

Southern Planning Committee

Agenda

Date:	Wednesday, 28th January, 2015
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 - 14)

To approve the minutes of the meeting held on 17 December 2014.

4. Public Speaking

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

Please contact Julie Zientek on 01270 686466

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

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

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

5. **14/2714N Former Hack Green RAF Camp, Coole Lane, Hack Green, Austerson, Nantwich, Cheshire CW5 8AS: Change of use of land to provide 9 yards for 10 travelling showpeople's families, formation of roads and hard surfacing for The Hack Green Group (Pages 15 - 38)**

To consider the above planning application.

6. **14/5411N The Printworks, Crewe Road, Haslington CW1 5RT: Outline application for new residential development of up to 14 dwellings (resubmission of planning application reference 13/5248N) for Georgina Hartley (Pages 39 - 54)**

To consider the above planning application.

7. **14/4588N Land to rear of 144, Audlem Road, Nantwich, Cheshire CW5 7EB: Reserved matters application for the erection of 33 dwellings with associated works to include landscaping following approved outline 13/1223N for Wainhomes (North West) Ltd (Pages 55 - 64)**

To consider the above planning application.

8. **14/4644N Site Of Bristol Street Motors, Macon Way, Crewe, Cheshire: The erection of a single unit Class A1 retail development with associated car parking, landscaping and infrastructure for Andrew Bird, Maconstone Ltd (Pages 65 - 74)**

To consider the above planning application.

9. **14/4901N Macon Industrial Park, Macon Way, Crewe CW1 6DG: Variation of condition 13 (range and type of goods to be sold) attached to planning permission 12/0316N. Proposed new build, non-food retail unit, up to 3715 sq.m. (Class A1_ including access and associated infrastructure for B&M Retail Ltd (Pages 75 - 80)**

To consider the above planning application.

10. **14/5044C Land East of School Lane, Sandbach, Cheshire CW1 2LS: Variation of Condition 17 on Approved Application 13/4634C - Outline Application for up to 13 no. residential dwelling houses, associated infrastructure and ancillary facilities for Jean Pierpoint Paul Ferguson, and Grant and Helen Dinsdale**
(Pages 81 - 88)

To consider the above planning application.

11. **14/5736C The site of The Derelict Saxon Cross Hotel, Saxon Cross, , Holmes Chapel Road, Sandbach, Cheshire CW11 1SE: Variation of condition 5 & 15 on approval 13/4442 Demolition of Existing Hotel on the Site. Change of Use from a Category C1 Development to a Mixed Use of Category B1 and B8. Construction of a Single-Storey Office Building and Warehouse Building. New Hard Landscaping Associated with the Proposed Development, Including Relocation of Vehicular Access for Jonathan Bolshaw, Bolshaw Industrial Powders**
(Pages 89 - 96)

To consider the above planning application.

12. **14/5281C Land Adjacent 6 Heath End Road, Alsager, Cheshire: Proposal for a Garage, Greenhouse, Kitchen Garden and Access (Resubmission of 14/4462C) for Mr Adrian Girvin** (Pages 97 - 108)

To consider the above planning application.

13. **The Woodlands, Aston** (Pages 109 - 114)

To consider withdrawing the reason for refusal relating to planning application 14/3053N.

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, 17th December, 2014 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

Councillors Rhoda Bailey, D Bebbington, P Butterill, R Cartlidge, W S Davies,
S Hogben, P Groves, A Kolker, D Marren, M A Martin, S McGrory and R West

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors S Corcoran, D Flude, J Hammond, A Martin and A Moran

OFFICERS PRESENT

Nigel Curtis (Principal Development Officer - Highways)
Daniel Evans (Principal Planning Officer)
Charlotte McKay (Lawyer)
Susan Orrell (Principal Planning Officer)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors I Faseyi

102 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

With regard to application number 14/0143N, Councillor P Groves declared that he knew two of the objectors and that he was a member of Nantwich Civic Society. He also ate at The Residence. However, he had kept an open mind and felt comfortable staying in the room and participating in the decision.

With regard to application number 14/4588N, Councillor P Groves declared that he was a member of Stapeley & District Parish Council. He had also voted against the application when it had been considered by the Strategic Planning Board and that he had attended the public inquiry. However, he had kept an open mind and felt comfortable staying in the room and participating in the decision.

With regard to application number 14/0143N, Councillor P Butterill declared that she was a member of Nantwich Town Council and Nantwich Civic Society, but that she had kept an open mind.

With regard to application number 14/0143N, Councillor D Marren declared that he was a member of Nantwich Town Council, but that he had not taken part in any discussions in respect of the application and had not made comments on it.

With regard to application number 14/3687C, Councillor R Bailey declared that she had visited the school and seen the buildings. However, she had no connection with the applicant and had kept an open mind.

All Members of the Committee declared that they had received correspondence regarding application number 14/4518C.

With regard to application numbers 14/2018N and 14/2082N, Councillor S Hogben declared that he was a member of Shavington-cum-Gresty Parish Council, but that he had not discussed these applications and had kept an open mind.

With regard to application number 14/4165N, Councillor S Hogben declared that he had a disclosable pecuniary interest, as the site adjoined his house. Councillor Hogben declared that he would withdraw from the meeting during consideration of this item.

With regard to application number 14/1147C, Councillor A Kolker declared that he had advised residents but that he had not expressed an opinion and had kept an open mind.

With regard to application number 14/3687C, Councillor A Kolker declared that he was a governor at the school. Councillor Kolker declared that he would exercise his separate speaking rights as a Ward Councillor and withdraw from the meeting during consideration of this item.

With regard to application number 14/4769C, Councillor G Merry declared that she was a member of Sandbach Town Council but that she was not a member of its planning committee and that she had not discussed this application. She also knew one of the objectors and the owners of number 16 but she had not discussed this application with them and had kept an open mind.

103 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 19 November 2014 be approved as a correct record and signed by the Chairman.

104 14/0143N FORMER BOWLING GREEN, WATERLODE, NANTWICH: ERECTION OF 7 DWELLINGS WITH INTEGRAL GARAGES AND ASSOCIATED CAR PARKING FOR BLACK & WHITE CHESHIRE LTD

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

Note: Councillor A Martin (Ward Councillor) and Councillor A Moran (Neighbouring Ward Councillor) attended the meeting and addressed the Committee on this matter.

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

RESOLVED – That the application be DEFERRED for the following:

- Prior submission of a noise survey and mitigation in terms of the impact from the adjacent business 'The Residence'
- A Committee site inspection to enable Members to assess the impact of the proposed development
- Clarification of Flood Risk impact
- Updated plan to show 200% car parking provision

105 **14/4588N LAND TO REAR OF 144, AUDLEM ROAD, NANTWICH, CHESHIRE CW5 7EB: RESERVED MATTERS APPLICATION FOR THE ERECTION OF 33 DWELLINGS WITH ASSOCIATED WORKS TO INCLUDE LANDSCAPING FOLLOWING APPROVED OUTLINE 13/1223N FOR WAINHOMES (NORTH WEST) LTD**

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

Note: Mr P Cullen (on behalf of Protect Stapeley Group), Mr P Staley (objector) and Mr S Harris (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and an oral update by the Principal Planning Officer.

RESOLVED – That the application be DEFERRED for clarification on the outstanding flood risk/drainage information requested by Cheshire East Council's Flood Risk Manager.

106 **14/1907C THE ORCHARD, HOLMES CHAPEL ROAD, SOMERFORD, CONGLETON CW12 4SP: DEMOLITION OF 2 EXISTING BUNGALOWS AND GLASSHOUSES ASSOCIATED WITH A HORTICULTURAL NURSERY AND THE CONSTRUCTION OF 2, TWO-STOREY DETACHED DWELLINGS, A TWO-STOREY BUILDING COMPRISING 2 FLATS AND 6 DETACHED BUNGALOWS WITH A NEW SHARED ACCESS FOR PLANT DEVELOPMENTS LTD**

Note: Mr N Smith attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED to allow consideration of the impact of recent government guidance on the affordable housing requirements.

107 **14/4518C SOMERFORD PARK FARM, HOLMES CHAPEL ROAD, SOMERFORD CW12 4SW: RETROSPECTIVE APPLICATION FOR RETENTION OF A NEW STABLE BUILDING WITH ANCILLARY GROOM'S ACCOMMODATION FOR SIMON KING**

Note: Ms T Cook attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be REFUSED for the following reason:

The scale, height and massing of the development results in a building which detracts from the openness of the countryside and has an adverse impact on the landscape and the character of the area. It is therefore contrary to the Local Plan Policies PS8, GR1, GR2, GR5, RC5 and E5 of the adopted Congleton Borough Local Plan First Review 2005 as well as Policies PG5 and SD2 of the emerging Cheshire East Local Plan Strategy – Submission Version and advice within the NPPF.

108 **14/4300N LODGE FARM INDUSTRIAL ESTATE, AUDLEM ROAD, HANKELow, CHESHIRE: OUTLINE PLANNING APPLICATION WITH SOME MATTERS RESERVED FOR REDEVELOPMENT OF THE SITE TO PROVIDE UP TO 22 DWELLINGS AND AN AREA OF PUBLIC OPEN SPACE FOR BRIDGE PROPERTIES LTD**

Note: Councillor D Bebbington declared that one of his relations lived in a property adjoining the field.

Note: Parish Councillor G Foster (on behalf of Hankelow Parish Council) 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 and the update report, the application be APPROVED subject to completion of Section 106 Legal Agreement to secure the following:

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 Public Open Space and a LEAP to be maintained by a private management company
3. Secondary School Education Contribution of £49,028
4. Medical Infrastructure Contribution of £21,319, to be paid prior to commencement

And the following conditions:-

1. Standard Outline
2. Submission of Reserved Matters
3. Time limit for submission of reserved matters
4. Approved Plans
5. Construction Method Statement for any piling works
6. Dust control measures
7. Contaminated land
8. Bat mitigation measures
9. Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. A report of the survey and any mitigation measures required to be submitted and agreed by the LPA.
10. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.
11. The reserved matters application shall include retention of the boundary hedgerows
12. Submission of an updated badger survey in support of any future reserved matters application.
13. Submission of a Construction Method Statement including Reptile mitigation measures in support of any future reserved matters application.
14. Any reserved matters to be supported by proposals for the ecological enhancement of the proposed public open space area.
15. Submission of a habitat management plan.

16. Reserved matters application to include details of existing and proposed levels
 17. No development should commence on site until such time as detailed proposals for disposal of surface water and foul water have been submitted to and agreed in writing by the LPA
- (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 Head of Strategic and Economic Planning, 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.

109 **14/1147C LAND TO SOUTH OF MAIN ROAD, GOOSTREY, CHESHIRE: RESIDENTIAL DEVELOPMENT (USE CLASS C3) FOR UP TO 25 DWELLINGS WITH CONSTRUCTION OF ACCESS FROM MAIN ROAD, AREAS OF PUBLIC OPEN SPACE, LANDSCAPING AND ASSOCIATED WORKS FOR LINDA SIMPSON**

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

Note: Councillor M Martin left the meeting during consideration of this application.

Note: Professor Garrington attended the meeting and addressed the Committee on behalf of Jodrell Bank, which was a consultee.

Note: Parish Councillor P Godfrey (on behalf of Goostrey Parish Council), Mrs J Stubbs (objector) and Ms V Hunter (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 reason:

Whilst it is acknowledged that there is a presumption in favour of sustainable development in the planning balance, it is considered that:

- the development is unsustainable because the unacceptable economic, environmental and social impact of the scheme upon the efficient operation of the Jodrell Bank Observatory and its internationally important work significantly and demonstrably outweighs the economic and social benefits in terms of its

contribution to boosting housing land supply, including the contribution to affordable housing. As such, the proposal is contrary to Policy PS10 of the adopted Congleton Borough Local Plan First Review 2005 and Policy SE14 of the Cheshire East Local Plan Strategy Submission Version that seeks to limit development that impairs the efficiency of the Jodrell Bank radio telescope as well as the provisions of the National Planning Policy Framework.

- the development is unsustainable because the unacceptable environmental impact of the scheme upon the rural character and appearance of the site from Dromedary Lane (FP Goostrey NO 6) significantly demonstrably outweighs the economic and social benefits in terms of its contribution to boosting housing land supply, including the contribution to affordable housing. As such, the proposal is contrary to Policy PS8, GR2 and GR3 of the adopted Congleton Borough Local Plan First Review 2005 as well as 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 given to enter into a S106 Agreement to secure the following:

Heads of terms:

1. A commuted payment of £29,575.00 for the maintenance over a 25 year period of on-site Amenity Green Space (including the footpath link).
2. A commuted payment of £5,494.20 for the upgrade of the Booth Bed Lane site which would be spent on upgrading the equipment and infrastructure.
3. A commuted payment of £17,910.00 for the maintenance over a 25 year period of off-site Children and Young Persons Provision.
4. 30% Affordable Housing provision – 8 units. Provided no later than 50% occupation. Transferred to registered provider. A tenure split of 65% social rent (or affordable rent) and 35% intermediate tenure.

110 **14/2018N 246, NEWCASTLE ROAD, BLAKELOW CW5 7ET: 2 NO. DETACHED AND 2 NO. SEMI DETACHED HOUSES FOR RENEW LAND DEVELOPMENTS LTD**

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

Note: Councillor D Brickhill had registered his intention to address the Committee as Ward Councillor but was not in attendance at the meeting.

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

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
 - 1. Standard time 3 years
 - 2. Plans
 - 3. Materials
 - 4. Landscaping Scheme
 - 5. Implementation of Landscaping Scheme
 - 6. Retention of Existing Hedges
 - 7. Boundary Treatments
 - 8. Submission / Approval and Implementation of Dust Suppression Scheme
 - 9. Submission / Approval and Implementation of Piling Method Statement
 - 10. Contaminated Land
 - 11. Bin Storage
- (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 Head of Strategic and Economic Planning, 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.

111 **14/2082N ADJ 16, HUNTERSFIELD, SHAVINGTON CW2 5FB: 2 NO. SEMIS AND 2 NO. DETACHED HOUSES AND ANCILLIARY WORKS-
RESUBMISSION OF 14/0183N FOR RENEW LAND DEVELOPMENTS LTD**

Note: Councillor D Brickhill had registered his intention to address the Committee as Ward Councillor but was not in attendance at the meeting.

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

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
 - 1. Time - 3 years
 - 2. Plans
 - 3. Scheme of landscaping
 - 4. Landscaping completion
 - 5. Boundary Treatment
 - 6. Materials
 - 7. Permitted Development rights
 - 8. Hours of construction
 - 9. Nesting bird survey
 - 10. Breeding birds
 - 11. Construction Management Plan
 - 12. Submission of a plan to show refuse vehicle tracking on the access
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Principal Planning Manager be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.
- (c) That, should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

112 **14/2648N LAND OFF GUTTERSCROFT, HASLINGTON, CREWE:
RESIDENTIAL DEVELOPMENT OF 13NO. TWO STOREY HOUSES,
6NO. ONE BED APARTMENTS, ASSOCIATED ROADS AND
GARAGES FOR MR KEVIN HIGGINS, CRANSLEIGH ESTATES**

Note: Councillor J Hammond (Ward Councillor) had registered his intention to address the Committee but did not speak.

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

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

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to completion of a Section 106 Agreement to secure the affordable housing (all rented) and the following conditions:
1. Standard time 3 years
 2. Approved Plans
 3. Submission of amended layout plan showing 2m service strip
 4. Construction of access improvements to Gutterscroft prior to the commencement of the construction of the dwellings
 5. Pile driving limited to 09:00 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
 6. Construction method statement
 7. Materials to be submitted for approval
 8. Tree and hedgerow protection measures
 9. Landscaping details including boundary treatments to be submitted and approved
 10. Implementation of landscaping
 11. Prior to the commencement of development details of existing and proposed levels are to be provided.
 12. Protection of birds during the breeding season
 13. Incorporation of features to house breeding birds, including House Sparrows and Swifts.
 14. Submission of external lighting details
 15. Submission of foul and surface water drainage details
 16. Obscure glazing to the side elevation of the apartments with details of the window fittings to be submitted and approved
 17. Existing and proposed land levels to be submitted and approved

Informative:

Applicant to investigate having street lights adopted by Cheshire East Council

- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Principal Planning Manager be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.
- (c) That, should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the

Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

113 14/0841N LAND OFF SPINNEY DRIVE, WESTON: RESIDENTIAL DEVELOPMENT OF 4 DETACHED HOUSES FOR G MCDERMOTT, CDM DEVELOPMENTS (NORTH WEST) LTD

Note: Councillors S McGrory and J Weatherill left the meeting prior to consideration of this application.

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

Note: Councillor J Hammond (Ward Councillor), Parish Councillor J Cornell (on behalf of Weston & Basford Parish Council), Mr P Grant (objector) and Mr W McDermott (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED for the following reasons:

- to allow consideration of the impact of recent government guidance on the affordable housing requirements
- to allow planning officers to speak to the applicant regarding the concerns raised by the Parish Council
- to enable the applicant to provide clearer layout plans and clarify the separation distance to 63 Cemetery Road

114 14/4165N MANOR WAY CENTRE, MANOR WAY, CREWE CW2 6JS: ERECTION OF 14 NO. SEMI DETACHED HOUSES AND ANCILLIARY WORKS FOR RENEW LAND DEVELOPMENTS LTD

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

Note: Councillor D Flude (Ward Councillor) and Mr R Lee (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

The Committee considered a report regarding the above planning application.

RESOLVED - That authority be DELEGATED to the Head of Strategic and Economic Planning, in consultation with the Chairman of Southern Planning Committee, to APPROVE the application for the reasons set out in the report, subject to receipt of an amended plan to show a scheme of tree planting (native species) and the following conditions:

1. Standard three year time limit
2. Approved plans
3. External materials to be submitted
4. Surfacing materials to be submitted
5. Scheme of landscaping to be submitted
6. Boundary treatment as shown on plan 1983-110
7. Prior to occupation access to the satisfaction of the SHTM and the LPA
8. Recommended bat mitigation measures to be implemented
9. Bird survey between 1st March and 31st August
10. PD rights removed
11. Pile driving Method Statement
12. Dust control
13. Contaminated land
14. Drainage scheme

115 **14/4769C THE HOLLIES, 16, SMITHFIELD LANE, SANDBACH, CHESHIRE CW11 4JA: DETACHED HOUSE WITH INTEGRAL GARAGE FOR ANDY MINES, SMITHFIELD COURT LTD**

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

Note: Councillor G Merry declared that her husband was a freemason.

Note: Councillor S Corcoran (Ward Councillor), Mr C Eastwood (objector) and Mr G Allen (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

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

The proposed development by reason of its height, scale, massing and proximity to No 12 Booth Avenue would be detrimental to the visual amenity of the area and the amenities of the adjacent residential occupier. As such the development would be contrary to Policies GR1, GR2, GR3 and GR6 of the Congleton Borough Local Plan First Review 2005.

116 **14/3687C HOLMES CHAPEL COMPREHENSIVE SCHOOL, SELKIRK DRIVE, HOLMES CHAPEL, CHESHIRE CW4 7DX: PERMANENT RETENTION OF MODULAR TEACHING BUILDINGS TO PROVIDE TEACHING AND LEARNING FACILITIES FOR TONY HALSALL, HOLMES CHAPEL COMPREHENSIVE SCHOOL**

Note: Mr D Evans, Principal Planning Officer, read a statement submitted by Councillor L Gilbert (Ward Councillor), who was not in attendance at the meeting.

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

Note: Mr J Latham (objector) and Mr A Halsall and Miss E Warrington (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, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
 - 1. Plan
 - 2. Materials
 - 3. Obscure glazing retention
 - 4. Submission within 1 month of determination of a scheme for the restoration of the rugby pitch margins.
- (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 Head of Strategic and Economic Planning, 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.

117 NOTIFICATION OF URGENT DECISIONS

With respect to application number 13/4631N (Land at The Gables, Spurstow), the Chairman and Vice-Chairman of the Southern Planning Committee, in consultation with the Head of Strategic and Economic Planning, had taken the decision to withdraw the second reason for refusal in respect of housing land supply and instruct the Principal Planning Manager not to contest the issue at the forthcoming public inquiry.

RESOLVED – That the decision be noted.

The meeting commenced at 1.00 pm and concluded at 7.20 pm

Councillor G Merry (Chairman)

Application No: 14/2714N

Location: Former Hack Green RAF Camp, Coole Lane, Hack Green, Austerson, Nantwich, Cheshire, CW5 8AS

Proposal: Change of use of land to provide 9 yards for 10 travelling showpeople's families, formation of roads and hard surfacing.

Applicant: The Hack Green Group

Expiry Date: 02-Sep-2014

REASON FOR REPORT

The proposal is a major application which requires a committee decision.

SUMMARY

The application site is not in a sustainable location, and has limited access to public transport. There will be harm to the character and appearance of this rural area arising from the substantial numbers of vehicles, caravans and trailers, which cannot be mitigated by the proposed landscaping scheme particularly in the short to medium term and especially during the winter months. In addition, there will be harm to the living conditions of neighbouring properties arising from the comings and goings associated with the proposed use that may occur at all times of the night. The 2014 GTTSAA identifies a need for 13 extra plots for travelling showpeople in Cheshire East to 2028. In addition, the Council's own site identification study identified the application site as the only potential site that could accommodate some of that plot requirement. There are no current available alternatives. These factors carry positive weight in the consideration of the proposal. However, the harm identified is considered to outweigh the benefits of the proposal, which is not considered to be a sustainable form of development. Consequently, there is not considered to be any overriding public interest in granting the proposal and therefore the disturbance to Great Crested Newts cannot be justified under the terms of the Habitats Directive. Consideration has been given to a temporary permission however the level of harm, whilst reduced in duration, will still be significant.

SUMMARY RECOMMENDATION

Refuse on the grounds that the proposal is not in a sustainable location, impact upon the character of the area and the impact upon the living conditions of neighbouring properties.

PROPOSAL

The application seeks full planning permission for the change of use of land to provide 9 yards for 10 travelling showpeople's families, formation of roads and hard surfacing. The applicants' submission makes reference to "yards" and "plots". It has been confirmed that

these are referring to the same thing, i.e. that the proposed development is for 9 yards or 9 plots. One of the yards/plots will accommodate two families hence the description of the application as use of land to provide 9 yards for 10 Travelling Showpeople's families.

The applicant has stated that having undertaken a head count, there would be an average number of four people per plot. In respect of total numbers of caravans, there would be a minimum of one and a maximum of two main accommodation units per yard (i.e. minimum ten, maximum 20 for the overall site). The main accommodation unit will either be a mobile home or Showman's living trailer. In addition, each plot may have one smaller touring caravan used either for ancillary bedroom accommodation or for taking out to the local fetes and fairs.

It is the applicant's intention to use the site mainly as a winter base to house ten families in mobile homes and site equipment relating to the residents' occupation as travelling showpeople. In general, the fairground equipment will leave the site at the start of the travelling season (February / March) and return at the end (November). During the season the equipment tends to move from one fairground site to another, rather than returning to the site.

During the summer months the occupation of the site is limited. Three of the ten families that are proposed to occupy three of the yards have retired, and will remain on the site all year round.

SITE DESCRIPTION

The application site comprises a former RAF camp, which has been left unmanaged for over 40 years. Areas of hardstanding are apparent on the site, and a single small scale building, but the majority of the site has been colonised by vegetation. The south and east boundaries have mature vegetation to open the countryside beyond, the northern boundary has lower level vegetation and to the west lie the residential properties on Crisham Avenue and Atcherley Close. The site is located within the open countryside as identified in the Crewe & Nantwich Local Plan.

RELEVANT HISTORY

P03/0062 - Change of use from RAF Base to Showmans Permanent Quarters – Refused / Appeal dismissed 14.03.2006 (Impact on character of area / unsustainable location / impact on GCN)

P94/0342 - Use of land as a travelling showman's depot to include the erection and testing of equipment, siting of residential caravans and provision of children's play area – Refused 30.06.1994, Appeal dismissed 18.01.1995 (Impact on character of area)

P93/0486 - Use of land as travelling showman's depot: - to include the erection and testing of equipment, siting of residential caravans and provision of a children's play area – Refused 19.08.1993, Appeal dismissed 18.01.1995 (Impact on character of area)

P93/0200 - Outline for rural employment development – Refused 15.04.1993 / Appeal dismissed 24.09.1993 (open countryside / impact on character of area)

P93/0201 - Use of land for open storage and pony paddocks – Refused 15.04.1993 / Appeal dismissed 24.09.1993 (open countryside / impact on character of area)

P93/0202 - Use of land as a mobile home park – Refused 15.04.1993 / Appeal dismissed 24.09.1993 (open countryside / impact on character of area)

P92/0317 - Outline for residential development – Refused 18.06.1992 (open countryside)

P92/0318 - Outline for trading estate (class B2 uses) – Refused 18.06.1992 (open countryside)

7/20232 - Outline for housing development, retail out-lets and community hall – Refused 30.10.1991

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework (the Framework) establishes a presumption in favour of sustainable development. The Framework sets out that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent.

Planning Policy for Traveller Sites (PPTS) sets out the Government's planning policy for traveller sites. It should be read in conjunction with the Framework. The overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

Development Plan:

The Development Plan for this area is the Crewe & Nantwich Replacement Local Plan 2011, which allocates the whole site as open countryside

The relevant Saved Policies are:

NE.2 (Open Countryside)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

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

RES.13 (Sites for Gypsies and Travelling Showpeople)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles
PG5 Open Countryside
SC7 Gypsies and Travellers and Travelling Showpeople

Other relevant documents

Cheshire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (March 2014)

Cheshire East Council Gypsy, Traveller and Travelling Showpeople Site Identification Study (April 2014)

CONSULTATIONS:

Environment Agency – No comments to make

Natural England – No objections

Environmental Health – No objections, subject to conditions for lighting, maintenance, repair and testing activities to be restricted, details of secure bin storage facilities, and informative for Construction hours and contaminated land

Strategic Highways Manager – Objects on the grounds that Coole Lane has a restricted weight bridge.

Nantwich Town Council – Object on the following grounds:

- Circumstances not changed since refused appeal in 2006
- Coole Lane is unsuitable for the heavy traffic that will be generated
- Traffic generation will have an adverse impact on the highways through Nantwich
- Development is more suited to an industrial estate location
- Demonstrable harm to the living conditions of nearby residents.

Sound Parish Council – Object on the following grounds:

- The site will be a bigger area than the existing housing, and will be hugely overbearing
- Approach roads have weight restrictions, narrow bridges, and pinch points where two vehicles will be unable to pass.
- Defects in the report of the actual need for this site.
- Detrimental effect on the open countryside and current local amenities.
- No mention of storage of diesel, gas containers, disposal of waste oil nor the effects of maintenance of equipment within the application
- Impact upon water pressure
- The current hard standing on the site will mean run off which will go to the local river – no mention of this or remedy to the problem.
- Concern expressed over sewage waste from the number of residents the site will accommodate.
- Detrimental to tourist activity in the area
- Access for all the residential and HGV vehicular movements will be through a very quiet cul-de-sac

- No provision of mains electric for the site – generators will result in noise and fumes

REPRESENTATIONS

Neighbour notification letters were sent to all adjoining occupants, a site notice erected and a press advert was placed in the Crewe Chronicle.

Approximately 88 letters, and petitions with around 2000 signatures, have been received objecting to the proposal on the following grounds:

- Proposal will not contribute to local economy
- Does not support strong, vibrant and healthy communities
- Fails to protect natural environment
- Would not support or benefit tourism
- Would increase use of high emission vehicles, and cannot satisfy requirement for sustainable transport
- Applicants have not worked closely with those directly affected
- Loss of open space
- More plots could be accommodated in 9 yards and have greater impact
- Impact on water supply
- Increased light pollution – impact on ecology
- Site is possibly contaminated
- Audlem Medical Practice cannot accommodate any increase in population (letter from Audlem Medical Practice)
- Comments / requirements from Environmental Health are different on this application compared to another major development in Wistaston
- Impact on air quality
- Transport statement is outdated
- Comparisons with use of site as an RAF camp is not reasonable (disused for approximately 40 years)
- Site should be recorded and preserved as one of a complex of strategic wartime / post-war sites.
- 2012 SHLAA identifies the site as not suitable and not sustainable for residential development, therefore should not be appropriate for travellers
- Criteria used by Peter Brett Associates in their site identification study was wrong in its approach to including sites not suitable for residential housing and sustainability
- Peter Brett reports suggest that local plan should ignore terms of 2008 Design Guide
- Site at Newcastle Road, Brereton could provide 5 extra plots
- Site is not big enough for mixed residential and business uses
- Reference to use of site by 10 families is vague and infinitely flexible
- Out of keeping with the area
- Noise and disruption to local area
- Application lacks detail
- Coole Lane and Crisham Avenue are unsuitable for heavy vehicles
- Impact on protected species / wildlife
- Proposal will dwarf existing residential community

- Impact upon living conditions of existing residents
- Safety, storage and disposal of oil, gas canisters
- No provision for septic tanks
- Site at Pochin way is a better option
- Inadequate and unreliable conclusions in the GTAA 2014-12-03
- No properly identified need in Cheshire East
- No health impact assessment submitted
- Electric charging points will be required.
- Personal circumstances of unidentified people cannot be considered
- Application seeks consent for a change of use when the site has no current use
- If figures in model site layout are extrapolated it would mean a minimum of 200, and a maximum of over 200 vehicles on the site
- Dominate existing community
- No further planting has taken place since dismissed appeal in 2006
- Contrary to policy RES13
- Site is not sustainable
- Not acceptable development in open countryside
- Due to weight restrictions vehicles could only access and leave the site at its Nantwich end
- Heavy vehicles at local junctions will cause serious hazards for traffic
- A yard can traditionally hold 5 plots
- GTAA refers to plots, application refers to yards
- Certificate A is defective
- Impact on highway safety
- Planning consent at nearby marina was conditioned to require works to take place indoors
- Impact on house values
- No details of waste facilities provided
- Further contamination will result from vehicles
- PBA Assessment did not involve contact with residents – biased and unfair
- Sites only considered for residential use, not business by PBA
- Impact on local schools
- No change since previous appeals
- Traffic impact is unknown
- Site is not brownfield
- Showmen's Guild website states: "As a rule of thumb one acre of land can accommodate ten showmen's caravans and accompanying vehicles and equipment".
- GTAA does not sufficiently differentiate between the accommodation needs of Gypsies and Irish Travellers as protected groups and Travelling Showmen who, are not a protected group
- Site has been re-gained by nature
- GTAA does not comply with requirements of Housing Act and NPPF in terms of accommodation needs in their area.
- GTAA fails to establish an evidence base on which it is entitled to conclude that those who *"own land in Cheshire East"* and *"who are currently based in Newcastle-under-Lyme"* are persons whose needs ought to be assessed by the Council under section 225.

- GTAA makes an assumption of “net migration sum to zero” for gypsies and travellers but not for Travelling Showpeople.
- ORS who compiled GTAA has compiled 26 others and in the majority of cases applied an assumption of zero net migration to both gypsies and travellers and travelling showpeople.
- A countrywide assessment would be the only proper and accurate means of calculating total in-migration
- GTAA makes no distinction whatsoever between wishes or aspirations and need
- Impact on human rights
- Application with English Heritage for the registration of Hack Green Aerodrome and the Secret Bunker as a heritage site
- Application for heritage designation made to English Heritage

Approximately 110 letters of support have been received noting that:

- For Showmen to sustain their way of life more permanent sites are needed
- Showmen are not Gypsies or Travellers
- Showmen have fine cultural traditions
- People are too quick to judge certain lifestyles
- Hack Green is only viable site in East Cheshire
- Site is screened by existing trees
- Set daily time for working and noise will be reduced by trees
- Up to 45% of land will be designated green space
- PBA report identifies the site as suitable and available
- Need for accommodation is more significant than distance to facilities
- Existing light industry business on the site
- Mains power will be used not generators
- Families have been forced away from Cheshire due to lack of sites
- 10 families will not overwhelm existing community
- Bring site back into active use
- Increase natural surveillance of open space
- Business people who just want to live and work on their own land
- Site will be provided at no cost to Council

An additional letter has been received from the applicant noting that all local GPs are currently accepting patients according to the NHS choices website.

APPRAISAL

The key issues are:

- (a) Whether the site is in an appropriate location for the scale of use proposed having particular regard to accessibility to services and facilities as well as other sustainability considerations referred to in the Local Plan and Planning Policy for Traveller Sites;
- (b) The effect of the proposed development on the character and appearance of the area;
- (c) The impact upon the living conditions of neighbours;
- (d) The impact upon highway safety;
- (e) The impact upon nature conservation interests; and

- (f) Whether there is any harm and conflict with policy, there are material considerations which outweigh any identified harm and conflict with policy.

ENVIRONMENTAL SUSTAINABILITY

Paragraph 11 of the PPTS states local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally, and that planning policies should:

- a) Promote peaceful and integrated co-existence between the site and the local community;
- b) Promote, in collaboration with commissioners of health services, access to appropriate health services;
- c) Ensure that children can attend school on a regular basis;
- d) Provide a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised encampment
- e) Provide proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well being of any travellers that may locate there or on others as a result of new development;
- f) Avoid placing undue pressure on local infrastructure and services;
- g) Do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans;
- h) Reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability

Accessibility

Policy RES.13 of the Local Plan (Sites for Gypsies and Travelling Show people) criterion (4) states that proposal should be '*within easy reach of local services and facilities*', but does not elaborate on how far away a service is before it is not within easy reach. The more recent PPTS does not provide any further guidance on acceptable distances between traveller sites and local facilities.

It was noted by the Inspector in 2006 that the nearest primary schools are 2.2–3.6km away, the nearest high school 2.4km away, the closest supermarkets approximately 3.2km away and the closest post office some 4km away. The nearest railway station is 3km away in Nantwich town centre. These distances remain applicable to the current application. It is therefore considered that the location of the site is such that it is almost inevitable that the private car will be needed to access virtually all shops, services and facilities. The Inspector acknowledged that by providing a single permanent site in a broadly central location within the widespread circuit of fairs and events attended by the applicants could be a benefit by reducing distances travelled to events in some cases. However, she found that due to the rural location of the site, the distance from facilities, and the absence of public transport the site was not a suitable location for permanent quarters for showpeople.

It is considered that given the location of the site, the surrounding highway network, and the lack of street lighting and pavements in the area the proposal would generate a significant number of trips by private car, and as such the site is not in a sustainable location.

Character & Appearance of the countryside

Policy NE.2 of the Local Plan restricts development in the open countryside unless it is for one of a number of specified purposes. The proposed development does not fall into any of the identified categories and therefore conflicts with policy NE.2.

There is also a strict limitation on new traveller site development in the open countryside that is away from existing settlements identified in Policy H of the PPTS. This policy states local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing undue pressure on the local infrastructure.

The applicants' agent has clarified that there would be an average number of four people per plot. In respect of caravans, there would be a minimum of one and a maximum of two main accommodation units per yard (i.e. minimum 10, maximum 20 for the overall site). The main accommodation unit will either be a mobile home or Showman's living trailer. In addition, each plot may have one smaller touring caravan used either for ancillary bedroom accommodation or for taking out to the local fetes and fairs. A condition would be required to limit the numbers of caravans / living trailers on the site in the event that the application is approved.

The maximum height of the equipment/rides when on the site will not exceed four metres for most rides with the occasional one being five metres. In the event planning permission is granted a condition would also be required to limit the height of vehicles and equipment parked on the site to no more than five metres in height.

Nearest settled community

Policy C and policy H (para 23) of the PPTS require local authorities to ensure that the scale of such sites does not dominate the nearest settled community. In this case the nearest settled community is located within the 23 dwellings that lie adjacent to the site on Coole Lane, Crisham Avenue and Atcherley Close. In terms of numbers of occupants, with a maximum of 20 main accommodation units, the scale of the population occupying the site would be similar to the numbers of people that could occupy the dwellings. However, the application site is significantly larger than the area occupied by the existing dwellings, approximately 2.5 times the size, and would therefore be the dominant element in scale terms, compared to the existing settled community. As noted further below, the main visual impact would be from the north. Along this northern boundary, the proposal would more than double the extent that the existing buildings project into the field. The proposal will also bring structures closer to the public footpath to the east of the site.

A number of the letters received in representation have referred to the impact upon Impact on local infrastructure including schools, doctors and the water supply. The water supply is a matter that could be dealt with outside of the planning process.

In terms of the impact upon local medical facilities, a letter has been received from Audlem medical practice noting that it currently operates above the national average of patients per partner. They will not be able to take any more patients. However, the applicant has submitted information from the NHS choices website, which indicates all local medical practices, including Audlem are accepting new patients.

Comments are awaited from education to confirm whether local schools can accommodate the pupils generated by the proposed development.

Previously developed land

The Inspector in 2006 noted that the remains of structures have in the process of time blended into the landscape to the extent that they would be considered part of the natural surroundings. She notes that it was agreed at the Inquiry that the site was excluded from the definition of previously developed land as set out in Annex C to PPG3. Whilst these comments are acknowledged and no further works have taken place on the site since the appeal, the areas of hardstanding are still clearly evident to this day, as is the remaining building on the site. For this reason, the site is not considered to be excluded from the definition of previously developed land in the Framework. The site is considered to be brownfield.

The effective use of brownfield land is one of the matters that paragraph 24 of the PPTS requires local authorities to give weight to when considering applications. The other specified matters in paragraph 24 are: sites being well planned or soft landscaped in such a way to positively enhance the environment; promoting opportunities for healthy lifestyle, such as ensuring adequate landscaping and play areas for children, and not enclosing the site with so much hard landscaping, high walls or fences that would give the impression the occupants are deliberately isolated from the community.

Trees / landscape

No buildings are proposed within the site. Each of the 9 yards would be occupied by caravans, vehicles and equipment related to the occupation of the applicants as travelling showpeople. The vehicles and equipment would include: cars, vans, LGVs, HGVs, adult ride trailers, catering kiosks and small rides / goods trailers. Other than the maturing of the existing vegetation, the landscape situation appears to be similar to that described by the Inspector in 2006.

Groups of mature Sycamore, Birch, Ash and occasional Horse Chestnut are located around the boundary of the site which were likely to be present during the time of the RAF camp's operation. Whilst these are not protected by a Tree Preservation Order, nor is the site within a Conservation Area, their contribution to public amenity, landscape character and habitat value of the area would make them worthy of protection.

Pioneer species of Silver Birch, Goat Willow and Hawthorn have subsequently colonised between the areas of hard standing and an occasional young sapling Oak can be found which would ultimately form the high forest canopy cover in the long term.

It is anticipated that the application (and ultimate use of the site) would result in the loss of the natural regeneration that has occurred within the site. As there are other valuable habitats within the site as referred to in the consultation comments of the nature conservation officer, any retention and management of areas of woodland would need to be considered within the Habitat Management Plan suggested by the Council's nature conservation officer.

The site can be viewed from Coole Lane to the north and the south and is currently viewed simply as a large vegetated area extending to the rear of the existing residential development. When viewed from the south along Coole Lane the proposed development would be well screened by a line of existing mature trees and other planting. Similarly, the eastern boundary

has pockets of tree groups and shrubs, which would not screen views but would provide some filtering of views from the public footpath located approximately 230 metres from the eastern boundary of the site.

From the west, the properties on Coole Lane that back onto the site will be screened by existing trees and hedges and the properties on Atcherley Close that back onto the site have a small contractor's yard between it and the application site that stores vehicles, plant, tools and materials. Beyond the existing contractor's yard, additional planting will take place within the landscape buffer that will further reduce the visual impact from these properties.

The northern end of the eastern boundary and the northern boundary itself is the area where the existing boundary vegetation is most sparse. Landscape proposals have been submitted, and the landscape officer has noted that the proposed planting is acceptable, with the exception of the northern boundary. He advises that existing vegetation along this boundary is sparse and although a fairly substantial belt of planting is proposed, the landscape plan identifies that all trees and underplanting shrubs will be 60-90cm in height. A number of specimen trees should be planted along this boundary to provide more immediate mitigation, which could be conditioned.

This view is consistent with the Council's Site Identification Study, which noted that, *"This previously developed site has considerable scope for accommodating a Travelling Showpeople's site without giving rise to significant adverse landscape or visual effects. However, any proposal needs to respect the site's boundaries, allowing sufficient space for the retention of existing trees and hedgerows and for reinforcement of these boundaries"*.

However, the Inspectors in both previous appeals for travelling showpeople accommodation on this site raised concerns about the effectiveness of a landscape scheme during the winter months, and the length of time it would take to establish. The winter months are when the site will be occupied by the greatest number of residents, caravans and vehicles and as such will be the period when effective landscaping will be most required. Other than the maturing of the existing vegetation, there hasn't been any material change in circumstances on the site in landscape terms since the last appeal in 2006. The Inspector in 2006 made similar comments about the maturing landscaping since the appeal in 1995.

Whilst some evergreen planting is proposed (Holly), it is limited in numbers and it would also not be appropriate in the context of the local area to have a wholly evergreen planting scheme. It is therefore still considered that the effectiveness of the landscaping will be compromised for many years, and especially in the winter months, when it will be most required. Therefore, due to the nature and extent of the vehicles, caravans and trailers that will be parked on the site, there will be an urbanising impact upon this rural area. As such there will be harm to the character and appearance of the area, and the proposal will conflict with one of the bullet points of policy RES.13, which seeks to avoid visual encroachment into open countryside.

Amenity

As noted above, during the summer months the majority of residents on the site would be travelling, and the site would be occupied by relatively few people, and the equipment would not be there to require maintenance. General levels of comings and goings at this time of

year would be relatively low and are unlikely to result in a significant impact upon the living conditions of neighbours.

During the winter months the numbers of people on the site would increase, and as such there would be a respective increase in vehicle movements, in addition to any required maintenance work on the equipment. Traffic movements in the winter have been identified at approximately 15 trips per hour, which is the same as the previous appeals. The conclusions of the appeals 1999 were that whilst the increase in traffic arising through the proposed use of the site would be noticeable to local residents, it would not seriously harm their living conditions. In 2006 the Inspector observed that fairground vehicles could return to the site late into the evening, given that some fairs do not finish until around 10pm. This was identified as something that could cause an unacceptable degree of noise and disturbance to local residents. However this issue was “not a determinative matter” for the inspector but it did add weight to her concerns about the suitability of the site.

The area in which the application site is located is a quiet rural area, with very low levels of background noise. Therefore any increase in levels of activity on the application site would be noticeable. The potential for vehicles to return to the site at any time during the night would have a significant impact upon the living conditions of the existing residents. In 2006, the Inspector considered whether this could be overcome through the use of a condition that prevented vehicles entering or leaving the site between 0700 and 2400 hours. It was concluded that it would not overcome the concern as traffic could still cause significant noise and disturbance before midnight. This is still the case now. It is also considered that any restrictions upon the hours the applicants can access their homes is an unreasonable one. The proposal is therefore considered to be contrary to policy BE.1 and RES.13 of the local plan.

The noise arising from the maintenance of the equipment would also have an impact upon the living conditions of neighbours, given the scale of the development and the fact that any maintenance works would not be contained within a building. However, this is not a matter that has resulted in previous appeals being dismissed. Environmental Health has also recommended a restriction of the hours when maintenance work can be carried out in order to further protect residential amenity. Subject to this condition, the impact of maintenance work upon neighbouring properties is considered to be acceptable.

From an air quality perspective, Environmental Health confirms that the air quality impacts from this proposal would be negligible with no requirement for mitigation.

One of the objections refers to the inconsistency between the Environmental Health consultation response on this application compared to their response to another major development in the Borough. The requirements imposed on the respective applicants are significantly different. As expected, the response from Environmental Health is that they assess every application individually and read all of the information submitted, conducting site visits where necessary, before they make their recommendations/comments to Planning.

Ecology

The nature conservation officer has provided the following comments on the proposal:

Great Crested Newts

Due to the lateness of the season when the great crested newt survey was undertaken and access constraints a full survey in accordance with the Natural England guidelines has not been undertaken. The survey has however confirmed the presence of breeding great crested newts at a pond adjacent to the development site and based on historical surveys and the known abundance of this species in Cheshire it is reasonable to conclude that a 'Medium' sized great crested newt meta-population is likely to be present in the locality.

In the absence of mitigation the proposed development is likely to result in a Low-Medium scale adverse impact upon great crested newts. To mitigate the potential impacts of the proposed development the applicant is proposing to trap and exclude newts from the footprint of the proposed development (under the terms of a Natural England license) and the loss of habitat associated with the development would be compensated for through the provision of a 0.4ha receptor site which includes 10 hibernacula which would be supplemented by a 1.2ha habitat area located around the site boundary with a significant number of additional hibernacula.

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) that the development is of overriding public interest, and (iii) the favorable conservation status of the species will be maintained. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

Current case law instructs that if it is considered clear, or very likely, that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable "other imperative reasons of overriding public interest" then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Alternatives

The Council has carried out its own site identification study for Gypsies and Travellers and Travelling Showpeople. The application site was the only site for travelling showpeople identified as available for the proposed development. No other sites are known, however, in 2006 the Inspector considered that whilst investigations for an alternative site had so far been unsuccessful, that was not the same as concluding that there might not be some feasible alternative, for example, disaggregating the group. This is still considered to be the case.

Overriding public Interest

Whilst a need for travelling showpeople plots has been identified in the 2014 GTTSAA, and no alternative sites are currently known, as explained further below, these matters do not outweigh the harm arising from the proposal, and the proposal is therefore not considered to be of overriding public interest.

Mitigation

A comprehensive mitigation scheme has been proposed, which essentially utilises a landscape buffer area around the perimeter of the site to improve GCN habitat in this area. The Council's nature conservation officer advises the proposed mitigation is acceptable and is likely to maintain the favourable conservation status of the great crested newt meta-population.

On the basis of the above it is considered that requirements of the Habitats Directive would not be met.

Habitats

The application site supports a mosaic of grassland, tall ruderal, ephemeral and scrub habitats together with areas of hard standing.

The nature conservation officer advises that the habitats present upon the application site, with the exception of the areas of scrub and hard standing, would be likely to qualify as a Local Wildlife Site under selection criteria H7 Neutral Grassland. Habitats of this type are a UK BAP priority habitat and listed on section 41 of the Natural Environment and Rural Communities Act and consequently are a material consideration for planning.

Whilst some areas of valuable habitat would be retained as part of the great crested newt compensation areas, some would be lost. The nature conservation officer considers that the proposed landscaping scheme for the site would not compensate for the loss of biodiversity associated with the proposed development. The landscaping plan seeks to retain the trees around the boundary of the site together with areas scrub (which is a lesser value habitat to the open mosaic of habitat associated with the interior of the site). The landscape plan also seeks to plant up the more open areas around the site boundary with screening planting which again is a habitat type which is not considered a priority for nature conservation.

If the Council is minded to grant consent for this application and the loss of habitat is considered to be unavoidable the nature conservation officer recommends that the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra biodiversity offsetting 'metric' methodology. This would enable the residual impacts of the development be calculated to enable them to be off-set by means of a commuted sum that could be utilised to fund off-site habitat creation/enhancement.

However, in other cases where applicants have not undertaken an assessment the alternative is to provide a financial contribution that the nature conservation officer has calculated.

In this case it is estimated that the proposed development would result in the loss of approximately 1ha of habitat which is of more significant biodiversity value. The following method of calculating an appropriate commuted sum is based on the Defra report 'Costing

potential actions to offset the impact of development on biodiversity – Final Report 3rd March 2011’):

The loss of habitat (Semi improved grassland and associated habitats) amounting to approximately 1ha.

- **Cost of creation of Lowland Grassland 1ha x £11,293.00 (cost per ha) = £11,293.00 (Source UK BAP habitat creation/restoration costing + admin costs)**

The applicants’ agent has confirmed their agreement to this approach.

Grass snakes

There are anecdotal records of this species being present on site. The great crested newt mitigation strategy would also be broadly appropriate to mitigate potential impacts upon reptile species; however a specific reptile mitigation strategy has also been incorporated into the submitted GCN mitigation. If planning consent is granted the implementation of this strategy would be secured by condition.

Bats and barn owls

A tree has been identified on the northern boundary of the site as having potential to support roosting bats and barn owls. This tree is located within the proposed great crested newt receptor area and so is unlikely to be affected by the proposed development.

Breeding birds

The application site is likely to support a number of breeding bird species including those which are UK BAP priority species and hence a material consideration. The potential impacts of the proposed development on breeding birds would be partially mitigated through the provision of the great crested newt compensatory habitat. In addition a condition would be necessary in the event of an approval requiring the submission of a breeding birds survey prior to the removal of any vegetation.

Badgers

The submitted phase one survey states that preliminary surveys were undertaken for badgers. The applicants’ consultant has confirmed that no evidence of badgers has been recorded during the ecological surveys undertaken on the site.

Conditions

If planning consent is granted the following conditions would be required:

- Implementation of GCN mitigation strategy
- Submission of 10 year Habitat management Plan
- Safeguarding of breeding birds

Highways

The Strategic Highways Manager (SHM) has commented on the application, and notes that the highways information supplied with the application indicates that there is a seasonal use with the majority of trips taking place in the winter months. The predicted traffic generation in relation to the winter is 15 trips in the hour. Given that there are so few sites similar to that currently proposed it is difficult for the SHM to check the validity of the trip information. Local residents have suggested that the potential usage of the site in terms of traffic generation will

be far in excess of the levels indicated by the applicant. Given the scale and nature of the site there is potential for numerous other residential units to be located within it, although the SHM has stated that he would expect a condition to be attached to limit the number of residential units on the site. However, it is also noted that the existing road infrastructure in Crisham Avenue is of sufficient standard to accommodate considerably more traffic movements than has been indicated, including the existing residential trips.

The tracking movements of HGV's using Crisham Avenue and the junction has also been submitted. The tracking of vehicles can be accommodated within the highway without over running of the footways. The internal site area is also large enough for there to be no internal design issues relating to highways, other than to confirm that it will be a private development and not adopted.

Given that the use of the site will include trips to the site by large heavy goods vehicles Highways have raised the issue of the existing weight restriction Traffic Regulation Order (TRO) on the bridge that crosses the canal (some distance to the south of the site) that limits the weight of vehicles to 10T. The Strategic Highways Manager has objected to the proposal on the grounds that it is not appropriate to allow a use on a road that would be in direct contravention of an existing TRO.

The comments from the Strategic Highways Manager are noted, however, the site can be accessed from the Nantwich (north) end of Coole Lane without crossing the weak bridge, and therefore the bridge is not considered to represent a constraint upon the development. Although it does add some weight to the overall concerns about the suitability of the site for the proposed development.

In summary, whilst the level of traffic predicted is likely to be on the conservative side, in technical terms both Coole Lane and Chisham Avenue can accommodate traffic levels well in excess of that being predicted. The level of car generation from the site is not one that can be deemed as a severe impact on the local highway network which has relatively low existing traffic flows. In these circumstances, no highways objections are raised, and the proposal complies with policy BE.3 of the local plan.

SOCIAL SUSTAINABILITY

The PPTS makes it clear that sustainability is important and should not only be considered in terms of transport mode and distance from services. But other factors such as economic and social considerations are important material considerations. It is considered that authorised sites assist in the promotion of peaceful and integrated co-existence between the site and the local community. A settled base ensures easier access to a GP and other health services and that any children are able to attend school on a regular basis. In addition, a settled base can result in a reduction in the need for long distance travelling and the possible environmental damage caused by unauthorised encampments. Furthermore, the application site is not located in an area at high risk of flooding. These are all benefits to be considered in the round when considering issues of sustainability.

Need

Travelling showpeople are not a recognised ethnic group under the Equalities Act 2010, but within Planning Policy for Traveller Sites 2012 they are defined as:

Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their family's or dependant's more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently, but excludes Gypsies and Travellers as defined above..

The PPTS requires local authorities to identify and update annually, a supply of deliverable sites sufficient to provide five years worth of sites for gypsies, travellers and travelling showpeople against their locally set targets, and identify a supply of specific, developable sites or broad locations for growth for years six to ten and, where possible, for years 11-15.

In 2013 Opinion Research Services (ORS) was commissioned by the local authorities of Cheshire to undertake a Gypsy, Traveller and Travelling showpeople Accommodation Assessment (GTTSA). The local authorities involved were: Cheshire West & Chester, Cheshire East, Halton and Warrington. Prior to this the last Gypsy and Traveller Accommodation and Related Services Assessment was published in 2007.

The study provides an evidence base to enable the Councils to comply with their requirements towards gypsies, travellers and travelling showpeople under the Housing Act 2004, the National Planning Policy Framework 2012 and Planning Policy for Traveller Sites 2012. It provides up-to-date evidence about the accommodation needs of gypsies, travellers and travelling showpeople in the study area up to 2028.

The research methodology for identifying the housing needs of gypsies, travellers and travelling showpeople adopted in the GTTSA was largely based upon face-to-face interviews with gypsies, travellers and travelling showpeople across Cheshire. ORS undertook a census of gypsy, traveller and travelling showpeople households in April to June 2013. Interviews were sought with every known gypsy, traveller and travelling showpeople household present during this time period and 131 interviews were achieved in total on gypsy and traveller sites, with a further three interviews in bricks and mortar and ten interviews on travelling showperson yards. Though only one member of each household was interviewed, the survey questions cover other members of the same household. It should be noted that Traveller households may occupy several caravans.

For travelling showpeople, the most common descriptions used are a plot for the space occupied by one household and a yard for a collection of plots which are typically exclusively occupied by travelling showpeople. Throughout this study the main focus was upon how many extra pitches for Gypsies and Travellers and plots for travelling showpeople are required in Cheshire.

Existing provision for travelling showpeople within Cheshire East has been identified as one family yard at the White Showman's Yard, Newcastle Road, Berereton with a further single yard identified on an unauthorised development at Booth Lane, Sandbach.

Current provision within Cheshire is therefore limited. The Showmen's Guild worked with ORS to provide firm evidence of households seeking to move to Cheshire as 'in-migrants'. The GTTSA notes that whilst there is no clear reason why any of the above groups or households' needs must be met in Cheshire, there is also no reason they must be met

anywhere else, and they have identified the area they want to have them met as being Cheshire. ORS and the Cheshire authorities cannot ignore the needs of these households and their stated requirement for accommodation in Cheshire. The PPTS is clear where it states that local authorities should determine applications for sites from any travellers and not just those with local connections.

For gypsies and travellers, ORS has counted any household who are on unauthorised sites and wish to remain there as being part of the needs of that area. In this case, none of the travelling showpeople have chosen to move on to the yard they own and instead all wish to work with the respective Local Authorities to find a solution to their problems. It would be a rather perverse incentive to count households who buy land and move on to it as need, but not those who seek to work through the planning process before occupying the site.

The GTTSAA used four sources for identifying requirements for the showperson population in Cheshire, namely concealed households, those on an unauthorised yard, groups of travelling showpeople who are seeking accommodation in the area and the growth in the population over time. In total, the area requires 44 extra plots to 2028. The study found that 13 extra plots for travelling showpeople are required in Cheshire East from 2013-2028. This can be broken down as 11 plots for the period 2013-2018, 1 plot for the period 2018-2023, and 1 plot for 2023-2028. These are the figures that have been carried forward into policy SC7 of the emerging local plan.

This Policy was subject to consideration by Inspector Stephen Pratt during hearings held in the autumn of 2014 as part of the Examination of the Local Plan Strategy. Although in his Interim views published in November, it was stated that policies such as SC7 did not raise fundamental concerns, the full outcome of these hearings is as yet unknown. At the examination, objection was raised to the evidence base in particular, with the suggestion that the quantum of identified requirement for new sites reflected aspiration rather than a genuine need for accommodation.

Similar points are made in relation to the current application. There has been some suggestion in the letters of objection that the need identified in the GTTSAA, insofar as it relates to travelling showpeople in Cheshire East, is not supported by a robust evidence base. It is claimed that the GTTSAA itself does not establish an accommodation need for the travelling showpeople who own land in Cheshire East and who are seeking to develop it to provide nine plots. The site would meet the desires of the applicants rather than an essential need.

Such arguments have been made elsewhere in the country, for example there was an appeal in Selby where the planning inspectorate has found in favour of the Travelling Showpeople, noting that two previous inspectors found the particular accommodation assessment based on robust evidence, and it was the only robust evidence available. If an area currently contains no population then any needs must arise from in-migration. ORS, the organisation that carried out the GTTSAA on behalf of Cheshire East, Cheshire West, Halton and Warrington, have confirmed that they have adopted a similar position with other local authority needs assessments. It is also notable that the Inspector's report on the Cheshire West and Chester Local Plan stated that the GTTSAA provides a "robust evidence base for future provision in the Borough". However whilst the findings of the Cheshire East Inspector are yet

to be published and there remain outstanding objections to the evidence base, the weight that can be given to the precise quantum of need is at the current time, accordingly diminished.

Site Identification Study

Peter Brett Associates were appointed by the Council to carry out research to identify gypsy, traveller and travelling showpersons sites across the Borough. Sites have been assessed to determine if they are suitable, available and achievable. It is intended that the results of the study will be used to inform the development of relevant policies and allocations and to guide the consideration of planning applications.

Travelling showpeople sites often combine residential, storage and maintenance uses. Typically a site contains areas for accommodation, usually caravans and mobile homes, and areas for storing, repairing and maintaining vehicles and fairground equipment. These combined residential and storage sites are known as plots.

Potential sites were established from a review of information relating to: a call for sites; existing authorised sites subject to full, temporary or personal consents or certificates of lawful use; existing unauthorised and tolerated sites and encampments; other sites owned by gypsies, travellers and travelling showpeople; surplus Council owned land; sites from previous and current land studies; housing allocations and potential urban extensions, and; sites owned by Registered Providers (housing associations).

From this study, one site was identified as being potentially suitable for Travelling Showpeople to meet identified future needs in the short to medium term period. The one site is the former Hack Green RAF camp, the current application site, which could provide 9 plots in total.

It should be clarified that the site identification study does not allocate land for the proposed use, or confirm the acceptability in planning terms of the identified sites. It simply serves to highlight options available to the Council to meet the identified need for accommodation for gypsies, travellers and travelling showpeople within the Borough. However, it is acknowledged that the application site is the only site that has been identified for travelling showpeople through this process.

Alternatives

The submitted planning statement notes that over the years the applicants have also undertaken searches for sites for Travelling Showpeople and this was updated in March 2014 by emails sent to 7 Local Authorities “within the environments of Cheshire East”. In addition a Land Wanted advert was sent out to Local Land and Estate Agents in the Towns of Knutsford, Congleton, Stoke-on-Trent, Newcastle-under-Lyne, Newport, Market Drayton, Nantwich, Whitchurch, Wrexham, Chester, Winsford and Northwich. This follows identification of a site search area within 20 miles.

Their requirement to be located in Cheshire East arises from the circuit of fairs attended by the applicants in and around Cheshire, and the fact that many of the group originate from Cheshire.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development has the potential to bring increased trade to nearby shops and businesses.

RESPONSE TO OBJECTIONS

With regard to the comments received in representation not addressed above, the site is not allocated as open space within the local plan, and is privately owned. Therefore, in planning terms there is not an identified loss of open space. Calls for the site to be listed as a heritage asset are acknowledged, however the site has remained vacant for approximately 40 years and no steps have been taken in that time for it to be designated as such. The site has no designation within the development plan as a heritage asset, therefore there is no conflict with the development plan in this regard. It is accepted that the 2012 SHLAA identifies the site as not suitable and not sustainable for residential development, and that traveller sites should not be located in areas where housing would not be acceptable. However, the SHLAA is not a policy document, and does not confirm the acceptability or otherwise of specified development on particular sites. There is also no evidence to suggest that the development will have a detrimental impact upon local tourism. A health impact assessment has not been submitted with the application; however there is no formal requirement for one to be submitted.

Reference is made within the objections to the Peter Brett report suggesting that the local plan should ignore the 2008 document Designing Gypsy and Traveller Sites – Good Practice Guide. This guidance is primarily intended to cover social site provision for Gypsies and Irish Travellers and notes that further material on the development of sites designed specifically for travelling showpeople will be produced at a later date.

PLANNING BALANCE

Having regard to the rural location of the site, the distance from facilities, and the absence of public transport the site is not considered to be in a sustainable location. This would have adverse implications in terms of use of natural resources and movement towards a low carbon economy, as the proposal would result in a significant number of trips by private car being generated. The site is not readily accessible by public transport, and the absence of footpaths and street lighting on both sides of Coole Lane severely limits its attractiveness to pedestrians. The proposal would also cause harm to the character and appearance of the countryside due to the visual exposure resulting from the limited existing screening along the northern boundary, and the limited effect particularly during the winter months when the site will be most populated of the proposed planting scheme. There would also be an unacceptable impact upon the living conditions of existing residents arising from the comings and goings associated with the use of the site, which could potentially be at all hours. There is therefore considered to be significant conflict with the environmental role of sustainable development as set out in the Framework.

Balanced against this is the need for accommodation for travelling showpeople in the Borough and the lack of available alternatives. A total of 13 additional plots are required within the Borough for the period to 2028. Even with the outcome of the Local plan examination outstanding, weight should be attached to this unmet need in favour of the application.

Alongside this the Council's own site identification study highlights the application site as the only site with the potential to accommodate travelling showpeople. There are currently no alternative sites that are available to the applicants or any other travelling showperson. The lack of any alternative site now and in the future also carries significant weight in favour of the proposal.

The Council does not have an adopted policy that is based on an accurate assessment of need in the Borough. A 5 year supply of deliverable sites cannot be demonstrated, which is matter that also weighs in favour of the application.

The appeal in 2006 preceded the 2007 GTAA, and therefore there was no formal "need" documented. However, the Inspector accepted the appellant's evidence that all existing sites in the Cheshire area were full, indicating a lack of alternatives. She also acknowledged that the current accommodation arrangements of a number of the group were unsatisfactory. Even though the applicants wanted their accommodation requirements to be met in Cheshire, the Inspector concluded that this set of circumstances did not equate to imperative reasons of overriding public interest (for the purposes of satisfying the tests of the Habitats Directive). This remains the situation with the current application, alternatives are not currently available and existing accommodation arrangements are apparently unsuitable.

The existing need has been derived from ORS, on behalf of the Cheshire Partnership Councils, working with the Showman's Guild to provide firm evidence of households seeking to move to Cheshire as "in-migrants". The applicants have identified that they want their need to be met in Cheshire. As noted above, the applicants were also seeking to move to Cheshire in 2006 in similar circumstances, and therefore little appears to have changed since the last appeal. The same conclusions can therefore be drawn.

Whilst it is accepted that the Council's own site identification study only identified the application site as a potential site for travelling showpeople, it does not confirm its acceptability as such. Indeed, the use of the site for travelling showpeople quarters has been the subject of two planning appeals and considered as part of a local plan process in 2004 /2005. On all three occasions the site was found to be unsuitable for such a use.

The site is not in sustainable location, and the numbers of trips to and from the immediate area will significantly increase as a result of the proposed development. In addition a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development. Due to the identified harm to the character and appearance of the area and the living conditions of neighbours, there are no reasons of overriding public interest to allow the proposal. The proposal therefore fails to meet the tests of the Habitats Directive. Taken together, these matters result in significant conflict with the environmental role of sustainable development.

The only identified contribution to the economic role of sustainable development is the potential to bring increased trade to nearby shops and businesses. However, the nearest shops and services are located in Nantwich as there are virtually no facilities close to the application site. Whilst there maybe some increased trade for Nantwich businesses, the proposal will do little to help sustain rural shops, businesses and communities.

The provision of permanent accommodation for this group of travelling showpeople is a clear benefit of the proposal. However, whilst the requirement for sites and the current lack of alternatives weigh in favour of the proposal, they are not considered to outweigh the identified harm. Even if policy SC7 of the emerging local plan is accepted at the local plan examination and the need is confirmed, site specific factors are sufficient to override need. Weighing this harm against the matters in favour of the proposal and the potential imposition of conditions would not make the development acceptable even for a temporary period. The proposal is therefore considered to be contrary to policies NE.2, BE.1, RES.13 of the local plan, Policy H of the Planning Policy for Traveller Sites, the National Planning Policy Framework and the requirements of the Habitats Directive.

The proposal is therefore not considered to be a sustainable form of development.

Human Rights and Safeguarding Children

Local Planning Authorities should consider the consequences of refusing or granting planning permission, or taking enforcement action, on the rights of the individuals concerned. Article 8 of the Human Rights Act 1998 states that everyone has the right to respect for his private and family life, his home and his correspondence. It adds there shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals or the protection of the rights and freedoms of others.

Local Planning Authorities also have a duty to safeguard and promote the welfare of children under section 11 of the Children's Act 2004. In addition, the recent judgment of the Supreme Court in ZH (Tanzania) was that all local authorities are under a duty to consider the best interests of the children.

Section 11 of the Act states that Local Authorities must have regard to the need to safeguard and promote the welfare of children.

Further, Article 14 of the Human Rights Act states that the enjoyment of the rights and freedoms set forth in that Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Based on the information provided, no significant issues are raised in this regard.

RECOMMENDATION

For the reasons set out above, the application is recommended for refusal.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. R05LP The proposal would be harmful to the character and appearance of the countryside.
2. R07MS The proposal would have an adverse impact upon the living conditions of neighbours.
3. The site is located in an unsustainable location, and is not within easy reach of local services and facilities.
4. Due to the environmental harm identified, there are no reasons of overriding public interest to allow the proposal. The proposal therefore fails to meet the tests of the Habitats Directive.

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Application No: 14/5411N

Location: THE PRINTWORKS, CREWE ROAD, HASLINGTON, CW1 5RT

Proposal: Outline application for new residential development of up to 14 dwellings (resubmission of planning application reference 13/5248N)

Applicant: Georgina Hartley

Expiry Date: 17-Feb-2015

SUMMARY:

It is acknowledged that the Council is unable to robustly demonstrate a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should favourably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

There is an environmental impact in the locality due to the loss of open countryside. However, the proposal will not have a significant impact on the landscape character of the area especially given the 250 dwellings that have been allowed on appeal immediately adjacent to the site..

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement where there is existing infrastructure and amenities. The proposal would provide policy compliant levels of affordable housing and contributions to education.

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

Local concerns of residents are noted, particularly in respect of highway matters but the impact is not considered to be severe under the NPPF test. An appropriate quality of design can be secured at reserved matter stage as can any impacts on amenity.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, flood risk, drainage, landscape and ecology.

The scheme represents a sustainable form of development and that the planning balance weighs in favour of supporting the development subject to a legal agreement and conditions.

RECOMMENDATION:

Approve subject to the completion of a Section 106 Agreement

PROPOSAL

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

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

A previous application (13/5248N), was refused by Southern Planning Committee on 24th September 2014 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.”

SITE DESCRIPTION

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

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

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

RELEVANT HISTORY

13/5248N Refusal for outline application for up to 14 dwellings

12/1535N Non material amendment to application number 12/0325N

12/0325N Approval for replacement dwelling for previously approved residential conversion.

11/3894N Withdrawn application for conversion to residential

10/4295N Approval for residential conversion

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 14 and 47.

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site as being within the within Open Countryside.

The relevant Saved Policies are: -

BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.5 – Infrastructure
BE.6 – Development on Potentially Contaminated Land
NE.2 – Open Countryside
NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.7 – Affordable Housing
RES.3 – Housing Densities
RT.3 – Provision of Recreational Open Space and Children's Playspace in New Housing Developments

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity

SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
PG5 Open Countryside
EG1 Economic Prosperity

Other Considerations:

Interim Planning Statement: Affordable Housing (Feb 2011)
North West Sustainability Checklist
The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

CONSULTATIONS:

Highways:

No objection subject to conditions.

Environmental Protection:

Recommend conditions/informatives relating to piling, noise generative works, lighting, travel plans, contaminated land and vehicle charging points.

Housing:

No objection subject to securing the 30% affordable housing provision.

Flood Risk Manager:

None received at the time of report writing.

United Utilities:

No objection subject to a condition relating to foul and surface water run-off.

Education:

Require a contribution of £32,538.87 towards primary education and £32,685.38 towards secondary education.

Haslington Parish Council:

Object to the proposal on the grounds that the development is poorly defined, is outside the settlement boundary in open countryside, contrary to local plan policy and the site should be returned to open countryside.

REPRESENTATIONS:

Neighbour notification letters were sent to adjoining occupants and a site notice posted.

At the time of report writing 5 representations have been received which can be viewed on the Council website. They express several concerns including the following:

- Inappropriate development in open countryside contrary to policy
- Excessive density of development
- Highway safety
- Unsafe access
- Lack of school places
- Impact on ecology
- Inconsistencies in the application documentation
- Impact on outlook
- Not infilling
- Loss of trees

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Principle of Development

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

The proposed development does not fall within any of these exceptions. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

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

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five Year Housing Supply has two components – the housing requirement – and then the supply of housing sites that will meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the Council's calculation of Objectively Assessed Housing Need is too low. He has also concluded that following six years of not meeting housing targets, a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, our advice is that the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

Open Countryside Policy

In the absence of a 5 year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Policy NE.2, seeks to protect the intrinsic character and beauty of the countryside.

The proposal is an area where the settlement boundary should be "flexed" in order to accommodate additional housing growth, it is immediately adjacent to a site where outline consent has been granted on appeal for up to 250 dwellings and there are residential properties to the south and north of the site. As such it is considered that whilst the site is designated as Open Countryside in the adopted local plan, its loss would not cause a significant level of harm to the character and appearance of the countryside that would significantly and demonstrably outweigh the benefits provided by the proposed development.

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 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 National Planning Policy Framework definition of sustainable development is:

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

Accessibility is a key factor of sustainability that can be measured. One 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.

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

The toolkit sets maximum distances between the development and local amenities. These comprise of everyday services that a future inhabitant would call upon on a regular basis, these are:

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

In this case the development meets the standards in the following areas:

- Post box 260m
- Public house 600m
- Bus stop 300m
- Local shop 650m
- Bank or cash machine 900m
- Primary school 850m
- Local meeting place/community centre 650m
- Public park or village green 850m
- Child care facility 1000m

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan.

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

Accordingly, it is considered that this is a locationally accessible site.

There are, however, 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 SUSTAINABILITY

The site is a greenfield site and therefore not the first priority for development. It is however immediately adjacent to existing and future residential development. The site is within walking distance of Haslington village, which offers a wide range of essential facilities

Trees & Landscape

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

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

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

Ecology

An area of habitat on site, described by the original habitat survey report submitted in support of an earlier application at this site this application, as 'Target Note One - Derelict Orchard Area' supported the required number of indicator species at sufficient abundances to qualify as a Local Wildlife Site under the 'Semi-improved grassland' selection criteria. Prior to the submission of this current application much of this area of habitat has been destroyed and a revised habitat survey has been submitted which shows the reduced area of this habitat on site. Much of the remaining area of this habitat is shown as being retained on the submitted indicative layout.

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

- Retention of the remaining area of semi-improved grassland located in the northern portion of the site as shown on the submitted habitat plan dated August 2014.
- The submission of a method statement for the safeguarding of this area of habitat during the construction process in support of any future reserved matters application.
- The submission of a 10 year habitat management plan in support of any future reserved matters application.

Ponds are present a short distance from the proposed development. However Great Crested Newts are unlikely to be present or affected by the proposed development.

The habitat of a protected species has been identified in close proximity to the proposed development. An acceptable outline mitigation method statement detailing how this would be safeguarded as part of the proposed development has been submitted. Should the application be approved a condition should be attached requiring any future reserved matters application to be supported by an updated protected species survey and a detailed mitigation method statement.

Residential Amenity

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

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

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

Design & Layout

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

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

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

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

Highways

As with the previous application, the key issues are as follows:

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

Visibility Measurements

As per the previous application (13/5248N) the Head of Strategic Infrastructure has agreed to accept a 2.4m x 59m visibility splay from the site access. This has been based on the stopping sight distance (SSD) for on-street wet weather speeds of up to 38mph. The submitted drawing (SCP/13309/GA02) demonstrates that a 2.4m x 59m visibility splay can be achieved in both directions from the location access.

Land Ownerships

In order to obtain visibility to the left of the site access, a sightline across a third party section of land is required. Land title deeds have been presented on behalf of the applicant, which demonstrates a legal right to the maintenance of a visibility splay across a section of the land affected, on behalf of the Printworks site. The Head of Strategic Infrastructure is therefore satisfied the sightlines could be maintained in future.

Access Spacing

Previous concerns were raised by the Head of Strategic Infrastructure with regards to the spacing between the new access and the existing access due to a concern about the possibility for collisions between vehicles entering and exiting the two junctions. It was requested the spacing be maximised insofar as reasonably practical. The site access drawing

submitted with this application has junction spacing at approximately 25m. The new access is relatively central to the site and is of approximately equal distance between the access to 204 Crewe Road and the farm gate to the east.

At locations where the adjacent accesses were serving more than a single dwelling or a single farm access, the Head of Strategic Infrastructure would seek a greater level of junction spacing; however at this particular location, the Head of Strategic Infrastructure has accepted the 25m junction spacing as shown.

Conclusions

To conclude, the planning application is outline with means of access identified, and for the purposes of planning, the applicant has demonstrated that an acceptable access can be achieved. The proposed junction access is considered acceptable in principle, and would need to be delivered by the applicant under a s.278 agreement.

As previously, in addition to the drawings at the site access, the Head of Strategic Infrastructure would recommend a condition requiring a detailed suite of drawings to be provided relating to the internal highway layout. This can be done under a s.38 agreement, if the applicant wishes to offer the road for adoption. The applicant should be advised that the SHTM will seek an internal carriageway alignment with greater horizontal deflection than currently shown, in line with Manual for Streets, and there may also be a need to provide a more extensive footway into the site than is currently shown.

Flood Risk and Drainage

The Flood Risk Manager has been consulted on this application but has not provided a response at the time of report writing. An update will be provided to Members prior to Committee determining the application.

ECONOMIC SUSTAINABILITY

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’

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning, should recognise:

‘the intrinsic character and beauty of the countryside and supporting thriving rural communities within it’.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

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

The economic benefits of the development need to be balanced against the impact upon the open countryside and the loss of agricultural land.

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Haslington, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

SOCIAL SUSTAINABILITY

The proposal will provide new family homes, including 30% affordable homes and contributions to secondary education provision. The site is also within walking distance of Haslington village, which offers a wide range of essential facilities.

Affordable Housing

The proposal would provide 30% affordable housing provision, which should be provided with a tenure split of 65% social rented and 35% intermediate tenure. The affordable units should be ‘pepper potted’ within the site in order to remain tenure blind. The affordable housing should be secured by Section 106 Agreement, which should also ensure that the affordable housing is provided no later than the occupation of 50% of the open market dwellings.

Public Open Space

The proposal is for up to 14 dwellings and Policy RT.3 of the adopted local plan only requires provision of open space or contributions for developments of more than 20 dwellings. As such no provision is required as part of the proposal.

Education

The Education Department were consulted and have confirmed that 14 dwellings are forecast to require 2 secondary and 3 primary school places. Forecasts show that the development will impact on both primary and secondary provision. As such based on an additional 2 secondary level and 3 primary level pupils, a total contribution of £65,224.25 is required. This should be secured by Section 106 Agreement.

Response to Objections

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. However the disbenefits of the development identified by the objectors are not considered to significantly and demonstrably outweigh the benefits provided by the development. In particular highway safety including the access has been assessed by Officers and found to be acceptable.

S106 Contributions:

LEVY (CIL) REGULATIONS

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

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

As explained within the main report, the financial contributions to primary and secondary education would help to make the development sustainable and is a requirement of the Interim Planning Policy, local plan policies and the NPPF. It is directly related to the development and is fair and reasonable.

Conclusion – The Planning Balance

Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The proposal is contrary to development plan policy NE.2 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise, however given the lack of a demonstrable supply of housing land at this time it is considered that the policy in this context is out of date and cannot be relied upon.

The development would provide market and affordable housing to meet an acknowledged shortfall and contributions to education. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

It is also necessary to consider the negative effects of this incursion into Open Countryside by built development. Nevertheless, it is not considered that this is sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

The Inspector on the site to the south 13/4301N, concluded that *“residential development of the appeal site should be regarded as sustainable in accordance with the definition set out in the Framework.”*

On the basis of the above, it is considered that the application should be approved subject to the imposition of appropriate conditions and the completion of a Section 106 Agreement to secure contributions to education and the provision of 30% affordable housing.

RECOMMENDATION

Approve subject to the completion of a Section 106 Agreement..

Heads of Terms:

- **£65,224.25 to primary and secondary education,**

- provision of 30% affordable housing

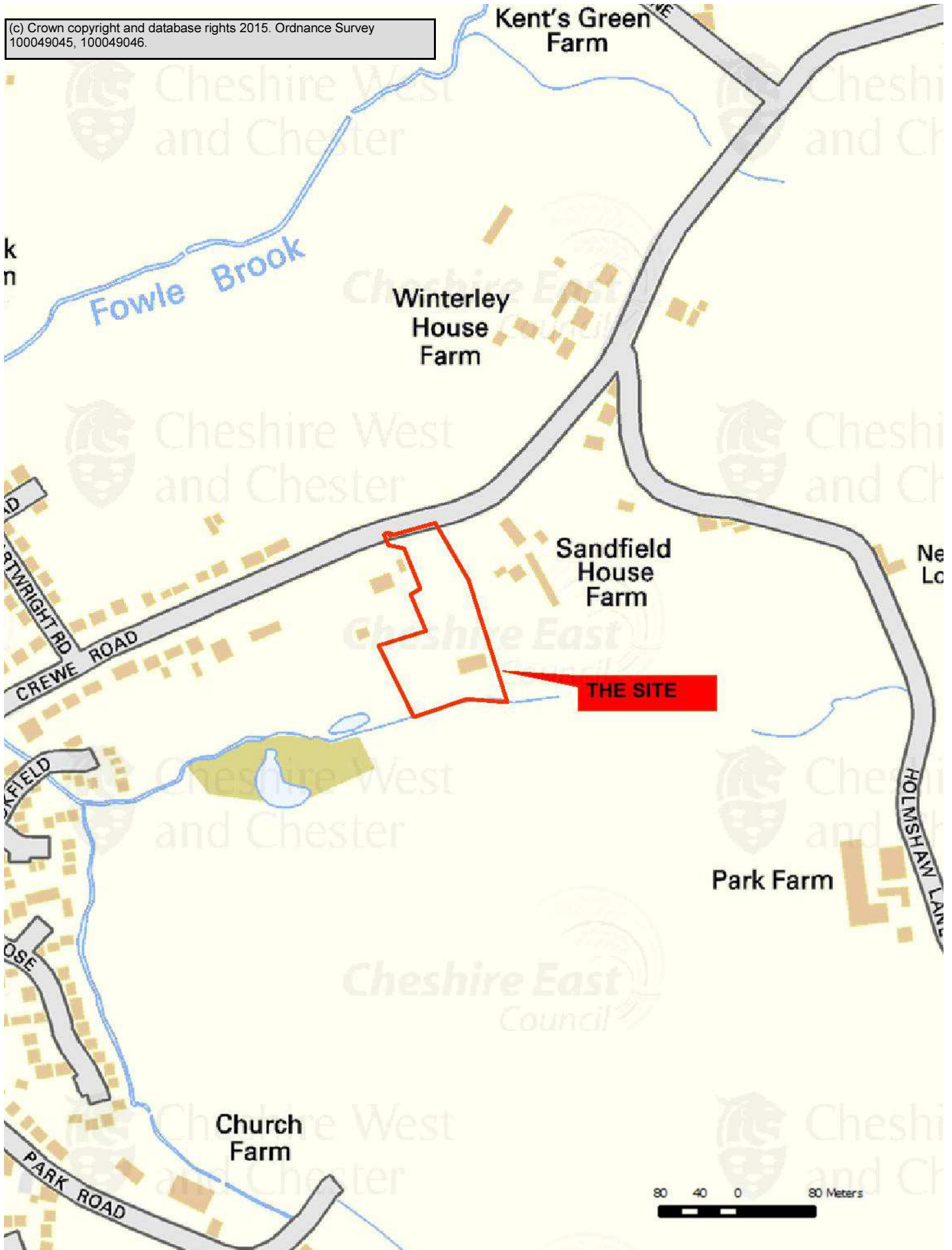
and the following conditions:

1. Commencement
2. Submission of reserved matters (all matters other than access)
3. Approved plans
4. Submission of an investigation and risk assessment for residential gardens in relation to potential contamination.
5. Submission and approval of a construction management plan including any piling operations and a construction compound within the site
6. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays.
7. Reserved matters to include details of any external lighting.
8. Access to the site shall be completed prior to first occupation of any of the dwellings
9. Reserved matters to include a detailed suite of design construction plans for the adoptable highways
10. Submission of drainage scheme to include foul and surface water including sustainable drainage systems
11. Tree and hedgerow protection measures
12. Breeding bird survey for works in the nesting season
13. Reserved matters to include updated protected species surveys
14. Reserved matters to include details of existing and proposed levels
15. Reserved matters to include a single electric vehicle charging point for each dwelling
16. Reserved matters to include details of replacement tree planting

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

Should this application be the subject of an appeal, authority be delegated to the 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.

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Application No: 14/4588N

Location: Land to rear of 144, Audlem Road, Nantwich, Cheshire, CW5 7EB

Proposal: Reserved matters application for the erection of 33 dwellings with associated works to include landscaping following approved outline 13/1223N

Applicant: Wainhomes (North West) Ltd

Expiry Date: 02-Jan-2015

SUMMARY

The NPPF requires that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It also advises that planning should take full account of flood risk. The acceptability of the proposal with regards to sustainability is dependant on the scheme meeting these requirements.

The principle of the development and the associated access arrangements have already been established with the approval of the associated outline permission.

It is considered that the layout, scale, appearance and landscaping of the scheme are also acceptable.

The development would not have a detrimental impact upon neighbouring amenity, ecology, drainage and flooding, trees or public rights of way, subject to conditions.

RECOMMENDATION

APPROVE subject to conditions.

DETAILS OF PROPOSAL

This reserved matters application seeks approval of the appearance, landscaping, layout and scale. The matter of the main point of access into the site was approved on appeal as part of application 13/1223N.

The proposal is for 33 dwellings that would be a mix of detached, semi-detached and terraced properties, comprising seven 2 bed houses, six 3 bed houses, fifteen 4 bed houses and five, 5 bed houses.

SITE DESCRIPTION

The application site is approximately 1.6 hectares in size and is located on the southern edge of Nantwich. The site comprises one residential plot of land fronting onto Audlem Road (within the settlement boundary) and land to the rear of the properties along the western edge of Audlem Road, which is outside of the settlement boundary. Land to the north is part of Brine Leas High School. Land to the west is playing fields associated with Weaver Vale Primary School with residential development beyond.

The application site is currently a grassed parcel of land bordered by mature hedges and trees. The character of the street scene along Audlem Road consists of predominately two-storey terraced dwellings combined with some bungalows. The properties either side of the site entrance comprise a bungalow (no 146) and a two-storey terraced dwelling (No 142). Further to the north along Audlem Road are two storey semi-detached dwellings.

DEFERRAL

At the Southern Planning Committee meeting on 17th December 2014, members resolved to defer the application in order to obtain clarification that drainage from the site would be satisfactory.

The applicant has provided additional information to the Council's Flood Risk Manager. This information confirms that the site can be drained in an appropriate manner to the satisfaction of the Flood Risk Manager.

In addition Members also wanted clarification on the size of the gardens of plots 19 to 28. These are between 50sqm and 87sqm, which is an adequate amount of space to provide for sitting out, drying washing and storage of bins/cycles.

RELEVANT HISTORY

13/1223N Outline application for up to 40 dwellings – Appeal against non-determination allowed – 4th August 2014

13/4603N Outline application for up to 40 dwellings – Refused – 20th March 2014

NATIONAL & LOCAL POLICIES

National policy

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development.

Of particular relevance to this application are paragraphs 17 (Core planning principles), 56-68 (Good design), 94 and 99-104 (Flood risk).

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

The relevant Saved Policies are: -

NE.2 - Open countryside
NE.5 - Nature Conservation and Habitats
NE.9 - Protected Species
NE.20 - Flood Prevention
NE.21 - Land Fill Sites
BE.1 – Amenity
BE.2 - Design Standards
BE.3 - Access and Parking
BE.4 - Drainage, Utilities and Resources
RES.5 - Housing In The Open Countryside
RT3 – Provision of Recreational Open Space and Children’s Play Space in New Housing Developments
RT.6 - Recreational Uses on the Open Countryside
TRAN.3 - Pedestrians
TRAN.5 – Cycling

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

PG5 – Open Countryside
CS6 – The Shavington / Wybunbury Triangle
SC1 – Leisure and Recreation
SC2 – Outdoor Sports Facilities
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
SE6 – Green Infrastructure
SE7 – The Historic Environment
CO1 – Sustainable Travel and Transport

Supplementary Planning Documents

Development on Backland and Gardens

CONSULTATIONS

Strategic Highways Manager – None received at the time of report writing.

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 lighting details, compliance with noise mitigation scheme, the provision of electric vehicle infrastructure, the prior submission of a dust mitigation scheme and a biomass potential condition. In addition to the above, an hours of construction informative is proposed.

United Utilities – No comments received at time of report

Public Rights of Way (PROW) – No objections but request signage.

Flood Risk Manager – No formal comments received at the time of report writing.

Natural England - No objections

VIEWS OF THE TOWN COUNCIL:

The Town Council has no objection to the reserved matters but expresses regret at the original decision to grant permission on a site that was not included in the Town Strategy.

OTHER REPRESENTATIONS

Neighbour notification letters were sent to adjoining occupants and a site notice posted. 7 letters have been received including an objection from Brine Leas High School objecting on the following grounds:

- Inappropriate development on open countryside
- The Council has an identified 5 year supply of housing
- Impact of additional traffic using Audlem Road
- Impact on highway safety due to narrowness of the road
- Poor visibility onto Audlem Road
- Impact on local infrastructure such as schools and doctors
- Development will 'landlock' Brine Leas school restricting future expansion
- Impact on the quality of life of existing residents
- Speculative development
- Inadequate consultation
- Impact on property prices

APPRAISAL

The key issues are:

- The principle of development
- The acceptability of the Layout, Scale, Appearance and Landscaping
- Access / Highway safety
- Impact on residential amenities
- Affordable housing requirements
- The impact upon ecology
- The impact upon drainage / flooding

- The impact upon trees
- The impact upon Public Rights of Way (PROW)
- The provision of open space

SUSTAINABILITY

This application shall consider the sustainability of the proposed development in the context of the reserved matters.

In this instance, consideration of the design, landscaping and drainage are the principal considerations.

Design

Paragraph 56 of the NPPF advises that;

‘The Government attached great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’

Paragraph 63 of the NPPF advises that;

‘In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.’

Paragraph 64 of the NPPF advises that;

‘Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.’

Layout (including Access)

The proposed layout comprises of an elongated parcel of land to the rear of 144 Audlem Road, which would be demolished as part of the proposal.

Access would be on to Audlem Road where number 144 would be demolished and this access was approved as part of the outline application. This access would take a spine road through the development to a turning head at the western end of the site. Further to the west, an area of open space including wildflower meadows, an enhanced pond and a link to the Public Footpath that runs along the western boundary of the site.

The Strategic Highways Manager has not commented on the application, however the access was determined at outline stage and the layout is very similar to that put forward at that stage. The SHM had no objections to this form of layout at outline stage.

The single cul-de-sac arrangement would have properties fronting on to the road as well as on to the public open space, which would ensure active frontages and natural surveillance of all public areas.

As a result of the above, it is considered that the proposed layout of the scheme is acceptable.

Scale

The proposal would comprise 33 two- storey, detached and semi-detached dwellings and the character of the street scene along Audlem Road consists of pre-dominantly two-storey terraced dwellings combined with some bungalows. The properties either side of the proposed access comprise a bungalow and a two-storey terraced dwelling. Further to the north along Audlem Road there are two-storey semi-detached dwellings.

Given the mixed nature of the surrounding development, it is considered that the scale of the proposed development is acceptable.

Appearance

The proposal would comprise 33 dwellings 10 different house types including detached, semi-detached and terraced. The house types include features such as brick and stone window heads and cills, bay windows, pitched roofs and canopy porches, all of which help to break up the massing of the buildings and maintain visual interest. All would be finished with brick and tile which would reflect the pre-dominant materials used in the surrounding area.

The surrounding properties are of various heights and forms and fenestration finishes. As such, it is considered that the general mix of property styles, finishes and forms would largely reflect the characteristics of the surrounding area and would not appear incongruous within this setting.

As such, subject to the appropriate use of materials in order to respect the local character, it is considered that the appearance of the proposed dwellings would be acceptable and would adhere with Policy BE.2 of the adopted local plan.

Landscaping

Landscaping plans have been submitted with the applications which show trees to be removed and proposed tree, shrub and other planting proposals. These are considered to provide adequate and appropriate landscaping for the site in order to ensure that the development has an appropriate appearance in this location.

Amenity

Policy BE.1 of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking, visual intrusion or noise and disturbance. Furthermore, the level of private amenity space provided is a material consideration as detailed within the Supplementary Planning Document on Development on Backland and Gardens.

The site is surrounded by open countryside and school playing fields to the north, west and south. The only adjoining dwellings are those fronting on to Audlem Road to the east.

It is generally regarded that a distance of 21m between principal windows and 13m between a principal window and a flank elevation are required to maintain an adequate standard of privacy

and amenity between residential properties. In the case of this proposal, all the minimum separation distances between the existing and proposed dwellings would be complied with and therefore the proposal is considered to be acceptable in these terms.

In terms of the relationship between the proposed dwellings themselves, the dwellings are considered to be far enough away from each other, so not to create any particular issues with regards to overlooking, loss of light or visual intrusion.

The amount of amenity space proposed for the dwellings is considered acceptable and meets the guidance of 50sqm as set out in the Council's Supplementary Planning Document. The smaller plots (22 to 28 inclusive) should be subject of a condition removing permitted development rights in order to ensure that an adequate level of residential amenity space is maintained.

Environmental Protection have raised no objections, subject to a number of conditions to ensure the development would not create any issues in relation to noise, or contaminated land.

Trees

Having regard to the impact on trees, the submitted Arboricultural Method Statement (AMS) and Tree Protection Plan as referred to in the AMS are deemed to be acceptable and comply with the requirements of the tree AMS condition imposed by the Inspector at the appeal.

As such, no objections on tree grounds are raised.

Ecology

There are a number of ponds located within 250m of the proposed development and Great Crested Newts have been recorded at two of these ponds, but not at the pond within the application boundary. The application site offers limited habitat for Great Crested Newts due to its current management and in addition the more important habitat features are proposed for retention as part of the proposed development. A condition should be imposed requiring compliance with the 'reasonable avoidance measures' submitted with the application.

The submitted ecological mitigation strategy proposes the retention and enhancement of the on-site pond to increase its ecological value. If planning consent is granted a condition should be imposed securing this.

Part of the submitted Habitat and Landscape Management Plan (HLMP) proposes a once a year cut of the wildflower grassland area. This is at odds with the submitted ecological mitigation strategy which proposes that an approach of minimum intervention in this area and specifically advises that the habitat should never be mown.

In addition, the HLMP relating to the Habitat buffer zone refers to proposed trees in this area. In order to safeguard the enhanced pond from the adverse impacts of shading there should be no additional tree or scrub planting in this area. The management plan should however specify any invading scrub would be removed on an annual basis.

An amended HLMP to address this has been requested and an update will be provided prior to the meeting.

In order to control any adverse impact on protected species, a condition should be imposed requiring submission of any external lighting details.

Public Open Space

Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's play space per dwelling is provided. This equates to 600sqm of shared recreational open space and 800sqm of shared children's play space.

The proposed layout shows 2975sqm of open space within the site. However, in accordance with the advice of the Council's ecologist, this area will be required for wildlife mitigation and habitat enhancement. This would be incompatible with the use of the area as shared recreational or children's play space. The Unilateral Undertaking submitted at the appeal on the outline application required an off-site contribution to be used to re-surface the car park at Shrewbridge Lake. This was considered to be acceptable by the Inspector and in compliance with Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010.

Flood Risk and Drainage

The appeal decision on the outline application included a condition requiring the provision and approval of a scheme for foul and surface water drainage prior to commencement of development and this has been submitted with this application. United Utilities have stated that they are satisfied with the submitted details. The Council's Flood Risk Manager has not commented at the time of report writing and an update will be provided prior to committee.

Planning Balance

The principle of the development has already been approved.

The proposed scheme provides an acceptable design and layout, the dwellings are appropriate to the character of the area, appropriate landscaping and sufficient open space is provided.

The scheme therefore represents a sustainable form of development providing sufficient quality of design and landscaping and open space.

It is also considered that the development would not have a detrimental impact upon neighbouring amenity, ecology, trees, public rights of way or open space.

The proposal complies with relevant policies of the Development Plan and is recommended for approval subject to conditions.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Plans

2. Implementation of revised Habitat and Landscape Management Plan
3. Removal of Permitted Development Rights (Part 1 - Classes A-E) for plots 22 to 28 inclusive
4. Implementation of Protected Species Mitigation method statement prepared by TEP dates September 2014.
5. Submission of details of external materials
6. Submission of details of any external lighting
7. Submission of details of levels in the area of open space

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

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Application No: 14/4644N

Location: Site Of Bristol Street Motors, MACON WAY, CREWE, CHESHIRE

Proposal: The erection of a single unit Class A1 retail development with associated car parking, landscaping and infrastructure.

Applicant: Andrew Bird, Maconstone Ltd.

Expiry Date: 28-Nov-2014

SUMMARY:

The proposal will contribute to economic sustainability through the provision of a new retail unit and creation of jobs. There would be no adverse social implications of the proposal. In terms of environmental sustainability, the proposal would be acceptable in terms of amenity and although the design and layout are not of exceptional quality, it is not considered that a refusal on these grounds could be sustained and that any concerns in this regard are outweighed by the economic benefits of the proposal and the environmental benefits of bringing a vacant and derelict site back into use. The scheme, it is considered to represent sustainable development and is in accordance with the relevant policies of the development and accordingly it is recommended for approval.

SUMMARY RECOMMENDATION:

Approve subject to conditions

PROPOSAL:

The application relates to approval of reserved matters for the construction of a single Class A1 retail unit with associated parking, landscaping and infrastructure.

A separate application for variation of conditions relating to sale of bulky goods (14/4901N refers) is currently under consideration. Members should note that this is a separate application which should be considered on its own merits and that this application relates purely to the design and layout of the proposed building.

SITE DESCRIPTION:

The site consists of an 8.1 hectare area comprising of a cleared site formerly occupied by single storey general industrial, car dealership buildings, formerly known as Bristol Street Motors, and is bounded to the west by railway lines filtering into Crewe railway station, to the

north and south by commercial premises. A number of residential properties stand on the opposite side of Macon Way.

RELEVANT HISTORY:

12/0316N (2012) Outline Planning Permission Approved for Proposed new build, non-food retail unit, up to 3715 sq.m (Use Class A1), including access and associated infrastructure.

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011. The site is located within the Crewe Settlement Boundary.

The relevant Saved Policies are: -

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
TRAN.1 (Public Transport)
TRAN.3 (Pedestrians)
TRAN.4 (Access for the Disabled)
TRAN.5 (Provision for Cyclists)
TRAN.6 (Cycle Routes)
TRAN.9 (Car Parking Standards)
S.10 (Major Shopping Proposals)
S.12.2 (Mixed Use Regeneration Areas) Mill Street, Crewe
E.7 (Existing Employment Sites)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

Policy MP 1 Presumption in Favour of Sustainable Development
Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy EG 1 Economic Prosperity

Policy EG 5 Promoting a Town Centre First Approach to Retail and Commerce
Policy SE 1 Design
Policy CO 1 Sustainable Travel and Transport
Policy CO 4 Travel Plans and Transport Assessments

CONSULTATIONS:

Highways: The Head of Strategic Infrastructure does not have a specific objection to the development but does require a revised parking layout.

Environmental Health: It is recommended that planning permission is approved subject to planning conditions relating to the control of air pollution and dust.

Phase I and II contaminated land investigations have been submitted and this has demonstrated that no remedial works are required. However, it is recommended that a watching brief is conducted during site clearance, with particular care taken in the western area where investigation was not possible due to the location of a water mains.

Network Rail – Network Rail would draw the councils attention to the following Rail Accident Investigation Branch report into 'Penetration and obstruction of a tunnel between Old Street and Essex Road stations, London 8 March 2013', which concluded:

5 The intent of this recommendation is to ensure that the planning approval process reduces the risk to railway infrastructure due to adjacent developments.

The Department for Communities and Local Government should introduce a process to ensure that Railway Infrastructure Managers are made aware of all planning applications in the vicinity of railway infrastructure. This process should at least meet the intent of the statutory consultation process (paragraphs 97f and 101).

Network Rail has a statutory obligation to ensure the availability of safe train paths and as such we are required to take an active interest in any development adjacent to our infrastructure that potentially could affect the safe operation of the railway.

Network Rail requests that the developer submit a risk assessment and method statement (RAMS) for the proposal to Network Rail Asset Protection, once the proposal has entered the development and construction phase including the felling of the trees.

As this proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would very strongly recommend the installation of suitable high kerbs or crash barriers (e.g. Armco Safety Barriers). A suitable small earth bund, which could be managed by the applicant, would also be acceptable. This is to prevent vehicles from accidentally driving or rolling onto the railway or damaging lineside fencing.

United Utilities - No objection to the proposed development subject to the imposition of a drainage condition.

Crewe Town Council – No objection

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants and a site notice erected.

One letter of support has been submitted making the following points:

- This long overdue development and look forward to seeing an improved visual aspect to this area of Macon Way.
- It may be appropriate if those who have damaged the service road be requested to compensate East Cheshire Council. Access The service road fronting the new development site is seriously congested with parked cars throughout weekdays. The full length is occupied with parked cars from approx. 8.30 am until 6.00 pm.
- HGV's and cars cannot pass, and may need to reverse back into Macon Way. HGV's cannot enter from either end without mounting the curb stones and grass. Cars are parked across entrance.
- HGV's have restricted manoeuvring area into each property.
- Plumb Centre HGV's have damaged curb stones & grass.
- Restricted access for Emergency services.
- Degrading of visual status for Macon way.
- Damage to underground services at North end of service road.
- Police claim it is difficult to control the above.
- action required yellow lines both sides of service road access
- This section of Macon way is looking more like an undesirable inner city area, totally due to lack of commitment!

APPRAISAL:

The principle of retail development on this site has been established by the previous outline consent on this site. Consequently, the principle of the development has already been established and this application does not present an opportunity to re-examine those issues. The main issues in the consideration of the reserved matters, therefore, are the acceptable of the proposed access, layout of the site, the scale and appearance of the building and the landscaping.

Environmental Sustainability

Access

It is important to ensure that adequate parking and servicing facilities are available within the site and that a safe access can be achieved into and out of the site which does not result in an unacceptable level of congestion or queuing at any of the existing roundabouts. The impact of the additional traffic generated on the wider highway network must also be taken into account.

The traffic impact generated by the retail floorspace was considered, along with the other matters relating to the principle of the development at the outline stage. Therefore, this application does not present an opportunity to re-open issues relating to traffic generation.

Details of the point of access were also agreed at the outline stage, although, internal site layout, parking and servicing provision are relevant.

According to the Design and Access Statement:

The emerging Local Plan for Cheshire East calls for A1 class non food retail to have 1 parking space per 20m/sq of floor space and 6% of spaces be designated disabled bays.

The following parking space standards have been provided;

- 7 designated disabled bays.
- 2 designated family spaces.
- 142 standard parking spaces.

This provides a total of 151 parking spaces to the Class A1 retail unit, which has a gross floor area of 2113 sq/m.

The majority of the spaces have been provided to the front of the unit and site. A loading and yard area has been provided to the rear of the unit and the 34 parking spaces provided along this stretch of boundary to the south of the site would be ideal as designated staff parking. The loading/ unloading area and yard is large enough to also provide a turning head large enough to accommodate articulated Lorries turning.

Once the development is completed the access and parking layouts will be maintained through the imposition of planning conditions requiring the access to remain in accordance with the approved plans and for the parking spaces to be maintained.

In terms of movement within the site, the proposed site layout is fairly straight forward. A single vehicular access point into the site is provided with a simple car parking layout plan immediately upon entering the site. A Turning head is provided set back within the site and an area for loading/ unloading of deliveries. This is located far enough away from propose customer access that deliveries etc would not impact upon customer access to create a vehicular back log into, within or from the site.

Generally parking is provided in a perpendicular formation with disabled parking bays and family spaces located near to the main entrance. Additional parking is located to the rear of the site which would be suitable for staff parking or customer parking to the garden centre access.

In the absence of any objection from the Strategic Highways Manager, it is not considered that a refusal on the grounds the access and parking arrangements could be sustained.

However, he has commented that there is an excess of parking provision and that some spaces could be removed to provide additional landscaping. Furthermore, better pedestrian access could be provided within the car park to the spaces to the rear of the building. He also recommends that the disabled and family parking provision be amended. This could be secured by a condition requiring a revised parking layout to be submitted and approved.

Layout

The proposed store would be set back from the Macon Way frontage, and is separated from it by a large surface carpark. Consequently, the extent of hard-surfacing to the front of the building would create a car-dominated frontage and would do little to enhance this part of Macon Way. However, it is acknowledged that the constraints of the site are such that it would be impractical to relocate parking to the rear of the building as this would conflict with the proposed HGV turning and service yard area as well as the proposed external garden centre area to the rear. Some overspill parking is proposed to the rear.

Appearance & Scale

As originally submitted the elevational design of the buildings was considered to be uninspired and typical of many similar out-of-town retail developments. As such it would also have done little to enhance the quality of the built environment in this locality. However, a number of improvements have been secured to the scheme, including the introduction of a brickwork plinth and higher quality materials which are more in keeping with the existing units at the nearby Grand Junction Retail Park.

Furthermore, it is an improvement over the derelict garage buildings which are currently on site, and it would not appear out of character, when viewed alongside the adjacent industrial premises and leisure centre building. Therefore, although this scheme represents a missed opportunity to create an area of new high quality townscape, it is not considered that a refusal on design grounds could be sustained, particularly given the poor architectural quality of the neighbouring industrial and commercial buildings on Macon Way.

Amenity

A distance of over 60m will be maintained between the proposed building and the dwellings on the opposite side of the road. It is therefore considered that there will be no adverse effect on the living conditions of these properties as a result of overshadowing or loss of privacy.

Landscape

The site has significant areas of hard standing and there are a number of immature trees around the periphery.

It is not clear from the proposals if any existing vegetation is to be retained and the proposed layout provides limited opportunity for soft landscape works. Whilst the plan shows some tree symbols, the specification provides only for a single species ground cover plant. The landscape officer considers the submission needs to make clear the impact on existing vegetation and the specification for new landscape works could be improved. This could be secured by condition.

Air Quality

The Environmental Health Officer has recommended that a Travel Plan condition be added to any consent. However, Travel Plan condition was imposed on the outline consent and details have been submitted. It is noted that a number of shortcomings have been identified in the travel plan but these can be addressed through the separate discharge of conditions

application which has been submitted rather than through the addition of further conditions on the reserved matters approval, which would not be appropriate given that the reserved matters relates to the design and layout of the building rather than the principle of the use.

Similarly, further Air Quality Impacts Studies have been requested. The outline consent included a condition requiring an Air Quality Impact Assessment to be submitted with the reserved matters application. This has been done as a separate discharge of conditions application. The Environmental Health Officer has commented that he disagrees with the conclusions of this report. He has commented that the approval of the outline planning permission 12/0616 identified that Section 106 funding would be provided for traffic management improvements in the area. Additional funding should be agreed to provide for air quality impacts studies to ensure that the improvements are not contrary to the generic objectives of Air Quality Action Plans which should seek to improve air pollution in AQMAs.

Section 106 contributions should be sought at the outline stage, as they relate to the principle of development rather than the detail of the building design and layout. However, the existing Air Quality Impact Assessment could be amended to include consideration of the traffic management improvements through the discharge of conditions process.

Finally, a Dust Control condition has been recommended requiring a scheme to minimise dust emissions arising from demolition / construction activities on the site to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. This is considered to be appropriate given that it relates to the construction of the building for which detailed reserved matters approval is being sought.

Social Sustainability

There are no implications for social sustainability.

Economic Sustainability

Although the principle of the development has been established, the approval of the reserved matters will allow the new retail unit to be realised which will be of economic benefit to the town through the provision of a new business with associated job creation.

S106 contributions:

No Section 106 contributions will be necessary for this development.

Planning Balance

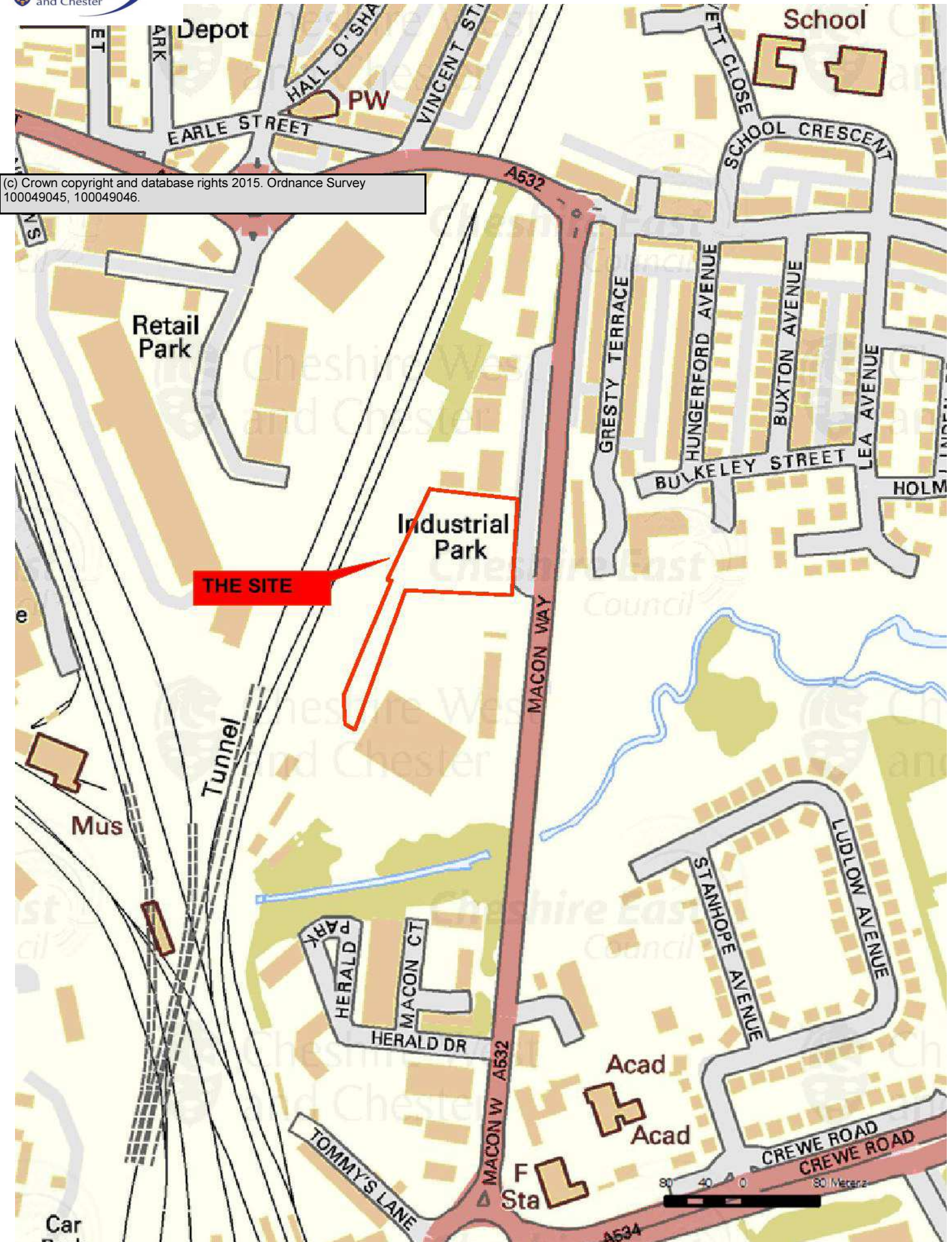
The proposal will contribute to economic sustainability through the provision of a new retail unit and creation of jobs. There would be no adverse social implications of the proposal. In terms of environmental sustainability, the proposal would be acceptable in terms of amenity and although the design and layout are not of exceptional quality, it is not considered that a refusal on these grounds could be sustained and that any concerns in this regard are outweighed by the economic benefits of the proposal and the environmental benefits of bringing a vacant and derelict site back into use. The scheme, it is considered to represent

sustainable development and is in accordance with the relevant policies of the development and accordingly it is recommended for approval.

RECOMMENDATION

APPROVE subject to conditions:

- 1. Materials**
- 2. Approved Plans**
- 3. Submission / approval and implementation of Landscaping Scheme**
- 4. Implementation of landscaping**
- 5. Submission / approval and implementation of risk assessment and method statement**
- 6. Submission / approval and implementation of revised parking layout**
- 7. Submission / approval and implementation of scheme of Dust Control**
- 8. Submission / approval and implementation of details of crash barrier to protect railway.**



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Application No: 14/4901N

Location: Macon Industrial Park, Macon Way, Crewe, CW1 6DG

Proposal: Variation of condition 13 (range and type of goods to be sold) attached to planning permission 12/0316N. Proposed new build, non-food retail unit, up to 3715 sq.m. (Class A1_ including access and associated infrastructure

Applicant: B&M Retail Ltd

Expiry Date: 29-Jan-2015

SUMMARY

It is considered that the removal of condition 13 would have a detrimental impact upon the vitality and viability of Crewe Town Centre and would not be in accordance with Policy S.1 (New Retail Development in Town Centres) and S.10 (Major Shopping Proposals) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and paragraph 23 of the NPPF.

RECOMMENDATION:

Refuse

PROPOSAL:

It is proposed to remove condition 13 of planning permission 12/0316N that was granted in outline for a non-food retail unit, up to 3517 square metres.

The condition states that:-

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

Reason: To protect the vitality and viability of Crewe Town Centre in accordance with Policy S.1 (New Retail Development in Town Centres) and S.10 (Major Shopping Proposals) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

SITE DESCRIPTION:

The site extends approximately 0.82 hectares and is located approximately 0.6km north of Crewe Railway Station (as the crow flies). The site is bordered by the national railway line to the west filtering into Crewe Railway Station. Located to the north and south of the application site are a number of commercial properties. Furthermore, a number of residential properties stand on the opposite side of Macon Way, which is located to the east.

The development site is presently derelict vacant land. The site used to be occupied by a car dealership, formerly known as Bristol Street Motors. The site is relatively flat with access on to the service road, which runs parallel to Macon Way.

The western perimeter of the site is clearly demarcated with an existing tree line approximately 2m to 3m high and beyond this is the railway line beyond. There is a mix of residential and commercial properties within the immediate locality and the application site is located wholly within the Crewe Settlement boundary.

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs: 14, 23 to 27.

Development Plan:

The Development Plan for this area is the Crewe & Nantwich Local Plan

The relevant Saved Policies are: -

E7 (Existing Employment Sites)

S.10 (Major Shopping Proposals)

S. 12.2 (Mixed Use Regeneration Areas) Mill Street, Crewe

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

MP1, SD1, SD2 Sustainable Development

PG2 Settlement Hierarchy

EG 5 Promoting a Town Centre first approach to Retail and Commerce

CONSULTATIONS:

Highways: The key difference from a traffic generation point of view is the food retail element of the variation; however, given the small floor area specified, it is unlikely to result in a material increase in traffic generation, when compared to that set out in the Transport Assessment produced in support of the previous planning permission.

Environmental Health: No Objections

REPRESENTATIONS:

One letter of objection has been received that considered it an attempt to mislead neighbours into ignoring this actual application in order to reduce objections. At the original planning committee meeting, the fact that the original request was for bulky "non food" type sales and the submitted building design was quite small compared to the size of the car park, and therefore didn't match the request was discussed. The committee said then that they would only allow expansion of retailing beyond the railway because of the bulky non food condition. It was predicted in that meeting that the developer would return later and attempt to have the conditions altered to match the submitted design, the design made it unlikely that a retailer of bulky items with low sales volumes would be interested in taking it. The developer is attempting to circumvent council policies by basically submitting an application in two stages.

Another letter supporting this and any other applications for the site as at present as there are presently problems with parked cars in the service road.

APPRAISAL:

The key issues are:

Environmental Sustainability – The application raises no specific issues in respect of landscape and diversity.

Social Sustainability – The application raises no specific issues in respect of landscape and diversity.

Economic Sustainability – The application proposal would undermine the role of Crewe Town Centre and be a threat to vitality and viability.

Principle

The site is in an 'out of centre' location – there is an obvious physical disconnection from Crewe Town Centre and it does not form part of Grand Central Retail Park. Access to the proposed unit would be off Macon Way. Crewe Town Centre has a number of vacant units with a number of retailers on short term lets. The element of convenience goods / toys etc which this application is seeking to allow for should be focused within the Town Centre as per the NPPF emphasis. It is noted that there is a B&M in the Town Centre which sells these goods.

Grand Central Retail Park is predominantly a non-food out of centre retail-park (although there is some convenience provision). However, the approval of the variation of condition to allow for open class A1 use in this case would set a precedent for other plots of land fronting Macon Way that in time could further dilute the vitality and viability of Crewe Town Centre. This is further emphasised within the NPPF in paragraph 23 that sets out the need to '*recognise town centres as the heart of their communities and pursue policies to support their viability and vitality*'. It seeks to ensure that major town centre uses are located within the town centre unless a sequential assessment is undertaken.

The originally approved application (12/0316N) undertook a sequential assessment on the basis of it being a 'bulky goods' unit and as such it was concluded that it could not be accommodated within the Town Centre and is appropriate to be approved in this out of centre

location. The supporting retail statement to this application sets out that it does not seek to revisit the sequential assessment even though there is a shift in the nature of the unit to now sell a wider range of goods (which could be located in the town centre) and the fact that this has not been undertaken does not comply with the NPPF (however minor the changes).

Thus, the application is considered to be unacceptable as it is considered that it would be likely to have a detrimental impact on the vitality and viability of Crewe Town Centre.

Other Material Considerations

The applicants may have a larger proportion of “food” floor space in other stores but any condition to approve and restrict the areas being proposed in this instance would prove virtually impossible to monitor and enforce. Thus, it is not considered any restrictive condition would be feasible or practically enforceable.

Planning Balance

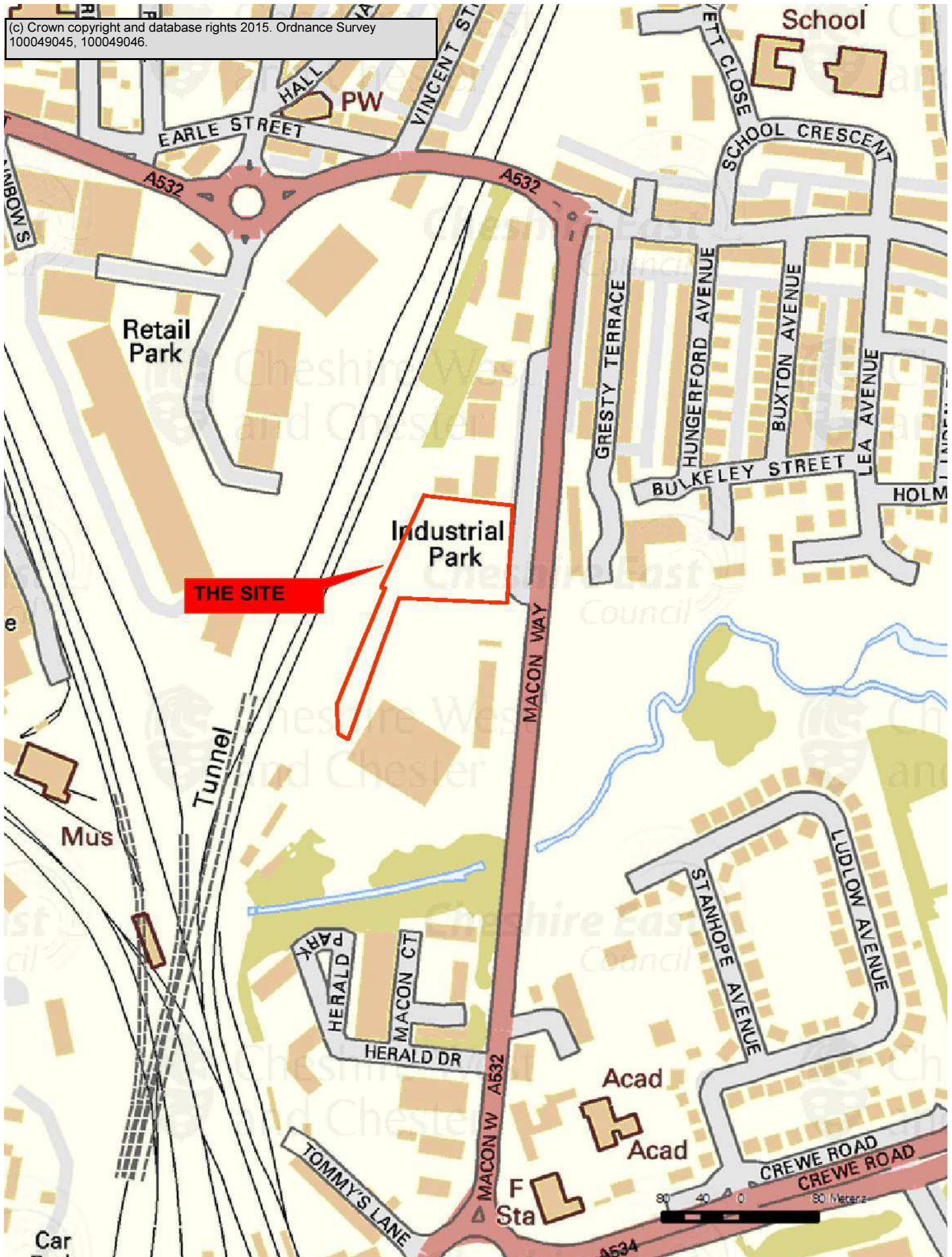
In the planning balance it is considered that this would not be in the interests of both Council and National objectives and to remove condition 13 would be likely to impact detrimentally on the role and vitality and viability of Crewe Town Centre contrary to the provisions of the Local Plan and the NPPF.

RECOMMENDATION

Refuse for the following reason:-

It is considered that the removal of condition 13 would have a detrimental impact on the vitality and viability of Crewe Town Centre and would not be in accordance with Policy S.1 (New Retail Development in Town Centres) and S.10 (Major Shopping Proposals) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and paragraph 23 of the NPPF.

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Application No: 14/5044C

Location: Land East of, School Lane, Sandbach, Cheshire, CW1 2LS

Proposal: Variation of Condition 17 on Approved Application 13/4634C - Outline Application for up to 13 no. residential dwelling houses, associated infrastructure and ancillary facilities.

Applicant: Jean Pierpoint Paul Ferguson, and Grant and Helen Dinsdale

Expiry Date: 26-Jan-2014

SUMMARY:

The principle of allowing this development was established when Strategic Planning Board resolved to approve the previous application (13/4364C) on 8th January 2014. A Section 106 Agreement has been completed securing the provision of 30% affordable housing and a contribution of £23,349.31 towards open space and amenities. Therefore this proposal does not offer the opportunity to re-assess the principle of approving residential development on the site.

The proposal would not deliver a socially sustainable development as the affordable units would be integrated with the surrounding market dwellings.

Local concerns of residents are noted, particularly in respect of highway matters but the impact is not considered to be severe under the NPPF test. An appropriate quality of design can be secure at reserved matter stage as can any impacts on amenity.

The removal of condition 17 would not represent a form of unsustainable and that the planning balance weighs in favour of supporting the removal of the condition.

RECOMMENDATION:

Approve subject to conditions and a Deed of Variation to the Section 106 Agreement for 13/4634C.

PROPOSAL

The proposal seeks to vary condition 17 of planning permission 13/4634C which granted outline consent for the erection of up to 13 residential dwellings, this approval is subject to a Section 106 Agreement securing 30% affordable housing and financial contributions to open space and amenity.

Condition 17 reads as follows:

“Notwithstanding the details shown on the indicative layout plan, the development shall be served only by a single access point shown with a red arrow on plan number 541-SL-01 Rev A.

Reason: In the interests of highway safety in accordance with Policy GR9 of the adopted Congleton Borough Local Plan First Review 2005.”

This proposal is to remove the condition and allow access and parking to the affordable units facing onto School Lane and the properties to the south of the main access point, to be taken from a separate access point.

SITE DESCRIPTION

The application site comprises a paddock 0.63 hectare in size, currently used for grazing horses. It is a generally level site which is bounded by St John's School to the north, a detached dwelling to the south and to the west there are a variety of residential properties fronting School Lane and a cul-de-sac known as Pear Tree Close. To the east is an area of protected open space used by the school for sports activities.

The boundaries of the site to the north, west and east contain existing hedgerows, were subject to some cutting back before submission of the previous application (13/1559C).

The site is designated as being within the Open Countryside in the adopted local plan and is classed as Grade 3 (subject to urban pressures) agricultural land. It is also identified in the Strategic Housing Land Assessment (SHLAA), reference 2607. It is described as being suitable with policy change, available, achievable and developable.

RELEVANT HISTORY

13/4634C 2014 Outline approval for up to 13 dwellings

13/1559C 2013 Refusal for outline permission for up to 13 dwellings

8430/1 1979 Refusal for outline permission for residential development

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance is paragraph 50.

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates part of the site as being within the Settlement Boundary of Bunbury but largely within Open Countryside.

The relevant Saved Policies are: -

PS4 Towns
GR1 New Development
GR2 & GR3 Design
GR6 Amenity and Health
GR9 Parking and Access
NR1 Trees and Woodlands
NR2 Wildlife and Nature Conservation
NR3 Habitats

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

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

Other Considerations:

SPD14 Trees and Development

CONSULTATIONS:

Highways:

Raises concerns about separate access points to the development in terms of design quality.

Housing:

No objection.

Sandbach Town Council:

No objection.

REPRESENTATIONS:

Neighbour notification letters were sent to adjoining occupants and a site notice posted.

At the time of report writing 10 representations have been received which can be viewed on the Council website. They express concerns regarding highway safety, particularly at school drop-off and pick-up times and the separation of the affordable units from the market housing.

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Principle of Development

The principle of allowing residential development on this site was established under application 13/4634C, which was approved by Strategic Planning Board on 8th January 2014. Therefore this application does not give the opportunity to re-visit that issue.

The issue to be considered is whether condition 17 of application number 13/4634C should be varied in order to allow a separate access to the affordable units, which front onto School Lane.

Sustainability

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 SUSTAINABILITY

The site is a greenfield site and it has already been decided that the environmental impact would be acceptable when the previous application was approved.

Highways

The Strategic Highways Manager raises concerns about the application in relation to public realm design quality. However, no objection on highway safety grounds was included in the

comments on the previous application, which had the same access points as proposed here. As such a refusal on highway safety grounds could not be sustained.

Economic Role

The economic benefits of the scheme were acknowledged in the approval of the original scheme.

SOCIAL SUSTAINABILITY

The final dimension to sustainable development is its social role. In this regard, the proposal seeks to separate the affordable housing from the market housing within the development. Paragraph 50 of the Framework requires that Local Planning Authorities “*deliver a wide choice of high quality homes, wider opportunities for home ownership and create sustainable, inclusive and mixed communities*”.

Affordable Housing

The affordable houses would become part of the overall development along School Lane and would therefore be integrated into a mixed community by virtue of that. In addition Officers from within Strategic Housing are happy that the affordable units are among other market units fronting School Lane. The proposal is therefore considered to be socially sustainable.

Response to Objections

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. However the disbenefits of the development identified by the objectors are not considered to significantly and demonstrably outweigh the benefits provided by the development. The principle of development has already been established and the scheme is considered to be satisfactory in affordable housing and highway safety terms.

Conclusion – The Planning Balance

Condition 17 required the development to be served from a single access point, but not for reasons specifically related to highway safety.

RECOMMENDATION

Approve subject to the completion of a Deed of Variation to the Section 106 Agreement relating to 13/4634C to secure:

- 1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent (4 units) with 35% intermediate tenure (2 units). 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 £23,349.31 contribution to public open space.

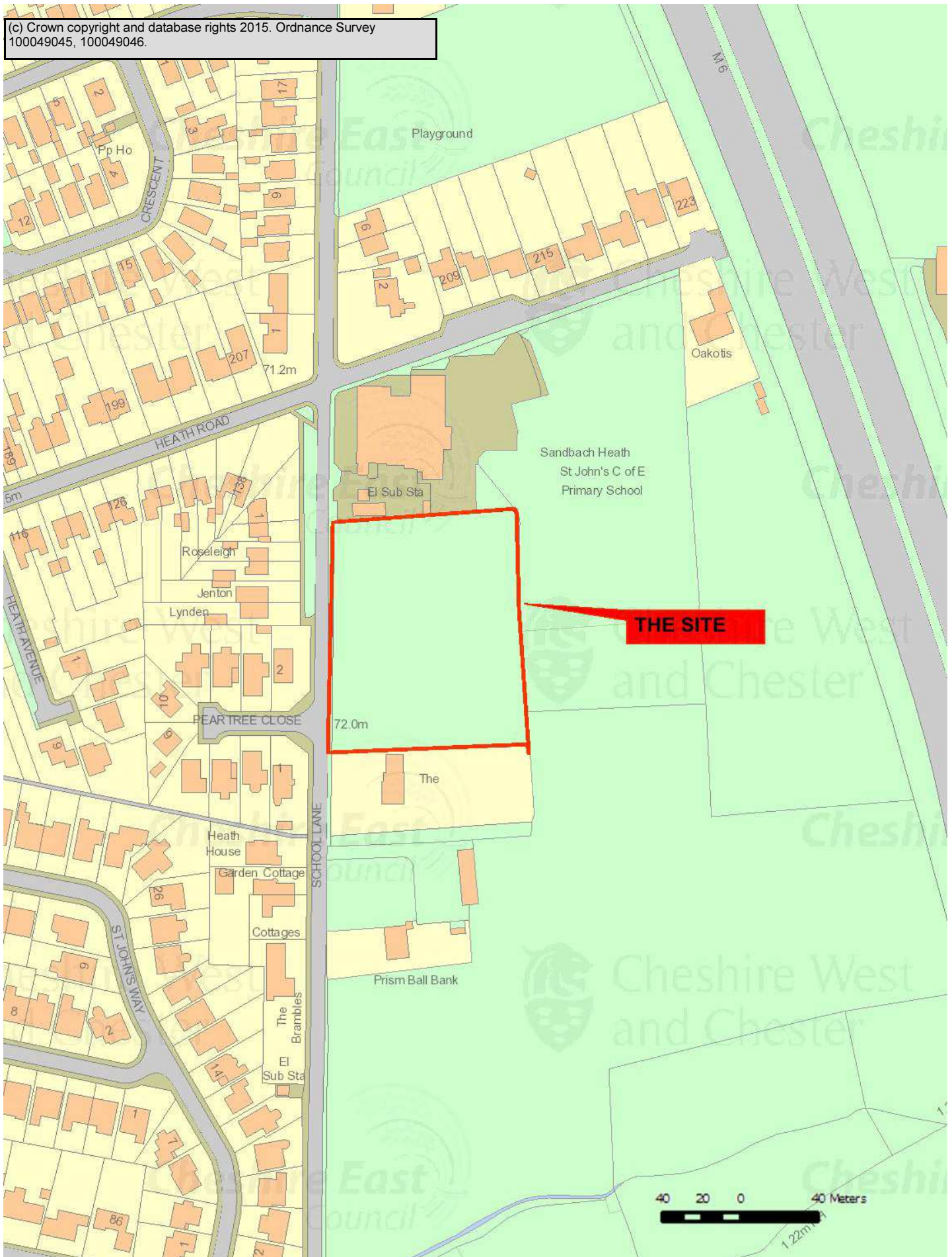
And the following conditions:

- 1. Commencement**
- 2. Submission of reserved matters (all matters other than access)**
- 3. Plans**
- 4. Tree and hedgerow protection measures**
- 5. Boundary treatment to be submitted with reserved matters**
- 6. Submission of method statement for any piling operations**
- 7. Hours of construction (8am to 6pm Mon-Fri, 9am to 2pm Saturday, no working Sunday or Public Holidays)**
- 8. Noise mitigation scheme**
- 9. Construction management plan**
- 10. Breeding bird survey for works in nesting season**
- 11. Bat and bird boxes**
- 12. Submission of a scheme to limit surface water run-off**
- 13. Reserved matters to include details of bin storage**
- 14. Reserved matters to include existing and proposed levels**
- 15. Reserved matters to include frontage footpaths**
- 16. Reserved matters to include a detailed suite of design construction plans for the adoptable highways**

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

Should this application be the subject of an appeal, authority be delegated to the 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.

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Application No: 14/5736C

Location: The site of The Derelict Saxon Cross Hot, Saxon Cross, , Holmes Chapel Road, Sandbach, Cheshire, CW11 1SE

Proposal: Variation of condition 5 & 15 on approval 13/4442 Demolition of Existing Hotel on the Site. Change of Use from a Category C1 Development to a Mixed Use of Category B1 and B8. Construction of a Single-Storey Office Building and Warehouse Building. New Hard Landscaping Associated with the Proposed Development, Including Relocation of Vehicular Access

Applicant: Jonathan Bolshaw, Bolshaw Industrial Powders

Expiry Date: 11-Mar-2015

SUMMARY

The proposed development is a minor change to the approved scheme. The proposal is considered to be of an acceptable design and would have minimal impact upon residential amenity, highway safety, protected species or the trees surrounding the site. The proposed development is therefore considered to be sustainable development.

RECOMMENDATION

Approve subject to conditions

PROPOSAL

Planning applications 11/2018C and 13/4442C granted approval for the following:

- The erection of a single storey office building to the front of the site that would have a length of 35 metres, a width of 12 metres, an eaves height of 3.4 metres and a ridge height of 6.1 metres,
- A warehouse which would have a length of 48 metres, a width of 21 metres, an eaves height of 6.2 metres and a ridge height of 9 metres,
- The relocation of the access to the south of the site and an area of car parking to the north-east corner of the site.

This application seeks consent for the variation of the approved plans condition and landscaping condition to allow the construction of a larger security office/sub-station building to the south of the site. The approved building has a length of 6.2 metres, a width of 3.5 metres, an eaves height of 2.4 metres and a ridge height of 3.5 metres.

The amended security office/sub-station building would have a length of 7.8 metres, a width of 4.25 metres, an eaves height of 2.4 metres and a ridge height of 3.9 metres.

The application also includes the provision of a short wall at either side of the access point.

SITE DESCRIPTION

The application site is located on the western side of Holmes Chapel Road within the Open Countryside. The site is currently occupied by the former Saxons Cross Motel which now stands derelict. The Saxons Cross Motel is a mainly single storey flat roofed building with a small two storey section to the front of the site. The site is surrounded by open fields with the M6 to the rear. The site includes a number of trees of varying quality most of which are located towards the sites boundaries.

RELEVANT HISTORY

13/4442C - Variation of condition 5 on approval 11/2018C - Demolition of Existing Hotel on the Site. Change of Use from a Category C1 Development to a Mixed Use of Category B1 and B8. Construction of a Single-Storey Office Building and Warehouse Building. New Hard Landscaping Associated with the Proposed Development, Including Relocation of Vehicular Access – Approved 16th December 2013

11/2018C – Demolition of existing hotel on the site and change of use from category C1 to a mixed use of category B1 and B8. Construction of a single storey office building and warehouse building. New hard landscaping associated with the proposed development, including the relocation of the vehicular access – Approved 5th August 2011

11/0551C - Demolition of existing hotel on the site, change of use from a category C1 development to a mixed use of category B1 and B8. Construction of a single storey office building a small security building and warehouse building, new hard landscaping associated with the proposed development including relocation of vehicular access – Withdrawn

NATIONAL AND LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development

56-68. Requiring good design

Development Plan

The Development Plan for this area is the Congleton Borough Local Plan First Review 2005, which allocates the site, under policy PS8, as open countryside.

The relevant Saved Policies are:

PS8 – Open Countryside

GR1 – Design
GR2 – Design
GR4 – Landscaping
GR6 – Amenity and Health
GR7 – Amenity and Health
GR9 – Accessibility, Servicing and Parking Provision
E5 – Employment Development in the Open Countryside
NR1 - Trees and Woodlands
NR2 – Statutory Sites
NR3 – Habitats

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

PG5 - Open Countryside
PG6 – Spatial Distribution of Development
CO1 Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SD1 - Sustainable Development in Cheshire East
SD2 - 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 6 – Green Infrastructure
SE 8 – Renewable and Low Carbon Energy
SE 9 – Energy Efficient Development
SE 13 Flood Risk and Water Management

CONSULTATIONS

N/A

PARISH/TOWN COUNCIL

Sandbach Council: No objection.

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

REPRESENTATIONS

No representations received at the time of writing this report.

APPRAISAL

The key issues are:

- Loss of open countryside
- Design and impact upon character of the area
- Amenity of neighbouring property
- Highway safety

Principle of Development

The application site stands on the western side of Holmes Chapel Road, in close proximity to Junction 17 of the M6. The application site is located within the open countryside. Policy E5 allows for the redevelopment of an existing employment site where the proposal is for a business enterprise appropriate to the rural area.

The principle of development has already been accepted following the approval of applications 11/2018C and 13/4442C. This development relates to a slightly larger security office/sub-station and some walls at the entrance to the site. The principle of this small scale development is considered to be acceptable.

SOCIAL SUSTAINABILITY

Amenity

The nearest residential property would be a property known as Nutwood which is located to the south of the site. Given that there would be a distance of approximately 80 metres from the nearest point of Nutwood to the application site and due to the fact that the property is within close proximity to the M6 it is considered that the proposed change in size to the security office/sub-station and wall is acceptable in this case.

ENVIRONMENTAL SUSTAINABILITY

Design

The proposed substation/security office would be a simple rectangular building with a pitched roof; the front gable elevation would be a largely glazed with fenestration to the side elevations. The building would be finished in stone cladding. The design would respect the approved office building and is considered to be acceptable.

The stone wall has been reduced in length after concerns over the impact of the proposal upon the rural character of the area. The wall would now be seen in the context of the office building and the substation/security office with hedgerow at the site entrance and along the site frontage. As such it is considered that the impact upon the character and appearance of the open countryside would be acceptable.

Highways

It is not considered that this minor addition would raise any highways implications over and above the approved scheme.

Ecology

Barn Owls were found to be roosting in the former derelict buildings on this site. A scheme of mitigation was secured as part of the conditions on the approved scheme. As a result the impact upon protected species is considered to be acceptable.

Trees

There would be no additional impact upon the trees/hedgerows on this site and the impact is considered to be acceptable.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will bring direct and indirect economic benefits to the area including additional jobs, trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The development will also bring a brownfield site back into use.

10. CONCLUSIONS

The proposed development is a minor change to the approved scheme. The proposal is considered to be of an acceptable design and would have minimal impact upon residential amenity, highway safety, protected species or the trees surrounding the site. The proposed development is therefore considered to be sustainable development.

11. RECOMMENDATIONS

Approve subject to the following conditions;

- 1. Standard time limit 3 years from 5th August 2011**
- 2. Materials to be submitted to the LPA and approved in writing**
- 3. Surfacing materials in accordance with plan reference AD1991.12**
- 4. Development in accordance with the Contaminated Land Assessment. Details of clean cover to be provided.**
- 5. Condition to specify the approved plans**
- 6. The car/HGV parking shown on the approved plans to be provided before the unit hereby approved is first occupied**
- 7. Cycle parking facilities in accordance with plan reference AD1991.10**
- 8. Shower facilities to be in accordance with plan reference AD1991.14**
- 9. Drainage details to be in accordance with plan reference AD1991.13A**
- 10. Details of oil interceptors to be submitted to the LPA and approved in writing**
- 11. External lighting to be in accordance with plan reference AD1991.15A**
- 12. No external storage**
- 13. Bin Storage details to be in accordance with plan reference AD1991.11**
- 14. Landscaping to be completed in accordance with plan reference AD1991.09C**
- 15. The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Mondays to Fridays, 08:00 to 13:00 hours on Saturdays, with no work at any other time including Sundays and Public Holidays.**
- 16. Details of any pile driving to be submitted to the LPA and approved in writing**
- 17. Prior to the development coming into use, the applicant shall submit to the local planning authority a travel plan demonstrating how they will ensure that vehicle**

movements associated with the development (staff cars, deliveries and HGV movements) from the site will be managed to ensure that traffic congestion within the air quality management area will not be adversely affected.

18. Prior to first occupation the new access and visibility splays will be constructed to completion in accordance with approved plans

19. Prior to first occupation the existing access will be permanently closed and the highway kerb line reinstated at the edge of carriageway in accordance with plan reference AD1991.16A

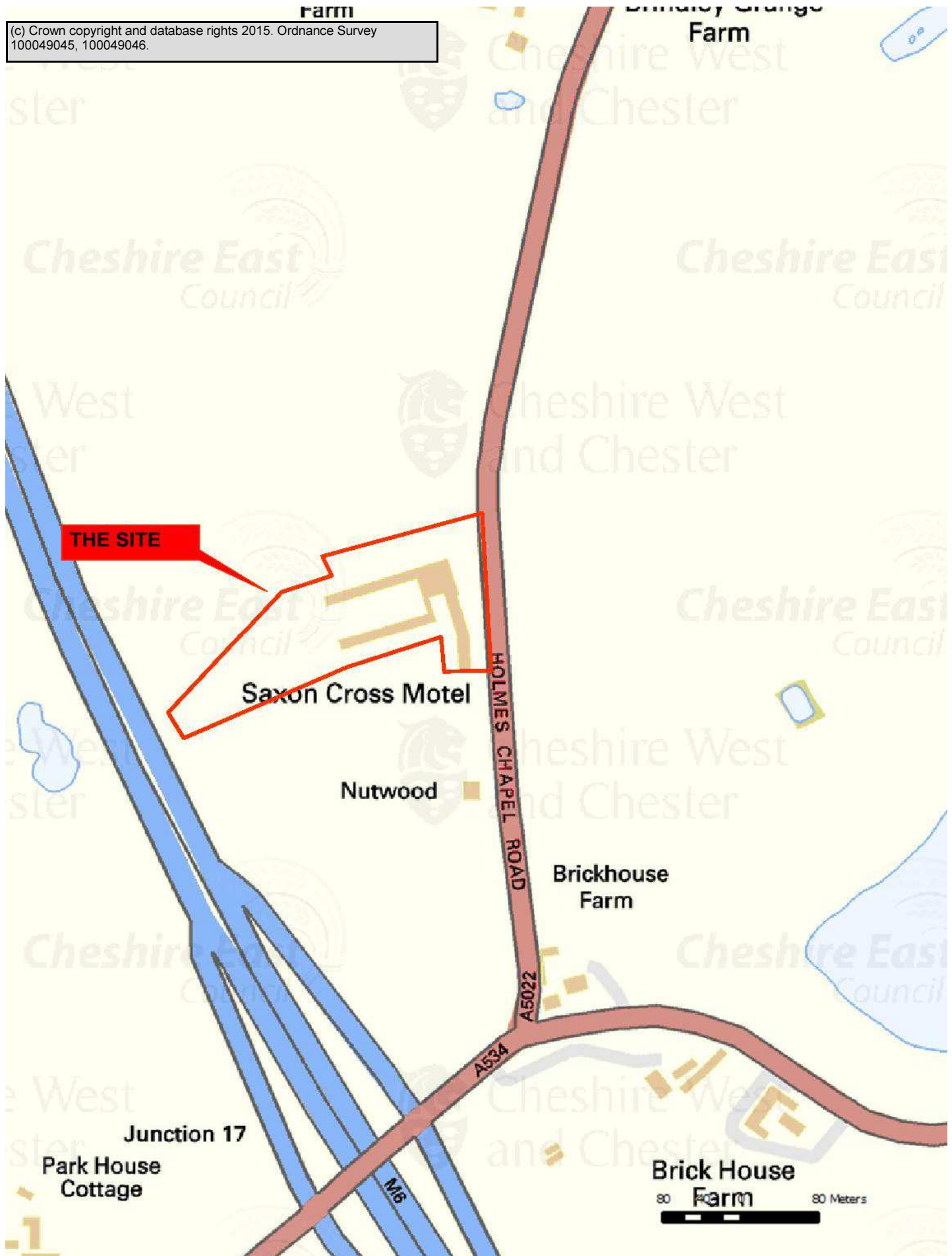
20. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone to be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Council.

21. Breeding Bird Measures in accordance with the plan titles 'Breeding Bird Ecological Enhancements Figure 1'

22. The proposed development to proceed in accordance with the recommendation made in the submitted Updated Ecological Appraisal dated May 2011 and the submitted letter from fpcr dated 27th June 2011.

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

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Application No: 14/5281C

Location: LAND ADJACENT 6, HEATH END ROAD, ALSAGER, CHESHIRE

Proposal: Proposal for a Garage, Greenhouse, Kitchen Garden and Access (Resubmission of 14/4462C)

Applicant: Mr Adrian Girvin

Expiry Date: 12-Jan-2015

SUMMARY:

The site lies within the Settlement Zone Line of Alsager, where there is a presumption in favour of development and the principle of allowing a garage, greenhouse and kitchen garden on the site has already been established under application number 14/3152C.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity and ecology.

The scheme represents a sustainable form of development and the planning balance weighs in favour of supporting the development subject to conditions.

RECOMMENDATION:

Approve subject to conditions

CALL IN

The application has been called in by Cllr Derek Hough on the following grounds:

- "1. The size/mass of the proposed garage will cause a loss of amenity to No.6 Heath End Road.*
- 2. It is still a stand alone Garage not associated with any dwelling. If it is part of the applicants house it should be included.*
- 3. Application 14/3152 which was the precursor of this application states that the garage (A single storey garage) was subordinate to No. 6 and only had windows in the roof. The current application is equal in height to No.6 and the windows are now normal windows in the first floor games room."*

PROPOSAL

This application proposes a garage, greenhouse and kitchen garden and would take vehicular access from the access approved for the new dwelling approved on the adjacent plot of land.

SITE DESCRIPTION

The application relates to an area of garden land, situated between 6 Heath End Road and a site to the north that has planning permission for a new dwelling (see history). The site is adjacent to a wooded area with a pond, which has been identified as being a habitat containing Great Crested Newts. The site also contains two mature Oak trees that are the subject of a Tree Preservation Order. The land is designated in the local plan as being within the settlement zone line of Alsager.

A similar proposal was approved in August 2014. (14/3152N) An application for an identical scheme was withdrawn on 20th November 2014; this application seeks to address the issues raised with this application, namely privacy due to the proposed balcony.

RELEVANT HISTORY

27679/3	1996	Refusal for the erection of 7 dwellings
28018/3	1996	Refusal for the erection of 5 dwellings
31940/3	2000	Refusal for the erection of 5 dwellings
33264/3	2001	Refusal for the erection of 5 dwellings, appeal dismissed 2002
36593/3	2003	Refusal for the erection of 3 dwellings
08/1687/FUL	2009	Withdrawn application for the erection of 3 dwellings
10/0815C	2010	Withdrawn application for the erection of 2 dwellings
11/0217C	2011	Approval subject to s106 for bungalow and detached garage
11/3349C	2014	Approved application for detached dwelling
14/2269C	2014	Approved application for detached dwelling
14/3152N	2014	Approved application for a garage, greenhouse, kitchen garden and access.
14/4462C	2014	Withdrawn application for a garage, greenhouse, kitchen garden and access

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance is paragraphs 17.

Development Plan:

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review 2005, which allocates the site as being within the Settlement Zone Line of Alsager.

The relevant Saved Policies are: -

PS4 Towns
GR1 New Development
GR2 & GR3 Design
GR6 Amenity and Health
GR9 Parking and Access
NR1 Trees and Woodlands
NR2 Wildlife and Nature Conservation
NR3 Habitats

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

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

Other Considerations:

SPD14 Trees and Development
BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations
The Conservation of Habitats and Species Regulations 2010 (as amended)

CONSULTATIONS:

Highways:

None received at the time of report writing.

Environmental Health:

None received at the time of report writing.

Alsager Town Council:

Objects to this application. The mass and size of the building is of concern. The screen is not robust enough to sustain a long term solution to satisfy the privacy issue. A site visit is requested.

REPRESENTATIONS:

Neighbour notification letters were sent to adjoining occupants and objectors to previous applications.

At the time of report writing 19 representations have been received which can be viewed on the Council website. They express several concerns including the following:

- loss of outlook and amenity
- overlooking and privacy
- need for the development
- 'creeping' development
- Intrusion and loss of privacy
- overbearing mass
- inappropriate development
- poor design
- grading of the site
- noise pollution

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Principle of Development

The National Planning Policy Framework states the following:

*"At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision taking.*

*For **decision taking** this means:*

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole;*
 - or*
 - *specific policies in this framework indicate development should be restricted*

The site is designated as being within Settlement Zone Line of Alsager and as such there is a general presumption in favour of development provided it is in keeping with the town's scale and character and does not conflict with other policies of the local plan.

This proposal is for a detached garage and greenhouse and whilst the plans do not link it to any particular property the applicant has indicated that it will be included in the domestic curtilage of his own property, 4A Pikemere Road, Alsager, which is adjacent to the site, this could be controlled by condition.

The proposal is therefore considered to be acceptable in principle.

Sustainability

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 within the settlement zone line of Alsager and the construction of a garage, greenhouse and kitchen garden would have a very limited environmental impact.

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 proposal would generate economic benefits by virtue of employment created during construction.

Social Role

The proposal will provide additional accommodation and garden area for the applicant and would not have a significant adverse impact on the amenities of neighbouring residential properties.

Layout and Scale

The proposal is for a garage, greenhouse, kitchen garden and access from the approved access to application number 14/2269C.

The garage as originally approved (14/3152C), would have been approximately 6.4m in height with a pitched roof and would be 6.6m wide and 10.6m long. The proposal subject of this application would include rooms within the roof and increase the ridge height to approximately 7.5m in order to accommodate a games room and hobby room.

The greenhouse would be sited adjacent to the boundary with the site that has approval for a new dwelling (11/3349C, 11/0217C and 14/2269C). It would be 'T' shaped with a roof height of approximately 3.5m and would be 6.5m wide and 3.8m deep in the central part.

Given the nature of the surrounding development and the fact that the site is within the settlement zone line of Alsager, it is considered that the proposed development would not be out of keeping with the character and appearance of the area. It is therefore considered that the layout and scale would be acceptable.

Appearance

A garage and greenhouse have already been approved on this site. This proposal is of an amended design of the garage, which is larger and more ornate than that which was previously approved; however it is not unusual to have garage structures such as this in the borough. As such a reason for refusal on design grounds could not be sustained.

The greenhouse would also be a traditional design for this type of building, which again is considered to be acceptable in this residential area.

The proposal is therefore considered to be acceptable in design terms and in accordance with Policy GR2 of the adopted local plan.

Amenity

The property most affected by the proposal would be number 6 Heath End Road. The occupiers of this property have objected on the grounds that the building would be overbearing and loss of privacy, in particular from the balcony.

The balcony would directly face the garden of 21 Rydal Way; in this case there is a distance in excess of 25m between the balcony and the boundary of this property, therefore there would be no significant loss of privacy to this property. The side of the balcony would, however directly over look the garden of 6 Heath End Road. A previous application (14/4462C), was withdrawn due to the concerns of Officers regarding overlooking the garden

of number 6 Heath End Road. In response to these concerns a 2 metre high privacy screen is now proposed on the side of the balcony adjacent to the garden of number 6. It is considered that the proposed privacy screen would protect the privacy of the neighbouring property and this should be secured by a condition requiring its submission, approval of full details and retention permanently of the screen.

There is permission for a two-storey extension and alterations at 6 Heath End Road, (14/4268C). Due to the siting of the proposed garage, the positioning of windows at 6 Heath End Road (including the approved extension) and the obscure glazing of windows, it is not considered that there would be any significant adverse impact on residential amenity, should the development be approved.

Having regard to loss of light, there may be a small impact to a small part of the garden of number 6; however this is not considered to be so significant as to warrant refusal of the application.

The owners of number 21 Rydal Way have expressed concerns about loss of outlook. It should be noted that in planning terms there is no right of a view over someone else's land. It is considered that the height and massing of the building would not create an outlook that would be overbearing to this or the neighbouring property.

The proposal is therefore considered to be in compliance with Policy GR6 of the adopted local plan and acceptable in terms of residential amenity.

Highways

The Strategic Highways Manager has not commented on this proposal. However the access used would be the same as for the dwelling on the adjacent site. Given that the proposal is for a garage to serve a domestic property, it is not considered that there would be any significant adverse impact on highway safety. Whilst a previous appeal decision on the site (33264/3), cited highway safety as an issue, that proposal was for 5 dwellings and given that this proposal would mean that the access would serve 2 dwellings, it is not considered that a refusal on these grounds could be sustained.

The proposal is therefore considered to be acceptable in highway safety terms and in accordance with Policy GR9 of the adopted local plan.

Ecology - Protected Species & Nature Conservation

Numerous ponds, many of which are garden ponds, are located within 250m of the proposed development. A number of Great Crested Newt surveys have been undertaken of these ponds over an extended time period, with the most recent surveys being undertaken in 2014. These surveys have recorded Great Crested Newts as being present at a number of the ponds.

One nearby garden pond which had previously been identified as supporting Great Crested Newts during an earlier survey currently holds no water and does not now function as a pond. This particular pond therefore now offers no opportunities for breeding Great Crested Newts.

A further garden pond has recently been identified by a local resident. This pond has been subject to a preliminary survey undertaken on behalf of a local resident, which did not result in any evidence of great crested newts being present, however the survey was a single visit only and so is insufficient to robustly establish presence or likely absence of breeding great crested newts. The Council's Ecologist advises that, on balance, based on the small size of this particular pond and the level of survey work undertaken to date it is not reasonable likely that this pond supports a breeding population of Great Crested Newts and so no further surveys of this particular pond is required.

The Council has sufficient information to conclude that the various ponds surrounding the development support a MEDIUM sized metapopulation of Great Crested Newts.

The application site itself consists of very closely mown grassland which provides no opportunities for Great Crested Newts to shelter or hibernate. The grassland offers opportunities for foraging newts. However there is abundant similar habitat located around the development site and this minor loss would be compensated for through the proposed enhancements to the existing pond area discussed below.

In the absence of mitigation the proposed development does pose the risk of disturbing, killing or injuring any great crested newts that ventured onto the site during the construction phase. To mitigate this impact the applicant is proposing that the development be undertaken in accordance with a method statement of 'Reasonable Avoidance Measures' designed to address this risk. These measures include completing the works over the winter period when amphibians are hibernating.

Provided the proposed mitigation measures are implemented, the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the requirements of the Habitat Regulations during the determination of this application.

As part of the application a package of ecological enhancements are proposed which centre around the restoration and enhancement of the pond area adjacent to the proposed development. It is considered that the proposed restoration of the pond has the potential to deliver significant ecological benefits. This should be secured by condition.

As Great Crested Newts may be present in the vicinity of the pond proposed for enhancement there is a risk that Great Crested Newts could be disturbed, killed or injured during the implementation of the enhancement works. To address this risk the applicant has proposed that the enhancements be undertaken under a method statement which includes the timing and supervision of the works. It is considered that if the enhancement works are undertaken in accordance with the submitted method statement the works would not be likely to result in an offence under the Habitat Regulations.

If planning consent is granted a condition must be attached to ensure the pond enhancement works proceed in strict accordance with the submitted Great Crested Newt (GCN) Method Statement for Pond Enhancement Works produced by UES dated July 2014.

It is also recommended that the condition specifies a trigger for when the habitat restoration and enhancement works should be completed such as prior to commencement, prior to first

occupation etc. It may also be beneficial if the condition required the works on site to be signed off by the LPA once they have been completed satisfactorily. As with the recent permission at this locality the Council's Ecologist recommends that a condition be added to ensure that a hand search for GCN is undertaken of the ground where material will be posted prior to the deposition of any material excavated during pond enhancement works.

In order to secure the long term viability of the enhanced pond it is recommended that if planning consent is granted a planning condition or obligation be attached to secure the submission and implementation of a long term habitat management plan for the enhanced pond and the retained and enhanced areas of habitat around the development site.

In accordance with Natural England's standing advice it is recommended that if planning consent is granted an informative should be attached advising the applicant that in the event that Great Crested Newts are unexpectedly encountered during works, that works should cease immediately and further advice sought from an appropriately licensed ecologist or Natural England.

Grass snakes have previously been recorded on site. Whilst detailed reptile surveys undertaken on land to the north of the application site did not record any evidence of reptiles it is considered that there remains the possibility that grass snakes may still occur within the broader locality of the application site. Similarly, considering the number of ponds in the broad locality there is also the possibility that common toad may occur.

The footprint of the proposed development however offers negligible habitat for reptile species and minimal opportunities for common toad. It is considered that the proposed development poses a minimal risk to reptiles and common toad and the submitted Great Crested Newt mitigation would also further reduce the risk posed to these species.

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

Two mature oak trees on site will be subject to crown lifting works as part of the proposed development. These trees have potential to support roosting bats. However, based on discussions with the Council's Tree Officer it is confirmed that the level of works anticipated to the trees would not be reasonably likely to result in any significant risk to roosting bats. No offence in respect of roosting bat is therefore likely to occur. If planning consent is granted additional provision for bats could be provided as part of the proposed development. This matter may be dealt with by means of a planning condition if consent is granted.

Trees and Landscape

The Principal Forestry and Arboricultural Officer has no objection to the application

There is an area of woodland and two trees subject to Tree Preservation Orders on the site and therefore an important issue relating to this application is the impact of the access road on these protected trees. The public inquiry that was held into a previous application (33264/3), concluded that a satisfactory method of construction could be achieved that would not adversely impact on the health of these trees.

This application provides the same private driveway configuration as the three previously approved applications 14/2269C, 11/0217C and 11/3349C. The submission is for a garage, greenhouse and access from the driveway on the approved applications.

A Tree Survey Report has been submitted in support of 14/3152C which is broadly in line with the current *British Standard BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations*.

The application proposes the same access route as the previously approved applications and in respect of the two protected Oak trees, (T2 and T3) officers are satisfied that there would be no greater impact taking into account the requirements of BS5837:2012.

The driveway and other aspects of tree protection/landscaping can satisfactorily be dealt with by the imposition of conditions.

Response to Objections

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. As discussed in the amenity section of the report, it is not considered that there would be significant adverse impact on the residential amenity of neighbouring properties, subject to the imposition of a condition relating to the privacy screen.

Conclusion – The Planning Balance

Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The development site is within the Settlement Zone Line of Alsager where there is a presumption in favour of development.

The proposal would have some economic benefits in terms of jobs in construction and spending within the construction industry supply chain.

The impact on protected species and trees is considered to be acceptable subject to conditions.

On the basis of the above, it is considered that the application should be approved subject to the imposition of appropriate conditions.

RECOMMENDATION

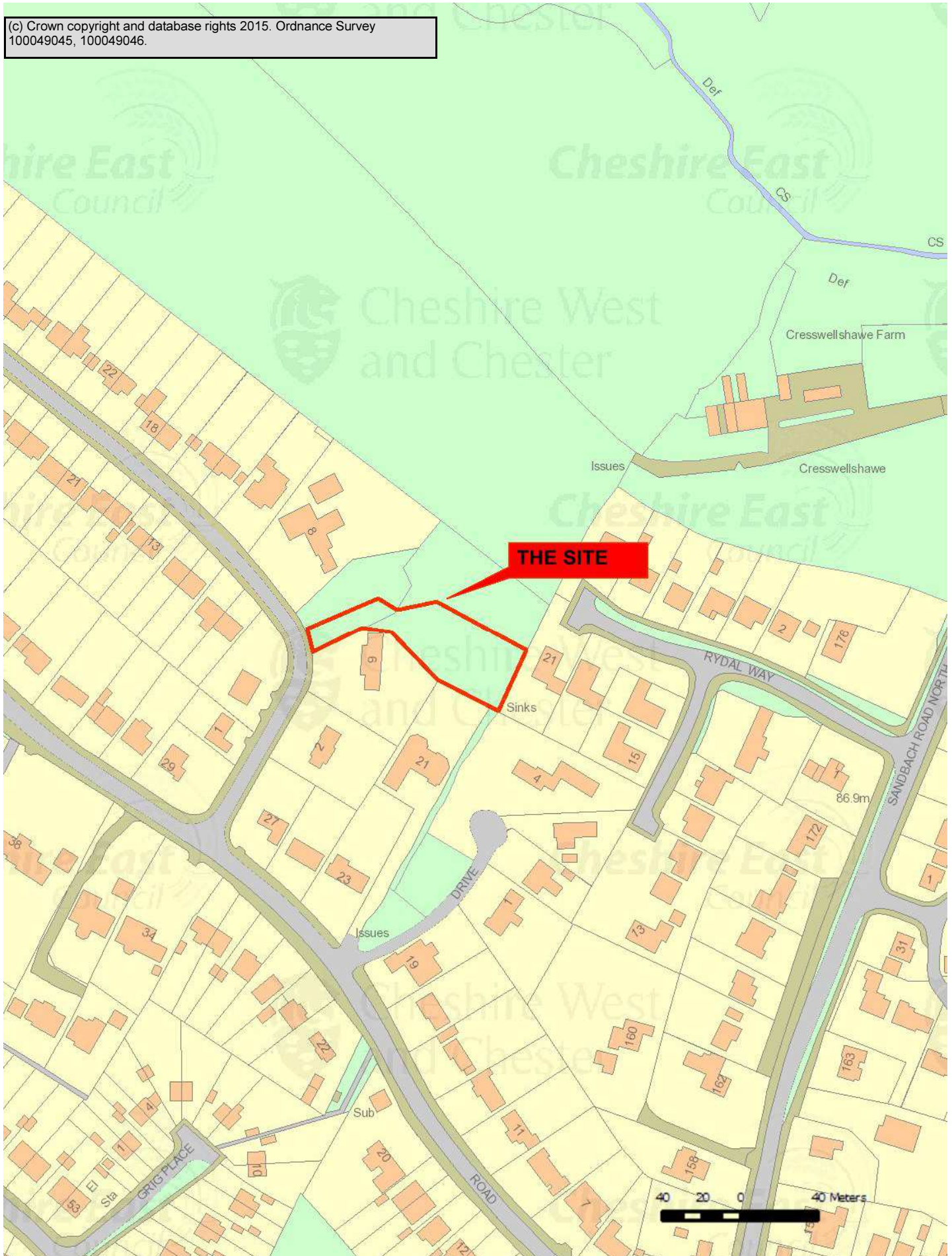
Approve subject to the following conditions:

- 1. Commencement**
- 2. Approved plans**
- 3. Submission of landscaping scheme**

4. Implementation of landscaping scheme
5. Tree retention
6. Tree protection
7. Submission of materials for approval
8. Submission of full details of the balcony privacy screen and its retention permanently
9. Submission of samples/details of obscure glazing and fixed (non-opening) windows in the side elevation facing 6 Heath End Road
10. Protection for breeding birds
11. Construction method statement for the driveway
12. Submission of an Arboricultural Method Statement
13. Development to be carried out in accordance with the Great Crested Newt Reasonable Avoidance Measures submitted with the application
14. Pond restoration proposals implemented
15. Submission of a Habitat Management Plan for a period of 10 years
16. Details of bat and bird boxes to be incorporated into the scheme
17. Development carried out in accordance with Great Crested Newt Mitigation Strategy
18. The site shall become part of the domestic curtilage of 4A Pikemere Road, Alsager

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

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CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

Date of meeting: 28th January 2015
Report of: David Malcolm – Principal Planning Manager
Title: The Woodlands, Aston

1.0 Purpose of Report

- 1.1 To consider the withdrawal of the reason for refusal relating to planning application 14/3053C for 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.

2.0 Decision Required

- 2.1 To agree to withdraw the reason for refusal in respect of open countryside and housing land supply and to instruct the Principal Planning Manager not to contest the issues at the forthcoming Appeal.

3.0 Background

- 1.2 Members may recall that on the 24th September 2014, Southern Planning Committee considered an application for 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. (14/3053C refers).
- 1.3 The application was 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.

- 3.4 The application is now the subject of an Appeal. However, since that time the Local Plan Inspectors interim report has been received which warrants the reconsideration of the reasons for refusal.

Open Countryside & Housing Land Supply

- 3.1 Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements
- 3.2 This calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing suites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.
- 3.3 The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft
- 3.4 The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the council's calculation of objectively assessed housing need is too low. He has also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.
- 3.5 Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views
- 3.6 Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, the Council is unable to robustly demonstrate a five year supply of housing land.
- 3.7 On the basis of the above, the Council at this time cannot reasonably continue to rely upon the reason for refusal for this appeal.

4.0 Planning Balance and Conclusion.

- 4.1 The proposal is contrary to development plan policies NE2 (Open Countryside) RES.5 (Housing in the Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

- 4.2** The most important material consideration in this case is the NPPF which 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.
- 4.3** The development plan is not “absent” or “silent”. The relevant policies are not out of date because they are not time expired and they are consistent with the “framework” and the emerging local plan. Policy GR5 is not a housing land supply policy. However, Policy NE2, whilst not principally a policy for the supply of housing, (its primary purpose is protection of intrinsic character and beauty of the countryside,) it is acknowledged has the effect of restricting the supply of housing. Therefore, where a 5 year supply cannot be demonstrated, Policy NE.2 can be considered to be out of date in terms of its geographical extent and the boundaries of the area which it covers will need to “flex” in some locations in order to provide for housing land requirements. Consequently the application must be considered in the context of paragraph 14 of the Framework, which states:

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.....For decision taking means:

- *approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - n *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
 - n *specific policies in the Framework indicate development should be restricted.”*

- 4.4** It is therefore necessary to consider whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14. The cases of Davis and Dartford have established that that “*it would be contrary to the fundamental principles of the NPPF if the presumption in favour of development, in paragraph 14, applied equally to sustainable and non-sustainable development. To do so would make a nonsense of Government policy on sustainable development*”. In order to do this, the decision maker must reach an overall conclusion, having evaluated the three aspects of sustainable development described by the framework (economic, social and environmental) as to whether the positive attributes of the development outweighed the negative in order to reach an eventual judgment on the sustainability of the development proposal. However,

the Dartford case makes clear that this should be done simultaneously with the consideration of whether “*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*” as required by paragraph 14 itself and not on a sequential basis or as a form of preliminary assessment.

- 4.5 In this case, the development would provide market and affordable housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.
- 4.6 Balanced against these benefits must be the negative effects of this incursion into Open Countryside by built development. However, it is noted that there was no objection on landscape impact grounds from the Council’s Landscape Officer. Furthermore, the change in the housing land supply position significantly alters the way in which this should be viewed in the overall planning balance, and it is not considered that this is sufficient, either individually or when taken cumulatively with the other negative aspects of the scheme to be sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.
- 4.7 On the basis of the above, it is considered that the Council should withdraw its putative reason for refusal and agree with the Appellant not to contest the issue at Appeal, subject to the imposition of appropriate conditions and the Appellant agreeing to the necessary Section 106 contributions.

5.0 Recommendation

- 5.1 That the Committee resolve to withdraw the reason for refusal in respect of the above and to instruct the Principal Planning Manager not to contest the issue at the forthcoming Appeal.

6.0 Risk Assessment and Financial Implications

- 6.1 There is a risk that if the Council continues to pursue the Appeal, in the light of the Local Plan Inspectors Interim findings, a successful claim for appeal costs could be made against the Council on the grounds of unreasonable behaviour.
- 6.2 There would also be an implication in terms of the Council’s own costs in defending the reasons for refusal.
- 6.3 There are no risks associated with not pursuing the reasons for refusal at Appeal.

7.0 Consultations

7.1 None.

8.0 Reasons for Recommendation

8.1 To ensure that an approved scheme for essential market and affordable housing is delivered and to avoid the costs incurred in pursuing an unsustainable reason for refusal at Appeal

For further information:

Portfolio Holder: Councillor Don Stockton
Officer: Susan Orrell – Principal Planning Officer
Tel No: 01625 383702
Email: sue.orrell@cheshireeast.gov.uk

Background Documents:

Applications 14/3053C

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