

Southern Planning Committee

Agenda

Date:	Wednesday, 22nd April, 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 - 22)

To approve the minutes of the meeting held on 25 March 2015.

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. **14/3167N The Grange, Wyche Lane, Bunbury CW6 9PD: Outline Application for demolition of existing derelict house and outbuildings. Construction of two storey apartment block consisting of 4 apartments, 6 detached two storey houses & 4 affordable houses for Mr & Mrs McCormack** (Pages 23 - 38)

To consider the above planning application.

6. **14/5533N Land At School Lane, Bunbury: Erection of 34No. Dwellings, a School Car Park with associated access road and new landscaping for Bloor Homes North West** (Pages 39 - 60)

To consider the above planning application.

7. **Land at School Lane, Bunbury** (Pages 61 - 66)

To consider the part withdrawal of the reason for refusal relating to planning application 14/2204N.

8. **15/0275N Land off Mill Lane, Bulkeley, Cheshire, SY14 8BL: Full application to erect 14 dwellings on land off Mill Lane, Bulkeley for M Schofield** (Pages 67 - 84)

To consider the above planning application.

9. **14/5114C Land at Close Lane, Alsager, ST7 2TZ: Reserved Matters Application for 74 dwellings and associated works for outline application (13/1305N) for Ben Sutton, Stewart Milne Homes** (Pages 85 - 96)

To consider the above planning application.

10. **15/0699C 19, Lawton Road, Alsager ST7 2AA: Variation of condition 9 (hours) attached to planning permission 10/0741C. Demolition of existing Co-operative Foodstore, Construction of new Co-operative foodstore, associated service area and retail units, Reconfiguration and refurbishment of existing town centre car park and public open space for ASDA Stores Ltd** (Pages 97 - 102)

To consider the above planning application.

11. **14/5254C Elworth Wire Mills, Station Road, Sandbach, Cheshire CW11 3JQ: Erection of 47 no. dwellings comprising 20 no. 1 bed apartments; 10 no. 2 bed apartments; 4 no. 3 bed houses; 13 no. 2 bed houses, with car parking and associated external works for Richard Harrison, Lane End Developments (UK) Ltd & Adactus H (Pages 103 - 114)**

To consider the above planning application.

12. **15/0149N 35 & 41 , Mabllins Lane, Crewe, Cheshire CW1 3RF: Outline application for the demolition of existing properties 35 & 41 Mabllins Lane and Erect 17 Dwellings for Mr E. T. & Mrs A Bickerton + Colquhoun (Pages 115 - 128)**

To consider the above planning application.

13. **14/5662N Land Adjacent To Woodlands View, 20, Bridge Street, Wybunbury CW5 7NE: Erection Of 2 No. Dwellings, Vehicular Access, Associated Car Parking And Landscaping for Simon Clutton, Simon Clutton Homes Ltd (Pages 129 - 142)**

To consider the above planning application.

14. **14/5781N Former Stapeley Water Gardens, London Road, Stapeley: Removal of condition 12 (windows and doors) to planning application 13/4648N - Replan of plots 110-120 at former Stapeley Water Gardens, London Road, Stapeley for James Wright, David Wilson Homes (NW) (Pages 143 - 148)**

To consider the above planning application.

15. **14/5886C Land At The Green, Middlewich, Cheshire: Replan and substitution of housetypes of plots 15-22 of extant planning permission 13/1418C for Mr Sean McBride, Persimmon Homes (Pages 149 - 160)**

To consider the above planning application.

16. **15/0855N 66, Crewe Road, Shavington Cum Gresty, Crewe CW2 5DW: Rear single and two storey extension for Mr & Mrs Hall (Pages 161 - 168)**

To consider the above planning application.

17. **15/1188N 6, Winchester Close, Shavington CW2 5HJ: Proposed Two Storey Extension to Side of Dwelling for Mrs Martin (Pages 169 - 174)**

To consider the above planning application.

18. **15/1198N Former Sir William Stanier Community School, Ludford Street, Crewe: Variation of Conditions 11 on application 14/3853N for Chris Bent, MCI Developments (Pages 175 - 180)**

To consider the above planning application.

19. **Request to vary the committee resolution for application 14/5837N (Land to the North of Cheerbrook Road, Willaston)** (Pages 181 - 184)

To consider a proposed amendment to the committee resolution relating to planning application 14/5837N, which was determined by the Southern Planning Committee on 25 February 2015.

20. **Request to vary the Unilateral Undertaking dated 17th September 2012 following the allowed appeal as part of application 11/4549N (Land on Rope Lane, Shavington)** (Pages 185 - 188)

To consider a proposed amendment to the unilateral undertaking relating to planning application 11/4549N.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 25th March, 2015 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 and C G Thorley (for
Cllr I Faseyi)

OFFICERS PRESENT

Nigel Curtis (Principal Development Officer - Highways)
Daniel Evans (Principal Planning Officer)
Patricia Evans (Lawyer)
Ben Haywood (Major Applications - Team Leader)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors J Clowes, I Faseyi and S McGrory

143 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

All Members of the Committee declared that they had received
correspondence regarding application number 14/5753C.

With regard to application number 15/0265C, Councillor R Bailey declared
that she knew the applicant but that she had not discussed the application
and had kept an open mind.

With regard to application numbers 14/5288N, 14/5321N, 14/5329N and
14/5331N, 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 12/3464N, Councillor P Groves
declared that he was a member of Stapeley & District Parish Council but
that he had not discussed this application and had kept an open mind.

With regard to application numbers 14/5288N, 14/5321N, 14/5329N and
14/5331N, Councillor P Groves declared that he was a member of
Nantwich Civic Society, but that he had kept an open mind.

With regard to application numbers 15/0775N, 15/0776N, 15/0777N, 15/0803N, 15/0801N, 15/0802N, 15/0804N, 15/0805N and 15/0806N, Councillor P Groves declared that he had been appointed as a Council representative on the Board of Wulvern Housing but that he had not participated in the discussions at Wulvern Housing with respect to these applications and therefore felt comfortable declaring his appointment to Wulvern, staying in the room and participating in the decisions.

With regard to application numbers 14/5288N, 14/5321N, 14/5329N and 14/5331N, 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 applications and had not made comments on them.

With regard to application numbers 14/5285C, 14/3215C, 14/3217C and 15/0299C, 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 the applications.

144 **MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 25 February 2015 be approved as a correct record and signed by the Chairman.

145 **14/3747C LAND AT RADNOR PARK TRADING ESTATE, BACK LANE, CONGLETON CW12 4QA: OUTLINE PLANNING APPLICATION FOR A RESIDENTIAL SCHEME FOR UP TO 24 DWELLINGS, OPEN SPACE AND NEW ACCESS OFF BACK LANE FOR NIGEL MOORHOUSE**

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

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

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to a S106 Agreement making provision for:

Affordable Housing comprising:

- 7 units on site 4 for social rented and 3 for shared ownership

Public Open Space comprising:

- Contribution in lieu of Amenity Greenspace towards West Road Play Area. Enhancement £5,274.23 and maintenance £17,193.60
- Management company for onsite Amenity Green Space

And the following conditions

1. Standard Outline Time limit – 3 years
 2. Submission of Reserved Matters
 3. Accordance with Approved Plans
 4. Submission of an Environmental Management Plan
 5. Hours of construction to be limited
 6. Details of pile driving operations to be limited
 7. Details of drainage (SUDS) to be submitted
 8. Only foul drainage to be connected to sewer
 9. Retention of important trees
 10. Tree and hedgerow protection measures
 11. Arboricultural Specification/Method statement
 12. Timing of the works and details of mitigation measures to ensure that the development would not have a detrimental impact upon breeding birds.
 13. Implementation of noise mitigation measures
 14. Accordance with approved access and constructed prior to first occupation
 15. Contaminated Land
 16. Air quality – dust mitigation
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Principal Planning Manager, in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That, should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

146 **14/5285C FORMER MAGISTRATES COURT, MIDDLEWICH ROAD, SANDBACH CW11 1HU: DEMOLITION OF EXISTING BUILDING AND ERECTION OF THREE STOREY ACCOMMODATION COMPRISING 15 SUPPORTED LIVING APARTMENTS (USE CLASS C3) WITH ASSOCIATED PARKING AND OPEN SPACE FOR HB COMMUNITY SOLUTIONS LIVING LTD**

Note: Mr M Gilbert attended the meeting and addressed the Committee on behalf of the applicant.

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

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Commencement
 2. Approved plans
 3. Submission of landscaping scheme
 4. Implementation of landscaping scheme
 5. Submission of materials for approval
 6. Development to be carried out in accordance with the Arboricultural Impact Statement
 7. Development to be carried out in accordance with the noise mitigation scheme
 8. Piling operations only undertaken between 9am and 5.30pm Monday to Friday, 9am to 1pm Saturday, with no piling on Sundays and public holidays
 9. Submission of a construction management plan
 10. Restriction of the accommodation to 'Supported Living' (Use Class C3).
 11. Boundary Treatment to be submitted for approval – Rear boundary to be 3m in height
- (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.

147 **14/3215C LEONARD CHESHIRE HOME, THE HILL, SANDBACH, CHESHIRE CW11 1LA: THE CONVERSION OF THE EXISTING LISTED BUILDING INTO 12 NO. 1,2 AND 3 BED APARTMENTS WITH ASSOCIATED PARKING AND LANDSCAPING. DEMOLITION OF THE NEWER BUILD ELEMENTS TO THE NORTH AND WEST ELEVATIONS FOR BROOKMOOR DEVELOPMENTS LTD**

Note: Councillor C Thorley left the meeting prior to consideration of this application.

Note: Mr D Cross had registered his intention to address the Committee on behalf of the applicant but was not in attendance at the meeting.

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

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Commencement
 2. Approved plans
 3. Submission of a revised parking and bin storage plan showing 21 parking spaces and amalgamated bin storage area
 4. Submission of landscaping scheme
 5. Implementation of landscaping scheme
 6. Submission of boundary treatments
 7. Submission of tree protection measures
 8. Submission of a Heritage Management Plan, including a method statement for external and internal repairs for approval
 9. Submission of full details for all replacement windows and repairs to existing windows
 10. Submission of full details of proposed balconies
- (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.

148 **14/3217C LEONARD CHESHIRE HOME, THE HILL, SANDBACH, CHESHIRE CW11 1LA: LISTED BUILDING CONSENT FOR THE CONVERSION OF THE EXISTING LISTED BUILDING INTO 12 NO. 1, 2 AND 3 BED APARTMENTS WITH ASSOCIATED PARKING AND LANDSCAPING. DEMOLITION OF THE NEWER BUILD ELEMENTS TO THE NORTH AND WEST ELEVATIONS FOR BROOKMOOR DEVELOPMENTS LTD**

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

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Commencement
 2. Approved plans

3. Submission of boundary treatments
 4. Submission of a Heritage Management Plan, including a method statement for external and internal repairs for approval
 5. Submission of full details for all replacement windows and repairs to existing windows
 6. Submission of full details of proposed balconies
- (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.

149 **15/0299C LAND ADJACENT TO 9, ST PETERS RISE, SANDBACH
CW11 3EP: CHANGE OF USE FROM AMENITY LAND TO
RESIDENTIAL GARDEN. REMOVAL OF FENCING TO REAR
BOUNDARY TO ALLOW ACCESS TO MAINTAIN GARDEN FOR MR
TERENCE COPPENHALL**

Note: Councillor D Marren declared that he knew the applicant and that he would stay in the room but not participate in the debate.

Note: Mr T Coppenhall (applicant) addressed the Committee then withdrew from the meeting during the Committee's consideration of this item.

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 three year time limit
 2. Plans
 3. Removal of PD, fences, outbuildings.
- (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.

150 **14/0841N LAND OFF SPINNEY DRIVE, WESTON: RESIDENTIAL DEVELOPMENT OF 4 DETACHED HOUSES FOR G MCDERMOTT, CDM DEVELOPMENTS (NORTH WEST) LTD**

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That the Committee be minded to REFUSE the application for the following reasons:
 - 1. The proposed development would not deliver a contribution to affordable housing contrary to the requirements of Policy RES.7 of the Borough of Crewe and Nantwich Replacement Local Plan and the Interim Planning Statement: Affordable Housing (February 2011). The lack of this affordable housing therefore means that the development would not deliver sustainable development contrary to the requirements of the National Planning Policy Framework.
 - 2. Overbearing impact that would overdominate the dwellings fronting 6 and 7 Westmere Close having a detrimental impact upon residential amenity. Contrary to Policies BE.1 and BE.2.
- (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, as this application is 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.

151 **15/0202C SPANSET LTD, TELFORD WAY, MIDDLEWICH CW10 0HX: PROPOSED REFURBISHMENT OF EXISTING TRAINING FACILITIES, CREATION OF NEW RECEPTION AND CLASSROOMS AND ASSOCIATED EXTERNAL ALTERATIONS, ADDITIONAL 44 CAR PARKING SPACES. CHANGE OF CURRENT BUILDING USE FROM B1, B2 AND B8 TO MIXED USE FOR PETER WARD, SPANSET LTD**

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. Materials to match existing
4. Landscaping (details)
5. Landscaping (Implementation)

Informatives:

1. NPPF
2. Hours of construction

- (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.

152 **15/0265C CHANCE HALL FARM, CHANCE HALL LANE, MORETON, CONGLETON, CHESHIRE CW12 4TL: ERECTION OF LIVESTOCK BUILDING FOR MR THOMAS HALTON, HALTON FARMS LTD**

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. Materials as per application

Informatives:

1. NPPF
2. Hours of construction

- (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.

153 **14/5288N PLOT 18, SANDLAND GROVE, NANTWICH CW5 6GF:
VARIATION OF CONDITION IN PERMISSION 12/4741N TO ALLOW
ERECTION OF A CONSERVATORY / ORANGERY TO THE REAR OF
THE DWELLING FOR BEN SUTTON**

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 completion of a Deed of Variation to the Section 106 agreement to secure the same Heads of Terms as application 12/4741N.

And the following conditions:

1. Compliance with approved plans
2. Materials including surfacing materials as per discharge of condition application 14/0102D.
3. Submission and approval of contaminated land mitigation measures
4. External lighting as per discharge of condition application 14/0102D
5. Construction Hours to be restricted
6. Bin Storage
7. Boundary treatment as per discharge of condition application 14/0102D
8. Landscaping as per discharge of condition application 14/0102D
9. Implementation of landscaping
10. Provision of Parking as per the approved plans
11. Tree Protection as per discharge of condition application 14/0102D
12. Implementation of Tree protection
13. Arboricultural Method Statement as per discharge of condition application 14/0102D
14. Special construction measures under trees as per discharge of condition application 14/0102D
15. Surface Water runoff to mimic that of existing site
16. Scheme of sustainable urban drainage as per discharge of condition application 14/0102D
17. Submission of a Scheme to limit surface water run-off
18. Submission of a scheme to manage the risk of flooding from overland flow
19. Removal of Permitted Development Rights
20. Provision of bat and bird boxes as per discharge of condition application 14/0102D
21. Retention of trees T20 and T25

22. Proposed junction arrangement with the A534 Crewe Road as per discharge of condition application 14/0102D
 23. Internal site layout as per discharge of condition application 14/0102D
- (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.

154 **14/5321N PLOT 17, SANDLAND GROVE, NANTWICH CW5 6GF:
VARIATION OF CONDITION IN PERMISSION 12/4741N TO ALLOW
ERECTION OF A CONSERVATORY / ORANGERY TO THE REAR OF
THE DWELLING FOR BEN SUTTON**

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 completion of a Deed of Variation to the Section 106 agreement to secure the same Heads of Terms as application 12/4741N.

And the following conditions:

1. Compliance with approved plans
2. Materials including surfacing materials as per discharge of condition application 14/0102D.
3. Submission and approval of contaminated land mitigation measures
4. External lighting as per discharge of condition application 14/0102D
5. Construction Hours to be restricted
6. Bin Storage
7. Boundary treatment as per discharge of condition application 14/0102D
8. Landscaping as per discharge of condition application 14/0102D
9. Implementation of landscaping
10. Provision of Parking as per the approved plans
11. Tree Protection as per discharge of condition application 14/0102D

12. Implementation of Tree protection
 13. Arboricultural Method Statement as per discharge of condition application 14/0102D
 14. Special construction measures under trees as per discharge of condition application 14/0102D
 15. Surface Water runoff to mimic that of existing site
 16. Scheme of sustainable urban drainage as per discharge of condition application 14/0102D
 17. Submission of a Scheme to limit surface water run-off
 18. Submission of a scheme to manage the risk of flooding from overland flow
 19. Removal of Permitted Development Rights
 20. Provision of bat and bird boxes as per discharge of condition application 14/0102D
 21. Retention of trees T20 and T25
 22. Proposed junction arrangement with the A534 Crewe Road as per discharge of condition application 14/0102D
 23. Internal site layout as per discharge of condition application 14/0102D
- (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.

155 14/5329N PLOT 4, STANLEY BOUGHEY PLACE, NANTWICH CW5 6GQ: VARIATION OF CONDITION IN PERMISSION 12/4741N TO ALLOW ERECTION OF A CONSERVATORY / ORANGERY TO THE REAR OF THE DWELLING FOR BEN SUTTON

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 completion of a Deed of Variation to the Section 106 agreement to secure the same Heads of Terms as application 12/4741N.

And the following conditions:

1. Compliance with approved plans
 2. Materials including surfacing materials as per discharge of condition application 14/0102D.
 3. Submission and approval of contaminated land mitigation measures
 4. External lighting as per discharge of condition application 14/0102D
 5. Construction Hours to be restricted
 6. Bin Storage
 7. Boundary treatment as per discharge of condition application 14/0102D
 8. Landscaping as per discharge of condition application 14/0102D
 9. Implementation of landscaping
 10. Provision of Parking as per the approved plans
 11. Tree Protection as per discharge of condition application 14/0102D
 12. Implementation of Tree protection
 13. Arboricultural Method Statement as per discharge of condition application 14/0102D
 14. Special construction measures under trees as per discharge of condition application 14/0102D
 15. Surface Water runoff to mimic that of existing site
 16. Scheme of sustainable urban drainage as per discharge of condition application 14/0102D
 17. Submission of a Scheme to limit surface water run-off
 18. Submission of a scheme to manage the risk of flooding from overland flow
 19. Removal of Permitted Development Rights
 20. Provision of bat and bird boxes as per discharge of condition application 14/0102D
 21. Retention of trees T20 and T25
 22. Proposed junction arrangement with the A534 Crewe Road as per discharge of condition application 14/0102D
 23. Internal site layout as per discharge of condition application 14/0102D
- (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.

156 **14/5331N PLOT 3, STANLEY BOUGHEY PLACE, NANTWICH CW5 6GQ: VARIATION OF CONDITION IN PERMISSION 12/4741N TO ALLOW ERECTION OF A CONSERVATORY / ORANGERY TO THE REAR OF THE DWELLING FOR BEN SUTTON**

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 completion of a Deed of Variation to the Section 106 agreement to secure the same Heads of Terms as application 12/4741N.

And the following conditions:

1. Compliance with approved plans
2. Materials including surfacing materials as per discharge of condition application 14/0102D.
3. Submission and approval of contaminated land mitigation measures
4. External lighting as per discharge of condition application 14/0102D
5. Construction Hours to be restricted
6. Bin Storage
7. Boundary treatment as per discharge of condition application 14/0102D
8. Landscaping as per discharge of condition application 14/0102D
9. Implementation of landscaping
10. Provision of Parking as per the approved plans
11. Tree Protection as per discharge of condition application 14/0102D
12. Implementation of Tree protection
13. Arboricultural Method Statement as per discharge of condition application 14/0102D
14. Special construction measures under trees as per discharge of condition application 14/0102D
15. Surface Water runoff to mimic that of existing site
16. Scheme of sustainable urban drainage as per discharge of condition application 14/0102D
17. Submission of a Scheme to limit surface water run-off
18. Submission of a scheme to manage the risk of flooding from overland flow
19. Removal of Permitted Development Rights
20. Provision of bat and bird boxes as per discharge of condition application 14/0102D
21. Retention of trees T20 and T25
22. Proposed junction arrangement with the A534 Crewe Road as per discharge of condition application 14/0102D
23. Internal site layout as per discharge of condition application 14/0102D

- (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.

157 **15/0270M KANDERSTEG, BROADWALK, PRESTBURY, CHESHIRE SK10 4BR: REPLACEMENT OF EXISTING CONSERVATORY AND UTILITY ROOM WITH NEW CONSERVATORY AND UTILITY ROOM FOR MRS J FINDLOW**

Note: All Southern Planning Committee Members declared that they knew Councillor P Findlow but that they had not discussed the application with him.

The Committee considered a report regarding the above planning application.

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

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application

Informative:

NPPF

158 **15/0775N SITE OF THORNTON HOUSE, EMBERTON PLACE, AUDLEM CW3 0HL: REMOVAL OF CONDITION 3 RELATING TO THE PROVISION OF SOCIAL HOUSING FOR WULVERN HOUSING LTD**

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 completion of a Section 106 agreement to secure the following:

The development shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing set out in the Glossary to the National Planning Policy Framework. The scheme shall include:

- i) The affordable housing provision shall consist of 100% of the dwellings which shall be social rented or affordable rented or intermediate housing
- ii) Details of the tenure split and arrangements for the transfer of the affordable housing to an affordable housing provider
- iii) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing.
- iv) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

and the following conditions:

- 1. Approved Plans
 - 2. Maintenance of the approved landscaping - Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
- (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.

**159 15/0776N SITE OF ROYAL SCOT, PLANE TREE DRIVE, CREWE:
REMOVAL OF CONDITION 12 RELATING TO AFFORDABLE HOUSING
ON APPLICATION 13/1654N FOR WULVERN HOUSING**

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 completion of a Section 106 agreement to secure the following:

The development shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing set out in the

Glossary to the National Planning Policy Framework. The scheme shall include:

- i) The affordable housing provision shall consist of 100% of the dwellings which shall be social rented or affordable rented or intermediate housing
- ii) Details of the tenure split and arrangements for the transfer of the affordable housing to an affordable housing provider
- iii) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing.
- iv) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

and the following conditions:

- 1. Approved Plans
 - 2. Maintenance of the approved landscaping - Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
 - 3. Remove Permitted Development
- (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.

160 **15/0777N 89A, BRADFIELD ROAD, CREWE CW1 3RB: REMOVAL OF CONDITION 15 WHICH WILL BE DEALT WITH INSTEAD BY WAY OF S106 FOR WULVERN HOUSING LTD**

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 completion of a Section 106 agreement to secure the following:

The development shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing set out in the Glossary to the National Planning Policy Framework. The scheme shall include:

- i) The affordable housing provision shall consist of 100% of the dwellings which shall be social rented or affordable rented or intermediate housing
- ii) Details of the tenure split and arrangements for the transfer of the affordable housing to an affordable housing provider
- iii) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing.
- iv) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

and the following conditions:

- 1. Approved Plans
 - 2. Maintenance of the approved landscaping - Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
 - 3. The windows on the side elevation of plots 3 and 11 of the approved dwellings shall be non-opening unless the part of the window opened is more than 1.7 metres above the floor of the room in which the window is installed and permanently glazed in obscure / translucent glass. The fenestration details shall not be varied without the prior written consent of the Local Planning Authority.
- (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.

161 **15/0803N FORMER SITE OF NORTH STREET METHODIST CHURCH, NORTH STREET, CREWE CW1 4NJ: VARIATION OF CONDITION 11 (AFFORDABLE HOUSING) OF APPROVED 13/0136N - DEMOLITION OF EXISTING CHURCH BUILDING, ERECTION OF CHURCH COMMUNITY CENTRE AND 18 AFFORDABLE RETIREMENT APARTMENTS AND ASSOCIATED ACCESS AND CAR PARKING PROVISION FOR WULVERN HOUSING LTD**

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 completion of a Section 106 agreement to secure the following:

The development shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing set out in the Glossary to the National Planning Policy Framework. The scheme shall include:

- i) The affordable housing provision shall consist of 100% of the dwellings which shall be social rented or affordable rented or intermediate housing
- ii) Details of the tenure split and arrangements for the transfer of the affordable housing to an affordable housing provider
- iii) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing.
- iv) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

and the following conditions:

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

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

162 **VARIOUS DEVELOPMENTS BY WULVERN HOUSING: 15/0801N SITE OF FORMER ROCKWOOD PUBLIC HOUSE, 204 ALTON STREET, CREWE: DEMOLITION OF ROCKWOOD HOTEL/PUB AND DEVELOPMENT OF 20 NEW APARTMENTS 15/0802N BROOKLANDS HOUSE, FORD LANE, CREWE: DEMOLITION OF BROOKLANDS HOUSE AND ERECTION OF 3 STOREY APARTMENT BLOCK**

CONTAINING 16 NO. APARTMENTS AND ACCOMPANYING CAR PARK AND LANDSCAPING 15/0804N SITE OF UNDERWOOD COURT AND WEST VIEW, UNDERWOOD LANE, CREWE: THE DEMOLITION OF 2NO. VACANT RESIDENTIAL CARE HOMES TO BE REPLACED WITH 34NO. 2 AND 3 BED HOMES WITH ASSOCIATED PARKING AND LANDSCAPING. THE PROPOSALS RESULT IN A CHANGE OF USE FROM C2 TO C3 15/0805N 8-16, SANDFIELD COURT, WRENBURY: DEMOLITION OF 8-16 SANDFIELD COURT AND THE ERECTION OF 8NO. 2 BEDROOM BUNGALOWS 15/0806N LINDEN COURT, HUNGERFORD AVENUE, CREWE: 22NO. NEW RESIDENTIAL UNITS, PREDOMINANTLY TWO STOREY SEMI-DETACHED DWELLINGS WITH 6NO. 1 BEDROOM FLATS AND A NEW ACCESS ROAD

The Committee considered a report regarding the above planning applications.

RESOLVED - That authority be DELEGATED to the Principal Planning Manager to determine applications 15/0801N, 15/0802N, 15/0804N, 15/0805N and 15/0806N following the completion of the consultation period for each application.

163 UPDATE FOLLOWING THE RESOLUTION TO APPROVE APPLICATION 12/3464N SUBJECT TO A S106 AGREEMENT

The Committee considered a report regarding a proposed amendment to the committee resolution relating to planning application 12/3464N, which had been approved by the Southern Planning Committee on 10 October 2012.

RESOLVED – That, for the reasons set out in the report, the committee resolution with respect to application number 12/3464N be altered to read as follows:

RESOLVED – That, for the reasons set out in the report, the application be APPROVED, subject to the satisfactory completion of a Section 111 Agreement with a Draft S106 attached to secure a financial contribution of £4,000 for traffic management and the following conditions:

1. Standard time
2. Approved plans
3. Materials as application or otherwise agreed by the LPA
4. Details of lighting columns and hours of use
5. Visibility Splays
6. Internal access gate to be set back as per submitted plan
7. Submission of School Travel Plan
8. Boundary treatments

164 **URGENT ITEM - 15/0198N LAND AT SCHOOL LANE, BUNBURY:
ERECTION OF TWO DWELLINGS AND THE CREATION OF A 38
SPACE CAR PARK FOR USE BY THE CRICKET CLUB AND PRIMARY
SCHOOL FOR MR & MRS A C BIRD**

Note: Prior to consideration of this application, the meeting was adjourned for thirty minutes for refreshments.

In accordance with Section 100B (4)(b) of the Local Government Act 1972, the Chairman announced that she had agreed to allow consideration of this item as an additional urgent item of business.

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

Note: Mr D Grace (on behalf of Bunbury Heath Action Group), Mr N Parker (objector), Honorary Alderman B Dykes (supporter) 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.

The Principal Planning Officer reported corrections to the report, which referred to the Congleton Borough Local Plan First Review 2005 rather than the Crewe and Nantwich Local Plan and Policies.

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

It is not considered that the application site can be regarded as a small gap in an otherwise built up frontage. Furthermore, the proposal would cause harm to the character and appearance of the Open Countryside. As such, the application is contrary to Policy NE.2 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and Policy PG5 of the Cheshire East Local Plan Strategy – Submission Version and in accordance with the NPPF.

165 **14/5753C 19-23, LAWTON ROAD, ALSAGER ST7 2AA: VARIATION OF
CONDITION 7 OF PLANNING PERMISSION 10/0741C, AS FOLLOWS:
7. THE HOURS OF OPENING FOR THE HEREBY-APPROVED
FOODSTORE SHALL BE RESTRICTED TO 06.00 TO 23.00 HOURS ON
MONDAY TO SATURDAY AND 10.00 TO 17.00 ON SUNDAYS FOR
ASDA STORES LTD**

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

Note: Ms E Philcox attended the meeting and addressed the Committee on behalf of the applicant.

Note: Ms J Taylor-Smith (applicant) had registered her intention to address the Committee but was not in attendance at the meeting.

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. Development in accordance with approved amended plans received 29th April 2010 (10/0741C)
 2. Materials - as per discharge (27/10/2011)
 3. Restriction of retail floor space within the supermarket to 1318m² net retail floor space.
 4. Restriction on hours of opening for supermarket
 5. Restriction on hours of opening of restaurant
 6. Restriction on hours of opening for the restaurant
 7. Restriction on hours of delivery for all units
 8. Noise mitigation for delivery areas – as per discharge (27/10/2011)
 9. Noise mitigation for plant and equipment – as per discharge (07/03/2012)
 10. Refrigeration and/or air conditioning plant and equipment - Submission of details within 6 months
 11. Extraction equipment re cooking equipment – Submission of details within 6 months
 12. Bus stop upgrade details - Submission of details within 6 months
 13. New junction plans – as per discharge (07/03/2012)
 14. Final layout of the car parking area - as per discharge (27/10/2011)
 15. Signal junction installations - as per discharge (07/03/2012)
 16. TRANSYT Design - as per discharge (07/03/2012)
 17. Electric car charger points - as per discharge (27/10/2011)
 18. CCTV details - Submission of details within 6 months
 19. Public realm treatment strategy – as per discharge (07/03/2012)
 20. Footpath enhancement - as per discharge (07/03/2012)
 21. Surface water discharge rates - as per discharge (27/10/2011)
 22. Surface water regulation system timescales - Submission of details within 6 months
 23. Site to be drained on a separate system with only foul drainage connected into the foul sewer - as per discharge (27/10/2011)
 24. Standard landscaping - as per discharge (27/10/2011)
 25. Tree Protection - as per discharge (27/10/2011)
 26. Standard landscaping replacement planting within remaining period.
 27. Ecological enhancements (bat and bird boxes and tree planting to be native species) - Submission of details within 6 months
 28. Roller shutter details - as per discharge (24/02/2012)
 29. Site waste management plan - as per discharge (24/02/2012)
 30. Post construction Review - Submission of details within 6 months

31. Development phasing - as per discharge (07/03/2012)
 32. 10% renewable energy – Submission of details within 6 months
 33. Public Art - as per discharge (30/05/2013)
 34. External lighting - as per discharge (07/03/2012)
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Principal Planning Manager, in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

The meeting commenced at 10.30 am and concluded at 2.50 pm

Councillor G Merry (Chairman)

Application No: 14/3167N

Location: THE GRANGE, WYCHE LANE, BUNBURY, CW6 9PD

Proposal: Outline Application for demolition of existing derelict house and outbuildings. Construction of two storey apartment block consisting of 4 apartments, 6 detached two storey houses & 4 affordable houses.

Applicant: Mr & Mrs McCormack

Expiry Date: 03-Oct-2014

SUMMARY

The application site lies entirely within the Open Countryside as determined by the Borough of Crewe and Nantwich Local Plan.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy NE.2. The proposed development does not fall within any of the listed categories and as such, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

The proposal remains contrary to Open Countryside policy regardless of the Council’s 5-year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

In this case, the visual impact on the landscape and open countryside would not be severe owing to the site characteristics and with the provision of a suitable landscaping scheme (the reserved matter).

The proposal would bring positive planning benefits such as a boost to the local economy and a social benefit via the provision of the required affordable housing. In addition the site is located in a relatively sustainable location with regards to its physical relationship to existing built form and with regards to its distance from local facilities.

The proposal would represent a sustainable form of development and would be limited in terms of its scale in accordance with the emerging policies of the draft Bunbury Neighbourhood Development Plan.

The detrimental impact of the development would be the loss of a green field and the minor loss of hedgerow which although regrettable, would not be significant enough to warrant refusal of this application,

As a result of the above reasons, it is considered that the proposal would represent sustainable form of development and is therefore recommended for approval.

RECOMMENDATIONS

APPROVE subject to conditions & S106 Agreement

PROPOSAL

This application seeks outline planning permission for the erection of 14 dwellings with open space and access taken from Wyche Lane. Details of access, appearance, layout and scale have been provided with this application, with details of landscaping reserved for approval at a later stage.

SITE DESCRIPTION

This application site relates to 2 fields situated on the southern side of Wyche Lane, Bunbury, within the Open Countryside. The site comprises of largely grassed areas which are bound by hedgerows. To the east, there are some further fields / paddocks owned by the applicant, to the south there are some larger agricultural fields and to the west there some football sports pitches. The site is bound to the north by an existing detached property referred to as 'The Grange'. The site is outside of the settlement boundary of the village as designated in the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and is not allocated for any other purpose within the Local Plan.

RELEVANT HISTORY

None

NATIONAL & 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, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design, 69-78 - Promoting healthy communities and 217 Implementation

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011, which allocates the site, under Policy NE.2, as 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.6 (Development on Potentially Contaminated Land)
TRAN.9 (Car Parking Standards)
NE.2 (Open Countryside)
NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

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:

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 – Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Draft Bunbury Neighbourhood Development Plan

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

H1 – Housing Development
H2 - Scale of Housing Development
H3/H4 – Affordable Housing
H5 - Design
LC1 - Built Environment

LC2 – Landscape
ENV2 – Countryside & Open Views

Other Material considerations:

SPD2 – Development on Backlands and Gardens
The EC Habitats Directive 1992
Conservation of Habitat & Species Regulations 2010
Interim Affordable Housing Statement: Affordable Housing
Bunbury Village Design Statement

CONSULTATIONS

Head of Strategic Infrastructure (Highways)

No objection – subject to conditions that the access is to be constructed in accordance with the approved plans, the footpath along the frontage of the site is 2 metres in width and an informative notifying the applicant that the developer will have to enter into a S184 Agreement under the Highways Act 1980.

Environmental Protection

No objections, subject to a number of conditions. These conditions include; A restriction on the hours of piling; the prior submission of a piling method statement, the prior submission of any external lighting and the prior submission of a dust mitigation scheme. Informatives sought relate to; hours of construction and contaminated land are also sought.

United Utilities – No objections, subject to conditions relating to foul water and surface water

Education

No objection – There is sufficient capacity in the local primary school to accommodate the pupils generated by the proposed development.

Bunbury Parish Council

Bunbury Parish Council is minded not to object to this application, but has some concerns. The Parish Council appreciates the need to demolish the existing building which is in a perilous state and that this is partly a brownfield site. However there are the following concerns:-

- Scale of development
- As this is an outline application, the Parish Council would like to discuss the design of the development to ensure that it reflects the character of the village.
- The fact that the additional housing goes into open countryside and breaks the Settlement Boundary
- Impact on the vista
- Loss of old hedgerow
- Highways issues - in particular parking and narrowness of the road

- Pedestrian safety issues - the PC would suggest the Developer consider offering to facilitate the development of a route that safeguards children and vulnerable adults
- The need for a contribution to support affordable housing

REPRESENTATIONS

Representations have been made by more than 40 properties objecting to this proposal on the following grounds:

- Principle of the development / outside of village boundary
- Premature to the Neighbourhood Plan
- Loss of open countryside and greenfield site
- Not appropriate in this rural setting
- No need for additional housing
- No need for affordable housing
- Design – Size and scale of development, impact upon local character including conservation area
- Development not in keeping with area
- Highway Safety – inadequate access / visibility splays, additional traffic, increased impact upon highway safety, impact upon parking, safety for pedestrians, transport statement inadequate, pressure on Wyche Lane / Vicarage Lane junction
- No public transport available in the village
- Impact upon the landscape
- Impact upon hedgerows
- Impact upon ecology
- Contrary to Bunbury Village Design Statement
- Proposal would sever the existing visual green sword / green corridor within the village
- Scheme does not accord with village feedback from consultation event
- Lack of infrastructure
- No footpaths
- Loss of hedgerows
- Inadequate bat surveys and impact of wildlife
- Sewerage, surface water and drainage can't cope
- SHMAA does not indicate that housing is needed
- Development is unsustainable
- Play area is proposed near to the site which new residents may object to
- The Grange should be listed
- A full planning application should be submitted to assess full impact of proposals
- Already too many applications in the village

APPRAISAL

The key issues are:

- Principle of the development
- Bunbury Neighbouring Development Plan
- Housing land supply

- Impact upon the Open Countryside
- Sustainability
- The acceptability of the design
- Impact on residential amenity
- The impact upon highway safety
- The impact upon ecology
- The impact upon the landscape, trees and hedgerows
- The impact upon flooding and drainage
- Affordable housing
- Residential Amenity

Principle of Development

Policy NE.2 of the Local Plan advises that: *‘within the Open Countryside 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.*

An exception may be made where there is the opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage.’

Policy RES.5 of the Local Plan advises that *‘Outside settlement boundaries all land will be treated as open countryside. New dwellings will be restricted to those that; a) Meet the criteria for infilling contained in Policy NE.2; or b) are required for a person engaged full time in agriculture or forestry...’*

The proposed development does not meet any of the above exceptions and as such, the proposal 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 a sustainable form of development and whether there are other material considerations associated with this proposal, which are a sufficient to outweigh the conflict with the development plan.

Bunbury Neighbourhood Plan

Bunbury Parish Council has prepared a draft Neighbourhood Plan (NP) for the Parish of Bunbury. The consultation period for the plan will run until 21st May 2015.

The National Planning Practice Guidance (NPPG) states that an emerging neighbourhood plan may be a material consideration. The NPPG also states that *‘refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process’.*

With respect to housing development, the Bunbury NP seeks to limit the number of houses that by only permitted small development of no more than 15 houses. The draft policies also seek to prevent 'co-location' of development in order to protect the character of the village.

In this case a development of 14 dwellings would be in conformity with the draft neighbourhood plan, namely Policies H2 and H5 which aims to limit development to sites of up to 15 dwellings. Consequently, it is considered that the scale of this development would not prejudice the outcome of the neighbourhood plan making process.

Housing Land Supply

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.

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.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

In order to assess the impact upon the Open Countryside, a significant consideration is the impact the development would have upon the landscape which is considered below.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of the locational sustainability of the site is the use of the North West Sustainability Checklist, which considers the walking distances to nearby public facilities.

The criteria contained within the North West Sustainability Checklist is 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 accessibility of the site shows that following facilities meet the minimum standard:

- Public house (1000m) - 205m
- Child care facility (1000m) – 248m
- Bus stop (500m) – 500m
- Public right of way (500m) – 100m
- Primary School (1000m) – 573m
- Bank or Cash Machine (1000m) – 291m
- Outdoor Sports Facility – (500m) – 85m
- Post Office (500m) – 291m
- Medical Centre (1000m) – 278m
- Convenience Store (500m) – 291m
- Children’s Play space (500m) – 253m
- Amenity open space (500m) – 480m
- Local meeting place (1000m) – 248m
- Leisure Facilities (Leisure Centre or Library) (1000m) – 619m

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

The following amenities/facilities fail the standard:

- Railway station (2000m) – 20921m
- Pharmacy (1000m) – 5793m
- Supermarket (1000m) – Over 1000m
- Secondary School (1000m) – 4000m

In summary, the site complies with the majority of the standards advised by the NWDA toolkit. As such, it can be considered that the site is locationally sustainable.

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development comprises of three dimensions:- 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;

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

Environmental role

Landscape Impact

The site has no national landscape designation. In the Cheshire Landscape Character Assessment the site is within the East Lowland Landscape Type, ELP1 Ravensmoor Character Area. In this area the landscape type is represented by generally flat agricultural land where the prevailing field pattern and condition of the hedgerows can account for subtle differences in landscape character.

The village of Bunbury is separated into four distinct areas, Bunbury Commons, Bunbury Heath, Upper and Lower Bunbury. The area of the site which is currently undeveloped forms part of an

area of land which provides separation between Upper and Lower Bunbury. Maintaining separation between these areas is a specific recommendation in the Bunbury Village Design Statement.

The development of the paddocks to the south and south east of the main house would erode the area of agricultural land currently separating upper and lower Bunbury and in this respect has the potential to impact on the landscape character of the village. When viewed from Wyche Lane, the introduction of an access road and associated footways would alter the character of this section of the lane.

Existing vegetation to the south and west which is identified for retention would provide some containment to the site; nevertheless, much of the vegetation is deciduous with reduced screening properties in winter. Roadside vegetation and a section of established hedge line running north/south through the site would be removed.

The development would impact on visual receptors including a number of residential properties, road users and pedestrians on Wyche Lane, and users of the community playing field. However, owing to the existing field boundaries, shape of the site and surrounding features, the proposed development would be relatively contained and as such, any harm would not be significant enough to sustain a refusal on the grounds of landscape impact. The reserved matter application (landscaping) could secure a comprehensive landscaping scheme to mitigate the visual harm in this case.

Trees

The proposed site layout identifies a number of B and C category trees (Cypress, Cherry and Sycamore) that require removal to facilitate the configuration of the internal access and position of the proposed development. None of these trees are formally protected by a Tree Preservation Order (TPO) and given their relatively limited contribution to the wider amenity; it is not considered that a TPO would be considered expedient to protect them as they are not of high landscape value.

There are a number of A and B category mature Oak and Sycamore identified in the supporting Tree Survey and Constraints Report located on the western site boundary which are not protected and are shown for retention on the site layout plan.

The application states that the trees within the site offer little contribution to the green infrastructure and landscape. However, a number of mature Oak and Sycamore are located along the western boundary and a protected Sycamore (Tree 7 on the Wyche Lane frontage) have been categorised as A2 and B2 (BS5837:2012 Landscape Qualities with particular visual importance and higher collective rating).

Sycamores 11 and 12 (B2 category) appear to be in close proximity to the proposed three storey apartment building, although the relationship/social proximity is probably no worse than what exists with the current building, it is likely that shade and sunlight issues would lead to requests to severely prune or fell these trees. As a TPO is unlikely to be an option here, consideration must be given to appropriate landscaping and forward tree replacement planting to mitigate for any future losses.

The area of Car Parking serving the two-storey apartment block appears to conflict with the root protection area (RPA) of two Sycamores (13 and 14). In this regard it is accepted that such matters

could be dealt with using an Engineer designed reduced or no-dig construction technique in accordance with the requirements set out in the British standard. In the event that the application is approved, the decision should be subject to a condition requiring the submission of a Method Statement/ Construction Specification detailing how such methods should be implemented.

With respect to the offsite Sycamore (tree 7) which is protected by the Nantwich Rural District Council (Bunbury) TPO 1973, the Council's Tree Officer is satisfied that this can be dealt with by condition with a suitable engineer designed reduced/no dig construction. Subject to conditions, it is considered that the proposal is acceptable in terms of its impacts on trees.

Ecology

The application is supported by an Extended Phase 1 habitat survey. The Council's Nature Conservation Officer (NCO) has reviewed the submitted information and advised that no evidence of protected species were recorded at the site and the proposals would not affect them. The NCO has however commented that some existing ponds need to be retained as they are a Local BAP priority Habitat and hence a material consideration. The proposal as amended would allow for the retention of the existing ponds and would remain unaffected. As such, it is considered that the proposal would not affect species protected by law and would accord with Policy NE.9 of the Local Plan.

Design Standards

Policy BE.2 of the Local Plan advises that new development should respect the pattern, character and form of the surroundings and not adversely affect the streetscene by reason of scale, height, proportions or materials used. Policies SD2 and SE1 of the emerging Cheshire East Local Plan Strategy – Submission Version and H5 of the emerging Bunbury Neighbourhood Development Plan largely support this local plan policy.

The proposed scheme would see the existing property and outbuildings demolished. The front part of the site would then accommodate the access road serving the development accessed directly off Wyche Lane. Further, to the right hand side (west) of the access road, the proposal includes a building accommodating 4 apartments. Initially, it was proposed that this building be three storeys, but following discussions, amended plans have been secured which have reduced the height down to two-storey. Following the amendments, the proposed apartment block, which would serve as the gateway to the site, would form an attractive entrance point with a dual frontage and parking tucked away towards the rear. The style of the building would be high quality and would be well articulated with gables and chimney features.

The site is quite narrow in width, therefore the units would be arranged in a linear pattern. The units would be arranged around a central core of open space with the units all fronting out over this focal point. The majority of the units would comprise of large detached two-storey dwellings with generous separation. Towards the north-eastern corner of the site, to the rear of rough ground that abuts properties fronting Wyche Lane and Tweddle Close, the layout would accommodate the proposed 4 affordable houses. These would comprise of a pair of semi-detached units. It is considered that the overall layout of the development would be acceptable.

With respect to the detailed design of the dwellings, all would be of similar style and character, but would differ in terms of their architectural detail. This would provide some visual interest. The village

hosts a range of house types and architectural forms and as such the proposal would not deviate from the character or appearance of the area. As such, subject to the conditioning of materials, it is considered that the development would be of an acceptable design which would adhere with Policy BE.2 of the Local Plan and policies SD2 and SE1 of the emerging Cheshire East Local Plan Strategy – Submission Version and Policy H5 of the Bunbury draft Neighbourhood Development Plan

Access

Access to the site is to be taken from a new priority controlled junction with Wyche Lane. The proposed visibility splays have been informed following a vehicle speed survey undertaken on Wyche Lane in the vicinity of the proposed site access. The survey results indicate 85th%ile wet weather speeds of 23.5mph for vehicles travelling from the south-east and 27.5mph for vehicles travelling from the north-west. Based on these speeds, guidance provided in Manual for Streets indicates that the proposed visibility splays are appropriate for safe access. In terms of junction geometry, layout and visibility the access proposals are considered to be an acceptable solution to serve a development of 14 dwellings.

In terms of traffic generation, the Head of Strategic Infrastructure (HSI) has confirmed that a development of just 14 dwellings (a net increase of 13), would not be expected to have a material traffic impact on the adjacent highway network. Parking for each unit would accord with standards and would not result in a displacement of parking.

Taking into account the above, the HSI has no objection to the scheme subject to conditions that the access is to be constructed in accordance with the approved plans and condition requiring the provision of a footway along the frontage of the site. Subject to this, the scheme is found to be acceptable in terms of highways and parking.

Flood Risk and Drainage

The application site does not fall within a Flood Zone and is not of a scale which requires the submission of a Flood Risk Assessment.

United Utilities have also reviewed the application and advised that they have no objections, subject to a number of informatives relating to the provision of water metres and general drainage advice.

Conclusion

Whilst the proposed development would result in the loss of a green space outside of the settlement boundary for the village, the Council's Landscape Officer has advised that its impact upon the wider landscape will not be significant. Owing to the size, shape and characteristics of the site, subject to appropriate landscaping (which would be secured at the reserved matter stage), a refusal on grounds of landscape impact / open countryside would not be sustainable.

Subject to conditions relating to trees, hedges and ecology and materials, it is not considered that the proposed development would create any significant environmental concerns and as such on balance, is considered to be environmentally sustainable.

Economic Role

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Bunbury for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services. As such, it is considered that the proposed development would be economically sustainable.

Social Role

The proposed development would provide new housing in a sustainable location including the provision of the requisite affordable units which would be to the benefit of the local area. It is considered that this offers social benefit in consideration of the sustainability of the application.

Affordable Housing

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of less than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 3 dwellings or more than 0.2 hectare in size.

Initially, the applicant proposed a contribution in lieu of affordable housing on site. However, this was not acceptable to the Council's Strategic Housing section and as such, the scheme has now been amended to include on site provision. This would comprise of a 50 / 50 tenure split on the advice of the Strategic Housing Manager, as it is acknowledged that it would be difficult for a Registered Provider to manage a single intermediate tenure unit in isolation. Consequently, it is proposed and accepted that the scheme would provide for 2 affordable / social rent and 2 intermediate tenures properties.

Residential Amenity

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

The closest residential properties to the site in question would be the occupiers of the properties referred to as 'Wyche Burro' / 'Athletic House' and the nearest properties occupying Tweddle Close to the northeast.

For the erection of new houses, the proposal would be expected to adhere to specified separation distances between the proposed new dwellings themselves and the surrounding properties.

The Council's '*Development on Back lands and Gardens Supplementary Planning Document*.' details these minimum standards. Paragraph 3.9 of the SPD advises that '*As a general indication, there should ideally be a distance of 21 metres between principal elevations (e.g. between properties fronting and backing onto each other), 13.5 metres between a principal elevation with windows to habitable rooms and blank elevations (e.g. the front and rear of dwellings and the side of other properties)...*'

In this case, the proposal would more than exceed the minimum separation with the nearest neighbours (at least 22 metres). Owing to this generous separation distance, it is not considered that the occupiers of the nearest properties would be detrimentally impacted by the proposed development in terms of loss of overlooking, overshadowing or visual intrusion.

The private amenity areas for all of the proposed units would adhere with the 50 metres squared minimum standard detailed within the Development on Backlands and Gardens Supplementary Planning Document. As such, subject to conditions, it is considered that the proposed development would adhere with Policy BE.1 of the Local Plan.

Other Social Considerations

The applicant has offered to gift the remaining paddock land to the east of the site to Bunbury Parish Council. This would allow the Parish Council to provide a recreational use on the paddock thereby realising some community benefit for the local residents. However, this would not necessarily be required in order to make the development acceptable in planning terms and difficult to secure on the back of any planning permission. It would in effect be a separate civil matter between the landowner and the Parish Council. Thus, whilst this attribute of the scheme would offer some social benefit, it would fall outside of the remit of the planning process to secure this land transaction. Accordingly, this is considered to offer limited weight in the overall planning balance.

Planning Balance

The application site lies entirely within the Open Countryside as determined by the Borough of Crewe and Nantwich Local Plan.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy NE.2. The proposed development does not fall within any of the listed categories and as such, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

The proposal remains contrary to Open Countryside policy regardless of the Council's 5-year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

In this case, the visual impact on the landscape and open countryside would not be severe owing to the site characteristics and with the provision of a suitable landscaping scheme (the reserved matter).

The proposal would bring positive planning benefits such as a boost to the local economy and a social benefit via the provision of the required affordable housing. In addition the site is located in a relatively sustainable location with regards to its physical relationship to existing built form and with regards to its distance from local facilities.

The proposal would represent a sustainable form of development and would be limited in terms of its scale in accordance with the emerging policies of the Bunbury Neighbourhood Plan.

The detrimental impact of the development would be the loss of a green field and the minor loss of hedgerow which although regrettable, would not be significant enough to warrant refusal of this application,

As a result of the above reasons, it is considered that the proposal would represent sustainable form of development and is therefore recommended for approval.

RECOMMENDATION

APPROVE subject to S106 Agreement making provision for:

Affordable Housing comprising:

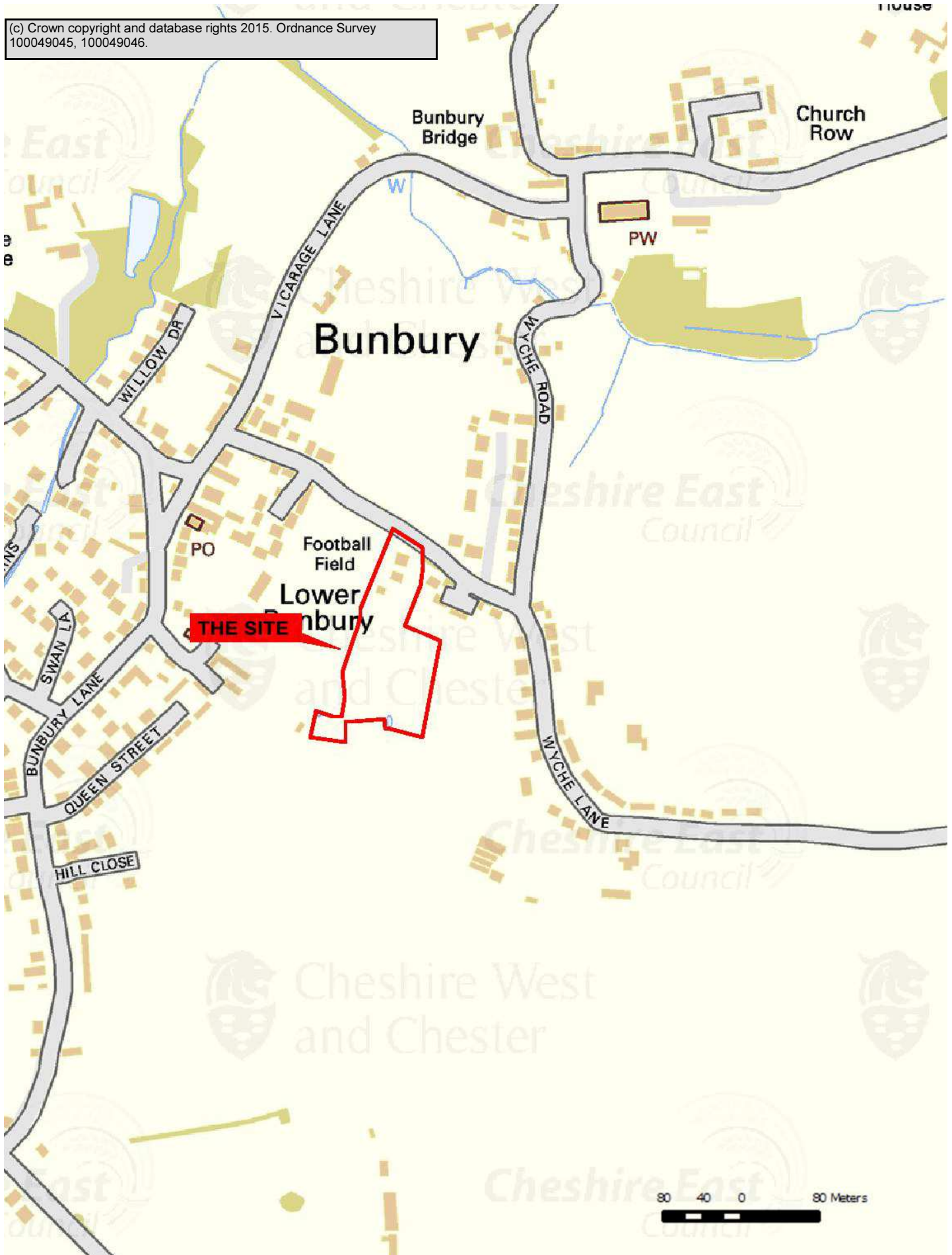
- **4 units on site 2 for social / affordable rent and 2 for intermediate tenure**

and for the following conditions:

- 1. Standard Outline Time Limit**
- 2. Submission of Reserved Matters**
- 3. Plans**
- 4. Prior submission of facing and roofing material details**
- 5. Prior submission of surfacing material details**
- 6. Boundary treatment**
- 7. Tree protection – Implementation**
- 8. Hedgerow planting**
- 9. Nesting birds**
- 10. Features for breeding birds to be incorporated**
- 11. Access to be constructed in accordance with approved plans**
- 12. Footways of 2 metres to be provided along site frontage**
- 13. Accordance with recommendations of ecological report**
- 14. Hours of piling**
- 15. Prior submission of a piling method statement**
- 16. Prior submission of any external lighting**
- 17. Prior submission of a dust mitigation scheme**
- 18. Retention of Pond to south of site**
- 19. Drainage to be connected to foul sewer**

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

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Application No: 14/5533N

Location: Land At, SCHOOL LANE, BUNBURY

Proposal: Erection of 34No. Dwellings, a School Car Park with associated access road and new landscaping.

Applicant: Bloor Homes North West

Expiry Date: 25-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 and agricultural land. The proposal will have a significant impact on the intrinsic character and beauty of the Open Countryside.

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. In addition it would also provide appropriate levels of public open space both for existing and future residents.

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.

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.

In this case it is also considered that the development would be contrary to the draft Bunbury Neighbourhood Plan. Given the scale of development it is considered that this would be such a significant and substantial change to the village that to allow it would prejudice the neighbourhood plan process.

The scheme represents an unsustainable form of development and the planning balance weighs against supporting the development.

RECOMMENDATION:

Refuse

PROPOSAL

This is a full planning application for the erection of 34 dwellings, the creation of a school car park with associated access road and new landscaping

Access to the site would be taken off School Lane, through the garden of Heath Villa and the development would comprise six 5 bed, eighteen 4 bed, six 3 bed and four 2 bed properties, with an area of public open space situated within the site. In addition a secure car park containing 10 spaces would be provided for staff and visitors of Bunbury Aldersey Primary School. This would be accessed through the development site.

SITE DESCRIPTION

The site lies in Bunbury Heath within an area designated as Open Countryside. It is part of a parcel of land that is completely enclosed by housing to the north and west, Bunbury Aldersey primary school playing field the east and Saddlers Wells woodland to the south. This area provides a very pleasant rural setting for the surrounding properties but there is no public access to the land and public views towards the site are very limited. The proposed development site is flat pasture land enclosed and subdivided by mature hedgerows.

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

RELEVANT HISTORY

A previous application (14/2204N) was refused by Southern Planning Committee on 27th August 2014, the reason for which is below:

“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.”

The refused application is now the subject of an appeal and a Public Inquiry is scheduled to begin on 2nd June 2015.

P02/0266 - Conversion of Outbuilding Double Garage and Porch – Approved – 19th April 2002
P01/0705 - Outline Application for One Dwelling – Refused – 9th October 2001
P00/0633 - Demolition of Existing House and Outbuildings, Erection of 1 Detached and 3 Terraced Dwellings and Construction of Access Road – Refused – 12th October 2000
P99/0087 - Agricultural Store and Garage and vehicular access – Approved 24th June 1999
P99/0755 - O/A for 4 Dwellings – Refused – 11th November 1999

P98/0622 – Outline Application for a Dwelling – Refused – 17th September 1998
P97/0753 - O/A For residential Development – Refused – 16th October 1997 – Appeal Dismissed

NATIONAL & 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.

47. Housing provision

50. Wide choice of quality homes

56-68 Requiring good design

216 Implementation

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: -

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

Bunbury Neighbourhood Plan (Draft for Consultation)

H1 Housing
H2 Scale of Housing Development
H5 Design
LC1 Built Environment
ENV2 Countryside and Open Views

Other Considerations:

Bunbury Village Design Statement
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.

Environmental Health:

Recommend conditions relating to piling, an Environmental Management Plan, travel planning, electrical vehicle infrastructure and lighting and informatives relating to construction hours and contaminated land.

Housing:

No objection.

Environment Agency (EA):

Issue their standing advice on flood risk which advises that for developments of greater than 1 hectare in Flood Zone 1 - a Flood Risk Assessment should be submitted and assessed by the Council's Flood Risk Manager.

Flood Risk Manager:

No objection.

United Utilities:

No objection subject to the submission of scheme for the disposal of foul and surface water.

Education:

None received at the time of report writing.

Sadlers Wells Community Woodland:

Express concerns relating to drainage of the site.

Bunbury Parish Council:

Bunbury Parish Council Objects to this application on the following grounds:-

The proposed development is in open countryside, on a Greenfield site and outside the Bunbury Settlement Boundary. Against Policy N.E.2

In view of the infrastructure of School Lane the increased flow of traffic will have a detrimental effect. Against Highways Policy B.E.3

There is a significant Highways safety issue. The representation of the bend in School Lane, on the submitted plans, looks as if it has been minimised and does not show the parked cars that would usually be there. Concern that the highways issue makes the development unsustainable. Against Highways Policy B.E.3

Access is inadequate. Against Highways Policy B.E.3

Concerns that due to the absence of natural containment features on the site, there is the possibility of more extensive development in future. Against Policy B.E.2

Concerns that the visual impact from School Lane is not clear from the submitted plans. A realistic view that enables the impact to be assessed is needed. Against Policy B.E.2

The design is not in keeping with the local area. There are concerns about the scale, size and density of the development. Against Policy B.E.2

The application is not in line with the adopted Bunbury Village Design Statement 2009. The development does not conform to the density in that part of the Village and to the building scale of the immediate area. In Bunbury Heath future developments should be small scale and not spread outside the existing built up area.

The design of the houses does not fit with existing stock. They are not countryside houses. Against Policy B.E.7 and Bunbury Village Design Statement 2009

The design does not reflect the fact that there are two large conservation areas in Bunbury. Against Bunbury Village Design Statement 2009

Concern that valuable hedge rows that are over 30 years old will be lost as a result of the development.

Concern that sewerage system cannot cope and that there will be increased flooding risk, with additional runoff caused by impermeable surfaces. There are currently two areas of surface water/flood risk on the site and a larger area in the field opposite.

The Parish Council asks that developers take note of, and comply with, the policies in the emerging Bunbury Neighbourhood Plan. The Draft Housing Policy is expected to be published during February 2015.

REPRESENTATIONS:

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

At the time of report writing 180 representations including a detailed report by local residents, an objection from the local MP and 3 letters of support, have been received which can be viewed on the Council website. They express several concerns including the following:

Principle of the Development

The site is located in open countryside
The Bunbury Neighbourhood plan is progressing well
Previous applications have been refused
Development is unsustainable
No demonstrable need for the development
Adverse impact on the local economy by making Bunbury less attractive for tourists
Development of over 120 dwellings is already proposed
Loss of agricultural land
Contrary to localism
Brownfield sites should be built on first

Design and Scale

Unsympathetic to the character and appearance of the local environment
Elevated position would dominate the street scene
The village will become a town
The villagers are against large scale development
Detrimental to the historic character of Bunbury
Contrary to the Bunbury Village Design Statement
Adverse impact on views from footpaths
Design and layout is urban in nature
Green spaces should be protected
The density of the development would be excessive
Bunbury needs small scale development
Urban sprawl
Inappropriate design
Harm to the street scene

Amenity

Noise and light pollution
Loss of privacy
Loss of light
Loss of outlook

Highways

Increased traffic to the detriment of highway safety
The access would introduce an unnecessary hazard on to School Lane

There is already a staff car park at the school
Inadequate access

Infrastructure

Flooding on the land
The schools are full to overflowing
The shopping area of Bunbury is already congested
Pressure on the medical practice
There is a lack of local employment and bus services
No mains gas
Poor drainage

Ecology

Lack of ecological information
Adverse impact on wildlife
Loss of hedgerows and habitat

Heritage

Villages like Bunbury are part of the national heritage and should be preserved

Other issues

Providing greater potential for further development adjacent to the site
A cynical attempt to push an application through at a time when there are pressures on the local authority
Misleading statements submitted with the application
Seeks to circumvent the neighbourhood plan
There are more suitable sites outside Bunbury
The application is a 'Trojan Horse' for future development
Driven by profit
Bunbury's need for building on this scale is about on a par with General Custer's need for more 'injuns'
Blatant attempt to sidestep democracy
Loss of dog walking area
Why is there no local plan in place?

The letters of support make the following points:

- Need for affordable housing
- New car park and footpath would improve road safety

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.

Bunbury Neighbourhood Plan

Bunbury Neighbourhood Plan Group on behalf of Bunbury Parish Council has prepared a draft Neighbourhood Development Plan for the Parish of Bunbury. The consultation period for the plan will run until 21st May 2015.

Paragraph 216 of the NPPF states *From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

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

The NPPG states that an emerging neighbourhood plan may be a material consideration.

Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

The NPPG also states that *'refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process'*.

The Neighbourhood Plan is therefore a material consideration which must be weighed in the planning balance taking account of the stage that the neighbourhood plan is currently at and the context, location and scale of the proposed development relative to the Bunbury area.

Members may be aware there have been a number of recent legal cases that have supported Neighbourhood Plan policies even when a Local Plan has not been fully adopted. The weight to be attached to the plan depends on the particular circumstances in each case but this also reflects ministerial support given to Neighbourhood Plans over the last 18 months.

Policy H1 within the Neighbourhood Plan advises that housing developments outside the Settlement Boundary will only be granted where they comply with H2 (Scale of Housing Development). H2 states that new development will be supported in principle provided its small scale and in character and for Greenfield development it should be a maximum of 15 new houses on any one site. The site is outside the Settlement Boundary and on a Greenfield site, therefore being 34 dwellings the proposal would be contrary to the policy and the wider vision for Bunbury within the draft Neighbourhood Plan.

Bunbury is an area that has been under tangible development pressure over the last 18 months with a significant number of potential developments proposed for the village varying from small scale infill developments to larger scale Greenfield developments.

The draft Neighbourhood Plan seeks to recognise that housing development will be needed over the plan period until 2030 but to accept all developments would threaten both the scale and character of the area. The policies within the plan seek to provide a structure to future development to enable it to take place in a planned and sustainable way. Accepting a large development relative to the scale of the existing village at this time would have a significant impact that would be 'so substantial' that it would threaten the function that the Neighbourhood Plan is trying to perform.

The scale of this development would prejudice the outcome of the neighbourhood plan making process and this issue will form a reason for refusal.

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 not be "flexed" in order to accommodate additional housing growth. It comprises 4 linear fields typical of the agricultural character of this part of Bunbury Heath and it is considered that the erosion of this greenspace would have an adverse impact on the intrinsic character and beauty of the open countryside.

Landscape Impact

The site lies in Bunbury Heath within an area designated as Open Countryside. It is part of a parcel of land that is completely enclosed by housing to the north and west, Aldersey primary school playing field the east and Saddlers Wells woodland to the south. This area provides a very pleasant rural setting for the surrounding properties but there is no public access to the land, however there are some public views into the site. The proposed development site is flat pasture land enclosed and subdivided by mature hedgerows.

The planning application includes a Landscape and Visual Impact Appraisal carried out in accordance with GLIVIA 3rd edition by TPM Landscape consultants.

The Landscape and Visual Impact Assessment (LVIA) states that the development site is located within the National Character Area 62 - Cheshire Sandstone Ridge and concludes that whilst the development site has some positive attributes of NCA 62, the site is visually enclosed and does not physically or visually link to the surrounding character area.

The applicants have carried out a detailed site-specific character appraisal for the site and the surrounding landscape. For the proposals site itself the landscape effect is assessed as moderate to moderate-substantial. By introducing landscape mitigation measures which will inform the overall design of the housing development the magnitude of change can be lessened and the effects reduced to slight to moderate. Over time the site would become an integrated part of the existing settlement. The landscape effect on the wider landscape is assessed as slight to negligible.

The appraisal does not refer to the Cheshire Landscape Character Assessment (CLA) 2008. In this CLA most of the site is within the East Lowland Plain character type and the Ravensmoor character area with a small part of the site falling within the Bunbury Urban character type. The land is enclosed and isolated from the wider landscape and it's considered that the proposed development would not therefore have an adverse effect on the Ravensmoor character area.

The development would result in the loss of approximately 250 metres of mature hedgerow and a few small trees within the site. The indicative landscape scheme shows that the site boundary hedgerows and one mature tree would be retained. New native hedges would be planted along property frontages and about 60 new trees would be planted. The proposed landscape scheme would, in the longer term, provide some mitigation for loss of the mature hedgerows.

It is considered that the proposed residential development would adversely affect the character of the site itself but would not affect the landscape character of the wider landscape.

The current entrance to Heath Villa is already fairly formal with walls and gates. The proposed site access would change the street scene to some extent but the proposed housing would generally be screened by the properties fronting School Lane.

Most of the properties which back on to the site have very long rear gardens (34 metres to 75 metre in length) and many of the properties that front on to the A49 Whitchurch Road also have a 65 metre wide field between their garden boundaries and the development site. There would be scope to screen and filter views from these properties by allowing existing trees and hedges within gardens to increase in height and by planting additional trees and shrubs. In the longer term views would also be softened to some extent by the proposed landscape scheme

The properties known as New House and Heathfields located to the east of the proposed site entrance have very short (6m long) gardens with open views of the site. The visual effect of the development on these properties would therefore be fairly substantial. In order to

minimise the visual impact bungalows are proposed on plots 1 to 4. In addition, a five metre wide shrub bed with trees is proposed along the boundary with New House and a new hedgerow along the boundary with Heathfields. When mature this planting would provide some softening and screening. The side elevation of Bunbury Heath Cottage is located 10 metres from the site boundary but the mature boundary hedge should provide screening.

Footpath Bunbury FP12 passes through a small orchard about 65 metres to the north west of the site. The roofs and upper parts of the proposed houses would be visible above intervening mature trees and hedgerows. Footpath Bunbury FP13, which links School Lane to the A4, runs along the edge of Saddlers Wells Wood south of the site. Views towards the site from this path are through a tall, gappy hedge on top of a low sandstone wall and across a field at a distance of between 55 and 85 metres. The roofs and upper parts of the proposed houses would be visible above the mature site boundary hedgerow.

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 application site is located at the rear of residential properties which front onto School Lane, Bunbury. As previously stated the application is for 34no. dwellings and would also include a small car park to be used by the nearby school which will be directly accessed from the proposed development. The proposed housing development will be accessed directly off School Lane. The application site is located in close proximity to a number of facilities including local primary school, convenience store, public house and doctors surgery which are all readily accessible by foot. These sites on the whole can be accessed via well lit public footpaths. Given the factors above the village of Bunbury is designated as a local service centre and is therefore locationally sustainable.

Highways

There is only one access to the development that is taken from School Lane, this is a standard junction arrangement with a 5.5m carriageway and one footway on the southern side of the access. As regards to conforming to highway access standards the internal road layout is acceptable and meets Manual for Streets requirements.

Residents have expressed concerns regarding the access proposals and also in relation to on-street parking that occurs on School Lane as a result of the nearby school. Taking these concerns on board, the acceptability of the access has been assessed in detail, the level of visibility being provided at the access point is 2.4m x 47m in both directions and these visibility splays are suitable for the access location and conforms with MfS standards. There is on-street parking that occurs on the access side of School lane and certainly on occasion during school times the visibility splays are affected by this on street parking. Whilst this is clearly a concern to the Highway Authority, it would be difficult to recommend refusal on this reason as the on-street parking is limited to when the school opens and closes.

The traffic generated by the proposed development has been derived from counts undertaken within Cheshire as opposed to the Trics database that uses national data. Comparing the trip rates the Cheshire figures produce higher figures than in Trics and therefore the Council is satisfied that the assessment is not underestimating the traffic produced by the development. The impact of the development traffic on Bunbury has been raised in comments made by residents, the traffic impact issues have been considered and these relate to whether any capacity problems will result with development in place. The applicant has tested the nearby junction on the A49 with School Lane and also the site access junction; the results indicate that with the development traffic in place both junctions operate well below their theoretical capacity and given these figures a rejection on the traffic impact of 34 units could not be sustained.

It is noted from the Transport Statement that under committed development that the applicant has not identified any committed developments. However, there has been a recently approved development in Cheshire West at Beeston Market that would add traffic to Bunbury. Whilst this is an omission from the report CEC have considered the additional traffic impact of the development once distributed on the road network it does not add sufficient trips to cause capacity issues as the base traffic flows on both the A49 and School Lane are not high.

It is proposed to provide a 10 space staff car park for use by the local school, to reduce to on-street parking problems. The spaces would be accessed through the proposed site with a pedestrian link to the school.

With regard to the accessibility of the site; as with all developments situated in a semi-rural community the accessibility of the site to good public transport and numerous walking and cycling routes cannot be considered good. However, the site can be accessed by non-car modes and there is a public transport service and it is accepted that the site can be considered accessible in the light of Inspectors decisions on accessibility of sites. It is noted that a small section of footway is to be provided between Sadlers wells and The Acreage to link the existing footways.

In summary, whilst mindful of the residents concerns regarding this development proposal, as highway issues are predominantly technical issues the development proposals either conforms to the standards or does not. Having considered the development proposals Officers consider that there are no substantial severe highway impact issues that the Highway Authority could defend should an appeal be lodged.

Flood Risk

The submitted Flood Risk Assessment (FRA) makes reference to a ditch along the north west boundary which may link into a piped drainage system running along an internal field boundary. The ultimate outfall of this drainage system has not however been confirmed within the FRA. Confirmation of this outfall and evidence of any connectivity with surrounding watercourses will be required and this can be secured by condition.

It should be noted that the area in which the school car park is proposed is in an area considered to be at 'high' risk of flooding from surface water (based on Environment Agency (EA) surface water flood maps). The developer will need to provide evidence that the site can be developed safely, providing mitigation measures where appropriate.

The submitted FRA indicates that surface water from the proposed development will discharge into the United Utilities (UU) public sewer with the piped system catering for flows up to the 1 in 30 annual probability event. For events in excess of this, the developer will need to demonstrate that flows up to the 1 in 100 annual probability event (with a 30% allowance for climate change) can be managed safely on site without adversely impacting on flood risk either on or off site. Again these issues can be controlled by condition.

Ecology

Sadlers Wells Woodland Local Wildlife Site (LWS) is located to the south of the pro development. The presence of this LWS is not acknowledged by the submitted ecol assessment. However it is considered that the proposed development is unlikely to r significant adverse impact upon the LWS.

Native species hedgerows are a UK Biodiversity Action Plan priority habitat and hence a material consideration. A number of hedgerows on site (numbered 1-9) have been identified as being of UK BAP habitat quality. The proposed development is likely to result in the loss of number of sections of hedgerow from the interior of the site.

It is considered that if planning consent is granted it must be ensured that any opportunities for hedgerow creation on site are maximised and that the retained hedgerows should be enhanced as part of the landscaping of the site to help to compensate for any losses. This matter should be dealt with through a landscaping condition.

The grassland habitats, hedgerows and trees around this site are likely to be used by at least small numbers of widespread species of bats for foraging and commuting. The site however is unlikely to be of particular importance for foraging /commuting bats.

The enhancement of the retained hedgerows and the creation of new hedgerows

would help to mitigate the adverse impact of the development upon foraging bats and it is also recommend that if consent is granted, a condition be attached requiring the applicant to submit an external lighting scheme for agreement with the LPA prior to the commencement of development. A condition requiring the provision of bat boxes would also assist in compensating for any adverse impacts on this species group.

There is no evidence of protected species habitat either on site or within 30m of the application site boundary.

A Protected species is however active on site and there is considerable activity on the western boundary of the site with some further activity associated with the north eastern corner. It is considered that provided suitable access for protected species is maintained through the south western corner of the application site this species would continue to have access to a significant proportion of the habitat where existing activity has been recorded.

The proposed site is likely to support breeding birds including a number of the more widespread Biodiversity Action Plan priority species which are a material consideration for planning. The removal of hedgerows from this site is likely to have an adverse impact on breeding birds. If planning consent is granted a condition should be imposed for the protection of breeding birds.

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development, but the species has not been observed on the application site itself. There remains a chance that the species may occur on the application site and consequently a condition should be imposed requiring the incorporation of gaps in garden and boundary fencing.

Trees

Proposed section of footpath and access shown on the drawings will require the removal of a small section of Cypress/Hawthorn hedge flanking the south east side and a similar small section to the flanking north west. Both fall within domestic curtilage and do not fall within the criteria for an Important hedgerow. Impact upon the wider amenity is considered to be negligible.

The submitted Arboricultural Impact Assessment/Method Statement is comprehensive and generally accords with the requirements of the industry standard required by BS5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations.

The Assessment identifies two individual trees and a group of trees to be removed, which it is accepted do not present a significant contribution to the wider amenity of the area. A section of hedgerow will require removed to accommodate the access to the school and two small sections of hedgerow adjacent Plots 32 and 33 will require coppicing to provide working space for scaffolding to accommodate the new build. The Council's Nature Conservation Officer has identified that native species hedgerows are a UK Biodiversity Action Plan priority habitat and that any losses

should be compensated by hedgerow creation and existing hedgerows enhanced as part of the landscaping of the site

Should the application be approved, conditions should be imposed relating to tree protection and planting.

Design

The National Planning Policy Framework support a mix of housing types within areas. Policy BE.2 is broadly in accordance with this guidance but places greater emphasis on the impact to the streetscene and encouraging development which respects the character, pattern and form of development within the area.

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

Furthermore, 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 application site is in the form of a cul-de-sac with the majority of proposed fronting onto the internal spine road. A number of the proposed houses are at a slight angle which helps to break up the mass of the built form. Located to the rear of the site is an area of public open space (POS) and there is another small road which will access a small car park, which will be utilised by the adjacent primary school. The development would have adequate separation distances to the surrounding dwellings and would not appear cramped.

The proposed dwellings would have pitched roofs and include features such as projecting gables, canopies, header and sill detailing. The proposed dwellinghouses will be constructed out of a small palette of materials including facing brick, tiles and render. The proposal includes various types including bungalows, and 2 storey semi and detached dwellinghouses. It is considered that the detailed design of the dwellings would be appropriate and would not raise any design issues.

It is considered that the development would comply with Policy BE.2 (Design Standards) and the NPPF and NP policies.

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’

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.

The proposed development would bring direct and indirect economic benefits to the village including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal will also deliver economic benefit in the form of the New Homes Bonus, which is a material consideration.

Similarly, the NPPF makes it clear that:

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

According to paragraphs 19 to 21:

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

Social Role

The proposal will provide new family homes, including 30% affordable homes and on site public open space. The site is also within walking distance of the centre of Bunbury village, which offers a wide range of essential facilities.

Amenity

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

In terms of the surrounding residential properties, the main properties affected are those which front onto School Lane and Whitchurch Road, which are located to the north and south and west respectively.

The submitted plan shows that the proposed dwellings would have a rear garden depth of a minimum of 10 metres with a distance between principal elevations varying from 22 metres to 41 metres within the site. This distance exceeds the separation distance of 21 metres between principle elevation as set out in the SPD on Development on Backland and Gardens. The impact upon the properties which front Newcastle Road is therefore considered to be acceptable.

Located to the north of the application are the properties New House and Heathfields and according to the submitted plans there is a distance of approximately 14m separating the rear elevations of these two dwellinghouses from the side elevation of the nearest proposed dwellinghouse (plot no.1). It is noted that plot no. 1 is a bungalow and therefore, given the separation distances, scale and design of the proposed dwellinghouse and boundary treatment and landscaping (which would be condition) will all help to mitigate any negative externalities caused by the proposed development.

Due to the separation distances involved, no other residential properties would be affected.

The Environmental Health Officer has requested conditions in relation to pile foundations, construction management plan, hours of works, dust control, travel plan, external lighting, electric vehicle infrastructure, dust control and an informative relating to contaminated land. These conditions/informatives are considered to be necessary and reasonable.

According to the submitted plans the dwellinghouses would have a proportion of private amenity space located to the rear. The Supplementary Planning Document 'Development on Backland and Gardens' states at paragraph 3.35 'dwellinghouses should have adequate open space provided; as a general indication/guideline this should be no less than 50m² per dwelling. The 50m² garden area excludes any parking provision which may have been made for the dwelling. The amount of garden area provided should be proportional with the size of the dwelling proposed. There should be sufficient open space provided to enable general activities such as drying of washing, storage of dustbins, play space for small children and sitting outside to take place in a private area'.

Education

The Education Department were consulted on this application but have not responded at the time of report writing. An update will be provided to members on this matter.

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.

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 simply to restrict housing.

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.

Balanced against these benefits must be the loss of an area agricultural land. All of the site will be lost from agriculture, whether built upon or subject to open space. However, much of Cheshire East comprises best and most versatile land and use of such areas will be necessary if an adequate supply of housing land is to be provided. Furthermore, previous Inspectors have attached very limited weight to this issue in the overall planning balance.

The development would not have a severe adverse impact on highway safety.

It is also necessary to consider the negative effects of this incursion into Open Countryside by built development. The loss of this area of open countryside, with its intrinsic character and beauty, is considered to outweigh the benefits identified in this report.

The draft Bunbury Neighbourhood Plan must also be weighed into the planning balance. It is clear that the proposed development conflicts with housing policies within the Plan. Given the context of the existing village and the size and scale of the proposed development it is considered that to allow the development would significantly impact on the settlement as a whole and its planned future development. As a consequence and taking account of the weight that can be attached to the draft NP, it is considered that the level of development is sufficient to threaten the plan-making process in Bunbury.

On the basis of the above, it is considered that the application should be refused.

RECOMMENDATION

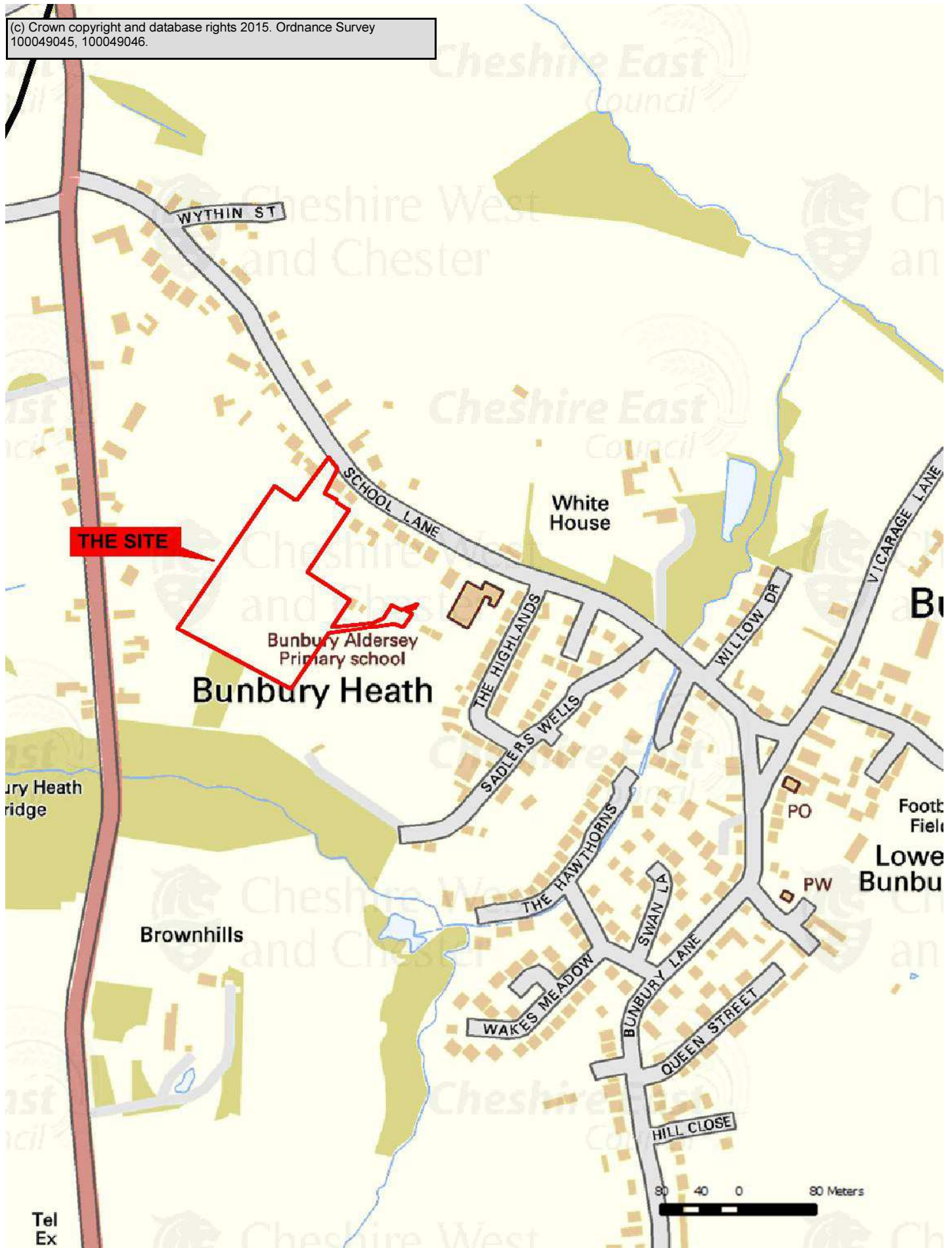
Refuse for the following reason:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE2 (Open Countryside) and RES5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan , Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance.**
- 2. The Local Planning Authority considers that the scale of the proposed development would be premature following the publication consultation draft of the Bunbury Neighbourhood Plan. As such allowing this development would prejudice the outcome of the neighbourhood plan-making process and would be contrary to guidance contained at Paragraph 216 of the NPPF and guidance contained within the NPPG.**

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 Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Strategic Planning Board 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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CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

Date of meeting: 22nd April 2015
Report of: David Malcolm – Head of Planning (Regulation)
Title: Land at School Lane, Bunbury

1.0 Purpose of Report

- 1.1 To consider the part withdrawal of the reason for refusal relating to planning application 14/2204N for the erection of 34 dwellings, a school car park with associated access road and new landscaping.

2.0 Decision Required

- 2.1 To agree to the part withdrawal of the reason for refusal in respect of housing land supply and to instruct the Head of Planning (Regulation) not to contest the issues at the forthcoming Appeal as detailed.

3.0 Background

- 3.1 On the 27th August 2014, Southern Planning Committee considered an application for the erection of 34 dwellings, a school car park with associated access road and new landscaping.
- 3.2 The application was refused for the following reason:
- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.***

- 3.3 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 reason for refusal.

Housing Land Supply

- 3.3 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
- 3.4 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.
- 3.5 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
- 3.6 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.
- 3.7 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
- 3.8 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.
- 3.9 On the basis of the above, the Council at this time cannot reasonably continue to rely upon the part of the reason for refusal for this appeal which relates to housing land supply.

Open Countryside

- 3.10 The site is located within the open countryside. At the recent appeal decision at Audlem Road, Broad Lane and Peter Destapleigh Way, Stapeley (12/3747N) the Secretary of State disagreed with the inspectors recommendation and stated that he did not consider that the

appeal site is one of the most appropriate sites to take forward and that is should not be assumed at this stage that the development of this site within the open countryside should proceed on a piecemeal basis and that the development does not constitute sustainable development.

- 3.11 It is considered that these comments would apply to the current application site and as such the appeal will still be defended on the basis of the harm to the character and appearance of the open countryside.

4.0 Planning Balance and Conclusion.

- 4.1 The proposal is contrary to development plan policies NE2 (Open Countryside) and RES5 (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 NE.2, 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. It is considered that the negative aspects of the scheme in relation to the harm to the open countryside would 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 that part of the reason for refusal which relates to housing land supply and to contest the issue at Appeal on open countryside grounds only.

5.0 Recommendation

- 5.1 To agree to the part withdrawal of the reason for refusal in respect of housing land supply and to instruct the Head of Planning (Regulation) not to contest the issues at the forthcoming Appeal. The appeal will still be contested on open countryside grounds. The appeal will be defended on the following grounds:

The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE2 (Open Countryside) and RES5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan , Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission

Version and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance.

6.0 Risk Assessment and Financial Implications

- 6.1 There is a risk that if the Council continues to pursue the Appeal on housing land supply grounds, 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.

7.0 Consultations

- 7.1 None.

8.0 Reasons for Recommendation

- 8.1 To avoid the costs incurred in pursuing an unsustainable reasons for refusal at Appeal

For further information:

Portfolio Holder: Councillor Don Stockton
Officer: David Malcolm – Head of Planning (Regulation)
Tel No: 01270 686744
Email: david.malcolm@cheshireeast.gov.uk

Background Documents:

Application: 14/2204N

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Application No: 15/0275N

Location: Land off Mill Lane, Bulkeley, Cheshire, SY14 8BL

Proposal: Full application to erect 14 dwellings on land off Mill Lane, Bulkeley

Applicant: M Schofield

Expiry Date: 28-Apr-2015

CONCLUSION:

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 and agricultural land. There would also be an adverse impact on the landscape, and protected trees. The site is also unsustainably located.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement. The proposal would provide policy compliant levels of affordable housing, contributions to education and would be acceptable in ecology terms.

Subject to conditions, the proposal is considered to be acceptable in terms of amenity, flood risk, highway safety, drainage and design.

However, these do not outweigh the concerns outlined above and it is therefore considered to be unsustainable development and accordingly is recommended for refusal.

RECOMMENDATION: REFUSE**PROPOSAL:**

The application seeks full planning permission to erect 14 dwellings on land off Mill Lane, Bulkeley

SITE DESCRIPTION:

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

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

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

RELEVANT HISTORY:

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

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

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

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

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

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

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

NATIONAL & LOCAL POLICY

National Policy

National Planning Policy Framework

Local Plan policy

NE.2 (Open countryside)

NE.3 (Areas of Special County Value)

NE.5 (Nature Conservation and Habitats)

NE.9: (Protected Species)

NE.20 (Flood Prevention)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RES.7 (Affordable Housing)

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

RT.9 (Footpaths and Bridleways)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

Other Considerations

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

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

Interim Planning Statement Affordable Housing

Interim Planning Statement Release of Housing Land
Cheshire East Development Strategy
Cheshire East SHLAA
Pre-submission Core Strategy

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 Design
SE 2 Efficient Use of Land
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 3 Biodiversity and Geodiversity
SE 13 Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

CONSULTATIONS:

Bulkeley and Ridley Parish Council - would not oppose this application, especially as it has been reduced from the original idea of 26 houses and a mix of houses, bungalows and affordable housing was proposed. It was agreed to put forward the following to the Planning Committee:-

- The site is at almost the lowest point in Mill Lane and there are concerns about where surface water will drain without flooding the neighbouring property, given that people will be, for instance, washing cars and watering gardens, all of which will lead to an increase in surface water.
- The affordable housing should be administered by an established Housing Association and should be for people with strong links to the local community.

The Council then discussed what they might ask for under Section 106, payback to the local community. Suggestions were:-

- A footpath to link the entrance to the site with the existing footpath in Mill Lane.
- Drainage of the Playing Field if that is possible.
- A SID (speed indication device) on the A534 to curb traffic speed.

Highways: The proposed development does not produce a severe highway impact on the local road network and the submitted layout is a standard layout that conforms with current highway standards. The accessibility of the site to public transport is limited although accessibility can be improved by providing a footway link to the site along Mill Lane.

Overall, the development of 14 units is considered acceptable and I do not raise objections to the application subject to conditions

Environment Agency: The above consultation does not require a formal response from the Environment Agency as it falls outside the scope of referrals we would wish to receive.

United Utilities: no objection to the proposed development provided that the following conditions are attached to any approval:

- Submission of details of foul drainage
- Foul shall be drained on a separate system
- Submission of a surface water drainage scheme and means of disposal, based on sustainable drainage principles
- The surface water drainage scheme must be restricted to existing runoff rates

Rights of Way: The development will not affect any Public Rights of Way although the northern end of Bulkeley FP4, a 'cul de sac' footpath, is just 6 metres from the boundary of the development site as recorded on the Definitive Map of Public Rights of Way. Given that Bulkeley FP4 is close by, the PROW Unit expects that the Planning department will ensure that any planning conditions concerning this right of way are fully complied with. In addition, advisory notes should be added to the planning consent.

Environmental Health – No objection subject to the following conditions:

- Environmental Management Plan
- Hours of construction
 - o Monday – Friday 08:00 to 18:00 hrs
 - o Saturday 09:00 to 14:00 hrs
 - o Sundays and Public Holidays Nil
- Provision of Bin Storage
- Travel Plan
- Electric Vehicle Charging Provision
- Contaminated Land Watching brief.

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants and a site notice erected. Representations have been received making the following points:

- Surprised that work on my trees is recommended, permission from neighbouring occupiers should be sought before any work is done on their property. Clearly the boundary between the nursery and Mr Schofield is the edge of the ditch farthest away from the nursery.
- The hedgerows and ditches on this boundary have been maintained by the family of the neighbouring occupier since 1932 and the ditch is an important part of the field drainage system. They have recently planted native hedging in all the gaps of the hedges round the nursery.
- It is surprising and disappointing that the planning application was submitted on the 27/1/15, but neighbours did not receive notification until 13/2/15.
- Also why are only a few residents informed directly i.e. no's 11,12,13,14 & 20, when this proposed development would impact on all residents of Mill Grove and the village as a whole
- This planning application is a modified version of a previous application 14/3052N to which many people, have previously objected.

- The reasons for objection still the same and residents would reiterate their absolute objection to this proposal. From their house and garden, neighbours have a beautiful outlook towards the hills. This is one of the main reasons they bought their property and invested so much time and money making it into their family home. To have these houses built next to them, so obstructing their outlook and having properties potentially overlooking them, would be extremely distressing and unfair.
- It would have some considerable impact on the value of neighbouring property.

APPRAISAL:

Main Issues

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

Principle of Development

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

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

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

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

This calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites 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.

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, the Council is unable to robustly demonstrate a five year supply of housing land.

The most important material consideration in this case is therefore 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.

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

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.

Social Sustainability

Affordable Housing

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

Cheshire Homechoice shows there are currently 4 applicants who have selected the Bulkeley lettings area as their first choice. These applicants require 2x 1bd and 2x 2bd units.

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

The Interim Planning Statement on Affordable Housing (IPS) and Policy SC5 in the Local Plan Strategy Submission Version outline that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all sites of 3 dwellings or more or than 0.2 hectare in size.

The general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% affordable or social rented and 35% intermediate tenure.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings (unless the development is phased with a high degree of pepper-potting, in which case the affordable housing can be provided no later than occupation of 80% of the market dwellings).

The applicant has provided more than the policy requirement for affordable housing, Strategic Housing does not object to this.

The affordable housing comprises 3x 2bd houses and 2x 2bd bungalows, The SHMA identified no need for 2 bed older persons accommodation. The tenure split required would be 3 units provided as social or affordable rent and 2 units provided as intermediate tenure. It would be Housing Officer's

preference that 2 bed houses are provided for rent. However they have concerns over bungalows being provided as intermediate tenure. As the applicant has not provided details of the tenure proposals Housing Officers cannot comment further, therefore they object.

The application is for full planning permission. Therefore Housing Officers would expect more detail to be included in the application. The applicant has not confirmed the standards the affordable housing will be delivered to, the timing of the delivery of the affordable housing in relation to the market units or that the units will be tenure blind. Therefore the Strategic Housing Manager has objected to this development.

The Affordable Housing Interim Planning Statement states that:

"The Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)"

It also goes on to state:

"In all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996"

It is the Housing Department's preference that any affordable or social rented units are transferred to a Registered Provider of social housing to own and manage.

If planning permission is granted the preference is that the affordable housing is secured by way of a S106 agreement, which: -

- Requires them to provide 30% of the dwellings as affordable with 65% provided as social or affordable rent and 35% provided as intermediate tenure.
- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of development that includes full details of the affordable housing on site including location, type, size and tenure.
- Requires the affordable units that are to be transferred to an RP to achieve HCA Design and Quality Standards (2007) or the latest standards the HCA are applying to their grant funding programme at the time.

Health

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

Public Open Space

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

Education

The Council's Education Officer has confirmed that a development of 14 dwellings would generate 4 primary and 2 secondary aged pupils. There is currently and forecast to be sufficient capacity in the local schools to accommodate the pupils generated by the development

Environmental Sustainability

Landscape

This is an outline application for 18 dwellings on land off Mill Lane, Bulkeley. The application site is located to the north of the village of Bulkeley in what is currently agricultural land, adjacent to the A534.

As part of the application a Landscape and Visual Impact Assessment has been submitted, this identifies that the application site is located within the boundary of a Local Landscape Designation Area and refers to saved Policy NE3 - Areas of Special County Value. The application site is located within the boundary of the Beeston/Peckforton/Bolesworth/Bickerton Hills Local Landscape Designation Area (formerly ASCV). This is characterised by the dramatic wooded sandstone ridge that forms a distinctive landform from long distances and the surrounding landscape, creating rich texture and character. The wooded slopes of Bulkeley Hill are clearly visible to the north of the application site.

With regards to the landscape assessment it is considered that the landscape sensitivity is greater than the submitted assessment indicates and consequently that the significance of landscape effects would also be greater.

The visual assessment identifies a number of viewpoints in proximity to the application area. The significance of visual effect would also be greater for a number of these viewpoints than the assessment indicates.

Policy NE.3 of the Crewe and Nantwich Replacement local Plan 2011 provides additional protection to areas which have been designated in order to preserve and enhance their special landscape quality. It is not clear how the proposed development will either the landscape quality of the area, which lies within the boundary of the Local Landscape Designation Area (formerly ASCV).

Trees

The site is a parcel of agricultural land bounded by hedgerows with hedgerow trees. There are also three early mature trees on the roadside verge. The Crewe and Nantwich Borough Council (Bulkeley) TPO 1973 covers a number of the trees in the vicinity, including five specimens on the northern boundary. The TPO shows two Elm trees on the eastern boundary however, these are no longer present.

The Application form is incorrect as it states there are no trees or hedges on the site or likely to be affected by the development.

The application is supported by a tree survey dated 6 October 2014, Version 2 which includes an Arboricultural Implications Assessment section. A Pre-commencement tree protection plan reflects the current proposed layout and shows arboricultural constraints. The tree survey covers 16 individual trees and several groups. A number of specimens are afforded Grade A.

It is apparent from the Pre-commencement tree protection plan that there would be direct conflict between the development and trees, with areas of hard surfacing and buildings encroaching within tree root protection areas. In two locations, buildings would be close to the crown spread of trees.

Large sections of the arboricultural report contain general text which is not site specific. Whilst the Arboricultural Implications Assessment section acknowledges that special construction would be required for areas of hard surfacing within the site, and there is a plan annotation referring to piled foundations, the text of the report does not identify the direct conflicts in the layout of proposed buildings within tree root protection areas, the potential construction issues where proposed buildings are close to tree crown spreads, the poor social relationship between the frontage plot and adjacent tree or the conflict between trees and the proposed new footpath on Mill Lane.

Special construction methodology for some areas of hard surfacing within the site could be secured by condition and it may be possible to resolve the conflict with the road frontage plot by layout amendment, setting the building line back into the site and affording greater separation from the adjacent tree in the layout. Nevertheless, it is anticipated that the provision of the roadside footpath would be likely to result in the loss of three unprotected roadside trees. The encroachment of the four bed unit and associated garage into tree root protection areas of protected trees and the proximity of the dwelling to the crown spread of a mature protected Ash has the potential for cumulative harmful impacts.

Hedgerows

The proposals would involve the creation of a new access into the site, removing a section of hedge. Whilst it would normally be advised that a full assessment be made under the Hedgerow Regulations, outside a planning application, the Regulations include an exemption to make provision for the creation of a new opening for access, provided the existing access is infilled with hedge within 8 months. It would appear this could be achieved on this site. Infill of the hedge would need to be secured by condition.

Hedgerows are priority habitat and a material consideration. The proposed development is likely to result in the loss of a section of hedgerow to facilitate the proposed entrance to the site. It is recommended that if planting consent is granted, detailed proposals for the provision of suitable replacement native species planting should be secured by means of a condition

Ecology

This application is supported by an acceptable Phase One Habitat Survey. The Councils Ecologist has the following comments to make.

Trees with bat roosting potential

Three trees on site have been identified as having potential to support roosting bats (these are shown as target notes TN8 TN13 and TN17) these trees are all located on the boundary of the application site and so it seems feasible that these trees would be retained as part of the proposed development. If planning consent is granted it recommended that a condition be attached to secure the retention of these trees.

The northern and western boundaries of the application site have been identified as being of importance in the context of the site for foraging bats. The submitted ecological assessment identifies the need to retain these hedgerows within an appropriate buffer of semi-natural habitat. The submitted layout plan shows the provision of additional screening planting along the northern boundary of the application site which would assist in part in achieving this objective.

If planning consent is granted it is recommended that a condition along the lines of the following be attached:

The proposed development to include the Habitat Buffer Zones along the northern and western boundaries of the application site and provision of bat boxes in accordance with the recommendations of section 7.3.1 and 7.3.2 of the submitted Bat Activity and Habitat Assessment dated September 2014.

To avoid any potential impact arising from excessive lighting it is recommended that if planning consent is granted a condition be attached requiring any lighting associated with the proposed development be submitted as part of any future reserved matters application.

Nesting birds

If planning consent is granted the standard conditions are required to safeguard nesting birds.

Location of the site

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

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

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

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

- Public House (1000m) – 1280m

The following amenities/facilities fail the standard:

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

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

On this basis the previous application was considered to be acceptable in locational sustainability at the time of determination as this view was considered to be consistent with two recent appeal decisions which were refused on sustainability grounds but allowed at appeal. They were at 4 Audlem Road, Hankelow an application for 10 dwellings (12/2309N) and at land adjacent to Rose Cottages, Holmes Chapel Road, Somerford an application for 25 dwellings (12/3807C).

However, in the intervening period an appeal decision has been received for a site known as "The Gables" at Peckforton, where the Inspector stated:

"The defects of this location and the dearth of facilities are matters of fact. A place that can boast of containing little more than a post box and a restaurant (transformed from an old public house beside the A49) can provide few of the day-to-day facilities that prospective occupants might need. Moreover, since there is barely a bus service to speak of, the means of reaching such facilities must mainly depend on using the private car. (Mr Augustine's ability to push his 2 children to Bunbury and back being the exception that proves the rule). True, there is a 'Brambley Hedge Nursery' amongst the 'farmsteads' a little way beyond the settlement, but everything else (a small Co-op, a butcher, a post office, a medical centre, the village hall, the primary school, 2 churches and 3 public houses) are at last 1.5km away in the village of Bunbury. No doubt prospective residents would make some use of those facilities, often travelling back and forth by car. But, the use of the car also presents immediate opportunities to travel further afield. And, the need to do so to reach facilities and services unavailable locally could well encourage such journeys. The contrary possibility that the appeal proposal might contribute to re-establishing the post office and shop, the police station, the primary school or the Methodist Chapel in Spurstow a quarter of a century or so since their demise is, I fear, little more than a 'pipe dream'."

On this basis the scheme is no longer considered to be acceptable in locational sustainability terms.

Access

The Strategic Highways Manager has confirmed that there is adequate visibility available at the junction with Mill Lane in both directions and the submitted design is considered acceptable. Parking provision within the site does conform with current CEC standards and there is a turning facility provided at the head of the cul-de-sac. The traffic generation resulting from 14 units is low and given that the background traffic flow on the local highway network in the vicinity of the site is also well below capacity there can be no traffic impact grounds to reject the application.

In regards to connectivity, the site is not currently linked to the pedestrian footway network as Mill Lane does not have footways, the application includes a proposal to provide a footway along Mill Lane linking to the existing path at Mill Grove. The site location does not have good public transport links and it cannot be stated that the site has good accessibility and it needs to be recognised that developments located in relatively rural locations cannot in most cases provide good levels of accessibility. As the development in terms of numbers is limited the site does not provide a major traffic impact on the road network.

The proposed development does not produce a severe highway impact on the local road network and the submitted layout is a standard layout that conforms to current highway standards. The accessibility of the site to public transport is limited although accessibility can be improved by providing a footway link to the site along Mill Lane.

Overall, the development of 14 units is considered acceptable in highway terms subject to conditions.

Amenity

The surrounding development comprises a nursery and caravan site to the north, open countryside to the east and west and an existing residential cul-de-sac (Mill Grove) to the south. The recommended minimum distance of 21m between principal elevations would be exceeded between the proposed dwellings and these properties. This would also be achieved within the site as would the recommended minimum distance of 13m between principal elevations and flank elevations.

The minimum garden area of 50sqm would be achieved in the majority of cases with the exception of the terraced affordable units, where rear garden areas would be reduced to around 40sqm in 2 out of 3 cases. However, the properties do benefit from substantial front gardens as well, and such garden areas are not untypical for this type of report. Therefore it is not considered that a refusal on amenity grounds could be sustained.

Design

In this case the density of the development is considered to be acceptable and would be consistent with the surrounding area of Bulkeley. The development is for 14 two-storey dwellings. The proposed dwellings are a mixture of 2 storey and single storey types, which are of a simple, vernacular pitched roof form, and include features such as arched window heads and gable detailing which is reminiscent of the many farm buildings and estate cottages in the vicinity. Subject to conditions controlling materials it is considered that these house types would be appropriate in this locality.

The proposal is considered to be an acceptable layout and all highways would be well overlooked. Car dominated frontages would be avoided. Secure bin storage, for both recycling and household

waste, should be provided that is adequate for the size of the development. This could be secured by condition.

Overall, therefore, it is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF has been achieved.

Noise

No noise concerns are raised with regard to impact on future occupiers from existing noise sources such as roads or rail lines. However, to protect the amenity of neighbouring occupiers from construction noise, a condition requiring a construction management plan would be required as well as a condition to limit the operating hours of the construction site.

Air Quality

Whilst this scheme itself is of a relatively small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

The cumulative impact of a number of developments in the area around Nantwich (regardless of their individual scale) has the potential to significantly increase traffic emissions and as such adversely affect local air quality for existing residents by virtue of additional road traffic emissions.

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

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

Therefore, it is considered to be appropriate to impose conditions requiring submission of a travel plan, construction environmental management plan and provision of electric vehicle infrastructure.

Contaminated Land

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The applicant has submitted a contaminated land assessment for the site. This assessment identified a low risk of contamination on the site. There is a nursery adjacent to the north of the site. There may be localised contamination on this site from fuel/oil tanks for example. If there are any tanks on the southern boundary of the nursery, any spillages may migrate onto the site and pose localised contamination issues. A watching brief during construction for any contamination should be employed. This could be secured by condition.

Flood Risk and Drainage

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

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

Economic Sustainability

Job Creation

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.

Agricultural Land Quality

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

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

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

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

S106 contributions:

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.

In this case, however, no Section 106 Contributions are required.

PLANNING BALANCE AND CONCLUSION

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 and agricultural land. There would also be an adverse impact on the landscape, and protected trees. The proposal would satisfy the economic and social sustainability roles by providing for much needed housing adjoining an existing settlement. The proposal would provide policy compliant levels of affordable housing, contributions to education and would be acceptable in ecology terms.

Subject to conditions, the proposal is considered to be acceptable in terms of highways amenity, flood risk, drainage and design.

However, these do not outweigh the concerns outlined above and it is therefore considered to be unsustainable development and accordingly is recommended for refusal.

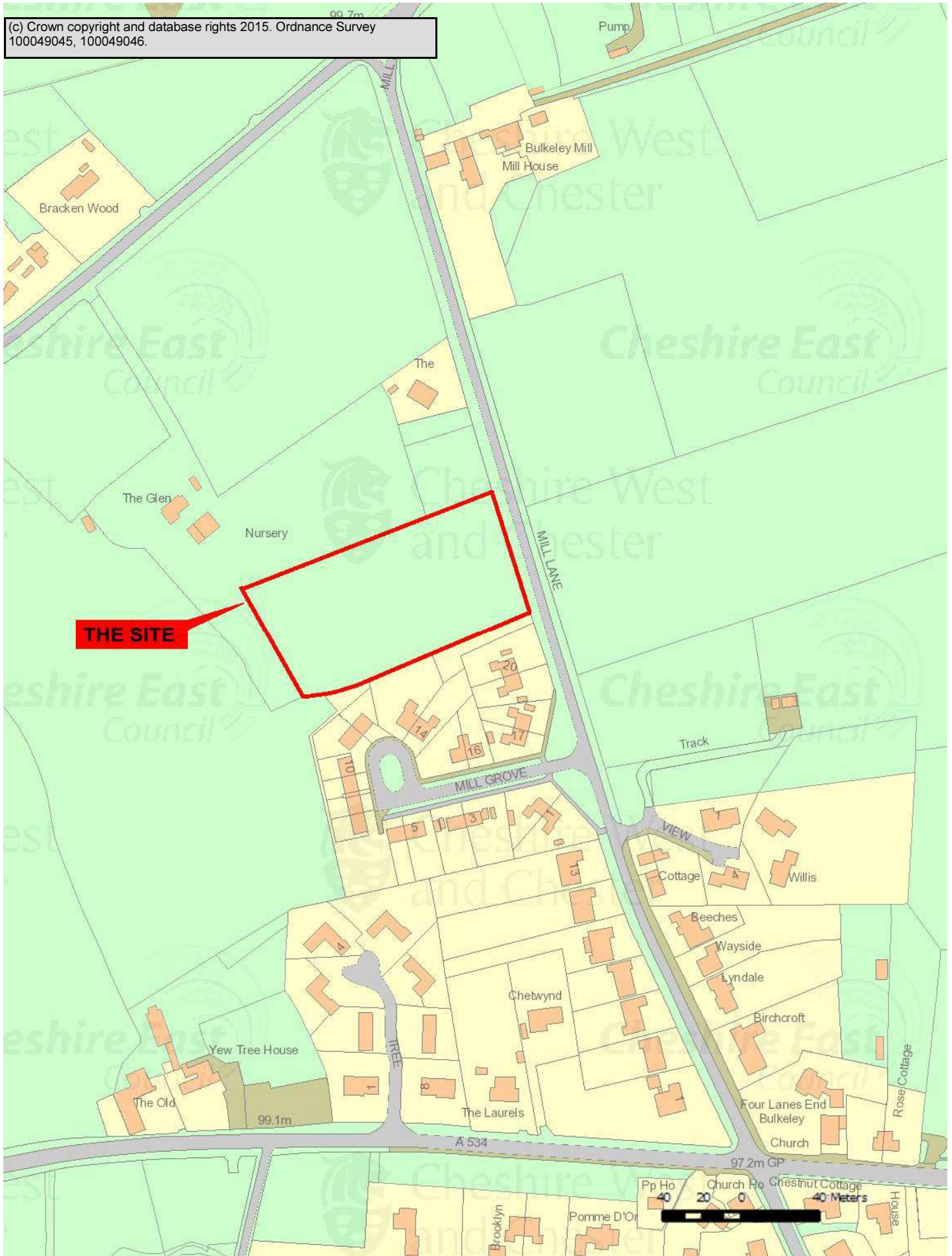
RECOMMENDATION

REFUSE for the following reasons:

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 environmental impact of the scheme on protected trees, the open countryside and character and appearance of the landscape, coupled with it's unsustainable location, and the economic impact of loss of best and most versatile agricultural land 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 NE2, BE3, NE5 and NE12, of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policy SE4 of the Cheshire East Local Plan Strategy Submission Version as well as the provisions of the National Planning Policy Framework .**
- **insufficient information has been provided to demonstrate that the proposal complies with the Councils Interim Policy on the Provision of Affordable Housing and the provisions of the NPPF in respect of affordable housing which is an important aspect of social sustainability.**

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Application No: 14/5114C

Location: Land at Close Lane, Alsager, ST7 2TZ

Proposal: Reserved Matters Application for 74 dwellings and associated works for outline application (13/1305N)

Applicant: Ben Sutton, Stewart Milne Homes

Expiry Date: 25-Feb-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 development including flood risk has already been established in the approval of the associated outline permission.

The design and layout of the scheme is considered to be acceptable and appropriate to the character and appearance of the area, with sufficient landscaping and open space provided as part of the proposal.

The proposal would not adversely impact upon residential amenity and would not give rise to any highway safety implications.

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

RECOMMENDATION

APPROVE subject to conditions.

DESCRIPTION OF SITE AND CONTEXT

The application site is located to the west of Alsager, adjoining the existing settlement boundary of Alsager. The site however is located in the Haslington ward and is covered by the Crewe and Nantwich Borough Local Plan, the boundary of Alsager being Close Lane. However, it is considered that the site is most closely related to the Alsager settlement and that possible residents of the site would utilise services and facilities within the Alsager area.

The application site is an irregular shaped parcel of land comprising rough grassland. The land is subdivided into a number of small paddocks, abutted to the north by an area of woodland and to the west by the wider agricultural landscape and beyond this the M6 motorway. To the south, the site is bound by the residential development at Delamere Court, Close Lane forms the eastern boundary of the site, to the east of which is an extensive area of residential development. 'Footpath 48 Haslington' is located along much of the western boundary of the application site and links with 'Footpath 20 Haslington', which is located slightly further to the west.

The eastern side of Close Lane features mixed 1960's onwards bungalow and housing development of Alsager.

DETAILS OF PROPOSAL

The application seeks reserved matters approval for 74 no. dwellings, following approval of outline application 13/1305N, which was allowed at appeal under reference APP/R0660/A/13/2203282.

The development mix would comprise 52 no. market housing and 22 no. affordable housing comprising two storey 18 no. 2 bed, 17 no. 3 bed and 39 no. 4 bed dwellings.

30% of the dwellings are proposed to meet affordable housing criteria in accordance with policy requirements.

Access into the site would be via Close Lane.

1.8 hectares of Public Open Space would be provided which would include a play area.

An undeveloped zone comprising the Yew Tree Farm Local Wildlife Site (formerly Site of Biological Importance) forms part of the site and would adjoin the proposed Public Open Space and play area to the western part of the site.

The outline application originally proposed a total of 76 no. dwellings, comprising 53 no. market housing and 23 no. affordable housing. The scheme has subsequently been revised resulting in a reduction of 2 no. units.

A condition attached to the outline permission required that 56 no. dwellings should be occupied by a person or persons over the age of 55 years.

RELEVANT HISTORY

13/1305N – Outline planning application for a mixed residential scheme to provide affordable, open market and over 55s sheltered accommodation, open space and new access off Close Lane. Approved 29th July 2014.

13/4150N - Outline Planning Application for a Mixed Residential Scheme to Provide Affordable, Open Market and Over 55's Sheltered Accommodation, Open Space and New Access off

Close Lane (76 Family Dwellings Comprising 1 - 4 Bedrooms and 56 Dwellings for the Over 55's Comprising 1 and 2 Bedrooms). Re-submission of 13/1305N. Refused 24th March 2014.

POLICIES

National Policy

National Planning Policy Framework

Borough of Crewe & Nantwich Local Plan 2011

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)
RT.6 (Recreational Uses on the Open Countryside)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

Policy MP1 – Presumption in Favour of Sustainable Development
Policy PG 2 – Settlement Hierarchy
Policy PG 5 - Open Countryside
Policy SD 1 - Sustainable Development in Cheshire East
Policy SD 2 - Sustainable Development Principles
Policy IN 2 – Developer Contributions
Policy SC4 – Residential Mix
Policy SC5 – Affordable Homes
Policy SE 1 – Design
Policy SE2 – Efficient Use of Land
Policy SE3 – Biodiversity and Geodiversity
Policy SE4 – The Landscape
Policy SE5 – Trees, Hedgerows and Woodland
Policy CO4 – Travel Plans and Travel Assessments

CONSIDERATIONS (External to Planning)

Environmental Health: No objection subject to conditions regarding demolition and construction phase of development, construction hours, electric vehicle infrastructure and the

submission of an Environmental Management Plan, Noise Mitigation Scheme, Travel Plan, Dust Suppression Scheme and Phase II Contaminated Land Survey.

Countryside Access: Public Footpath No. 48 in Haslington runs both within and to the west of the proposed development site.

The proposed “off-site pedestrian link” stated in the Unilateral Undertaking would provide a 2m wide path to run through the north west boundary to the site to provide a pedestrian link between Haslington Footpath No. 48 outside of the site and a road or path within the site. This would offer a connection for proposed residents to the Public Rights of Way network for leisure walking.

Inclusion of the Public Footpath within the Public Open Space of the site would appear a sensible proposal should the development proceed. The route could be left as a grass-surface path to be maintained within the Open Space management arrangements. The suggestion of a line of trees on the boundary of the site adjacent to the public right of way is viewed with caution, as tree limbs and roots may impede on the public footpath and will require more management.

The legal status, maintenance and specification of the proposed pedestrian routes will need agreeing with the Council as the Highway Authority. If the routes are not adopted as Public Rights of Way with the provision of a commuted maintenance sum, the routes would need to be maintained for use under the arrangements for the management of the open space of the site.

It is noted that the Design and Access Statement does not include any reference to accessibility for cyclists. Given the distance between the proposed site and the town centre and railway station, this mode of transport can be anticipated to be used by residents. Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists.

The developer should be tasked to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted.

Environment Agency: No comments to make.

Highway Authority: No objection subject to conditions.

PROW Unit: The south western section of the development has the potential to affect Public Footpath Haslington No. 48, as recorded on the Definitive Map of Public Rights of Way held at this office (working copy extract attached).

The PROW Unit expects that the Planning department will ensure that any planning conditions concerning the right of way are fully complied with. In addition, advisory notes should be added to the planning consent reminding the developer of their responsibilities.

If the development will permanently affect the right of way, then the developer must apply for a diversion of the route under the TCPA 90 as part of the planning application.

If the development will temporarily affect the right of way then the developer must apply for a temporary closure of the route (preferably providing a suitable alternative route). The PROW Unit will take such action as may be necessary, including direct enforcement action and

prosecution, to ensure that members of the public are not inconvenienced in their use of the way both during and after development work has taken place.

View of the Parish/Town Council: None received at the time of writing.

Other Representations:

16 individual representations have been received making the following points:

Policy Issues

- Housing density
- There is sufficient brownfield land in Alsager to accommodate new houses that need to be built without any greenfield or open space being used
- Pressure on Alsagers infrastructure, services and facilities
- Control and maintenance of POS

Lack of Need

- This proposed development is excessive in its use of green land and would produce excessive traffic nuisance on Close Lane

Sustainability

- The area is also too far from the nearest facilities such as shops, pubs and post office, meaning residents would be reliant on cars

Ecology

- Detrimental impact on woodland and wildlife
- Removal of trees

Highway Safety

- Close Lane is inadequate for additional traffic
- Increase in traffic – particularly at junction to Crewe Road
- Increase in danger to pedestrians
- Effect of construction traffic on Close Lane

Flood Risk

- Increased risk of flooding
- Inadequate drainage with the scheme

APPLICANT'S SUPPORTING INFORMATION:

- Flood Risk Assessment
- Contamination Report
- Habitat Survey
- Utility Connections Report
- Landscape and Visual Impact Assessment
- Arboricultural Impact Assessment
- Air Quality Assessment Addendum
- Travel Plan
- Alsager Housing Market Assessment

- Air Quality Assessment
- Agricultural Land Classification
- Design and Access Statement
- Transport Assessment
- Sustainability Assessment
- Noise Assessment
- Phase 1 Habitat Re-Survey
- Great Crested Newt and Reptile Survey

These are available to view on the case file.

OFFICER APPRAISAL

Main Issues

The main issues in the consideration of this application are the design and layout of the scheme, residential amenity, access and car parking, trees, ecology and affordable housing.

Principle of Development

The principle of development has already been established following approval of outline application 13/1305N. The outline application granted approval for a maximum of 76 no. dwellings on the site with all matters reserved. This reserved matters application seeks approval of details of access, appearance, landscaping, layout and scale for 74 no. dwellings. It is these matters which must now be considered. This application does not offer the opportunity to revisit matters concerning the principle of the developing the site for residential purposes.

Character and Appearance

Layout

Dwellings along the eastern boundary of the site would be set back from Close Lane with parking proposed at the front of the properties, respecting the existing pattern of development in the locality and built frontage on the opposite side of the road.

Existing hedgerows and trees along the eastern boundary would be retained, helping to act as a green buffer and softening the impact of the development on the existing street scene.

The staggered layout of the properties along Close Lane would also help to limit the overall massing of these dwellings along the street scene.

Properties sited in the south western portion of the site would front the POS promoting natural surveillance of this area.

The proposed Public Open Space (POS) and play area would be sited in the south western portion of the site, providing an additional buffer to the adjacent field.

Parking provision would be achieved via private driveways located to the front and side of the properties as well as via integral and detached garages, helping to avoid the development from appearing heavily car dominated.

Officers have secured amendments to those properties occupying corner plots to include windows in side elevations, thus providing active frontages and natural surveillance of the street scene.

The proposed “off-site pedestrian link” stated in the Unilateral Undertaking would provide a pathway to run through the north west boundary of the site to provide a pedestrian link between Haslington Footpath No. 48 outside of the site and a road or path within the site. This would increase connectivity for proposed residents to the Public Rights of Way network for leisure walking.

Scale

The scale of development is not considered to appear cramped in relation to the size of the site with sufficient on-site parking provision, private amenity space and public open space provided as part of the scheme.

Two storey detached, semi-detached and terraced properties with garages are considered to be appropriate in the context of the existing two storey dwellings of varying sizes in the locality.

Appearance

The properties along Close Lane and Delamere Court have brickwork and render finishes and in this respect, the proposed appearance and materials used should be sympathetic to the existing properties. Materials can be secured by condition.

Features such as gabled roofs, dormers, porches and integral garages are considered to be appropriate in the context of existing surrounding properties.

The use of hard landscaping features such as block paving leading to private driveways and pathways leading to properties would help to clearly distinguish between the private and public spaces within the site as well as adding visual interest to the scheme.

Landscaping

The retention of existing trees along the north eastern and southern boundaries of the site would provide a buffer between the adjacent fields and the development at Delamere Court.

Existing hedgerows and trees along the eastern boundary would also be retained, softening the impact of the development along the Close Lane frontage and screening the footpath from the adjacent highway.

Proposed diamond knee rail fencing would be sited around the perimeter of the balancing ponds, creating defensible boundaries and promoting public safety.

Varying surface materials would help to distinguish between private and public space as well as creating visual interest throughout the scheme.

Tree planting and soft landscaping areas would be used throughout the scheme, particularly along front boundaries of properties which would help to soften frontages and break up hard landscaping areas.

Overall, the scheme would sit comfortably within the site and the proposed design and layout is considered to be appropriate to the character and appearance of the locality, according with Policy BE.2 of the Borough of Crewe and Nantwich Local Plan 2011.

Residential Amenity

Principal windows on corner plots would create active frontages whilst providing natural surveillance over the access roads.

Adequate amenity space would be provided with each plot, accommodating all of the basic amenities required, as set out in the Extensions and Householder SPD.

Plot side and rear boundaries would be separated by 1.8m timber fencing, providing adequate screening between each plot and creating defensible boundaries.

Conditions to secure noise mitigation as set out within the submitted Noise Report would be attached to any grant of permission.

In the absence of any objection from the Council's Environmental Protection Unit, the proposed development would accord with Policy BE.1 of the Borough of Crewe and Nantwich Local Plan 2011.

Access and Car Parking

The access details and traffic impact issues have been discussed within the outline application. However, the submitted road layout is a standard format with a 5.5m carriageway with a footway on each side of the road. There are formal turning heads provided for refuse vehicles at the end of each cul-de-sac. The road width proposed is suitable to serve the 74 dwellings and there are no objections on the design element of the road layout.

There is a mix of 2 bed, 3 bed and 4 bed units on the site. Car parking provision would be 200% for the 2 and 3 bed units, the 4 bed units would have 3 or more car parking spaces. This level of car parking would conform with current CEC standards and is acceptable.

Overall, the proposed scheme meets current highway standards and the Highway Authority raise no objections subject to conditions regarding the provision of a Construction Management Plan, provision of wheel wash and the proposed footway link to be constructed prior to occupation.

Environmental Health request conditions regarding the submission of individual Travel Plans and electric vehicle charging points for each property.

Inclusion of the public footpath within the public open space of the site is considered to be appropriate.

The proposed “off-site pedestrian link” stated in the Unilateral Undertaking would provide a 2m wide path to run through the north west boundary to the site to provide a pedestrian link between Haslington Footpath No. 48 outside of the site and a road or path within the site. This would increase connectivity for proposed residents to the Public Rights of Way network for leisure walking.

The proposal would accord with Policies BE.3 and TRAN.9 of the Borough of Crewe and Nantwich Local Plan 2011.

Affordable Housing

Strategic Housing raise no objections to the proposed level of affordable housing, based on the Affordable Housing Statement submitted on 01st April 2015.

Trees

An updated Arboricultural Impact Assessment (AIA) was submitted on 01st April 2015.

This has addressed the majority of the concerns raised by the Arboricultural Officer which includes protection measures for the TPO between plots 7 and 8 and a no dig construction method statement in the area fronting Close Lane. Compliance conditions in accordance with the recommendations set out in the AIA would be attached to the decision notice.

In accordance with the revised AIA and the Arboricultural Officer’s comments, Plot 47 has been amended, so that the garage and driveway front Close Lane. This has resulted in an incursion into the RPA of the Category B Tree directly east of the property. The Arboricultural Officer requests that a condition is attached to secure a Construction Method Statement for the implementation of the driveway and garage foundations.

Ecology

It is proposed that the Local Wildlife Site is incorporated into the open space provision for the development. This approach is acceptable provided that the proposed usage of the open space is low key and restricted to informal foot paths or similar and secondly that outline proposals for the enhancement and ongoing management of the SBI are submitted in support of the application. This can be secured by condition.

It is recommended that the proposed plans are amended to show the SBI element of the POS, how this area would be treated, and also to demonstrate how this area would be separated from the more formal areas of POS. This will be secured by condition.

In addition, a condition would be attached requiring the submission and implementation of a management plan for the Local Wildlife Site (and the reptile mitigation buffer described below). The management of the site should be in perpetuity.

Given the presence of grass snakes on site, it is requested that the proposed plans are amended to demonstrate how the required reptile mitigation (secured under condition 17 of 13/1305N) would be incorporated into the proposed development. This can be secured by condition.

Condition 6 attached to the outline consent requires buffer zones to be provided to safeguard the onsite water courses. It is requested that the submitted layout plan is annotated to demonstrate how the requirements of this condition would be complied with. This can be secured by condition.

Planning Balance

The principle of development has already been established.

The design and layout of the scheme is considered to be acceptable. The dwellings are considered to be appropriate to the character and appearance of the area whilst sufficient landscaping and open space would be provided as part of the proposal.

The proposal would not adversely impact upon existing or proposed levels of residential amenity and would not give rise to any highway implications.

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

The proposal would comply with relevant policies of the Development Plan and is recommended for approval subject to the conditions set out below.

RECOMMENDATIONS

APPROVE subject to the following conditions:

- 1. Plans**
- 2. Materials**
- 3. Landscaping scheme submission**
- 4. Landscaping scheme implementation**
- 5. Submission of boundary treatments**
- 6. Submission of Construction Method Statement for the driveway and garage foundations**
- 7. Compliance condition in accordance with recommendations set out in AIA**
- 8. Submission of Construction Management Plan**
- 9. Provision of wheel wash**
- 10. Provision of Footway Link prior to occupation**
- 11. Submission of Management Plan for the SBI to include details regarding:-**
 - Site Layout Plan showing SBI element of the POS**
 - Details of how the SBI and POS would be treated**
 - Details of how the SBI would be kept separate from the more formal areas of POS**
- 12. Submission of Management Plan for the Local Wildlife Site and reptile mitigation buffer to include details regarding:-**
 - The way in which the required reptile mitigation would be incorporated into the proposal**
- 13. Submission of an annotated Site Layout Plan demonstrating how the requirements of condition 6 (safeguarding onsite water courses) of the outline permission 13/1305N have been complied with**

- 14. Piling Operations**
- 15. Submission of Environmental Management Plan**
- 16. Construction Hours**
- 17. Noise mitigation – glazing**
- 18. Noise mitigation – Acoustic fencing**
- 19. Submission of individual Travel Plans**
- 20. Provision of single electric vehicle charging point**
- 21. Submission of Dust Suppression Statement**
- 22. Submission of Contaminated Land Report**
- 23. Details of existing and proposed land levels**

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Application No: 15/0699C

Location: 19, LAWTON ROAD, ALSAGER, ST7 2AA

Proposal: Variation of condition 9 (hours) attached to planning permission 10/0741C. Demolition of existing Co-operative Foodstore, Construction of new Co-operative foodstore, associated service area and retail units, Reconfiguration and refurbishment of existing town centre car park and public open space.

Applicant: ASDA Stores Ltd

Expiry Date: 14-May-2015

SUMMARY

The principle of development has already been accepted by virtue of planning approval 10/0741C.

The variation of condition no. 9 relating to hours of deliveries is considered to be acceptable in this case and would not change the environmental, social or economic sustainability considerations established by the original application.

The variation of the condition would not materially harm the amenity of neighbours or the locality.

APPROVE subject to conditions as varied by this application

PROPOSAL:

This application seeks to amend the hours operation detailed in condition no.9 of planning ref; 10/0741C, which granted full planning permission for the '*Demolition of Existing Co-operative Foodstore. Construction of New Co-operative Foodstore, Associated Service Area and Retail Units. Reconfiguration and Refurbishment of Existing Town Centre Car Park and Public Open Space*' at 19- 23, Lawton Road, Alsager.

Condition no. 9 stated that:

'No deliveries to shall be taken at, or goods dispatched from, the hereby-approved food store outside the hours of 07.45 and 20.00-hours Monday to Saturday and 09.00 and 17.00 hours on Sundays, Bank or Public Holidays.'

This application seeks the wording of condition no. 9 to be amended to:

*"No deliveries shall be taken at, or goods dispatched from, the hereby-approved food store outside the hours of **7.00** and **22.00** hours Monday to Saturday and 09.00 and **19.00** on Sundays. **Between***

the hours of 7.00 and 7.45 Monday to Saturday, deliveries shall be taken at the front of the site only as indicated in a Delivery Management Plan which shall be submitted to, and approved in writing by the Local Planning Authority prior to the implementation of this consent and retained in such a manner thereafter”

The above is a negotiated position following discussions between the applicant, the Council's Environmental Health Team and the Council's Planning Officer during the application process.

SITE DESCRIPTION:

This application relates to a detached Co-op supermarket located on the northern side of Lawton Road, Alsager, within the Alsager Town Centre.

The supermarket has recently been taken over by ASDA and is undergoing refurbishment.

RELEVANT HISTORY:

15/0699C - Variation of condition 9 (hours) attached to planning permission 10/0741C. Demolition of existing Co-operative Foodstore, Construction of new Co-operative foodstore, associated service area and retail units, Reconfiguration and refurbishment of existing town centre car park and public open space – Under consideration

12/2162C - Non-Material Amendment to Planning Application 10/0741C - Elevational Alterations – Approved 20th June 2012

12/2135C - Non-Material amendment to 10/0741C for a Sub-Station – Approved 29th June 2012

11/2902C - Non-Material Amendment for Existing Co-Operative Foodstore and Town Centre Car Park – Approved 5th October 2011

10/0741C - Demolition of Existing Co-operative Foodstore. Construction of New Co-operative Foodstore, Associated Service Area and Retail Units. Reconfiguration and Refurbishment of Existing Town Centre Car Park and Public Open Space – Approved 15th July 2011

37808/3 - Erection of Class A1 retail foodstore, together with associated car parking, servicing and landscaping, and the formation of new vehicular accesses – Approved 22nd February 2005

37761/1 - Erection of food store, alteration and extension of town centre car park and improved highways access – Withdrawn 4th April 2005

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 14, 22, 26, 27, 135 and 206

Development Plan:

The Development Plan for this area is the Congleton Borough Council First Review 2005.

PS4 – Towns, GR1 - New Development, GR6 - Amenity and Health and GR7 - Amenity and Health

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

Policy SD2 - Sustainable development principles

Other Considerations:

Planning Practice Guidance (PPG)

CONSULTATIONS:

Environmental Protection - No objections

VIEWS OF THE ALSAGER TOWN COUNCIL:

Object on grounds on causing nuisance and being unneighbourly to local residents.

REPRESENTATIONS:

Letters have been received from 1 address. The grounds for objecting are as follows:

- Increase in noise and disturbance

APPRAISAL:

Principle of Development

Considerations relating to the suitability of the site for use as a Class A1 foodstore and have already been accepted and the proposed amendment does not raise issues relating to retail policies, design, highways, parking, traffic generation or other relevant material planning considerations except for amenity. The main issue to consider as a result of the proposed change in hours of deliveries is the potential impact on any neighbouring properties.

Impact on Residential Amenity

The proposed variation to condition no. 9 would allow the store to take deliveries between the hours of 07.00 to 22.00 on weekdays and Saturday and the hours of 9.00 to 19.00 on Sundays.

There are residential properties in the vicinity, mainly those on Lawton Road to the south, Wesley Avenue to the east and Sandbach Road North to the west.

The Council's Environmental Protection Team have advised that they have received numerous complaints from local residents with regards to noise nuisance being generated from the premises through deliveries being undertaken to the store when it was previously the Co-operative.

However, since ASDA have taken over the store The Council's Environmental Health team and representatives for ASDA have worked together to ensure concerns of residents have and are being addressed. This has ranged from plant and equipment through to the deliveries.

Following discussions between the Council's Environmental Health team, the Council's Planning Officer and ASDA, the applicant has changed their original proposal which sought to take deliveries from 6am Monday-Saturdays to 7am Mondays-Saturdays instead. Furthermore, between 7am and 7.45am, the applicant has agreed take these deliveries at the front of the site, the details of which are to be agreed via the prior submission of a Delivery Management Plan.

The Council's Environmental Health Team have strongly encouraged deliveries to the front of this store as the building would provide mitigation of delivery noises to the residents at the rear of the premises.

As such, the proposal is supported by Environmental Health and is not considered to create any significant noise or nuisance concerns.

Other Matters

There is no evidence on file of the formal discharge of a number of conditions included on the original application re: 10/0741C. As such, should this application be approved, it is proposed that these conditions are re-inserted and where information is required for submission, this be conditioned to be submitted within 6 months of the date of this determination.

Planning balance

The principle of development has already been accepted as part of the original planning permission on this site. To maintain the condition as originally stated would not satisfy the reasonableness test with National Policy Guidance. The variation of the suggested condition is therefore considered to be acceptable in this case and would not change the environmental, social or economic sustainability considerations as part of the original application.

RECOMMENDATION

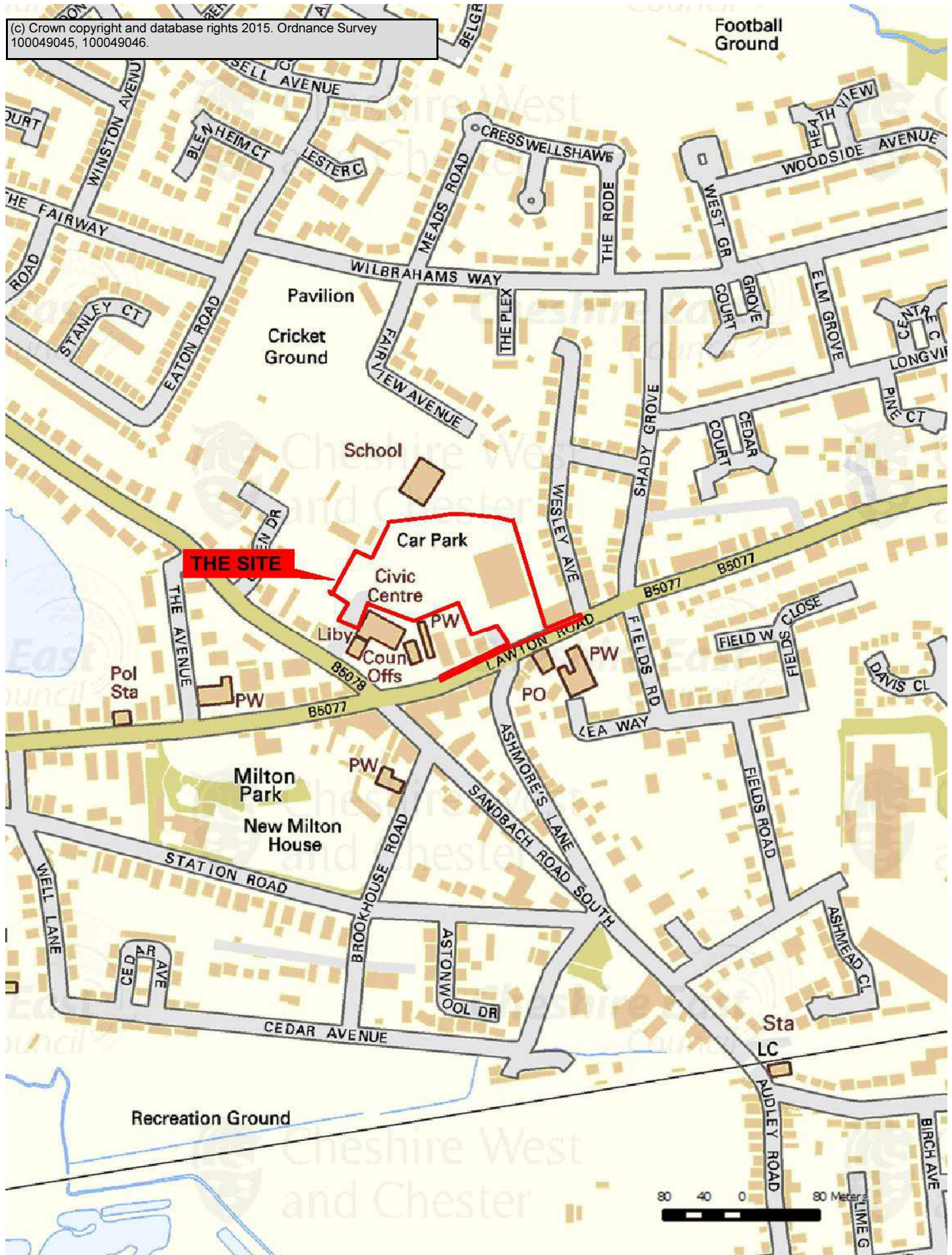
APPROVE subject to the following conditions

- 1. Within 3 months – submission of a Delivery Management Plan**
- 2. Development in accordance with approved amended plans received 29th April 2010 (10/0741C)**
- 3. Materials - as per discharge (27/10/2011)**
- 4. Restriction of retail floor space within the supermarket to 1318m² net retail floor space.**
- 5. Restriction on hours of opening for supermarket (as recently approved)**
- 6. Restriction on hours of opening of restaurant**
- 7. Restriction on hours of delivery for all units (as revised)**
- 8. Noise mitigation for delivery areas – as per discharge (27/10/2011)**
- 9. Noise mitigation for plant and equipment – as per discharge (07/03/2012)**
- 10. Refrigeration and/or air conditioning plant and equipment - Submission of details within 6 months**
- 11. Extraction equipment re cooking equipment – Submission of details within 6 months**

12. Bus stop upgrade details - Submission of details within 6 months
13. New junction plans – as per discharge (07/03/2012)
14. Final layout of the car parking area - as per discharge (27/10/2011)
15. Signal junction installations - as per discharge (07/03/2012)
16. TRANSYT Design - as per discharge (07/03/2012)
17. Electric car charger points - as per discharge (27/10/2011)
18. CCTV details - Submission of details within 6 months
19. Public realm treatment strategy – as per discharge (07/03/2012)
20. Footpath enhancement - as per discharge (07/03/2012)
21. Surface water discharge rates - as per discharge (27/10/2011)
22. Surface water regulation system timescales - Submission of details within 6 months
23. Site to be drained on a separate system with only foul drainage connected into the foul sewer - as per discharge (27/10/2011)
24. Standard landscaping - as per discharge (27/10/2011)
25. Tree Protection - as per discharge (27/10/2011)
26. Standard landscaping replacement planting within remaining period.
27. Ecological enhancements (bat and bird boxes and tree planting to be native species) - Submission of details within 6 months
28. Roller shutter details - as per discharge (24/02/2012)
29. Site waste management plan - as per discharge (24/02/2012)
30. Post construction Review - Submission of details within 6 months
31. Development phasing - as per discharge (07/03/2012)
32. 10% renewable energy – Submission of details within 6 months
33. Public Art - as per discharge (30/05/2013)
34. External lighting - as per discharge (07/03/2012)

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

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Application No: 14/5254C

Location: ELWORTH WIRE MILLS, STATION ROAD, SANDBACH, CHESHIRE, CW11 3JQ

Proposal: Erection of 47 no. dwellings comprising 20 no. 1 bed apartments; 10 no. 2 bed apartments; 4 no. 3 bed houses; 13 no. 2 bed houses, with car parking and associated external works.

Applicant: RICHARD HARRISON, LANE END DEVELOPMENTS(UK)LTD & ADACTUS H

Expiry Date: 13-Jan-2015

SUMMARY:

The proposed development seeks to utilise a previously developed site within the settlement zone line for Sandbach and therefore benefits from a presumption in favour of development under local plan policy PS4 which is further supported by para 14 of the NPPF which aims to deliver sustainable development . Whilst the proposals would result in the loss of an employment site, it has been previously accepted that the site is no longer suitable for economic use and owing to the cost of remediating the site, and the cost of accommodating 100% affordable housing, it has been demonstrated that the site needs to bear a development of this size in order to see the site brought forward for housing.

It is acknowledged that the design, layout and character of the scheme (particularly within the context of the internal layout) would be poor and compact. This would be a negative of the proposed scheme; however, Members need to consider whether such disbenefits are outweighed by the benefits of the scheme i.e. namely providing much needed affordable housing whilst making use of a redundant brownfield site.

The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants. The application would offset the harm on local school places and local public open space through the provision of financial contributions. The applicants have demonstrated general compliance with national, regional and local guidance in a range of areas including ecology and highway safety

On balance, the application is therefore recommended for approval subject to the imposition of appropriate conditions and the necessary Section 106 obligation.

RECOMMENDATION:

APPROVE subject to conditions and S106 Agreement.

PROPOSAL:

Full planning permission is sought for the erection of 47 no. residential units on the site of the former Elworth Wire Mills in Sandbach. The scheme is 100% affordable with a registered provider willing to take the site forward (Adactus Housing Group Ltd).

SITE DESCRIPTION:

The application site is situated on the corner of Station Road and Hill Street within the settlement zone of Sandbach. The site previously accommodated a Wireworks factory. However, this has since been demolished and the site cleared. The surrounding area is a mix of residential and commercial (largely sited on the opposite side of Station Road). The Sandbach railway station is also situated on the opposite side of Station Road. The site falls within the settlement zone line of Sandbach as designated in the adopted Congleton Borough Local Plan First Review.

RELEVANT HISTORY:

12/3415C – Change of use of entire site to residential – Resolution to approve (awaiting signing of a s106 legal agreement)

07/0994/FUL - Remove condition 04 of consent 04/0419/OUT & variation of S106 agreement to allow the replacement factory facility to either be constructed to practical completion stage or provided within an existing factory facility – Approved with conditions 7th November 2007

04/0419/OUT - To redevelop redundant general industrial premises following demolition of existing buildings and clearance of site, by the erection of residential units which may include detached, semi-detached and terraced dwellings and apartments in single, two or multi-storey format. Numbers unknown at this stage. – Approved with conditions 10th April 2006

24004/3 - Extend existing portal frame building and install water storage platform. – approved with conditions 3rd March 1992

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 7, 14, 17, 34, 47, 49, 55 and 173.

Development Plan:

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005), which allocates the site within the settlement boundary of Congleton under Policy PS4.

The relevant Saved Policies are: -

PS4	Towns
GR1	New Development

GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR14	Cycling Measures
GR17	Car Parking
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
H2	Provision of New Housing Development
H4	Residential Development in Towns
H13	Affordable and Low Cost Housing
NR2	Wildlife & Nature Conservation
NR3	Habitats
NR4	Non-Statutory Sites
SPG1	Provision of Public Open Space in New Residential
Developments	
SPG2	Provision of Private Open Space in New Residential
Developments	

The relevant 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 SD 1 Sustainable Development in Cheshire East
 Policy SD 2 Sustainable Development Principles
 Policy SE 1 Design
 Policy SE 9 Energy Efficient Development
 Policy IN 1 Infrastructure
 Policy IN 2 Developer Contributions
 Policy PG 1 Overall Development Strategy
 Policy PG 2 Settlement Hierarchy
 Policy SC 4 Residential Mix

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)

Neighbourhood Plan

The Sandbach Neighbourhood Development Plan 2015 – 2030 (Draught for Consultation), Our Town – Our Decisions has now been published and is therefore a material consideration in the determining of this application.

This is a 'Brownfield' site within the settlement zone line of Sandbach.

Relevant policies within the plan are H1 – Housing Growth, H2 – Design and H5 – Preferred Locations. The proposal is in compliance with these policies.

CONSULTATIONS:

Environmental Health:

No objection to the proposed development on the grounds of contamination, noise or air quality subject to the imposition of a number of conditions.

Highways:

No comments received.

Green Spaces (Ansa: Environmental Operations):

No objection - the proposed scheme of 47 no. units would generate a requirement for 780 square metres of amenity greenspace. There has been found to be a qualitative deficit in Children and Young Person's Provision (CYPP) accessible to the proposed development. The existing amenity site at Elworth Park is within an accessible distance and has had recent improvements; however, further improvements can be made to increase the capacity/demand being placed on the site. Improvements include further upgrading of the infrastructure such as a water supply, pathways, seating and bins as well as further DDA inclusive equipment which would improve the quality and accessibility of the facility and encourage greater use of the area, tactile artwork and exercise equipment. The financial contributions sought from the developer are;

Enhanced Provision: £5, 311.06

Maintenance: £17, 313.00

Education:

No objection - The proposed development of 47 dwellings will generate 5 primary and 4 secondary aged pupils. The primary schools accessible to the proposed development are: Offley, Elworth CofE, Elworth Hall, Sandbach Community, Warmingham CoE and Wheelock primary. The secondary schools are Sandbach High and Sandbach sixth form.

Taking into account school expansions, there would be a 72 surplus primary places by 2019. Approved sites in this area have the potential pupil yield of 364 and even though 136 of these have already been accounted for in the current forecasts, this still leaves 228 that have not been allowed for.

With respect to secondary provision, forecasts already indicate a shortfall of 157 places by 2020. Approved sites add another 279 pupils.

On this basis, contributions of $5 \times 11919 \times 0.91 = £54,231.45$ towards primary education and $4 \times 17959 \times 0.91 = £65,370.76$ towards secondary education are required - Total: £119,602.21

United Utilities:

No objection provided that the proposed development is drained on a separate system with only foul drainage connected to the main sewer and a number of conditions.

Natural England:

No objection

VIEWS OF THE SANDBACH TOWN COUNCIL

Object – i) Proposed access will have a detrimental impact on amenity of Hill Street residents due to increased traffic and parking; contravening policy GR6v

ii) Access via Hill Street will worsen existing traffic problems, contrary to policy GR18

iii) Scale of proposed development is over intensive for the size of the site

REPRESENTATIONS:

None received

APPRAISAL:

The key issues are:

Principle of Development

Locational Sustainability

Housing Land Supply

Loss of Employment Land

Affordable Housing

Viability and Deliverability

Design & Layout

Highways

Ecology

Residential Amenity

Public Open Space Provision

S106 contributions Levy (CIL) Regulations

Principle of Development

The principle of residential development on the site has been accepted previously by the Council's resolution to approve an outline application for 'residential development' (planning ref; 12/3415C).

Notwithstanding the previous resolution, as a site within the settlement zone line for Sandbach, the principle of residential development on the site is acceptable under local plan policy PS4 subject to other material considerations. Such material considerations relate to the loss of an employment site, whether the development represents a sustainable form of development, highways and the impact on the character and appearance of the area and residential amenity.

Sandbach Neighbourhood Development Plan

Sandbach Neighbourhood Development Plan Working Group, in conjunction with the Sandbach Town Council has prepared a draft Neighbourhood Development Plan for the Parish of Sandbach. The consultation period for the plan will run until 1st May 2015.

The NPPG states that an emerging neighbourhood plan may be a material consideration.

The NPPG also states that *'refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process'*.

In this case a development of a brownfield site within the settlement zone is supported by the neighbourhood plan.

Locational Sustainability

The proposals seek to utilise previously developed land, inside the settlement zone and in good proximity to Sandbach Town Centre which offers a good range of shops and services and transport links. On this basis, the application performs well in terms of locational sustainability and adheres with para 14 of the National Planning Policy Framework (NPPF), which states that at the heart of the framework there is 'a presumption in favour of sustainable development'. It goes on to state that proposals that accord with relevant policy should be approved without delay 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

Housing Land Supply

The NPPF reiterates the requirement to maintain a 5 year rolling supply of housing in order to significantly boost the supply of housing. This proposal would help to deliver an additional 47 no. dwellings within the plan period in a sustainable location within the settlement boundary of one of the Key Service Centres for the Borough. Further, the proposal would utilise 'previously developed land' which is supported by one of the core principles of the NPPF, which states that Local Planning Authorities 'encourage the effective use of land by reusing land that has been previously developed'.

Employment Land

Whilst the proposal would result in the development of land that was previously in employment use, it has already been demonstrated and accepted that this vacant site is no longer suitable for employment uses and is in its present form represents inefficient use of land. As such, the scheme is found to comply with Local Plan Policy E10.

This advice is largely supported by the relevant Local Plan Policies contained within the Congleton Borough Local Plan as well as the emerging Cheshire East Local Plan Strategy Submission Version. Thus, subject to compliance with other material planning considerations, the principle of the development is considered to be acceptable.

Affordable Housing

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure.

The site falls within the Sandbach sub-area for the purposes of the SHMA update 2013. This identified a net requirement for 94 affordable homes per annum for the period 2013/14 – 2017/18. This equates to a need for 18 x 1bed, 33 x 2 bed, 18 x 3 bed and 9 x 4+ bed general needs units and 11 x 1 bed and 5 x 2 bed older persons accommodation. In addition to this information taken from Cheshire Homechoice shows there are currently 301 applicants who have selected one of the Sandbach lettings areas as their first choice. These applicants require 120 x 1 bed, 113 x 2 bed, 53 x 3 bed and 9 x 4+ bed units. 6 applicants did not specify their bedroom requirement.

The significant benefit of this scheme is that all 47 no. units will be affordable. As such, the 30% usually expected is far exceeded. The joint applicant is Adactus Housing Group Ltd, who are a registered provider and it is indicated that they will take the scheme forward and manage the affordable units. The tenure split being offered is 65% social / affordable rent and 35% intermediate tenure housing. The Strategic Housing Manager has stated that they support the application and have confirmed that the site has grant funding secured from the Homes and Communities Agency Strategic Housing. Taking this into account, the scheme is found to be acceptable in this regard.

Design Considerations

The application site is currently vacant. The site had previously been occupied by commercial premises known as 'Elworth Wireworks'. The surrounding area is predominantly a mix of two and three storey properties of varying age, size, height and architectural design. The surrounding land use is a mix of residential and commercial. The site is surrounded by residential properties on the three sides with commercial properties to the north west of the site.

The site occupies a prominent position at the junction where Hill Street meets with Station Road. The site is partly triangular in shape and tapers off towards the rear of the site. The site benefits from a long frontage with Station Road and as such, it is proposed that the majority of the proposed units will front out over Station Road. This will comprise of 2 blocks of 16 apartments, which will give the appearance of 2 large pairs of semi-detached residences, a row of 8 mews style properties arranged in 3 blocks and at the corner of the site a three storey apartment block accommodating 14 units would wrap around the frontage with Hill Street. The central portion of the site would be largely given over to a parking court, with some properties fronting out over it and 5 mews properties adorning part of the Hill Street frontage.

Owing to the proposed layout, there would be very limited scope for any landscaping and the internal layout of the scheme would be dominated by parking and consequently a mass of hardstanding. This, would in combination, be to the detriment of the scheme and would fail to secure a high quality of design.

With respect to the character of the area, the Station Road frontage is largely characterised by industrial and commercial development and as such, it is considered that whilst the proposal would introduced a consolidated frontage hard-up to the boundary with the street, this would not appear out

of keeping with the area. In terms of the Hill Street, this is characterised by traditional terraced properties as well as former industrial premises which give the street a compact character. The scheme does not take the opportunities available to it to improve the character of the area, however, owing to the nature of the existing area, equally, the scheme would appear incongruous.

It is acknowledged that the design, layout and character of the scheme (particularly within the context of the internal layout) would be poor and compact. This would be a negative of the proposed scheme; however, Members need to consider whether such disbenefits are outweighed by the benefits of the scheme i.e. namely providing much needed affordable housing making use of a redundant brownfield site.

Highways

The Head of Strategic Infrastructure (HSI - Highways) originally commented that the proposed parking provision fell short of the required standard. The required standard was cited as being 80 spaces. This proposal would offer 61 no. spaces. However, it is important to note that this scheme is for 100% affordable units where the likelihood of car ownership will be less than that of open market housing. Additionally, the site is located in a highly sustainable location where it is directly opposite Sandbach Railway Station and other public transport links serving the wider area. Further, the standard as referred to by highways is not yet formally adopted and as such, a refusal could not be sustained on this basis.

The proposal would see the creation of a vehicular access directly off Hill Street. This site was previously in industrial use. With regard to the principle of residential development on the site, the HSI has raised no highway objections, as the traffic impact is low and it is preferable that the site be used for residential as opposed to it being used for industrial use. Following initial comments regarding the visibility requirements and general geometry of the access and internal roads, the applicant submitted some amended plans which address these issues. It is therefore considered that the proposal will not have a significantly detrimental impact on highway safety in the area.

Ecology

The application is supported by an Extended Phase 1 Habitat assessment. The Council's Nature Conservation Officer (NCO) has confirmed that the application site is of limited nature conservation value. Natural England has also offered no objection to the scheme. Accordingly, it is considered that the proposed development would not harm species protected under the Wildlife and Countryside Act 1981. Subject to the recommendations within the assessment being implemented, the requirements of local plan policy NR2, NPPF and the EC Habitats Directive are satisfied.

Residential Amenity

In respect of the residential amenities afforded to neighbouring properties, the proposals would broadly achieve the minimum interface distances advised within SPG2. Plots 44-47 would back onto the rear of the properties numbered 7-31 New Street achieving a distance of 21 metres. Whilst the distance advised between principal windows is usually 21.8 metres, in this case there is not a significant failure to meet this guideline and as such, the proposed would not materially harm the amenity afforded to these neighbouring dwellings.

With respect to the properties on the opposite side of Hill Street, the proposed scheme has been designed and laid out to meet the minimum separation distances. As such, the scheme would not give rise to any direct overlooking or significant loss of sunlight or daylight to these neighbouring properties.

With regard to the amenities of the occupiers of the proposed units, the units have been configured and arranged so as to ensure that there is no direct overlooking of principal windows, overshadowing, or visual intrusion. Each family dwelling unit would benefit from its own rear garden and it is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed and having regard to the terraced nature of the area. Subject to the removal of permitted development rights, the proposal is found to be acceptable in terms of residential amenity.

Public Open Space Provision

The Greenspaces section (ANSA) has confirmed that the site would generate a need for 780 square metres of amenity greenspace. Given that the proposal would not be able to accommodate this within the site itself the proposal would be reliant on the amenity space and play area at Elworth Park. The existing amenity site at Elworth Park is within an accessible distance and has had recent improvements; however, further improvements can be necessary to increase the capacity/demand being placed on the site. The applicant has confirmed acceptance of this and as such should form part of a s106 agreement.

Education

With respect to the impact that the proposal would have on local education provision, the Council's Education Department has confirmed that the proposed development of 47 units is expected to generate 5 primary and 4 secondary children.

Owing to recent development in the area coupled with the size of the proposed development, there will be a deficit in local school places both at primary and secondary level. Consequently, there is insufficient capacity within the local schools to absorb the children generated by this development as well as other developments which have been approved.

In order to offset this deficit, the development would need to provide financial contributions towards these local schools to facilitate additional school places. The applicant has confirmed acceptance of this and as such should form part of a s106 agreement.

S106 contributions Levy (CIL) Regulations:

Policy GR19 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical,

social, community, environmental and any other infrastructure required to support development and regeneration.

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

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

The Council's Education Department and ANSA (who deal with greenspaces) have both advised that the proposed development will need to address a shortfall of school places and public open space. Without such, the scheme would result in planning harm and would place undue pressure on local infrastructure. Without such, these would serve as negative impact and are directly and reasonably related to the scale of development.

Planning Balance & Conclusions

The proposed development seeks to utilise a previously developed site within the settlement zone line for Sandbach and therefore benefits from a presumption in favour of development under local plan policy PS4 which is further supported by para 14 of the NPPF which aims to deliver sustainable development. Whilst the proposals would result in the loss of an employment site, it has been previously accepted that the site is no longer suitable for economic use and owing to the cost of remediating the site, and the cost of accommodating 100% affordable housing, it has been demonstrated that the site needs to bear a development of this size in order to see the site brought forward for housing.

It is acknowledged that the design, layout and character of the scheme (particularly within the context of the internal layout) would be poor and compact. This would be a negative of the proposed scheme; however, Members need to consider whether such disbenefits are outweighed by the benefits of the scheme i.e. namely providing much needed affordable housing whilst making use of a redundant brownfield site.

The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants. The applicants have demonstrated general compliance with national, regional and local guidance in a range of areas including ecology and highway safety.

On balance, the application is therefore recommended for approval subject to the imposition of appropriate conditions and the necessary Section 106 obligation.

RECOMMENDATION

APPROVE subject S106 Agreement making provision for:

- **Affordable Housing comprising 47 units on site (100%) for affordable rent**
- **£119,602.21 commuted sum towards education**
- **£22,626.06 commuted sum towards Public Open Space (Elworth Park)**

And the following conditions

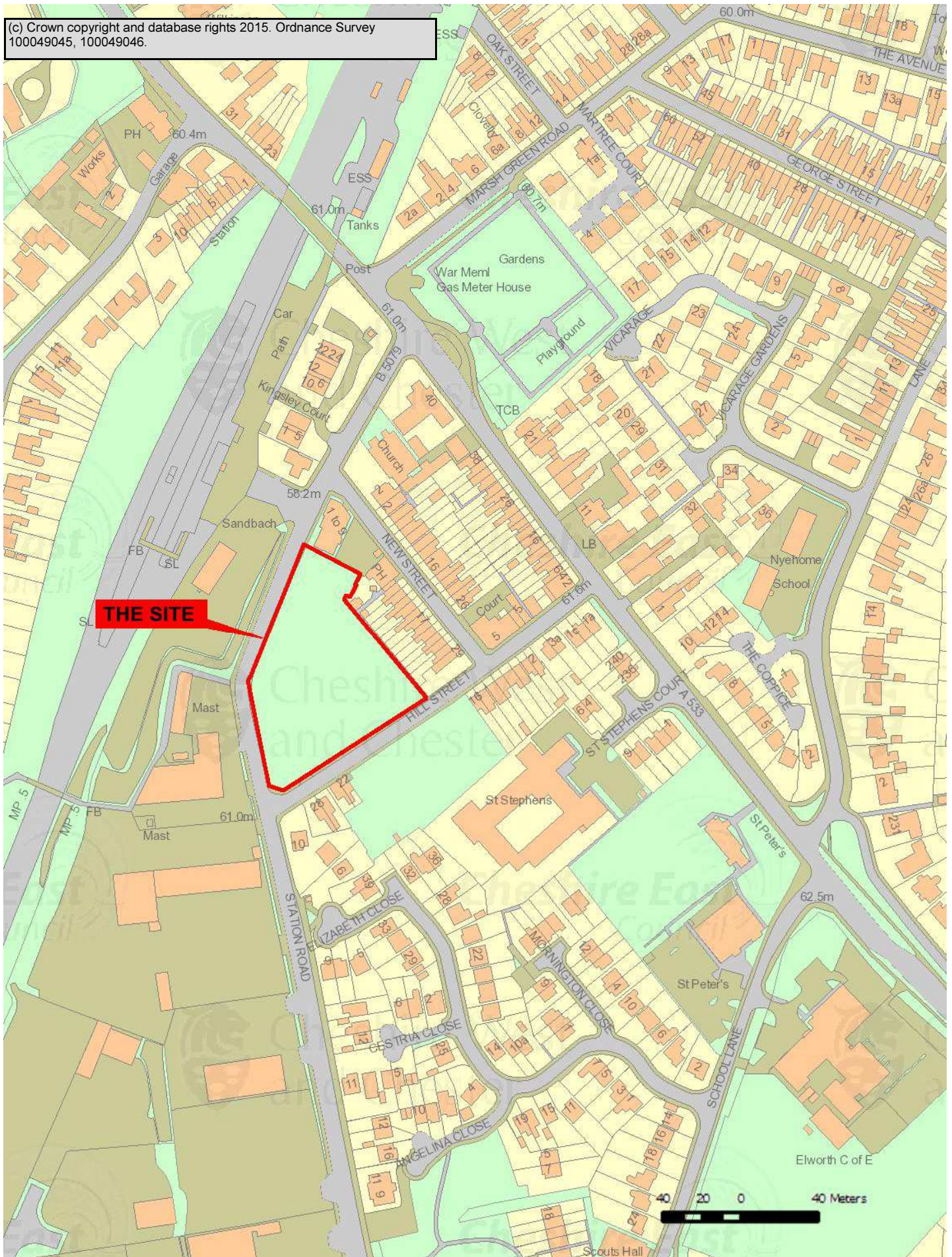
- 1. Standard time limit 3 years**
- 2. Development to be carried out in accordance with approved / amended plans**
- 3. Submission of contaminated land report**
- 4. Submission / approval and implementation of environmental management plan**
- 5. Hours of construction limited**
- 6. Hours of piling limited**
- 7. Accordance with submitted noise mitigation scheme**
- 8. Submission / approval and implementation of scheme to minimise dust emissions**
- 9. Drainage - Foul drainage should be connected to foul sewer**
- 10. Construction of approved access**
- 11. Ecological mitigation to be carried out in accordance with submitted statement**
- 12. Phase II Contaminated land report to be submitted to and approved in writing by the LPA**
- 13. Bird breeding survey**
- 14. Incorporation of features for breeding birds**
- 15. Materials to be submitted and approved**
- 16. Landscaping scheme to be submitted including management details and boundary treatments**
- 17. Landscaping implementation**
- 18. Submission of plan showing refuse vehicle tracking**
- 19. Submission of a suite of design and construction plans for access**
- 20. Parking to be provided as per approved plan prior to first occupation**
- 21. Removal of permitted development rights Classes A-E**
- 22. Provision of cycle parking**
- 23. Provision of bin storage**

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

Should this application be the subject of an appeal, authority to enter into a planning agreement in accordance with the S106 Town and Country Planning Act a S106 Agreement with the following Heads of Terms:

- Affordable Housing comprising 47 units on site (100%) for affordable rent**
- £119,602.21 commuted sum towards education**
- £22,626.06 commuted sum towards Public Open Space (Elworth Park)**

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Application No: 15/0149N

Location: 35 & 41 , Mablins Lane, Crewe, Cheshire, CW1 3RF

Proposal: Outline application for the demolition of existing properties 35 & 41 Mablins Lane and Erect 17 Dwellings

Applicant: Mr E. T. & Mrs A Bickerton + Colquhoun

Expiry Date: 15-Apr-2015

SUMMARY

The application site lies within the Crewe settlement boundary where Policy RES.2 of the Local Plan advises that new housing within settlement boundaries will be permitted in accordance with Policies BE.1 to BE.5 of the Local Plan. As such, the principle of erecting dwellings in this location is acceptable subject to the scheme's adherence with other relevant local plan policies.

The proposal would bring positive planning benefits such as; housing and affordable housing, an education provision and a boost to the local economy. In addition the site is located in a relatively sustainable location.

Subject to conditions, no issues with regards to; landscape, trees, hedgerows, ecology, design, access, flooding and drainage or residential amenity would be created.

As such, it is considered that the proposal represents a sustainable form of development and as such, is recommended for approval.

RECOMMENDATION

APPROVE subject to a S106 Agreement to secure the affordable housing provision and the education contribution and conditions

PROPOSAL

Revised plans seeking Outline planning permission to erect No.17 dwellings have been received. Matters of Access are also sought for approval. Matters of; Layout, Scale, Appearance and Landscaping are all reserved for later approval.

As such, the application seeks permission for the principle of erecting 17 dwellings and access only on this site.

The numbers of units originally sought were 19. These were reduced to 17 on the recommendation of the Planning Officer.

SITE DESCRIPTION

The site measures approximately 0.38 hectares in size and comprises of; Sunny Side Farm (No.35 Mabllins Lane) and its ancillary outbuildings and No.41 Mabllins Lane on the adjacent site, both of which are located on the western side of Mabllins Lane, Crewe within the Crewe Settlement Zone Line.

The site is enclosed by residential development to the north, south and west, Mabllins Lane to the east and further residential development on the opposite side of the road.

The site is relatively flat in nature.

RELEVANT HISTORY

P92/0179 – Free standing – Refused 16th April 1992

NATIONAL & 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, 17 – Core planning principles, 47-50 - Wide choice of quality homes and 56-68 - Requiring good design

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.5 - Nature Conservation and Habitats, NE.9 - Protected Species, NE.20 - Flood Prevention, BE.1 – Amenity, BE.2 - Design Standards, BE.3 - Access and Parking, BE.4 - Drainage, Utilities and Resources, BE.5 – Infrastructure, BE.6 – Development on Potentially Contaminated Land, RES.2 – Unallocated Employment Sites, RES.3 - Housing Densities, RES.7 – Affordable Housing, E.7 – Existing Employment Sites, TRAN.1 - Public Transport, TRAN.9 - Car Parking Standards and 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:

MP1 - Presumption in favour of sustainable development, PG1 - Overall Development Strategy, PG6 - Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, IN1 – Infrastructure, IN2 - Developer contributions, SC4 - Residential Mix, SC5 - Affordable Homes, SE1 – Design, SE2 - Efficient use of land, SE3 - Biodiversity and geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 - Green Infrastructure, SE9 - Energy Efficient Development, SE12 - Pollution, Land contamination and land instability, SE13 - Flood risk and water management, CO1 - Sustainable Travel and Transport and CO4 - Travel plans and transport assessments.

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)
Development on Backland and Gardens SPD (2008)

CONSULTATIONS

Strategic Highways Manager – No objections, subject to a condition that the access is provided in accordance with the approved plans and an informative relating to a Section 184 Agreement.

Environmental Protection – No objections, subject to a number of conditions including; a restriction over the hours of piling, the prior submission of a piling method statement, the prior submission of a dust mitigation scheme, the prior submission of bin storage details, the prior submission of electric vehicle infrastructure, the prior submission of an environmental management plan and a phase II contaminated land condition. Informatives regarding hours of construction and contaminated land are also sought.

Housing (Cheshire East Council) – No objections. There is a 30% affordable housing requirement.

Green Spaces (Cheshire East Council) – No objections. No open space requirement. Scheme falls short of trigger (20 units).

Flooding (Cheshire East Council) - No objections, subject to a condition requiring the prior submission of a surface water disposal scheme and a condition advising the surface water run-off generated by the proposed development should not exceed the run-off from the undeveloped site.

United Utilities - No objections subject to a condition requiring the prior submission of a foul drainage scheme and a condition for the prior submission of a surface water drainage scheme

Education (Cheshire East Council) – Forecasts show that the development will have an impact upon Primary, but not Secondary school education. As such, should the application be approved, a contribution of £32,538.87 is required to offset the impact.

Minshull Vernon Parish Council – No comments received at time of report

REPRESENTATIONS

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

7.no letters of representation have been received objecting to the proposal on the following grounds:

- Amenity – Visual intrusion, noise, loss of privacy/overlooking, loss of light, light pollution
- Loss of business premises
- Highway safety – Congestion, parking, visibility
- Ecology – Impact upon bats
- Design – Density too high, out of character, no other apartments/flats in area
- Loss of green space
- Anti-social behaviour
- Recommend removal of PD
- Flooding concerns

Other matters have been raised that are not material considerations in the determination of this application such as; a loss of view and a de-valuation of house prices.

APPRAISAL

The key issues are:

- The principle of the development
- Housing Land Supply
- Sustainability
- CIL regulations

Principle of Development

Policy RES.2 of the Local Plan advises that new housing within settlement boundaries will be permitted in accordance with Policies BE.1 to BE.5 of the Local Plan. As such, the principle of erecting dwellings in this location is acceptable subject to the scheme's adherence with other relevant local plan policies.

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

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.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

The NPPF determines that sustainable development includes three dimensions:- 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;

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

Environmental role

Landscape Impact

The application site is roughly rectangular in shape and occupies an area of approximately 0.38 hectares in size and lies between No.17 Mabllins Lane to the south and No.43 Mabllins Lane to the north.

It is bound to the east by Mabllins Lane itself and to the west lay the rear gardens and elevations of the properties on Kestrel Drive.

The application site includes Sunnyside Farm, No.35 Mabllins Lane and its ancillary farm buildings. In addition, No.41 Mabllins Lane (and its associated outbuildings) also fall within the application site. The application seeks to demolish all of these units.

As the site falls within a residential area of Crewe, within the Crewe Settlement Boundary, and given that the application site is relatively flat in nature, it is not considered that the development would create any significant landscape concerns.

Furthermore, the Councils Landscape Officer has confirmed these conclusions.

Trees and Hedgerows

The application site includes a combination of agricultural and residential development.

There are no TPO trees within or adjacent to the site and other than grassed areas, the application site is relatively barren of vegetation other than for the presence of a hedgerow on the site frontage with Mabllins Lane.

The proposed indicative layout shows the retention of this hedgerow. However, it would be punctured in order to accommodate the new access points. In order to offset this loss the indicative layout show the provision of further hedgerows within the site.

Subject to the Landscaping issues being considered at reserved matters stage, it is not considered that the proposal would create any significant tree or hedgerow concerns.

Ecology

The application is supported by a protected species survey.

The Council's Nature Conservation Officer has reviewed this survey and advised that with the exception of nesting birds, the proposed development is unlikely to have an adverse impact on protected species.

As such, in the event of an approval, a condition to protected nesting birds and a condition to incorporate features for breeding birds are proposed.

It is noted that the proposed development will result in the loss of a length of hedgerow.

As such, the Council's Nature Conservation Officer advised that hedgerows are a priority habitat and a material consideration and therefore recommends that the submitted layout plan should be amended to show the provision of suitable native species hedgerow planting to compensate for that lost.

A revised indicative layout was received demonstrating the provision of new hedgerow planting to overcome this concern.

Design Standards

Policy BE.2 of the Local Plan advises that new development will only be permitted so long as; it would achieve a high standard of design, would respect the pattern, character and form of the surroundings and would not adversely affect the streetscene in terms of scale, height, proportions and materials used.

As the application is for outline permission with access only. Matters of layout, scale and appearance from a design perspective cannot be considered as part of this scheme.

This application shall consider whether the number of dwellings sought could be accommodated within the site in an acceptable layout of any configuration, not necessarily the indicative layout submitted.

The application seeks the erection of 17 residential units on this 0.38 hectare plot. The indicative layout shows that this would be achieved via a mixture of detached, semi-detached and a 2-storey block of apartments.

The original submission sought a 3-storey residential block which would accommodate a further 2 flats within the roof space. This third storey and subsequently 2 units have been taken out of the scheme on the advice of the planning officer.

The submitted indicative layout plan shows that the proposed dwellings would be erected in a 'U-shaped' pattern, with the majority of the built form fronting Mabllins Lane. This would comprise of 7 units in total (3 detached and 4 semi-detached).

A new access road would pass through these dwellings to a further 3 dwellings to the south of the site consisting of a row of 3 attached units and a further 6 units forming part of a residential block at the north of the site. In the middle of the site would be the access road, parking and landscaping.

The neighbouring properties along Mabllins Lane are constructed in a linear pattern fronting the road. This layout is reflected on the indicative layout.

With regards to form and scale, the revised indicative plans indicate that the applicant seeks to erect 3 detached, 4 semi-detached, a row of 3 terraced units and a new 2-storey residential apartment block.

There are numerous examples of all of these forms sought within the area and as such, the form of the development is considered to be acceptable.

In terms of scale, although this matter has not been sought for approval at this stage, it is considered important to restrict the height of the proposed dwellings to ensure that they shall not appear incongruous within their setting.

Planning history searches demonstrate that the approximate heights of the nearby properties are; 7.8 metres (No.43A Mabllins Lane), 7 metres (No.17 Mabllins Lane), 7.5 metres (No.36 Kestrel Drive).

As such, should the application be approved, it is recommended that the height of the proposed units be restricted to a maximum of 7.8 metres to ensure that their height's would not appear incongruous within the streetscene.

Other matters regarding scale, height and appearance will be considered at reserved matters stage.

Subject to this height restriction condition, it is considered that the proposed design of the scheme is acceptable. As such, it is considered that the proposed design would adhere with Policy BE.2 of the Local Plan.

Access

This application seeks approval of the access arrangements for the proposed development.

Seven properties are to be accessed directly from Mabllins Lane with the apartments and the further houses accessed via a simple priority kerbed access from Mabllins Lane.

The width of the access road at Mabllins Lane is proposed at 5.5m narrowing to 4.8m about 12m into the development.

The Strategic Highways Manager (SHM) has reviewed the submitted information and advised that Mabllins Lane is residential in nature and existing housing on the road is mainly accessed direct from the highway via dropped kerbs. The direct frontage access to eight dwellings is acceptable as is the access from the priority junction to the dwellings to the rear.

It has also been advised that the traffic impact of additional dwellings sought will be limited in this area.

It has also been advised that the site is sustainably located.

The proposed parking provision is acceptable.

Concerns were raised regarding the accessibility of the refuse collection points has been raised and a revised indicative layout has been submitted as a result.

The SHM has reviewed the revised layout and this has now satisfied his concerns.

The SHM's conclusion is that subject to the proposed plans being conditioned and the inclusion of an informative for the creation of the new highway crossings, he has no objections.

Flood Risk and Drainage

The application site does not fall within a Flood Zone and is not of a scale which requires the submission of a Flood Risk Assessment.

The Council's Flood Risk Officer has reviewed the application and advised that whilst there are no objections in principle; parts of the site are at risk of flooding from surface water. This risk is higher in the south east of the site. Appropriate measures should be incorporated into the design of the site to mitigate the risk of flooding from this source.

As such a condition seeking the prior submission of a plan demonstrating the surface water drainage is recommended.

United Utilities have also reviewed the application and advised that they have no objections subject to conditions requiring the prior submission of a foul drainage scheme and the prior submission of a surface water drainage scheme.

As such, subject to these conditions, it is considered that the proposed development would adhere with Policy BE.4 of the Local Plan.

Environmental Conclusion

The proposed development would not create any significant landscape, tree or hedgerow issues, nature conservation, access, design flooding or drainage concerns subject to conditions.

As such, it is considered that the proposed development can be considered to be environmentally sustainable.

Economic Role

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Crewe for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is not considered that the proposed development would be economically sustainable.

Social Role

Affordable Housing

The general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2013 Strategic Housing Market Assessment Update (SHMA).

The Affordable Housing IPS states that the tenure mix split the Council would expect is 65% rented affordable units (these can be provided as either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rent) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the SHMA.

The SHMA shows that for the sub-area of Crewe there is a need for 217 new affordable homes per year, made up of a need for 50 x 1 beds, 149 x 3 beds, 37 x 4+ beds, 12 x 1 bed older persons units and 20 x 2 bed older persons units.

There are currently 1699 applicants on our housing register applying for social rented housing who have selected one of the sub-areas of Crewe as their first choice, these applicants require 571 x 1 beds, 673 x 2 beds, 348 x 3 beds, 60 x 4+ beds and 2 x 6 beds (46 applicants haven't specified how many bedrooms they need).

Therefore as there is an affordable housing need in Crewe there is a requirement for affordable housing to be provided at this site, 30% of the total dwellings on site should be provided as affordable.

This 30% provision and tenure split shall be secured via a S106 Agreement and forms a significant social benefit.

Residential 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 closest neighbouring properties to the application site include; No.43a Mabllins Lane to the north of the site, the properties on the opposite site of Mabllins Lane, No.17 Mabins Lane to the south and the properties which back onto the site from Kestrel and Falcon Drive.

Within the relevant side elevation of No.43a Mabllins Lane to the north of the site, the only opening present is a first-floor bathroom window. As this is not a sole window to a principal habitable room, it is not considered that the occupiers of the dwelling itself would be detrimentally impacted by the proposed development in terms of loss of privacy, light and visual intrusion.

With regards to overlooking into this neighbouring gardens private amenity space, when the detail of the application is considered at reserved matters stage, any overlooking concerns could be overcome with the use of an obscured glazing condition.

The properties on the opposite side of Mabllins Lane would be over 25 metres away from the proposed development. It is considered that this distance is large enough to ensure that the scheme does not create any significant amenity concerns for these neighbours with regards to privacy, light or visual intrusion.

Within the relevant side elevation of No.17 Mabllins Lane to the south, there are no openings, eliminating any issues relating to privacy, light or visual intrusion for this neighbour.

To the south of the site are the rear gardens and rear elevations of the properties which front onto Falcon Drive.

The distance between the proposed closest dwellings to these neighbouring dwellings on the indicative plan is approximately 19 metres, and partially offset at their closest juncture.

Although this distance falls just short of the recommended 21 metre standard, given that the properties would be offset and could be moved further away as part of the reserved matters application, it is considered that a distance much closer to this standard can be achieved on the site, overcoming any amenity concerns to this side.

To the west of the site, the closest of the developments sought would be the side elevation of the two-storey residential block which would be approximately 18 metres away from the rear elevations of No. 44 Kestrel Drive.

In addition, the side elevation of the dwelling sought on plot 3B would be approximately 15.8 metres away from the rear elevation of No.32 Kestrel Drive.

It is considered that these distances are sufficient to overcome any concerns in relation to loss of light or visual intrusion. Issues regarding loss of privacy can be overcome with the use of obscure glazing conditions at reserved matters stage.

It is not considered that any other potential amenity issues would be created by the proposed development given the large separation distances between the built forms.

In terms of the amenity of the future occupiers of the proposed dwellings, sufficient space would be available for each dwelling to have sufficient outdoor private amenity to perform normal tasks such as; hang out washing, sit outside etc.

Subject to this and the detail of the window and door positions and the use of obscure glazing where necessary, it is not considered that the future occupiers of the proposed dwellings would be detrimentally impacted by the proposed development.

With regards to Environmental disturbance, the Council's Environmental Protection Team have advised that they have no objections, subject to a number of conditions including; a restriction over the hours of piling, the prior submission of a piling method statement, the prior submission of a dust mitigation scheme, the prior submission of bin storage details, the prior submission of electric vehicle infrastructure, the prior submission of an environmental management plan and a phase II contaminated land condition. Informatives regarding hours of construction and contaminated land are also sought.

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

Education

The Council's Education Officer has reviewed the submission and advised that forecasts show that the development will have an impact upon Primary, but not Secondary school education. As such, should the application be approved, a contribution of £32,538.87 is required to offset the impact.

Social Conclusion

Social benefits in the form of the provision of affordable housing and education contributions shall be provided as part of the development. In addition, no significant neighbouring amenity concerns would be created. As such, it is considered that the proposal would be socially sustainable.

Levy (CIL) Regulations

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

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

The proposal would also have a detrimental impact upon the local primary school provision in the area. As such, a contribution of £32,538.87 is sought and proposed to offset this impact. This is considered to be necessary, fair and reasonable in relation to the development.

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

Planning Balance

The application site lies within the Crewe settlement boundary where Policy RES.2 of the Local Plan advises that new housing within settlement boundaries will be permitted in accordance with Policies BE.1 to BE.5 of the Local Plan. As such, the principle of erecting dwellings in this location is acceptable subject to the scheme's adherence with other relevant local plan policies.

The proposal would bring positive planning benefits such as; housing and affordable housing, an education provision and a boost to the local economy. In addition the site is located in a relatively sustainable location.

Subject to conditions, no issues with regards to; landscape, trees, hedgerows, ecology, design, access, flooding and drainage or residential amenity would be created.

As such, it is considered that the proposal represents a sustainable form of development and as such, is recommended for approval.

RECOMMENDATION

APPROVE subject to a S106 Agreement to secure;

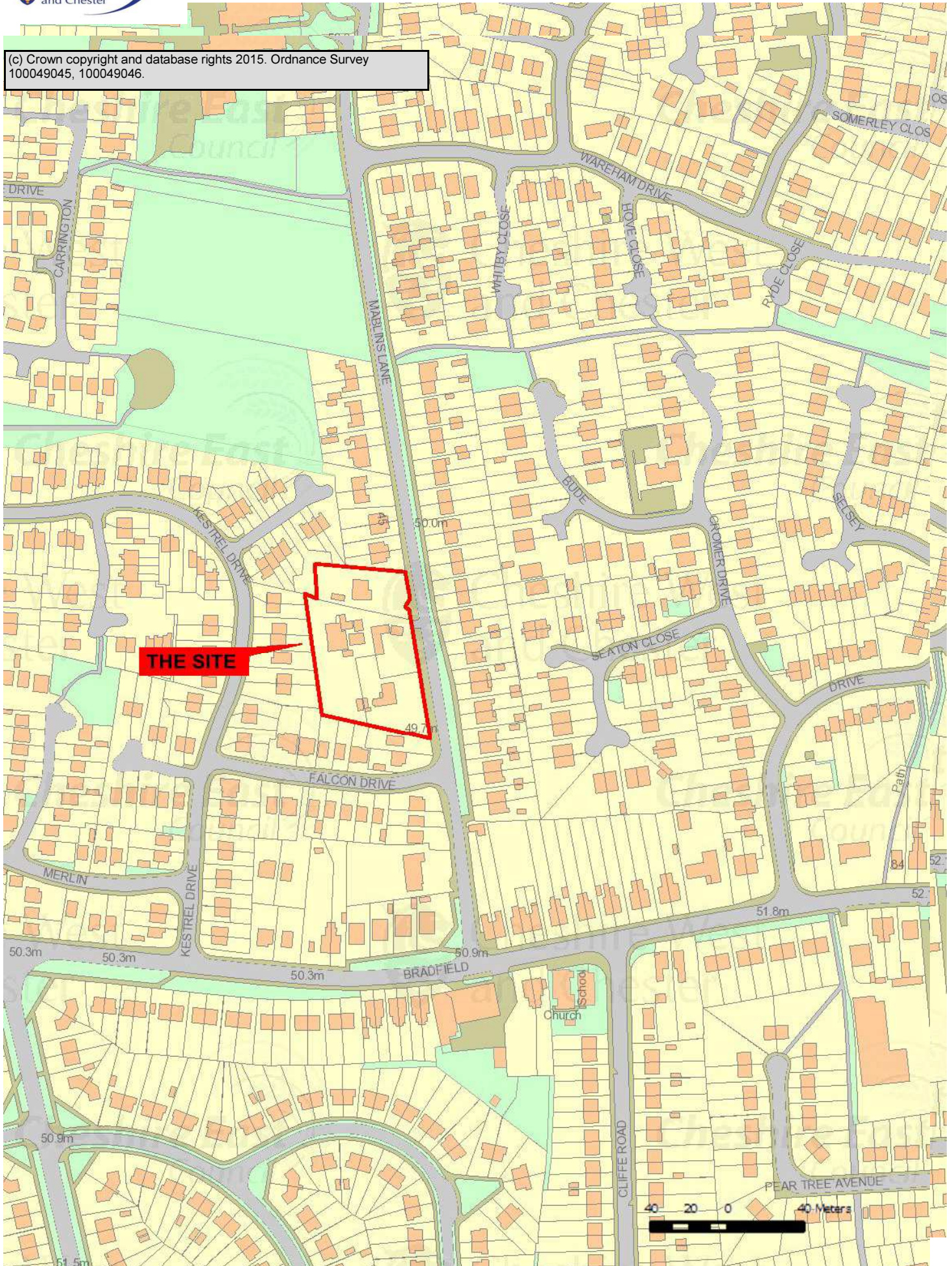
1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable 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. £32,538.87 contribution to Primary School education

And conditions;

1. Time Limit (Outline) A06OP
2. Submission of reserved matters A01OP
3. Reserved Matters application made within 3 years A03OP
4. Development in accordance with approved plans
5. Restriction of dwelling/unit heights to 7.8 metres (maximum)
6. Prior submission of a foul drainage scheme
7. Prior submission of a surface water drainage scheme
8. Hours of Piling
9. Prior submission of a piling method statement
10. Prior submission of a dust mitigation scheme
11. Prior submission of an Environmental Management Plan
12. Prior submission of land contamination report (Phase II)
13. Safeguard breeding birds A06NC
14. Incorporation of features for breeding birds

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

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Application No: 14/5662N

Location: LAND ADJACENT TO WOODLANDS VIEW, 20, BRIDGE STREET, WYBUNBURY, CW5 7NE

Proposal: ERECTION OF 2 NO. DWELLINGS, VEHICULAR ACCESS, ASSOCIATED CAR PARKING AND LANDSCAPING

Applicant: SIMON CLUTTON, SIMON CLUTTON HOMES LTD

Expiry Date: 10-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.

The principle of allowing 2 dwellings on this site has already been established under an outline approval for 2 dwellings on the site in 2010. Subsequently a reserved matters application was approved for 2 dwellings in 2012.

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 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 privacy, overbearing impact and lack of amenity space.

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

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

RECOMMENDATION:

Approve subject to conditions

CALL IN

This application has been called in to Southern Planning Committee by Councillor Janet Clowes for the following reason:

"I have been requested to call in the above application by Wybunbury Parish Council and local residents who will be impacted upon by the proposals.

History:

P05/1403: (15.12.2005) Permission given to demolish commercial garage and erect a single dwelling adjacent to Woodlands View, 20, Bridge Street, Wybunbury.

12/3274N: Permission given to erect two dwellings on current proposed site. These houses were permitted because they constituted 'In-fill' development between the proposed P05/1403 dwelling and Willow Mead (an established residence on Sally Clarke's Lane, adjacent to both sites).

The design was re-modelled at that time to ensure that the two houses were in a linear format facing Sally Clarke's Lane and conformed with the emerging linear streetscape with Willow Mead. This also ensured that Willow Mead was not overlooked by the new houses and the site would not appear 'over-developed' in the context of its very rural location at the end of the Village overlooking public green space (Sally Clarke Meadow).

13/4635N: Permission was eventually given (in the absence of a 5-year local housing land supply and Local Plan) for 30 affordable homes on a greenfield site in Open Countryside behind Willow Mead, both sites identified above and 14/5662N currently being considered.

The site P05/1403 has now been sacrificed to provide access into the 13/4635N site.

Material Objections to 14/5662N

1. Whilst it can be argued that the principle of development has been established on this site by granting of 12/3274N, it must be remembered that this was only permitted in the open Countryside, at that time, because in the context of the development at that time, it constituted in-fill development.

The fundamental alterations to the current design mean that the 2 proposed dwellings have been rotated by 90 degrees, the highways access is transposed off the new access into the 13/4635N site, and they no longer form part of the road frontage of Sally Clarkes Lane. The failure to build the proposed dwelling P05/1403 means that these dwellings would no longer constitute in-fill development.

2. The rotation of the current design by 90 degrees creates a very different and adverse design relationship with Willow Mead creating a built environment on two sides of the property with bedroom windows overlooking Willow Mead's side aspect windows, gardens (to front and back) and their elevated veranda to the front of the property overlooking Sally Clarkes Meadow. (Due to the way in which this property is built into the slope).

It must be remembered that by virtue of the 13/4635N plans, Willow Mead will also now be bordered to the rear by eight single storey dwellings.

This constitutes an over-intrusive and over-bearing development in a rural setting.

3. *The access road to site 13/4635N (and replicated in the plans for 14/5662N) extends behind Willow Mead to provide access to the eight single story dwellings and now to the proposed relocated dwellings.*

This road in front of these proposed properties is overly wide and overly engineered for what is a simple access spur for a potential maximum of ten homes.

It creates therefore a negative 'urban' design feature in this rural landscape that will detract from the development as a whole.

4. *This application MUST be considered in terms of its part in the cumulative impact of all these developments on an elevated site that will be clearly seen by the public travelling out of the Village, and that will still have to be navigated by the Public accessing Sally Clarke's meadow (due to be landscaped this year following transfer to the Parish Council by CEC).*

It is therefore requested that this application be refused."

PROPOSAL

This is an application full planning permission for the erection of 2 dwellings, vehicular access, associated car parking and landscaping.

Access would be taken from Bridge Street using the approved access for 20 dwellings to the rear of 20 to 46 Bridge Street 13/4635N).

The dwellings would be two-storey in height with integral garages and 4 bedrooms and they would face onto the access road.

It should be noted that the principle of erecting 2 dwellings on this site has already been established under an outline and subsequent reserved matters application. (P08/0811 & 12/3274N)

SITE DESCRIPTION

The application site lies within the open countryside on the edge of the village of Wynbunbury. The application site land was once a field but had been used in connections with the garage fronting Bridge Street. The site was therefore considered to be brown field at outline application stage.

RELEVANT HISTORY

12/3274N – Reserved matters approval for 2 dwellings – Approved with conditions 18th October 2012

P08/0811- Outline Application for Two Dwellings – Approved with conditions 11th October 2012

7/18456 – Demolition of commercial garage and two dwellings and construction of 11 terraced and 6 detached houses, together with associated roads, footpaths and landscaping
– Refused 26th July 1990

7/12763 – Dwelling with integral garage – Refused 6th February 1986

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.3 – Housing Densities

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:

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

Natural England: No objection

Environmental Protection: Recommend conditions/informatives relating to pile driving, hours of working and contaminated land.

Parish Council: Object to the proposal for the reasons given in Cllr Clowes in her call in.

REPRESENTATIONS:

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

At the time of report writing 1 representation has been received which can be viewed on the Council website. It expresses several concerns including the following:

- The size of the plot
- Should be considered in conjunction with the larger site adjacent to it
- Bears no resemblance to the outline application
- Loss of privacy
- Overbearing impact
- Insufficient amenity space
- Adverse impact on the street scene
- Does not represent infill development

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 principle of erecting two dwellings on the site was established when outline approval was granted in 2010 (P08/0811) and a reserved matters application was approved in 2012 (12/3274N).

The issue in question is whether this proposal 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.

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 consent has already been granted for two dwellings, it is immediately adjacent to a site where outline consent has been granted for up to 20 dwellings and there are residential properties to the south, east and west 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 office 580m
- Cash Machine 580m
- Primary school 100m

- Local meeting place 650m
- Public house 430m
- Childcare facility 450m
- Bus stop 100m
- Public right of way 100m

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 Wynbunbury, 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 designated as being within open countryside and therefore not the first priority for development. It is however immediately adjacent to existing and future residential development and has already been granted consent for two dwellings. The site is within walking distance of services and facilities in Wynbunbury.

Trees & Landscape

There are no trees within the site; however there are some on the adjacent boundaries. As such, should permission be granted, a condition should be imposed requiring suitable tree protection measures as detailed in the submitted plans.

It is not considered that the proposals would result in any significant landscape or visual impacts, and landscaping proposals have been submitted with the application that would provide adequate landscaping for the site.

Ecology

The proposed development is located within 1km of Wynbunbury Moss SSSI which forms part of the Midland Meres and Mosses Phase 1 Ramsar and West Midland Mosses SAC.

It is noted that from their consultation comments that Natural England advises that the proposed development is not likely to have an adverse impact upon the features for which the site was designated and they advise that an Appropriate Assessment under the Habitat Regulations is not required.

Under regulation 61 of the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant effects'. This assessment has been undertaken and forms part of the application documentation. The assessment concludes that the proposed development is not likely to have any significant impact upon the features for which the statutory site was designated. Consequently, a more detailed Appropriate Assessment is not required.

It is also noted that that Natural England have advised that the proposed development is also not likely to damage Wynbunbury Moss SSSI.

The proposed development is unlikely to affect protected species, however, If planning consent is granted a condition should be imposed requiring an updated badger survey to be undertaken and submitted to the Local Planning Authority prior to the commencement of the development.

Design & Layout

This is an application for full planning permission therefore detailed design plans have been submitted.

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

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

The dwellings would be traditional two-storey properties that would be of an acceptable design and would be appropriate in terms of the character and appearance of the street scene.

It has been pointed out that the properties would not be sited in the same way as those previously approved. However this is not a reason to refuse planning permission if the design and siting are appropriate in their context as they are in this instance.

The proposal is therefore considered to be in compliance with Policy BE.2 of the adopted local plan.

Highways

The Strategic Highways Manager has no objection to the proposal provided that a condition is imposed requiring creation of the access prior to commencement of development. The access already has approval for the development adjacent to the site. Therefore the proposal is considered to be acceptable in terms of access and parking and in compliance with Policy BE.3 of the adopted local plan

Flood Risk and Drainage

The Flood Risk Manager has been consulted on this application and has no objection subject to a condition relating to drainage.

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 Wymbunbury, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

SOCIAL SUSTAINABILITY

The site is within walking distance of Wymbunbury village, which offers a wide range of essential facilities and would contribute to the supply of housing in the local area.

Residential Amenity

The proposal is for two detached dwellings on this site that already has approval for a similar development. The approved development had the dwellings facing onto Sally Clarke's Lane, with a side elevation facing the property adjacent to the site (Willow Mead). This proposal has the two dwellings facing onto the new access road and therefore the rear elevations will face Willow Mead. There are windows in the side elevation of this property; however it is set at an angle to the site and the existing screening on the boundary would ensure that there would be no significant adverse impact on privacy levels.

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 and contaminated land.

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. In particular the design and siting of the dwellings has been assessed by Officers and found to be acceptable.

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 principal of the development of two dwellings on this site has been established as acceptable as an infill plot.

The development would 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.

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

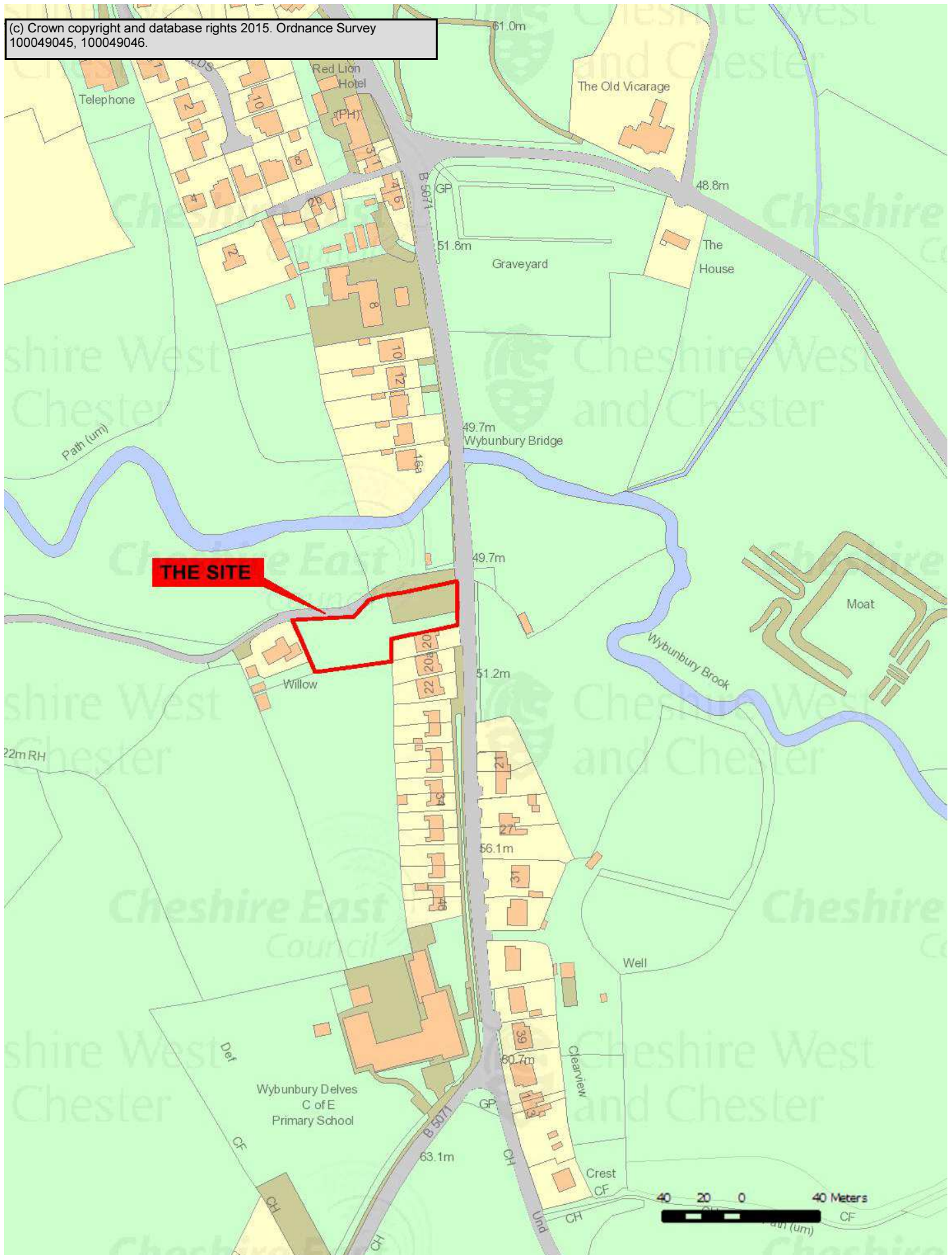
RECOMMENDATION

Approve subject to the following conditions:

- 1. Commencement**
- 2. Approved plans**
- 3. Materials in accordance with the details submitted with the application**
- 4. 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.**
- 5. Submission of drainage scheme to include the disposal of foul and surface water**
- 6. Prior to commencement of development an updated protected species survey shall be submitted**
- 7. Prior to commencement of development submission of a contaminated land Remediation Strategy**
- 8. Details of existing and proposed land levels to be provided**

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 Head of Planning (Regulation) 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: 14/5781N

Location: Former Stapeley Water Gardens, London Road, Stapeley

Proposal: Removal of condition 12 (windows and doors) to planning application 13/4648N - Replan of plots 110-120 at former Stapeley Water Gardens, London Road, Stapeley

Applicant: James Wright, David Wilson Homes (NW)

Expiry Date: 02-Mar-2015

CONCLUSION:

The application includes an appropriate quality of design and the proposal is considered to be acceptable. The development would not have a detrimental impact upon residential amenity.

The application site is within the Settlement Boundary for Nantwich and the proposal represents an appropriate form of development.

SUMMARY RECOMMENDATION:

APPROVE with conditions

REASON FOR REPORT:

This application is to be determined at planning committee as the proposal is for a variation of a condition on a major planning application (Condition 12 – windows and doors, of planning permission 13/4648N – replan of plots 110 -120 at former Stapeley Water Gardens, London Road, Stapeley).

PROPOSAL:

The proposed development is for the removal of Condition 12 of planning permission 13/4648N to allow for the replan of plots 110 – 120. Condition 12 states as follows:

All windows and doors in the development and any subsequent replacements shall have a minimum 55mm reveal which shall not be varied without the prior written consent of the Local Planning Authority.

SITE DESCRIPTION:

The application site forms part of the wider former Stapeley Water Gardens and Stapeley Manor site which is located within the Settlement Boundary for Nantwich as defined by the Borough of Crewe and

Nantwich Replacement Local Plan Proposals Map. A number of dwellings have already been constructed on the site and the access to them is via London Road.

RELEVANT HISTORY:

13/4648N – Replan of plot 110 – 120 at former Stapeley Water Gardens, London Road – Approved – 29th October 2014

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

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

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

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 relevant Saved Policies are: -

BE.1 – Amenity

BE.2 – Design Standards

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:

MP.1 – Presumption in Favour of Sustainable Development

PG.2 – Settlement Hierarchy

SD.1 - Sustainable Development in Cheshire East

SD.2 - Sustainable Development Principles

SE.1 - Design

Supplementary Planning Documents:

n/a

CONSULTATIONS:

Highways: No comment.

Environmental Health: No comment.

Environment Agency: No comment.

Archaeology: No comment.

Network Rail: No comment.

Public Rights of Way: No comment.

United Utilities: No comment.

Trees and Landscape: No comment.

Nantwich Town Council: No comment.

REPRESENTATIONS:

None received.

APPRAISAL:

Principle of Development

The proposal is for the removal of the 55mm reveal to the windows and doors on plots 110 - 120 within the settlement boundary for Nantwich which is acceptable in principle providing that the design is appropriate and that the development does not give rise to any detrimental impact on the amenities of adjacent properties.

Amenity

Policy BE.1 (Amenity) states that new development will be permitted provided that the proposal is compatible with the surrounding land uses and that the development does not prejudice the amenity of future occupiers or the occupiers of adjacent properties.

It is not considered that the removal of the reveal to the windows and doors of plots 110-120 will have any detrimental impact on the amenity of the surrounding residential properties.

Design

With regard to the design of the proposed dwelling Policy BE.2 (Design Standards) states that new development will be permitted where it is sympathetic to the character, appearance and form of the site and the surrounding area in terms of height, scale, form and grouping of buildings as well the visual, physical and functional relationship with the streetscene and surrounding area.

The surrounding properties are newly built modern, two storey detached dwellings and overall it is considered that the proposed development is acceptable in terms of its size, scale and bulk and its relationship with the surrounding dwellings.

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 in within the Settlement Boundary for Nantwich and is in accordance with Policy BE.1 (Amenity) and Policy BE.2 (Design Standards) and is therefore considered to be acceptable.

APPROVE subject to completion of a Deed of Variation to the Section 106 agreement to secure the same Heads of Terms as application 13/4648N.

And the following conditions:

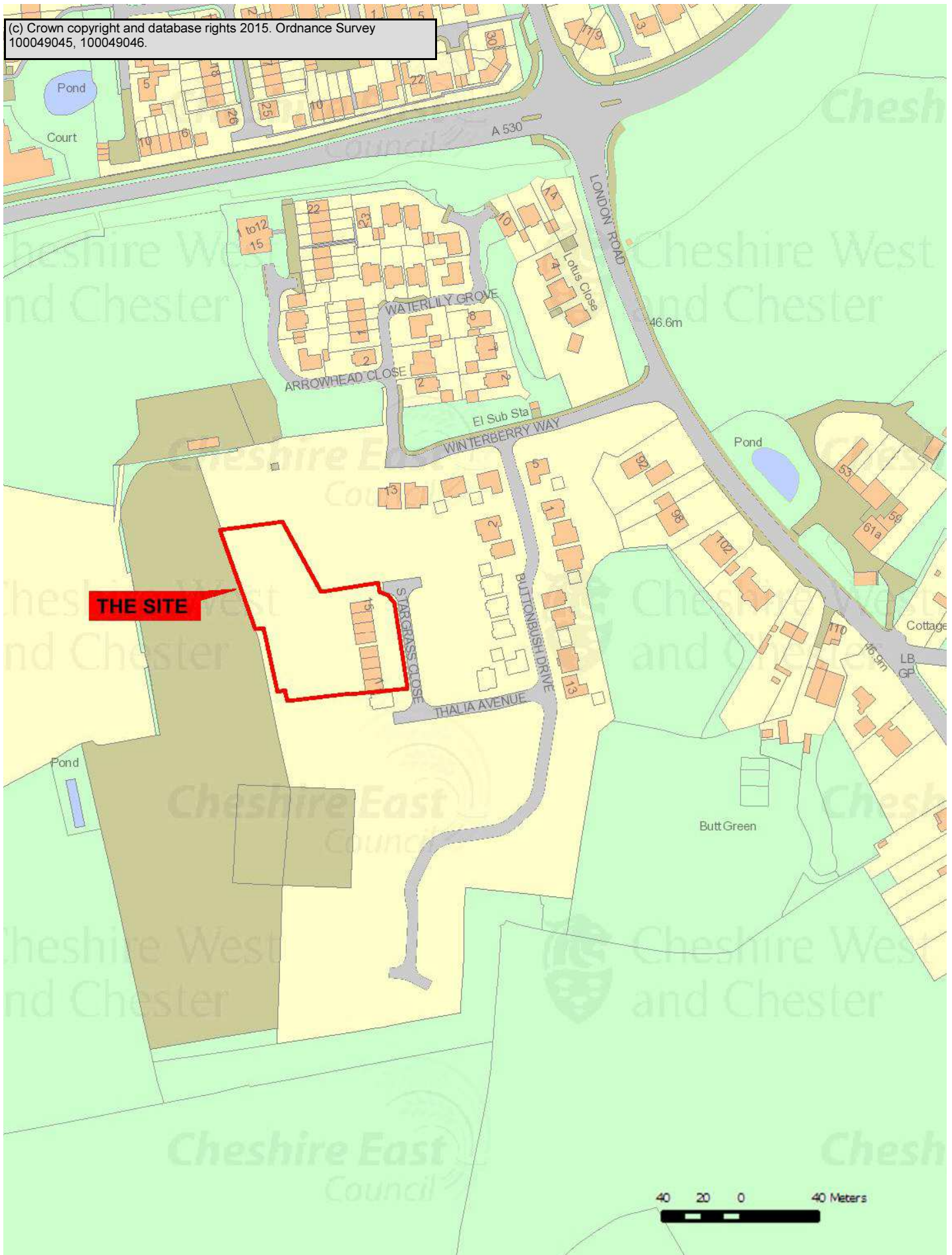
Conditions:

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

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

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of 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: 14/5886C

Location: LAND AT THE GREEN, MIDDLEWICH, CHESHIRE

Proposal: Replan and substitution of housetypes of plots 15-22 of extant planning permission 13/1418C

Applicant: Mr Sean McBride, Persimmon Homes

Expiry Date: 06-Apr-2015

CONCLUSION:

The site already has full planning permission for residential development which has established the acceptability in principle of this proposal. The scheme is contained within the existing site boundaries and will not result in further encroachment into open countryside. The proposal will make better use of the site and ease pressure for housing development on other greenfield sites. The proposal is acceptable in terms of design, amenity, access and parking and additional Section 106 contributions will address additional demands on education, greenspace etc. The proposal is therefore economically, environmentally and socially sustainable.

RECOMMENDATION: APPROVE subject to Section 106 and Conditions.

PROPOSAL:

Full planning permission was granted in 2012 for 63 homes together with associated public open space, access and highway works. The scheme included a mix of affordable and open market housing within the site, with affordable units making up 30% of the total development. The site has one vehicular access taken from The Green. The proposed open space is located on either side of the access road with properties fronting onto this public open space in a crescent shape. Work has now commenced on implementing this consent.

In May 2014, the applicant received consent for the substitution of 22 dwellings for 35 dwellings to the northern part of the previously consented scheme.

This application originally sought full planning consent for a further replan and substitution of housetypes of the 8 currently consented dwellings on plots 15-22 for 14 smaller family houses. As a result of concerns regarding lack of parking an amended plan has been submitted reducing the number of dwellings proposed by 1 to 13.

SITE DESCRIPTION:

The application relates to 0.25ha of land, which forms part of a larger development site of 2.25ha in area, situated to the south-west side of The Green. The site lies within the Open Countryside adjacent to the Middlewich Settlement Boundary and is bordered by residential properties to its northern, southern and eastern boundaries, with open fields to the west.

The site is relatively flat although it is set at a higher level than The Green. Hedgerows and fencing form the boundaries to the site and there are a number of trees along the boundaries of the site. The surrounding residential development consists of bungalows fronting onto The Green with two-storey detached and semi-detached properties to the north, east and south.

RELEVANT HISTORY:

10/4065C Outline Application for 68 Residential Dwellings over 2.25 Hectares. Access from The Green with some Matters Reserved – Refused 4th February 2011

11/2833C Outline planning permission is sought for up to 68 homes together with associated public open space, and highway works. – Approved 9th January 2012

11/4545C Residential Development Comprising 64 Dwellings (Including 30% Affordable Housing) and Associated Highways, Landscaping and Public Open Space – Approved 30th March 2012

13/1418C Substitution of house types, at increase from 22 dwellings to 35 dwellings on the north west part of the site - Approved

NATIONAL & LOCAL POLICY

National Policy

National Planning Policy Framework

Local Plan Policy

PS8 - Open Countryside
GR21 - Flood Prevention
NR4 - Non-statutory sites
GR1 - New Development
GR2 - Design
GR3 - Residential Development
GR5 - Landscaping
GR9 - Accessibility, servicing and provision of parking
GR14 - Cycling Measures
GR15 - Pedestrian Measures
GR17 - Car parking
GR18 - Traffic Generation
GR 22 - Open Space Provision
NR1 - Trees and Woodland
NR3 - Habitats

NR5 - Habitats

H2 - Provision of New Housing Development

H6 - Residential Development in the Open countryside

H13 - Affordable Housing and Low Cost Housing

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

CO1 Sustainable Travel and Transport

CO4 – Travel Plans and Transport Assessments

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

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

IN1 – Infrastructure

IN2 – Developer Contributions

CONSULTATIONS:

Environment Agency - No comments to make on the proposed development

Brine Board - At original planning stage, the Board did not make any structural recommendations for this site and therefore they have no comments on the proposed substitution.

Middlewich Town Council - Objection regarding Highways concerns raised on previous application 13/1418C

Education – At the time when 11/4545C came in a contribution was not required as there was forecast to be some surplus in the future.

On our spreadsheet 13/1418C is recorded as being 39 dwellings generating 7 primary and 5 secondary aged pupils and a contribution of £81k. However as education had not claimed originally and they could only claim for a number of the extra houses which equated to £32,685. On this basis an extra 6 dwellings would equate to another pupil taking the contribution up to £49,028. Its one of those scenarios where numbers have changed over a period and the school

has since become oversubscribed and so other applications in Middlewich we seek full contributions for secondary. So the new figure is £49,028

Highways – No objection

OTHER REPRESENTATIONS

2 representations have been received making the following points:

- This development was originally approved for 64 dwellings. After construction commenced the plans were changed to 71 dwellings. This further change results in 83 dwellings
- The developer did not judge the market correctly
- How many houses can you legally build per acre.
- This site is already densely packed.
- A 30% increase from the original approval will increase light , noise and general pollution by the same amount.
- a 30% increase from the original approval is unacceptable .
- It would not have been approved for this many dwellings originally so it should not be now.
- Suggest more public open space instead of houses they can't sell.
- This is due to the builder not being able to sell the larger detached houses in the current market.
- This is something that all the objectors to the original approval cited at the time !
- The market has not changed and now there is another 600 + houses being built less than a quarter of a mile away that Persimmon has boxed themselves into a corner and should not be allowed to ride over the original approval for capital gain.
- There are still unsold houses on this site that were built nearly two years ago.
- Each property has one car parking space with an average of two cars per household. This means the pavements become obsolete and therefore more dangerous for pedestrian movement which will also increase.
- The Green was strongly objected to by local people and some councillors alike
- It was initially refused then, the house builders, continued to amend the quantity of houses up and down, continuing to submit new proposals in a bid to obtain permission, which eventually they received.
- No consideration what-so-ever was given to the residents who purchased their properties specifically because they backed on to 'Green Belt' land
- Existing residents have had houses built, directly behind their own property where people are staring into their kitchen window. It is a worst nightmare, come true.
- Increasing the number of activity in the gardens to double making life in my existing gardens even more unbearable.
- The developers wish to amend these houses because there are over 200 new builds a few hundred yards away, which are of a far higher standard of house. Warmingham Lane has been targeted with 230 houses on the right and 400+ on Glebe Farm land, on the left, leaving Middlewich.
- It has to remain the problem of Charles Church builders if they cannot sell the planned, approved dwellings. Why should the residents be once again 'kicked in the teeth' and overruled, to merely line the pockets of Charles Church builders. They should have done their homework first.
- The properties Charles Church Builders they have designed and built are the most boring, characterless, penny pinching, cost cutting version of a property ever seen.

- Existing residents must put up with it or move.

OFFICER APPRAISAL

Main Issues

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H.6 and PS.8 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.

However, the granting of the previous planning permission established the acceptability in principle of residential development on this site and given that the previous permission is being, and can continue to be, implemented, this application does not present an opportunity to re-examine those issues.

The proposal is therefore acceptable in principle and the main issues in the consideration of this application are sustainability of the proposal in terms of economic, social and environmental factors.

SOCIAL SUSTAINABILITY

Open Countryside and Housing Land Supply

This proposal, is a full planning application for 14 dwellings on the north-west part of the site, which will increase the total number of properties on the site to 86. Although a greater number of dwellings is now proposed, the site boundaries remain the same. Therefore, it will not result in any greater loss of open countryside, than that which has already been accepted and by increasing the density, it will make better use of the land which will increase the contribution that the site makes to housing land supply, and will ease the pressure to develop other greenfield sites elsewhere in the Borough

Affordable Housing

The proposed re-plan includes an overall increase in the number of dwellings on site resulting in an increase in the affordable housing requirement and the requirement to provide a further 2 affordable units. The applicant is proposing 2 x 2 bed units provided as one rented and one intermediate unit. This is acceptable and in line with the Council's Interim Planning Statement. The proposed re-plan places the two affordable units in the middle of a terraced row, adjoining market units on either side.

Initially Housing officers were concerned over the deliverability of the affordable units if provided in this way and they suggested that the applicant provides the two affordable units required as a pair of semi-detached units not adjoining market units. If arrangements cannot be made for the existing provider on the remainder of the site to take the units, housing would have concerns over appetite of Registered Providers (RPs) to take two units in isolation. Therefore they requested to see evidence provided that discussions with RPs to take the two additional affordable units have taken place.

In response additional information has been provided by the developer and Housing Officers have confirmed that they are happy for the additional two affordable units to be provided both as Intermediate tenure. This is due to the impracticalities of having one rented unit in isolation. The units could be delivered as Shared Ownership delivered with an RP partner or Shared Equity delivered direct by Persimmon. They are satisfied that the email correspondence from Dane Housing alleviates concerns around the deliverability of the units within a terrace of market units. Therefore they have withdrawn their objection. However, the Section 106 agreement should ensure the two affordable units to be provided as Intermediate tenure, not just Shared Ownership. This is to ensure we have options that are deliverable.

Amenity

The site is bounded to the west by open countryside. Existing residential development bounds the site on all other sides with residential properties fronting Eardswick Road to the north, Broxton Avenue to the east and Beeston Close and Bunbury Close to the south. The Council's Supplementary Planning Guidance (SPG) recommends that minimum distances of 21.3m be maintained between principal elevations and 13.7m between a principal elevation and a flank elevation. With regard to the relationship between the proposed dwellings and the existing properties in those roads listed above, the recommended minimum distances will be achieved.

To turn to the levels of residential amenity to be provided within the development, the recommended minimum distances of 21.3m and 13.7m will be achieved in all cases.

The Council's SPG advocates the provision of 65sq.m of private amenity space for all new family dwellings. A number of plots fail to achieve this standard and the minimum garden areas are now approximately 45sq.m.

Whilst the proposal fails to meet all the requirements of the Council's SPG and Policy GR6 of the adopted Local Plan,, the provision of an adequate standard of amenity for future residents must be balanced against the need to make the best use of land and the proposed increase in the number of properties to be built on this site will contribute to the Council's housing land supply and will ease pressure to develop other Greenfield and open countryside sites within the Borough.

With regard to noise pollution, air pollution and light pollution caused by the development, the Environmental Health Department, have raised no objection to the development subject to conditions. Similar conditions were imposed on the previous consent and therefore these could be carried over to any further approval. As a result, it is not considered that these issues would warrant the refusal of this application.

Open space

The size, shape and location of the proposed on-site open space provision are identical to that shown on the previously approved scheme. This was originally, considered to be adequate to serve a development of 68 homes. However, it was not considered to be sufficient to provide for the larger development.

With regard to Children and Young Persons Provision, following an assessment of the existing provision accessible to the proposed development, carried out as part of the previous application, there was considered to be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons Provision.

To meet the needs of the development, an opportunity was identified for the upgrading of an existing facility at Moss Drive, to increase its capacity. The existing facility is a Local Equipped Area for Play (LEAP), located off Chadwick Road/ Moss Drive. This facility is within 800m of the entrance of the proposed development accessed via a footpath off Chadwick Road, close to the existing road called The Green.

The existing facilities at the identified site were substandard in quality and consequently the applicant agreed to pay a commuted sum towards improvements. For the whole site, including both the replanned and previously approved parts of the application site, these equate to:

- £25,853.52 for children's playspace (£335.76 per dwelling)
- £5,742.93 for amenity greenspace (£74.57 per dwelling)

The further increase in the number of dwellings now proposed would clearly increase the demand for play facilities and the pressure on the Chadwick Road / Moss Drive site. It is therefore recommended that the contribution should be increased accordingly on a pro-rata basis by the following amounts:

- £2350.32 for children's playspace
- £522.08 for amenity greenspace.

The applicant has also confirmed that it is their intention to set up a management company to maintain the onsite open space and in this context they would not be required to make a contribution to the Council for the on-going maintenance of the on-site amenity green space.

Therefore, subject to the applicant entering into a Section 106 Agreement to secure the financial contribution and the establishment of the management company, it is considered that the revised proposal is acceptable in Open Space terms.

Infrastructure

The Councils Education Department were consulted as part of the original application and stated that the existing schools in the area should be able to accommodate the additional pupils from this development and therefore no Section 106 Developer contributions were required in respect of that proposal.

The previous increase in numbers of dwellings on this site generated a requirement for school places and a contribution was secured which equated to £32,685.

On this basis the extra 7 dwellings now propose would equate to another pupil taking the contribution up to £49,028.

Therefore, an additional Section 106 contribution of £9343 is required.

ENVIRONMENTAL SUSTAINABILITY

Ecology

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. Art. 16 of the Directive provides that if there is no

satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *"in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment"* among other reasons.

The Directive is then implemented in England and Wales : The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their 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 have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met, then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely, if it seems from the information 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 will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF. In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

In this case, ecological issues were given full consideration at the time of previous approval, and it was concluded that subject to the imposition of certain conditions, the proposal would not have a detrimental impact on protected species within or adjoining the site. Given that the site area remains unchanged, provided that the same conditions are imposed, the proposed re-plan and increase in the numbers of dwellings will not have a materially different or greater impact than the approved scheme.

Landscape

In respect of the previous application, the Council's Landscape Officer expressed the view that the proposals would not have a significant landscape or visual impact and therefore offers no objections to this application. Given that no change is proposed to the extent of the development area, or the site boundaries, it is not considered that any additional landscape impact would occur as a result of this proposal.

Trees

The Council's Landscape Officer has examined the application, and commented that she does not envisage any significant new forestry impacts.

Drainage and Flooding

United Utilities and the Environment Agency have raised no objection to the proposed modifications and a condition can be imposed requiring the site to be drained in complete accordance with the previously submitted and approved strategy which ultimately states that all surface water flows generated by the new development will discharge to soak-away or watercourse only.

Design

With regard to the layout of the site, the re-planned part of the site would be arranged around a cul-de-sac with a turning head at the end, which is the same as the approved scheme. The properties are orientated in such a way that active frontage is provided to the roads and a sense of enclosure and overlooking is maintained at the end of the turning heads. This is similar in character to much of the surrounding development, particularly the more modern housing estate to the south. Whilst greater than that of the approved scheme, the density, of the development, and the spacing between the dwellings, will not appear out of character with that of the remaining part of the site and the adjoining development.

However, the increase in the density has resulted in the majority of plots now having frontage parking on both sides of the road. To address this amended plans have been submitted showing the removal of 2 no Penrose housetypes and replacement with 1 no. Rufford housetypes, which has an integral garage. This revision will reduce the number of plots within the application site from 14 to 13 and also lessens frontage car parking within the site.

This also allows sufficient landscaping is proposed between spaces to break up the hardstanding and avoid creating the impression of a car dominated frontage which will detract from the character and appearance of the proposed street scene contrary to Policies GR1 and GR2 of the adopted Congleton Borough Local Plan First Review and the provisions of the National Planning Policy Framework which seeks to improve the character and quality of areas and the way in which they function. This is considered to be sufficient to deal with these concerns and also satisfies those concerns raised in the objection set out by the resident of 36 Jubilee Pastures.

To turn to elevational detail, the surrounding development comprises a mixture of ages and architectural styles, ranging from single-storey properties to two-storey properties. Notwithstanding this, there is consistency in terms of materials with most walls being finished in simple red brick; some properties incorporate render and cladding. The predominant roof forms are gables although some are hipped and most are finished in grey concrete tiles.

Of the 4 housetypes proposed in the re-planned area, three are incorporated within the existing approved scheme and are therefore deemed to be appropriate. The fourth housetype "Penrose" are 2 stories in height which reflects the more recent developments in the surrounding area.

The properties are traditional gabled and pitched roofed dwellings which incorporate features such as lean-to porches and window head details that add visual interest to the elevations and are similar to other properties in the vicinity. The proposals are in keeping with those on the previously approved scheme, and the remaining part of the site. Similar designs have been employed on the neighbouring developments at and it is considered that the proposed dwellings would be appropriate for the site and in keeping with the character of the surroundings.

Ground Conditions

A consultation response was received from the Cheshire Brine Board in respect of the previous application which raised no objection to the proposed development. Given that there is no change to the site area, no additional concerns are raised in this respect.

Matters of contaminated land were also addressed as part of the previous permission, and the conditions attached thereto, and consequently, Environmental Health have raised no objection subject to a condition being added requiring all work to cease in the event that previously unsuspected contamination is encountered.

ECONOMIC SUSTAINABILITY

Loss of Agricultural Land

The proposal will not result in any greater loss of agricultural land than the previously approved scheme.

Highway Safety and Traffic Generation

The Strategic Highways Manager commented that as originally submitted, plot numbers 80 – 83 and 86 – 89 had insufficient off-street parking provision to comply with CEC minimum park standards. For 2/3 bedroom properties two off street parking spaces per dwelling are required. As stated above a revised layout has now been submitted and the Strategic Highways manager has withdrawn his previous objection.

CONCLUSIONS AND PLANNING BALANCE

The site already has full planning permission for residential development which has established the acceptability in principle of this proposal. The scheme is contained within the existing site boundaries and will not result in further encroachment into open countryside. The proposal will make better use of the site and ease pressure for housing development on other greenfield sites. The proposal is acceptable in terms of design, amenity, access and parking and additional Section 106 contributions will address additional demands on education, greenspace etc. The proposal is therefore economically, environmentally and socially sustainable.

RECOMMENDATION

APPROVE subject to Deed of Variation to the existing Section 106 Agreement to bind the whole site and secure:

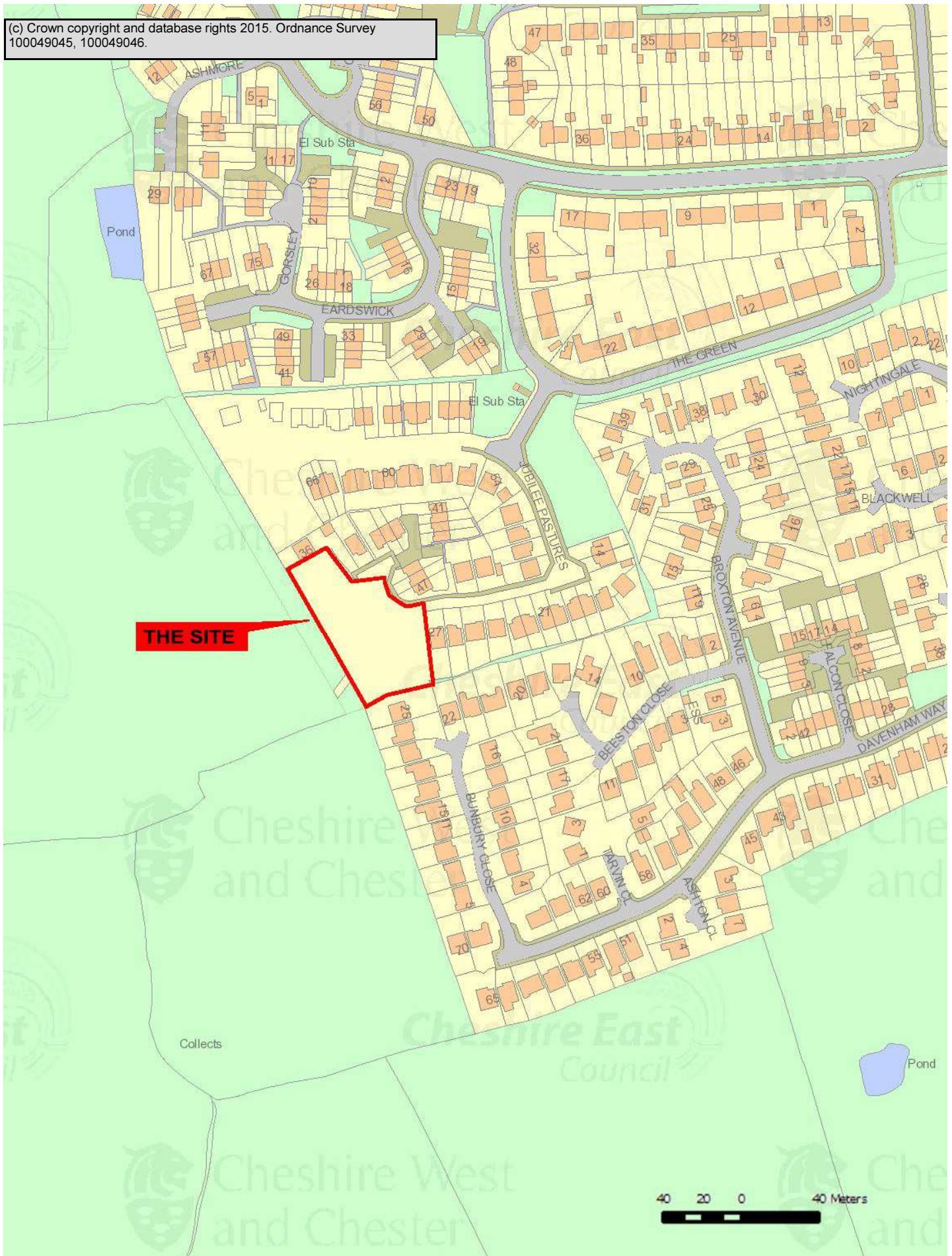
- **Affordable housing comprising 2 additional intermediate tenure dwellings**
- **Additional payment for children's playspace (£2350.32)**
- **Additional payment for amenity greenspace (£522.08)**
- **POS contributions to be spent in accordance with the Council's interim policy within 800m of the development site'**

- **Provision for a local residents management company to maintain the on-site amenity space**
- **Additional Education Contribution (£9343)**

And the following conditions:

- 1. Time Limit**
- 2. Approved Plans**
- 3. Remove permitted development rights**
- 4. Submission / Approval of Contaminated Land Investigation / Mitigation**
- 5. Submission / Approval of Details of External Lighting**
- 6. Hours of construction to be restricted to 08:00 to 18:00 hours on Monday to Friday, 09:00 to 14:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays**
- 7. Submission / Approval of details of any piling**
- 8. Submission / Approval of bin storage**
- 9. Submission / Approval of scheme to manage overland flow**
- 10. Submission / Approval of scheme to limit surface water runoff**
- 11. Surface water discharge to mimic that of the existing site**
- 12. Submission / Approval of detail of Sustainable Urban Drainage**
- 13. Only foul water to be connected to sewer**
- 14. Details of bat and bird nest boxes**
- 15. Submission / Approval of Landscaping**
- 16. Implementation of Landscaping**
- 17. Submission / Approval of Tree protection**
- 18. Implementation of Tree Protection**
- 19. No works to take place during nesting season without submission / approval of bird survey**
- 20. Enhancement of existing hedgerows**
- 21. Development to take place in accordance with Great Crested new mitigation measures**
- 22. Submission / Approval of materials**
- 23. Submission / Approval of road construction details**
- 24. Provision of car parking**
- 25. Submission / Approval of details of boundary treatment**
- 26. Submission / Approval of construction management plan**

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Application No: 15/0855N

Location: 66, CREWE ROAD, SHAVINGTON CUM GREYSTY, CREWE, CW2 5DW

Proposal: Rear single and two storey extension

Applicant: Mr & Mrs Hall

Expiry Date: 22-Apr-2015

CONCLUSION

The proposed development is acceptable in principle and would not be detrimental to the character or appearance of the surrounding area, the existing dwellinghouse, the amenity of the neighbouring properties, or highway safety. The development is therefore considered to comply with the relevant policies in the Local Plan and a recommendation of approval is made.

SUMMARY RECOMMENDATION

Approve subject to conditions

REASON FOR REFERRAL

Called in by Cllr Brickhill on the following grounds:

'I call in this application 15/0855N to committee at the request of Cllr Macintyre on behalf of the parish council. The extension is far too big for the site, it is unneighbourly and oppressive, also it denies natural daylight to no 68. No 66 Crewe Rd has already been extended once without objections but this second extension is just too much'

DETAILS OF PROPOSAL

This application seeks householder planning permission for the demolition of an existing conservatory and two storey rear lean to extension and erection of single and two storey rear extensions to be finished with brick with white uPVC windows under a tiled roof to match existing.

The proposed two-storey extension would project approximately 4.9 metres, measure 5.1 metres in width and would have a dual-pitched roof approximately be 6.5 metres in height to the ridge and 5.1 metres to the eaves.

The two proposed single-storey extensions would project from the side and rear of the above proposed two-storey extension. The side extension would project approximately 3.2 metres, measure approximately 4.9 metres in width, and would have a lean to tiled roof approximately 3.8 metres at its highest point and 2.5 metres to the eaves. The rear extension would project approximately 1 metres, measure 3.3 metres in width and would have a lean to tiled roof approximately 3.5 metres at its highest point and 2.4 metres to the eaves.

SITE DESCRIPTION

The application unit is a two-storey, detached dwelling situated on Crewe Road, within the Shavington Village Settlement Zone Line.

The property has a brick finish, a dual-pitched tiled roof and white uPVC fenestration.

The property benefits from a rear conservatory and extensions, and a detached pitched roofed single-storey garage.

The site is not located within a Conservation Area and is not a Listed Building.

RELEVANT HISTORY

P06/0117 - Two Storey Rear Extension, Conservatory and Replacement Garage – Approved 27 March 2006.

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) and 56-68 (Good design).

Development Plan

The Development Plan for this area is the Crewe and Nantwich Local Plan 2011.
The relevant Saved Policies are:

BE.1 (Amenity)

BE.2 (Design)

BE.3 (Access and Parking)

RES.11 (Improvements and Alterations to Existing Dwellings)

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)
SE1 (Design)

Supplementary Planning Documents:

Supplementary Planning Document (SPD) – Extensions and Householder Development

CONSULTATIONS

None received at the time of writing.

VIEWS OF THE PARISH COUNCIL:

Application called in to committee for the following reasons:

- *“The extension is far too big for the site, it is unneighbourly and oppressive, also it denies natural daylight to 68.”*
- *“66 Crewe Rd has already been extended once without objections but this second extension is just too much”*

OTHER REPRESENTATIONS

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

Neighbour comments have been received raising objection to the proposal on the grounds of adverse impacts on amenity o the grounds of a loss of privacy and natural daylight.

(A full record of received comments can be found on the Cheshire East Borough Council web site)

APPRAISAL

The key issues are:

- The principle of the development
- The impact upon neighbouring amenity
- The impact of the design

SUSTAINABILITY

The National Planning Policy Framework definition of sustainable development is:

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

stagnate. Sustainable development is about change for the better, and not only in our built environment”

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

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

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;

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

Environmental Role

Design

Policy BE.2 of the Local Plan advises that proposals for new development will be permitted provided that they achieve a high standard of design, respect the character and form of the surroundings, and would not adversely affect the streetscene by reason of scale, height, proportions or materials used.

The height, scale and form and rear location of the extensions would ensure that they would appear subservient to the original dwelling and would not be easily viewed from the street.

At its tallest point, the two-storey extension would be approximately 0.8 metres lower than the tallest part of the existing dwelling and single story elements would naturally appear subservient.

It is advised that the proposed extensions would be constructed from exposed brick walls, a pitched tiled roof and uPVC fenestration. Subject to the materials of this extension being conditioned to match the existing dwelling, it is considered that the proposed choice of materials would be acceptable.

As a result of the above, it is considered that the proposed extensions would not have a detrimental impact upon the character of the dwelling, surrounding area or street scene and would adhere with Policy BE.2 of the Local Plan and advice advocated within the SPD – ‘Extensions and Householder Development, and it is considered that the proposed development would be environmentally sustainable.

Economic Role

It is accepted that the construction of an extension would bring the usual but limited economic benefit to the closest shops in nearby Shavington and Crewe for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain.

As such, it is considered that the proposed development would be economically sustainable.

Social Role

Policy BE.1 (Amenity) of the Local Plan advises that development shall only be acceptable where it would not prejudice the amenity of future occupiers or the occupiers of adjacent properties by reason of overshadowing, overlooking or visual intrusion.

The location of the proposed extensions would mean that neighbouring properties no. 68 and no. 64 Crewe Road have the potential to be impacted.

The side elevation of no. 64 Crewe Road is located approximately 8 metres from the SW elevation of the proposed two storey extension and porch, which would have a window serving the kitchen on ground floor, and bathroom on first floor and a mid / two storey window serving the stairs and landing.

Due to the positioning of the host properties detached garage and neighbouring properties garage together with the absence of any principle windows on the side elevation of no. 64 Crewe Road it is considered that any residential amenity impacts would be effectively mitigated, and therefore considered acceptable.

With regards neighbouring property no. 68 Crewe Road, the NE elevation of the proposal is set back approximately 1.5 from the boundary, bound by close board fencing and a detached garage. The nearest windows of no. 68 with the potential to be affected by the proposals would be rear and side facing dining room windows and a side facing galley kitchen window.

With regards overlooking and privacy, the proposal includes two new windows serving the dining room and utility. Of which the proposed dining room window would be located across from the side elevation, dining room, window of no. 68 Crewe Road. It is however considered that due to existing boundary treatment, the small size of the proposed dining room window and subject a condition requiring both side elevation windows to be obscure glazed, that any impacts relating to privacy can be effectively mitigated.

Due to the proximity of the proposals in relation to no. 68 Crewe Road there is the potential for impacts on the residential amenity from visual intrusion and loss of light. Of particular note is the rear window serving the dining room of no. 68 Crewe road, which would be located approximately 3 meters from the NE side elevation of the single storey element replacing an existing conservatory.

It is considered that the replacement of the conservatory with the single storey element of the proposal with a similar eaves height and profile would not significantly reduce available light or

create any additional visual intrusion than existing. With regards potential amenity impacts from the two storey element of the proposal, it is considered that the 3 metre set back from the ground floor elevation and compliance with the 45 degree guideline set within the SPD - 'Extensions and Householder Development' would suggest that any impacts to the dining room window would not be considered significant.

As a result of the above reasons, it is considered that the development adheres with Policy BE.1 (Amenity) of the Local Plan and advice advocated within the SPD – 'Extensions and Householder Development' as such it is considered that the development would be socially sustainable.

Planning Balance

The site lies within the Shavington Settlement Zone Line where there is a general presumption in favour of development. As such, the principle of single and two storey rear extensions is considered acceptable subject to compliance with other relevant development plan policies which in this case, relate to design and residential amenity.

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

From an economic sustainability perspective, the scheme will assist in the local building business.

From an environmental and social perspective the proposal would be of an acceptable design that would have a minimal impact upon the amenities. As such, the proposal would adhere to Policies BE.1 (Amenity), BE.2 (Design Standards) and RES.11 (Improvements and Alterations to Existing Dwellings) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011. The proposal would also accord with the NPPF.

As such, it is considered that the development would be sustainable and is therefore recommended for approval.

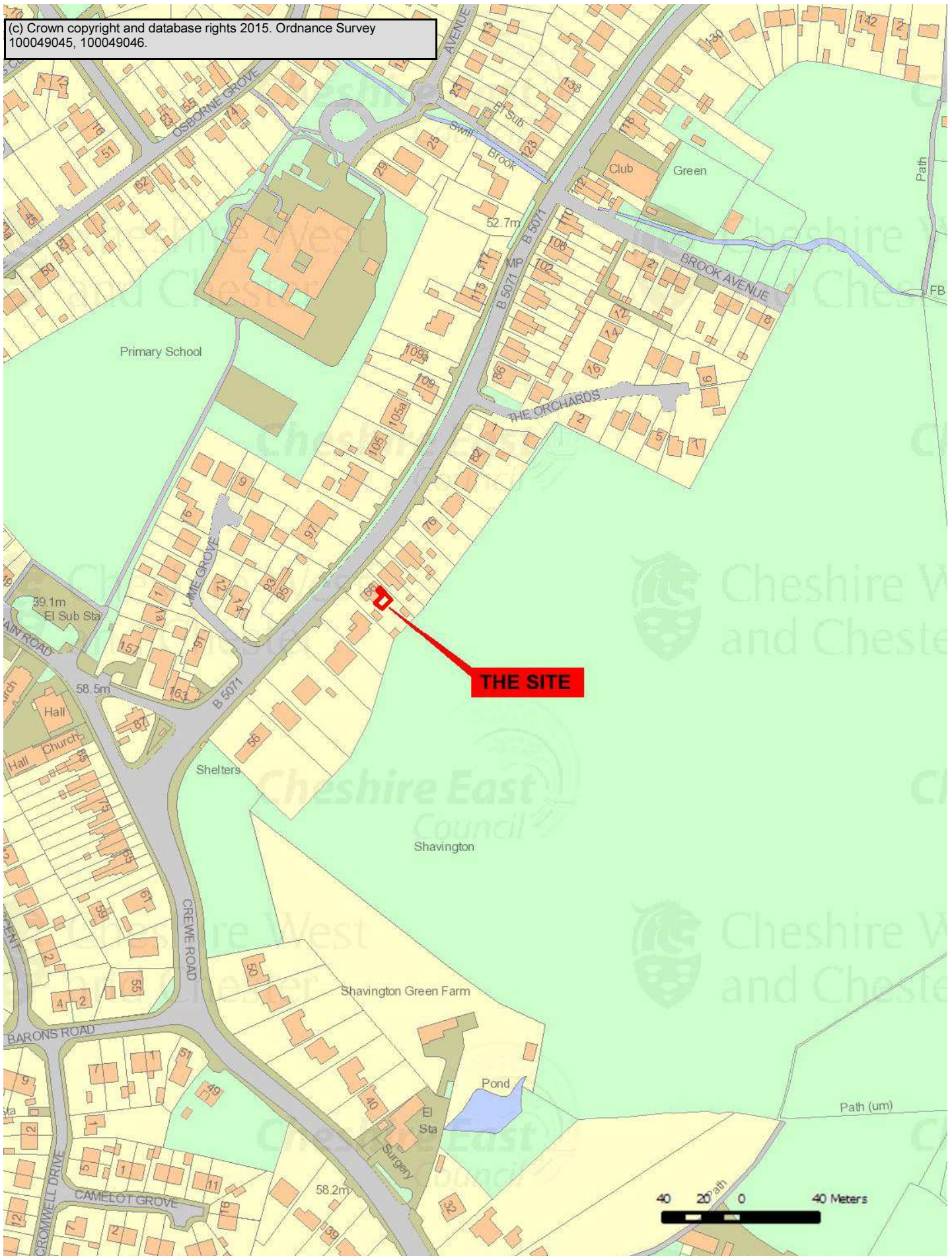
RECOMMENDATION

APPROVE subject to conditions;

- 1. Time (3 years)**
- 2. Plans**
- 3. Materials to match**
- 4. Obscure Glazing ground floor windows facing No 68**
- 5. Obscure Glazing stairway and bathroom window facing No 64**

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

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Application No: 15/1188N
Location: 6, WINCHESTER CLOSE, SHAVINGTON, CW2 5HJ
Proposal: Proposed Two Storey Extension to Side of Dwelling
Applicant: Mrs Martin
Expiry Date: 05-May-2015

CONCLUSION:

No objections have been raised and the extension is not considered to be incongruous within its setting nor detrimental with regard to amenity for any surrounding properties. The proposed development is of an acceptable design and is therefore in accordance to Local Plan Policies and the NPPF.

The application site is within the settlement boundary for Shavington and the scheme represents a sustainable form of development and the planning balance weighs in favour of supporting the development subject to conditions.

SUMMARY RECOMMENDATION:

Approve with conditions

REASON FOR REPORT:

This application has been referred to Southern Planning Committee as the applicant is a member of staff at Cheshire East Council.

PROPOSAL:

Planning permission is sought for a two storey side extension (including a single storey rear extension) at 6, Winchester Close. The two storey extension would be approximately 6 metres (m) in height to ridge, a maximum of 4.3 m in width and a maximum depth 8.5 m. The single storey rear extension would be 3.5 m to ridge in height, 4.3 m in width with a projection from the existing rear elevation of 1.3 m.

The extension includes a box dormer on the front elevation and is staggered behind the front elevation of the existing house by approximately 0.7 m.

SITE DESCRIPTION:

The application site is a roughly triangular shaped piece of land, located to the south of Winchester Close. The site comprises a semi detached, two storey dwelling, detached garage to the rear and associated curtilage. The surrounding area is residential in character.

The site falls within the Shavington settlement boundary

RELEVANT HISTORY:

None.

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework (2012)

Development Plan:

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

Shavington Settlement Boundary

BE.1 – Amenity

BE.2 – Design Standards

RES.11- Improvements and Alterations to Existing Dwellings

SPD – Extensions and Householder Development.

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP.1 – Presumption in Favour of Sustainable Development

SD.1 - Sustainable Development in Cheshire East

SD.2 - Sustainable Development Principles

SE.1 - Design

CONSULTATIONS:

Highways: No comment.

Environmental Health: No comment.

Shavington Parish Council: No comment.

REPRESENTATIONS:

None.

APPRAISAL:

Principle of Development

The proposal is for a two storey side extension (including a single storey rear extension) to a dwelling within the settlement boundary for Shavington which is acceptable in principle providing that the design is appropriate and that the development does not give rise to any detrimental impact on the amenities of adjacent properties.

Amenity

In terms of neighbouring residential amenity the closest neighbouring dwellings are no. 7 and no. 4, Winchester Close. The proposed single storey extension would project from the existing rear wall by 1.3 m and would feature a large window facing south into the garden. There would be no breach of the 45 degree guideline as outlined in the Extensions and Householder Development SPD. It is not considered the single storey part of the extension would significantly harm any amenity in terms of loss of light or visual intrusion.

The proposed two storey side extension projects 4.1 m from the existing building line at the side of the property. The two storey extension would not breach the 45 degree guideline as outlined in the Extensions and Householder Development SPD. The two storey extension measures 6 m in height to ridge and has been stepped down from the host dwelling roof height by 0.5 m. It is therefore considered that the proposed two storey extension would not have any significant adverse impact on the residential amenity of the closest neighbouring property (No. 4, Winchester Close).

The existing dwelling has two windows facing No. 4, Winchester Close; a first floor window and a ground floor window. With regards to the proposed extension one new ground floor window is proposed on the side elevation facing No. 4, Winchester Close. It is not considered that the proposed new ground floor window would have a significant detrimental impact on the amenity of 4, Winchester Close.

It is not considered that the extension would significantly harm any amenity in terms of loss of light or visual intrusion.

The proposal is therefore considered to be in compliance with Policy BE.1 (Amenity) of the adopted local plan.

Design

With regard to the design of the proposed dwelling Policy BE.2 (Design Standards) states that new development will be permitted where it is sympathetic to the character, appearance and form of the site and the surrounding area in terms of height, scale, form and grouping of buildings as well the visual, physical and functional relationship with the streetscene and surrounding area.

The property is a relatively modern, two-storey semi detached dwelling and the extension would be constructed of materials to match the existing dwelling. The extension would be situated at the side and rear of the property. The two storey extension has been designed to be subservient to the existing roof ridge height.

The surrounding area is predominantly residential and the proposed extension has been designed to be in keeping with the surrounding built form.

Overall it is considered that the proposed development is acceptable in terms of its size, scale and bulk and its relationship with the surrounding dwellings. The proposal is therefore considered to be in compliance with Policy BE.2 (Design Standards) of the adopted local plan.

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 in within the Settlement Boundary for Shavington and an established residential area and is in accordance with development plan policy therefore there is a presumption in favour of development.

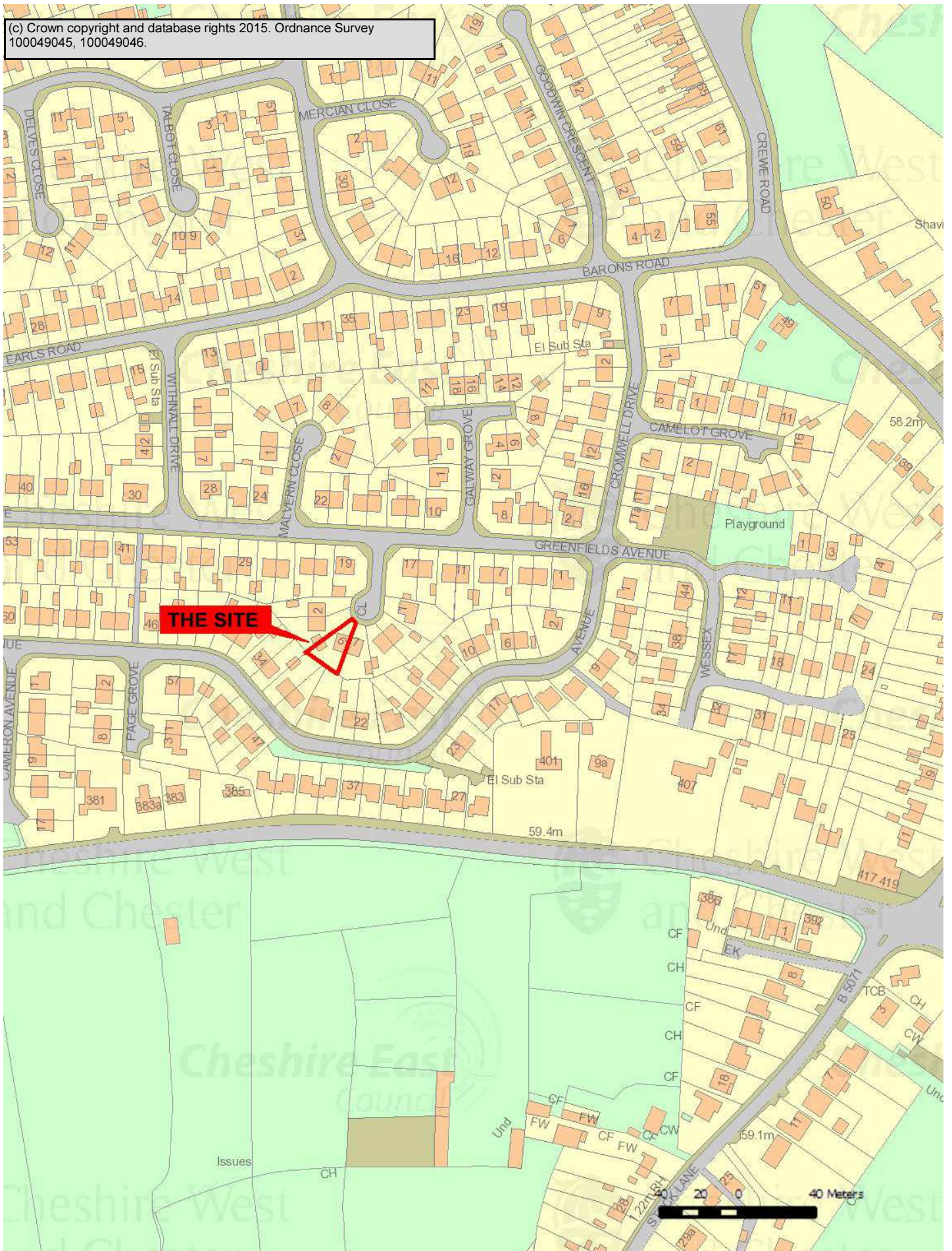
RECOMMENDATION

Approve subject to the following conditions:

- 1. Standard three year time limit**
- 2. Plans**
- 3. Materials as per application**

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: 15/1198N

Location: Former Sir William Stanier Community School, LUDFORD STREET, CREWE

Proposal: Variation of Conditions 11 on application 14/3853N

Applicant: Chris Bent, MCI Developments

Expiry Date: 05-May-2015

SUMMARY RECOMMENDATION

Approve subject to conditions.

MAIN ISSUES

**Principle of Development
Contaminated Land
Section 106 Matters**

REFERRAL

This application is referred to Southern Planning Committee because it relates to the variation of the approved plans condition attached to application 14/3853N which was determined by the Southern Planning Committee.

DETAILS OF PROPOSAL

This application seeks to vary condition 11 attached to application 14/3853N.

Application 13/43853N relates to a full planning consent to develop 107 dwellings comprising a mix of apartments, mews and semi-detached housing. This is a 100% affordable housing development, all for rent, to be developed for Wulvern Housing.

Condition 11 of 14/3853N states as follows:

The development hereby permitted shall not be occupied until the remedial/protection measures included in the approved contaminated land report (REC Report Reference 02c45022, 28 November 2013) have been fully implemented and completed.

This application seeks to amend the condition as follows:

The development hereby permitted shall not be occupied until the remedial/protection measures included in the approved contaminated land report (REC Report Reference 02c45022rl, 5 March 2015) have been fully implemented and completed.

SITE DESCRIPTION

The site itself is located approximately 0.6 kilometres north of the Crewe town centre within a predominantly residential area on the fringes of the town centre. It measures approximately 1.52 hectares being roughly rectangular in shape, measuring 120m in length and 170 m across the width at its widest point.

The site is a former school premises but is currently vacant and has recently been demolished. It is overlooked from the north by Crewe cemetery on the opposite side of Badger Avenue. Residential properties border the site to the south and east. Beechwood Primary School is also located to the south and Cypress Care Centre abuts the western site boundary.

At the time of the case officers site visit work had commenced to implement the development approved as part of application 14/3853N.

RELEVANT PLANNING HISTORY

14/3853N - Variation of Conditions 23 (in order for the Affordable Housing Statement to read in conjunction with the site layout) attached to planning permission 14/1708N Variation of Conditions 2 (to facilitate existing electrical easement shown on site master plan) and Condition 6 (to substitute brick type Ibstock Ravenshead to Hollington Blend) on application 13/4382N – Approved 23rd October 2014

14/1708N - Variation of Conditions 2 (to facilitate existing electrical easement shown on site master plan) and Condition 6 (to substitute brick type Ibstock Ravenshead to Hollington Blend) on application 13/4382N – Approved 6th June 2014

14/0887N - Non Material Amendments to approved application 13/4382N – Refused 31st March 2014

13/4382N - 100% Affordable Housing Development comprising 60no. one and two bed flats, 47no. two and three bed semi detached and mews houses and ancillary work – Approved 29th January 2014

13/2322N - Outline planning consent for residential development – resolution to approve subject to Section 106 Agreement

PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)
BE.6 (Development on Potentially Contaminated Land)
RES.2 (Unallocated Housing Sites)
RES.3 (Housing Densities)
RES.7 (Affordable Housing within the Settlement Boundaries of Crewe, Nantwich and the Villages Listed in Policy RES.4)
TRAN.3 (Pedestrians)
TRAN.5 (Provision for Cyclists)

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Cheshire East Development Strategy
Cheshire East SHLAA
SHMA Update 2013

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
CO1 Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 6 – Green Infrastructure
SE 9 – Energy Efficient Development
SE 13 Flood Risk and Water Management
IN1 – Infrastructure

OBSERVATIONS OF CONSULTEES

Environmental Health: No objection to this minor change to the site remediation.

VIEWS OF THE PARISH / TOWN COUNCIL

No comments received

OTHER REPRESENTATIONS

No representations received

OFFICER APPRAISAL

Principle of Development

The principle of development has been established by the granting of planning permission 13/4382N (with a subsequent variation of planning conditions under approved applications 14/1708N and 14/3853N). This application does not represent an opportunity to re-examine the appropriateness of the site for residential development.

Contaminated Land

This application seeks to vary the approved remediation strategy which is referred to within condition 11.

As part of this development the developer has removed an area of contamination off-site rather than importing clean material for a cover system. A revised remedial strategy has been received detailing these works as requested by the Councils Environmental Health Officer. Validation of these remedial works has also been received and this is considered to be acceptable.

Section 106 Matters

The S106 commuted sums have been paid and as a result there is no need to vary the S106 Agreement.

CONCLUSIONS

The site lies within the settlement boundary for Crewe, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The principle of this development has already been accepted as part of application 13/4382N.

The alteration to the condition would update the contaminated land remediation report which is considered to be acceptable by the Councils Contaminated Land Officer.

RECOMMENDATION

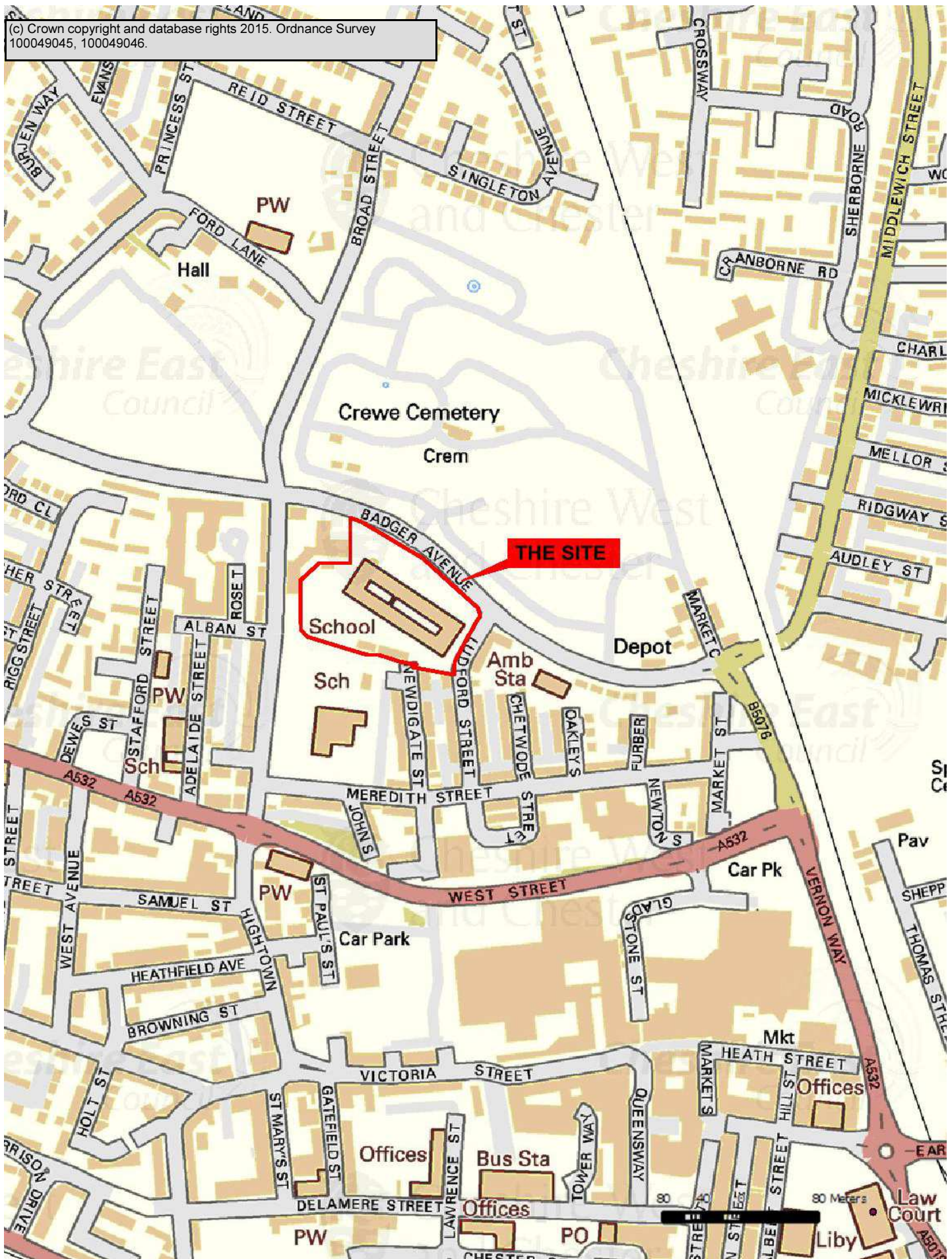
RECO

APPROVE subject to the following conditions:

1. **Approved plans**
2. **Construction of Access**
3. **Provision of parking**
4. **Implementation of Materials – No approval for buff bricks**
5. **All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil**
6. **Construction works taking place during the development (and associated deliveries to the site) restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil**
7. **External lighting details as shown on plan reference SL/0214/01/001/A**

8. The mitigation recommended in Noise Mitigation report number 90291r0 shall be implemented prior to the use of the development / first occupation.
9. Implementation of submitted Travel Plan
10. Implementation of submitted dust control measures
11. The development hereby permitted shall not be occupied until the remedial/protection measures included in the approved contaminated land report (REC Report Reference 02c45022rl, 5 March 2015) have been fully implemented and completed.
12. Once the development is complete, a Site Completion Statement detailing the remedial/protective measures incorporated into the development hereby approved shall be submitted to and approved in writing by the LPA in full prior to the first occupation and use of this development.
13. Bird and bat box details as shown on plan reference LUD1310_L001 Rev B and detailed within the e-mail from Chris Bent dated 9th March 2015
14. Implementation of boundary treatment
15. Implementation of drainage scheme approved as part of application 14/0869D
16. Implementation of cycle parking within scheme
17. Implementation of landscaping
18. Arboricultural Method Statement in accordance with the report reference SE467/J/01/DH
19. Retention of the railings and for them to be made good where necessary to enclose the front garden areas of the proposed dwellings
20. To be maintained as affordable housing in perpetuity in accordance with approved affordable housing statement

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



CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE REPORT

Date:	22 nd April 2015
Report of:	Daniel Evans – Principal Planning Officer
Title:	Request to vary the committee resolution for application 14/5837N
Site:	Land to the North of Cheerbrook Road, Willaston

1.0 Purpose of Report

- 1.1 Southern Planning Committee resolved to approve planning application 14/5837N on 25th February 2015 subject to conditions and the following:

That, for the reasons set out in the report and the update, the application be APPROVED subject to completion of Section 106 Deed of Variation securing the same obligations as 13/3762N:

- 1. A commuted payment of £9,000 towards habitat creation within the Meres and Mosses Natural Improvement Area to the south of Nantwich*
- 2. A commuted payment of £40,999 towards secondary school education*
- 3. A commuted payment of £20,000 towards cycleways, footways, street lighting and bus shelters*
- 4. A commuted payment of £18,000 should be made towards providing a skate park facility on the Parish Council owned open space on Wybunbury Road, Willaston*
- 5. 30% affordable housing – 65% to be provided as social rent/affordable rent (4 units) with 35% intermediate tenure (2 units).*

- 1.2 However it has been identified that the original agreement does not contain a mortgagee in possession (MIP) liability exclusion clause and would not be acceptable to a Registered Provider. A RP would need to ensure that none of the social housing obligations pass to lenders if they were to ever exercise a power of sale by possession.

2.0 Decision Required

- 2.1 To agree to add the mortgagee in possession (MIP) liability exclusion clause.

3.0 Background

- 3.1 The site of the proposed development extends to 0.98 ha and is an L shaped site located to the northern side of Cheerbrook Road, Willaston. The site is within open countryside and Green Gap. To the south and east of the site is residential development (fronting Cheerbrook Road and the Fields). To the north and west is agricultural land.
- 3.2 The land is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site.

4 Proposed Development

- 4.1 14/5837N gave approval for the erection of 21 two-storey dwellings. The site would be accessed via a single access point which would be located between 32 and 26a Cheerbrook Road.

5 Officer Comment

- 5.1 As part of the negotiations for the deed of variation it has been identified that the agreement does not contain a mortgagee in possession (MIP) liability exclusion clause and this would not be acceptable for a RP. An RP would need to ensure that none of the social housing obligations pass to lenders if they were to ever exercise a power of sale by possession.
- 5.2 A mortgagee in possession (MIP) clause is a technical part of a s106 agreement which protects the bank or building society that provides a mortgage for an affordable home. If the occupant of the dwelling defaults on payment, and the bank or building society has to repossess the home, they will need to be able to get back their loan. To recoup the money which they have lent, they must be able to sell the home without complying with the same restrictions that apply to the Registered Provider. A 'Mortgagee in Possession' clause allows them to do that. All modern s106 agreements have this included, but some older s106 agreements do not, and so it is possible that a future lender will ask to have an older s106 changed to include this.

6 Conclusion

- 6.1 On the basis of the above, it is considered that the amendment to the resolution is acceptable and to deliver the affordable housing on this site.

7 Recommendation

- 7.1 To add the mortgagee in possession (MIP) liability exclusion clause to the deed of variation.

8 Financial Implications

8.1 There are no financial implications.

9 Legal Implications

9.1 The Borough Solicitor has been consulted on the proposals and raised no objections

10 Risk Assessment

10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

11.1 For the purpose of delivering affordable housing on this site to assist the Councils 5 year housing land supply.

For further information:

Portfolio Holder: Councillor Don Stockton
Officer: Daniel Evans – Principal Planning Officer
Tel No: 01270 686751
Email: daniel.evans@cheshireeast.gov.uk

Background Documents:

- *Application 14/5837N*

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CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE REPORT

Date: 22nd April 2015

Report of: Daniel Evans – Principal Planning Officer

Title: Request to vary the Unilateral Undertaking dated 17th September 2012 following the allowed appeal as part of application 11/4549N

Site: Land on Rope Lane, Shavington

1.0 Purpose of Report

- 1.1 Planning application 11/4549N was refused by the Strategic Planning Board on 21st March 2012. An appeal was lodged and outline planning permission was allowed on 28th November 2012. At the Inquiry the appellant submitted a signed Unilateral Undertaking (UU) to secure education and highways contributions, affordable housing and the provision and subsequent maintenance of the proposed amenity area. A deed of variation was signed on 18th November 2014 to remove the low cost element to the affordable housing and this was agreed by the Strategic Planning Board.
- 1.2 A Reserved Matters application 13/1021N was subject to an appeal for non-determination and the appeal was allowed on 22nd January 2014. The development is now under construction.
- 1.3 As part of the negotiations with Aspire Housing (a registered provider) it has been identified that the agreement does not contain a mortgagee in possession (MIP) liability exclusion clause and it is not acceptable for Aspire's lender. Aspire need to ensure that none of the social housing obligations pass to lenders if they were to ever exercise a power of sale by possession.

2.0 Decision Required

- 2.1 To agree to add the mortgagee in possession (MIP) liability exclusion clause.

3.0 Background

- 3.1 The site comprises 3.679ha of gently undulating undeveloped agricultural land located on the north western edge of Shavington. The site is defined by Vine Tree Avenue and Northfield Place to the south

and Rope Lane to the west. Open Countryside lies to the north and east and a public footpath traverses the site close to its southern boundary. It is bounded by existing hedgerows, some of which contain trees. In addition, there is one hedge which bisects the site which also contains a small number of trees.

- 3.2 Existing residential development lies to the south and west of the site. The wider site context includes the A500, beyond the field to the north, with further agricultural land on the opposite side. Further west lies Shavington high school and leisure centre and Rope Green Medical Centre.

4 Proposed Development

- 4.1 11/4549N is an outline application for 80 dwellings and a single point of access onto Rope Lane. Reserved Matters approval was granted at appeal under application 13/1021N.

5 Officer Comment

- 5.1 As part of the negotiations with Aspire Housing it has been identified that the agreement does not contain a mortgagee in possession (MIP) liability exclusion clause and it is not acceptable for Aspire's lender. Aspire need to ensure that none of the social housing obligations pass to lenders if they were to ever exercise a power of sale by possession.
- 5.2 A mortgagee in possession (MIP) clause is a technical part of a s106 agreement which protects the bank or building society that provides a mortgage for an affordable home. If the occupant of the dwelling defaults on payment, and the bank or building society has to repossess the home, they will need to be able to get back their loan. To recoup the money which they have lent, they must be able to sell the home without complying with the same restrictions that apply to the Registered Provider. A 'Mortgagee in Possession' clause allows them to do that. All modern s106 agreements have this included, but some older s106 agreements do not, and so it is possible that a future lender will ask to have an older s106 changed to include this.

6 Conclusion

- 6.1 On the basis of the above, it is considered that the amendment to the UU is acceptable and to deliver the affordable housing on this site.

7 Recommendation

- 7.1 To add the mortgagee in possession (MIP) liability exclusion clause.

8 Financial Implications

- 8.1 There are no financial implications.

9 Legal Implications

- 9.1 The Borough Solicitor has been consulted on the proposals and raised no objections

10 Risk Assessment

- 10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

- 11.1 For the purpose of delivering affordable housing on this site to assist the Councils 5 year housing land supply.

For further information:

Portfolio Holder: Councillor Don Stockton
Officer: Daniel Evans – Principal Planning Officer
Tel No: 01270 686751
Email: daniel.evans@cheshireeast.gov.uk

Background Documents:

- *Application 13/1021N*
- *Application 11/4549N*

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