the potential habitat that this offers.

The education contribution is necessary having regard to the oversubscription of local schools and the demand that this proposal would add.

The above requirements are considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

Other Issues

Whilst reference has been made to a pipeline running across the site, this is not a material conisation and would be an issue that the developer would have to overcome in collaboration with the relevant utility company. The developer should be made aware of this as an informative on any decision notice.

CONCLUSIONS

The site is within the Open Countryside where under Policy PS8 of the Local Plan and Policy PG5 of the Cheshire East Local Plan Strategy – Submission Version, there is a presumption against new residential development.

The Council can demonstrate a 5 year supply of housing land and therefore there is no over-riding need to release this Open Countryside site. Furthermore, the proposal would cause harm to the character and appearance of the Open Countryside contrary to Policy PS8 of the Local Plan and Policy PG5 of the Cheshire East Local Plan Strategy – Submission Version and in accordance with the NPPF. As such, the principle of the development is unacceptable.

Notwithstanding the above, whilst the site does not meet all the minimum distances to local 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.

The access to the site is considered to be acceptable and considerations relating to design, affordable housing, open space and air quality would be acceptable subject to conditions and a S106 agreement to mitigate the relevant impacts.

However, the site is not suitable for residential development owing to the acoustic environment at this location which is substantially affected by traffic noise from the M6 motorway. The impact of this noise source would cause a substantial loss of amenity to future occupiers of the noise sensitive dwellings at the location and as such would not accord with Local Plan Policy GR6. The mitigation required in the form of the proposed noise attenuation barriers would be visually intrusive and prominent and would not be acceptable in design terms, contrary to local plan policies GR1 and GR2.

Additionally, as the proposal is for new dwellings in the Open Countryside and does not adhere to the housing policies within this designation, the application is therefore, recommended for refusal.

* * * * *

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.

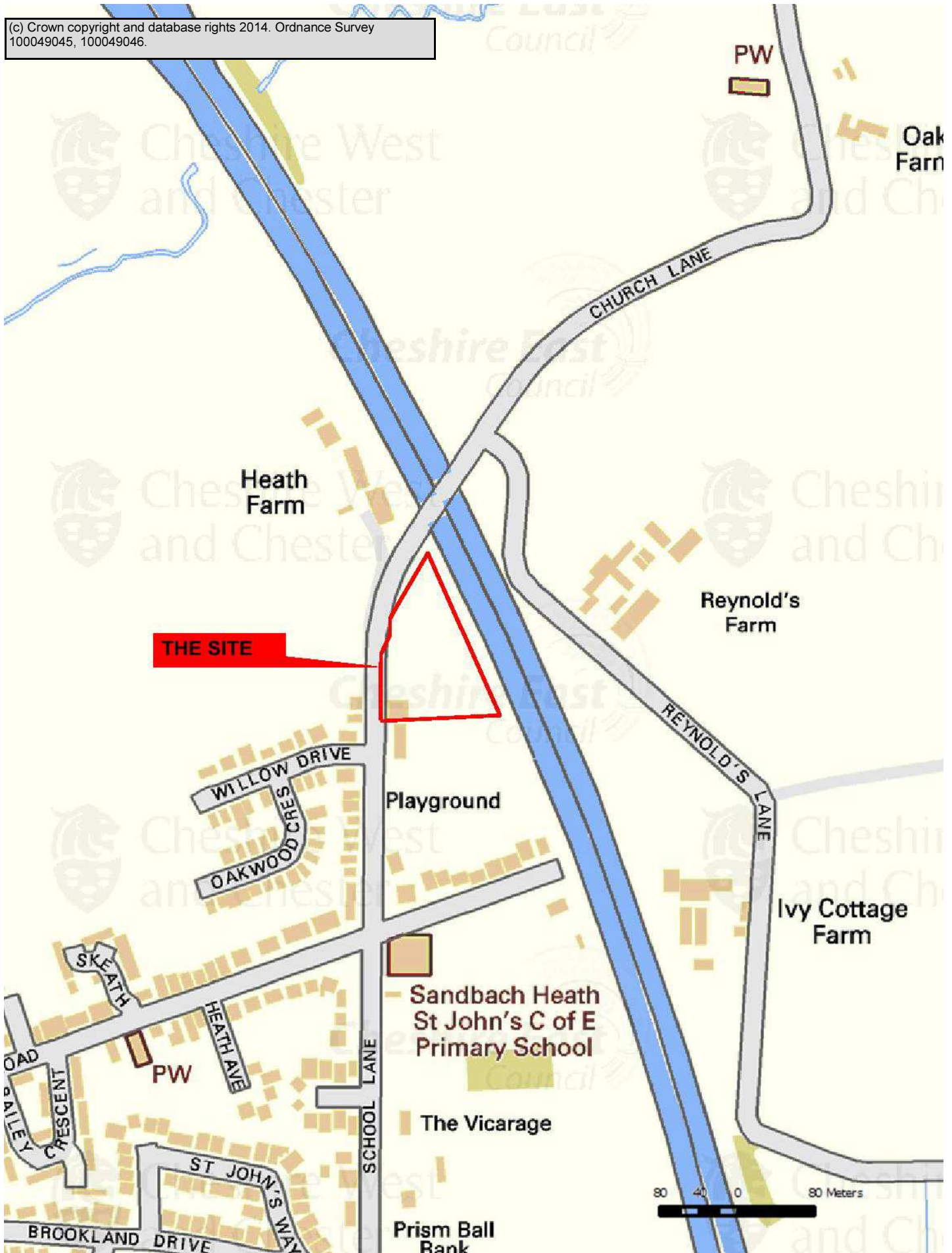
Should this application be the subject of an appeal, authority be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the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

Application for Full Planning

RECOMMENDATION:

1. The proposed development is unsustainable because it is located within the Open Countryside and contrary to policies which seek to ensure development is directed to the right location. The proposed residential use would be subject to unacceptable levels of noise generated from the M6 Motoreway.

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Application No: 14/4304C
Location: LAND OFF MOSS LANE, SANDBACH, CHESHIRE
Proposal: Outline application for 13 new dwellings
Applicant: Mr Peter Richardson
Expiry Date: 16-Dec-2014

SUMMARY RECOMMENDATION**REFUSE****MAIN ISSUES:**

- Principle of the development
- Housing land supply
- Sustainability
- Planning balance
- The acceptability of the Layout, Scale, Appearance, Landscaping and Access
- Impact on adjoining residential amenities
- The impact upon ecology
- The provision of open space
- Provision of affordable housing
- The impact upon the Public Right of Way
- The impact upon trees and hedgerows

REASON FOR REFERRAL

This application is referred to the Southern Planning Committee as it involves a 'departure' from planning policy.

DESCRIPTION OF SITE AND CONTEXT

This application relates to an agricultural field located on the northern side of Moss Lane, Sandbach within the Open Countryside.

DETAILS OF PROPOSAL

Outline Planning Permission is sought for the erection of 13 new dwellings.

All matters are reserved. As such, the application seeks permission for the principle of the erection of 13 dwellings on this site.

This application is a like-for-like re-submission of application 13/4911C which was refused by Southern Planning Committee for the following reasons;

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*

RELEVANT HISTORY

13/4911C - Outline application for 13 new dwellings (Resubmission) – Refused 17th February 2014

13/2841C - Outline application for 13 new dwellings – Refused 19th September

POLICIES

Local Plan Policy

PS8 – Open Countryside

GR1 - General Criteria for Development

GR2 – Design

GR4 - Landscaping

GR6 - Amenity and Health

GR9 - Highways & Parking

GR16 – Footpath, Bridleway and Cycleway Networks

GR19 - Infrastructure

GR20 – Public Utilities

GR22 – Open Space Provision

H1 & H2 - Provision of New Housing Development

H6 – Residential development in the Open Countryside and the Green Belt

NR1 – Trees and Woodlands

NR2 – Wildlife and Nature Conservation – Statutory Sites

NR3 - Habitats

National Policy

National Planning Policy Framework (NPPF)

Other Material Planning Considerations

SPG2 - Provision of Private Amenity Space in New Residential Development

The EC Habitats Directive 1992

Conservation of Habitat & Species Regulations 2010

Circular 06/2005 - - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Affordable Housing Statement: Affordable Housing
Sandbach Town Strategy

Cheshire East Local Plan Strategy – Submission Version

PG1 – Overall Development Strategy
PG2 – Settlement Hierachy
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, Hedgerows and Woodland

CONSULTATIONS (External to Planning)

Strategic Highways Manager – No comments received at time of report preparation

Comments to previous submission (13/4911C);

No objections, subject to a condition requiring that the off-road parking standards adhere with the Draft Local Plan and an informative that the developer will enter into a S184 Agreement for the construction of the vehicular accesses.

Environmental Protection – No objections, subject to a number of conditions including: Hours of piling, the prior submission of a piling method statement, the prior submission of a construction phase Environmental Management Plan, the prior submission of a dust mitigation scheme and an hours of construction and a contaminated land informative.

United Utilities – No objections, subject to 2 drainage conditions. 1 for the prior submission of a foul drainage scheme and 1 for the prior submission of a surface water drainage scheme.

In addition, a number of informatives are proposed including that the site 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.

Canal & River Trust – No comments received at time of report preparation.

Comments to previous submission (13/4911C);

No objections

Greenspace (Cheshire East Council) – No comments received at time of report preparation

Comments to previous submission (13/4911C);

Advise that there would be a deficiency in the quantity of provision of amenity Greenspace accessible in the area should the application be approved. As such a financial contribution is required towards enhancement of public open space/play provision within the vicinity of the proposed development. The contributions sought are;

Enhanced provision: £2,113.20

Maintenance: £4,730.00 (25 years)

With regards to Children and Young Person Play provision, the following contributions are sought;

Enhanced provision: £3,662.80

Maintenance: £11,940.00 (25 years)

Total: £22,446

Strategic Housing Manager (Cheshire East Council) – No comments received at time of report preparation

Comments to previous submission (13/4911C);

Advise that the 4 units to be provided for social rent would be acceptable. Recommend that the affordable housing should be provided no later than the occupation of 50% of the open market dwellings.

Public Rights of Way – No objections, subject to an informative advising the land owner of their obligations.

Ramblers Association – No comments received at time of report preparation

Comments to previous submission (13/4911C);

Recommend that the developer show the position of the Public Footpath FP34 on their plans

VIEWS OF THE PARISH COUNCIL:

Sandbach Town Council – Object on the grounds of highway safety

OTHER REPRESENTATIONS:

Objections have been received from 7 neighbouring properties. The main areas of objection relate to;

- Principle of development in Open Countryside
- No need for further housing in Sandbach
- Loss of agricultural land
- Highway Safety – Increase in traffic, congestion, visibility, poor quality of existing road
- Lack of public facilities
- Amenity – Air pollution

- Ecology – Impact upon flora
- Drainage and Flooding

SUPPORTING INFORMATION:

Highways Report
Tree Report
Hedgerow Searches

OFFICER APPRAISAL

Principle of Development

The site is designated as being within the Open Countryside where Policy PS8 (Open Countryside) of the Local Plan states that development will only be permitted if it falls within one of a number of categories including:

- Agriculture and Forestry
- Facilities for outdoor sport, recreation, tourism
- Other uses which preserve the openness of the open countryside and maintain or enhance its local character
- New dwellings in accordance with Policy H6
- Controlled infilling in accordance with Policy H6
- Affordable housing in compliance with Policy H14
- Development for employment purposes
- The re-use of rural buildings or;
- The re-use or redevelopment of existing employment sites

As the proposed development is for the erection of 13 new dwellings in the Open Countryside, it is subject to Policy H6.

Policy H6 of the Local Plan advises that residential development within the Open Countryside will not be permitted unless it falls within one of the following categories:

- An agricultural workers dwelling
- The replacement of an existing dwelling
- The conversion of a rural building
- The change of use or redevelopment of an existing employment site in accordance with Policy E10
- Limited infill for those settlements identified in Policy PS6 or;
- Affordable housing

The proposed development does not fall within any of the above categories 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.

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 numerous principal appeal decisions 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

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

- Post box (500m) – 450m
- Amenity Open Space (500m) – 450m
- Children’s Play Space (500m) – 450m
- Primary School (1000m) – 750m
- Outdoor Sports Facility (500m) – 450m
- Local meeting place (1000m) – 750m
- Public House (1000m) – 270m
- Child Care Facility (nursery or crèche) (1000m) - 750m
- Bus Stop (500m) – 450m
- Public Right of Way (500m) – 50m
- Pharmacy (1000m) – 600m
- Railway station (2000m where geographically possible) – 550m
- Any transport node – 550m

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:

- Bank or cash machine (1000m) – 1448m
- Bank or Cash machine (1000m) – 1100m
- Supermarket (1000m) – 1270m

The following amenities/facilities fail the standard:

- Secondary School (1000m) – 1960m
- Medical Centre (1000m) – 2310m
- Convenience Store (500m) – 1100m

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 Sandbach, within the recommended standards for the majority of the amenities listed, it is considered that this site is a locationally sustainable site.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. 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. More specifically, 3 dimensions are referred to within the NPPF. This are;

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.

No information has been submitted as to how principles of energy reduction would be met within the development. However, this is an outline application and a detailed scheme to achieve reduced energy consumption could be secured through the use of conditions.

Paragraph 4.3 of the submitted Highways Report advises that *'...the location of the development is very sustainable, is located close to bus stops, a train station and is also within easy walking and cycling distance of local shops. It should therefore encourage alternative modes of travelling locally with opportunities to commute right on the door stop.'*

Given the proximity of the site to a number of public transport nodes, it is considered that the site would be sustainable from a transport perspective.

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 in Elworth 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. Affordable housing is also a social benefit.

From an environmental perspective, the Council's Landscape Officer, in response to the previous application advised that; *'There are no landscape designations on the site but the site is located within open countryside outside the settlement zone line as identified in the relevant Local Plan. In the Cheshire Landscape Character Assessment the site is located on the edge of the East Lowland Plan Landscape Character Type in ELP 5 Wimboldsley Character Area. The site has several of the key characteristics of the character type.'*

It was further advised that *'No landscape appraisal or visual impact assessment has been provided however, I consider encroachment of built development into the open countryside would be regrettable at this location.'*

No such appraisal accompanies this application either.

As such, it is not considered that the proposal would be environmentally sustainable.

To conclude, the benefits of the proposal include the provision of affordable housing and the close proximity of the site to public transport and public facilities. However, it is considered that these benefits are outweighed by the loss of the open countryside, which when not required for the purpose of housing land supply, is inherently unsustainable.

Planning Balance

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

The proposal remains contrary to Open Countryside policy regardless of the Council’s 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.

From a sustainability perspective, the proposal would bring positive planning benefits such as; affordable housing, a boost to the local economy and would be sited in a sustainable location. However, it is considered that these benefits are outweighed by the loss of the Open Countryside and as such, the use of the site for housing development is considered to be unacceptable in principle.

Layout

The proposed development is for 13 new dwellings.

The submitted indicative layout plan shows that the proposed dwellings would be erected in a linear pattern fronting Moss Lane, following a similar building line to the existing dwellings to the east of the site.

The dwellings would be inset from Moss Lane between 4.5 and 10 metres. The plots would be elongated in nature and extend between 34 and 40 metres in depth.

To the adjacent sides, the dwelling proposed to the far east of the site would be approximately 11.5 metres from the side elevation of No.32 Moss Lane. The dwelling proposed to the far west would be approximately 54 metres from the side elevation of Sunnyside.

Due to the linear pattern of development along this side of Moss Lane to the east and the regular building line that these properties have been constructed at, it is considered that the addition of the 13 dwellings along this frontage would respect the local character with regards to layout.

For the above reasons, it is considered that the indicative layout of the proposed development would be acceptable and would subsequently adhere to Policy GR2 of the Local Plan.

Access

The indicative layout plan shows that the proposed dwellings would be served by their own individual accesses onto Moss Lane which would lead to private driveways which are large enough to accommodate 200% parking.

The applicant has submitted a Highways Report in support of their proposal.

This report advises that due to the small number of units sought, the traffic generation would be low. The report quotes the NPPF in that because the impact would not be severe, there is no reason to refuse the application on highways grounds.

In response to the previous submission, which has not been varied, the Council's Strategic Highways Manager (SHM) concluded that the report's conclusions are correct and *'...on balance the SHM must advise that whilst the highway report does not present ideal information it would not be sustainable at inquiry to try to uphold a reason for refusal on highway grounds for this site.'*

The SHM recommended that a condition be added to the decision notice, should the application be approved, advising that the development will provide off-road parking in accordance with the emerging CEC draft parking standards as described in the new Draft Local Plan.

Given that the Local Plan is in a draft format at this time and therefore given limited weight, it is not considered that this condition would be enforceable. Furthermore, access is not sought for approval at this stage.

Notwithstanding this, it is considered that the proposed development would adhere with Policy GR9 of the Local Plan.

Appearance & Scale

Policy GR2 (Design) of the Local Plan states that the proposal should be sympathetic to the character, appearance and form of the site and the surrounding area in terms of: The height, scale, form and grouping of the building, choice of materials and external design features.

In terms of its form, the indicative layout plan indicates that the applicant seeks to erect 5 detached dwellings and 8 semi-detached dwellings on the northern side of Moss Lane, Sandbach.

The indicative streetscene plan shows that all 13 dwellings would be two-storey in nature, consist of dual-pitched roofs and include dual-pitched-fronted features such as half-dormers, porches or gables. 7 of the 13 units would include subordinate, two-storey side outriggers which would include integral garages. 2 of the units would include detached garages.

It is detailed within paragraph 3.6 of the previously submitted Design and Access Statement that *'The scale and appearance of the proposed properties will be in keeping with the surrounding properties using facing brickwork and tile roofs.'*

Given that the majority of the surrounding properties are two-storey, detached or semi-detached with open brick finishes and dual-pitched tiled roofs, it is considered that the form and appearance of the proposed scheme would respect the local character.

With regards to scale, the indicative streetscene plan shows that the proposed dwellings would range between 7.8 and 8.2 metres in height. These heights would reflect the heights of the surrounding two-storey properties, as would the proposed footprints. As such, it is not considered that the height of the proposed dwellings would appear incongruous.

As a result, it is considered that the proposed development would adhere with Policies GR1 and GR2 of the Local Plan.

Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

Having regard to this proposal, the residential amenity space minimum standard stated within SPG2 is 65 square metres. The space provided for all of the proposed new dwellings would adhere to this standard.

In terms of the separation distances, between the new dwellings themselves, all 13 units would lie parallel to each other.

No details regarding the position of openings are proposed on the side elevations of these units have been provided as this application seeks outline permission only.

In order to be deemed as acceptable, the dwellings will need to conform with the separation standards listed in Supplementary Planning Note 2: Provision of Private Open Space in New Residential Developments. These standards include a 21.3 metre gap between main windows of directly facing dwellings across both the front and rear gardens and a 13.8 metre gap between the main windows of dwellings directly facing the flank walls of an adjacent dwelling.

In relation to the impact upon the neighbouring dwellings outside of the development site, the closest units are; No.32 Moss Lane to the north-east, Sunnyside to the southwest and the properties on the opposite side of Moss Lane to the development.

The gap between the dwelling proposed closest to No.32 and the side elevation of No.32 would be approximately 11.5 metres.

On the relevant side elevation of this neighbouring property there is a first-floor side window which serves a landing.

Given that this opening does not serve a principal habitable room, subject to their not being any openings on a relevant side elevation of the proposed closest dwelling which would represent a sole window to a principal room, it is not considered that the development would create any loss of privacy, light or be visually intrusive for this neighbour.

Sunnyside would be positioned approximately 54 metres to the southwest of the closest property proposed on the site. Given this large separation distance, it is not considered that the proposal would result in a loss of privacy, light or visual intrusion for this neighbour.

On the opposite side of Moss Lane, the properties would be over approximately 25 metres away. Again, as a result of this large separation distance, it is not considered that the development would create any amenity issues for the occupiers of these properties.

The Council's Environmental Health team have advised that they have no objections to the proposed development subject to the provision of a number of conditions. These suggested conditions include; including: Hours of piling, the prior submission of a piling method statement, the prior submission of a construction phase environmental management plan, the prior submission of a dust mitigation scheme and an hours of construction and a contaminated land informative.

As such, subject to the above conditions, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan.

Ecology

The Council's Nature Conservation Officer advised in response to the previous application, which is the same as the current proposal that the application will result in the loss of hedgerow along Moss Lane. As hedgerows are Biodiversity Action Plan priority habitats, they are a material consideration.

It is recommended that the loss of these hedgerows be compensated for by creating new native species hedgerows as garden boundaries for the proposed houses.

Furthermore, should the application be approved, it is recommended that a condition to safeguard breeding birds and a condition for the prior submission for details for the incorporation of features into the scheme suitable for breeding birds be imposed.

Subject to the above conditions, it is considered that the development would adhere with Policy NR2 of the Local Plan.

Open Space

No open space is to be provided as part of the scheme.

The Council's Greenspace team, in response to the previous application, have broken down the assessment of what is required into Amenity Greenspace and Children's and Young Persons Play provision.

With regards to Amenity Greenspace, it is advised that if the development were to be granted planning permission, there would be a deficiency in the quantity of provision, having regards to the local standards set out in the Council's Open Space Study.

As such, the Council would request a sum of money in order to provide enhanced provision and maintenance of local space (£6,843.20).

In terms of Young Persons Play provision, again, should planning permission be granted, there would be a deficiency in the quantity of provision and a financial contribution would be sought to account for this deficiency (£15,602.80).

As such, subject to a commuted sum being agreed and secured via legal agreement, it is considered that the proposal would adhere with Policy GR22 of the Local Plan.

Affordable Housing

The application allocates the provision of 4 of the 13 dwellings to be affordable dwellings which meets the requirements of the Interim Planning Statement on Affordable Housing.

The Interim Planning Statement advises that there should be a 30% on-site affordable housing requirement on sites over 0.4 hectares within settlements of 3000 or more. Furthermore, a tenure split of 65% affordable or social rent and 35% intermediate tenure should be sought.

The Council's Strategic Housing Development Officer, in response to the previous application, advised that the site falls within the Sandbach sub area in the 2013 SHMA update.

Within this area the update illustrated an affordable housing requirement of 94 units between 2013/14 and 2017/18.

Cheshire Homechoice, the Council's Choice-based lettings systems shows that there are currently 174 live applicants who have selected one of the Sandbach letting areas as their first choice.

The 4 units proposed adhere with the 30% requirement figure; however the tenure split does not. The applicant proposes that all 4 units shall be social rented.

Notwithstanding this, the Council's Housing Officer concluded that *'...we would be willing to accept this on site.'*

It is further advised that the 4 units should be pepper-potted throughout the site and be tenure blind. Furthermore, it is recommended that the affordable housing should be provided no later than the occupation of 50% of the open market dwellings.

A legal agreement will be required to secure the delivery of this housing and trigger its release.

As a result of the above information and comments, it is considered that the affordable housing provision proposed would be acceptable.

Footpaths / Public Right of Way

The proposed would not directly impact an existing public right of way. However, there is an existing footpath to the west of the site (Public Footpath no.34).

The Council's Public Rights of Way Officer has advised that they have no objections to the proposed development but recommend an informative be added to the decision notice, should the application be approved, in order to remind the applicants of their responsibilities.

As the Council's Public Rights of Way Officer is satisfied with proposal, it is considered that the development would adhere with Policy GR15 of the Local Plan.

Trees and Hedgerows

Trees

The report advises that there are 2 Category A trees along Moss Lane. It is advised within the report that these features merit retention and the design of the individual driveways can be configured to utilise existing gaps in hedgerow and laid out to allow the retention of these 2 trees.

As such, subject to the appropriate tree protection conditions to protect these 2 trees, it is not considered that the proposed development would have a detrimental impact upon trees.

Hedgerows

If the hedgerow fronting Moss Lane is over 30 years old, it should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'important'. If they are deemed to be 'important', this would be a material consideration.

In response to the above the applicant provided a letter from the 'Cheshire Archive and Local Studies Service' who confirmed that the south side of the site boundary, directly fronting Moss Lane is considered to be an 'important' hedgerow.

Policy NR3 (Habitats) 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, and where the likely effects can be mitigated or the habitat successfully recreated on or adjacent to the site and there are no suitable alternatives. In order to comply with the policy, all of these criteria must be met.

In response to this policy, given that this 'important' hedgerow would be retained, but punctuated in order to provide individual domestic accesses, the historical line of the hedge would remain unchanged. Therefore, the impact upon the landscape is considered to be limited. This line is further supported in the landscape by the orientation of Moss Lane itself which lies parallel to this hedgerow. As a result of this, in addition to the fact that the Cheshire Archaeology Service have raised no objections to the proposal, subject to protection conditions, it is considered that the proposed impact upon this 'important' hedgerow would be acceptable in this instance.

Flood Risk and Drainage

The site does not lie within a flood zone and as such, flooding is not a consideration in this instance.

United Utilities were consulted with regards to drainage. UU have subsequently advised that they raise no objections to the proposal subject to conditions that plans be submitted to the LPA detailing the drainage of foul water and the drainage of surface water.

In addition, a number of informatives are proposed which include; that the site being drained on a separate system with only foul drainage connected to the foul sewer and that the surface water should discharge to the soakaway/watercourse/surface water sewer. Furthermore, it is advised that a separate metered supply must be provided for each unit.

As such, subject to the implementation of these proposals via conditions and informatives, it is considered that the proposed development would adhere with Policy GR20 of the Local Plan.

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 a deficiency in the quantity of provision of public open space within the area. In order to offset this loss, a contribution towards of site enhancement and maintenance is required. This is considered to be necessary, fair and reasonable in relation to the development. The commuted sum sought is £6,842.20.

The development would also result in a deficiency in the quantity of provision of children's space within the area. In order to offset this loss, a contribution towards of site enhancement and maintenance is required. This is considered to be necessary, fair and reasonable in relation to the development. The commuted sum sought is £15,602.80.

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

CONCLUSIONS

The site is within the Open Countryside where under Policy PS8 of the Local Plan there is a presumption against new residential development.

The Council can demonstrate a 5 year supply of housing land and therefore there is no over-riding need to release this Open Countryside site. Furthermore, the proposal would cause harm to the character and appearance of the Open Countryside contrary to Policy PS8 which is considered to be up-to-date and in accordance with the NPPF.

The sustainable benefits of the scheme such as its location, provision of affordable housing and local economic benefits are not considered to outweigh the environmental impacts of the development as a result of the loss of Open Countryside.

As such, it is considered that the proposed development would be unacceptable in principle.

Notwithstanding the above, in terms of Ecology, it is not considered that the development would have a significant impact upon ecology or protected species, subject to conditions to protect and support breeding birds.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide an adequate contribution towards off-site public open space and children's play space on site and the necessary affordable housing requirements.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, highway safety and drainage/flooding. 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 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, as the proposal is for new dwellings in the Open Countryside and does not adhere to the housing policies within this designation, it is considered that the proposed application should be recommended for refusal.

RECOMMENDATION:

REFUSE

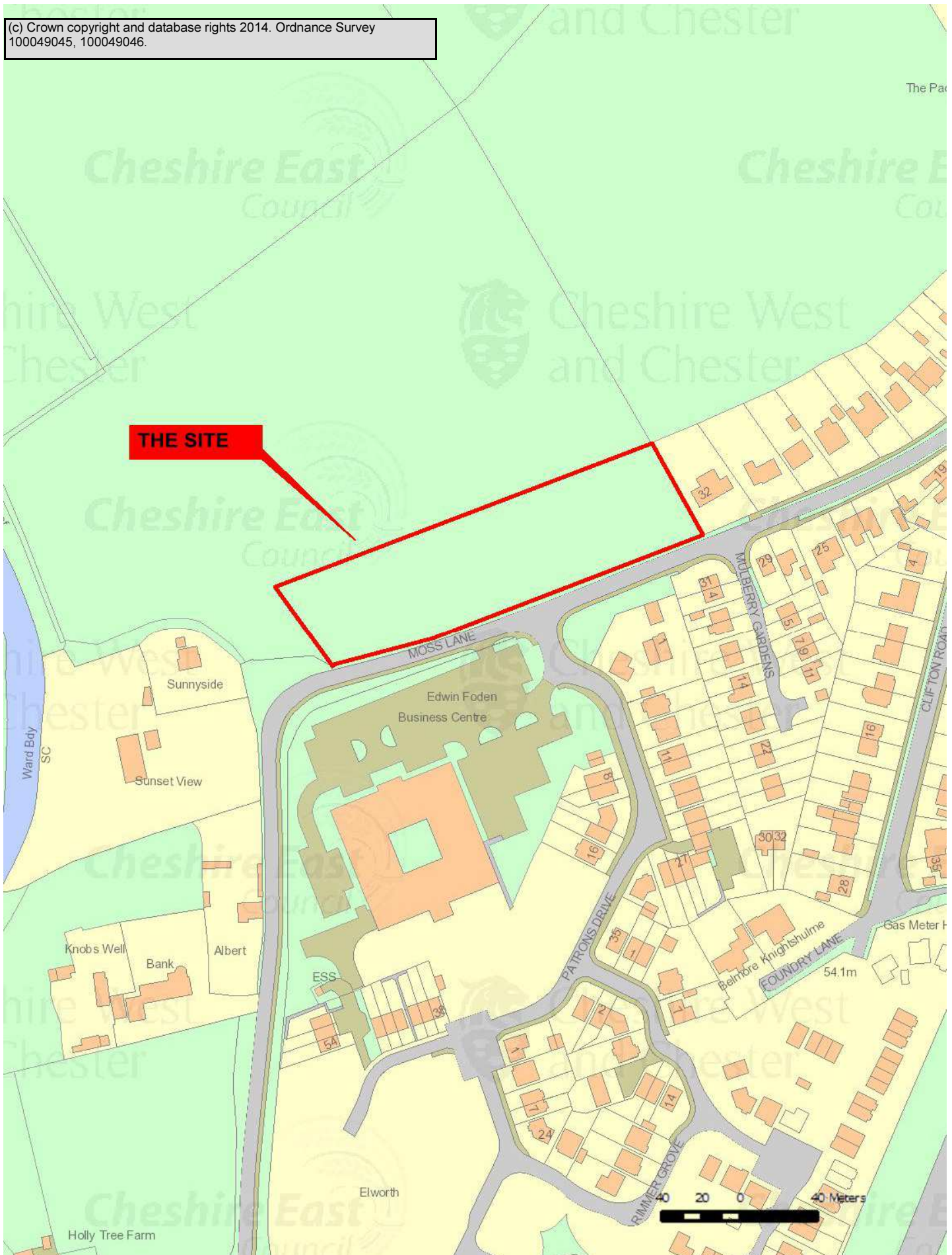
1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005 and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

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.

Heads of terms;

1. A commuted payment of £6,842.20 towards off-site Public Open Space enhancement and maintenance
2. A commuted payment of £15,602.80 towards off-site Children's Play Space enhancement and maintenance
3. 30% Affordable Housing provision – All 4 units to be socially rented. Pepper-potted and tenure blind, provided no later than 50% occupation. Transferred to registered provider.

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Application No: 14/0841N

Location: Land Off, SPINNEY DRIVE, WESTON

Proposal: Residential development of 4 detached houses

Applicant: G McDermott, CDM Developments (North West) Ltd

Expiry Date: 08-Apr-2014

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

Principle of the Development

Design

Highways

Amenity

Affordable Housing

REASON FOR REFUSAL

The application has been called in to Committee by Cllr John Hammond on the following grounds:

“Should the Officer recommendation be for approval then I support the request of Weston & Basford Parish Council that the application be determined by Committee in view of the significant adverse impact of the proposal on the amenity of neighbouring bungalows, namely 6 & 7 Westmere Close.”

DESCRIPTION OF SITE AND CONTEXT

The application site was originally part of the large rear garden of 63 Cemetery Road, which has now been separated from the site with a 2m high, vertically boarded fence. It is an almost rectangular shaped parcel of land 0.14 hectares in size, which actually faces on to Spinney Drive. The site previously contained several trees; however these have now largely been cleared.

The surrounding development is residential and the site is designated as being within the settlement boundary of the village of Weston.

DETAILS OF PROPOSAL

The proposal seeks full planning permission for the erection of four detached dwellings with integral garages.

The proposed dwellings would face on to Spinney Drive with separate accesses on to the highway.

An application for two detached bungalows with detached garages was approved on the site in 2013. (13/0830N).

RELEVANT HISTORY

13/0830N 2013 Approval for 2 detached bungalows with detached garages

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
SC 5 Affordable Homes
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
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

RES. 5 – Housing in Villages with Settlement Boundaries

RES.3 – Housing Densities

RES.7 – Affordable Housing

CONSULTATIONS (External to Planning)

Highways:

There are no objections in principle to these proposals.

Proposed off –street parking is nominally within CEC guidelines at 3 spaces per dwelling for each 4 bed house. However the garages, each envisaged as accommodating one space, are too short to function correctly, unlike the 13/0830N application previously,(6m. required).

Vehicular visibility from the proposed driveways to Spinney Drive, including the bend, is adequate, and pedestrian visibility to the footway would be satisfied by boundary treatment no higher than 0.6m.

The four proposed footway dropped crossings and removal of any redundant ones must be by agreement with the Highway Authority under S184 of the Highways Act 1980.

Environmental Protection:

Recommend conditions and informatives relating to hours of construction, piling, dust control and contaminated land

United Utilities:

No objection.

VIEWS OF THE PARISH / TOWN COUNCIL:

The Parish Council objects to this development and requests that it be refused for the following reasons:

We are concerned about the proximity and likely overbearing effect that these four houses will have on the occupants of Nos 6 and 7 Westmere Close, given the fact that these bungalows have very shallow rear gardens. This is coupled with the fact that the rear gardens of the proposed detached houses will also be of a minimal depth. There will, in our judgment, be a serious overlooking problem from the rear bedrooms of all four properties on to the rear of these two bungalows. In consequence it is considered that the development will be prejudicial to the amenities of these occupiers and be seriously detrimental to the enjoyment of their dwellings and quality of life.

Whilst two storey houses as distinct from bungalows adjoin the application site on the SE side of Spinney Drive, the development on the NW side of Spinney Drive, opposite to the application site, as viewed from the rear of Nos 6 and 7 Westmere Close comprises single

storey bungalows. This creates a much more open feel within the street scene at this point. The development of two bungalows as currently approved on the application site would be more in keeping with the character of the immediate area.

The Parish Council has received an objection from the occupier of 7 Westmere Close along with a request that the application be called in for Committee consideration.

The Parish Council is requesting that the Local Cheshire East Ward Councillor calls in the application for the reasons specified above and will be asking to address the Planning Committee in due course.

OTHER REPRESENTATIONS:

Eight representations have been received relating to this application expressing concerns about the following:

- Over development of the site
- Out of keeping with the character of the area
- Parking issues
- Highway safety
- Inadequate drainage
- Loss of light, privacy and outlook
- Concern about trees
- The developer should just build the 2 bungalows already approved
- Selfish and unreasonable behaviour by the developer
- Makes a mockery of the planning process

OFFICER APPRAISAL

Principle of Development

The National Planning Policy Framework requires a degree of consistency between Local Plan and those policies within the framework. Where Local Plan Policies are consistent with the Framework greater weight can be given to that Policy.

Within the NPPF there is a presumption in favour of sustainable development. The NPPF seeks to achieve sustainable forms of development through, inter alia, proactively deliver homes where there is an identified need, while seeking to secure high quality design and a good standard of amenity for all existing and future occupants of buildings. Section 6 expands further on delivering high quality homes. Paragraph 48 states that applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 53 states that policies should resist inappropriate development of residential gardens, where the development would cause harm to the local area.

The local plan policy (RES.2) for unallocated residential development requires the consideration of design and amenity, this is considered to be consistent with NPPF policy for development on residential gardens. Therefore the principle of residential development in this location is considered to be acceptable in principle provided that the proposed development does not result in any harm to the character and appearance of the streetscene or the

amenity of adjoining properties. The Policies in the Crewe and Nantwich Replacement Local Plan 2011 relating to alterations Design and Amenity are considered to be consistent with the presumption in favour of sustainable development at the heart of the NPPF.

The main considerations therefore are whether the proposed development is of an appropriate design and would not result in any demonstrable harm to the amenity of adjoining properties or highway safety and whether it is appropriate to require a contribution to affordable housing.

Design & Layout

Policy BE.2 requires a high standard of design, which respects the character and form of its surroundings. This proposal is for 4 detached dwellings on a site with a mix of bungalows and two-storey dwellings. To the south of the site are two-storey dwellings and it is considered that the development would appear as a continuation of this part of nearby development.

The design of the proposed dwellings incorporates hipped and half hipped roofs and projecting porch and garage elements to break up the frontages, and the materials would be submitted for LPA approval. It is considered that the resultant buildings would be in keeping with the character and appearance of the area.

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

Amenity

There are dwellings surrounding the site of the proposed dwellings on three sides. The distances between the neighbouring properties and the proposed dwellings and existing boundary treatments mean that the development would not cause any significant adverse impact on the amenities of these properties.

The Supplementary Planning Document, Development on Backland and Gardens sets down that the distance between principal elevations should ideally be 21metres. In the case of this proposal the new dwellings would be between 21 and 23 metres away from the principal elevations of the properties on Westmere Close, which is in compliance with the required separation distances. Concerns have been expressed by local residents about loss of privacy that would result from the erection of 2 storey dwellings; however; given that the development would achieve the required separation distances, a reason for refusal on these grounds could not be sustained.

Other objections relate to light loss; however it is not considered that any light loss would not be significant due to the scale and siting of the proposed dwellings. Having regard to loss of outlook, there is no right to a view over other peoples land and it is considered that the new dwellings would not create an oppressive outlook that would warrant a reason for refusal.

Concerns have also been expressed about the properties having an adverse impact on privacy and light. Whilst the development meets all the minimum requirements, it is

considered reasonable to remove permitted development rights for alterations to ensure that amenity is protected by having control over further development.

Environmental Protection have requested conditions and informatives relating to construction times and piling in order to protect the neighbouring dwellings from noise and disturbance during the construction phase of the development, and gas protection measures and this is considered to be necessary and reasonable.

It is therefore considered that the proposal would be acceptable in terms of residential amenity and in compliance with Policy BE.1 of the adopted local plan.

Affordable Housing

The Strategic Housing section of the Council has objected to the proposal on the grounds that it does not meet the requirements of the Interim Planning Statement on Affordable Housing (IPS). The IPS states that there is a requirement for a provision of 30% affordable housing in settlements with a population of less than 3,000 where the proposal is for 3 dwellings or more and this applies to the village of Weston.

In response to this objection, the applicant has submitted a Financial Viability Analysis which is being assessed by external consultants. This report will be assessed by the Council's Housing Officer and an update provided prior to Committee determining the application.

Highways

The proposal shows 3 parking spaces including an integral garage. The Strategic Highways Manager has stated that garages are too short to function as such. However there is adequate space to the front of the dwellings to accommodate the parking of 3 vehicles, therefore a condition should be imposed requiring submission of a drawing showing 3 parking spaces and these spaces should be available prior to first occupation of the dwellings and be retained thereafter. This may be submitted prior to the meeting, negating the need for this condition.

Subject to this condition, the proposal is considered to be in compliance with Policy BE.3 (Highways).

Other Matters

Concerns have been expressed about whether there would be adequate drainage for the site. United Utilities have been consulted and have raised no objection; therefore it is considered that this concern has been addressed.

CONCLUSIONS

Subject to the assessment of the viability reports, it is not considered that the development, subject to the conditions attached to the planning permission, would have significant detrimental impact upon the visual amenities of the area, or the living conditions of adjacent occupiers. If a contribution to affordable housing was required it would render the development unviable. Therefore approval of this application is recommended.

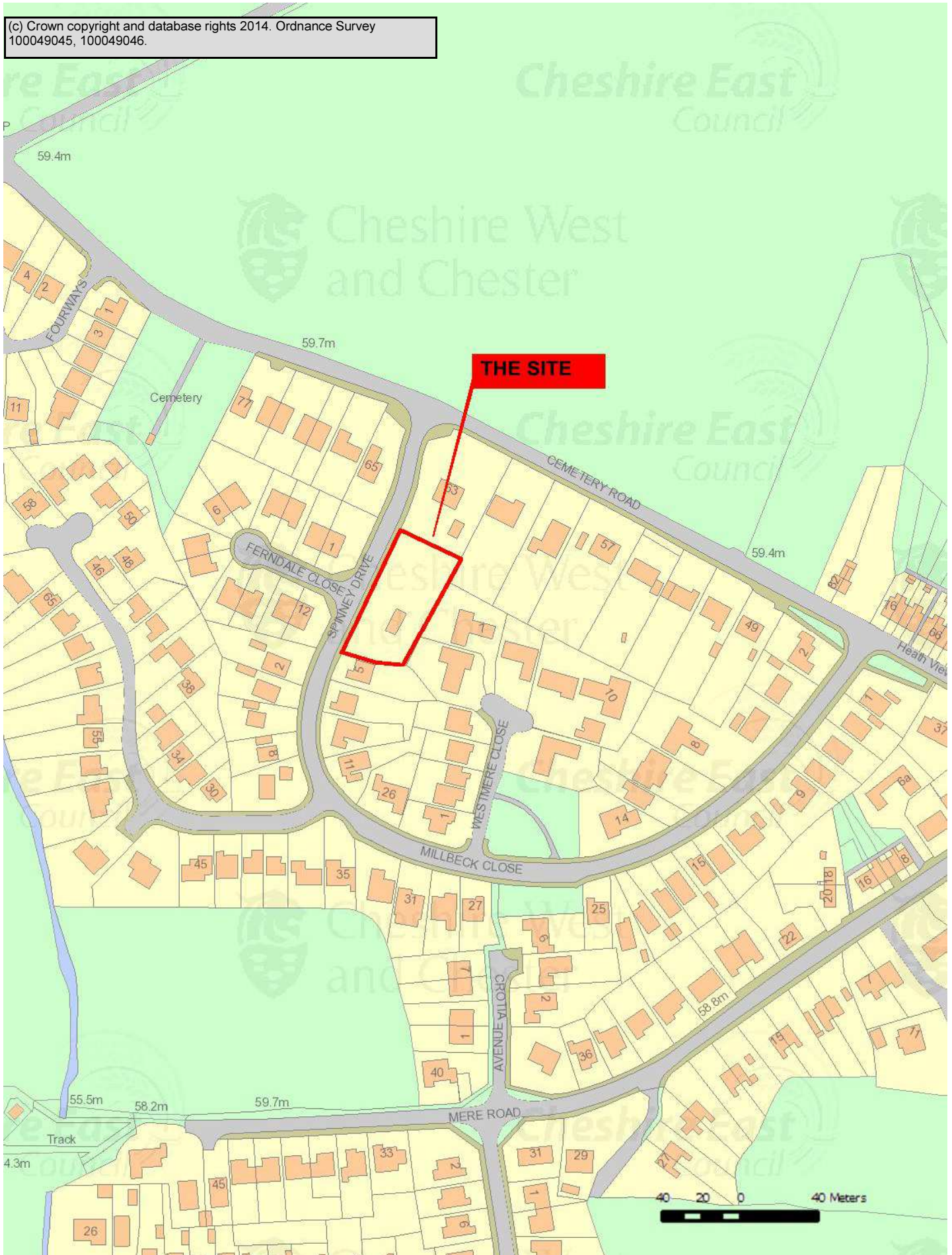
RECOMMENDATIONS

APPROVE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. Time limit.**
- 2. Approved plans**
- 3. Materials to be approved.**
- 4. Submission of drainage details.**
- 5. Controls over any piling operations.**
- 6. Submission of gas protection measures**
- 7. Submission of parking plan showing 3 spaces to each dwelling**
- 8. Removal of permitted development rights for extensions and alterations to the roof**

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: 14/2867C
Location: SANDY LANE, CRANAGE, KNUTSFORD CW4 8HR
Proposal: Construction of new house
Applicant: Helen Edwards
Expiry Date: 07-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
- The impact upon protected trees
- The impact on protected species

REASON FOR REFERRAL

The application has been called into Southern Planning Committee by Councillor A. Kolker for the following reasons;

'I would like to call the application in on the grounds that it is a controversial backland development in woodland and possibly inappropriately positioned on site.'

DESCRIPTION OF SITE AND CONTEXT

The application site comprises of a parcel of land to the rear of Fiveways, a detached dwelling which lies on a corner plot between Northwich Road and Sandy Lane within the Rudheath Woods Infill Boundary Line.

The site is largely square in shape, flat and comprises of lawn and trees. The site currently has no boundary between the boundary with Fiveways to the south, but is largely enclosed on the other 3 sides by a combination of fencing, mature shrubbery and trees.

There are a number of TPO protected trees either on or within close proximity of the application site.

The application site also falls within the Jodrell Bank Radio Telescope Consultation Zone Line.

DETAILS OF PROPOSAL

Planning permission is sought for the erection of a detached dwelling.

RELEVANT HISTORY

36578/3 - 2 storey dwelling and single storey garage – Withdrawn 12th November 2003

33996/1 - One detached house and garage (Outline) – Refused 4th March 2002

27971/1 - Erection of detached dwelling (Outline) – Refused 2nd April 1996

27071/1 - Erection of detached dwelling (Outline) – Withdrawn 3rd April 1995

21456/1 – Dwellinghouse (Outline) – Refused 3rd October 1989

20085/1 – Dwellinghouse (Outline) – Refused 23rd August 1988

10610/1 - Infill development to form one detached two storey dwelling and garage – Refused 15th May 1980

7949/1 - One detached dwelling and garage (Outline) – Refused 15th November 1978

6448/1 - One detached dwelling and garage (Outline) – Refused 21st March 1978

5041/1 - Proposed infill development to form 1 detached two storey dwelling and garage (Outline) – Refused 3rd May 1977

POLICIES

Local Plan Policy

PS6 – Settlements in the Open Countryside and the Green Belt

GR1 -General Criteria for Development

GR2 - Design

GR6 - Amenity and Health

GR9 - Highways & Parking

NR1 – Trees and Woodlands

H1 & H2- Provision of New Housing Development

H6 – Residential development in the Open Countryside and the Green Belt

National Policy

National Planning Policy Framework (NPPF)

Cheshire East Local Plan Strategy – Submission Version

PG1 – Overall Development Strategy

PG2 – Settlement Hierarchy

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, Hedgerows and Woodland

CONSULTATIONS (External to Planning)

Environmental Protection – No objections, subject to an hours of construction restriction informative.

Strategic Highways Manager – No objections.

Jodrell Bank (University of Manchester) - No comments received at time of report

United Utilities – No objections, subject to a drainage condition and a number of informatives relating to drainage / water connections

VIEWS OF THE PARISH COUNCIL:

Cranage Parish Council – No objections - but raise drainage concerns

OTHER REPRESENTATIONS:

Letters of objection have been received from the occupiers of 7 neighbouring properties. The main areas of objection include;

- Administrative matters – Adequacy of notification process, non-dated photographs submitted which do not reflect the existing situation
- Principle of development
- Impact upon Open Countryside
- Dwelling not required for Cheshire East 5-year housing land supply figures / No need for further housing in area
- Locational Sustainability
- Proposal contrary to PPS3 – Housing self-assessment
- Proposal been refused numerous previous times
- Impact upon Trees and Landscape
- Amenity – Loss of privacy, air pollution (dust), overbearing, visual intrusion, loss of outlook
- Design – Layout, scale, impact upon local character, plot size too small
- Highway safety – Traffic volume, visibility, regular speeding, pedestrian / cyclists and horserider safety.
- Ecology – impact upon badgers, green woodpeckers

Other matters have been raised which are not material planning considerations such as; a loss of view.

SUPPORTING INFORMATION:

Planning & Design and Access Statement

Tree survey
Tree report
Arboricultural Impact Assessment
Tree Location Plan

OFFICER APPRAISAL

Principle of development

Policy PS6 of the Local Plan advises that within the infill boundary lines, only limited development is permitted in accordance with Policy H6 where it is appropriate to the local character in terms of use, intensity, scale and appearance and does not conflict with any other policies of the Local Plan.

Policy H6 advises that residential development will not be permitted unless it falls into one of a number of categories. One of these categories is *'limited development within the infill boundary line of those settlements identified in Policy PS6 which must be appropriate to the local character in terms of its use, intensity, scale and appearance.'*

The principal issue to which this application falls to be determined is whether the development should be considered as *'limited development' for the purposes of Policy PS6* and whether this development would be *'appropriate to the local character in terms of use, intensity, scale and appearance'*.

Given that the development is for 1 dwelling only, it is considered that the proposal should be considered as *'limited development.'*

The surrounding area is currently characterised by linear detached residential development which lie either parallel to the Northwich Road on either side of the road or either side of Sandy Lane again, on either side of the road. All these properties generally sit within larger plots.

As such, the use of the site for residential purposes is acceptable.

It should be noted that planning permission has been granted for a number of new dwellings on this road. More specifically; 11/3868C (1 new dwelling at Land Adj The Glen, Sandy Lane) and 13/3159C (2 new dwellings at Land Adj Tamarau, Sandy Lane).

As a result of the layout of this local existing development, it is considered that the addition of a further detached dwelling on the western side of the road which would follow a similar building line to the adjacent properties would respect the local character in terms of its use and intensity.

In terms of form, height, scale and appearance, all of the nearby properties are detached and as such, the form of further detached dwelling would be acceptable.

The height of the property would be approximately 9.5 metres.

The height of the closest neighbouring dwellings, according to their planning history are Fiveways at 9.6 metres and Hazelmere at 7.5 metres. As such, the proposal would fall within the range of heights of the immediate dwellings.

The footprint of the proposed dwelling would be approximately 147 metres squared.

The footprints of the closest surrounding properties include; Fiveways at 216 square metres and Hazelmere at approximately 199 square metres.

As such, the proposed footprint of the proposed dwelling would be smaller than the footprint of the properties immediately adjacent. However, given the range of dwelling footprints in the area, it is not considered that a detached dwelling of a slightly smaller footprint would appear incongruous.

With regards to the appearance of the dwelling, it is proposed that this is acceptable also given the varying appearance of the surrounding properties.

The NPPF largely supports the Local Plan policies that apply in this case.

Design

Policy GR2 of the Local Plan advises that the proposal should be sympathetic to the character, appearance and form of the surrounding site in terms of; the height, scale form and grouping, the choice of materials, external design features and the relationship with neighbouring properties.

The proposed dwelling would be inset from the highway by approximately 37 metres, from the side boundary with Hazelmere by approximately 1 metres, from the rear/side boundary with The Chalet by approximately 11.2 metres and from the side boundary with Fiveways, the applicant's property by approximately 17.4 metres.

As such, it would largely sit towards the northern side boundary, pushed back within the site. It appears that this dwelling has been sited as such in order to minimise the impact upon existing trees on site.

It is considered that the layout of this dwelling, in terms of its inset into the plot, would not appear incongruous within the local area and as such, is considered to be acceptable.

In terms of scale, the development would be approximately 9.5 metres tall and have a footprint of approximately 144 metres squared.

It has already been established that that these measurements would not appear incongruous within the area given the scale of the properties immediately adjacent to the proposal.

The neighbouring development consists of a mixture of dwelling styles. As such, there is no particular local vernacular to adhere to. Notwithstanding this, the proposed design of the dwelling would be proportionate and would be in keeping with the general character of the streetscene.

With regards to materials, it is advised within the submission that the walls would be finished in brick, the roof would be of a dual-pitched style constructed from tiles, the fenestration would be timber with stone surrounds and the driveway would be finished in stone paving.

Subject to the materials being conditioned, it is considered that the materials to be utilised will be acceptable.

As a result of the above, it is considered that the proposal would adhere with policy GR2 of the Local Plan.

Residential Amenity

Policy GR6 of the Local Plan advises that development should not be permitted if it would have a detrimental impact upon neighbouring amenity by way of loss of light, visual intrusion or loss of privacy.

The neighbours that would be most impacted by the proposal would be the occupants of the applicant's property, Fiveways to the south, the occupants of Hazelmere to the north, the occupants of The Chalet to the southwest and the occupants of The Paddocks and Holly Cottage to the east.

The applicant's property would be approximately 41 metres away to the south, Hazelmere would be approximately 23.5 metres away to the north, No.32 Northwich Road would be approximately 35 metres away to the southwest and the properties on the opposite side of Sandy Lane would be over approximately 50 metres to the east.

Supplementary Planning Guidance Note 2 (SPG2) advises that in all new residential developments, the minimum spacing between main windows of properties directly facing each other or with a front to rear relationship is 21.3 metres.

The minimum separation standard between the main windows of a dwelling directly facing the flank walls of another dwelling is 13.8 metres.

The proposed dwelling adheres with all of these standards and as such, is deemed not to create any significant issues with regards to dwelling-to-dwelling issues in relation to loss of privacy, light or visual intrusion.

With regards to overlooking, within the south-facing side elevation of the property facing Fiveways, the only window proposed would be a ground-floor secondary kitchen/living room window.

Given that this window is at ground floor level only and positioned approximately 11 metres away from the boundary with this property, it is not considered that overlooking to this side would be a concern.

On the proposed northern side of the dwelling, facing the side elevation of Hazelmere, 2 ground-floor windows and a first-floor window are proposed. The first-floor window would serve a bathroom.

It is proposed that should the application be approved, the proposed first-floor window in this northern elevation be conditioned to be obscurely glazed and non-opening in order to prevent overlooking.

The ground-floor windows would be predominantly screened to this side by existing boundary treatment.

On the rear elevation of the proposed dwelling, 4 ground-floor openings, 3 first-floor windows and 6 roof lights are sought. Given that these openings would be positioned approximately 11 metres from the rear boundary of the site which comprises of mature, tall shrubbery and trees

and given that beyond this would lie the rear portion of the rear garden of The Chalet, it is not considered that the overlooking created to this side would be sufficient to warrant refusal of the application.

With regards to environmental disturbance, Environmental Health has raised no objections, subject to an hours of construction informative.

As a result of the above, subject to conditions, it is considered that the development would adhere with policy GR6 of the Local Plan.

Highway Safety

The proposed development would include the creation of a new access point onto Sandy Lane and a new private driveway which would accommodate at least 2 cars.

There have been a number of concerns raised regarding the safety of allowing additional traffic to emerge from the junction of Sandy Lane onto Northwich Road.

The Strategic Highways Manager has been consulted and has advised that *'...Current thinking via the National Planning Policy Framework requires that: 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe...' The Strategic Highways Manager finds that the traffic generation from one dwelling and the impact on the junction of Sandy lane with Northwich Road will not be severe and has assessed the site in detail to confirm.*

It is advised that the leading direction visibility from Sandy Lane along Northwich Road measures in excess of 250 metres, comfortably adhering to the relevant standards. Visibility in the non-leading direction is 90 metres to the nearest kerb and 160 metres to the opposed traffic. The junction of Sandy Lane with Northwich Road has a visibility of 225 metres in the non-leading direction.

The Strategic Highways Manager has advised that *'The view emerging from Sandy Lane along New Platt Lane is restricted however, given the good visibility onto Northwich Road; it is comfortable for drivers to pull forward from Sandy Lane... This manoeuvre was completed several times on the site visit without incident.*

Injury accident records show no injury accidents at this location in the last 5 years which is the industry recognised standard for assessment.

Traffic generation from one dwelling would be insignificant and certainly not 'severe' when the NPPF is considered.'

As such, no objections are raised.

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

Trees and Landscape

The applicant has submitted a Tree survey, Tree report, Arboricultural Impact Assessment and Tree Location Plan with the application.

The Council's Tree and Landscape Officer has reviewed that submitted information and advised that she has no significant tree concerns subject to the inclusion of a number of conditions. These conditions include; Tree retention, tree protection, the prior submission of an Arboricultural method statement with particular focus on the driveway and access.

In terms of landscape implications, the Council's Tree and Landscape Officer has advised that she raises no objections, subject to the provision of landscaping conditions.

As such, subject to the implementation of the above conditions, it is considered that the proposed development would adhere with Policies NR1 and GR4 of the Local Plan.

Protected Species

The Council's Nature Conservation Officer has advised that he does not anticipate there being any significant ecological issues associated with the proposed development. However, should the application be approved, it is recommended that a condition to safeguard breeding birds be included.

As such, subject to the inclusion of this condition, it is considered that the proposal would adhere with Policy NR2 of the Local Plan.

Drainage and Flooding

United Utilities have been consulted on the application and advised that subject to a condition requiring the prior submission of a scheme for the disposal of foul and surface waters, they raise no objections.

As such, subject to this condition, it is considered that the proposal would adhere with Policy GR20 of the Local Plan.

CONCLUSIONS

The dwelling would respect the local character in terms of use, intensity, scale and appearance. In addition the proposal would not raise any concerns for neighbouring amenity, highway safety, protected trees, ecology, drainage or flooding. In so doing, the proposal accords with policies PS6 (Settlements in the Open Countryside and the Green Belt), GR1 (General Criteria for Development), GR2 (Design), GR6 (Amenity and Heath), GR9 (Access and Parking), H1 (Provision of New Housing Development), H6 (Residential development in the Open Countryside and the Green Belt), NR1 (Trees and Woodlands) and NR2 (Wildlife and Nature conservation – Statutory Sites) of the Congleton Borough Local Plan First Review 2005. The proposal would also accord with the NPPF.

RECOMMENDATION

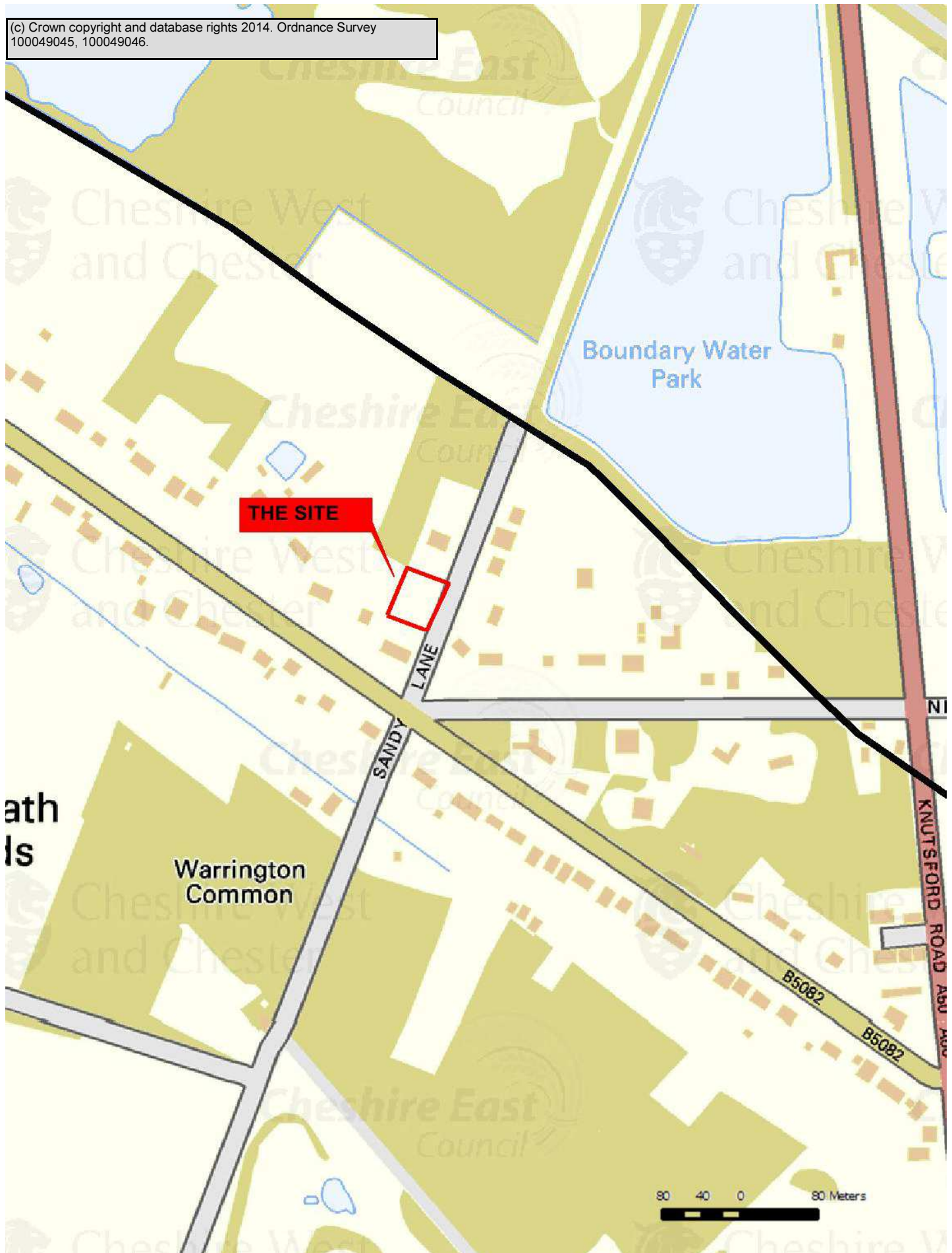
APPROVE subject to the following conditions:

1. Time (Standard)

2. Plans
3. Prior submission of facing and roofing details
4. Prior submission of surfacing materials
5. Obscure glazing (First-floor northern side elevation)
6. Landscaping (Details)
7. Landscaping (Implementation)
8. Boundary treatment
9. Tree retention
10. Tree protection
11. Arboricultural Method Statement
12. Prior submission of a drainage plan
13. Removal of PD rights – (Part 1 Classes A-E)
14. Removal of PD rights – (Part 2 Class A)
15. Breeding birds

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: 14/2906N
Location: 16, GAINSBOROUGH ROAD, CREWE, CW2 7PH
Proposal: Change of use from C4 HMO to sui generis 7 bed HMO
Applicant: Wendy Whittaker-Large, Welcome Properties
Expiry Date: 26-Aug-2014

SUMMARY RECOMMENDATION

Approve with Conditions

MAIN ISSUES

Amenity, Design and Highway Safety

REASON FOR REPORT

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

"Possible health and safety implications of having so many people in a house not designed for that purpose - especially fire. Also, that parking is very difficult on this road already and that having a house of multiple occupancy would only add to these problems. It is actually quite a dangerous stretch of road."

DESCRIPTION OF SITE AND CONTEXT

The application site is a two storey mid terrace dwelling situated on Gainsborough Road within the Settlement Boundary for Crewe. To the front is a small paved area while to the rear is a single storey, flat roof extension, beyond which is an alley way.

DETAILS OF PROPOSAL

This application seeks retrospective approval for a change of use from Use Class C4 House of Multiple Occupation (6 beds) to sui generis 7 bed House of Multiple Occupation. The dwelling has been used as a House of Multiple for approximately 9 months.

Externally the only alteration has been the removal of the former garage door to the rear and its replacement with a brick wall and window.

RELEVANT HISTORY

None

POLICIES

Crewe & Nantwich Borough Council Local Plan Policy

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

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

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

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

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

Policy SD 1 Sustainable Development in Cheshire East

Policy SD 2 Sustainable Development Principles

Policy SE 1 Design

Crewe & Nantwich Borough Council Local Plan Policy

Crewe Settlement Boundary

BE.1 – Amenity

BE.2 – Design

BE.3 - Access and Parking

RES.9 – Houses in Multiple Occupation

TRAN9 – Car parking standards

National Planning Policy Framework

CONSIDERATIONS (External to Planning)

Highways

The Highways Officer initially objected to the proposal due to lack of car parking provision and the poor level of detail submitted with the application. Despite the limited information the Officer has since confirmed that they could not sustain their objection on grounds of lack of car parking resulting from this proposal. It is proposed that a secure cycle store is obtained via condition.

VIEWS OF THE PARISH / TOWN COUNCIL

Wistaston Parish Council objects to the creation of yet another house in multiple occupancy in this area. There is no designated parking space on the plan, and we are concerned about the lack of adequate space for refuse disposal, and the density of occupation. We consider that the downstairs bathroom should be available to the occupants of all ground floor rooms, and not just as an en suite.

OTHER REPRESENTATIONS

None received

APPLICANT'S SUPPORTING INFORMATION

None received

OFFICER APPRAISAL

Principle of Development

The application site is located within the Crewe settlement boundary where there is a general presumption in favour of development. RES.9 of the Local Plan refers to houses in multiple occupation. Policy RES.9 advises that planning permission will be granted provided that;

- the building to be converted is large enough to provide satisfactory living accommodation for future residents without the need to construct extensions which would conflict with Policies BE.1 and BE.2;
- the proposal would not result in an adverse change to the external appearance of the building which would be unacceptable in terms of design or materials used;
- the development does not detract significantly from neighbouring amenities and;
- provision is made for adequate parking.

As such, the determination of the proposal depends on the adherence with these requirements.

It is also important to note that there is a permitted change of use from Class C3 (Dwelling House) to C4 (Houses in Multiple Occupation). As such the first 6 rooms do not need permission.

Amenity

In terms of neighbouring residential amenity the proposal does not involve any extensions or significant alterations to the existing building. As such, there will not be a detrimental effect on neighbouring amenity from this perspective.

The proposed development may lead to a marginal increase in vehicles parked along Gainsborough Road, however this is not considered significant enough to have any detrimental effect on the amenity of residents of Gainsborough Road.

A condition will also be attached to any permission requiring details of waste bin storage to be provided and approved by the LPA.

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

Design

There have been limited changes to the external appearance of the dwelling with the only change being the bricking up of the garage door to the rear and the installation of a window. As such, there will not be an adverse change to the external appearance of the building in accordance with Policy RES.9.

Overall, due to the limited nature of the changes that have taken place, the design of the proposed development is considered to be of a size and scale that respects the host dwelling on those in the surrounding area. Furthermore, there will not be a harmful effect upon the streetscene.

As a result the proposed development is in accordance with Policy BE.2 (Design Standards) and RES.9 (Houses in Multiple Occupation) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Highways

The Highways Officer has viewed the proposal and notes that the HMO does not provide any parking, however it is unlikely that each person within the HMO would have a vehicle. At present only one of the current occupants has a car. The site is close the town centre (approximately 0.6 miles) and good public transport links are available for future occupiers of the building.

As there is no off street parking provided the Highways Officer has requested a condition requiring that secure cycle storage is provided. This will be for a total of 7 cycles.

There are no parking restrictions along Gainsborough Road with the majority of local residents parking on the street. Any occupants of the application site would be entitled to park along Gainsborough Road. However, the Highways Officer does not consider that a refusal

based on lack of car parking provision would be sustainable at appeal given the single net increase in occupancy resulting from the proposal..

As a result the proposed development is in accordance with Policy BE. (Access and Parking) and RES.9 (Houses in Multiple Occupation) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Other Matters

The issue surrounding possible health and safety implications is one that does not fall within the remit of the Local Planning Authority and is dealt with by other legislation.

CONCLUSIONS AND REASON(S) FOR THE DECISION

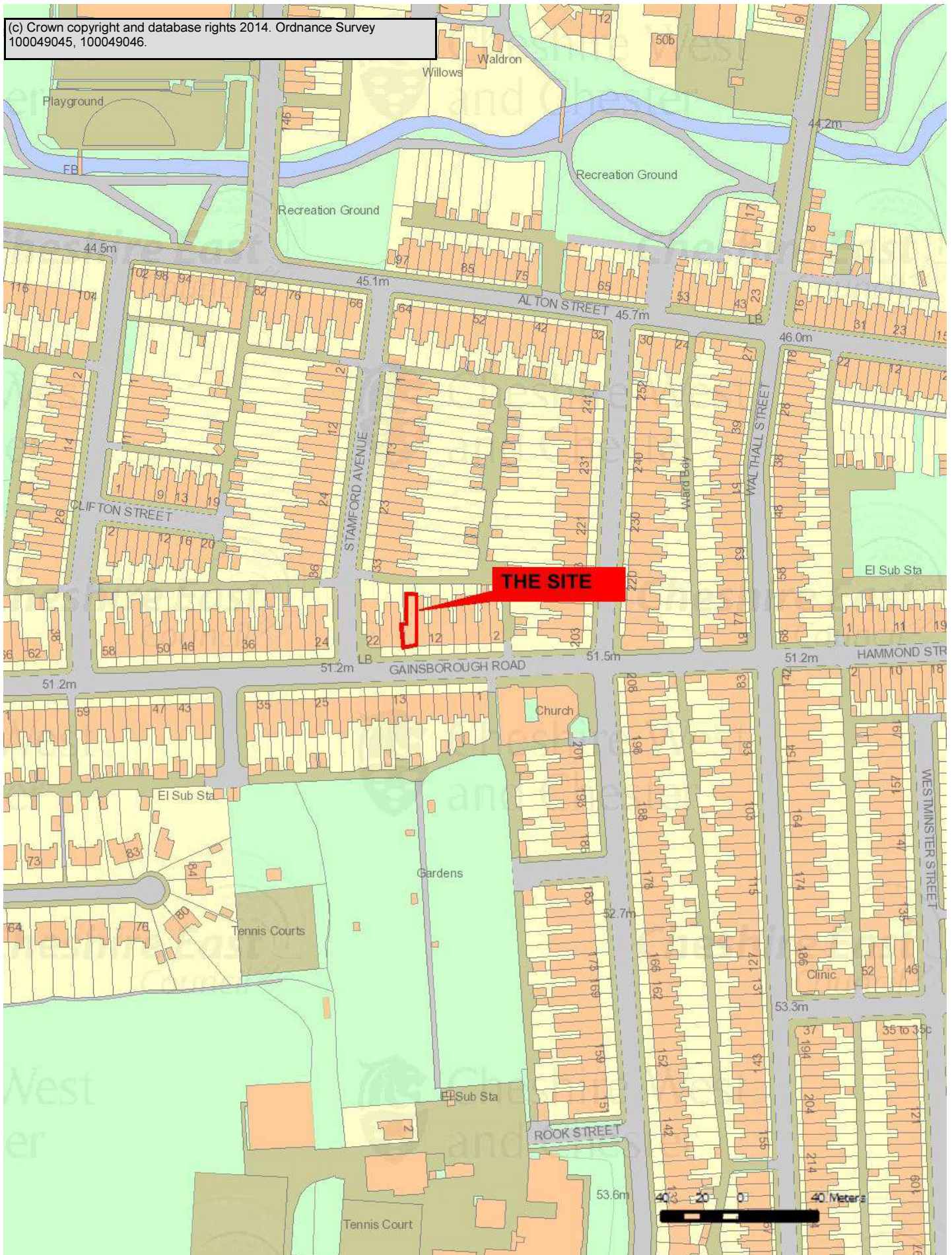
The proposed change of use is located within the Crewe settlement boundary and would only involve a simple external alteration to the unit. It would not have an adverse impact upon neighbouring amenity or raise any significant highway/parking issues. The proposal therefore complies with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking) and RES.9 (Houses in Multiple Occupation) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. The development also complies with the NPPF.

RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard time 3 years**
- 2. Materials**
- 3. Plans**
- 4. Cycle Storage**
- 5. Bin Storage**

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Application No: 14/3862N

Location: Horse Shoe Inn, NEWCASTLE ROAD, WILLASTON, CW5 7EP

Proposal: Outline planning application for the demolition of the former Public House and outbuildings and erection of up to four residential units with all matters reserved except for means of access at the Horseshoe Inn, Newcastle Road, Willaston

Applicant: Frederic Robinson Ltd

Expiry Date: 08-Oct-2014

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES:

- Principle of the development
- Housing land supply
- Sustainability
- The acceptability of the Access
- The impact upon neighbouring amenity
- The impact upon ecology
- The impact upon trees

REASON FOR REFERRAL

The application is referred to Southern Planning Committee as it represents a departure from planning policy.

DESCRIPTION OF SITE AND CONTEXT

This application relates to a former public house and its curtilage located on the northern side of Newcastle Road, Willaston, within the Green Gap.

The public house is detached and sits within a relatively large plot. It is two-storey's in nature and benefits from a number of single-storey outriggers.

There is a beer garden to the west of the site and a large car part to the east.

There is a TPO protected oak tree on the boundary of the car park with the highway.

DETAILS OF PROPOSAL

Outline Planning permission is sought for the demolition of a public house and the erection of 4 detached residential dwellings.

The access arrangements to the site are also sought for approval as part of this application.

Matters of; layout, appearance, scale and landscaping are reserved for subsequent assessment.

RELEVANT HISTORY

P98/0274 - Porch and bar extension – Approved 26th May 1998

POLICIES

Local Plan Policy

NE.2 - Open Countryside
NE.4 - Green Gap
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
BE.5 - Infrastructure
RES.3 - Housing Densities
RES.5 - Housing Development in the Open Countryside
TRAN.1 - Public Transport
TRAN.9 - Car Parking Standards
CF.3 - Retention of Community Facilities

National Policy

National Planning Policy Framework (NPPF)

Cheshire East Local Plan Strategy – Submission Version

PG1 - Overall Development Strategy
PG5 - Open Countryside
PG6 - Spatial Distribution of Development
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, Hedgerows and Woodland

Other Material Considerations

Supplementary Planning Guidance (SPG) Note 2: Provision of Private Open Space in New Residential Developments.

CONSULTATIONS (External to Planning)

Strategic Highways Manager – No objections, subject to an informative that the developer will enter into a S184 Agreement.

Environmental Protection – No objections, subject to a number of conditions which include; a restriction of the hours of piling, the prior submission of a piling method statement, the prior submission of lighting details, submission of a noise mitigation scheme with the reserved matters application, the prior submission of bin storage details, the inclusion of electric vehicle charging points, the prior submission of a dust mitigation scheme, the prior submission of a contaminated land report.

Informatives regarding hours of construction and contaminated land are also sought.

United Utilities – No comments received at time of report

VIEWS OF THE PARISH COUNCIL:

Stapeley and District Parish Council – No objections, however have concerns regarding the demolition of the public house

Willaston Parish Council - No objections to the residential development of the brownfield site but object to the demolition of the Public House

OTHER REPRESENTATIONS:

Cllr B. Silvester - No objections to the residential development of the brownfield site but object to the demolition of the Public House

SUPPORTING INFORMATION:

Tree report
Noise Assessment report
Bat survey
Air screening assessment
Dust assessment
Planning statement

OFFICER APPRAISAL

Principle of Development

The development proposed needs to be split up into multiple planning policy categories.

Loss of public house

For the conversion of the public house to accommodate dwellings, policy CF.3 of the Local Plan will be relevant.

Policy CF.3 states that *'proposals which would result in the loss of community facilities which make a positive contribution to the social or cultural life of a community will not be permitted, unless a suitable alternative provision is made.'*

In response to this policy, the applicant has advised within their submitted Planning Statement that *'trade figures over the last couple of years illustrate a decrease in sales, with figures for 2012 being the lowest in a number of years. Taking rental levels into account, these decreasing sale values result in an unviable profit margin in which to sustain a business.'*

It can be confirmed that the submitted 'Profit and Loss' accounts confirms these conclusions.

It is further advised that *'Since the closure of the public house in February 2013, only four enquiries have been received with only two enquiring about renting/selling the premises. Both of these enquiries were made in April/May 2013, over a year ago.'*

As such, given that little interest has been shown by prospective purchasers/renters in continuing the use of this site as a public house since it was marketed over a year and a half ago, in conjunction with the knowledge of the previous declining performance of the previous occupiers, it is no longer considered that the loss of this pub would have a detrimental impact upon the local community. It is currently vacant and has been for some time and with no prospect of it being continued to be used as a public house.

As such, it is considered that the loss of this public house in principle is acceptable.

Some local concern has been raised regarding the demolition of this public house in heritage terms. In response, the Council's Heritage Officer has advised that he does not consider that the building has sufficient heritage value to be selected as a listed building by English Heritage based on their principles of selection.

It is advised that the building is not sufficiently old and does not appear to have sufficiently significant architectural or historic interest to make a major contribution to the national stock to warrant its inclusion.

The building is also not listed on the Council's 'Local List' as a heritage asset.

As such, it is not considered that the loss of this building from a heritage perspective alters the principle acceptability of the scheme.

New housing

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 a number of principal appeal decisions 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

As well as lying within the Open Countryside, the application site is also within the Green Gap. Therefore, as well as being contrary to Policy NE.2, it is also contrary to Policy NE.4 of the Local Plan which states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would:

- result in erosion of the physical gaps between built up areas;
- adversely affect the visual character of the landscape.

In response, the application site lies immediately adjacent to the Crewe Settlement boundary, just within a corner section of Green Gap between a south-western portion of Crewe (Willaston) and Shavington.

Given that the existing site where the development is proposed comprises of either built form or hard standing, it is not considered that the erection of dwellings in place of this existing built form would significantly erode the physical gap between the built up areas of Crewe and Shavington or have an adverse impact upon the landscape.

Previously development sites (Brownfield)

The NPPF requires a degree of consistency between the Local Plan and those policies within the framework. Where Local Plan policies are not consistent with the framework, greater weight should be given to the NPPF.

In this instance, the Local Plan is not consistent with the NPPF in terms of reference to previously developed land.

As such, on this matter, greater weight should be given to the NPPF.

Paragraph 17 of the NPPF advises that one of the core planning principles is that planning should;

'encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.'

Within Annex 2 of the NPPF, a definition of previously developed land is provided. This definition reads;

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.'

All 4 of the dwellings sought would be sited entirely on part of the site which comprises of the public house and associated hard standing, be it the site of the public house itself, or its car park. As such, it is considered that the proposal would represent development on previously developed land / brownfield land.

Furthermore, the environmental value of the car park is considered to be limited given that the site lies between two forms of built development, the public house and a residential property. The principle of this aspect of the development on this land is therefore accepted.

Conclusion

Given that the public house on this site has been empty for approximately 1 ½ years with little interest being shown in its purchase / continued rental for public house use, in conjunction with the knowledge that the previous business was in decline, it is no longer considered that the public house offers a benefit to the local community.

As such, the loss of the public house is acceptable.

Although all 4 dwellings would be located within the Green Gap, given that the proposal would be located on previously developed land, it is considered that the impact of the erection of these dwellings on this site would not have a significant detrimental impact upon the visual character of the landscape.

As such, the principle of erecting 4 new dwellings on this site is considered to be acceptable.

Locational Sustainability

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 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:

- Amenity Open Space (500m) – 160m
- Outdoor Sports Facility (500m) – 60m
- Local meeting place (1000m) – 60m
- Public House (1000m) – 820m
- Child Care Facility (nursery or crèche) (1000m) - 60m
- Bus Stop (500m) – 90m
- Public Right of Way (500m) – 260m

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

- Post box (500m) – 650m
- Children’s Play Space (500m) – 650m
- Primary School (1000m) – 1150m
- Convenience Store (500m) – 770m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 2700m
- Railway station (2000m where geographically possible) – 2700m
- Any transport node – 2700m
- Bank or cash machine (1000m) – 2100m
- Secondary School (1000m) – 1500m
- Pharmacy (1000m) – 1740m
- Medical Centre (1000m) – 1740m
- Post Office (1000m) – 2574m
- Leisure Facilities (Leisure Centre or Library) (1000m) – 2011m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However, it is within the recommended distance or within a reasonable distance of the majority of the listed public facilities.

Owing to its position on the edge of Willaston, within the recommended standards for the majority of the amenities listed, it is considered that this site is a sustainable site.

Access

The application site would be accessed via the existing public house access. As such, no changes to the existing access arrangements are sought.

It is shown on the indicative layout plan that each dwelling would be supported by 2 parking spaces. As such, it is not considered that the proposal would create any highway safety concerns.

The Strategic Highways Manager has advised that he have no objections, subject to the addition of an informative that the applicant enters into a Section 184 Agreement.

Amenity

The closest neighbouring properties to the site would be the occupiers of Blakelow, a detached two-storey dwelling approximately 50 metres away to the east.

Given this large separation distance, it is not considered that the proposal creates any neighbouring amenity concerns with regards to loss of privacy, light or visual intrusion.

With regards to environmental disturbance, the Council's Environmental Protection Officer has advised that they have no objections, subject to a number of conditions which include; a restriction of the hours of piling, the prior submission of a piling method statement, the prior submission of lighting details, submission of a noise mitigation scheme with the reserved matters application, the prior submission of bin storage details, the inclusion of electric vehicle charging points, the prior submission of a dust mitigation scheme, the prior submission of a contaminated land report.

Informatives regarding hours of construction and contaminated land are also sought.

With regards to the relationship between the proposed dwellings themselves, the indicative layout plan shows that the dwellings would be constructed in a 'courtyard style' arrangement in an 'L-shaped' design.

As such, there would be no front-to-rear relationships between the proposals to consider.

In terms of the side-to-side relationships, subject to their being no sole windows to principal habitable rooms in the side elevations of these dwellings, which would be determined at reserved matters stage, no issues between the proposed dwellings themselves would be created.

With regards to private amenity space, paragraph 3.35 of this SPD advises that each garden should be no less than 50 metres squared. The indicative layout plan shows that this minimum standard can be achieved.

Subject to the adherence of the development to the above, and the implementation of any recommended mitigation measures, it is considered that the proposal would be acceptable in terms of amenity and Policy BE.1 of the Local Plan.

Ecology

The application is supported by a bat survey.

In response, the Council's Nature Conservation Officer has advised that no evidence of roosting bats were recorded during the submitted survey and as such, do not present a constraint upon the proposed development.

However, it is advised that should planning approval be granted, conditions to safeguard breeding birds and to ensure some additional provision is made for breeding birds should be sought.

As such, subject to these recommended conditions, it is considered that the proposal would be acceptable in terms of protected species and Policy NE.9 of the Local Plan.

Trees

The application is supported by a tree report.

The report shows that there are several trees on the site including 3 mature Oak trees, a Leylandii hedge and a hedge / group of trees to the north of the site.

A mature oak tree between the existing car park and eastern boundary is subject to a Tree Preservation Order (TPO).

The Council's Tree Officer has reviewed the proposal and advised that as the application is an outline only (with access), the full arboricultural impacts cannot be established until a final detailed layout is submitted.

Tree protection measures are proposed for all retained trees. The trees to be removed include a mid-grade Oak tree and a grade B Leyland Cypress hedge.

It is advised that subject to conditions which secure the retention of the remaining trees on site and comprehensive updated tree protection measures and the submission of an Arboricultural Method Statement at reserved matters stage, no significant objections are raised in relation to trees and would adhere with Policy NR1 of the Local Plan.

Layout, Appearance, Scale and Landscape

Although layout has not been sought as part of this application, the indicative layout proposed was devised following pre-application discussions between the applicant and the Council's Planning Officer and Urban Design Officer.

The indicative layout comprises of 4 detached dwellings constructed in an 'L-shape' pattern fronting out onto a central courtyard. The courtyard comprises of a central minor, private round-a-bout, which would serve 2 parking spaces for each dwelling. The garden spaces available for each dwelling would adhere with the minimum 50 square metre standard.

As such, the indicative proposals would be appropriate in layout and scale terms and would provide for adequate parking.

Permission for appearance, scale and landscape are not sought as part of this application. Only indicative plans have been submitted at this stage and these are not considered below as they are subject to change.

Affordable Housing

Where an application site has a population below 3,000, there is a requirement to provide 30% affordable housing on sites of 0.2 hectares or 3 dwellings or more under the Council's Interim Planning Statement on Affordable Housing (IPS).

As the site falls within a sub-area of an urban area of over 3000 people, there is no affordable housing requirement in this instance.

CONCLUSIONS

Given that the public house on site has been empty for approximately 1 ½ years with little interest being shown in its purchase / continued rental for public house use, in conjunction with the knowledge that the previous business was in decline, it is no longer considered that the public house offers a benefit to the local community.

As such, the loss of the public house is acceptable.

Although all 4 dwellings would be located within the Green Gap given that the proposal would be located on previously developed land, it is considered that the impact of there erection of these dwellings on this site would not have a significant detrimental impact upon the visual character of the landscape and not result in the settlements of Crewe and Shavington blending into one another. As such, the principle of erecting 4 new dwellings on this site is considered to be acceptable in principle.

An existing access to the site would be utilised and sufficient parking would be provided. As such, no highway safety issues would be created.

Issues regarding Layout, Appearance, Scale and Landscape are to be considered at reserved matters stage.

No issues relating to neighbouring amenity, ecology or trees would be created.

As such, the application is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions

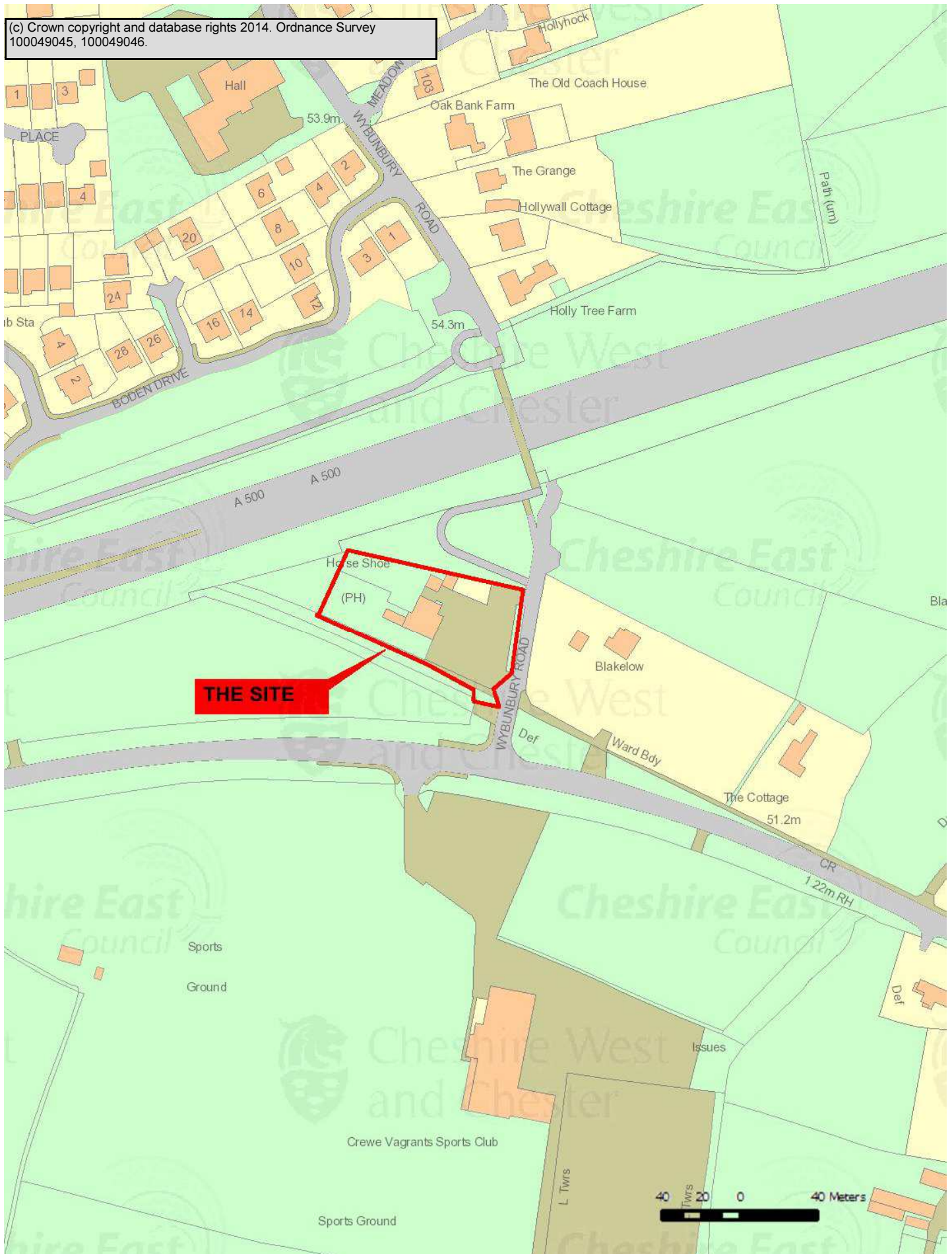
- 1. Time Limit (Outline)**
- 2. Submission of reserved matters**
- 3. Reserved Matters application made within 3 years**
- 4. Development in accordance with approved plans**
- 5. Details of materials to be submitted**
- 6. Hours of Piling**
- 7. Prior submission of a piling method statement**
- 8. Prior submission of external lighting details**
- 9. Prior submission of noise mitigation scheme**
- 10. Prior submission of electric vehicle charging point details**
- 11. Prior submission of a dust mitigation scheme**
- 12. Prior submission of land contamination report**
- 13. Prior submission of Boundary treatment**
- 14. Removal of Permitted Development Rights (Classes A-E)**
- 15. Safeguard breeding birds**
- 16. Incorporation of features for breeding birds**

Informatives:

- 1. Standard**
- 2. S184 Agreement**
- 3. Hours of construction**
- 4. Contaminated Land**

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: 14/3538C

Location: SOMERFORD PARK FARM, HOLMES CHAPEL ROAD, SOMERFORD, CW12 4SW

Proposal: Outline Application for a replacement covered riding arena

Applicant: Mr & Mrs King

Expiry Date: 22-Oct-2014

SUMMARY RECOMMENDATION:

Approve subject to conditions

MAIN ISSUES:

- Principle of the development
- Character & Appearance
- Landscaping
- Amenity
- Highways & Parking
- Ecology

REASON FOR REFERRAL

This application is a small-scale major development.

DESCRIPTION AND SITE CONTEXT

The application relates to Somerford Park Farm, a large equestrian facility situated on the north eastern side of Holmes Chapel Road, Somerford. The land is designated in the adopted Congleton Borough Local Plan as being within the Open Countryside. There are residential properties to the west and open countryside to all other directions.

DETAILS OF PROPOSAL

This application seeks outline planning permission for the erection of a covered riding arena to replace the existing open arena at Somerford Park Farm. Details of landscaping have been

submitted for consideration as part of this application, with all other matters reserved for approval at a later stage.

RELEVANT HISTORY

Somerford Park Farm has an extensive planning history relating to the use of the site as an equestrian centre. The most recent and relevant planning applications are:

14/1118C - Erection of a stable block comprising 20 no. stables with tack / feed / wash / store areas; bulk straw and chipping storage and a muck room – Approved 23-Apr-2014

12/2794C - Erection of Veterinary Building – Approved 12-Oct-2012

11/0561C - Erection of a Satellite Stable Block Comprising 20no. Stables with Tack / Feed – Approved 28-Jul-2011

POLICIES

Local Plan Policy:

Congleton Borough Local Plan First Review 2005:

PS8 – Open Countryside

GR1 – New Development

GR2 – Design

GR6 – Amenity and Health

GR9 – Parking and Access

RC5 – Equestrian Facilities

NR1 - Trees

E5 – Employment Development in the Open Countryside

Cheshire East Local Plan Strategy Submission Version:

PG5 – Open Countryside

SD1 – Sustainable Development

SE1 – Design

EG2 – Rural Economy

Other Considerations:

National Planning Policy Framework (NPPF)

CONSIDERATIONS (External to Planning)

Environmental Protection:

No objections subject to an informative regarding contaminated land.

Natural England:

Do not consider that the proposal would have an adverse impact.

VIEWS OF SOMERFORD PARISH COUNCIL

No objection

OTHER REPRESENTATIONS

None received

OFFICER APPRAISAL

Principle of Development

The site is designated as being within the Open Countryside, where Local Plan Policy PS8 states that development involving facilities for outdoor sport, recreation are acceptable in principle provided that they preserve the openness of the countryside.

Local Plan Policy RC5 deals specifically with proposals for equestrian facilities and states that proposals will be acceptable where they do not adversely affect; ecology; landscape; agricultural land; amenity and provide adequate parking provision and is linked to the bridleway network.

Local Policy E5 allows for the expansion or redevelopment of an existing business, appropriate to a rural area or essential for the continuation of operations which are already on site where there are no suitable existing buildings which could be re-used.

The existing operation is a commercial operation and employs over 35 full time equivalent staff. The proposed use has already been accepted as being appropriate in this rural area and there are no existing buildings or structures which could be reasonably utilised to accommodate the proposals. As such, subject to compliance with other material considerations (these being character and appearance, landscaping, residential amenity, highways and ecology), the principle of the development is supported by local policy and by national policy (NPPF para 28) which gives support to sustainable growth and expansion of rural businesses.

Character and Appearance

Whilst the application has been submitted in outline form, the application is supported by detailed plans. The plans show a large apex agricultural style portal framed building situated towards the rear of the site towards the far perimeter. The building would reflect the style and appearance of the other equestrian buildings in terms of design and materials and would be well grouped with the existing development at the site. Owing to its location towards the rear of the site, the scale of the building would not be overly prominent from main vantage points and as such, it is considered that a building of the size proposed and in the position indicated on the layout plan is acceptable in terms of its impact on the character and appearance of the area.

Landscaping

The application is supported by a landscape report. The report does not identify any significant visual impacts outside of the immediate areas of the site and the landscape impact is reported as being low/negligible.

The proposed building would be visible from outside of the site (from Holmes Chapel Road to the north-west), the development would be viewed in the context of the existing facilities. The

existing vegetation together with proposed landscaping to the north of the site would help to mitigate impacts. The Senior Landscape Officer has recommended that some further landscaping may be required but has recommended that this can be secured by a condition requiring submission of a revised landscaping scheme. Subject to this, the scheme would be acceptable in terms of its landscape impact.

Amenity

Policy GR6 requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties from loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

The proposed riding arena would be in excess of 280 metres distance away from the nearest residential property. Further, the enclosure of the riding arena would provide an envelope for the proposed riding activities and would minimise the noise that an open riding arena would provide. The Council's Environmental Protection department has assessed the application and has offered no objection to the proposal. As such, it is not considered that there would be any adverse impacts on residential amenity.

Highways & Parking

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

The proposal would not lead to any loss of parking spaces and there would be no alteration to the existing access. There would be an adequate level of parking provision within the site and the wider equestrian complex. In terms of traffic generation, the submitted Transport Statement considers that the traffic generation from the arena will be insignificant. It states that the development proposals could generate a small increase in the number of trips on the Saturday and Sunday peak periods but this could not be considered severe in the context of the NPPF. The proposal is therefore considered to be in compliance with Policy GR9 of the adopted local plan.

Ecology

The application site is located just to the south of the 'Pool Wood Local Wildlife Site'. The submitted plans appear to show the building about 5m from the boundary of the LWSW which may potentially put the building either under or very close to the canopy of the woodland trees. However, the agent has confirmed that the proposed building shown in the indicative position will not affect the canopy or health of the existing trees and given that there is scope to ensure decent separation, it is considered that this can be secured at the reserved matters stage.

Evidence of badger activity was recorded during a submitted survey but no setts were identified. It has been confirmed that the survey extended to adjacent 'Pool Wood'. The Council's Nature Conservation Officer has confirmed that no protected species would be

unduly harmed by the proposal. He has however, recommended that any lighting should needs to be agreed to avoid any potential adverse impacts on the adjacent woodland and associated wildlife. This matter may be dealt with by means of a condition if outline consent is granted. The proposal is therefore considered to be acceptable in ecological terms.

CONCLUSIONS AND REASONS FOR THE DECISION

Having regard to the above, it is considered that the principle of the proposed development will not have a harmful impact upon the character of the existing countryside and is acceptable in landscape terms and therefore complies with Local Plan Policies PS8, GR4, E5 and PG5 of the development plan. The proposed use of the site is likely to have a minimal impact upon matters relating to highway safety, residential amenity or ecology and therefore the scheme is acceptable and in accordance with relevant local and national planning policy. Accordingly, a recommendation for approval is made subject to conditions.

RECOMMENDATION:

Approve subject to the following conditions:

- 1. Standard outline – development to commence within 3 years or within 2 years of approval of reserved matters**
- 2. Application for approval of reserved matters to be made within 3 years**
- 3. Submission of reserved matters**
- 4. Development to be carried out in accordance with approved plans**
- 5. Reserved matters to comply with scale parameters**
- 6. Materials to be submitted to and approved**
- 7. Landscaping Scheme including details of boundary treatments to be submitted**
- 8. Landscaping implementation**
- 9. Submission of Tree Survey / Arboricultural Method Statement**
- 10. Accordance with Ecological Survey**
- 11. Details of external lighting to be submitted**

tables

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Application No: 14/3853N

Location: FORMER SIR WILLIAM STANIER, COMMUNITY SCHOOL, BADGER AVENUE, LUDFORD STREET, CREWE

Proposal: Variation of Conditions 23 (in order for the Affordable Housing Statement to read in conjunction with the site layout) attached to planning permission 14/1708N Variation of Conditions 2 (to facilitate existing electrical easement shown on site master plan) and Condition 6 (to substitute brick type Ibstock Ravenshead to Hollington Blend) on application 13/4382N

Applicant: Mr Chris Bent

Expiry Date: 10-Nov-2014

14/3853N – Sir William Stanier Community School, Ludford Street, Crewe

SUMMARY RECOMMENDATION

Approve subject to conditions.

MAIN ISSUES

Principle of Development
Affordable Housing
Section 106 Matters

REFERRAL

This application is referred to Southern Planning Committee because it relates to the variation of the approved plans condition attached to application 14/3853N which was determined by the Southern Planning Committee.

SITE DESCRIPTION

The site itself is located approximately 0.6 kilometres north of the Crewe town centre within a predominantly residential area on the fringes of the town centre. It measures approximately 1.52 hectares being roughly rectangular in shape, measuring 120m in length and 170 m across the width at its widest point.

The site is currently vacant having contained a former school premises that has recently been demolished. It is overlooked from the north by Crewe cemetery on the opposite side of Badger Avenue. Residential properties border the site to the south and east. Beechwood Primary School is also located to the south and Cypress Care Centre abuts the western site boundary.

At the time of the case officers site visit work had commenced to implement the development approved as part of application 14/1708N.

DETAILS OF PROPOSAL

This application seeks to vary condition 23 attached to application 14/1708N.

Application 14/1708N relates to an application to vary the planning conditions attached to application 13/4382N.

Application 13/4382N relates to a full planning consent to develop 107 dwellings comprising a mix of apartments, mews and semi-detached housing. This is a 100% affordable housing development, all for rent, to be developed for Wulvern Housing.

Condition 23 of 14/1708N states as follows:

The development shall be occupied in accordance with the Affordable Housing Statement received on 21st February 2014 and approved as part of application 14/0869D and shall meet the definition of affordable housing set out in the Glossary to the National Planning Policy Framework.

- *The tenure shall be 100% affordable rented dwellings made up of:*
- *50 x 1 bed flats*
- *10 x 2 bed flats*
- *36 x 2 bed houses*
- *11 x 3 bed flats*
- *The affordable homes to be built to the standards adopted by the HCA at the time of development and achieve at least Code for Sustainable Homes Level*
- *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or as may subsequently be amended or re-enacted) no extensions, alterations or buildings within the site curtilage normally permitted by Classes A to E of Part 1 Schedule 2 to that Order shall be carried out unless a further planning permission has first been granted on application to the Local Planning Authority.*

Reason: To ensure that the development remains affordable in perpetuity and to comply with Policy RES.7 of the Borough of Crewe and Nantwich Replacement Local Plan 2011, the National Planning Policy Framework and the Councils Interim Statement on the Provision of Affordable Housing.

Following the approval of application 14/1708N it has become apparent that there is a discrepancy between the affordable housing units specified in condition 23 of 14/1708N and the submitted Affordable Housing Statement. This application corrects that discrepancy

RELEVANT PLANNING HISTORY

14/1708N - Variation of Conditions 2 (to facilitate existing electrical easement shown on site master plan) and Condition 6 (to substitute brick type Ibstock Ravenshead to Hollington Blend) on application 13/4382N – Approved 6th June 2014

14/0887N - Non Material Amendments to approved application 13/4382N – Refused 31st March 2014

13/4382N - 100% Affordable Housing Development comprising 60no. one and two bed flats, 47no. two and three bed semi detached and mews houses and ancillary work – Approved 29th January 2014

13/2322N - Outline planning consent for residential development – resolution to approve subject to Section 106 Agreement

PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

BE.6 (Development on Potentially Contaminated Land)

RES.2 (Unallocated Housing Sites)

RES.3 (Housing Densities)

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

TRAN.3 (Pedestrians)

TRAN.5 (Provision for Cyclists)

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

SHMA Update 2013

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

CO1 Sustainable Travel and Transport

CO4 – Travel Plans and Transport Assessments

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE3 – Biodiversity and Geodiversity
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 6 – Green Infrastructure
SE 9 – Energy Efficient Development
SE 13 Flood Risk and Water Management
IN1 – Infrastructure

OBSERVATIONS OF CONSULTEES

N/A

VIEWS OF THE PARISH / TOWN COUNCIL

No comments received

OTHER REPRESENTATIONS

No representations received

APPLICANT'S SUPPORTING INFORMATION:

N/A

OFFICER APPRAISAL

Principle of Development

The principle of development has been established by the granting of planning permission 13/4382N (with a subsequent variation of planning conditions under approved application 14/1708N). This application does not represent an opportunity to re-examine the appropriateness of the site for residential development.

Affordable Housing

Following the approval of application 14/1708N it has become apparent that there is a discrepancy between the affordable housing units specified in condition 23 and the submitted Affordable Housing Statement.

Condition 23 as part of application 14/1708N states that the development would provide 100% rented dwellings of the following mix:

- 50 x 1 bed flats
- 10 x 2 bed flats
- 36 x 2 bed houses
- 11 x 3 bed flats

The actual affordable housing provision on the approved plans would provide 100% rented dwellings of the following mix:

- 45 x 1 bed flats
- 15 x 2 bed flats
- 33 x 2 bed houses
- 14 x 3 bed flats

There are no issues with varying condition 23 to reflect the approved plans and the Affordable Housing Statement. Approving the development would allow the developer to provide much needed affordable housing on a sustainable brownfield site.

Section 106 Matters

The S106 commuted sums have been paid and as a result there is no need to vary the S106 Agreement.

CONCLUSIONS

The site lies within the settlement boundary for Crewe, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The principal of this development has already been accepted as part of application 13/4382N.

The alteration would remove the discrepancy between the approved plans, affordable housing statement and the condition.

RECOMMENDATION

APPROVE subject to the following conditions:

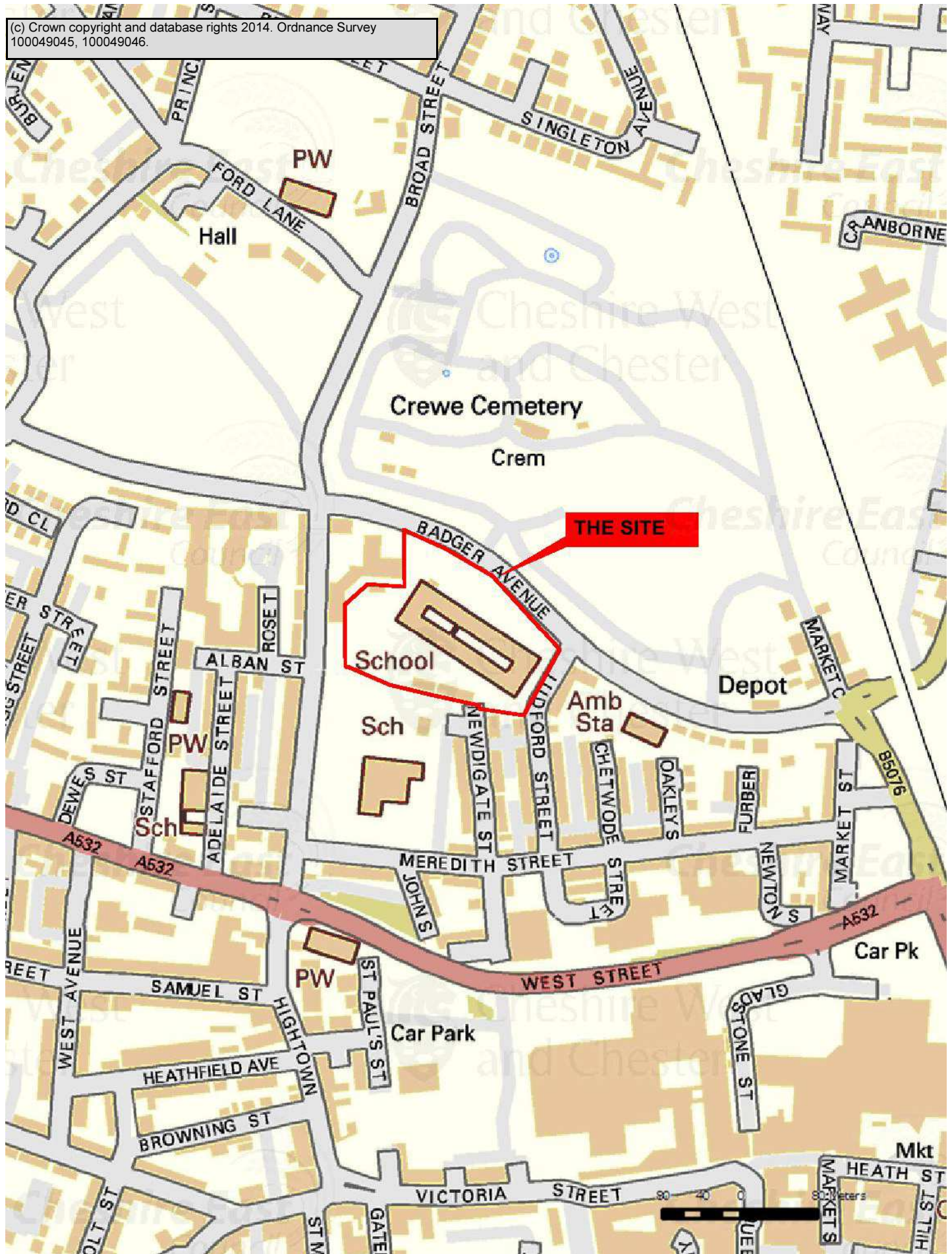
1. **Approved plans**
2. **Construction of Access**
3. **Provision of parking**
4. **Implementation of Materials – No approval for buff bricks**
5. **All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs
Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil**
6. **Construction works taking place during the development (and associated deliveries to the site) restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil**
7. **Submission, approval and implementation of details of any lighting prior to installation**
8. **The mitigation recommended in Noise Mitigation report number 90291r0 shall be implemented prior to the use of the development / first occupation.**
9. **Implementation of submitted Travel Plan**
10. **Implementation of submitted dust control measures**
11. **The development shall not be occupied until the remedial/protection measures included in the approved contaminated land report (REC Report Reference 02c45022, 28 November 2013) have been fully implemented and completed.**
12. **Once the development is complete, a Site Completion Statement detailing the remedial/protective measures incorporated into the development hereby approved**

shall be submitted to and approved in writing by the LPA in full prior to the first occupation and use of this development.

13. Features for use by breeding birds and bats
14. Implementation of boundary treatment
15. Implementation of drainage scheme approved as part of application 14/0869D
16. Implementation of cycle parking within scheme
17. Implementation of landscaping
18. Arboricultural Method Statement in accordance with the report reference SE467/J/01/DH
19. Retention of the railings and for them to be made good where necessary to enclose the front garden areas of the proposed dwellings
20. To be maintained as affordable housing in perpetuity in accordance with approved affordable housing statement

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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