

Southern Planning Committee

Agenda

Date:	Wednesday 10th June 2015
Time:	10.00 am
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 - 16)

To approve the minutes of the meeting held on 22 April 2015.

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

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.

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. **Terms of Reference** (Pages 17 - 18)

For Members' information, the Committee's terms of reference, as set out in the Constitution, are attached.

6. **15/0641N Locomotive Storage Ltd, Crewe Diesel Depot, Nantwich Road, Crewe CW2 6GT: New Build Carriage Shed for Locomotive Storage Ltd** (Pages 19 - 26)

To consider the above planning application.

7. **15/0642N Locomotive Storage Ltd, Crewe Diesel Depot, Nantwich Road, Crewe CW2 6GT: New Build Railway Engineering Workshop for Locomotive Storage Ltd** (Pages 27 - 34)

To consider the above planning application.

8. **14/0143N Former Bowling Green, Waterlode, Nantwich: Erection of 7 dwellings with integral garages and associated car parking for Black & White Cheshire Ltd** (Pages 35 - 44)

To consider the above planning application.

9. **14/4946C Alsager Bowling & Recreation Club, Fields Road, Alsager, Stoke-on-Trent, ST7 2NA: Proposed construction of 2No Detached Dwellings including additional parking facilities and new access from Lea Way for Alsager Bowling & Recreation Club Co Ltd** (Pages 45 - 52)

To consider the above planning application.

10. **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 Homes LTD (Pages 53 - 66)**

To consider the above planning application.

11. **15/0971N Land to the rear of 11 Eastern Road, Willaston, CW5 7HT: Reserved Matters for erection of 40 two storey dwellings, parking, landscaping and associated works (re-submission of 13/4462N) for Dilwyn Lloyd, Anwyl Homes (Pages 67 - 82)**

To consider the above planning application.

12. **15/1203N The Horseshoe Inn, Newcastle Road, Blakelow, Willaston CW5 7EP: Demolition of existing buildings and redevelopment of the site for 4no. dwellings for Beluga Homes Ltd and Frederick Robinson (Pages 83 - 90)**

To consider the above planning application.

13. **15/0876N 447, Newcastle Road, Shavington CW2 5JU: Demolition of 449 Newcastle Road including outbuildings and sheds and construction of 28 residential properties with associated access including the widening of the existing ditch works adjacent to the sites northern boundary for Johnson Mulk, Prospect GB LTD (Pages 91 - 112)**

To consider the above planning application.

14. **14/5472N Vine Inn, Rope Lane, Shavington CW2 5DT: Erection of Class A1 convenience store including ATM with dedicated external servicing, refuse and plant area, associated car parking and landscaping for New River Retail Property Unit Trust (Pages 113 - 122)**

To consider the above planning application.

15. **15/0482N Rose Cottage, 50 Stock Lane, Wybunbury, Cheshire CW2 5ED: Outline application for 3 - 4 bedroom detached dwelling with access from existing private driveway for Mark Beeston (Pages 123 - 132)**

To consider the above planning application.

16. **14/5586C Land Off The Hill/ Manor Road, Sandbach Heath, Cheshire: Outline application for Residential development comprising 75 dwellings and associated vehicular and pedestrian access, open space and landscaping (resubmission of LPA Ref: 14/1946C) for Betley Court Estate (Pages 133 - 152)**

To consider the above planning application.

17. **14/5639C Land bounded by Moss Lane/Station Road, Sandbach: Erection of 44 detached and semi-detached dwellings, car parking and associated for Bellway Homes & Revelan Group Plc (Pages 153 - 170)**

To consider the above planning application.

18. **15/2080C The Hollies, 16 Smithfield Lane, Sandbach, Cheshire CW11 4JA: Construction of Dormer Bungalow with Integral Garage (re-submission of refused application 14/4769C) for Andy Mines, Smithfield Court Ltd (Pages 171 - 180)**

To consider the above planning application.

19. **14/5108C Three Oaks Caravan Park, Booth Lane, Moston, Sandbach CW10 0HE: Proposed extension to existing caravan park to form 24 additional plots for Mr Thomas Price (Pages 181 - 190)**

To consider the above planning application.

20. **14/0775N Coole Acres, Coole Lane, Newhall CW5 8AY: Variation of Condition 18 (retention of dwelling and business for further 3 years) on approval 09/0819N - Change of use from agriculture to fish rearing and angling centre and formation of ponds and lakes, erection of buildings (including temporary dwelling) and provision of access and parking for The Reilly & Seipp Partnership (Pages 191 - 198)**

To consider the above planning application.

21. **13/3508N Sir William Stanier Community School, Coronation Street, Crewe, Cheshire CW1 4EB: Relocate existing 2m metal palisade boundary fence together with installation of new palisade fence and vehicle access gates to match existing to new boundary line to playing fields for Mr R A Jones, Cheshire East Council (Pages 199 - 204)**

To consider the above planning application.

22. **15/1664C Municipal Offices, Market Square, Congleton, Cheshire: Demolition of existing Municipal Building, disconnection of services and clearing of site. Existing drainage to be retained. Installation of low level timber diamond knee rail fencing to boundary. Site to be dressed with topsoil and seeded for Robert Edwards, Cheshire East Council (Pages 205 - 212)**

To consider the above planning application.

23. **15/1871M Little Trees, Gawsworth Road, Gawsworth, Macclesfield, Cheshire SK11 9RA: Proposed alterations and extension of bungalow for David Smetham (Pages 213 - 218)**

To consider the above planning application.

24. **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 219 - 232)

To consider the above planning application.

25. **14/3962N Land North of Pool Lane, Winterley, Cheshire: Outline planning permission for the construction of up to 79no. dwellings for Footprint Land and Development** (Pages 233 - 254)

To consider the above planning application.

26. **Elworth Wire Mills, Station Road, Sandbach, Cheshire CW11 3JQ Ref 14/5254C** (Pages 255 - 258)

To consider a proposed amendment to the committee resolution relating to planning application 14/5254C, which was determined by the Southern Planning Committee on 2 April 2014.

27. **Cheshire East Borough Council (Hack Green - land off Coole Lane/Chrisham Avenue) Tree Preservation Order 2015** (Pages 259 - 278)

To consider the above Tree Preservation Order.

28. **Cheshire East Borough Council (Wybunbury - Main Road/Pinfold Corner) Tree Preservation Order 2015** (Pages 279 - 296)

To consider the above Tree Preservation Order.

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 22nd April, 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, P Butterill, J Clowes, W S Davies, I Faseyi,
S Hogben, P Groves, D Marren and S McGrory

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillor M Jones

OFFICERS PRESENT

Anita Bradley (Head of Legal Services and Monitoring Officer) - Minute
Numbers 168, 169, 170 and 171
Tim Driver (Lawyer)
Daniel Evans (Principal Planning Officer)
Peter Hooley (Planning and Enforcement Manager)
Neil Jones (Principal Development Officer - Highways)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors D Bebbington, R Cartlidge, A Kolker and M A Martin

166 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 15/0699C.

With regard to application number 14/5662N, Councillor J Clowes declared
that she had called in the application on behalf of the parish council and
local residents but that she had kept an open mind and would consider the
application on its merits, having heard the debate and all the information.

With regard to application number 15/0855N, Councillor D Marren
declared that he lived near the application site and that he would not take
part in the decision.

With regard to application number 15/0275N, Councillor P Groves declared that he was a member of Bulkeley & Ridley Parish Council but that he had not discussed this application and had kept an open mind.

With regard to application number 14/5781N, 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 number 15/1198N, Councillor P Groves declared that he had been appointed as a Council representative on the Board of Wulvern Housing but that he had not participated in the discussions at Wulvern Housing with respect to this application and therefore felt comfortable declaring his appointment to Wulvern, staying in the room and participating in the decision.

With regard to application number 14/3167N, Councillor S Davies declared that he knew the applicant. He was not a personal friend, and he had not discussed the application with him.

With regard to application numbers 15/0855N and 15/1188N, and agenda item number 20, Councillor S Hogben declared that he was a member of Shavington-cum-Gresty Parish Council, but that he had not discussed these applications and had kept an open mind.

With regard to application number 14/5254C, 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 had not discussed this application.

167 MINUTES OF PREVIOUS MEETING

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

168 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

Note: Councillor M Jones (Ward Councillor), Parish Councillor R Pulford (on behalf of Bunbury Parish Council), and Ms C Bunting (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

Note: Mr G McCormack (applicant) had registered his intention to address the Committee but did not speak.

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

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to a S106 Agreement making provision for affordable housing comprising 4 units on site, 2 for social/affordable rent and 2 for intermediate tenure, including a cascade provision to ensure that the affordable dwellings meet a local need

and 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
- (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.

169 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

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

Note: Mr J Cove had not registered his intention to address the Committee on behalf of the applicant. However, in accordance with paragraph 2.8 of

the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Mr Cove to speak.

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

RESOLVED

- (a) That the application be REFUSED for the following reasons:
 - 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies 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.
- (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.

170 LAND AT SCHOOL LANE, BUNBURY

Note: Councillor M Jones (Ward Councillor) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the reason for refusal relating to planning application 14/2204N.

RESOLVED

- (a) That, for the reasons set out in the report, the housing land supply grounds be withdrawn from the reason for refusal and that the Head of Planning (Regulation) be instructed not to contest this issue at the forthcoming Appeal.
- (b) That the reason for refusal be amended to read as follows:

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.

171 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

Note: Councillor M Jones attended the meeting and addressed the Committee on this matter. Councillor Jones declared that, in addition to being a Neighbouring Ward Councillor, he was a parish councillor in the area and he lived on Mill Lane.

The Committee considered a report regarding the above planning application.

The Principal Planning Officer reported a correction to the report, in which the second sentence of the paragraph entitled 'Health' should be amended to read: 'Furthermore the practice has **not** closed their list and they are not being forced to accept new patients.'

RESOLVED – That the application be DEFERRED for the following:

- Further information with respect to the affordable housing
- Clarification of the TPO trees on site
- Further information regarding sewage disposal with reference to the dwelling to the north of the site
- A Committee site inspection to enable Members to assess the impact of the proposed development

172 **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**

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 did not speak.

The Committee considered a report regarding the above planning application.

RESOLVED

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

Informative:

The applicant to consider the establishment of a residents' liaison group regarding deliveries.

173 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

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

RESOLVED

- (a) That, for the reasons set out in the report and the update, the application be APPROVED subject to completion of a Section 106 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
- (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 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)

**174 15/0149N 35 & 41 , MABLINS LANE, CREWE, CHESHIRE CW1 3RF:
OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING
PROPERTIES 35 & 41 MABLINS LANE AND ERECT 17 DWELLINGS
FOR MR E. T. & MRS A BICKERTON + COLQUHOUN**

Note: The Principal Planning Officer read a representation from Councillor D Bebbington (Ward Councillor), who was unable to attend 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 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 the following 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
- (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.

Informative:

The location of the affordable housing to be carefully considered at the Reserved Matters stage.

175 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

Note: Councillors S Hogben and D Marren declared that they knew Parish Councillor T Lightfoot.

Note: Having declared that he was a member of the same parish council as Mr R Spruce, Councillor D Marren withdrew from the meeting during consideration of this item.

Note: Parish Councillor T Lightfoot (on behalf of Wybunbury Parish Council), Ms S Clark (objector) and Mr R Spruce (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED– That the application be DEFERRED for a Committee site inspection to enable Members to assess the impact of the proposed development.

176 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

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

Note: Councillor J Clowes left the meeting prior to consideration of this application.

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

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED for the following:

- Further information with respect to the drainage ditches
- A Committee site inspection to enable Members to assess the impact of the proposed development
- Further information with respect to the impact upon PROW 48
- Details of the management of the SBI
- Details of the separation between the SBI and POS
- Details of the impact upon the pumping station on Close Lane and its discharge

177 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)

Note: Mr A Taylor attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

RESOLVED

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

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
- (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.

178 14/5886C LAND AT THE GREEN, MIDDLEWICH, CHESHIRE: REPLAN AND SUBSTITUTION OF HOUSE TYPES OF PLOTS 15-22 OF EXTANT PLANNING PERMISSION 13/1418C FOR MR SEAN MCBRIDE, PERSIMMON HOMES

The Chairman reported that this application had been withdrawn from the agenda prior to the meeting.

179 15/0855N 66, CREWE ROAD, SHAVINGTON CUM GRESTDY, CREWE CW2 5DW: REAR SINGLE AND TWO STOREY EXTENSION FOR MR & MRS HALL

Note: Having declared that he lived near the application site, Councillor D Marren did not take part in the Committee's consideration of this item.

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

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

RESOLVED

- (a) That, 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
 4. Obscure Glazing ground floor windows facing No 68
 5. Obscure Glazing stairway and bathroom window facing No 64
- (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.

**180 15/1188N 6, WINCHESTER CLOSE, SHAVINGTON CW2 5HJ:
PROPOSED TWO STOREY EXTENSION TO SIDE OF DWELLING FOR
MRS MARTIN**

Note: Councillor S Davies left the meeting prior to consideration of this application.

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. Materials as per application
- (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.

181 **15/1198N FORMER SIR WILLIAM STANIER COMMUNITY SCHOOL,
LUDFORD STREET, CREWE: VARIATION OF CONDITIONS 11 ON
APPLICATION 14/3853N FOR CHRIS BENT, MCI DEVELOPMENTS**

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. 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
- (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.

182 REQUEST TO VARY THE COMMITTEE RESOLUTION FOR APPLICATION 14/5837N (LAND TO THE NORTH OF CHEERBROOK ROAD, WILLASTON)

The Committee considered a report regarding a proposed amendment to the committee resolution relating to planning application 14/5837N, which had been approved by the Southern Planning Committee on 25 February 2015.

RESOLVED – That, for the reasons set out in the report, the mortgagee in possession (MIP) liability exclusion clause be added to the deed of variation relating to planning application 14/5837N.

183 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)

The Committee considered a report regarding a proposed amendment to the Unilateral Undertaking relating to planning application 11/4549N, which had been allowed as a result of an appeal.

RESOLVED – That, for the reasons set out in the report, the mortgagee in possession (MIP) liability exclusion clause be added to the Unilateral Undertaking relating to planning application 11/4549N.

184 URGENT ITEM - LAND OFF SPINNEY DRIVE, WESTON

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.

The Committee considered a report regarding the reasons for being minded to refuse planning application 14/0841N, which was the subject of an appeal.

RESOLVED – That, for the reasons set out in the report, reason 1 for being minded to refuse planning application 14/0841N in respect of the provision of affordable housing be withdrawn and the Head of Planning (Regulation) be instructed not to contest this issue at the forthcoming Appeal.

The meeting commenced at 1.00 pm and concluded at 5.10 pm

Councillor G Merry (Chairman)

NORTHERN AND SOUTHERN PLANNING COMMITTEES**Terms of Reference**

1. To exercise the Council's functions relating to town and country planning and development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges, set out in the Local Authorities (Functions and Responsibilities)(England) Regulations 2000. Some applications have been reserved to the Strategic Planning Board: others are delegated on to the Head of Policy and Planning: the following are retained for the Planning Committees,

applications for Small Scale Major Development, defined from time to time by DCLG. Currently this includes

- residential developments of 10-199 dwellings or between 0.5 and 4ha
- retail or commercial/industrial or other floor space of between 1,000 -9,999 square metres. or between 1ha – 2 ha.

2. To determine any other planning & development control matters

- (a) advertised as a departure from policy, which the Head of Planning & Policy is minded to approve.
- (b) submitted by a councillor, senior Council officer (tier 2 or above) or a member of staff employed within the Development Management and Policy service area; or by an immediate family member or partner of these.
- (c) involving the Council either as applicant or land owner. Unless the Head of Planning & Policy identifies some significant factor, this category will not normally include minor developments which accord with planning policy and to which no objection has been made.
- (d) referred up to them by a councillor in accordance with the Committees' call-in procedure.
- (e) referred up to them at the discretion of the Head of Planning & Policy.

The Committees will refer up to the Strategic Planning Board matters involving a significant departure from policy which they are minded to approve.

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Application No: 15/0641N

Location: Locomotive Storage Ltd, Crewe Diesel Depot, NANTWICH ROAD, CREWE, CW2 6GT

Proposal: New Build Carriage Shed

Applicant: Locomotive Storage Ltd

Expiry Date: 10-Jun-2015

SUMMARY:

The development site lies within the Settlement Zone Boundary of Crewe on railway land, where there is a presumption in favour of development

The development would comprise a form of environmental, economic and socially sustainable development in accordance with the requirements of the NPPF.

The design and scale of the buildings are considered to be acceptable.

The impact on residential amenity and highway safety is acceptable subject to conditions.

The economic benefits of the scheme comply with the guidance set out in the National Planning Policy Framework.

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 conditions

PROPOSAL

This application proposes the erection of a new build carriage shed. The new carriage shed will be used in order to protect carriages from the weather. The building would be of a simple portal framed construction, overlaid with grey metal cladding. Access from the rails will be from the north and south elevations.

SITE DESCRIPTION

The application site comprises an area of land with railway track adjacent to an existing storage shed which is used for the maintenance and refurbishment of train carriages. It is a short distance to the south of Crewe Station.

The site is designated as being within the settlement boundary of Crewe.

RELEVANT HISTORY

One application for an extension to the existing buildings for office accommodation (15/0836N) was approved on 1st May 2015. An application for a new railway engineer workshop within this railway complex also appears on this agenda (15/0642N).

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance is paragraph 17.

Development Plan:

The Development Plan for this area is the Crewe and Nantwich Replacement Local Plan 2011, which allocates the site as being within the Settlement Zone Line of Crewe.

The Relevant policies of the **Borough of Crewe and Nantwich Replacement Local Plan 2011** are:

- BE.1 - Amenity
- BE.2 - Design Standards
- BE.3 - Access and Parking
- E.4 – Development on Existing Employment Areas

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 9 Energy Efficient Development
- SE 12 Pollution, Land Contamination and Land Instability
- PG 1 Overall Development Strategy
- PG 2 Settlement Hierarchy
- EG1 Economic Prosperity

CONSULTATIONS:

Highways:

No comments received at the time of report writing.

Environmental Protection:

No objection.

Network Rail:

Both proposals are being undertaken by Locomotive Storage Ltd – on their application form they state that the land is within their ownership, but this is not correct as the site is within Network Rail's ownership and is subject to a freight lease. There is also an access right of way through the site.

Crewe Town Council:

No comments received at the time of report writing.

REPRESENTATIONS:

No comments received at the time of report writing.

APPRAISAL

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

Principle of Development

The National Planning Policy Framework states the following:

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

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

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

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

This proposal is for railway related development on an existing railway site and paragraph 19 of the NPPF states:

“The Government is committed to ensuring that the planning system does everything it can to support economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”

The development would create jobs and apprenticeships in the local area and therefore would contribute to economic growth.

The proposal is therefore considered to be acceptable in principle.

Sustainability

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

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

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

ENVIRONMENTAL ROLE

Ecology

The development is proposed on an existing railway site where there would be no ecological implications.

Layout and Scale

The proposal is for a large carriage shed situated on land associated with other railway buildings. The proposed building is of a utilitarian design which would be in keeping with the surrounding railway related development and is a scale commensurate with other nearby buildings.

Given the nature of the surrounding development and the fact that the site is on an existing railway, it is considered that the proposed development would not be out of keeping with the character and appearance of the area. It is therefore considered that the layout and scale would be acceptable and in compliance with Policy BE.2 (Design) of the adopted local plan.

Appearance

The shed would be a simple portal framed building with grey metal cladding to match adjacent buildings, which is considered to be appropriate.

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

Highways

There is existing parking provision within the site that is more than adequate for the operation of the site and the access is as existing.

The proposal is therefore in compliance with Policy BE.3 of the adopted local plan.

ECONOMIC ROLE

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

The proposal would generate economic benefits by virtue of employment created by operations on the site and during construction.

SOCIAL ROLE

In addition to the economic benefits identified above, the site as a whole is to be used for the creation of apprenticeships which would be a positive benefit to members of the local community in terms of employment and development of skills.

Amenity

The site is within an existing railway complex with no residential properties in close proximity. As such it is considered that there would be no adverse impact on residential amenity.

The proposal is therefore considered to be in compliance with Policy BE.1 (Amenity) and acceptable in terms of amenity.

Other issues

The comments from Network Rail in relation to the ownership of the site are noted. The issue of the land ownership is a civil matter and cannot be considered as part of this application. The developer will need to obtain the permission of the land owner before works commence on site.

Conclusion – The Planning Balance

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

The development site is within the Settlement Zone Line of Crewe on an existing railway complex where there is a presumption in favour of development.

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

The development is considered to represent environmental, economic and social sustainable development in accordance with the requirements of the NPPF.

The design and scale of the development is considered to be acceptable.

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

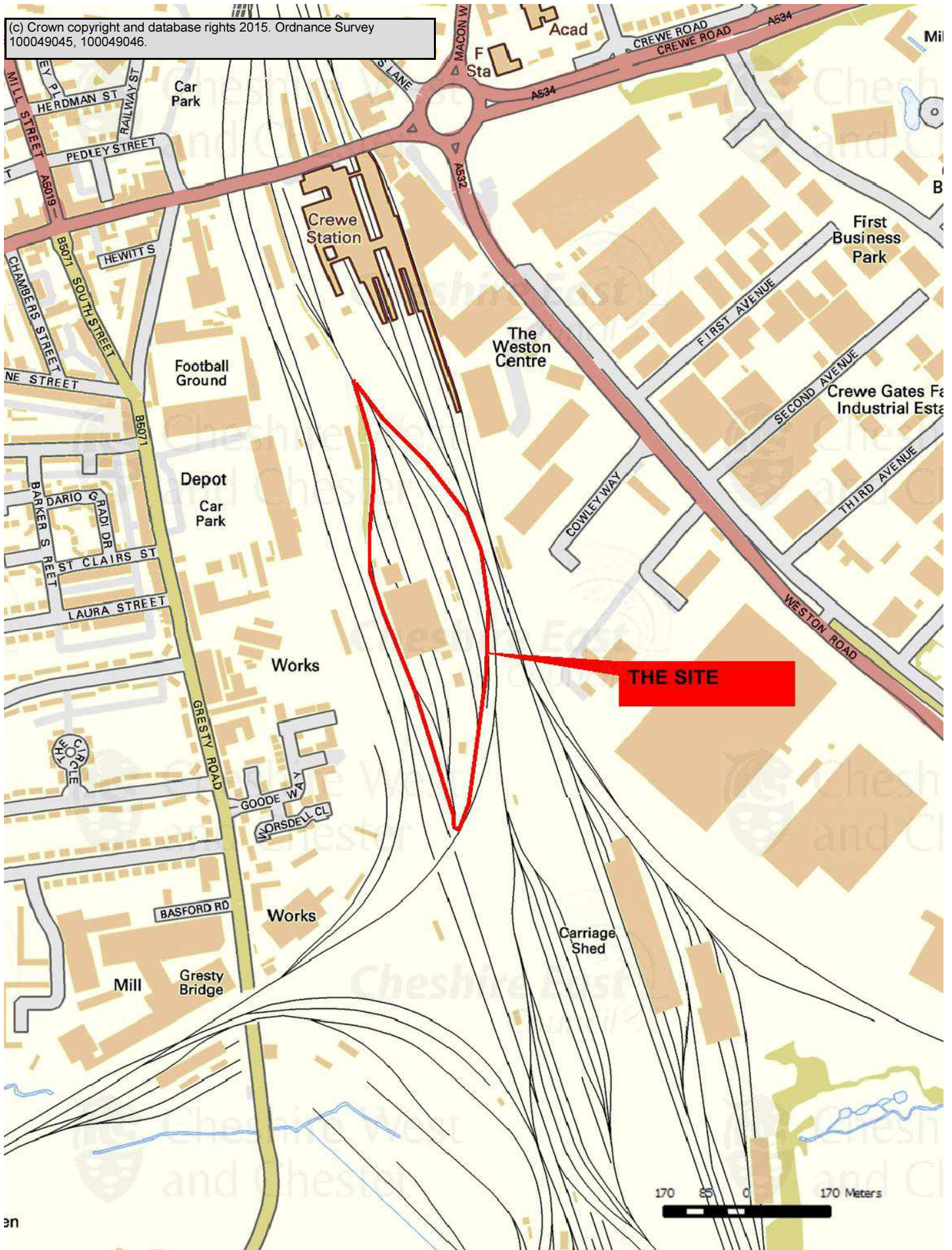
RECOMMENDATION

Approve subject to the following conditions:

- 1. Commencement**
- 2. Approved plans**
- 3. Materials to be as detailed in the application**

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: 15/0642N

Location: Locomotive Storage Ltd, Crewe Diesel Depot, NANTWICH ROAD, CREWE, CW2 6GT

Proposal: New Build Railway Engineering Workshop

Applicant: Locomotive Storage Ltd

Expiry Date: 10-Jun-2015

SUMMARY:

The development site lies within the Settlement Zone Boundary of Crewe on railway land, where there is a presumption in favour of development

The development would comprise a form of environmental, economic and socially sustainable development in accordance with the requirements of the NPPF.

The design and scale of the buildings are considered to be acceptable.

The impact on residential amenity and highway safety is acceptable subject to conditions.

The economic benefits of the scheme comply with the guidance set out in the National Planning Policy Framework.

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 conditions

PROPOSAL

This application proposes the erection of a new build railway engineering workshop. The new workshop will be used for similar maintenance purposes of train carriages as the existing building on the site. The building would be of a simple portal framed construction, overlaid with grey metal cladding. It would be sited to the north of the existing buildings.

SITE DESCRIPTION

The application site comprises an area of land with to the north of an existing storage shed which is used for the maintenance and refurbishment of train carriages. It is a short distance to the south of Crewe Station.

The site is designated as being within the settlement boundary of Crewe.

RELEVANT HISTORY

One application for an extension to the existing buildings for office accommodation (15/0836N) was approved on 1st May 2015. An application for a new carriage shed within this railway complex also appears on this agenda (15/0641N).

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance is paragraph 17.

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 Settlement Zone Line of Crewe.

The Relevant policies of the **Borough of Crewe and Nantwich Replacement Local Plan 2011** are:

- BE.1 - Amenity
- BE.2 - Design Standards
- BE.3 - Access and Parking
- E.4 – Development on Existing Employment Areas

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 9 Energy Efficient Development
- SE 12 Pollution, Land Contamination and Land Instability
- PG 1 Overall Development Strategy
- PG 2 Settlement Hierarchy
- EG1 Economic Prosperity

CONSULTATIONS:

Highways: No comments received at the time of report writing.

Environmental Protection: No objection.

Network Rail: Both proposals are being undertaken by Locomotive Storage Ltd – on their application form they state that the land is within their ownership, but this is not correct as the site is within Network Rail's ownership and is subject to a freight lease. There is also an access right of way through the site.

Crewe Town Council: No comments received at the time of report writing.

REPRESENTATIONS:

No comments received at the time of report writing.

APPRAISAL

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

Principle of Development

The National Planning Policy Framework states the following:

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

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

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

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

This proposal is for railway related development on an existing railway site and paragraph 19 of the NPPF states the following:

“The Government is committed to ensuring that the planning system does everything it can to support economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”

The development would create jobs and apprenticeships in the local area and therefore would contribute to economic growth.

The proposal is therefore considered to be acceptable in principle.

Sustainability

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

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

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

ENVIRONMENTAL ROLE

Ecology

The development is proposed on an existing railway site where there would be no ecological implications.

Layout and Scale

The proposal is for a large engineering workshop situated on land associated with other railway buildings. The proposed building is of a utilitarian design which would be in keeping with the surrounding railway related development and is a scale commensurate with other nearby buildings.

Given the nature of the surrounding development and the fact that the site is on existing railway, it is considered that the proposed development would not be out of keeping with the character and appearance of the area. It is therefore considered that the layout and scale would be acceptable and in compliance with Policy BE.2 (Design) of the adopted local plan.

Appearance

The shed would be a simple portal framed building with grey metal cladding to match adjacent buildings, which is considered to be appropriate.

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

Highways

There is existing parking provision within the site that is more than adequate for the operation of the site and the access is as existing.

The proposal is therefore in compliance with Policy BE.3 of the adopted local plan.

ECONOMIC ROLE

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

The proposal would generate economic benefits by virtue of employment created by operations on the site and during construction.

SOCIAL ROLE

In addition to the economic benefits identified above, the site as a whole is to be used for the creation of apprenticeships which would be a positive benefit to members of the local community in terms of employment and development of skills.

Amenity

The site is within an existing railway complex with no residential properties in close proximity. As such it is considered that there would be no adverse impact on residential amenity.

The proposal is therefore considered to be in compliance with Policy BE.1 (Amenity) and acceptable in terms of amenity.

Other issues

The comments from Network Rail in relation to the ownership of the site are noted. The issue of the land ownership is a civil matter and cannot be considered as part of this application. The developer will need to obtain the permission of the land owner before works commence on site.

Conclusion – The Planning Balance

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

The development site is within the Settlement Zone Line of Crewe on an existing railway complex where there is a presumption in favour of development.

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

The development is considered to represent environmental, economic and social sustainable development in accordance with the requirements of the NPPF.

The design and scale of the development is considered to be acceptable.

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

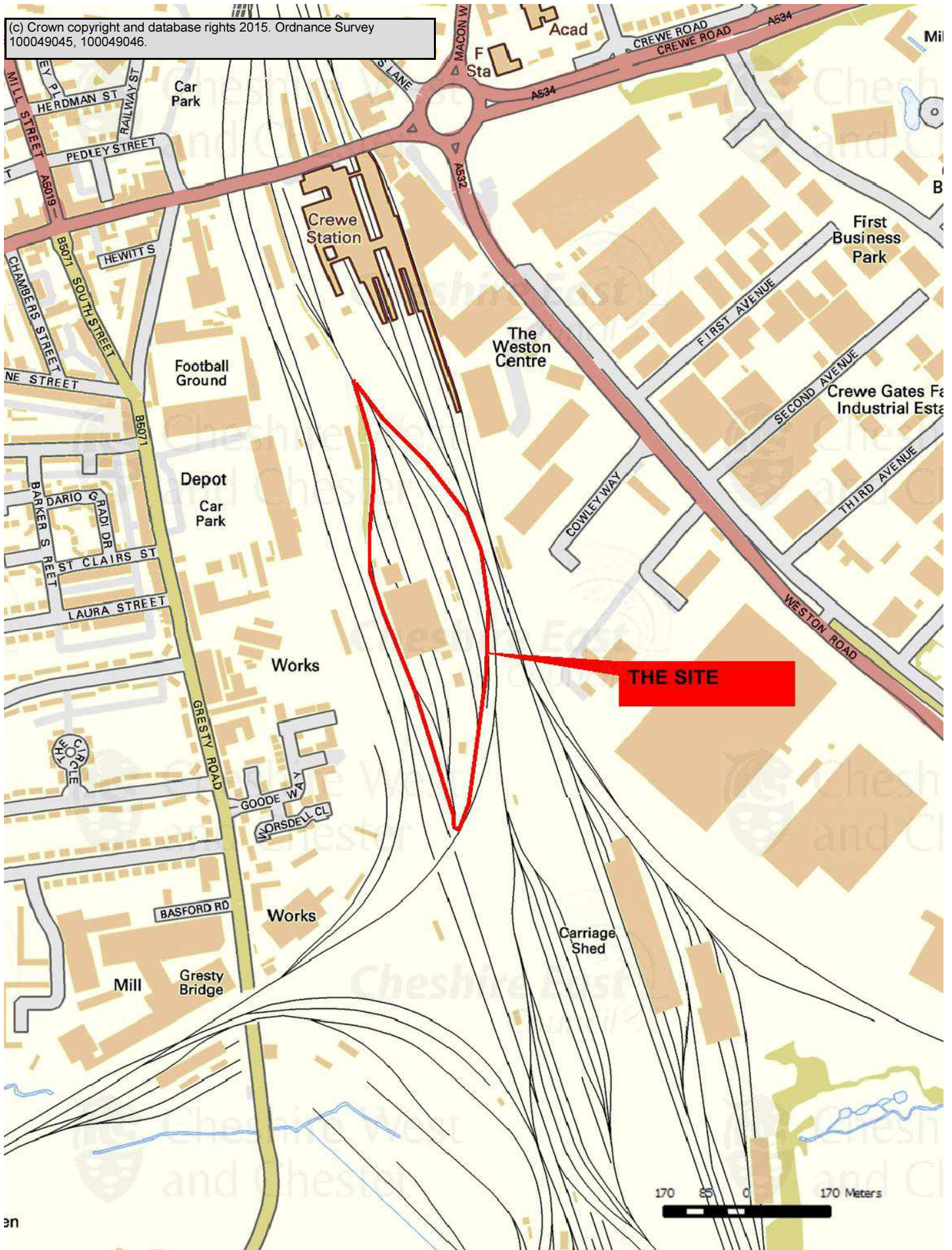
RECOMMENDATION

Approve subject to the following conditions:

- 1. Commencement**
- 2. Approved plans**
- 3. Materials to be as detailed in the application**

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: 14/0143N

Location: FORMER BOWLING GREEN, WATERLODE, NANTWICH

Proposal: Erection of 7 dwellings with integral garages and associated car parking

Applicant: BLACK & WHITE CHESHIRE LTD

Expiry Date: 17-Feb-2014

SUMMARY

There is no requirement for an additional bowling green. The proposal would not have a detrimental impact on any archaeological remains. It has been demonstrated that the proposal is acceptable in terms of its impact on Residential Amenity, Conservation Area, the setting of a Listed Building and Highway Safety.

RECOMMENDATION: Approve subject to completion of Section 106 and conditions.

REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Martin for the following reasons:

I would like to Call-in the above planning application. On the following grounds

1. *Concerns about the visual impact of the proposed dwellings on the surrounding area.*
2. *Concerns about design and layout especially height.*
3. *Concerns about highways access onto Waterlode, especially at peak times.*
4. *Loss of former Bowling Green etc.*

The application was deferred from the Southern Planning Committee meeting on 17th December 2014 for the following reasons:

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

The site visit for this application took place on 20th February 2015 but the application was withdrawn from the agenda of the Southern Planning Committee meeting on 25th February 2015.

PROPOSAL:

It is proposed to erect seven townhouse on the vacant bowling green contained within the grounds of The Residence which is a grade II* listed building in Nantwich Town Centre. The houses would be a combination of 2 and 3 storey and have the maximum ridge height of 11m

allowing for a dual pitched traditional roof structure with gables front and rear. This is an amended and reduced scheme.

SITE DESCRIPTION:

The site is located fronting onto Waterlode to the west with open views to the front including the River Weaver and is on the fringe of the town centre. To the north of the site is Mill Street with trees protecting views to secure rear garden areas. To the south are gardens of the adjacent property and to the east of the site are light industrial units and the Residence Hotel, a Grade II* listed building. The building was constructed circa 1736 as a townhouse and was extended in 1852 and 1879 to the current form. The site is the former bowling-green of The Residence and due to the nature is flat with raised area abutting. An 1800mm high brick boundary wall surrounds the site with the exception of the stepped access to the Restaurant. The site steps up approx. 2.4m from the existing bowling green.

RELEVANT HISTORY

11/1536N – Hotel Reception and Function Room, 18 Bedrooms, Garden, Car Park and Access – Approved 11/4/11

P07/0632 – Window Alterations on West Wing – Approved – 22nd June 2007

P06/0020 – Change of Use of 2nd Floor Apartment and Construction of External Staircase – Approved – 25th September 2006

P07/1251 – New Entrance Gates and Railings – Approved – 31st October 2007

P07/0631 – Listed Building Consent for Installation of New Windows in the West Wing and Various Internal Alterations – Approved – 26th June 2007

P07/1061 – Listed Building Consent for New Entrance Gates and Alterations to Entrance Steps – Approved – 27th September 2007

P06/0023 – Listed Building Consent for Internal Alterations to First and Second Floors to Form Apartment and Construction of External Staircase – Approved – 27th September 2007

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs: 14, 49, 55, 56, 131 and 132.

Development Plan:

The Development Plan for this area is the Crewe & Nantwich Borough Local Plan 2011

The relevant Saved Policies are: -

BE1: Amenity

BE2: Design Standards

BE3: Access and Parking

BE7: Conservation Areas

BE9: Listed Buildings

TRAN3: Pedestrians
TRANS.9: Car Parking Standards
RT1 Formal Open Space and Playing Fields

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

As the examination of this plan has now been suspended. The following are considered relevant material considerations as indications of the emerging strategy:

MP1, SD1, SD2 Sustainable Development
PG2 Settlement Hierarchy
SE7 Historic Environment
SE1 Design

CONSULTATIONS

Highways: No objection subject to condition requiring 5.5m x 2.7 m internal garages.

Environmental Health: Request conditions/informative in respect of travel planning, dust, piling, contamination and mitigation scheme.

Flood Risk Manager: Any comments will be reported as an update.

Environment Agency (EA): No objections

United Utilities: No objections

English Heritage: Commented on the initial scheme that they do not consider the scheme to cause harm the Conservation Area and less harmful to the listed building than previous schemes. However, it would not enhance but the decision should rest with the LPA.

Nantwich Civic Society: Consider that the buildings should be moved further forward to front on to Waterlode to give this section of the road some much needed interest and articulation - compared to the long, featureless wall at present. Also, by moving the dwellings further away from The Residence, any noise nuisance potential would be minimised. With an archway through the block, this would be quite feasible. A Georgian design solution is suggested.

Sport England: No objections

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants.

8 letters have been received to the initial three storey submission objecting on the following grounds:

- Impact on the listed building
- Too large, high and prominent

- Inappropriate to local area
- Allocation in Local Plan
- Impact on visual and residential amenity
- Wasted opportunity to enhance hotel
- Out of keeping with Nantwich Town Centre
- Should remain as bowling green/green space
- Poor access

This is a summary and the full contents are on the Council website.

APPRAISAL:

The key issues are:

Environmental Sustainability – The application raises no specific issues in respect of landscape, flooding and diversity but would result in the development of a small green space in the Town Centre.

Social Sustainability – The application would develop a former private facility that has been inactive for a significant period. The establishment of development has been set by a previous planning permission to extend hotel facilities.

Economic Sustainability – The proposal would introduce more town centre residents that would in turn utilise local shops and facilities.

Principle of Use

The principle issues surrounding the determination of this application is whether the development is in accordance with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.7 (Conservation Areas), BE.9 (Listed Buildings: Alterations and Extensions) and TRAN.9 (Car Parking Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. These seek to ensure proposals respect the scale, form and design of the surrounding built environment and the original building and are compatible with the surrounding units and to ensure they have no adverse effect upon neighbouring amenity and the proposal will not have a detrimental impact on highway safety. Furthermore, Policy RT.1 (Protection of Open Spaces with Recreational or Amenity Value) states that development will not be permitted which would result in the loss of open space which has recreational or amenity value. The main thrust of the Local Plan policies is to achieve a high standard of design, respect the pattern, character and form of the surrounding area, not adversely affect the street scene by reason of scale, height, proportions or materials used. Notwithstanding the policy RT.1 the loss of the recreational space was established by the granting of permission 11/1536N.

The bowling green closed in 2007 and as a result, the bowling club relocated to a municipal bowling green at The Barony, Nantwich. The former bowling green, adjacent to The Residence, is identified as RT.1 protected open space on the Proposals Map of the Replacement Borough of Crewe and Nantwich Local Plan 2011. Policy RT.1 of the Replacement Borough of Crewe and Nantwich Local Plan 2011 protects open space from development unless a *'carefully quantified and documented assessment of current and future*

needs has demonstrated that there is an excess of playing field or open space provision in the catchment and the site has no special significance'. It also states that an exception may be made where 'the playing field or open space which would be lost as a result of the development would be replaced by a playing field or open space of equivalent or greater quality in a suitable location and subject to equivalent or better management arrangements prior to the commencement of the development.'

As part of the approval of 11/1536N a search for alternative sites for a replacement bowling green took place and a suitable site was identified at The Barony Park in 2010. The applicant is offered a Commuted Sum payment of £62,550 which it is stated could provide either a new bowling green or it would finance the improvements that have been discussed with the club. It does not include any allowance for on-going maintenance of the bowling green.

To adhere to Policy RT.1 therefore a replacement bowling green, with a Commuted Sum payment, for its on-going maintenance, would be required. This would need to be provided, in advance of the development of the former bowling green site. At the time the Leisure Service confirmed that the proposed commuted payment was acceptable. Sport England does not object to the planning application.

With regards to maintenance costs, this is usually required when public open space is provided by a developer to ensure that landscaping schemes become established and plants that die are replaced. That is not the case here and Leisure Services has not requested a payment for maintenance. The bowling green is clearly already well maintained under existing arrangements with the bowling club and as such in accordance with the above policy there is no justification for additional monies for the ongoing maintenance of the bowling green. The proposal is broadly in accord with criterion iv of policy RT.1, which states that *'The playing field or open space which would be lost as a result of the development would be replaced by a playing field or open space of equivalent or greater quality in a suitable location and subject to equivalent or better management arrangements prior to the commencement of development'*. Barony Park represents the most logical course of action to utilise the commuted sum payment to make improvements to that existing green.

Impact on Listed Building/Conservation Area/Design

It is appropriate that these issues are considered as a whole as they are interwoven as issues within the context of these proposals. The initially submitted proposals have shown 7 three storey houses in a mews setting. It was considered by Officers that this was not the most appropriate design solution given the sensitivity of the proximity of the listed building and the Conservation area context. Thus discussions have taken place with the applicants and an amended scheme has been submitted to address officer concerns. The revised scheme is positioned to show a uniform building line fronting onto Waterlode. Three conjoined three storey house would be in the centre in the form of a traditional "Gentleman's Residence" akin to the Listed Building. Two pairs of conjoined two storey houses would sit subserviently to each side to almost replicate staff quarters from a period development. This has the added advantage of creating vistas into the Conservation Area and maintaining uninterrupted views of the listed building. The historic roofscape of three storey buildings and chimneys rising up to the centre of town and the conservation area would be complemented. This design solution has the support of the Design & Conservation officer. Accordingly the scheme now accords with BE1, 2, 7 and 9 of the Local Plan and is considered to be acceptable.

Amenity

The nearest residential properties which may be affected by the proposed development are located on Mill Street. These properties share a common boundary with the application site. The properties on Mill Street front directly on to it and are primarily two storey terraced houses some of which incorporate single storey outriggers. The concerns that were expressed by residents in terms of height and visual impact have been noted by the applicants and accordingly elements of the proposals have been reduced to two storeys.

The EHO initially raised concerns due to the proximity of the garden/drinking area of the hotel (Listed Building) and the proposed new houses; particularly those that are to the north of the site as the beer garden would sit a bedroom level as the land rises. However the applicants have submitted a noise mitigation scheme involving an acoustic screen that has allayed the concerns of the EHO and it is proposed these measures form an appropriate condition. Also, the crucial point here is that the prospective occupants of those houses would be aware of the situation prior to occupation and this is a town centre, not a suburban, location whereby a mix of uses will sit together side by side. In this context, in planning terms the proposal is considered to be on balance acceptable in amenity terms particularly now the EHO is content with the proposals.

Highways

The proposed access to Waterlode broadly replicates the position and design of the formally approved access to the extended hotel and car park. In this context this proposal also represents a less intensive use than the hotel extension scheme and thus in planning terms would appear to be acceptable. A plan has been submitted showing 200% parking provision and the SHM has no objections.

Archaeology

The site of the proposed development lies within Nantwich's Area of Archaeological Potential, as defined in the local plan of the former Crewe and Nantwich Borough Council. This reflects its position within the core of the historic town, which is characterised by the presence of deep, well-preserved, organic deposits. Recent excavations in the town have demonstrated the quality of the archaeological deposits with traces of timber buildings and other features preserved within the waterlogged strata.

In view of the above, it was recommended that an earlier proposal (Refs 11/1536N and 1537N) should be subject to a programme of pre-determination field evaluation in order to establish the precise nature of the archaeological deposits present on the site and the need, if any, for further archaeological work. The trenching demonstrated that although archaeological deposits were present on the site, they were not significant enough to generate an objection to the development or to require either preservation *in situ* or a formal programme of open-area excavation.

It was advised, however, that relevant aspects of the development should be subject to archaeological monitoring, in order to identify any archaeological deposits exposed by the works. Relevant works may be defined as any generalised site clearance or ground reduction, and the excavation of foundation trenches and major services. It is, of course, possible that

ground conditions will require the use of piled foundations, in which case ground reduction in order to accommodate floor slabs, sub-base, and (potentially) pile caps will be required. A report will also be required and a condition is thus proposed.

Flooding

The applicants have carried out a full assessment that concludes that it is located within Flood Zone 2, means it is appropriate and passes the sequential test. Modelled flood levels for the site suggest that the site primarily lies outside of the flood extent. The comments of the CEC Flood Risk Manager have been sought on the report but it is considered that the development is appropriate and passes the tests. An elevation has been submitted showing the development at the recommended AOD level and it is acceptable in design terms.

Other Material Considerations

Response to Objections/Comments of Civic Society: The proposed development has been revised to partially reduce height to negate the impact on the listed building and the Conservation Area.

Planning Balance

The proposal will result in the loss of a bowling green which is protected under policy RT.1 and as there is no requirement for an additional green due to potential users and lack of funding for maintenance it is considered that the commuted sum payment for improvements to existing facilities at the Barony are acceptable within the planning balance; as is potential amenity issues to future occupiers of the scheme due to the Town Centre location. Furthermore, the proposal will not have a detrimental impact on any archaeological remains. The proposal is acceptable in terms of its impact on Residential Amenity, Conservation Area, the setting of a Listed Building and Highway Safety and it therefore complies with Local Plan Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), BE.4 (Drainage, Utilities and Resources), BE.7 (Conservation Areas), BE.9 (Listed Buildings: Alterations and Extensions), BE.16 (Development and Archaeology), TRAN.3 (Pedestrians), TRAN.9 (Car Parking Standards), RT.1 (Protection of Open Spaces with Recreational or Amenity Value) and the NPPF. Therefore, in the absence of any other material planning considerations and having due regard to all the matters raised, the proposal is considered to be acceptable and accordingly recommended for approval.

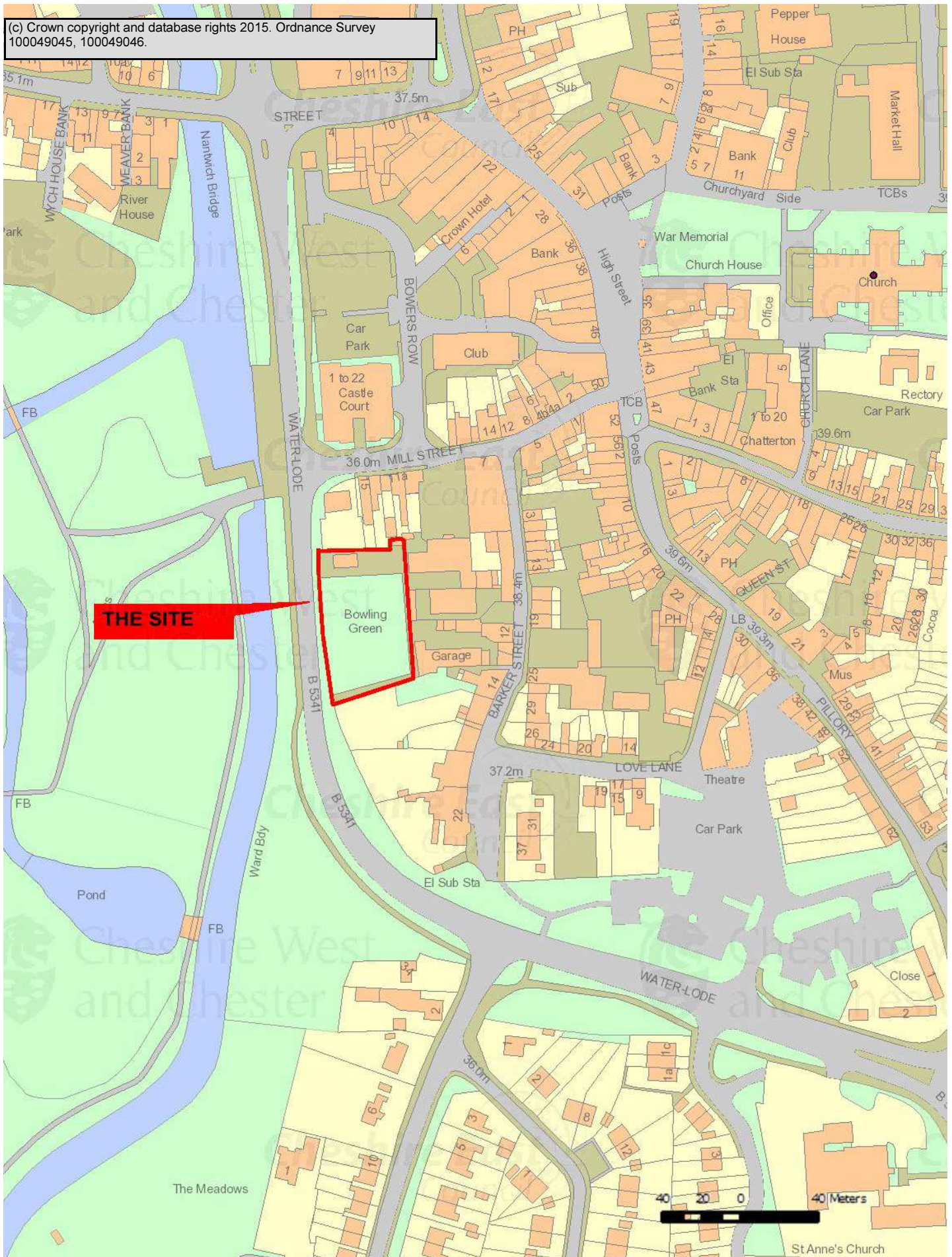
RECOMMENDATION: Approve subject to completion of Section 106 Legal Agreement to secure the provision of Commuted Sum Payment of £62550 to comply with RT.1
And the following conditions:

- 1. Standard Time Limit**
- 2. Plan References**
- 3. Materials**
- 4. Surfacing Materials**
- 5. Archaeology**
- 6. Pile Driving**
- 7. Window/Door Details**
- 8. Details of Boundary Wall**

- 9. Reveal Details
- 10. Visibility Splays
- 11. Car Parking
- 12. Access Details
- 13. Footpath Details
- 14. Rainwater Goods
- 15. Noise mitigation scheme
- 16. Piling
- 17. Lighting
- 18. Travel Plan
- 19. Dust Control
- 20. Contamination

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

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Application No: 14/4946C

Location: Alsager Bowling & Recreation Club, Fields Road, Alsager, Stoke-on-Trent, ST7 2NA

Proposal: Proposed construction of 2No Detached Dwellings including additional parking facilities and new access from Lea Way.

Applicant: Alsager Bowling & Recreation Club Co Ltd

Expiry Date: 17-Dec-2014

SUMMARY

It is considered that the proposal would not cause an overly detrimental impact on the provision of open space in the area. It is considered that on balance, taking account of all material considerations, the proposal is acceptable as an exception/special circumstance as outlined by Policy RC2 of the Congleton Local Plan

RECOMMENDATION

APPROVE with conditions subject to a legal agreement that ring fences the reinvestment of the capital receipt into the bowling club facility.

PROPOSAL

This is a full application to construct two detached one and a half story houses on a disused tennis court facility. The houses would face the bowling green with the car park of the club to the south.

SITE DESCRIPTION

The site is former tennis courts at the Alsager Bowling & Recreation Club to the south west of the corner of Lea Way. The site is abutted by housing to the north on Lea Way and to the west on Ashmore's Lane. To the south is the Club Car Park and pavilion with the bowling green to the west. Access to the club is gained along a driveway the runs adjacent to the south boundary of Lea Way.

RELEVANT HISTORY

14/2274C – Proposed construction of 2No detached dwellings including parking – Refused 08/06/14

POLICIES

National Planning 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.

50. Wide choice of quality homes

56-68. Requiring good design

Local Plan Policy

The Development Plan for this area is the Congleton Borough Local Plan First Review 2005, which identifies that the site is within the Alsager Settlement Zone Line.

The relevant Saved Policies are:

RC2 Protected Areas of Open Space

GR1 New Development

GR2 Design

GR6 Amenity and Health

GR9 Access

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

Emerging Local Plan Policy

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

SC2 (Outdoor Sports Facilities)

SC3 (Health and Well-being)

SE1 (Design)

SE3 (Biodiversity and Geodiversity)

SE4 (The Landscape)

SE6 (Green Infrastructure)

CONSULTATIONS

Head of Strategic Infrastructure – No objections

Environmental Protection – Recommend condition regarding hours of piling and condition and advisory note in respect of contaminated land.

United Utilities – No objection

Sport England – Do not wish to comment on the application.

ANSA - Alternative facilities in Alsager:

- MMU Site - Current facilities are currently not available for Public Use. Consultations are taking place to determine the extent and type of future sports provision as part of a proposed housing development on the site

- Alsager Leisure Centre - 4 no Courts
- Alsager Lawn Tennis Club – 4 no hard surfaced courts

This area is identified in Congleton Borough's local plan as a 'Protected Area of open Space' :

'Proposals which involve the development for an alternative use of any of those areas of open space or recreational facilities which may subsequently be created will only be permitted where all of the following criteria are satisfied:

1)The proposed development would not result in a local deficiency in the quantity, range and accessibility of recreational facilities or amenity open space ...

The chair of Alsager Lawn Tennis Club has confirmed that their tennis facility has recently had some investment by way of a lottery grant. It has a membership in the region of 130 but still has capacity for an increase in membership by about 30%.

Alsager Leisure Centre also confirmed that they had additional capacity and that the loss of the facility at Fields Road would not have an adverse impact on their facility.

Therefore it is difficult to justify a deficiency in quantity in Alsager.

11) The open space or recreational facility has no significant value either as part of an existing network of open areas,

This open space is within a residential area and there are no green links to network it to other open spaces

111)Development associated with the current use of the site or extensions to existing buildings within designated areas of public open space will be permitted where it will allow for improved facilities on the site and will not result in any shortfall in Open Space.....

With reference to the Supporting Planning statement and clause 2.4. It is stated that *'The proposal to redevelop the tennis courts and the capital sum which will be generated from the sale of the land is key to the future of the bowling facility. The existing facilities are in a dilapidated state and considerable investment would be required to bring them back to a playable state which unless external funds were secured would be to the detriment of the Bowling Club'*

Alsager Town Council

Object on basis of highway grounds and housing numbers.

REPRESENTATIONS

Approximately 12 letters of objection on the grounds of:-

- No assessment provided that tennis courts are surplus to requirements
- No replacement courts are proposed.

- Net loss of open space contrary to NPPF and the Congleton Local plan policy RC2 and no design can compensate
- Loss of sports facility
- Vehicular access poor and parking would be displaced and increase in traffic would result.
- Loss of privacy and amenity
- Flooding

Approximately 20 letters of support and petition with approximately 14 signatures in support on the grounds of:

- Tennis courts overgrown, unfit and redundant.
- Better tennis facilities elsewhere
- Bowling membership rising and better facilities required for expansion
- Reinvestment in club for long term future security
- Extra parking would be provided

Full contents can be viewed on CEC website.

APPLICANT'S SUPPORTING INFORMATION

Planning Statement

OFFICER APPRAISAL

The key issue is:

Principle of Development

The site is located in the Settlement Zone as allocated by the Congleton Local Plan 2005 and would normally be assessed against the tests of more general Policies GR1 (New Development), GR2 (Design), GR6 (Amenity and Health) and GR9 (Access).

However, the site lies within a protected area of open space as designated by policy RC2. Proposals which involve the development for an alternative use will only be permitted where it would not result in a local deficiency in the quantity, range and accessibility of recreational facilities; where the open space has no significant local value within the existing and that the proposal is in accordance with other policies and would not result in a shortfall. It is now contended that there would not be a shortfall of quantity, range and accessibility of tennis in Alsager due to the existence of courts at Alsager Lawn Tennis Club and Alsager Leisure Centre. In that sense the courts at Alsager are surplus and it can be contended that this area of the open space does not make a significant contribution to local value.

Officer visits indicate that the overall club facilities and pavilion are in reasonable condition but with the building clearly needing maintenance and possible reinvestment in the near future. It would now seem that investigation into repair, reinstatement, alternative sport uses have been considered for the tennis courts but the club board are of the view that the only meaningful prospect of improving facilities, in the long term, is to dispose of the tennis courts and to reinvest the capital receipt into the club house and maintenance of the bowls playing surface. The proposed development is not normally justifiable under present policy as the net loss of this open space cannot be replaced. However, pragmatically it is now acknowledged

that a reinvestment by way of a binding legal agreement is a persuasive. The whole site is not lost and the dominant sporting use/provision remains. Although the previous report on the refused 14/2274C was clear in its recommendation, further evidence has now to be considered. The evidence supplied by ANSA is compelling and confirms there should be no discernible usable shortfall in tennis provision in Alsager.

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”*. However material considerations do lend to support for the proposals on the basis of securing future bowling provision and both ANSA and Sport England have not objected to the proposal.

Environmental Role

Design and layout

The houses proposed in the application site are of a standard dormer design. In comparison to the refused 14/2274C, the proposed development would utilise the openness of the views across the greater site and it now considered that the revised submission is acceptable in terms of design and layout.

Amenity

It is not considered that the proposed development would be detrimental to residential amenity as all guideline distances on privacy and separation would be met.

Access

It is not anticipated that the provision of two houses would result in significant highway concerns as the impact would be negligible. The Strategic Highways Officer has no objections on this basis.

Nature Conservation/Landscape

The proposals would not result in any significant landscape or forestry issues with the exception of the proposed access which would result in the removal of a length of well established hedge fronting Lea Way. The hedge provides an attractive roadside feature although it could be removed without consent. A condition to secure replacement hedge planting as part of a landscape scheme would be appropriate if the application were not being recommended for refusal. A condition would also be required to safeguard breeding birds.

Economic Role

A small housing development would bring the economic benefit to the local construction industry and the future residents would contribute to the local economy and would be economically sustainable.

Social Role

The proposal would ensure an accessible local service of the bowling club would be retained in use and thus would contribute to the community needs and support its health, social and cultural well-being.

Planning Balance

The resubmitted application seeks planning permission for two houses on a protected area of open space. It is considered, by way of the further evidence, that the proposed development would now, very much on balance, not cause a serious detrimental impact to the provision of open space in the area. It is therefore considered acceptable by way of the material considerations and a ring fenced legal agreement tied with the application and thus acceptable as an exception/special circumstance to Policy RC2 of the Congleton Local Plan.

RECOMMENDATION

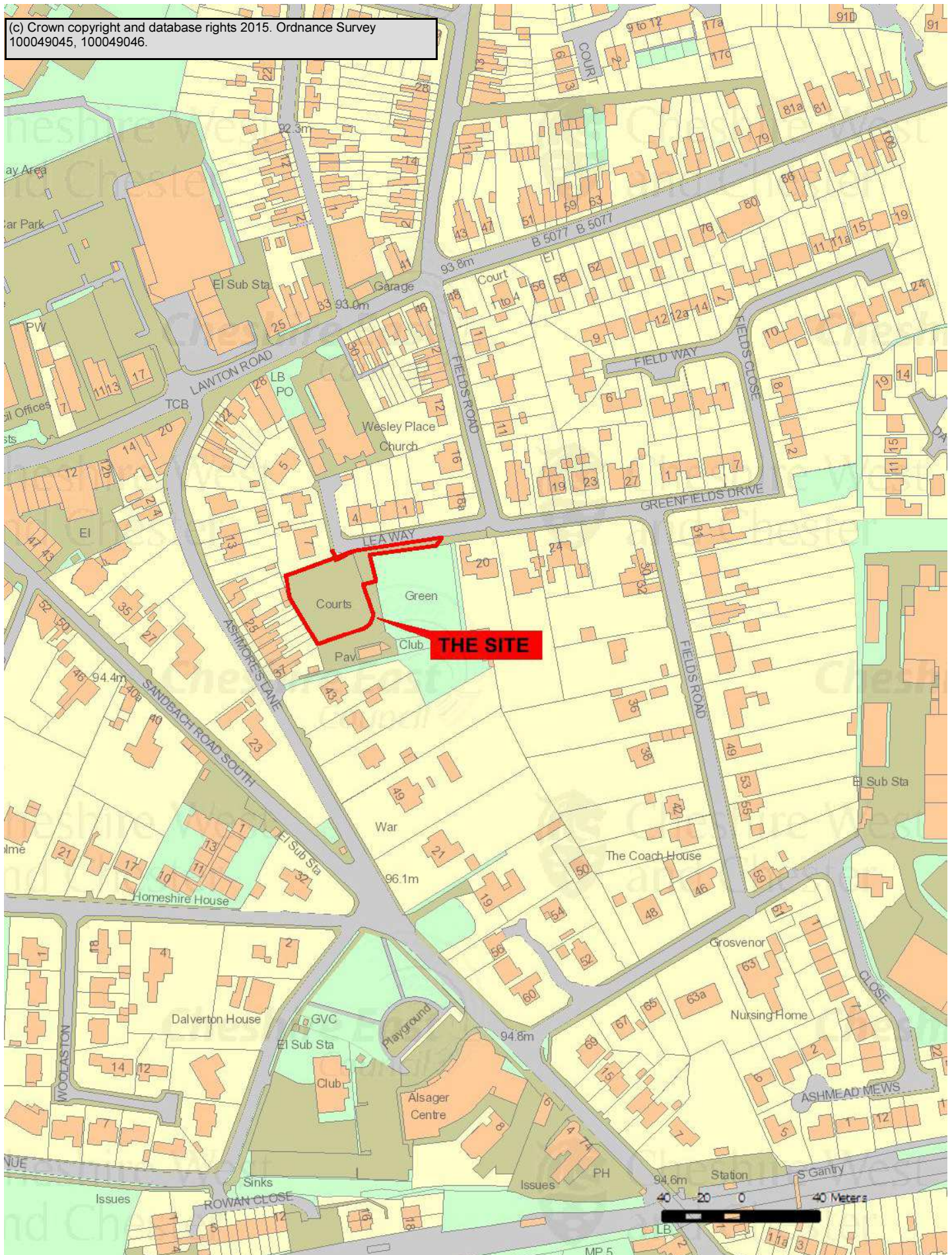
APPROVE subject to a legal agreement to secure re-investment in the bowling club.

Conditions

1. Time limit
2. Materials
3. Plans
4. Removal of PD rights.
5. Piling
6. Landscaping
7. Landscape implementation
8. 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 Planning (Regulation), in consultation with the chair (or in 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

DEFERRAL

This application was deferred at the Southern Planning Committee meeting on 22nd April 2015 in order to allow Members to undertake a site visit.

Additional information has also been submitted relating to ecology, contaminated land and land levels. This has taken away the need to impose condition 8 as proposed in the previous report to Committee and now has an amended condition 7. Condition 6, previously required submission of updated protected species reports, these have been provided, therefore condition 6 has been amended accordingly.

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 Clarke's 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 (approved under application 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.

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 compliance with the submitted updated protected species report. If development commences later than 31st April 2016, then an updated survey and mitigation measures should be submitted.

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.s

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.

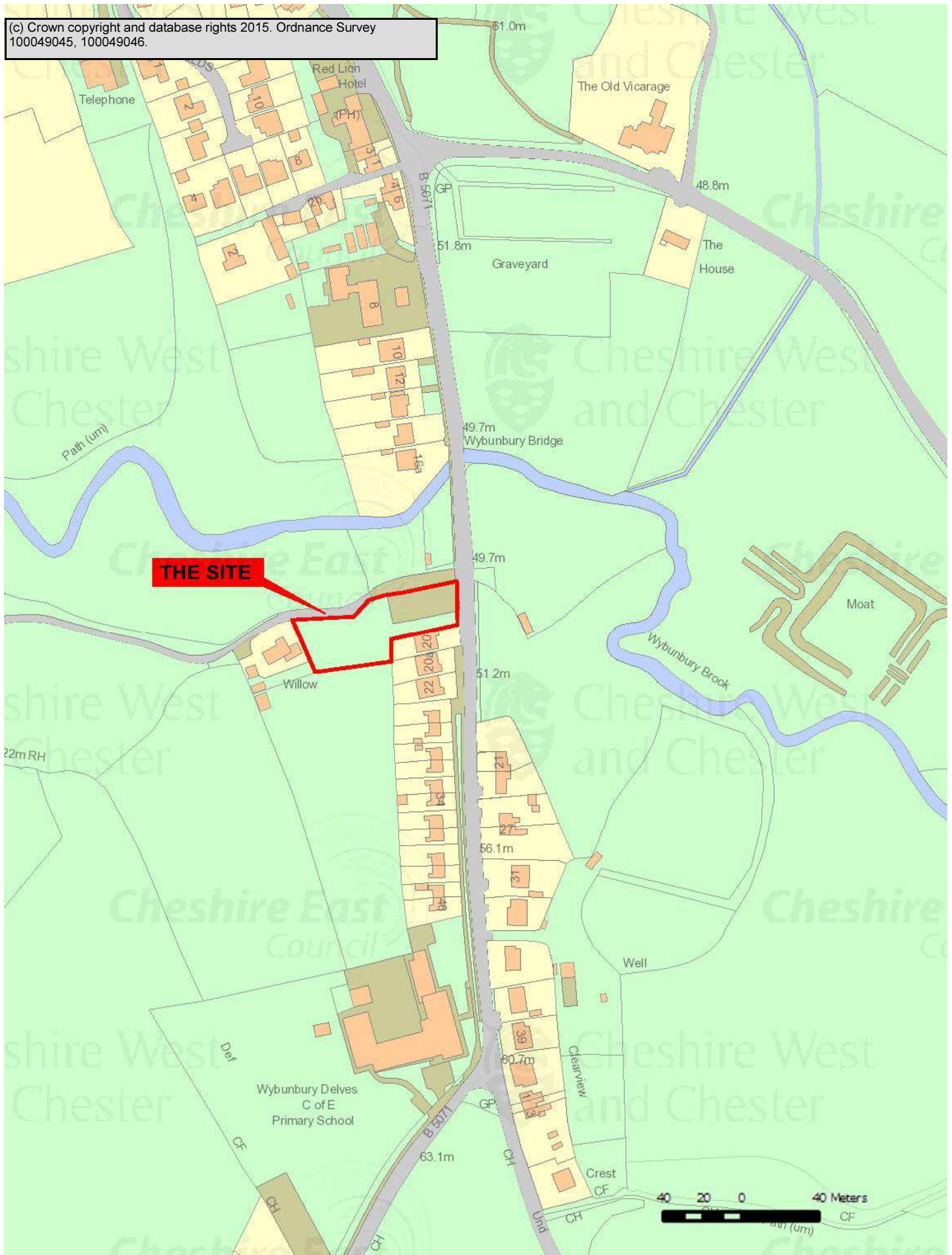
RECOMMENDATION

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. Development to proceed in accordance with the submitted protected species report. If development commences after 31st April 2015, updated surveys and mitigation measures must be submitted.**
- 7. A Contaminated Land Site Completion Report, detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to and approved in writing prior to the first use or occupation of any of the dwellings.**

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: 15/0971N

Location: Land to the rear of 11 Eastern Road, Willaston, CW5 7HT

Proposal: Reserved Matters for erection of 40 two storey dwellings, parking, landscaping and associated works (re-submission of 13/4462N)

Applicant: Dilwyn Lloyd, Anwyl Homes

Expiry Date: 29-May-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. The acceptability of the proposal with regards to sustainability is dependent on the scheme meeting these requirements.

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

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

The development would not have a detrimental impact upon neighbouring amenity, ecology or trees subject to conditions.

RECOMMENDATION

APPROVE subject to conditions

DETAILS OF PROPOSAL

This reserved matters application seeks approval of the appearance, landscaping, layout and scale. The matter of the main point of access into the site was approved on appeal as part of outline application 13/4462N.

The proposal is for 40 dwellings.

A revised layout and house types have been submitted during the application process in order to address concerns raised by the Head of Strategic Infrastructure and the Planning Case Officer.

SITE DESCRIPTION

The site is located outside of the Crewe Settlement Boundary. It measures approximately 1.67 hectares and comprises of the residential curtilage of 11 Eastern Road and paddocks to the rear of residential properties fronting Eastern Road on the south eastern edge of Willaston.

The main body of the site is roughly triangular in shape and is generally low lying, rough grazing land, subdivided into three fields with boundaries delineated by hedgerows and fencing. The existing vehicular access to the main body of the site is currently via a field access off Eastern Road to the west of No.57.

The site is bounded to the south and west by the rear gardens of residential properties fronting onto Eastern Road. The northern boundary is marked by the Crewe to Nantwich rail line. The eastern boundary is delineated by an established hedgerow buffer with open fields beyond. The house within the site's Eastern Road frontage (No.11) comprises a two storey detached house and extensive curtilage containing numerous outbuildings. The application site lies within the Green Gap.

RELEVANT HISTORY

13/4462N – Re-submission of 13/3058N for residential development of 40 houses – Approved 3rd June 2014

13/3058N - Residential Development of 40 houses (Outline) – Refused 17th October 2013

7/13384 – Extension to dwelling (11 Eastern Road) – Approved 18th August 1986

7/07269 – Two detached houses (Rear of 45/55 Eastern Road) – Refused 30th October 1980

NATIONAL & LOCAL POLICIES

National policy

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

Of particular relevance to this application are paragraphs
17 (Core planning principles)
56-68 (Good design)

Development Plan

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

The relevant Saved Policies are:

NE.2 (Open Countryside),
NE.4 (Green Gap),
NE.5 (Nature Conservation & Habitats),
NE.9 (Protected Species),
NE.12 (Agricultural Land Quality),
NE.20 (Flood Prevention),
BE.1 (Amenity),
BE.2 (Design Standards),

BE.3 (Access and Parking),
BE.4 (Drainage),
BE.5 (Infrastructure),
BE.6 (Development on potentially contaminated land),
RES.3 (Housing densities),
RES.5 (Housing in the Open Countryside),
TRAN.1 (Public Transport), TRAN.5 (Provision for cyclists),
TRAN.9 (Car Parking Standards)
RT.3 (Provision of recreational open space and children's play space 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:

PG5 (Open Countryside),
SD1 (Sustainable Development in Cheshire East),
SD2 (Sustainable Development Principles),
SE1 (Design), SE2 (Efficient Use of Land),
SE3 (Biodiversity and Geodiversity),
SE4 (The Landscape),
SE5 (Trees, Hedgerows and Woodland),
SE6 (Green Infrastructure)
CO1 (Sustainable Travel and Transport).

Supplementary Planning Documents

Interim Planning Statement: Affordable Housing
Strategic Market Housing Assessment (SHMA)

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

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections

Environmental Protection – No objections, subject to conditions relating to; The prior submission of an Environmental Management Plan, the prior submission of a noise mitigation scheme, the prior submission of bin storage details, the provision of electric vehicle charging points at each property, the prior submission of a travel plan, the prior submission of a dust mitigation scheme and informatives relating to hours of construction and contaminated land.

United Utilities – No comments received at time of report

Flood Risk Manager (Cheshire East Council) – No objections, subject to a condition that there should be the prior submission of a flood resilience measures and a condition that details of the design, implementation and management of the surface water drainage shall be submitted to the LPA for prior approval.

Environment Agency – No objections, subject to the prior submission of a surface water drainage scheme and the prior submission of a scheme to manage the risk of flooding from overland flood flow of surface water.

Network Rail – No objections, subject to a number of conditions including; The prior submission of a traffic management plan for construction works, the submission of a risk assessment and method statement (RAMS) on commencement of development, the prior submission of acoustic fence details, the prior submission of scaffolding details, the prior submission of a method and risk assessment for any vibro-impact works on the site, the prior submission of drainage details, the prior submission of ground levels, earthworks and excavations. In addition, a number of informatives are sought.

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

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

Housing (Cheshire East Council) – No objections

Public Rights of Way (Cheshire East Council) – No objections, subject to the legal status, maintenance and specification of the proposed paths on site would need the agreement of the Council as the Highway Authority. If the routes are not adopted as public highway or 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.

The site should be permeable and accessible to pedestrians and cyclists. 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.

Ramblers Association – No comments received at time of report

Mid-Cheshire Footpath Society - No comments received at time of report

Sustrans – No comments received at time of report

Rope Parish Council - No comments received at time of report

Willaston Parish Council – No comments received at time of report

OTHER REPRESENTATIONS

Neighbour notification letters were sent to adjoining occupants and a site notice posted. 9 letters of objection have been received from neighbouring properties. The main areas of objection are;

- Loss of countryside
- Highway safety – Impact of traffic, congestion, pedestrian safety, on-street parking
- Amenity – Impact of noise upon future occupiers, overlooking,

- Impact upon local schools
- Flood risk and drainage
- Locational Sustainability

Other matters have been raised which are not material considerations such as; a suggested name for the new road; suggestions of introducing a one-way road system; advice that the proposed footpath is unnecessary; health concerns given the proximity of the site to a telecommunications mast; that the development will set a precedent; suggestions for boundary treatment; suggest escalations of planning application fees for repeated applications, land ownership conflicts.

APPRAISAL

The key issues are:

- The acceptability of the; Layout, Scale, Appearance and Landscaping
- The impact upon neighbouring amenity
- The impact of the design
- The impact upon trees
- The impact upon highway safety
- The impact upon protected species

SUSTAINABILITY

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

In this instance, consideration of the design, landscaping and impact upon neighbouring amenity are the principal considerations.

Layout and Access

The layout plan shows that the development would be erected in a tilted 'T-shape' to the rear of the properties on Eastern Road, following the shape of the proposed new access road. The layout shows that the properties on the site would overlook the highway and parking areas.

The properties would respect the pattern of development within the nearby area which includes singular roads to the rear of main roads that provide housing (e.g. Circle Avenue off Eastern Road and Ashlea Drive off Green Lane).

A footpath link is proposed to the south-east corner of the site.

Access would be onto Eastern Road on the site of No.11. This was approved as part of the outline application. Indeed, the proposed layout largely conforms with the indicative layout presented at outline stage.

The Head of Strategic Infrastructure (HSI) originally had concerns regarding the scheme with specific reference to visibility splays, concerns about the width of the internal road carriageway, location of bin collection points, the width of the proposed pedestrian/cycle pathway.

The layout has subsequently been tweaked in an attempt to overcome these concerns. In response the HSI has advised that he now raises no objections to the proposed development.

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

Scale

The proposal would comprise of 40 two-storey dwellings, comprising of a mixture of 9 house types and an apartment block.

The heights of the 9 dwelling types would range between 7.3 (The Dolwen house type) and 8.2 metres in height (The Alwyn and The Glyn house type). The apartment block would measure 8.4 metres in height.

A planning history search of the nearby properties on Eastern Road show that the closest properties generally comprise of heights between 7 and 8 metres.

As such, the proposed heights of the dwellings would generally reflect the heights of the surrounding properties.

The taller apartment block is proposed towards the middle of the site, and as such would not appear incongruous.

It should be noted that the range of house types and subsequently the range of heights of the dwellings proposed would create a degree of interest.

The proposed footprints of the dwellings would largely reflect the scale of the footprints of the surrounding units.

As such, the scale of the proposed dwellings is considered to be acceptable.

Appearance

The proposal would comprise 9 different house types and an apartment block. Of the 9 different dwellings, 32 will be detached and 8 shall be demi-detached. The apartment block will also be detached.

Of the 32 detached dwellings, these shall comprise of 7 different house types which would range between 7.3 and 8.2 metres in height.

All 7 would comprise of a mixture of rectangular or 'L-shaped' footprints. Of the 'L-shaped' footprint dwellings, the 'L' is predominantly created by gable features.

All 32 of the detached dwellings would be two-storey's in height and comprise of a mixture of dual pitched and hipped roofs. Some comprise of half dual-pitched dormers within the principal elevations, others comprise of ground-floor bay windows. Some comprise of porches, others conservatories.

Of the 8 semi-detached units, these would range in height between 7.8 and 8.1 metres and have rectangular footprints. They would all be two-storey's in height and have dual-pitched roofs. Half dual-pitched dormers and porches are also proposed.

It is advised within the Design and Access Statement that the dwellings would comprise of red facing brick walls and a contrast brick, grey roof tiles, white uPVC fenestration and GRP doors. On closer inspection of the house type plans, it also appears as though some dwellings will be rendered.

The closest neighbouring properties on Eastern Road predominantly comprise of two-storey, semi-detached units, with a mixed exposed brick and rendered finish, dual-pitched grey tiled roofs, ground-floor bay window features.

There are also examples of hipped roofed properties and detached properties within the vicinity.

As such, it is considered that the general design of the dwellings would not appear incongruous within this setting.

Notwithstanding the above, concerns were raised regarding the design of the dwellings on plots 1, 4, 12, 22 and 39 given their high visibility within the streetscene.

As a result, revised house-type plans have been submitted during the application process to satisfactorily address this concern. Additional windows and openings have been inserted to provide a degree of interest.

As such, subject to the prior approval of the material detail which is secured via a condition on the outline application, it is considered that the appearance of the proposed dwellings would be acceptable and would adhere with Policy GR2 of the adopted local plan.

Landscaping (including trees and hedgerows)

The submitted Tree Survey is not supported by an Arboricultural Impact Assessment (AIA) of the proposed development but does include a survey schedule identifying trees proposed for removal to accommodate the development. BS56837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations requires that an AIA should be carried out to evaluate the direct and indirect effects of the proposed design on existing trees.

The Design & Access statement advises that existing trees will be retained where possible and that canopies of existing trees will be considered. However the Planning Layout (Revision A) does not appear to indicate which trees are proposed to be removed to accommodate the development, nor does it specifically identify which trees are to be retained.

The proposal will require the loss of a number of Moderate (B) and Low (C) category trees principally for the proposed access of Eastern Road which will require the removal of some semi-mature and early mature Goat Willow, Holly, Cypress, Ash and Cherry within the curtilage of No.11 Eastern Road. A Poplar (T14) and a neighbouring suppressed Lime (T15) located in the northern corner of the site (both B category specimens) will also require removal to accommodate Plot 2.

Existing boundary and offsite trees to the south (Trees T22 – T35 of the Tree Survey Report) provide some benefit of screening for existing dwellings on Eastern Avenue. However in terms of their current public amenity, only appear to confer limited views via glimpses between properties and restricted

views at the junction of Wistaston Road. The relationship /social proximity to proposed dwellings (Plots 3-15) appear to be reasonably defensible in terms of relationship/social proximity. There is some incursion within the Root Protection Area (RPA) of Tree T29 due to the position of the turning head adjacent to Plot 15 however the Council's Tree and Landscape Officer is satisfied that this could be dealt with by a suitably worded method statement.

The Council's Tree and Landscape Officer has advised that the increased views of the trees as a consequence of the site being opened up for development would provide added public amenity benefits to the site and surrounding area. In this regard it is advised that a Tree Preservation Order (TPO) would be deemed appropriate in the interests of maintaining the amenity of the area and duty under Section 197.

The Council's Tree and Landscape Officer has concluded that he has no objections, subject to conditions relating to; Tree Retention (which trees), Tree Protection, the prior submission of a Method Statement/Construction Specification (turning head and footpath adjacent to Plot 15), the prior submission of Landscape Scheme and an associated Landscaping implementation condition.

As such, subject to these conditions; it is considered that there would be no significant impact upon the landscape.

Other Matters

Affordable Housing

As part of the outline planning application, the affordable housing provision was secured via a S106 agreement.

This agreement secured the following;

- 30% of the total dwellings to be provided as affordable housing
- 65% of the affordable dwellings to be affordable or social rented, 35% to be intermediate
- The affordable dwellings to be pepper-potted across the site
- Affordable homes to meet CFSH Level 3 and to be built in accordance with the Homes & Communities Agency Design & Quality Standards.
- The affordable dwellings to be provided no later than occupation of 50% of the open market dwellings.

In response to this application, the Council's Housing Officer has raised no objections.

Open Space

The layout plan shows that a degree of Public Open Space (POS) is proposed within the development itself.

This plan shows that this land would be positioned to the north of the site and forms the boundary with the railway line. It would be triangular in shape and largely conforms with that proposed on the indicative layout plan considered as part of the outline application.

Policy RT3 of the Local Plan requires new housing development with more than 20 dwellings to provide a minimum of 15 square metres of shared recreational open space per dwelling. Furthermore,

it is advised that, where the development includes family dwellings, an additional 20 square metres of shared children's play space per family dwelling will be required.

Based on this calculation, a provision of 15sqm x 40 units and a provision of 20sqm x 36 units would be required resulting in a total requirement of 1320sqm

As part of the S106 Agreement secured as part of the outline application, a sum of £56,868 was secured for the provision, enhancement and maintenance of the POS within Willaston and that no less than 600sqm of POS should be provided on site.

The on-site provision adheres to these requirements and as such, is deemed to adhere with Policy RT3 of the Local Plan.

Infrastructure

Policy BE.5 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.

As part of the outline application, a sum of £86,770 was secured via a S106 to offset the impact such a proposal would have upon the capacity of local primary schools.

The Primary Care Trust (PCT) or NHS England as it is now known did not provide comments at the time of application.

Highway infrastructure has been considered under the Access section of this report.

As such the above has already been considered, the development would adhere with Policy BE.5 of the Local Plan.

Amenity

Policy BE.1 of the Local Plan advises that proposals for new development shall be permitted so long as the development does not prejudice the amenity of future occupiers or the occupiers of adjacent properties by reason of overshadowing, overlooking visual intrusion, noise and disturbance or in any other way.

The proposed dwellings will need to largely conform to the separation standards detailed within paragraph 3.9 of the The Development on Backland and Gardens SPD. These standards include a 21 metre gap between main windows of directly facing dwellings across both the front and rear gardens and a 13.5 metre gap between the main windows of dwellings directly facing the flank walls of an adjacent dwelling. Paragraph 3.35 of this SPD advises that each garden should have no less than 50 metres squared of private amenity space.

All neighbouring dwellings outside of the development proposal would be over the 21 metre separation standard with regards to front to rear relationships according to the submitted layout plan.

With regards to the front or rear to side 13.5 standard, this only becomes applicable if there are sole windows to principal habitable rooms within either impacted dwelling directly opposing each other in this configuration.

The layout plan shows an approximate 16.5 metre gap between the rear elevation of No.15 Eastern Road and the side elevation of the closest dwelling to the north, hence adhering with this standard. No first-floor windows are proposed within the side gable elevation of this closest proposed dwelling, eliminating any overlooking concerns.

The layout also shows an approximate 4.5 metre gap between the side elevation of No.7 Eastern Road and the rear elevation closest dwelling to the east.

The submitted plans show that within the rear elevation of this dwelling, a first-floor bathroom window and a ground-floor door to a utility room is proposed. Neither of these are classed as principal rooms. Within the relevant side elevation of No.7 Eastern Road, there are 2 openings. 1 serves as a secondary ground-floor kitchen window, the other, a first-floor bathroom window. As such, none of these windows act as sole windows to principal habitable rooms either. As such, in this instance, the 13.5 metre separation standard does not apply and it is not considered that a development within this proximity to a neighbouring dwelling would create any significant concerns in relation to loss of light or visual intrusion.

With regards to loss of privacy, should the application be approved, it is recommended that the first-floor rear window be obscurely glazed to overcome any overlooking concerns.

In terms of the relationships between the proposed new dwellings themselves, although at some points the relationships fall short of the recommended 21 metre and 13.5 metre separation standards, it is considered that these dwellings are far enough away from each other (generally across the road from), so not to create any significant concerns in relation to loss of light, visual intrusion or loss of privacy for the future occupiers.

However, in order to prevent overlooking, all first-floor side windows proposed, with the exception of the dwelling on plot 1, shall be conditioned to be obscurely glazed.

It is considered that there is enough space within the site for each of the 40 properties now proposed to have an appropriate sized garden.

Environmental Health have advised that they have no objections, subject to conditions relating to; the prior submission of an Environmental Management Plan, the prior submission of a noise mitigation scheme, the prior submission of bin storage details, the provision of electric vehicle charging points at each property, the prior submission of a travel plan, the prior submission of a dust mitigation scheme and informatives relating to hours of construction and contaminated land.

As part of the associated outline planning permission, the above conditions relating to an Environmental Management Plan (EMP) and a noise mitigation scheme were secured.

Although the provision of electric vehicle infrastructure and travel plan conditions were proposed, it was not considered that they were reasonable. A dust mitigation scheme condition was omitted as it was considered that this was covered by the EMP.

As such, the bin storage condition only, shall be added to this decision should the application be approved.

As such, subject to conditions and informatives, it is considered that the proposal would be acceptable in terms of amenity and Policies BE.1 and BE.6 of the Local Plan.

Ecology

The Council's Nature Conservation Officer was consulted on the outline application and advised that *'There is no ecological appraisal supporting the application, but the site appears to have little nature conservation value. I can find no ponds or hedgerows within or in close proximity to the site. There are trees on the site and overhanging the site, so the usual condition covering breeding bird protection is appropriate if the trees are to be removed.'*

As such, a condition seeking the prior detailing that the trees which would support roosting bats should be retained. In addition, a Breeding birds condition was imposed.

As part of this application, the Council's Nature Conservation Officer has advised that the proposed development will result in the loss of sections of hedgerow from the sites interior and no proposals for replacement planting to compensate for this loss have been submitted in support of the application.

As such, it is recommend that the submitted layout plan be amended to show suitable native species hedgerow planting around the site boundaries to compensate for that lost.

In response, the applicant has submitted and updated layout plan which details the proposed species mix. However, the Council's Nature Conservation Officer has advised that he would require a more specific plan with individual native species.

The applicant has agreed to update the plan accordingly and an update shall be provided to members in the form of a written update.

Flood Risk and Drainage

The Environment Agency and United Utilities were consulted as part of the outline planning application and advised that they had no objections in principle subject to conditions and informatives. These conditions included; the prior submission of a surface water drainage scheme, the prior submission of a scheme to manage the risk of flooding from surface water.

As such, these were conditioned as part of the outline approval.

As part of this application, the Environment Agency have reiterated their previous comments.

As drainage matters were considered at outline stage and the detail secured via condition, subject to the implementation of these conditions, it is considered that the proposed development would adhere with Policies NE.20 and BE.4 of the Local Plan.

Footpaths / Public Right of Way

The proposed development would include a pedestrian footpath link access onto Eastern Road between No.55 and No.57 Eastern Road.

The Council's Public Rights Of Way Officer, at outline application stage advised that:

'...It could be anticipated, given the location of the site in relation to Shavington High School/Leisure Centre and Crewe town centre, that demand for this route would arise from cyclists in addition to pedestrians, and therefore the route should be designed and constructed for both types of user, should the development go ahead. The legal status and future maintenance of this link would require agreement with the Council. The developer should be tasked to provide new residents with information about local routes for both leisure and travel purposes.'

Sustrans also supported the need for a cycle links and provisions within and to the scheme.

As such, it was concluded that subject to the above detail being agreed at reserved matters stage, it is considered that the development would adhere with Policy BE.5 of the Local Plan.

As part of the current proposal, a more detailed design of this aspect of the proposal was submitted and the Council's Public Rights of Way Officer has subsequently advised that;

'The legal status, maintenance and specification of the proposed paths on site would need the agreement of the Council as the Highway Authority. If the routes are not adopted as public highway or 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. The site should be permeable and accessible to pedestrians and 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.'

In response, the developer has advised that;

'The pedestrian route would be maintained by the management company that are appointed to maintain the public open space. The outline application clearly indicated this route as a pedestrian link and as we have commented previously a 3m width is not achievable along the full width of this link due to the constraints present in respect of the site boundaries and we have confirmed that this link will be 2m in width along its full length. This would satisfy the aspirations of the outline application in providing a pedestrian link to eastern Road in this area of the site. On legal hand over of the dwellings the required information on local walking and cycling routes for leisure and travel purposes can be supplied to the occupiers of the dwellings.'

This conclusion satisfies the Council's Public Rights of Way Officer's concerns. Furthermore, the S106 Agreement linked to the outline application reference: 13/4462N requires the prior submission of a Management Plan for the maintenance of all Public Open space in perpetuity.

Network Rail

The site is bound to the north by the Crewe - Nantwich rail line. Network Rail reviewed the proposal at outline application stage and advised that they had no objections to the development, subject to the following condition: Prior to commencement of development, the developer should submit a traffic management plan for construction works to be approved by the LPA and Network Rail. As such,

subject to this condition, it was considered that the proposed development would not have a detrimental impact upon the rail line.

As part of the current proposal, Network Rail have once again confirmed that they have no objections. However, they have proposed further conditions that were not sought at outline stage including; The submission of a risk assessment and method statement (RAMS) on commencement of development, the prior submission of acoustic fence details, the prior submission of scaffolding details, the prior submission of a method and risk assessment for any vibro-impact works on the site, the prior submission of drainage details, the prior submission of ground levels, earthworks and excavations. In addition, a number of informatives are sought.

Subject to these additional conditions, it is considered that the proposal's impact upon Network Rail would be minimised.

Planning Balance

The principle of the development has already been approved.

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

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

It is also considered that the development would not have a detrimental impact upon neighbouring amenity, ecology or trees.

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

RECOMMENDATION

APPROVE subject to the following conditions:

1. In accordance with Outline
2. Development in accordance with approved plans
3. Prior submission of a tree retention plan
4. Prior submission of a Method Statement/Construction Specification (turning head and footpath adjacent to Plot 15)
5. Landscaping (details)
6. Landscaping (Implementation)
7. Obscure glazing (Plot 1 – First-floor rear elevation and all plots first-floor side windows with the exception of the dwelling on plot 1)
8. Prior submission of bin storage details
9. Prior submission of a risk assessment and method statement (RAMS)
10. The prior submission of acoustic fence details
11. The prior submission of scaffolding details
12. The prior submission of a method and risk assessment for any vibro-impact works on the site

13. The prior submission of ground levels, earthworks and excavations.

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: 15/1203N

Location: The Horseshoe Inn, Newcastle Road, Blakelow, Willaston, CW5 7EP

Proposal: Demolition of existing buildings and redevelopment of the site for 4no. dwellings

Applicant: Beluga Homes Ltd and Frederick Robinson

Expiry Date: 15-May-2015

CONCLUSION:

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 boundary treatments would be provided as part of the proposal.

The proposal is not considered to 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 or existing drainage considerations.

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

SUMMARY

APPROVE with conditions

PROPOSAL:

The proposal is for the construction of four no. detached dwellings and three no. detached garages. The works would include the provision of private driveways and hard and soft landscaping.

Access into the site would be via Wybunbury Road.

SITE DESCRIPTION:

The application site is a former public house and its associated curtilage, located on the northern side of Newcastle Road in Willaston and lying in the green gap.

The public house is a two storey, detached property with single storey extensions, sitting within a relatively large plot.

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

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

RELEVANT HISTORY:

14/3862N - Outline planning application for the demolition of the former Public House and outbuildings and erection of up to four residential units with all matters reserved except for means of access at the Horseshoe Inn, Newcastle Road, Willaston. Approved 13th November 2014.

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

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs:

17, 49, 55 & 111

Development Plan:

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

The relevant Saved Policies are: -

NE.2 - Open Countryside

NE.4 – Green Gaps

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.6 - Development on Potentially Contaminated Land

RES.5 - Housing in the Open Countryside

TRAN.9 – Car Parking Standards

CF.3 – Retention of Community Facilities

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

Policy MP1 – Presumption in Favour of Sustainable Development

Policy PG 1 - Overall Development Strategy

Policy PG 2 - Settlement Hierarchy

Policy PG 5 - Open Countryside

Policy PG 6 - Spatial Distribution of Development

Policy SD 1 - Sustainable Development in Cheshire East

Policy SD 2 - Sustainable Development Principles

Policy EG 2 - Rural Economy

Policy SE 1 – Design

Policy SE 2 – Efficient Use of Land

Policy SE3 – Biodiversity and Geodiversity

Policy SE 4 - The Landscape

Policy SE 5 - Trees, Hedgerows and Woodland

Policy SE 12 - Pollution, Land Contamination and Land Instability

Supplementary Planning Documents:

Development on Backland and Gardens

CONSULTATIONS:

Highway Authority: No objection.

Environmental Health: No objection subject to conditions regarding construction hours, piling method, waste provision, provision of electric charge points, dust suppression scheme, contaminated land and noise mitigation.

CEC Flood Risk Manager: No comments received at the time of writing this report.

View of the Parish/Town Council: No objection.

REPRESENTATIONS:

One representation received making general observations regarding details of the application.

Principle of Development

The application site is Brownfield lying outside the settlement boundary which represents a departure from the Plan.

The principle of development for 4 no. dwellings has already been established under outline application 14/3862N, granted on 13th November 2014.

Character and Appearance

The proposal for four two-storey dwellings with garages, private driveways and front and rear gardens. The development would be commensurate to the plot size and the development would not appear cramped, sitting comfortably within the site parameters.

Plot 4 would have principal windows in the east elevation, providing an element of natural surveillance over the adjacent footpath.

The overall design and layout would appear appropriate in the context of the surrounding area and the properties would incorporate traditional features such as porches, finials, chimneys and front and rear gardens with private driveways. A condition securing materials would ensure the proposal further integrates with the existing vernacular and locality.

Proposed brick piers with metal railings would run along the site entrance and eastern boundary adjacent to the footpath. This would help to provide defensible boundaries and set a clear differentiation between the private space of the site and public space of the adjacent footpath.

Varying surface materials would add visual interest whilst planting and the retention of hedgerow boundaries would help to soften the impact of the development.

Overall, the scale and design of the proposed development is considered to be sympathetic 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

Separation distances would meet the requirement as contained within the Authorities SPD on 'Development on Backland and Gardens'.

The rear gardens and amenity space would meet the minimum 65m² as required within the SPD, accommodating all of the basic amenities required.

Each proposed dwelling would be off-set from the site boundary, allowing adequate space for the storage and movement of waste bins, therefore not compromising the character and appearance of the site frontage.

Existing and proposed hedgerows and planting as well as fencing around the perimeter of the site would help to provide enclosure and defensible boundaries.

1.8m fencing between property boundaries would provide adequate privacy screening between plots.

Environmental Health request conditions to control construction activities including hours of work and method statements for dust suppression and piling.

The results of the submitted Noise Mitigation Report indicate that noise mitigation measures would need to be incorporated into the proposed site design, to ensure that the required noise levels are achieved in accordance with BS 8233: 2014 and WHO: 1999.

A condition requiring the submission of a detailed noise mitigation scheme would be attached to any grant of planning permission.

The application site has a former use as a Smithy and therefore has the potential for contamination. Environmental Health request the submission of a Phase I Contaminated Land Report in the event of any planning permission.

The proposed development would be in accordance with Policy BE.1 of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Access and Parking

Each plot would accommodate a minimum of three parking spaces according with the Authorities Maximum Car Parking Standards and Policy TRAN.9 of the Borough of Crewe and Nantwich Local Plan 2011.

The Strategic Highways Manager raises no objection to this development.

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

Landscaping

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.

Conditions would be attached to secure boundary treatments and specific planting details.

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.

Trees

A grade A unprotected Oak tree would be removed as part of the scheme, together with some vegetation to the north and a line of conifer trees. Replacement planting would be incorporated into the landscape scheme.

Following the Tree Officer's comments, the dwelling and garage on Plot 4 have been moved further west into the site. This is considered to improve the social relationship between the TPO Oak tree located on the frontage of the site and the dwelling on Plot 4 and its amenity space, reducing impacts of any potential excessive shading.

The Arboricultural Method Statement submitted on 15th May does not address the removal of existing hard surfacing in the tree Root Protection Areas (RPAs) in sufficient detail and makes reference to excavations of up to 500mm in tree RPAs for parking, which is not considered to be acceptable. Conditions would be attached to any grant of planning permission to secure amendments in regards to tree protection details.

Ecology

Evidence of previous protected species activity has been recorded in close proximity to the site.

A condition to secure the submission of an updated survey prior to commencement of development would be attached to any grant of planning permission.

Conditions securing the provision of native hedgerow species and protection for breeding birds are considered to be appropriate.

Drainage

An update will be provided in relation to the drainage implications following the receipt of the consultation response from the Councils Flood Risk Manager.

Conclusion

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 boundary treatments would be provided as part of the proposal.

The proposal is not considered to 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 or existing drainage considerations.

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

RECOMMENDATION

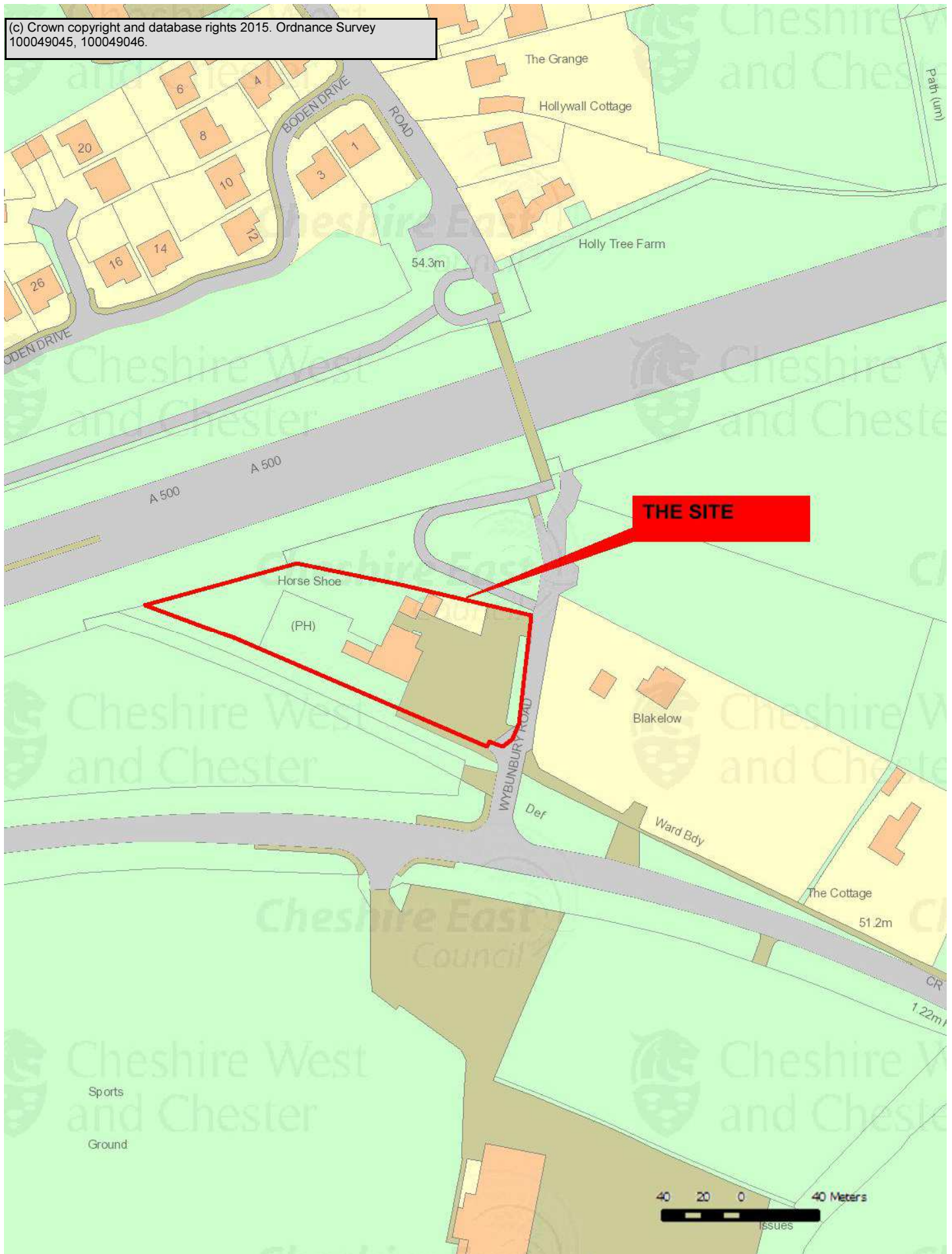
APPROVE subject to the following conditions:

- 1. Standard time 3 years**
- 2. Plans**
- 3. Materials**
- 4. Landscaping scheme including native hedgerow species and replacement tree planting**
- 5. Implementation of Landscaping Scheme**
- 6. Breeding birds**
- 7. Submission / Approval and Implementation of Piling Method Statement**
- 8. Contaminated Land**
- 9. Noise Mitigation Scheme**
- 10. Management Scheme of the Paddock area to the rear of the site**
- 11. Submission of revised Arboricultural Method Statement**

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 her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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

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Application No: 15/0876N

Location: 447, NEWCASTLE ROAD, SHAVINGTON, CW2 5JU

Proposal: Demolition of 449 Newcastle Road including outbuildings and sheds and construction of 28 residential properties with associated access including the widening of the existing ditch works adjacent to the sites northern boundary.

Applicant: Johnson Mulk, Prospect GB LTD

Expiry Date: 25-May-2015

SUMMARY

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of housing, a contribution to an existing play area within the village and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in the locality.

The development would have a neutral impact upon education, protected species/ecology, drainage, highways, trees, residential amenity/noise/air quality/contaminated land and landscaping could be secured at the reserved matters stage.

The adverse impacts of the development would be the loss of open countryside.

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies. As such the application is recommended for approval.

RECOMMENDATION

Approve subject to conditions and a S106 Agreement

PROPOSAL

This is a full application for a residential development of 28 dwellings.

The proposed development would be served via a single access point off Crewe Road which would involve the demolition of the dwelling at 449 Newcastle Road. The development would involve the creation of a T-shaped cul-de-sac with the proposed two storey dwellings sited around this cul-de-sac.

SITE DESCRIPTION

The site of the proposed development extends to 0.9 ha and is located to the north of Newcastle Road. The site is T-shaped and includes the residential properties at 447 & 449 Newcastle Road. The large majority of the site is within the open countryside as defined by the Crewe and Nantwich Replacement Local Plan although the residential properties at 447 & 449 Newcastle Road and their immediate curtilage are located within the Shavington Settlement Boundary.

The rear portion of the site includes a paddock, ancillary buildings including sheds and pigeon lofts and the remains of a former orchard. There are a number of trees and hedgerows to the boundaries of the site.

To the south of the site is residential development which fronts Newcastle Road. To the west of the site are residential properties fronting Crewe Road. To the north of the site is open countryside and to the east of the site is curtilage to dwellings which front Newcastle Road.

RELEVANT HISTORY

14/0001N - Demolition of 449 Newcastle Road and construction of 28 residential properties with associated access – Refused 6th June 2014 for the following reasons:

1. *The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*

2. *The Local Planning Authority considers that insufficient information has been submitted in relation to the affordable housing provision of the site. In this case there is little detail in relation to the tenure proposals for the affordable units including the arrangements for transfer to a Registered Provider, provisions for the units to be affordable in perpetuity and confirmation that the affordable homes to be let or sold to people who are in housing need and have a local*

connection. The application does not show which units are affordable as a result it is not considered that the application demonstrates a suitable level of pepper-potting on the site and the supporting documentation does not confirm that the affordable units will be built to CFSH Level 3 or to HCA Design and Quality Standards. As a result it is not considered that the proposal would create a sustainable, inclusive, mixed and balanced community and would be contrary to the Interim Planning Policy on Affordable Housing and Policy RES.7 (Affordable Housing) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.

3. The proposed vehicular access would be opposite an access point to serve a development of 39 dwellings which has outline consent as part of application 13/4675N. It is considered that the access proposed as part of this application would result in the creation of a crossroads at the site opposite which would result in turning conflicts to occur on Newcastle Road to the detriment of highway safety. As a result the proposed development would be contrary to Policy BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the NPPF.

4. Part of this site is subject to surface water flooding risks during extreme storm and flood conditions and is also be susceptible to ground water flooding with off-site capacity issues within the public sewer system. Insufficient information has been submitted with this application to demonstrate that the local flood risks and site drainage issues can be managed without exacerbating flood risks both on and off-site. In the absence of this information, to allow this development would be contrary to the NPPF, and Policy NE.20 (Flood Prevention) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

P04/1179 – Erection of nine dwellings – Withdrawn 26th November 2007

P03/1282 - Demolition of 449 Newcastle Road and Erection of 18 dwellings – Appeal for Non-Determination. Appeal Dismissed 11th June 2004

P03/0884 - Demolition of One Dwelling and Erection of 22 Dwellings – Appeal for Non-Determination. Appeal Dismissed 11th June 2004

P02/0806 - 24 No. 2 Storey Dwellings – Refused 10th December 2002. Reason for Refusal relating to inappropriate backland development which would fail to respect the pattern, character and form of the village.

P01/0903 - Erection of 23 No. Dwellings with Associated Highway Access – Refused 4TH December 2001. Reason for Refusal relating to inappropriate backland development which would fail to respect the pattern, character and form of the village.

POLICIES

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.

50. Wide choice of quality homes

56-68. Requiring good design

Local Plan Policy

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which identifies that the site is partly within the Shavington Settlement Boundary and partly within the open Countryside

The relevant Saved Policies are:

NE.2 (Open countryside)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

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

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

Cheshire East SHLAA

CONSULTATIONS

United Utilities: No objection subject to the imposition of conditions relating to foul water and surface water.

Cheshire East Flood Risk Manager: No objections subject to the imposition of conditions.

Strategic Highways Manager: All highway matters relating to the internal design are considered to be acceptable. The main highway concern relates to the access in terms of its relation to another planning approval on the opposite side of Newcastle Road. The design submitted indicates a staggered arrangement is considered an acceptable arrangement but this is only on the basis that there is not a crossroads situation and that the already approved development will have to move its access location should this application be approved.

It is difficult to provide a recommendation on this application as it is not known precisely where the access to the site opposite falls on Newcastle Road. There are a number of conditions that are required should the application be approved, together with a S106 Agreement for a 6k contribution for a TRO to reduce the speed limit on Newcastle Road.

Environmental Health: Conditions suggested in relation to pile foundations, construction management plan, hours of works, dust control, travel plan, electric vehicle infrastructure and contaminated land. Informative suggested in relation to contaminated land.

Public Open Space: A commuted sum payment of £10,000 for off-site provision should be secured. Specifically, to make improvements to the existing equipped children's play area at Wessex Close, Shavington which is 250 metres to the north-west of the site.

Natural England: Statutory Sites – No objection.

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

Education: The Education Department would not seek a contribution from this development.

VIEWS OF THE PARISH COUNCIL

Shavington-cum-Gresty Parish Council: Object to the application on the following grounds:

- Shavington-cum-Gresty Parish has seen over 1200 new dwellings approved during the last three years with further applications currently being considered. There are approximately 1,700 dwellings in the parish at present, and with the numbers already approved for construction the size will increase by around 75%; and if all of the

applications were to be approved the numbers of properties in the parish will more than double. The infrastructure simply will not cope.

- These additional 28 houses are a further unnecessary intrusion into yet another greenfield site especially since the site is in very close proximity to a 39 dwelling development approved on the other side of Newcastle Road; and the large 350 dwelling Shavington Triangle site just a few hundred metres away. The Triangle site and the other approved developments in Shavington already meet the required numbers locally for affordable units.
- The property run off water will be disposed via each property soak away or to a water course, and will go through the same infrastructure as the triangle development and the recently approved development directly opposite. It will put unacceptable levels of pressure on the ground water levels.
- The Parish Council already has much concern over road safety along this stretch of road where the white carriageway markings have been worn away to such an extent that overflow parking from Playworld and other businesses at the location of the filling station is using either side of Newcastle Road; and this coupled with traffic flow and emerging vehicles means it is only a matter of time before a very serious accident occurs.
- There have already been several traffic accidents involving vehicles emerging from the filling station because of poor visibility due to a bend in the road as vehicles approach from the direction of Hough. To add another junction on the opposite side of the road to the filling station and the development already approved at No.414 would create a crossroads in what is already a congested road and add a significant additional hazard. Traffic already regularly backs up along Newcastle Road from the Goodall's Corner traffic lights 300m away and the number of vehicular movements is set to increase substantially with the construction of several hundred more houses at the Triangle site.
- The last time this application was submitted and refused was in February 2014, and several previous applications have been refused in the past – there is nothing different in this application to justify it being approved.

Hough and Chorlton Parish Council: Object on the following grounds:

- That there is no need for the development
- 480 dwellings have been approved within 1.5 miles of the site. This equates to 15 times the local housing need identified by local housing surveys
- The Council has a housing land supply figure of 7.2 years
- There is no demand for this type of housing
- It is an unsuitable location for a development of this size
- The site is within the open countryside
- The residential properties on Newcastle Road are of a substantial size and this development would not be in-keeping with the area
- Back-land development
- Concern over the possible creation of a crossroads following the resolution to approve the residential development on the site opposite
- The layout is inappropriate
- Over-engineered design. Cramped development.
- No provision of vehicular turning for utility or emergency vehicles.
- No green space or children's play provision.
- There is insufficient infrastructure to support this development
- The local primary schools are over-subscribed. This would add to a further shortfall
- Similar problems with Doctors and Dentists

- Local road infrastructure is inadequate and will be exacerbated by the approved developments within Shavington. This development will add to the problems when entering Crewe at the junction of Gresty Road/Nantwich Road/South Street.
- Road safety Issues
- There is a petrol filling station/leisure development opposite the site. This is a dangerous access point and there have been several accidents involving vehicles leaving this site in the past. Visibility is poor at the bend in the road.
- Various developments on the site of the petrol station have had to go to appeal on access grounds, safety, air pollution and screening was a condition due to the open countryside on the south side.
- Pedestrian access at the traffic lights in close proximity to the site is unsafe and children would need to use this crossing to get to school.
- Environmental Impact
- The highways design is over-engineered and gives misleading picture of the impact upon Newcastle Road
- This development together with the Triangle will result in cumulative ground water drainage problems
- The hedgerows, trees and grassland on the site have significant wildlife value.

OTHER REPRESENTATIONS

Letters of objection have been received from 23 local households raising the following points:

Principal of development

- There is no need for more housing
- The development is not sustainable
- Shavington cannot support further development
- A very similar application has already been refused on this site
- The site is outside the settlement boundary
- Loss of agricultural land
- Previous applications on this site have been refused by the LPA and the Planning Inspectorate
- The application site forms part of a Green Gap
- The development would result in a hard edge to this part of the village
- Intrusion into the open countryside
- The development is contrary to the emerging Local Plan
- There are a number of errors within the supporting documentation for this application
- The proposal is backland development
- Contrary to Local Plan Policies
- The development does not respect the character of the locality
- Problems selling houses within the village
- Financial gain of the developer

Highways

- Local roads cannot cope with this increased population
- Lack of parking provision on the site
- The access will be opposite the recently approved development off Newcastle Road and would create a crossroads
- Increased vehicular movements

- Increased traffic within the village
- Lack of pedestrian crossing points within the village
- There is no provision of a footpath and it will not be possible to walk children to school
- Vehicular movement conflicts with the approved development opposite the site and the garage/playworld site
- The bus service has been discontinued
- There are no plans to show how the staggered junction could be achieved
- No suitable public transport in the area
- Speeding problems along Newcastle Road
- Problems with parking at the Playworld site which obstructs traffic along Newcastle Road
- Proximity to the Esso garage
- Access problems for refuse vehicles at this site
- Lack of cycle provision/access in Shavington

Green Issues

- Impact upon Badgers
- The site was formerly an orchard
- Impact upon Owls
- There are Grass Snakes on this site
- Contamination of the watercourse on this site
- Impact upon bird habitat
- The previous Inspector found that the development would result in an intrusion into the landscape.
- Impact upon breeding birds
- Impact upon protected species
- Loss of habitats
- Loss of wildlife

Infrastructure

- Local schools are already full
- The Doctors surgery is full
- Lack of infrastructure
- Drainage systems cannot cope with further development
- Sewage disposal will require increased land levels on this site
- Sewers cannot cope with further development
- Cumulative impact upon local infrastructure

Amenity Issues

- Increased pollution
- The development will raise security problems for the existing dwellings
- Loss of outlook
- Noise and disruption
- Increased light pollution
- Overshadowing
- Loss of privacy
- The proposed dwellings are too close to the boundaries with the existing residential dwellings

- Potential conflicts between the existing and proposed occupants

Other issues

- Increased flood risk
- The site is prone to flooding
- Who will maintain the ditch if the development is constructed
- Not enough information in relation to the works to the ditch
- The drainage ditch passes through a culvert which gets blocked
- No provision for the disposal of surface water
- Lack of consultation with the Environment Agency
- Increased risk of flooding to the existing residential properties
- There is a high water table on this site
- Wasted tax payer expense with the repeated applications on this site
- Inappropriate design
- The development is too dense
- The proposed dwellings would be taller than the existing dwellings surrounding the site

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

An objection has been received from Edward Timpson MP raising the following points:

- There are already a number of approved applications around Shavington (including the site opposite and Shavington Triangle). Further development would result in the loss of village identity
- The Primary School and Rope Green Primary School are oversubscribed
- Traffic/Parking problems along Newcastle Road due to the businesses located at the garage site
- The proposed development would create a crossroads with the development opposite

APPRAISAL

Principle of Development

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

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

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

Housing Land Supply

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.

The 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.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

Location of the site

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

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

- Post office (1000m) – 965m
- Cash Point (1000m) – 150m
- Primary School (1000m) – 1000m
- Local meeting place (1000m) – 800m

- Convenience Store (500m) – 150m
- Bus Stop (500m) – 320m
- Public Right of Way (500m) – 235m

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) – 1100m
- Amenity Open Space (500m) – 800m
- Children's Play Space (500m) – 800m
- Post Box (500m) – 965m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 4000m
- Secondary School (1000m) – 1770m
- Medical Centre (1000m) - 2090m
- Pharmacy (1000m) – 2090m
- Child Care Facility (nursery or crèche) (1000m) - 1770m
- Leisure Centre (1000m) – 1770m
- Outdoor Sports Facility (500m) – 1770m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Shavington, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless, this is not untypical for a sustainable village (Shavington is classed as a local service centre in the Cheshire East Local Plan Policy Principles document) and will be the same distances for the residential development on Newcastle Road from the application site. However, all of the services and amenities listed are accommodated within Shavington, Nantwich or Crewe and are accessible to the proposed development via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

SOCIAL SUSTAINABILITY

Affordable Housing

The site falls within the Wybunbury and Shavington sub-area for the purposes of the Strategic Housing Market Assessment Update 2013 which highlighted an affordable housing need for 54 units per annum for the period 2013/14 – 2017/18 for the sub-area Wybunbury and Shavington. Broken down this equates to a need for 8 x 1 bed, 20 x 2 bed, 7 x 3 bed, 12 x 4+ bed general needs units and 1 x 1 bed and 7 x 2 bed older persons accommodation.

In addition to this, Cheshire Homechoice, the Council's choice based letting system, currently has 47 live applicants. These applicants require 12 x 1 bed, 23 x 2 bed, 10 x 3 bed and 2 x 4+ bed.

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 proposal is for 28 dwellings, this equates to a requirement for 8 affordable units providing 5 units as social or affordable rent and 3 units as intermediate tenure. The applicant in their accompanying planning statement states that the site will provide the full policy requirement of 30%.

The previous application included a reason for refusal relating to a lack of detail regarding affordable housing on this site. This information has now been provided and the Council's Strategic Housing Manager raises no objection to this development.

Public Open Space

Policy RT.3 states that, where a development exceeds 20 dwellings, the Local Planning Authority will seek POS on site. The Policy does also state that where sufficient recreational open space is already available in close proximity, the LPA may require the developer to enhance that Open Space instead.

In terms of children's play space Policy RT.3 states that the local planning authority will accept a contribution towards play equipment if easily accessible from the site.

In this case there is POS and children's play space within the village. This area is easily accessible from the application site and the POS Officer has suggested a contribution of £10,000 towards upgrading this site. The applicant has accepted this contribution and this will be secured as part of a S106 Agreement.

Education

In this case the Education Department have considered the impact of this development and have not requested a contribution from this development.

ENVIRONMENTAL SUSTAINABILITY

Landscape

The application site covers an area of approximately 0.9 hectares and is located to the rear of a number of dwellings along Newcastle Road; it is currently extended rear garden for no's 447 and 449 Newcastle Road. The application site is currently characterised by boundary hedges to the north and fencing along the western, southern and western boundaries by fencing, beyond which are the gardens of adjacent properties; to the north is agricultural land. It appears that much of the existing boundary hedgerows and trees will be retained, although a number of trees and shrubs will need to be removed from within the site for the proposed layout arrangement.

No Landscape appraisal or Landscape and Visual Impact Assessment has been submitted as part of the application. Much of the application site is identified in The Cheshire Landscape

Character Assessment 2009 as being located within Type 10 Lower Farms and Woods, specifically LFW7 Barthomley Character Area; while the application site has some of the characteristics of this character area, the current condition of the land is greatly influenced by its use as gardens, nevertheless it is an attractive area that bounds the agricultural land to the north.

There are intermittent views of the site from the surrounding properties; there are no footpaths in close proximity to the application site. There are no landscape designations on the site.

As part of the application a Landscape Proposal Plan has been submitted, this indicates that much of the existing boundary vegetation will be retained.

It is noted that at the appeals as part of applications P03/0884 and P03/1282 the Inspector raised concerns about the impact upon the landscape through potential loss of the rear boundary hedgerow and trees. In this case it is considered that this site has the capacity to support this development and the design as part of this application includes longer rear gardens which would allow for the retention of the rear boundary hedgerow/trees.

Highways Implications

In terms of the highway impact of development the NPPF states that:

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

The previous application on this site included a reason for refusal relating to the position of the point of access in relation to the site opposite which has outline permission for a residential development of 39 dwellings with all matters reserved.

The key highway issue relates to the position/location of the access to the approved development on the opposite side of Newcastle Road. Clearly, as in the previous application an access point directly opposite this proposed access would not be acceptable. The acceptability of this application would depend on whether the already approved application for 39 units can have the position of the access dictated.

The applicant has submitted an access design that indicates a 20m stagger. Given the low level of traffic generation from both development access points and that the right turning movement conflicts are low, it is an arrangement that would be considered acceptable. The access itself is sufficiently wide for the amount of development proposed and has been tracked to confirm that refuse/delivery vehicles can access the site.

The level of traffic generation has been assessed by the applicant. The site would generate up to 20 two way peak hour movements. Whilst there is a considerable level of development already approved in Shavington this level of traffic generation cannot be considered material and one that could be considered as producing a severe impact on the local highway network.

The level of off street parking for each of the units is 200% minimum provision, this accords with current CEC parking standards. The internal road layout is a standard design suitable for adoption as it meets current technical design standards.

Based on the additional information which has been received as part of this application it is considered that the previous highways reason for refusal has now been addressed.

Amenity

In terms of the surrounding residential properties, the main properties affected are those which front onto Newcastle Road to the south of the site and to Crewe Road to the west of the site.

The submitted plan shows that the proposed dwellings would have a rear garden depth of 10 metres with a distance between principal elevations varying from 28 metres to 35 metres. 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.

To the west of the site there would be a distance of approximately 75 metres between the rear elevations of the proposed dwellings and the rear elevations of the dwellings fronting Crewe Road. As a result the impact upon the properties which front Newcastle Road is therefore considered to be acceptable.

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, electric vehicle infrastructure and contaminated land. These conditions will be attached to the planning permission.

Trees and Hedgerows

Trees

The application is supported by an Arboricultural Impact Assessment and Method Statement. The report has been carried out to assess the environmental and amenity values of all trees on or adjacent to the development area and the arboricultural implications of retaining trees with a satisfactory juxtaposition to the new development.

The submitted plans and particulars illustrate which trees are suggested for retention and are cross referenced with their Root Protection Areas along with their respective tree protection details onto the proposed Master Plan. As a consequence it is possible to determine the direct or indirect impact of the proposed layout on retained trees.

Therefore the submitted arboricultural detail does provide the level of detail required to adequately assess the impact of development on existing trees. In this case 31 individual trees 11 groups and 3 hedges have been surveyed. 11 individual trees have been identified for removal along with 7 groups and 2 hedges. All have been identified as C2 low value category in terms of BS5837:2012. The Councils Tree Officer would concur with this categorisation with the majority not clearly visible from any public vantage point by virtue of their rear garden aspect, but some views are possible from an adjacent public footpath. A significant number are also categorised as small ornamental specimens with limited growth potential.

The development seeks to occupy the central aspect of the site retaining both the trees and hedges associated with the northern, eastern and western boundaries (some of which stand outside the site edged red). The northern aspect of the site which interfaces with the open pasture land has been identified as requiring the widening of the existing ditches. This process may have implications for the existing retained trees and hedges, but subject to supervision as identified in the method statement should allow works to proceed.

The Lombardy Poplars previously located within the south west corner of the development plot were visually the most prominent specimens within the site, but given their age maturity and probable issues of stem hollowing, a characteristic of the species, formal protection was not considered appropriate. Since the original application both trees have failed and been removed.

The majority of the development footprints have been accommodated outside the respective RPA's with only minor incursions associated with Plot 22. The use of a no dig solution has been suggested and accepted in accordance with the details provided in terms of a geotextile cellular confinement system

Any issues in terms of mitigating shade and seasonal nuisance in respect of plots 19, 21, & 23 have been addressed by providing additional garden space to off set issues of social proximity and utilisable external space

The development is considered to be acceptable in terms of the impact upon trees subject to the imposition of a planning condition.

Hedgerows

The minor losses of hedgerow on this site is not considered to be significant in terms of the 1997 Hedgerow Legislation. In this case it could be argued that by virtue of their positions within extended garden curtilages they are exempt from the legislation.

Design

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

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people

and places and the integration of new development into the natural, built and historic environment.”

In this case the density of the site at 31 dwellings per hectare is appropriate and is consistent with that of the surrounding area of Shavington. 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, plinth detailing and brick banding. 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.

Ecology

Wybunbury Moss SSSI

The proposed development is located within 1km of Wybunbury Moss SSSI which forms part of the Midland Meres and Mosses Phase 1 Ramsar and West Midland Mosses SAC.

Within their consultation response Natural England advise that the proposed development is not likely to have an adverse impact upon the features for which the site was designated and they advise that an Appropriate Assessment under the Habitat Regulations is not required.

Under regulation 61 of the Habitat Regulations the Council is required to undertake an ‘Assessment of Likely Significant effects’. This assessment has been undertaken and concludes that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated. Consequently, a more detailed Appropriate Assessment is not required.

Traditional orchard

Traditional orchards are a UK Biodiversity Action Plan priority orchard and hence a material consideration. The ecological assessment submitted by the applicant states that the site is not typical or wholly representative of this priority habitat type. The Councils Ecologist is satisfied with this conclusion and advises that whilst the site may at least partly meet the definition of a traditional orchard its nature conservation value is relatively limited.

Additional planting of fruit trees has been incorporated into the landscaping of the scheme to compensate for those lost to the proposed development.

Breeding Birds

If planning consent is granted it is recommended that additional conditions are included to safeguard breeding birds.

Hedgerows

Hedgerows are a UK BAP priority habitat and hence a material consideration. There will be a loss of hedgerow associated with the proposed development. The Councils Ecologist advises that the submitted landscaping plan should be amended to include compensatory hedgerow planting around the boundary of the site to compensate for that lost.

Hedgehog

The application site may potentially support this species although it was not recorded during the submitted survey. In order to ensure this species is not adversely affected by the proposed development the Councils Ecologist recommends that a condition be attached requiring any boundary fencing be raised 10cm off the ground in accordance with the recommendations of the submitted ecological survey.

Flood Risk and Drainage

The application site is located within Flood Zone 1 (low probability of river/tidal flooding) according to the Environment Agency Flood Maps. A Flood Risk Assessment (FRA) has been submitted as part of this application.

However the latest information made available by Environment Agency indicates that this site is in part, subject to surface water flooding risks during extreme storm and flood conditions. (Surface water flooding happens when rainwater does not drain away through the normal drainage systems or soak into the ground, but lies on or flows over the ground instead).

This issue formed a reason for refusal as part of the previous application and the applicant has undertaken additional work in consultation with the Councils Strategic Flood Risk Manager. The submitted FRA concludes as follows:

- The site is located within Flood Zone 1 with a low probability of flooding
- Following a detailed assessment, there is potential for a volume of ponding on the site, from the adjacent watercourse, of 172m³ but mitigation works can be undertaken to retain this volume within the site
- The site is at a low risk of flooding from other sources
- The site is presently Greenfield and the discharge from the site should be restricted to the agreed rates
- There is potential for flooding from groundwater but the raising of ground levels will reduce this
- Foul drainage may be connected to the existing public foul sewer crossing the site.

The FRA then goes on to recommend that:

- The applicant discusses connecting the site into the existing foul and surface water sewers
- Attenuation will need to be incorporated into the surface water drainage to ensure flows are limited to the existing rates
- The external levels shall be designed to ensure that overland flow routes exist through the development for use in exceptional circumstances

- Mitigation works to accommodate the potential volume of 172m³ to be undertaken on the existing watercourse

This has been considered by the Councils Strategic Flood Risk Manager and United Utilities who have both raised no objection to the development on flood risk/drainage grounds subject to the imposition of planning conditions.

It should also be noted that in this case there is no requirement to consult the Environment Agency on this application as the site is located within Flood Zone 1.

One of the representations submitted as part of this application raises concerns about the increase in the floor levels on this site to accommodate the required drainage infrastructure. The submitted FRA identifies that the proposed dwellings would have a finished floor level of 50.30 OD, this is comparable to the existing dwellings which front Newcastle Road and have a finished floor level of between 50.20 OD and 50.49 OD. Given this limited difference it is not considered that the raise in the land levels on the site would have any detrimental impact upon residential amenity or raise any design issues.

ECONOMIC SUSTAINABILITY

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 Shavington including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. Additional economic benefits would accrue from the New Homes Bonus and additional rates revenues.

SOCIAL SUSTAINABILITY

The proposal would make a contribution to social housing, of which there is a known need in the area.

CIL Regulations

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

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

As explained within the main report, POS and play equipment is a requirement of the Local Plan Policy RT.3. As there will be no provision on this site it is necessary to secure improvements to an existing facility within Shavington village. This contribution is directly related to the development and is fair and reasonable.

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

CONCLUSIONS AND PLANNING BALANCE

The proposed development would be contrary to Policy NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply, including affordable housing.
- The proposed play contribution will help to upgrade the existing facility within Shavington
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes bonus, and benefits for local businesses in Shavington/Crewe/Nantwich through additional spending.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral and no contribution is required
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development subject to the imposition of planning conditions
- The proposed development would not have a severe highways impact
- The impact upon trees is considered to be neutral at this stage and replacements would be provided for the low quality trees that would be lost
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Although there would be a change in the appearance of the site. The landscape impact is considered to be neutral

The adverse impacts of the development would be:

- The loss of open countryside.

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies. As such the application is recommended for approval.

RECOMMENDATIONS

APPROVE subject to completion of Section 106 Legal Agreement to secure the following:-

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

- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Contribution of £10,000 towards improvements to the play area at Wessex Close, Shavington

And the following conditions:-

1. Standard Time – 3 years
2. Approved Plans
3. Details of existing and proposed land levels to be submitted for approval in writing
4. Materials to be submitted for approval in writing
5. Boundary Treatment Details to be submitted for approval in writing
6. The development permitted by this planning permission shall only be carried out in accordance with the principles set out in the submitted Flood Risk Assessment (FRA)
7. Development shall not begin until an assessment has been carried out into the potential for disposing of surface water by means of a sustainable drainage scheme
8. No development shall commence on any phase until a scheme for the management of overland flow from surcharging of the site's surface water drainage system during extreme rainfall events within that phase has been submitted to and approved in writing by the Local Planning Authority.
9. Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.
10. 2.4m x 120m visibility splays in each direction.
11. Construction Management Plan
12. Landscaping scheme to be submitted – including replacement hedgerow planting and the provision of fruit trees
13. Landscaping to be completed
14. Breeding Birds – Timing of works
15. Breeding Birds – Nesting box provision
16. Hedgehog mitigation measures
17. All arboricultural works shall be carried out in accordance with the Arboricultural Impact Assessment and Method Statement
18. Piling Method Statement
19. Dust Control Measures
20. Contaminated Land
21. Obscure glazing – First Floor window to the side elevation of plot 22
22. Remove Permitted Development Rights for additional windows to the side elevations of plots 5, 7, 19, 22 and 23

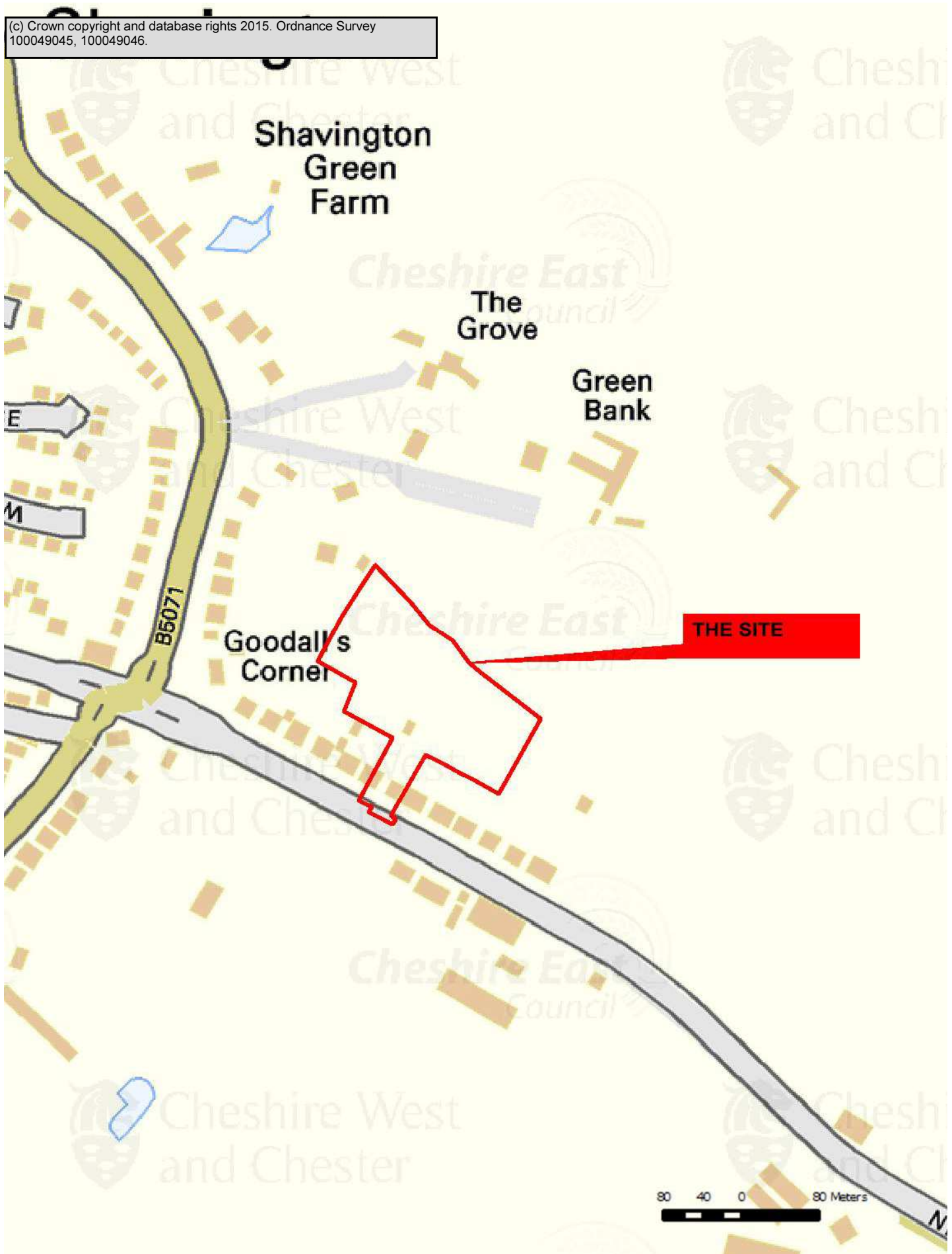
In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in her absence the Vice Chair) of

Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

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. Contribution of £10,000 towards improvements to the play area at Wessex Close, Shavington

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Application No: 14/5472N

Location: Vine Inn, ROPE LANE, SHAVINGTON, CW2 5DT

Proposal: Erection of Class A1 convenience store including ATM with dedicated external servicing, refuse and plant area, associated car parking and landscaping.

Applicant: New River Retail Property Unit Trust, no

Expiry Date: 16-Jan-2015

SUMMARY:

The site is within the settlement boundary of Shavington where there is a presumption in favour of sustainable development.

Following amendments to the layout, the development is considered to be acceptable in terms of highway safety and parking provision

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon amenity, landscape and design.

Local concerns of residents are noted, particularly in respect of highway safety, residential amenity and impact on the public house and the local community.

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 and the completion of a Section 106 Agreement for contributions to a pedestrian crossing across Rope Lane.

CALL IN

This application has been called in to Southern Planning Committee by Councillor David Brickhill (prior to the election) for the following reason:

"I formally call in this application 14/5472N to be heard by the Southern Planning Committee.

I believe the committee may wish to discuss the reduced number of remaining car parking spaces after the new store has been built. Only if this is found to be inadequate for the needs of the Vine and the Coop, they may then wish to consider whether the store should be smaller to

allow for more spaces. The members may also like to review the design of the building and the impact of its frontage on Rope Lane. Members would have the opportunity to examine the proposed scheme for deliveries and unloading of goods vehicles.”

PROPOSAL

This is an application for full planning permission for the erection of a Class A1 convenience store including ATM with dedicated external servicing, refuse and plant area and associated car parking and landscaping. Thirty car parking spaces would be provided including for the disabled a parents and child. 18 spaces would be provided within the site for the pub and 12 for the convenience store.

Access would be taken from the Vineyard. Plant, bins and cages would be sited at the end of the store on the corner of Rope Lane and The Vineyard and this would be screened with a wall screened by climbing plants.

SITE DESCRIPTION

The application site comprises the existing large car park to the side of the Vine Inn public house in Shavington. To the south is the public house. To the east, residential properties on The Vineyard and to the west are bungalows.

The site is designated as being within the settlement boundary of Shavington.

RELEVANT HISTORY

There are several historic applications on this site, none of which are relevant to this application.

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 and 19.

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 Shavington Settlement Boundary

The relevant Saved Policies are: -

- BE.1 – Amenity
- BE.2 – Design Standards
- BE.3 – Access and Parking
- BE.4 – Drainage, Utilities and Resources
- BE.5 – Infrastructure

S.8 – Existing District and Local Shopping Centres
NE.17 – Pollution Control

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

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

CONSULTATIONS:

Highways: No objection subject to a condition requiring the parking to be provided and available for use prior to the store opening and a contribution of £70,000 for a pedestrian crossing on Rope Lane.

Environmental Protection: Recommend conditions/informatives relating to pile driving, floor floating, hours of working, noise and vibration and external lighting.

United Utilities: No objection subject to conditions relating to foul and surface water drainage.

Parish Council: Object to the proposal for the following reasons:

- Adverse effect on the amenity of local residential properties, in particular at the Vineyard.
- Potential for noise and other disturbance for local residential property.
- Concern over delivery vehicle access and congestion and /or obstruction at the junction of the Vineyard with Rope Lane.
- Concern that shoppers will be stopping their vehicles on Rope Lane causing traffic hazards.
- Rope Lane is narrow, and is a bus route and significant increases in the traffic flow at the Vineyard/Rope Lane junction is likely to cause the potential for traffic hazards at this point.

REPRESENTATIONS:

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

At the time of report writing 13 representations have been received which can be viewed on the Council website. They express several concerns including the following:

- Highway safety
- Loss of parking
- Adverse impact on the customers and landlady of the public house
- Unsuitable disabled parking for the public house
- Increase in traffic
- Threat to the continued existence of the public house
- The new store is not needed the existing store is adequate
- Loss of privacy
- Noise nuisance
- Light pollution
- Loss of light
- Poor siting of the building
- Adverse impact on the character of the area
- Will not create the number of jobs put forward
- Inaccuracies in the reports submitted
- Will encourage anti social behaviour
- Lack of publicity
- Reduction in property values

One representation has been put forward in support of the application expressing the view that the store would provide better parking facilities and that the public house is hardly the centre of the community.

APPRAISAL

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

Principle of Development

The site is within the settlement boundary of Shavington where there is a presumption in favour of development. The proposal is for a convenience store which is considered to be appropriate for an area such as this.

The issue in question is whether this proposal represents sustainable development and whether the requirements of the policies contained within the development plan.

In terms of retail development the NPPF requires a retail impact assessment if the development has a floor area of above 2,500sq.m. In this case the development would not meet this threshold and a retail impact assessment is not required.

Sustainability

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

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

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

ENVIRONMENTAL SUSTAINABILITY

Trees & Landscape

The site contains a small amount of vegetation and there is a large tree adjacent to the public house which is to be retained. The tree is not protected and already has hard standing immediately adjacent to it. A condition should be imposed requiring tree protection measures to be put in place.

The proposal includes landscaping measures including new hedge and native tree planting to the east of the site. In addition there would be a wall on the corner of Rope Lane and The Vineyard which would have climbing plants trained up it to soften its appearance. The provision of these landscaping measures should also be secured by condition.

Design & Layout

The proposed convenience store would be single storey with a pitched roof a maximum of 6.73m in height to the ridge and 3m to the eaves. This would be a relatively low level building with a lower ridge height than the public house and the residential properties to the rear. Although taller than the bungalows opposite, it is not considered that the building would appear over dominant when viewed from the other side of Rope Lane. The materials used would be facing bricks, grey roof tiles and some render, which is considered to be acceptable and in keeping with the surrounding development.

The building would be sited to the front of the site with parking to the rear and a service yard on the corner of Rope Lane and The Vineyard. This is considered to be acceptable as it would not create a car dominated frontage. Some of the objectors have expressed concerns about the potential for anti social behaviour on the rear car park. This however could be addressed by suitable external lighting and the use of CCTV.

The proposal is therefore considered to be in compliance with Policy BE.2 of the adopted local plan.

Highways

As originally submitted, the proposal was not considered to be acceptable due to issues with the parking provision and the Head of Strategic Infrastructure (HSI) recommended refusal of the application. Subsequently revised plans were submitted which have addressed the concerns of the HSI and he is satisfied that the access and parking arrangements are acceptable.

There is currently a need for a pedestrian crossing for Rope Lane. Rope Lane is a quite heavily trafficked road and there is a requirement to link the site to the footway network on the western side of Rope Lane so that pedestrians/children can safely cross the road and access the residential area to the west of the site and Shavington High School just to the north of the site. This should be funded by a contribution of £70,000 to be secured by Section 106 Agreement.

Subject to the contribution to the pedestrian crossing and conditions, 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

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'

With regard to the economic role of sustainable development, the proposed development will provide employment in the locality as well as bringing direct and indirect economic benefits to Shavington, including jobs in construction and economic benefits to the construction industry supply chain.

SOCIAL SUSTAINABILITY

Residential Amenity

The proposed store is sited adjacent to existing residential development, which is not unusual for a convenience store of this type. Given the surrounding residential development it is necessary to ensure that the amenity of those properties are not compromised by virtue of disruption from noise or light pollution.

Acoustic fencing is proposed on the rear boundary of the site. In addition to this Environmental Protection have recommended several conditions and informatives to ensure that any noise or light generation is controlled. These include conditions relating to piling, floor floating and restrictions to the hours of operation and for deliveries.

It is not considered that the proposal would result in any significant adverse impact on the amenity of neighbouring residential properties in terms of loss of privacy or light.

The proposal is therefore considered to be acceptable in terms of amenity and in accordance with Policy BE.1 of the adopted local plan.

Asset of Community Value

The Assets of Community Value (England) Regulations, which together deliver the Community Right to Bid, aim to encourage more of this type of community-focused, locally-led action by providing an important tool to help communities looking to take over and run local assets. The scheme will give communities the opportunity to identify assets of community value and have them listed and, when they are put up for sale, more time to raise finance and prepare to bid for them.

The Vine Public House is listed as an asset of community value. However the provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites.

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 issues of highway safety, parking and the impact on the public house.

LEVY (CIL) REGULATIONS

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

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

As explained within the main report, the financial contributions towards the provision of a pedestrian crossing on Rope Lane would help to make the development sustainable and is a requirement local plan policies and the NPPF. It is directly related to the development and is fair and reasonable.

Conclusion – The Planning Balance

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

The site is within the settlement boundary of Shavington where there is a presumption in favour of sustainable development.

The development would have some economic benefits in terms of jobs at the store, in construction and spending within the construction industry supply chain.

The development is considered to be acceptable in terms of design, amenity and highway safety.

On the basis of the above, it is considered that the application should be approved subject to the imposition of appropriate conditions and a contribution towards a new pedestrian crossing on Rope Lane.

RECOMMENDATION

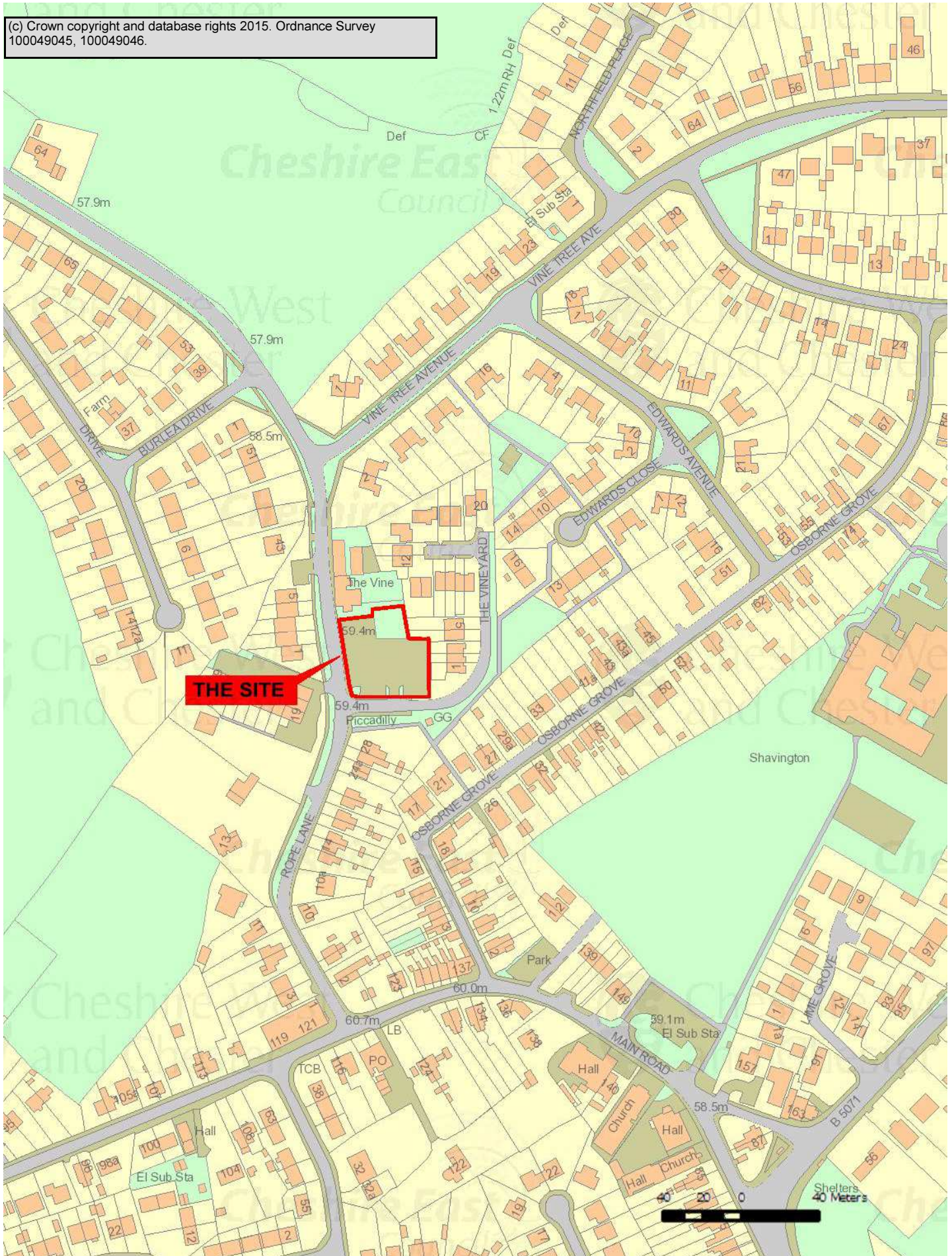
Approve subject to the completion of a Section 106 Agreement to secure £70,000 for the provision of a pedestrian crossing on Rope Lane and the following conditions:

- 1. Commencement**
- 2. Approved plans**
- 3. Materials in accordance with the details submitted with the application**
- 4. Parking provision to be in accordance with the approved layout plan and should be completed and available for use prior to the store opening**
- 5. 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 and submission of a piling method statement**
- 6. Submission of a method statement relating to floor floating**
- 7. Submission of details of external lighting and CCTV equipment**
- 8. Hours of opening restricted to between 7am and 11pm**
- 9. Hours of deliveries restricted to between 8am and 9pm**
- 10. Submission of details of equipment with the potential to generate noise (fans/refrigeration etc)**
- 11. Submission of drainage scheme to include the disposal of foul and surface water**
- 12. Implementation of the landscaping proposals submitted with the application**
- 13. Tree protection measures**

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.

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 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: 15/0482N

Location: ROSE COTTAGE, 50, STOCK LANE, WYBUNBURY, CHESHIRE, CW2 5ED

Proposal: Outline application for 3 - 4 bedroom detached dwelling with access from existing private driveway

Applicant: Mark Beeston

Expiry Date: 01-Apr-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 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.

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

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

PROPOSAL

This is an outline application for the erection of one detached dwelling with all matters reserved apart from access.

Access would be taken from Stock Lane using the existing access to number 50.

The indicative layout shows a detached dwelling in the centre of the plot with a detached garage. The Design and Access Statement refers to a '*detached single or two storey dwelling of 3 or 4 bedrooms*'.

SITE DESCRIPTION

The application site lies within the open countryside on the edge of the village of Shavington. It is an area of garden land to the rear of a linear form of development along Stock Lane. The housing fronting Stock Lane, adjacent to the site comprises largely bungalows and number 50 is a two storey dwelling.

RELEVANT HISTORY

No relevant planning history relating to this site.

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.

Environmental Protection:

No comments received at the time of report writing.

Parish Council:

No comments received at the time of report writing.

REPRESENTATIONS:

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

At the time of report writing 3 representations have been received which can be viewed on the Council website. They express several concerns including the following:

- Drainage
- Flooding
- A two-storey dwelling would be out of keeping
- Loss of privacy
- Overlooking
- Loss of outlook
- Disturbance from the access
- Increased traffic
- It should be a bungalow

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 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.

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.

The 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.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was ‘too low’ further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account ‘persistent under delivery’ of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

Open Countryside Policy

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

The site is designated as Open Countryside in the adopted local plan, but is currently used as garden land; as such its value in retaining the intrinsic character and beauty of the countryside is very limited. In addition to this, the site has remarkable similarities to a site at Pusey Dale Farm, Main Road, Shavington, where an Inspector concluded that *"I have found that the proposed development would provide a suitable site for housing, having regard to the principles of sustainable development, the NPPF, as well as the character and appearance of the surrounding area."* Given the similarities between that site and the one subject of this application, it is considered that a refusal on the grounds of adverse impact on open countryside could not be sustained.

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 site is within walking distance of Shavington which has shops, public houses, a primary and secondary school and a regular bus service to the wider range of facilities and employment opportunities available in Crewe and Nantwich. As such it is considered to be locationally sustainable

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 residential development and is within walking distance of services and facilities in Shavington.

Landscape

There are no significant trees within the site that would constrain the development of a single dwelling.

It is not considered that the proposals would result in any significant landscape or visual impacts, and landscaping issues would be dealt with at the reserved matters stage.

Design & Layout

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

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

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

The indicative layout shows a development that would not appear inappropriate in this context.

The objectors have put forward the argument that a two storey dwelling would be inappropriate as the dwellings to the front are bungalows. This issue would be determined at the reserved matters stage. However 50 Stock Lane to the rear is a two storey dwelling and it is not considered that a two storey development would be inappropriate or out of character in this location.

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 and the dwelling would use an existing access and there is adequate space for the parking of 3 cars. In addition there is adequate space within the site for vehicles to enter and leave in a forward gear.

The proposal is therefore considered to be acceptable.

Drainage

This is an outline application, with no details of drainage submitted. It is therefore considered necessary to impose a condition requiring submission of details of foul and surface water drainage.

Ecology

The site is currently in use as domestic garden and there are no ponds near the site. Given there are existing hedgerows within the site, it is considered necessary to impose a condition relating to breeding birds.

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.

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 Shavington, 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 Shavington, which offers a wide range of essential facilities and would contribute to the supply of housing in the local area albeit in a limited manner.

Residential Amenity

The proposal is for one detached dwelling on this site. The separation distance between number 48 Stock Lane and the proposed dwelling would be in excess of 25m and therefore there would be no significant adverse impact on residential amenity caused by the proposed development.

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

Should the application be approved a condition should be imposed relating to piling operations.

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 dwelling, loss of residential amenity and drainage and flooding, have 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 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

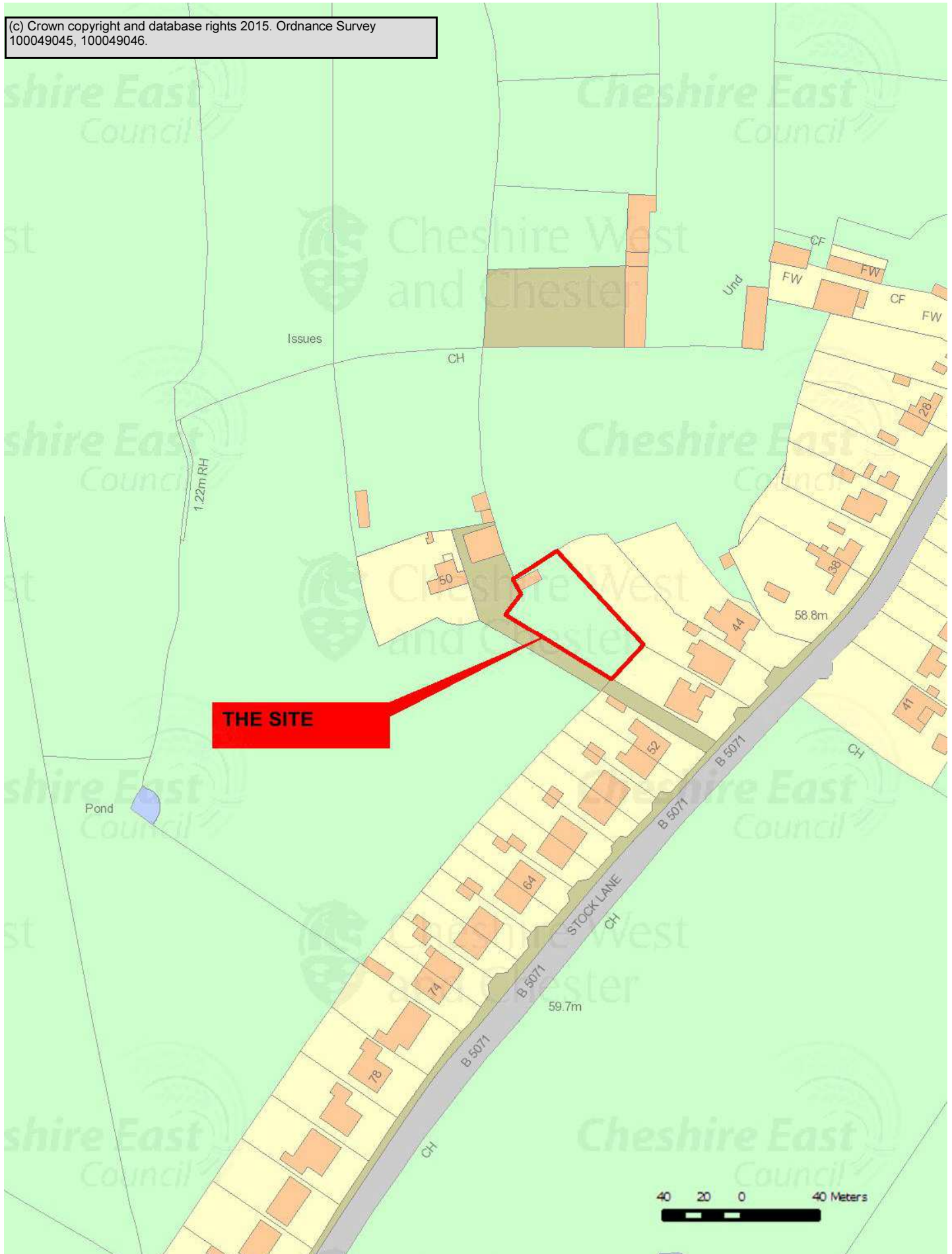
Approve subject to the following conditions:

- 1. Commencement**
- 2. Submission of reserved matters (all matters other than access)**
- 3. Approved plans**
- 4. Submission and approval of a construction management plan including any piling operations and a construction compound within the site**
- 5. 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.**
- 6. Reserved matters to include details of any external lighting.**
- 7. Submission of drainage scheme to include foul and surface water including sustainable drainage systems**
- 8. Tree and hedgerow protection measures**
- 9. Breeding bird survey for works in the nesting season**

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: 14/5586C

Location: LAND OFF THE HILL/ MANOR ROAD, SANDBACH HEATH, CHESHIRE

Proposal: Outline application for Residential development comprising 75 dwellings and associated vehicular and pedestrian access, open space and landscaping (resubmission of LPA Ref: 14/1946C)

Applicant: Betley Court Estate

Expiry Date: 10-Mar-2014

SUMMARY:

The proposed development would be contrary to Policies PS8 and H6 and the development would result in a loss of Open Countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework, where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS provision and a NEAP and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Sandbach.

The adverse impacts of the development would be the loss of open countryside and agricultural land.

Taking account of the context of housing developments within the Sandbach area and the relative weight to be attached to emerging policies, it is considered that in this case the development would be premature following the publication of the draft Sandbach Neighbourhood plan and this will form the reason for refusal.

RECOMMENDATION:

Refuse

PROPOSAL

This is an outline application for the erection of 75 dwellings on land off The Hill/Manor Road, Sandbach. The application is in outline form with all matters reserved apart from access. However an **indicative** site layout plan has been submitted with the application.

Vehicular access is proposed from a junction to be created off The Hill (A533). Two pedestrian accesses are proposed onto Manor Road at the eastern and western ends of the site.

An **illustrative** master plan has been submitted with the application indicating that a total of 75 dwellings are proposed comprising 13, two-bed terraced and semi-detached units, 46, three-bed semi-detached units, 7, four-bed semi-detached and detached units and 9, two-bed bungalow units. All units would have 200% parking provision.

SITE DESCRIPTION

The application relates to a parcel of agricultural land 3 hectares in size. It is relatively flat with hedgerows and trees on the boundaries and some trees within the site.

To the south is the Leonard Cheshire Care Home including 'The Hill' which is a Grade II Listed Building. There are residential properties to the west and the north and Open Countryside to the east.

The site is designated as being within the Open Countryside in the adopted Local Plan. It is also identified in the Strategic Housing Land Assessment (SHLAA), as being suitable with policy change, uncertain if it is available, achievable, but not within the 1-5 year period and developable.

DETAILS OF PROPOSAL

This is an outline application for the erection of 75 dwellings on land off The Hill/Manor Road, Sandbach. The application is in outline form with all matters reserved apart from access. However an **indicative** site layout plan has been submitted with the application.

Vehicular access is proposed from a junction to be created off The Hill (A533). Two pedestrian accesses are proposed onto Manor Road at the eastern and western ends of the site.

RELEVANT HISTORY

14/1946C - Outline Application for residential development comprising of 75 dwellings and associated vehicular and pedestrian access, open space and landscaping. – Refused 25th June 2014 for the following reasons:

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

2. *The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is inefficient and contrary to Policy SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.*

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.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan

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

The relevant Saved Policies are:

PS3 – Settlement Hierarchy

PS8 - Open Countryside

GR21- Flood Prevention

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping

GR9 - Accessibility, servicing and provision of parking

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking

GR18 - Traffic Generation

NR1 - Trees and Woodland

NR3 – Habitats

NR4 - Non-statutory sites

NR5 – Habitats

H2 - Provision of New Housing Development

H6 - Residential Development in the Open countryside

H13 - Affordable Housing and Low Cost Housing

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
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

Sandbach Neighbourhood Development Plan (Draft for Consultation)

H1 – Housing Growth
H2 – Design and layout
H3 – Housing Mix and type
H4 – Preferred Locations
PC2 – Landscape Character

Supplementary Planning Documents:

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
Sandbach Town Strategy

CONSULTATIONS

Environment Agency: No objection. Refer to Environment Agency Standing Advice.

CE Flood Risk Manager: Conditions suggested.

United Utilities: Drainage condition suggested.

Strategic Highways Manager: No objection subject to a contribution of £62,500 towards a scheme of mitigation of traffic impact on the A533/A534 to contribute to an identified improvement schemes to that traffic corridor, £25,000 for the improvement of two local bus stops and conditions relating to the access junction.

Environmental Health: Conditions/Informatives suggested relating to construction hours, piling hours, dust mitigation, noise mitigation, travel plan, electrical vehicle infrastructure, contaminated land, air quality and an environmental management plan.

Ansa (Public Open Space): At the time of report writing Ansa have not commented on the application. However, this is a resubmission of a previous scheme and their comments identified a need for contributions to amenity greenspace and children and young persons provision.

Natural England: No objection in relation to statutory nature conservation sites. For advice on protected species refer to the Natural England Standing Advice.

Archaeology: Condition suggested.

Countryside Access Team: Proposed developments should present an opportunity to deliver and improve walking, cycling and equestrian facilities for transport and leisure purposes, both within the proposed development site and in providing access to local facilities for education, employment, health etc. These aims are stated within the policies and initiatives of the Council's statutory Rights of Way Improvement Plan and also in the Cheshire East Local Plan Strategy:-

The Masterplan shows two accesses marked as 'pedestrian links' to the north of the site. Such links would increase the permeability of the proposed site to non-motorised users. However, consideration should be given to the fact that these trajectories could be anticipated to be desire lines for cyclists in addition to pedestrians, and such routes designed to accommodate both categories of users, to best practice, as suggested in the Transport Assessment.

The legal status, maintenance and specification of the proposed pedestrian/cyclist routes would need the agreement of the Council as the Highway Authority. If the routes are not adopted as public highway or 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.

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.

Education: 75 dwellings generating 14 primary (75 x 0.18) and 10 secondary (75 x 0.13)

Forecasts show that the proposed development will impact on primary and secondary education.

$14 \times 11,919 \times 0.91 = £151,848.06$ primary education

10 x 17,959 x 0.91 = £163,426.90 secondary education

Public Rights of Way: - The development does not affect a public right of way.

VIEWS OF THE PARISH COUNCIL: - Sandbach Town Council: Members object on the following grounds:

- This proposal is outside the urban zone
- Brownfield sites should take priority for development.
- Development is not sustainable as edge of Town site and will detract from the environmental quality of the site and surrounding area, thus contravening policy GR1, GR3 (B) and GR5.
- This development, in open countryside, is unsustainable contrary to Policies PS8 and H6 of the Local Plan.

REPRESENTATIONS

Letters of objection have been received from 54 local households raising the following points:

Principal of development

- Not included in the adopted or emerging local plans
- Premature to the emerging Neighbourhood Plan
- Sandbach will merge with neighbouring villages
- The application is exactly the same as the previous one and should be refused for the same reason
- Development is in open countryside
- Apartments are inappropriate in this area
- Will not increase supply to first time buyers
- Site is unsustainable due to limited bus services and distance to the railway station
- Development needs to be directed to the north of the borough
- Not in character with the area

Highways

- Highway safety
- Increase in traffic
- Existing traffic congestion in Sandbach
- Dangerous access

Green Issues

- Loss of green fields
- Loss of agricultural land to tarmac and concrete
- Adverse impact on wildlife
- Run off and flood risk
- Loss of Oak trees
- Loss of a calming and tranquil environment

Infrastructure

- Sandbach cannot sustain this number of houses
- Local infrastructure cannot sustain further development

- Not enough school places
- No capacity at local doctors and dentists

Amenity Issues

- Loss of privacy
- Loss of outlook
- Loss of sunlight
- Overlooking from a site that is higher than Manor Road
- Noise and disruption
- Light pollution
- Loss of privacy to the Leonard Cheshire care home

Other issues

- Sandbach has already had more than enough housing approved
- Wrong time to be notified of a planning application (Christmas)
- 'Enough is enough'
- It is the responsibility of the Council to uphold the Human Rights Act
- Loss of land of potential historic interest
- We have to stop this constant appealing
- Further desolation and destruction of national and local heritage
- Directly opposed to the principles of localism
- Cycling should be provided for
- May lead to further development

APPRAISAL

The key issues are:

- Loss of open countryside
- Impact upon nature conservation interests
- Design and impact upon character of the area
- Landscape Impact
- Amenity of neighbouring property
- Highway safety
- Impact upon local infrastructure

Principle of Development

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8, and PG5 within the Submission Version of the Local Plan Strategy state that, inter alia, 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.

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 to outweigh the policy concerns.

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.

- 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 Sandbach area.

Members may be aware there have been a number of legal cases that have supported Neighbourhood Plan policies even when a Local Plan has not been fully adopted. There have also been recent High Court cases which have rejected the Secretary of State's judgement on the weight he has given to emerging neighbourhood plans with the 'Woodcock' case further emphasising the clarity needed to refuse applications on prematurity grounds. Therefore the weight to be attached to the plan depends on the particular circumstances in each case with particular emphasis on scale and context.

Policy H1 within the Neighbourhood Plan aims to limit development to sites of up to 30 dwellings with exceptions being made for brownfield sites. The site is clearly a greenfield one which proposes a development of up to 75 dwellings. The size of the development would therefore be contrary to the draft policy and the wider vision for Sandbach within the draft Neighbourhood Plan.

Sandbach is an area that has been under significant development pressure over the last two years with a number of large scale unplanned developments which have been approved and/or granted at appeal due to the housing land supply situation. To give this some context the expected level of development for Sandbach within the plan period identified in the CELP – Submission Version is 2200 dwellings. Existing committed developments already account for some 2700 dwellings which clearly already exceed the planned figure by a significant margin. Even accounting for the uplift in the OAN figures that have come through the review of the housing position for the Local Plan Examination a further development of some 75 dwellings is a significant increase which threatens the proper planning of the Sandbach area.

The draft Neighbourhood Plan clearly recognises the CELP position and the existing committed developments. It will be for the Examination into the Neighbourhood Plan to determine the further extent and form of development in the Sandbach area. Comments and objections into the draft Neighbourhood Plan are noted. Nevertheless there are a number of other large-scale applications for housing developments within the Sandbach area awaiting determination all of which could be said to share similar characteristics in terms of their sustainable credentials. To allow this proposal at this time would further add to the committed but unplanned developments. Taking account of the proposals scale and cumulative impact relative to the Sandbach area it is considered that the development 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 Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The 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.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

Sustainability

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

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

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

Environmental Sustainability

The application site lies adjacent to existing residential development in Sandbach, within easy walking distance of a bus route into the town centre, with bus stops on Manor Road, Heath Road and The Hill. There is a small shop on Heath Road, which whilst further away than 500m is still within reasonable walking distance as is the public house on The Hill. There is a primary school on School Lane which is a short distance away and secondary schools within Sandbach itself. It would therefore be difficult to uphold a reason for refusal on the grounds of the site not being in a sustainable location. It would therefore be difficult to uphold a reason for refusal on the grounds of the site not being in a sustainable location.

Landscape

As part of the application a Landscape and Visual Impact Assessment has been submitted. This identifies the baseline character of the application site and identifies the National Character Area, Area 61 – Shropshire, Cheshire and Staffordshire Plain/Cheshire Sandstone Ridge, and also to the Cheshire Landscape Character Assessment 2009, which identifies the application as being located within Type 10 Lower Farms and Woods , specifically LFW2 Brereton Heath Character Area; the application area exhibits many of the characteristics of this landscape type. The assessment also identifies the local landscape character as included in the Congleton Landscape Character Assessment. The Congleton Landscape Character Assessment identifies this as Cheshire Plain.

The visual assessment includes 13 viewpoints and offers sensitivity, magnitude of visual change and a significance of visual effect for each of these viewpoints. Whilst Officers agree with the assessment of most of these it is considered that the significance of visual effect will be greater for Viewpoint 5 – The Hill (A533). Officers would also broadly agree with the landscape assessment as presented. The proposed development may be representative of that locality, but consider that the predicted magnitude of change will be larger than indicated and that consequently the significance of landscape effect will be larger, although not significantly greater.

The application is an outline application and the illustrative Masterplan does show that the majority of trees and hedges on the site will be retained; it will not be apparent exactly what will be retained until the detailed design process, but it is considered that the development of the Masterplan would respect the existing landscape characteristics and retain and conserve the majority of the trees and hedgerows. Attention to design and specification of landscape boundary treatments to the existing properties will also need to be given serious consideration.

Ecology

Officers are satisfied that based on the submitted indicative master plan the proposed development is unlikely to affect roosting bats.

It is considered that any retained trees with bat roost potential should be incorporated into open space areas to mitigate the potential disturbance resulting from additional lighting etc. associated with the development.

Officers are satisfied that roosting barn owls are unlikely to be directly affected by the proposed development.

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. It appears likely that the proposed access would require the removal of a section of hedgerow. If outline planning consent is granted it should be ensured that all other hedgerows are retained and enhanced as part of the detailed design and that compensatory native hedgerow planting is included in the detailed landscaping scheme for the site to compensate for that loss.

The proposed development appears unlikely to be of significant ornithological value. However, the site does have the potential to support more widespread Biodiversity Action Plan priority species which are a material consideration for planning. In the event that planning consent is granted standard conditions to safeguard breeding birds will be required.

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 and so the species may occur on the site of the proposed development. If planning consent is granted it is recommended that a condition is imposed in relation to Hedgehogs.

A full Great Crested Newt survey was undertaken in 2012. The survey was slightly constrained due to the relatively short survey period and the low water levels of the pond. No evidence of Great Crested Newts was recorded during this survey.

A further appraisal was undertaken in 2014. This was a single site visit in January. The submitted report acknowledges that this assessment was constrained by the time of year when it was undertaken. No evidence of Great Crested Newts was recorded during this further appraisal and the pond was assessed as being of 'poor quality' for newts and the terrestrial habitats affected by the development were assessed for the large part as being of 'below average' suitability for amphibians. The assessment concludes that there remains a possibility that Great Crested Newts may occur on site but states that the impacts of the development would be 'Low' if they were present.

The report recommends a suite of non-licensable Reasonable Avoidance Measures to mitigate the impacts of the development in the event that Great Crested Newts were present.

It is considered that considering the lack of any evidence of this species being recorded during the 2012 and the low quality of the pond Officers are satisfied that Great Crested Newts are not reasonably likely to be present at the identified pond. In the unlikely event that they were in fact present at the identified pond, Officers are also satisfied, the risk of newts occurring on the development site is low and that the implementation of the proposed Reasonable Avoidance Measures would be sufficient to mitigate any potential impact upon newts.

Therefore provided the following condition is attached, it is considered that the proposed development would be unlikely to have an adverse impact upon Great Crested Newts. An offence under the Habitat Regulations is also not likely to occur consequently it is not necessary for the Council to have regard to the Habitat Regulations in respect of this species during the determination of this application.

Common Toad, a UK BAP priority species and hence a material consideration was identified during the 2012 survey. It is considered that the application site is unlikely to be particularly important for this species and the implementation of the suite of reasonable avoidance

measures described above are adequate to mitigate the risk of animals being harmed during the construction phase.

Trees

On the previous application it was noted that there are 3 trees within the main part of the site and others on the boundaries. Of the three trees within the site, one is considered to be in a poor condition and is to be removed, another is to be removed in order to facilitate the development and one is to be retained within the site.

Subsequently the trees within the site have been further assessed and are the subject of a Tree Protection Order that has been served, but not as yet confirmed. This Order if confirmed would protect 5 Oak trees within and on the boundaries of the site and 2 groups of trees including Sycamore and Lime on the boundaries of Hill House.

Should the Order be confirmed the indicative layout would have to be amended, and this may result in a reduction in the number of dwellings proposed. It would not however preclude residential development on the site.

Highways

This proposal is for 75 residential units which will take access from a single priority junction off the A533. The site is greenfield and the frontage to the A533 benefits from a footway connecting to Sandbach and street lighting. The frontage speed limit is 30mph.

The access strategy and junction design was originally contested however subsequent additional information from the developer's highway consultant has resolved a position which meets standards and is agreed with the Head of Strategic Infrastructure. (HSI)

A review of the TA does identify that the impact from the development would be acceptable in the long term however it is clearly stated in the TA that the proposed development on this site would be reliant on the delivery of local junction improvements from other development sites to mitigate for its traffic impact.

Traffic generation from the site is calculated against trip rates which are representative of the development type and location when assessed via the TRICS database. This is accepted by the HSI.

The site is sustainable in that it is served by a frequent local bus service and the walking links to the town centre are good with continuous footways and pedestrian phases at the A534 signal junction.

There are capacity concerns at the A534 signal junction however the agreement to provide a pro-rata financial contribution towards identified junction improvements is considered to be both in scale with the development impact and reasonable. This will mitigate against the projected future development impact.

The scale of this contribution has been agreed in direct comparison to that for a nearby residential development which was analysed through the Authority VISSIM micro-simulation traffic model for the A534 corridor.

To this end a position has been agreed with the developer for appropriate levels of contribution towards identified local junction improvements on the A534 corridor which are both reasonable and in scale with development traffic generation. It is considered that these contributions are CIL compliant.

This contribution is the subject of recommended planning conditions and would be secured via a S106 agreement under planning legislation.

Highway related issues such as: safety of design, sustainability and sustainable modal choice are all addressed through the supporting transport and traffic work which is completed as part of the application process. The HSI assesses and validates this information and negotiates any necessary adjustment of proposal or provision in this regard.

It is notable that the provision of the simple priority junction with visibility splays will have an impact on the frontage of the site and will require the removal of certain lengths of the existing hedge infrastructure.

Should this development proposal gain a planning permission the HSI recommends conditions and informatives are attached to any planning permission which may be granted. These should relate to junction design and a s38 Agreement under the Highways Act 1980. Contributions for the identified highway improvement scheme and for the improvement of two local bus stops should be secured by Section 106 Agreement.

Loss of Agricultural Land

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. Policy SE2 of the Submission Version of the Local Plan concerns the efficient use of land and states that development should safeguard natural resources including agricultural land.

In addition, the National Planning Policy Framework, states that:

“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.

The National Planning Policy Framework highlights that the use agricultural 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.

The applicant has submitted an Agricultural Land Classification study which concludes that is an area of Grade 2 land, which is ‘very good quality agricultural land with minor limitations which affect crop yield, cultivation or harvesting.’

Previous appeal decisions make it clear that in situations where authorities have been unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land. However, given the conflict with the emerging Neighbourhood Plan, the levels of housing already approved in Sandbach and the loss of open countryside, the planning balance weighs against the development in terms of loss of best and most versatile agricultural land.

Archaeology

The Cheshire Archaeology Planning Advisory Service has assessed the application and recommends the imposition of a planning condition.

Design & Layout

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

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

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

The **indicative** layout shows a development of relatively high density in comparison to development immediately adjacent to the site. However; given adequate landscaping measures, it is considered that the development would not have any significant adverse impact on the character and appearance of the area subject to impact on the trees proposed for protection.

Social Sustainability

Housing

The site falls within the Sandbach sub area for the purposes of the Strategic Housing Market Assessment (SHMA) Update 2013. This identified a net requirement for 94 affordable unit per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 18 x 1 bed, 33 x 2 bed, 18 x 3 bed, 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 that 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 state their bedroom requirement.

The scheme is for 75 units, therefore there is a requirement for 22 units to be provided as affordable, with 14 to be provided as affordable or social rent and 8 to be provided as intermediate tenure. The applicant in their accompanying Planning Statement states that 30% will be provided as affordable and that this will comprise 22 units as affordable. However they

do not confirm the tenure proposals for the affordable units and that they meet the required tenure split.

Education

The Education Department were consulted and have confirmed that 75 dwellings are forecast to require 14 primary and 10 secondary school places. As such based on this forecast, a contribution of £315,274.96 is required. This should be secured by Section 106 Agreement.

Open Space

Amenity Greenspace (AGS)

The developer is providing on site AGS and having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, 75 new homes will generate a need for 2,100sq m of amenity greenspace.

This would be secured at the Reserved Matters Stage and would be maintained by a private management company.

Children and Young Persons Provision

Having calculated the existing amount of accessible Children and Young Persons Provision within 800m of the site and the existing number of houses which use it, new homes will generate a need for a new neighbourhood equipped area of play (NEAP) facility.

It is considered that the NEAP (Neighbourhood Equipped Area for Play) standard play area would be acceptable due to the size of the development and should be suitable for all ages.

The play facility should include at least 8 items/activities incorporating DDA inclusive equipment and be in line with the standards set out by Fields In Trust Planning and Design for Outdoor Sport and Play. The final layout and choice of play equipment is agreed with the Council and the construction should be to BSEN standards.

This would be secured at the Reserved Matters Stage and would be maintained by a private management company.

Economic Sustainability

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 Sandbach including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

CIL Regulations

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

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

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

The development would result in increased vehicular movements along the A534 corridor which is already at capacity. In order to mitigate this impact a contribution is required towards the Council's scheme of improvements along this corridor. Improvements to 2 local bus stops would be necessary due to the impact of the occupiers of 75 new dwellings. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, POS and children's play space is a requirement of the Interim Planning Policy. It is directly related to the development and is fair and reasonable.

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

PLANNING BALANCE

The proposed development would be contrary to Policy PS8 and H6 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS provision and a NEAP, and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Sandbach.

The development would have a neutral impact upon education (subject to contributions), protected species/ecology, drainage, highways, trees residential amenity/noise/air quality/contaminated land and landscaping could be secured at the reserved matters stage.

The adverse impacts of the development would be the loss of open countryside and the loss of agricultural land.

Taking account of the proposals scale and cumulative impact relative to the Sandbach area it is considered that the development would have a significant impact that would be 'so substantial' that it would threaten the function that the Neighbourhood Plan is trying to perform. Having regard to the relative weight that can be attached, it is considered that the development would be premature following the publication of the consultation of the Sandbach Neighbourhood Plan.

RECOMMENDATION:

REFUSE for the following reason:

1. The Local Planning Authority considers that having regard to the context of developments in the Sandbach area and the scale of the proposed development that it would be premature following the publication consultation draft of the Sandbach 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.

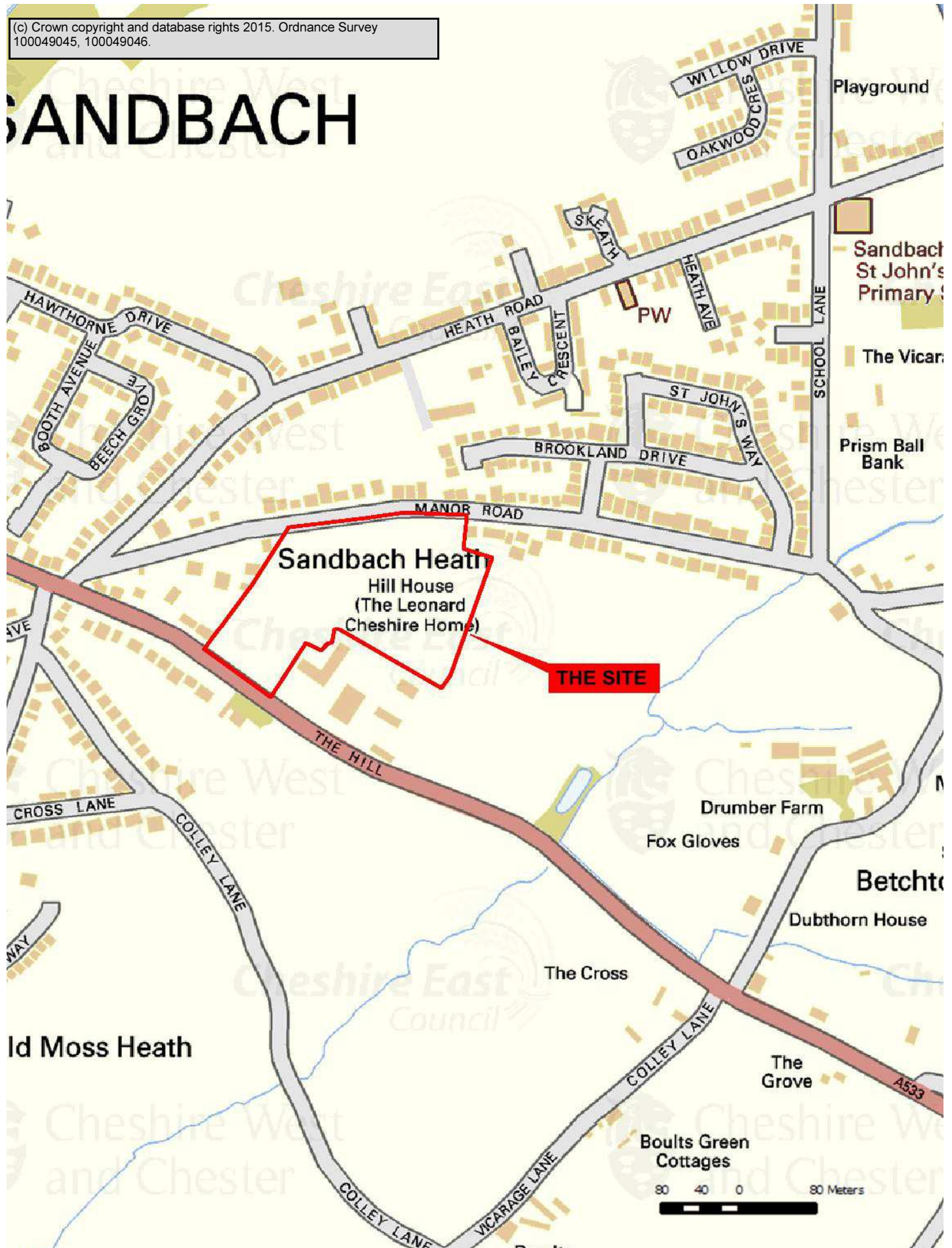
2. Whilst it is acknowledged that there is a presumption in favour of sustainable development in the planning balance, it is considered that the development is unsustainable because of the conflict with the draft Sandbach Neighbourhood plan and because of the unacceptable environmental and economic impact of the scheme in terms of loss of best and most versatile agricultural land and open countryside. These factors significantly and demonstrably outweigh the 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 Policies PS8 and H6 of the adopted Congleton Borough Local Plan First Review 2005 and Policies PG 5 and SE 2 of the Cheshire East Local Plan Strategy – Submission Version and the provisions of the NPPF.

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), 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 the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of Public Open Space and a NEAP (8 pieces of equipment) to be maintained by a management company in perpetuity
3. Provision of contributions of £151,848.06 (for primary education) and £163,426.90 (for secondary school education).
4. Highways Contribution of £62,500
5. Bus stop improvement Contribution of £25,000

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Application No: 14/5639C

Location: Land bounded by, Moss Lane/Station Road

Proposal: Erection of 44 detached and semi-detached dwellings, car parking and associated

Applicant: Bellway Homes & Revelan Group Plc

Expiry Date: 09-Mar-2015

SUMMARY

The principle of development has previously been accepted on this site and as such is acceptable.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- The development would bring forward a brownfield site which has been vacant for a number of years. Development of such sites is promoted within the NPPF, the Congleton Local Plan, the Cheshire East Local Plan (submission version) and the Draft Neighbourhood Plan for Sandbach
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Sandbach.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The development would not raise any significant highways issues
- The impact upon trees is considered to be neutral
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.

The adverse impacts of the development would be:

- The impact upon education infrastructure as it would not be possible to secure an education contribution as part of this development

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies.

RECOMMENDATION

Approve subject to conditions and a S106 Agreement

PROPOSAL

This is a full planning application for the erection of 44 dwellings (36 dwellings per hectare). A single vehicular access would be provided to the east of the site off Station Road.

The majority of the proposed dwellings would be two-stories in height. An area of Public Open Space would be provided to the western boundary.

This application site has a resolution to approve an outline development of 41 dwellings following the Southern Planning Committee meeting on 21st November 2012. However the S106 Agreement has not been completed.

SITE DESCRIPTION

The site of the proposed development extends to 1.22 ha and is roughly rectangular in shape. The site is within the Sandbach Settlement Zone as defined by the Congleton Borough Local Plan. The site is bound by Moss Lane to the north, Station Road to the east, Elton Crossings Road to the south and Salt line Way to the west.

The site is flat with a hardstanding finish and is bound by 2 metre fencing. To the western boundary is a landscaping strip along the boundary with Salt Line Way.

RELEVANT HISTORY

12/1455C - Outline Planning Permission (with access from Station Road applied for) for the Erection of up to 41 Dwellings – No decision issued

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.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan

The Development Plan for this area is the Congleton Borough Local Plan First Review 2005, which identifies that the site is within the Sandbach Settlement Zone Line.

The relevant Saved Policies are:

PS3 – Settlement Hierarchy

GR21- Flood Prevention

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping

GR9 - Accessibility, servicing and provision of parking

GR14 - Cycling Measures

GR15 - Pedestrian Measures

GR16 - Footpaths Bridleway and Cycleway Networks

GR17 - Car parking
GR18 - Traffic Generation
NR4 - Non-statutory sites
NR5 – Habitats
H2 - Provision of New Housing Development
H6 - Residential Development in the Open countryside
H13 - Affordable Housing and Low Cost Housing
RC2 – Protected Areas of Open Space

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
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

Supplementary Planning Documents:

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
Sandbach Town Strategy

CONSULTATIONS

Environment Agency: No objection subject to the imposition of the following conditions:

- Scheme for the disposal of surface and foul water
- Surface water drainage scheme

- Contaminated land remediation
- Verification report for remediation on the site
- Further remediation strategy required if further remediation is found on this site

CE Flood Risk Manager: No objection in principle subject to the imposition of planning conditions.

United Utilities: Drainage conditions suggested.

Health and Safety Executive: The HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Strategic Highways Manager: No Objection subject to the imposition of conditions and informatives.

Environmental Health: Conditions suggested in relation to construction management plan, hours of operation, piling, travel plan, dust control, and a contaminated land. An informative is suggested in relation to contaminated land.

Ansa (Public Open Space): The developer is proposing some POS on site. However having calculated the existing amount of accessible Amenity Green Space (AGS) within 800m of the site and the existing number of houses which use it, 44 new homes would generate a need for 1,380sqm of new AGS based on the housing schedule.

If full provision is not being provided then 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.

Having calculated the existing amount of accessible Children and Young Persons Provision (CYPP) within 800m of the site and the existing number of houses which use it, 44 new homes will place extra demand on the facilities at other parks in the area such as Elworth, Thornbrook Way and Gibson Crescent. Given the size of site, new provision on site is not practical. A qualitative deficit can be improved at Elworth Park to meet the needs of the new development by enhancing the quantity/quality thus increasing the sites capacity. Similar enhancements can also be made at the aforementioned parks.

Applying the standards and formulae in the 2008 Guidance the Council would need £12,636.66 to upgrade Elworth Park site. This would be spent on upgrading the equipment and infrastructure. The Council would also need a commuted sum of £41,199.00 to maintain the upgraded facilities over 25 years.

CEC PROW: The development does not appear to affect a PROW.

Natural England: No comments to make.

Education: 44 Dwellings would generate 8 (44 x 0.18) primary and 6 (44 x 0.13) secondary.

Forecasts indicate that the development will impact on both primary and secondary education provision.

8 x 11,919 x 0.91 = £86,770.32 primary education

6 x 17,959 x 0.91 = £98,056.14 secondary education

Total = £184,826.46

Cheshire Brine Subsidence Board: The Brine Board note that the site is located outside of the consultation area and therefore the Board would not normally make any recommendations. However the Brine Board have looked at the submitted plans and have identified that the site is situated within a wet rock head area and other new built development in the surrounding area incorporates precautions. Based on this information it would be prudent to strengthen the foundations.

VIEWS OF THE PARISH COUNCIL

Sandbach Town Council: No objection however, Members request cyclist/pedestrian footpath improvements in line with suggestions of Mr M Bunte (CTC, The National Cycling Charity, by email to CEC 4 January 2015).

REPRESENTATIONS

Two letters of general observation has been received raising the following points:

- Highway safety will be compromised by the access to the majority of the development being on Station Road
- The proposed access is very close to both the access to Elworth Court and School lane - the latter also generating significant amounts of turning traffic.
- Deans Lane is already used as a rat run
- If the development goes ahead it should be a condition that site construction traffic is not allowed to use Deans Lane or other nearby residential roads, but is confined to the Salt Line Way
- Elton Crossings Road is used as a cut through by motor bikes and the existing bollards are not sufficient
- Elton Crossings Road is not wide enough to accommodate the proposed development in terms of additional vehicular movements and car-parking
- The development may obstruct access to dwellings on Elton Crossings Road
- Loss of privacy

A letter of objection has been received from 1 local household raising the following points:

- A thorough traffic survey will be required in relation to traffic flow and speed
- Increased on-street parking which will impact upon visibility
- Disparities in the design of the dwellings
- Loss of trees at the southern corner of the site
- Concerns regarding access driveways onto Station Road
- The traffic report mentions bin lorries entering the access but makes no reference to the internal layout

A letter of representation has been received from a local business raising the following points:

- Business operations may cause a conflict of interest with any residential properties in such a short distance from the depot.

- Concerned of any restrictions that may be imposed on business operations which could ultimately affect the growth, expansion, or the general carrying out of business.

A letter of representation has been received from Cheshire Police raising the following points:

- Cheshire Police recommend this developer consults with the force Stronger Communities Manager at the earliest opportunity to ensure that designing out crime principles and methodologies are factored in at the both the planning and construction stages. A secured by design application is recommended, guidance and support is available from the force throughout this process. Furthermore, a service to develop a crime impact statement is available and one can be provided relating to this development.

A letter of representation has been received from CTC (The National Cycling Charity) raising the following points:

- It should be investigated how this cul-de-sac could be opened for cyclists, wheelchair and mobility scooter users. Furthermore assessing how a crossing for those users to the opposite (old) Moston Road can be achieved. This would avoid the major junctions Station Road / Moss Lane and Moss Lane / Salt Line Way when travelling to the 'poets estate' the other side of Salt Line Way. Furthermore it would give better direct access to the play area on Thornbrook Way which I believe benefits from developer funding.
- The 'Technical Note, plan 2 shows a short footpath to Moss Lane. Please clarify if this is open and if it can be upgraded for use by cyclists. This would give good access to the Fodens housing developments and also avoid above junctions.

APPRAISAL

Principle of Development

The site is a brownfield site within the Sandbach Settlement Boundary. In this case the principle of residential development was accepted on this site as part of the Southern Planning Committees resolution to approve application 12/1455C (the S106 Agreement has never been completed for this application). As such it is considered that the principle of development is acceptable.

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.

The 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.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

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 ran 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.

SOCIAL SUSTAINABILITY

Loss of Employment Land

As a former employment site within the settlement boundary, Policy E10 applies to this site. This policy states that proposals for the change of use or redevelopment of existing employment sites to non-employment uses will not be permitted unless it can be demonstrated that the site is no longer suitable for employment use or there would be substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes.

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

- 1 The location of the site or premises and the physical nature of any building
- 2 The adequacy of supply of suitable employment sites and premises in the area

3 Whether reasonable attempts have been made to let or sell the premises for employment uses

In this case a marketing exercise was undertaken as part of application 12/1455C and Members of the Southern Planning Committee accepted the loss of this employment site as part of that application. Since the committee resolution for application 12/1455C the buildings which stood on this site have been demolished.

As a result the loss of this employment site is considered to be acceptable.

Affordable Housing

The site falls within the Sandbach sub area for the purposes of the Strategic Housing Market Assessment (SHMA) Update 2013. This identified a net requirement for 94 affordable units per annum for the period 2013/14 – 2017/18. Broken down this is a requirement for 18 x 1 bed, 33 x 2 bed, 18 x 3 bed, 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 that 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 state their bedroom requirement).

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.

In this case the development would provide 4 affordable housing units as discussed within the viability section of the report below.

The affordable housing provision will be secured as part of a S106 Agreement.

Public Open Space

The layout shows that an area of amenity green space would be provided within the centre of the site (this would have an area of 278sqm). The Open Space Officer has stated that if the development is approved the development would generate a need for 1,380sqm of new amenity greenspace. As such there would be a deficiency of provision on this site.

In terms of children's play space, the Public Open Space Officer has requested a contribution towards off-site improvements (this would total £12,636.66 to upgrade Elworth Park and £41,199 for 25 years maintenance). This is not shown on the indicative plan but could be secured as part of a S106 Agreement.

A scheme of management of the amenity green space on site and the landscape buffer along the northern boundary of the site will be secured as part of a S106 Agreement.

Education

In terms of primary school education, as there are capacity issues at the local primary schools, the education department has requested a contribution of £86,770.32.

In terms of secondary school education, as there are capacity issues at the local secondary schools, the education department has requested a contribution of £98,056.14.

Location of the site

This site is located within the Sandbach Settlement Boundary in close proximity to Sandbach Train Station and other services and facilities. As a result this site is considered to be sustainably located .

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

The Congleton Borough Council Supplementary Planning Document, Private Open Space in New Residential Developments, requires a distance of 21m between principal windows and 13m between a principal window and a flank elevation to maintain an adequate standard of privacy and amenity between residential properties.

In this case the layout plan has would provide a separation distance of 31 metres between the proposed dwellings and the front elevations of the dwellings to the opposite side of Elton Crossings Road. To the north-east corner there would be a separation distance of 25 metres to the side elevation of the dwelling at 24 William Foden Close.

To the west the existing landscape buffer would be retained and would screen the development to the dwellings to the west.

As such it is not considered that the development would have a detrimental impact upon the residential amenities of the surrounding dwellings

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. The layout shows that the private amenity space on plots 8, 22, 31, 36 and 38 would fall just below this standard. However given the benefits of bringing this site forward it is not considered that a reason for refusal could be sustained on these grounds alone.

Noise

The applicant has submitted a noise assessment with the application which considers the noise impacts from the surrounding land uses. The report recommends mitigation be designed to ensure that occupants of the properties are not adversely affected by noise.

The report has identified the requirement for ventilation and glazing to be addressed on a plot by plot basis. Furthermore due to the design of the site the dwellings will also provide attenuation for other proposed dwellings on the site.

The Councils Environmental Health Officer has requested a condition to be imposed to secure glazing and acoustic ventilation on a plot by plot basis prior to the first occupation.

Air Quality

The scheme itself is of a relatively small scale, and would not require an air quality impact assessment due to the distance of the site from the Air Quality Management Area at Junction 17 of the M6.

Contaminated Land

The application area has a history of industrial use and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

The reports submitted in support of the application recommend further site investigation and remedial works whilst further site investigation works are recommended to delineate soil for potential source removal. It is recommended that the area which was not investigated due to the presence of Japanese Knotweed is also investigated once this has been treated/removed.

A condition will be attached to secure the further survey work and remediation on this site.

Impact upon the Hazardous Installation

Part of the site is located within the hazardous installation consultation zone for the former Albion Chemical Works which has now been demolished. In this case the Health and Safety Executive do not advise against the approval of this application.

Highways

Access

The submitted road layout is a standard format with a 5.5m/4.8m carriageway and 2.0m footways on each side of the carriageway. There is also a formal turning head provided for refuse vehicles at the end of the cul-de-sac. In regards to design, the road widths proposed are suitable to serve the 44 dwellings and there are no objections on the design element of the road layout.

The access point onto Station Road has been designed to an acceptable standard and there would be sufficient visibility in both directions at the point of access.

There is a mix of 2 bed, 3 bed and 4 bed units on the site. The car parking provision of 200% is considered to be acceptable given the sustainable location of this site.

Impact upon the capacity of the highway network

The relevant test contained within the NPPF states that

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

The application is accompanied by a Transport Statement. Based on typical traffic generation for industrial and for residential use, it is estimated that future traffic generation for residential use of the site by 44 units would be broadly similar to that if the site was reused for industry, but with of course, none of the significant HGV movements.

The Strategic Manger (Highways) is of the view that there are no particular capacity or safety issues in the vicinity. Furthermore the site has reasonable accessibility to facilities and public transport, and accordingly there is no highways objection to the proposal.

Trees and Hedgerows

There are no trees protected by a Tree Preservation Order on this site.

The tree/landscape belt to the west of the site is located outside of the red-edge of this application site and would be retained as part of this development.

Design

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

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

In this case, although the density of the site is appropriate and is consistent with that of the surrounding area of the residential areas to the north-east of the site and to the west of the site.

The layout shows that the properties on the site would overlook the open space, the internal highway, Moss Lane, Station Road and Elton Crossings Road and the parking areas on the site. The properties located at corner plots would have the dual-frontages which would provide interest within the street-scene. A strong and prominent scheme of tree-planting within the site and along the frontages with Moss lane and Elton Crossings Road would create an avenue effect which would add quality to the appearance of the development.

To the west of the site, a boundary trees would be retained to act as a green buffer to the site from the Salt Line Way.

It is considered that the scheme is acceptable and that the proposal would comply with Policy GR2 (Design) and the NPPF.

Landscape

The application includes a landscape plan which has been assessed by the Councils Landscape Architect and is considered to be acceptable and will be secured through the use of a planning condition. There are no significant landscape issues associated with this development.

Ecology

The Councils Ecologist advises that there are unlikely to be any significant ecological issues associated with the proposed development. However if planning consent is granted he recommends the imposition of a planning condition to secure provision of nesting bird mitigation.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is more than 1 hectare in size, a Flood Risk Assessment (FRA) has been submitted as part of this application.

The Flood Risk Assessment indicates that surface water from the entire developed site will be disposed of via soakaways. Whilst Cheshire East Council as Lead Local Flood Authority would support this method of surface water disposal, the potential site contamination issues mean that it will be crucial to incorporate appropriate mitigation measures into the design to minimise the risk of groundwater pollution. It is also important that calculations to support the sizing of the soakaways are provided at the appropriate stage.

The Councils Flood Risk Manager, the Environment Agency and United Utilities were consulted as part of the last application and raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Ground Conditions

The comments made by the Brine Board have been noted and this issue will be dealt with at the Building Regulations stage.

Health Infrastructure

The case officer has obtained information from the NHS choices website which confirms that the 6 practices within 4 miles of the site are all accepting new patients.

ECONOMIC SUSTAINABILITY

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 Sandbach including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Viability

The previous application has a resolution to approve subject to the completion of a S106 Agreement. However this agreement has never been completed due to viability issues associated with this brownfield site.

As part of this application a viability report has been submitted by the applicant and this indicates that there are abnormal costs associated with the development of this site which would total £764,469 (a large proportion of this sum relates to the remediation of this contaminated site, piling foundations and drainage works/utilities diversion).

The viability report has been independently assessed by consultants appointed by the Council. It has been agreed that this site can deliver 4 affordable dwellings (all rented) and a S106 contribution of £65,000. As such it is considered that the offer on this site which would bring a brownfield site back into use is acceptable and would comply with the NPPF which states as follows:

'To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable'

In terms of the requests for S106 contributions these have come from education, off-site play provision, and affordable housing for off-site provision.

In this case given the identified affordable housing need within Sandbach and the rest of the Borough that this should be put forward to off-site provision of affordable housing and this will form part of the recommendation.

Alternatively if Members considered that the sum was best spent on off-site play provision at Elworth Park the Heads of Terms could be altered to secure £53,835.66 towards the improvements at Elworth Park and £11,164.34 towards off-site affordable housing provision.

It is not considered that the education contribution can be secured in this case due to the viability issues associated with this site. It should also be noted that there are a number of requests for education contributions in Sandbach which would improve the capacity of local schools.

CIL Regulations

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations 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.

There is a need for affordable housing provision within Sandbach and Cheshire East as a whole. In addition to the on-site provision (which does not meet the requirement of 30%) a contribution towards off-site provision has been made by the applicants. This is considered to be necessary and fair and reasonable in relation to the development.

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

PLANNING BALANCE

The principle of development has previously been accepted on this site and as such is acceptable.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- The development would bring forward a brownfield site which has been vacant for a number of years. Development of such sites is promoted within the NPPF, the Congleton Local Plan, the Cheshire East Local Plan (submission version) and the Draft Neighbourhood Plan for Sandbach
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Sandbach.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The development would not raise any significant highways issues
- The impact upon trees is considered to be neutral
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.

The adverse impacts of the development would be:

- The impact upon education infrastructure as it would not be possible to secure an education contribution as part of this development

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies.

RECOMMENDATION:

APPROVE subject to completion of Section 106 Legal Agreement to secure the following:-

1. A scheme for the provision of affordable housing – 4 units to be provided as social rent/affordable rent. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of a contribution of £65,000 towards off-site affordable housing provision
 3. A scheme of management for the on-site amenity green space and the landscape buffer along the northern boundary in perpetuity

And the following conditions:-

1. Standard Time
2. Approved Plans
3. Details of existing and proposed ground levels to be submitted to approved by the local planning authority
4. Submission of materials for the development to be submitted to approved by the local planning authority
5. Details of overland flow to be submitted to approved by the local planning authority
6. Details of scheme for the disposal of surface water to be submitted to approved by the local planning authority
7. SUDS provision to be submitted to approved by the local planning authority
8. Contaminated land to be submitted to approved by the local planning authority
9. Construction Management Plan to be submitted to approved by the local planning authority
10. Piling Method Statement to be submitted to approved by the local planning authority
11. Dust Control to be submitted to approved by the local planning authority
12. Details of glazing and acoustic ventilation on a plot by plot basis to be submitted to approved by the local planning authority prior to the first occupation
13. Implementation of the approved landscape plan
14. Breeding Birds incorporation of nesting measures
15. Boundary Treatment to be submitted to approved by the local planning authority
16. Removal of Permitted Development Rights for extensions and outbuildings on plots 8, 22, 31, 36 and 38

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 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 the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of affordable housing – 4 units to be provided as social rent/affordable rent. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of a contribution of £65,000 towards off-site affordable housing provision
 3. A scheme of management for the on-site amenity green space and the landscape buffer along the northern boundary in perpetuity

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Application No: 15/2080C

Location: The Hollies, 16, SMITHFIELD LANE, SANDBACH, CHESHIRE, CW11 4JA

Proposal: Construction of Dormer Bungalow with Integral Garage (re-submission of refused application 14/4769C)

Applicant: Andy Mines, Smithfield Court Ltd

Expiry Date: 01-Jul-2015

SUMMARY

The application site lies within the Settlement Boundary for Sandbach; therefore the principle of residential development is acceptable providing that the design is appropriate and that the development does not give rise to any detrimental impact on the amenities of adjacent properties or creates any highway safety concerns.

It is considered that the proposal is of an acceptable design that would not create any highway safety or amenity concerns.

As such, it is considered that the application should be recommended for approval.

RECOMMENDATION

APPROVE subject to conditions

REFERRAL

This application has been called in to Southern Planning Committee by Councillor Sam Corcoran on the following grounds;

'In summary, you should refuse on grounds of harm to the amenity/out of keeping with the area GR2. This is a large 5 bedroom house in an area of bungalows and smaller houses.'

PROPOSAL

This application seeks full planning permission to erect a detached dormer bungalow.

The application is a re-submission of 14/4769C which was refused by the Southern Planning Committee on the following grounds;

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

The applicant has amended the scheme by re-siting the unit further away from the dwellings to the rear of the site and by turning the unit into a dormer bungalow rather than a two-storey detached dwelling.

SITE DESCRIPTION

The site lies to the rear of Smithfield Lane within the Settlement Boundary for Sandbach and is surrounded by existing residential dwellings. To the west are the existing dwellings fronting Smithfield Lane, while to the east lie the properties fronting Booth Avenue which are predominantly dormer bungalows. To the north is the rear garden of 18 Smithfield Lane and to the south are two detached bungalows currently being constructed in what was the rear garden of 14 Smithfield Lane.

RELEVANT HISTORY

14/4769C - Detached House with Integral Garage – Refused 6th January 2015

14/4237C - Proposed construction of detached garage – Approved 29th October 2014

13/5199C - Proposed construction of 2 dormer bungalows in garden area - Resubmission of 13/3727C – Approved 20th January 2014

13/3727C - 3 bungalows in garden area – Refused 18th October 2013

11/1722C - Demolition of Existing House and Erection of 5no Two Storey Houses – Refused 8th August 2011

10/1179C - Demolition Of Existing House And Erection Of 7No. 3 And 4 Bedroom Houses. Resubmission Of Application No. 09/3069C (Determined 13th November 2009) – Refused 23rd July 2010

09/3069C - Demolition of existing house and erection of 7no. 3 and 4 bedroom houses – Refused 13th November 2009

08/1479/FUL - Demolition of existing house and erection of 7No. 3 and 4 bedroom houses - undetermined

13013/3 - New entrance and cloakroom and single garage – Approved 6th May 1981

7953/3 - First Floor Extension, 2 Bedrooms And Store (Residential) – Approved 20th October 1978

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

56-68 - Requiring good design

Development Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS4, as town.

The relevant Saved Policies are;

PS4 – Towns,
GR1 – New Development,
GR2 – Design,
GR6 – Amenity and Health,
GR9 – Accessibility, Parking and Service Provision,
H1 - Provision of new housing development,
H2 - Housing Supply
H4 - Residential Development in Towns

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

CONSULTATIONS

Head of Strategic Highways (HSI) – No objections

Environmental Protection – No objections, subject to conditions relating to; hours of piling, the prior submission of a piling method statement, the prior submission of a dust mitigation scheme and informatives relating to hours of construction and contaminated land

Sandbach Town Council – No comments received at time of report

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants. To date, 1 letter of objection has been received. The main areas of concern relate to;

- Design – Scale and height not in character

Notwithstanding the above, the Planning Officer was contacted during the application process to be advised that a number of neighbours had not received letters about the planning application. As such, the Officer arranged for letters to be re-issued and the consultation period extended until the 4th June 2015. A further written update shall be provided prior to committee.

APPRAISAL

The key issues are:

- The principle of the development
- The acceptability of the design
- The impact upon amenity
- The impact upon highway safety

Principle of Development

PS4 (Towns) of the Congleton Borough Local Plan First Review 2005 states that;

“within the settlement lines of towns, there is a general presumption in favour of development provided it is in keeping with the town’s scale and character and does not conflict with other policies of the Local Plan”.

The application site lies within the Settlement Boundary for Sandbach; therefore the principle of residential development is acceptable providing that the design is appropriate and that the development does not give rise to any detrimental impact on the amenities of adjacent properties or creates any highway safety concerns.

Other Material Considerations

Amenity

The closest neighbouring dwellings to the application site would be the applicant’s property, No.16 Smithfield Lane to the west, the newly constructed dormer bungalow to the south, 14B Smithfield Lane and the 2 properties to the east, No’s 12 and 14 Booth Avenue.

The recommended separation distance between directly facing principal windows as stated in the Supplementary Planning Guidance Note 2 is a minimum of 21.3 metres.

The front elevation of the proposed dwelling would be approximately 20.3 metres from the rear elevation of No.16 Smithfield Lane, the applicant’s property.

It would be approximately 21.2 metres from the closest section of No.14 Booth Lane and approximately 22.9 metres from the closest section of No.12 Booth Lane.

The previous application was partly refused due to the impact upon neighbouring amenity for the occupiers of No.12 Booth Lane.

The previous application was sited approximately 21.7 metres away from this neighbour at its closest point. The refused application sought a two-storey dwelling (comprising of 2-storeys of brick wall), whereas the proposed development comprises of a 1 ½ storey dormer bungalow.

As such, the dwelling refused was also of a greater mass and bulk than the dwelling now sought.

This reduction in mass and bulk and the re-siting of the dwelling further away from this neighbour reduces its impact and it is therefore considered that the dwelling would not be visually intrusive for the occupiers of No.12 Booth Lane.

Given the large separation distance between the application unit and the properties on Booth Lane, it is also not considered that the proposed development would have a detrimental impact upon the light or loss or create any unreasonable overlooking of these neighbouring properties.

Although the proposed development would not strictly adhere with the 21.3 metre separation standard with the applicant's dwelling, No.16 Smithfield Lane. It is still considered that this neighbouring property is located far enough away so not to create any unreasonable loss of privacy, light or be visually intrusive for the occupiers of this neighbouring unit.

The recommended separation distance between side-to-side relationships between dwellings is only restricted if one of the dwellings includes a sole window to a principal habitable room within this elevation.

Within the side elevation of No.14B Smithfield Lane, the newly constructed dormer bungalow to the south of the application proposal, there are no windows present. Within the proposed relevant side elevation of the application property, no such windows are present.

As such, it is not considered that the application property would have a detrimental impact upon the amenities of the occupiers of No.14B Smithfield Lane with regards to loss of privacy, light or visual intrusion.

It is considered that sufficient outdoor amenity space would remain for the occupiers of No.16 Smithfield Lane and the future occupiers of the application unit.

With regards to environmental disturbance, the Council's Environmental Protection Officer has advised that she has no objections to the proposed development subject to conditions relating to; hours of piling, the prior submission of a piling method statement, the prior submission of a dust mitigation scheme and informatives relating to hours of construction and contaminated land.

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

Design

With regard to the design of the proposed dwelling Policy GR.2 (Design) 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.

With regards to layout, the proposed unit would be sited almost completely in the middle of the space between No.16 Smithfield Lane to the west and the occupiers of the properties on Booth Lane to the east.

It would also be constructed largely 'in line' with the recently constructed bungalows to the rear of No's 12 and 14 Smithfield Lane and would also front in a westerly direction to match these properties.

The surrounding area predominantly comprises of single-storey dwellings located on Smithfield Lane and Booth Avenue.

The application unit sought would be a detached dormer bungalow, a form reflective of the local area.

Indeed, the application unit closest neighbouring property, including No.14B Smithfield Lane, the newly constructed dormer bungalow to the south, comprises of a detached dormer bungalow.

The height of the proposed dwelling (approximately 6.7 metres) would be largely reflective of this neighbouring dwelling which has an approximate height of 6.5 metres.

Although the footprint of the proposed unit would be larger than these 2 closest units, there are other examples of dwellings with similar footprints within the immediate vicinity.

As a result of the above, it is considered that the layout, scale and height of the proposed dwelling would respect the local character.

In terms of appearance, the dwelling would comprise of 2 dual-pitched dormer windows on the principal elevation. This elevation would also comprise of a central porch.

The rear elevation would comprise of 4 dual-pitched dormer windows. A single-storey side outrigger on the southern elevation is also proposed.

The unit would comprise of a dual-pitched roof and it is advised within the application that it would be constructed from suitable external materials.

These design features and finish would respect that of the recently constructed dwellings to the immediate south of the application site.

As such, it is considered that the dwelling would visually respect the design and finish of the immediate area.

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

Highways

Access to the proposed dwelling will be from Smithfield Lane via the private driveway which also serves the two recently constructed dormer bungalows dwellings to the rear of behind No's 12 and 14 Smithfield Lane.

The proposed dwelling will have space for the parking of at least three cars as well as turning space to allow egress in a forward gear.

The Head of Strategic Infrastructure (HSI) has raised no objections to the proposed development.

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

Trees and Landscape

Trees

The site of the proposed development forms part of the garden to The Hollies and is laid to lawn with a number of trees and boundary hedges. The submission is supported by a tree survey, arboricultural impact assessment and arboricultural method statement.

There are a number of ornamental trees on site, eight of which would be removed to accommodate the development. The most significant potential constraint to development on the site is a mature Oak tree afforded Grade A in the tree report.

The arboricultural submission indicates that subject to protection measures and arboricultural supervision, this tree could be retained as part of the development. Recommendations are made for the protection of retained trees and hedges and some maintenance thereof.

The revised layout positions in the report the dwelling 2 metres further away from the tree and the Council's Tree Officer has advised that this should have no additional impacts than the previous proposal.

The Council's Tree Officer has advised that provided the Oak tree and boundary hedges are retained and protected in accordance with the submitted Arboricultural Method Statement, the proposals should not have any direct impacts.

In the event of approval, the Council's Tree Officer has recommended that a condition be imposed that ensures that all operations, tree protection measures and arboricultural supervision shall be in accordance with the submitted Arboricultural Method Statement dated 26th April 2015.

Landscape

The Council's Landscape Officer has advised that the vegetation to be removed is not significant in the wider landscape.

As such, it is considered that the proposed development would adhere with Policy NR1 of the Local Plan.

Planning Balance

Paragraph 14 of the NPPF states Local Planning Authorities should approve development proposals without delay where they accord with the Development Plan.

The proposal is in within the Settlement Boundary for Sandbach, and an established residential area, and is in accordance with development plan policy PS.4 (Towns); therefore there is a presumption in favour of development.

Environmental Sustainability

It is considered that the proposal is of an acceptable design which does not raise any highway safety concerns.

The Council's Landscape officer has no significant forestry or landscape concerns subject to conditions.

Social Sustainability

The proposed development will provide a new dwelling on a site within an existing residential area and the Settlement Boundary of Sandbach.

The site is in a sustainable location in terms of Sandbach Town centre as well at a distance of approximately 0.8 of a mile.

No significant amenity issues would be created.

Economic Sustainability

The proposal is for a single dwelling and therefore has a very limited impact. However, it will to a very limited degree help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

The proposed development is considered to comply with the relevant policies of the Development Plan. It is considered that there are no significant negative effects of the proposed development that would outweigh the potential benefits. Section 38(6) of the Planning and Compulsory Act 2004 requires that planning applications should be determined in accordance with the Development Plan unless material consideration indicates otherwise. Therefore, it is recommended that the application should be approved subject to the imposition of appropriate conditions.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Standard three year time limit**
- 2. Approved plans**
- 3. Materials as per application**
- 4. Hours of piling**
- 5. Prior submission of piling method statement**
- 6. Prior submission of dust mitigation scheme**
- 7. Tree mitigation – Implementation**
- 8. Remove PD Rights – Extensions and Outbuildings**

Informatives:

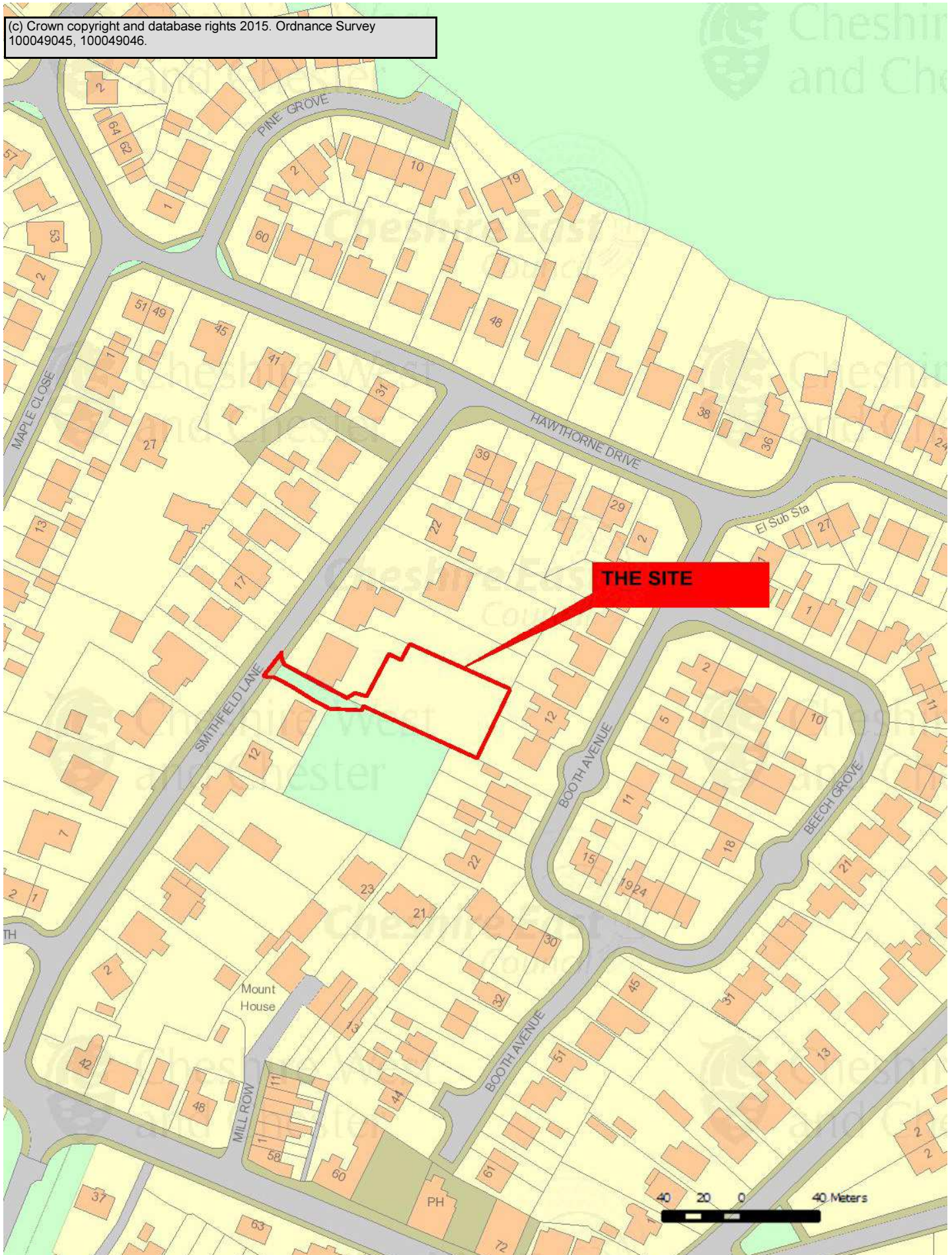
- 1. NPPF**

2. Hours of construction

3. Contaminated Land

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), 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: 14/5108C

Location: THREE OAKS CARAVAN PARK, BOOTH LANE, MOSTON, SANDBACH, CW10 0HE

Proposal: Proposed extension to existing caravan park to form 24 additional plots

Applicant: Mr Thomas Price

Expiry Date: 21-Apr-2015

SUMMARY

Whilst the application site is located within the open countryside, it would serve to extend an existing Gypsy and Traveller site. The principle of the development has been accepted previously. However, the permission has since lapsed.

The visual impact of the proposal in terms of the wider landscape would be minimised and could be further safeguarded through conditions ensuring retention of the boundary hedges and trees.

The site is generally within the required 1.6km of the facilities referred to in policy H8 of the local plan, and is reasonably accessible. No significant amenity or highway safety issues are raised.

Cheshire East has not met its need for Gypsies and Travellers provision. As such, the delivery of 24 permanent pitches would assist the Council towards meeting this existing and future need.

Consequently, subject to the conditions and the satisfactory receipt of the outstanding comments from Natural England, it is considered that the benefits of the proposal outweigh any negative impacts.

SUMMARY RECOMMENDATION

Approve subject to conditions

PROPOSAL

The application seeks full planning permission to extend the existing gypsy and traveller Caravan Park to the rear in order to provide an additional 24 no. plots. In addition to associated works, the application also seeks permission for the erection of a single storey building of some 54m², which would serve as communal day centre. This application is similar to a scheme previously approved under planning ref; 05/0766/FUL.

SITE DESCRIPTION

The application site comprises an enclosed area of land to the rear of an existing gypsy caravan park which is accessed directly off Booth Lane, Middlewich. To the south-eastern boundary, there is a hedge of mixed species. There is a similar hedge along the rear south-western boundary interspersed with a number of deciduous trees. The northern boundary to the front is shared with the existing caravan park, which comprises of a number of amenity blocks together with a number of larger fixed caravans. Telegraph cables cross the site. The site is located within the Open Countryside as identified in the Congleton Borough Local Plan.

RELEVANT HISTORY

05/0766/FUL - Proposed extension to existing caravan park to form 24 additional plots, communal day centre and amenities blocks – Approved 11-Nov-2005

37188/3 - Proposed regrading of land including importation of clay and topsoil to create suitable horse pasture – Approved 01-Jun-2004

NATIONAL & LOCAL POLICY

National Policy

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

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

Development Plan:

The Development Plan for this area is the Congleton Borough Local Plan First review 2004, which allocates the whole site as being within the Open Countryside

The relevant Saved Policies are:

GR1	(New Development)
GR2	(Design)
GR6	(Amenity and Health)
GR9	(Accessibility, Servicing and Parking Provision)
GR17	(Car Parking)
GR19	(Infrastructure)
GR20	(Public Utilities)
PS8	(Open Countryside)
H6	(Residential Development in the Open Countryside)
H7	(Residential Caravans and Mobile Homes)
H8	(Gypsy Caravan Sites)

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
PG5 Open Countryside
SC7 Gypsies and Travellers and Travelling Showpeople

Other relevant documents

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

CONSULTATIONS:

Environmental Health – No objections subject to conditions relating to lighting, waste provision, drainage and dust control.

Strategic Highways Manager – No objections subject to conditions specifying visibility splays and to be kept clear of vegetation.

Moston Parish Council – No objection to so long as it is open to all members of the gypsy and travelling community.

Brine Compensation Board – No objection subject to the use of strengthened foundations.

REPRESENTATIONS

None

APPRAISAL

The key issues are:

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

ENVIRONMENTAL SUSTAINABILITY

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

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

Accessibility

The locational criteria set out within saved Local Plan Policy H8 are considered to be consistent with the thrust of the Framework and the PPTS. Policy H8 states that sites should, wherever possible, be within 1.6km (1 mile) of existing local shops, community facilities, a primary school and public transport facilities.

There is a bus service between Sandbach and Middlewich along the A533 which operates from a nearby bus stop only 90 metres distance from the application site. There is a also a convenience store approximately 1.6km from the site, and a primary school 1.9km away. Most day-to-day facilities are available in Middlewich Town Centre approximately 2km from the site. The application site is generally within 1.6km of the facilities referred to in policy H8, and where not they are available in Middlewich Town centre. As such, the proposal is considered to comply with the locational criteria in this policy.

Character & Appearance

The site is surrounded by fallow fields on its southern and western boundaries, with a paddock servicing a private residence to the northwest. Opposite the existing caravan park, on the other side of Booth Lane are further fields that appear to be actively farmed.

The only views into the site are from the paddock attached to the applicant's private dwelling and the existing caravan park. The boundaries to the site benefit from well-established screen planting, which would be retained as part of the proposals. The site is relatively flat and distant views of the site are limited. The additional 24 pitches would be viewed within the context of the existing caravan park.

Policy C of PPTS makes clear that gypsy and traveller sites may be acceptable in rural settings and hence there can be no in principle presumption that they should be hidden from view or that

a degree of harm to the character and appearance of the countryside is unacceptable. The sight of caravans in the countryside is not unusual.

The proposed plots would extend the existing developed area of the site and whilst they would be visible, they would not be prominent or intrusive. The site is adequately screened and landscaped and whilst the proposal does involve encroachment into the open countryside, this proposal would extend an existing facility into a physically enclosed area and as such, it is not considered to have any significant impact on the character of the application site or its wider setting within the open countryside.

Amenity

The nearest neighbours are located to the north of the application site, including the applicant's existing residence. There are also 2 properties on the opposite side of Booth Lane. The proposal would extend the existing caravan park away from these nearest neighbours and would not significantly harm the living conditions of neighbours through noise or disturbance.

The Council's Environmental Protection Unit has advised that the impact upon the occupants of the site, both transit and permanent is acceptable. Overall it is considered that the impact upon the living conditions of existing neighbouring residents will be adequately maintained and an acceptable standard of amenity will be provided for future occupants of the site, in accordance with policies GR1, GR6 and GR8 of the Congleton Local Plan.

Ecology

The proposed development is located within 250m of the Sandbach Flashes SSSI. As the proposed development includes discharge of foul water to a septic tank, The Nature Conservation Officer has advised that Natural England must be consulted and advice sought on the potential impacts on the SSSI. This will be reported to Members by way of an update.

With respect to other ecology matters, the Nature Conservation Officer has recommended that the existing hedgerows on site should be retained and incorporated into the landscaping for the site.

Trees / landscape

Since the previous approval, some ground works have taken place on site, including the formation of several concrete slabs. In addition, a length of hedge (shown on both the existing and proposed plans) appears to have been removed from the northern boundary of the site and has been replaced with a timber fence. There is also a hedge present to the north west of the site not shown on the plans. No details of proposed landscape works or boundary treatment are provided nor are details of tree retention. This could be secured by condition.

Highways

The Head of Strategic Infrastructure (HSI) has assessed the proposals and has offered no objection subject to conditions. The proposal will use the existing access to the site which is known to operate safely. The HSI has confirmed that the traffic generation from 24 units will be

non-material when accessing and egressing onto the A533 Booth Lane, which has significant capacity at this location.

The application detail shows the junction arrangement and it is known that appropriate visibility splays can be achieved, however, the HSI recommends that a condition be attached to any permission which requires a detailed plan of the visibility splays to be provided to the satisfaction of the LPA. Subject to this, the proposal is found to be acceptable in highway terms.

SOCIAL SUSTAINABILITY

The PPTS makes it clear that sustainability is important and should not only be considered in terms of transport mode and distance from services. But other factors such as economic and social considerations are important material considerations. It is considered that authorised sites assist in the promotion of peaceful and integrated co-existence between the travellers and the local community. The provision of a transit site will ensure that unauthorised encampments can be moved on, either to this site or out of the Borough, and will help with easier access GPs, schools and other services.

The Criminal Justice and Public Order Act 1994 is particularly important with regard to the issue of Gypsy and Traveller transit site provision. Section 62A of the Criminal Justice and Public Order Act allows the Police to direct trespassers (unauthorised encampments) to remove themselves, their vehicles and their property from any land where a suitable pitch on a relevant caravan site is available within the same Local Authority area. A suitable pitch on a relevant caravan site is one which is situated in the same Local Authority area as the land on which the trespass has occurred, and which is managed by a Local Authority, Registered Provider or other person or body as specified by order by the Secretary of State.

Need

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

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

Planning records indicate that there are approximately 266 pitches across the four local authorities forming Cheshire, plus further space available for households in transit through the area. In terms of future need within Cheshire East specifically, an extra provision totalling 69 pitches is required up until 2028. Over 5 year periods, this translates to 32 pitches 2013-2018, 17 pitches 2018-2023 and 20 pitches 2023-2028. Any current need is included in the initial period 2013-2018, along with any need arising from new household formation during that time. Any supply of pitches has also been taken into account in the first 5 year period. The council

has not met this need and as such, this proposal would help towards meeting the required provision.

Site Identification Study

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

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

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

Owing to the previous permission on the site for an additional 24 pitches, the application site is identified in this study as a suitable site for the provision of permanent pitches. Accordingly, this proposal is in line with the recommendations of the most recent study available to the Council and on that basis, the proposal can be considered to represent a sustainable form of development in the social context.

ECONOMIC SUSTAINABILITY

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

PLANNING BALANCE

Whilst the application site is located within the open countryside, it would serve to extend an existing Gypsy and Traveller site. The principle of the development has been accepted previously, however, the permission has since lapsed.

The visual impact of the proposal in terms of the wider landscape would be minimised and could be further safeguarded through conditions ensuring retention of the boundary hedges and trees.

The site is generally within the required 1.6km of the facilities referred to in policy H8 of the local plan, and is reasonably accessible. No significant amenity or highway safety issues are raised.

Cheshire East has not met its need for Gypsies and Travellers provision. As such, the delivery of 24 permanent pitches would assist the Council towards meeting this existing and future need.

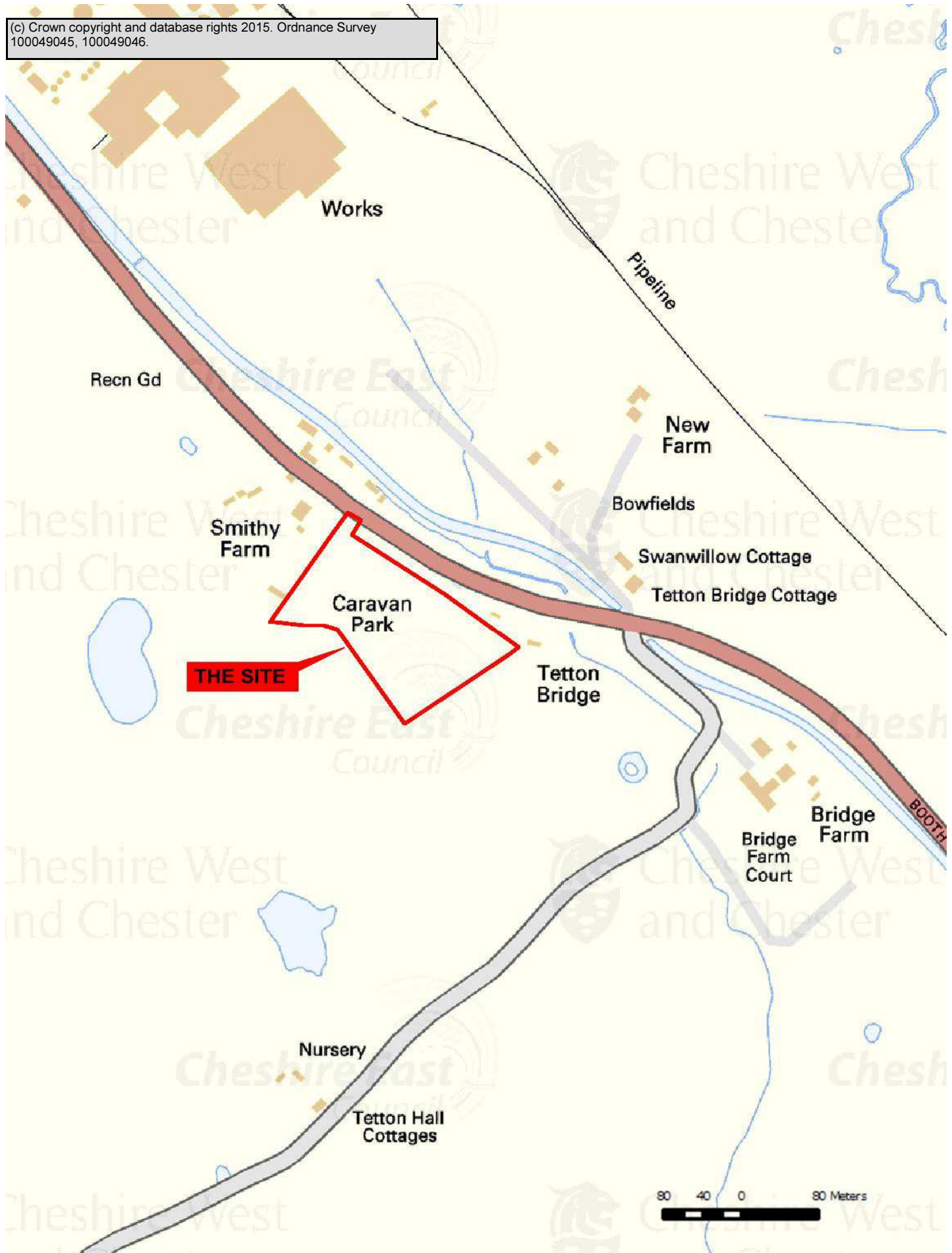
Consequently, subject to the conditions and the satisfactory receipt of the outstanding comments from Natural England, it is considered that the benefits of the proposal outweigh any negative impacts.

RECOMMENDATION

For the reasons set out above, the application is recommended for **APPROVAL** subject to the satisfactory receipt of comments from Natural England and the following conditions:

1. **Standard Time limit (3 Years)**
2. **Accordance with approved plans**
3. **Site limited to stationing of no more than 24 caravans**
4. **Prior to the commencement of development, detailed plans showing the visibility splays shall be submitted and provided prior to first occupation. Splays shall be kept clear.**
5. **Caravans restricted to use by Gypsy & Travellers only.**
6. **No development shall commence until details of drainage have been submitted and approved.**
7. **Existing boundary hedges and trees retained as part of a landscaping scheme, to be submitted and approved.**
8. **Implementation of approved landscaping scheme**
9. **Submission of scheme to minimise dust emission**
10. **Details of external lighting to be submitted**
11. **Details of bin / refuse storage**
12. **Amenity blocks provided prior to first occupation**

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Application No: 14/0775N

Location: Coole Acres, COOLE LANE, NEWHALL, CW5 8AY

Proposal: Variation of Condition 18 (retention of dwelling and business for further 3 years) on approval 09/0819N - Change of use from agriculture to fish rearing and angling centre and formation of ponds and lakes, erection of buildings (including temporary dwelling) and provision of access and parking

Applicant: The Reilly & Seipp Partnership

Expiry Date: 09-May-2014

SUMMARY

It is not considered that there is an essential need for the temporary dwelling or the business facility (which the applicant has already stated is no longer in use). Although requested from the applicant, no accounts have been provided for the rural enterprise on this site to prove that it is still in operation and is financially sound. The development would be contrary to Policies NE.2 and RES.5 and guidance contained within the NPPF.

RECOMMENDATION

Refuse

PROPOSAL

Planning application 09/0819N granted approval for the following:

- Change of use of the site from agriculture to a fish rearing and angling centre which includes the construction of ponds and lakes together with the erection of buildings.
- Four polytunnels
- A hatchery building
- A mobile home and business facility
- Six fish rearing pools
- A small toilet block, internal access road and car park.
- A new watercourse, reed beds and nature conservation ponds

This application seeks consent for the vary Condition 18 attached to planning permission 09/0819N to allow the retention of the temporary agricultural workers dwelling and business facility for a further three years. This condition states that:

The temporary agricultural workers dwelling and business facility hereby permitted is acceptable for a temporary period only. It shall be removed and the site returned to its former condition (grass) on or before 22nd February 2013 unless in the meantime a further application has been submitted to and approved by the Local Planning Authority. The land shall be restored in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

Reason: To enable continued control and appraisal of the development proposed having regard to the particular circumstances and nature of the proposal and in accordance with Policies NE.2 (Open Countryside) and RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and PPS7 (Sustainable Development in Rural Areas).

SITE DESCRIPTION

The site comprises an existing fishery which includes a number of lakes and associated timber buildings within the open countryside as defined by Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011. A number of trees are scattered within the site and along its boundaries. The north eastern boundary of the site is adjoined by a small stream and is demarcated by a simple post and wire fence. To the south west of the site there is a two storey brick dwelling at Pinnacle Farm. The boundaries with this property also comprise post and rail fencing. To the east the site is adjoined by a dismantled railway line and is defined by a mature hedgerow boundary. Further to the east is the Shropshire Union canal which is partly within an embankment. Access from the site is taken via a field gate onto Coole Lane.

RELEVANT HISTORY

09/0819N - Change of Use From Agriculture to Fish Rearing and Angling Centre and Formation of Ponds and Lakes, Erection of Buildings (including temporary dwelling) and Provision of Access and Parking – Approved 11th March 2010

POLICIES

Development Plan policies

Local Plan policy

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which identifies that the site is within the open Countryside

The relevant Saved Policies are:

NE.2 – Open Countryside

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

RES.5 – Housing in the Open Countryside

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
- 28. Supporting a prosperous rural economy
- 50. Wide choice of quality homes
- 55. Housing in rural areas

National Planning Policy Framework

Other Material Planning Considerations

Planning for Growth

CONSULTATIONS (External to Planning)

Environment Agency: No comments to make.

REPRESENTATIONS

Letters of objection have been received from 4 local households raising the following points:

- The application is a year late
- The conditions attached to the original permission have not been adhered to
- The spoil on the site has not been distributed across the site and this has created an unsightly mound of soil
- Question the viability of the business as there are rarely signs that the lakes are being fished
- The entrance to the site appears unkept and needs to be maintained
- Retail sales taking place on this site
- The site is a failing business
- 3 years should only be granted for 3 years following the lapse of condition
- There were original concerns over the viability of the business
- How many times can the temporary permission be extended?

An e-mail has been received from Cllr Rachel Bailey raising the following points:

- I completely endorse the comments submitted by Messrs Brassington and Sullivan. You will recall I expressed concern about this application in the first instance and sadly I believe I have been proved right. The site is untidy, there is no active marketing and I too question whether there is any production of fish at the site, nor likely to be in view of brine.
- This proposal benefitted from an RDPE start up grant and in any figures justifying a permanent dwelling we need to be sure that they are not manipulated.

PARISH/TOWN COUNCIL

Sound & District Parish Council: Have no representations to make.

Newhall Parish Council: Have no representations to make.

APPRAISAL

Principle of Development

The principle of the fishery development has already been accepted following the approval of application 09/0819N. This application relates for the retention of the existing temporary dwelling and business facility for a further 3 years.

The site lies within the open countryside as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Paragraph 55 of the NPPF details that isolated new homes in the countryside should not be permitted unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

Policy NE.2 of the Local Plan details 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. Policy RES.5 details that within the open countryside, new dwellings will be limited to those required for a rural worker and provides the criteria against which such application should be assessed. These policies are considered to be consistent with the framework and therefore appropriate weight should be attached to them.

It is considered that the key issues with regards to the determination of this application relate to the essential need for the dwelling and the impact of the development upon the open countryside.

Although now cancelled the advice contained within PPS7, specifically Annex 1, states that agricultural workers will be expected to live in nearby defined settlements unless there is an **essential** need to have a worker readily available on site to secure the viability of the enterprise. Whether it is essential to have a worker available on site is based on the needs of the enterprise and not the preference of the individual. Permanent agricultural dwellings would need to satisfy the functional and financial tests in order to prove that the dwelling is essential. It is therefore considered that it is necessary in this case to consider the functional and financial tests.

Essential functional need for a dwelling on this site

The functional test for a dwelling on this site was considered as part of the original approval as part of application 09/0819N. As part of this application it was stated that the mobile home was required to allow for biosecurity, 24 hour management of the facilities and also to prevent vandalism and theft. There were no other buildings on the site that could provide alternative accommodation to that proposed and the applicant referred to the prohibitive costs of existing dwellings in the locality. It was also stated that the fish species reared at the site would be valuable and that as a result it was reasonable to require substantial security for the site. A rapid response is required to monitor the equipment and deal with common problems such as predators and to monitor oxygen and water levels in the ponds. The operation of the angling uses may have required an on-site presence due to the hours of use which will include night time fishing. It was considered that the proposed development would be very labour intensive and that a key worker should be readily available on the site at all times and the functional test was met.

The supporting information within this application implies that the temporary dwelling would still meet the same essential functional need of the business and as such it is considered that this test has been met.

However at the time of the case officers site visit the applicant stated that the business facility building was no longer in use and there is no justification for the retention of the business facility on this site as part of this application. As such it is considered that there is no longer a functional need for the business facility building on this site.

Essential financial justification for a dwelling on this site

The test of financial soundness is central to the policy for the essential need for rural workers dwellings.

There is no definition of financial soundness or viability in planning guidance. However, normal economic assessments of any business would expect a financial performance which provided a reasonable return on the resources deployed in it, notably land, labour and capital and a stable relationship between its current assets and liabilities.

As part of this application the case officer has requested details of the accounts for this rural enterprise on a number of occasions both via e-mail and verbally. On two occasions in April 2014 and March 2015 the agent for the applicant responded to say that copies of the accounts for the enterprise would be provided.

However no such information has been provided and as such there is no evidence to demonstrate that the business is financially sound and that there is an essential need for the temporary dwelling or business facility to serve this rural enterprise. This issue will form a reason for refusal.

Impact upon the open countryside

In the absence of a proven essential need for the dwelling, the retention of the dwelling in the open countryside would be unacceptable in principle and erode the appearance of the area by retaining the mobile home in this rural area. Without justification, the proposal is considered to be contrary to Policy NE.2 of the Local Plan.

Amenity

The nearest residential property is a considerable distance from the business facility and temporary dwellings. Given the separation distance it is not considered that there would be a detrimental impact upon residential amenity.

Highways

It is not considered that the retention of the dwelling or business facility would raise any highways implications over and above the approved scheme.

CONCLUSIONS

Despite a number of requests by the case officer no accounts have been provided for the rural enterprise on this site to prove that it is still in operation and is financially sound. As such it is not considered that there is an essential need for the temporary dwelling or the business facility (which the applicant has already stated is no longer in use). To allow the development would be contrary to Policies NE.2 and RES.5 and guidance contained within the NPPF.

RECOMMENDATIONS

REFUSE:

1. No audited accounts have been submitted in support of this application to demonstrate that the temporary dwelling and business facility are essential to serve this rural enterprise and to serve an essential need for a rural worker to live permanently at their place of work. As such the proposal would be harmful to the open countryside and contrary to the guidance contained within Policies NE.2 (Open Countryside) and RES.5 (Housing in the Open Countryside) and guidance contained within the NPPF.

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

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Application No: 13/3508N

Location: SIR WILLIAM STANIER COMMUNITY SCHOOL, CORONATION STREET, CREWE, CREWE, CHESHIRE, CW1 4EB

Proposal: Relocate existing 2m metal palisade boundary fence together with installation of new palisade fence and vehicle access gates to match existing to new boundary line to playing fields

Applicant: Mr R A Jones, Cheshire East Council

Expiry Date: 17-Oct-2013

SUMMARY:

The development site lies within the Settlement Zone Boundary of Crewe and simply involves the relocation of the existing fence.

The design and scale of the development is considered to be acceptable.

The impact on residential amenity and highway safety is acceptable subject to conditions.

The local objections have been given careful consideration; however the transfer of the land to them is not a planning matter.

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 conditions

DEFERRAL

This application was deferred by Committee on 16th October 2013 in order that discussion could take place between local residents and the applicant and for Officers to obtain further information regarding the relocation of the fence. Despite many attempts by Officers to obtain information or a withdrawal of the application, nothing has been forthcoming. Therefore the application is now back before Committee in order for a decision to be taken.

CALL IN

The application was called in to Committee by Councillor David Newton on the following grounds:

- *Concerns about loss of amenity*

- *Concerns about loss of access to the rear of residential properties*

DESCRIPTION AND SITE CONTEXT

The application relates to an area of land at the southern end of the playing field belonging to the Sir William Stanier Community School. The land is currently overgrown and the existing fence is set back within the playing field.

DETAILS OF PROPOSAL

The proposal is to move the fence to enclose all of the land which belongs to the school. The new fencing would comprise 2 metre high Palisade fencing and would be installed along the rear boundary.

RELEVANT HISTORY

No relevant planning history relating to this site.

POLICIES

National Guidance

National Planning Policy Framework

Local 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 Settlement Zone Line of Crewe.

The Relevant policies of the Borough of Crewe and Nantwich Replacement Local Plan 2011 are:

BE.1 - Amenity

BE.2 - Design Standards

BE.3 - Access and Parking

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

CONSIDERATIONS (External to Planning)

Environmental Health:

None received at the time of report writing.

Highways:

The planning application is relocate the fence on William Stanier School from its current position to the edge of the unadopted track that runs along the rear of properties 94 -170 Henry Street.

As the unmade track does not form part of the public highway, the vehicular use of the track is a private matter and as long as the fencing does not encroach onto the track as shown then the Strategic Highways Manager would not raise any objections.

VIEWS OF TOWN/PARISH COUNCIL

No objection.

OTHER REPRESENTATIONS

At the time of report writing, 10 representations have been received relating to this application, including a 5 page petition. The objectors express the following concerns:

- Land ownership
- Increased risk of broken windows
- Loss of property values
- Adverse impact on outlook
- The bin lorry will not be able to access the site
- The land should be brought back into use for the residents
- Problems for turning vehicles and gaining access
- Will lead to on-street parking
- Impact on Hedgehogs
- Residents should have been consulted prior to submission of the application
- Loss of privacy
- Access should be taken from the Spring Gardens side of the field
- Problems created for deliveries to the chip shop

OFFICER APPRAISAL

Principle of Development

The site is designated as being within the settlement boundary of Crewe and is on land belonging to an existing school. Within settlement boundaries there is presumption in favour of development provided that the development complies with other policies in the adopted local plan.

Having regard to the issues discussed above, the development is considered to be acceptable in principle.

Design and Scale

The proposal is to replace the existing fencing with 2 metre high Palisade fencing and gates on the boundary of the field. It is considered that this would be an appropriate boundary treatment in this location and is acceptable.

The proposal is therefore considered to be acceptable in terms of design and scale and in compliance with Policy BE.2 of the adopted local plan.

Amenity

Policy BE.1 requires that new development should be compatible with surrounding land uses, should not prejudice residential amenity, generate unacceptable levels of traffic or lead to an increase in pollution.

The fencing would be coming closer to the rear boundaries of the properties on Henry Street; however given that it is a simple 2 metre palisade fence, it is not considered that it would have any significant impact on the outlook from these properties.

One of the objectors has expressed concerns about the 6 metre netting fence affecting his outlook by coming closer to the rear of his property. That is not something that is proposed as part of this application.

The proposal is considered to be acceptable in terms of amenity and is therefore in compliance with Policy BE.1 (amenity) of the adopted local plan.

Highways

The fence is adjacent to a length of unadopted track to the rear of residential properties on Henry Street.

Many of the objections relate to problems with vehicle access. However, the land is within the ownership of the Council as the title deeds show and enclosing it would have no impact on the public highway. As such a refusal on highway safety grounds could not be sustained.

The proposal is therefore considered to be in compliance with Policy BE.3 of the adopted local plan.

Response to Objections

The amount of opposition to the proposal has been given careful consideration. However the suggestions that the land should be given to local residents is not something that can be considered by the Local Planning Authority as part of this application.

Conclusion – The Planning Balance

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

The development site is within the Settlement Zone Line of Crewe and simply involves the relocation of an existing fence.

The design and scale of the development is considered to be acceptable.

The objectors have stated that they should have been allowed to negotiate the use of the land and that the land should be gifted to the residents. This however is not a matter that could be taken into account in the determination of this planning application.

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

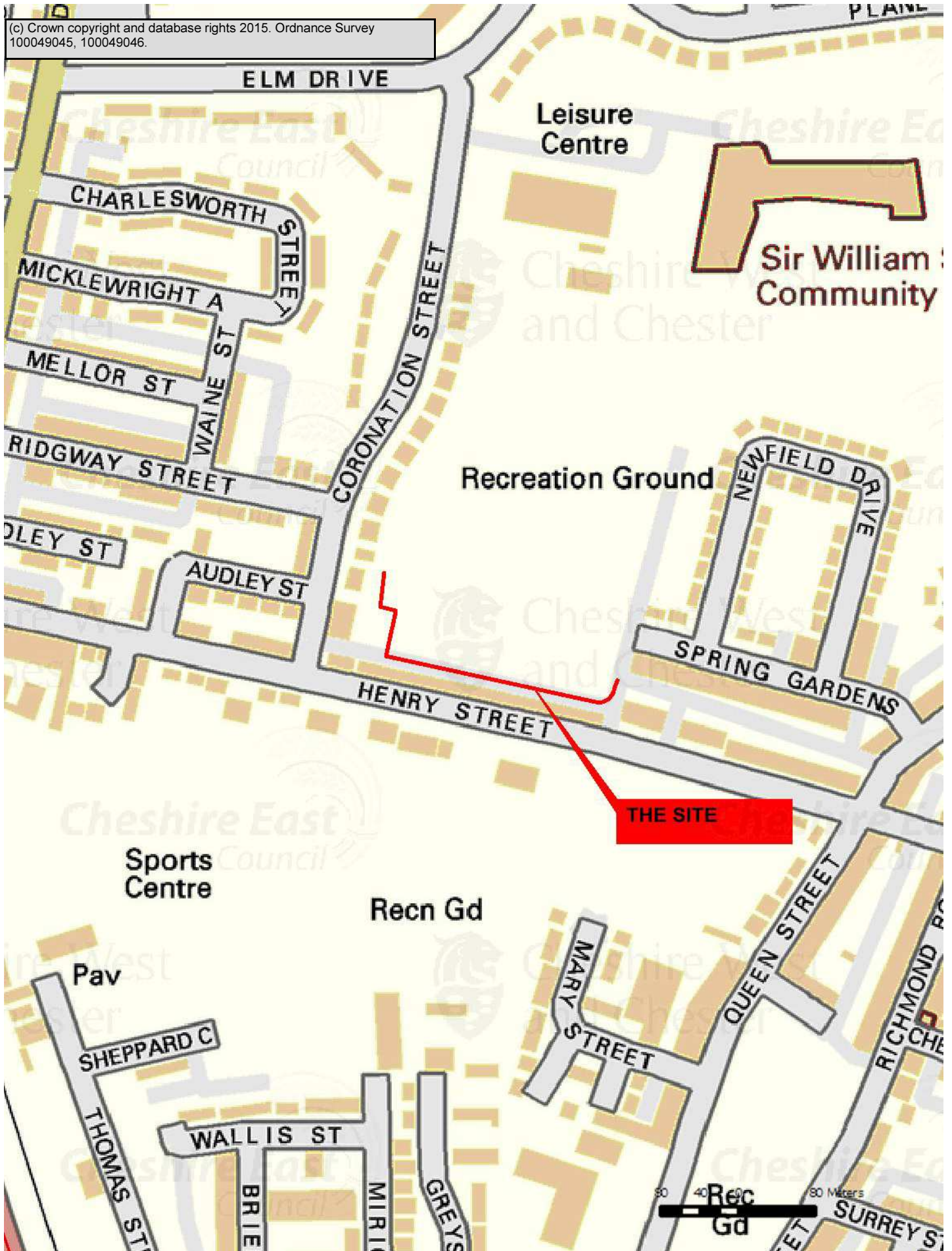
RECOMMENDATION:

Approve subject to the following conditions:

- 1. Time limit**
- 2. Approved plans**
- 3. Materials as stated in the application**

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: 15/1664C

Location: MUNICIPAL OFFICES, MARKET SQUARE, CONGLETON,
CONGLETON, CHESHIRE

Proposal: Demolition of existing Municipal Building, disconnection of services and clearing of site. Existing drainage to be retained. Installation of low level timber diamond knee rail fencing to boundary. Site to be dressed with topsoil and seeded.

Applicant: Robert Edwards, Cheshire East Council

Expiry Date: 04-Jun-2015

CONCLUSION:

The application has demonstrated that the proposal is not suitable for employment use given it is not considered that the proposal is economically viable in its current state and the costs involved in refurbishment would outweigh the costs involved with the proposal.

The application states that there is surplus office space currently available in Congleton, with supply outstripping demand. No enquiries regarding the availability of the Municipal Buildings for office space has been received in the period between 30th November 2012 and 01st December 2014.

The Municipal Buildings have previously been identified within the wider Congleton Town Centre Plan Draft Strategy 2008 as an area required for redevelopment.

The buildings are not sited in a prominent area within the town centre are not considered to contribute to the Moody Street Conservation Area as an existing.

The design and layout of the scheme is considered to be acceptable. The proposal for a grassed area is not considered to appear discordant in this location whilst sufficient landscaping and boundary treatments would be provided as part of the scheme.

The proposal is not considered to adversely impact upon existing levels of residential amenity and would not give rise to any highway implications, subject to conditions.

It is also considered that subject to conditions, the development would not have a detrimental impact upon existing drainage considerations.

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

DETAILS OF PROPOSAL

Full planning permission is sought to demolish the building and lay the site to grass. Fencing is proposed around the perimeter of the site.

DESCRIPTION OF SITE AND CONTEXT

The application site is the Municipal Offices in Congleton. Two charity groups currently operate from the building.

The site forms part of the wider Congleton Town Centre redevelopment proposal. The current tenants were offered short term tenancies to cater for the redevelopment, which was proposed for 2012/13. However, the redevelopment has been postponed until 2016/17.

In the interim of future of development, the Local Authority seeks to demolish the existing building.

RELEVANT HISTORY

32934/3 – New pedestrian entrance to existing offices to serve the South Cheshire Economic Partnership. Approved 02nd April 2001.

POLICIES

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 Congleton Borough Local Plan First Review 2005, which identifies that the site is within the Congleton Settlement Zone Line.

The relevant Saved Policies are:

Policy E10 – Re-use or Redevelopment of Existing Employment Sites

Policy GR1 – New Development

Policy GR2 – Design

Policy GR6 – Amenity and Health

Policy GR9 – Accessibility, Servicing and Parking Provision

Policy BH9 – Conservation Areas

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

Policy SD 1 - Sustainable Development in Cheshire East

Policy SD 2 - Sustainable Development Principles

Policy SE 1 – Design

Policy SE 2 – Efficient Use of Land

Policy SE 7 – The Historic Environment

Policy EG 3 – Existing and Allocated Employment Sites

CONSIDERATIONS (External to Planning)

Highway Authority: No objection subject to the submission of a method statement stating the location of the contractors plant and how HGV's would access the site.

Environmental Health: No objection subject to conditions securing a dust suppression statement and construction hours.

Congleton Sustainability Group (CSG): Support the proposal, stating that the building is no longer economically viable, is not energy efficient given its age and the building has no architectural merit.

Concerns also raised in regards to the overall use of the site, provision of secure cycle parking, missing information in the application in terms of the relocation of the existing tenants, the costs involved in demolition and reinstatement of the area and management of the future maintenance of the area.

View of the Parish/Town Council:

No comments received at the time of writing.

Other Representations:

None received.

OFFICER APPRAISAL

Principle of Development

Policy E10 allows for the redevelopment of an existing employment site, provided it can be shown that the site is no longer suitable for employment uses or there would be substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes.

In considering whether the site is no longer suitable for employment uses, account will be taken of the location and physical nature of the premises, supply of existing employment sites in the area and whether reasonable attempts have been made to let or sell the employment use in question.

The Justification Statement submitted with the application states that the Council's Economic Development and Regeneration Team have received 19 enquiries for office space between 30th November 2012 and 01st December 2014, which is considered to be a low number.

None of these enquiries were made in regards to the availability of the application site.

The Statement submits that there are currently 17 properties offering available space to rent within Congleton and that approximately 75% of the offices currently advertised to let have been vacant for at least 12 months, which highlights the lack of demand of available office space.

The lack of demand is further reinforced by the fact that flexible lease terms, rent free periods and offices as freehold for sale have been offered to prospective tenants however have failed to initiate commercial interest in the properties available.

The majority of enquiries made (6) were in regards to office space measuring up to 23.22m², which gives an indication of the size of office space most sought after in the area.

The Municipal Buildings ground floor area measures 832m² whilst the first floor area measures 371m², providing a total of 1,283m².

Three enquiries were made in the period of two years for an office space with up to 2,857m², of which the overall size of the application site would satisfy. However, the enquiries were not made in direct relation to the Municipal Buildings and the total amount of enquiries requested for this floor space is considered to be low within this two year period.

At the time of writing, Local Commercial Lettings Agents (Timothy Brown) confirm that there has been one enquiry for office space in Congleton Town Centre since January 2015.

Two charity groups currently operate from the building. The Justification Statement advises that both pay a rent of £1,533.60 and £6,926.40 inclusive of service charge, rates and value added tax. The Authority currently pays the sites building rates, which amounts to £55,376.55 per annum. This results in a loss of £46,916.55 per annum.

Given the age and current state of repair of the Municipal Building, the costs involved in the refurbishment is estimated at £528,000, as set out in Appendix A of the Justification Statement. The applicant has confirmed in writing that the overall cost of the demolition works and reinstatement of the site to grass would be estimated at £155,000.

The Municipal Buildings have also been incorporated in the wider Congleton Town Centre Redevelopment Plan and were identified in the Congleton Town Centre Delivery Strategy Plan 2008 as an area for redevelopment.

The applicant confirms that assistance would be provided to the charity groups which currently occupy the building in finding suitable alternative accommodation.

In taking the above evidence into account, the site is not considered to be viable in its present state and the costs involved in refurbishment would outweigh the costs involved with the proposal, particularly given the lack of demand for office use within Congleton. The proposal would comply with Policy E10 of the Congleton Borough Local Plan 2005.

Character and Appearance

The application site lies to the North of Moody Street Conservation Area and adjacent to a Grade II* Listed Building. The site is visible when viewed from within the conservation area and from a number of listed buildings.

The building is dated in its appearance having been built circa 1969 and is considered to offer a limited contribution to the overall character and appearance of the surrounding area.

It is considered that the demolition of the building and the sites reinstatement to grass would enhance existing views when viewed from within the conservation area.

The current boundary treatment comprises low concrete pillars adjoined by metal link chains.

The proposed timber diamond knee rail fencing is considered to be an improvement to the existing boundary treatment, having a more contemporary appearance and being reminiscent of fencing commonly found in parks and gardens.

The fencing would also help to provide an element of natural security by enclosing the boundaries of the site.

The application states that existing planting beds would be retained, which would add further visual interest to the scheme.

Overall it is considered that the proposal would not adversely impact upon the character and appearance of the Moody Street Conservation Area or the surrounding locality and would comply with Policies GR1, GR2 and BH9 of the Congleton Borough Local Plan 2005.

Residential Amenity

It is not considered that the proposal would adversely impact on existing levels of residential amenity.

Hours of construction would be conditioned as part of any grant of planning permission as would a scheme to secure dust mitigation measures.

Environmental Health raises no objection.

The site would be maintained by ANSA.

The proposal is considered to comply with Policy GR6 of the Congleton Borough Local Plan 2005.

Access and Parking

Access to the site would be via Market Square with the existing site entrance utilised.

Highway Authority raises no objection to the proposal, subject to a condition to secure a method statement relating to the site location of the contractor compound and the way in which HGV's would access the site during waste removal.

The proposal would accord with Policy GR9 of the Congleton Borough Local Plan 2005.

CONCLUSIONS AND REASONS(S) FOR THE DECISION

The application has demonstrated that the proposal is not suitable for employment use given it is not considered that the proposal is economically viable in its current state and the costs involved in refurbishment would outweigh the costs involved with the proposal.

The application states that there is surplus office space currently available in Congleton, with supply outstripping demand. No enquiries regarding the availability of the Municipal Buildings for office space has been received in the period between 30th November 2012 and 01st December 2014.

The Municipal Buildings have previously been identified within the wider Congleton Town Centre Plan Draft Strategy 2008 as an area required for redevelopment.

The buildings are not sited in a prominent area within the town centre are not considered to contribute to the Moody Street Conservation Area as an existing.

The design and layout of the scheme is considered to be acceptable. The proposal for a grassed area is not considered to appear discordant in this location whilst sufficient landscaping and boundary treatments would be provided as part of the scheme.

The proposal is not considered to adversely impact upon existing levels of residential amenity and would not give rise to any highway implications, subject to conditions.

Subject to conditions, the development would not have a detrimental impact upon existing drainage considerations.

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

RECOMMENDATION

APPROVE subject to the following conditions:

- 1. Standard time 3 years**
- 2. Plans**
- 3. Submission of a Highway Method Statement**
- 4. Submission of a Dust Suppression Statement**
- 5. Construction hours**
- 6. Boundary treatments**

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

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THE SITE

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Application No: 15/1871M

Location: LITTLE TREES, GAWSWORTH ROAD, GAWSWORTH,
MACCLESFIELD, CHESHIRE, SK11 9RA

Proposal: Proposed alterations and extension of bungalow

Applicant: David Smetham

Expiry Date: 19-Jun-2015

SUMMARY

The proposed development is deemed to be in accordance with all relevant policies in the development plan and there are not considered to be any other material considerations that would carry sufficient weight to refuse the application. Therefore a recommendation of approval is made, subject to conditions.

RECOMMENDATION:

Approve subject to conditions.

Proposal

Planning approval is sought for alterations and extension of a bungalow. The rear of the proposed extension protrudes by approx. 9.6m from the original rear wall and 6.2 meter at the widest point resulting in an approx. 56.6meter square proposed floor space. The proposal is to accommodate a utility room, bedroom and garden room.

The existing utility room is to be demolished to accommodate the new extension. The existing utility room protrudes from the original rear wall by approx. 3m and is approx. 2.8 meters wide. The floor space to be demolished is approx. 8.3 meter square.

Application Site

The application property is a detached bungalow, situated within the Green Belt and Jodrell Bank Radio Telescope Zone, as defined in the Macclesfield Borough Council Local Plan.

Relevant Planning History

N/A

Policy**National Planning Policy Guidance**

National Planning Policy Framework

The National Planning Policy Framework reinforces the system of statutory development plans. When considering the weight to be attached to development plan policies, paragraphs 214 and 215 enable ‘full weight’ to be given to Development Plan policies adopted under the 2004 Act. The Macclesfield Local Plan policies, although saved in accordance with the 2004 Act are not adopted under it. Consequently, following the guidance in paragraph 215, “*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given)*”.

Local Plan

Macclesfield Borough Local Plan – saved policies

BE1 (Design principles for new developments)
DC1 (High quality design for new build)
DC2 (Design quality for extensions and alterations)
DC3 (Protection of the amenities of nearby residential properties)
DC38 (Guidelines for space, light and privacy for housing development)

Between them these policies aim to protect the living conditions of adjoining residential properties from harmful loss of amenity such as loss of privacy, overshadowing, loss of light or overbearing impact. They aim to ensure that the design of any extension or new building is sympathetic to the existing building on the site, surrounding properties, open spaces, highway network and the wider street scene by virtue of being appropriate in form and scale and utilising sympathetic building materials.

Other policies of relevance are:

GC5 (Countryside beyond the green belt)
GC12 (Alterations and extensions to houses in the countryside)
GC14 (Jodrell Bank)

The Local Plan policies outlined above are all consistent with the NPPF and should therefore be given full weight.

CONSULTATION RESPONSES (external to planning)

Jodrell Bank – No comments received as of 26/05/15

VIEWS OF GAWSWORTH PARISH COUNCIL

The Council raises no objections.

REPRESENTATIONS

No comments received

OFFICER APPRAISAL

Principle of Development

The principle of the development is considered to be acceptable, subject to design, green belt and amenity, issues as examined below.

The key issues relate to 1) Impact on the area, which is situated within greenbelt 2) design, impact on character and appearance of the area/street-scene; 3) impact on neighbor amenity.

Design

The proposal is in accordance with the requirements in policies BE1, DC1 and DC2. The materials of the proposal are all to match the existing. The proposed roof is to be a pitched roof to match the existing dwelling and the existing utility room which is to be demolished.

The rear extension will not be seen from the road, resulting in a suitable relationship with the street-scene. The design of the proposed extension is considered to be of appropriate scale, siting and design to be in keeping with the context and character of the site and surroundings. The development accords with all design objectives.

Amenity

Policies DC3 and DC38 seek to protect the residential amenity of nearby properties having regard to space, light and privacy etc.

It is considered that the proposal would not have any detrimental impact upon the amenities of neighboring properties. There are no dwelling houses in close proximity to the north of the proposal. The dwelling house to the south elevation is sheltered by a hedge and fence. There are three windows on the north elevation of the adjacent property Longrise, two of these windows are obscure glazed which serve the bathroom and the third window serves bedroom 4. No objections from neighbors have been received. The proposed extension is approx. 6.7m from the boundary line and so there is no substantial space, light or privacy issues.

Green Belt

There is no planning history for this site. The utility room and south elevation window are both however later additions, but planning permission does not appear to have been applied for.

The original dwelling floor area measures approx. 167.5 meter square. The proposed floor area is approx. 227 meter square, resulting in an overall approx. 35.52% increase in floor area.

In terms of the NPPF the proposal is not classed as inappropriate development as extensions are an exception providing they are not disproportionate to the original building. The property lies within a group of development and so the general requirement for extensions to not exceed 30% floorspace over the original dwelling as stated in policy GC12 does not necessarily apply in this case. The proposed rear extension will result in an approx. 35.52% of the overall floor area of the property. Therefore the proposed is considered not to be considered a disproportionate addition. It is also considered that the extension would not be prominent and the proposal would not

adversely affect the character and appearance of the countryside. Therefore it is in accordance with policy GC12, GC5 and the NPPF.

CONCLUSION

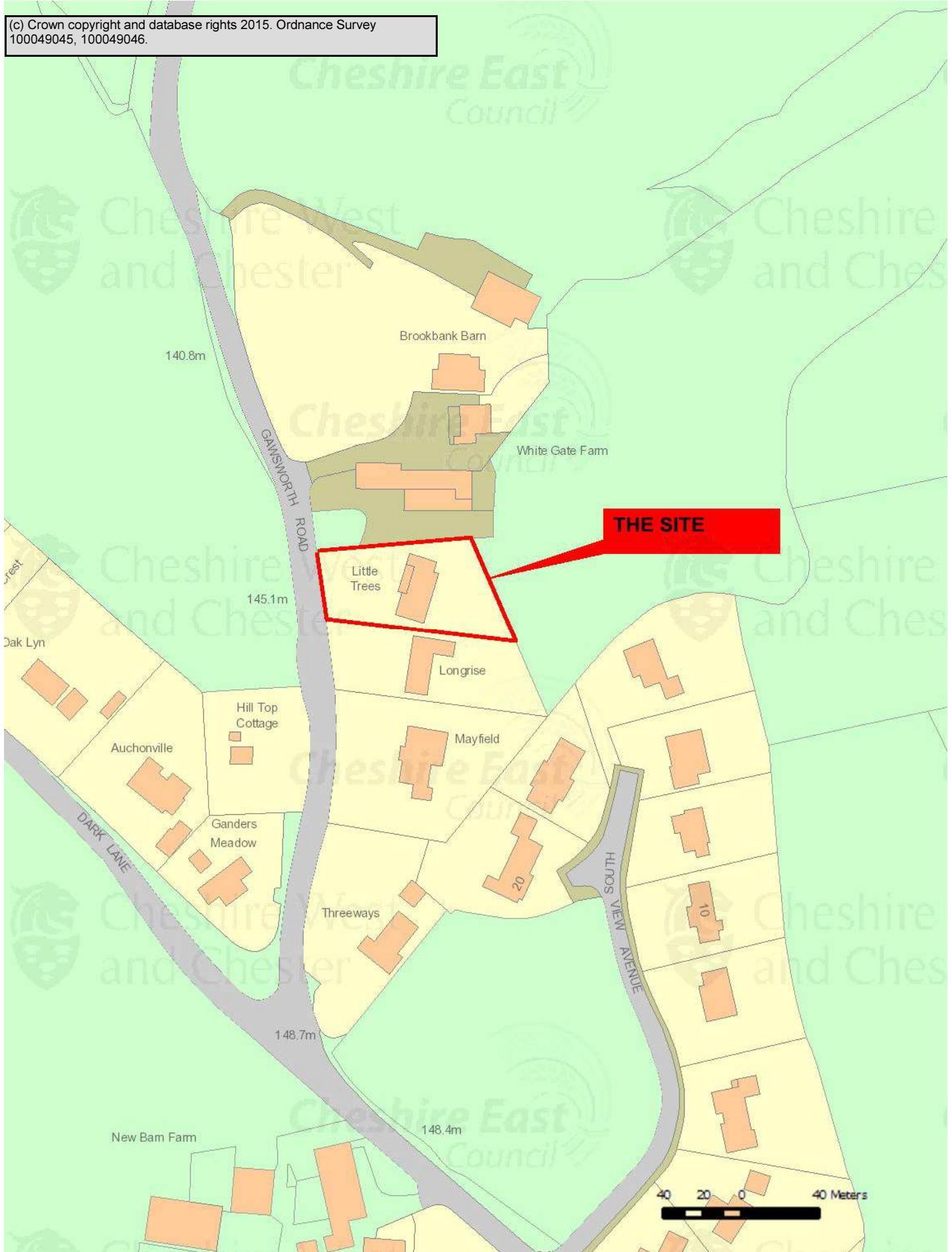
To conclude, the proposed development is deemed to be in accordance with all relevant policies in the development plan and there are not considered to be any other material considerations that would carry sufficient weight to refuse the application. Therefore a recommendation of approval is made, subject to conditions.

RECOMMENDATION

APPROVE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. Standard time – 3 years**
- 2. Development in accordance with the approved plans**
- 3. Materials as per the application**

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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.

REFERRAL

The application has been referred to Southern Planning Committee given it is a largescale major development.

At the Southern Planning Committee meeting of 22nd April 2015, Members resolved to defer this application for the following reasons:

- Further information with respect to the drainage ditches
- A Committee site inspection to enable Members to assess the impact of the proposed development
- Further information with respect to the impact upon PROW 48
- Details of the management of the SBI
- Details of the separation between the SBI and POS
- Details of the impact upon the pumping station on Close Lane and its discharge

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

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.

50. Wide choice of quality homes

56-68. Requiring good design

Borough of Crewe & Nantwich Local Plan 2011

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

The relevant Saved Policies are:

NE.2 (Open countryside)

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

NE.20 (Flood Prevention)

NE.21 (Land Fill Sites)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

RES.5 (Housing in the Open Countryside)

RT.6 (Recreational Uses on the Open Countryside)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

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.

CEC Flood Risk Manager: No objections in principle, subject to conditions requiring the submission of flood resilience and surface water drainage schemes, an assessment into the potential for disposing surface water by means of a SUD's scheme and the submission of a scheme for the management of overland flow from surcharging of the site's surface water drainage system.

United Utilities: No objection subject to the imposition of a drainage condition.

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.

Public Rights of Way

The Definitive Public Rights of Way Map shows the location of Public Footpath Haslington No. 48. The path runs within the western portion of the POS and drops down to run outside the

western boundary of the application site. The PROW would be unaffected by the proposed housing development.

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. Following the deferral of the application at the last Southern Planning Committee Meeting proposals for the enhancement and ongoing management of the SBI has been submitted (this is available to view on the website). The Plan sets out management techniques for trees, existing and proposed hedgerows, SUD's, bank sides and field margins, rough grass and wild flower, amenity grassland and bat and bird boxes.

In summary the Management Plan proposes the following:

- *Trees* - The only trees requiring management would be the old Alder trees in the central section of the site. Work would only be carried out if serious safety issues were identified.
- *Hedgerows - Existing* – Maintained in two phases within a year.
- *Hedgerows Proposed* – To be left for three years to establish. Maintained in two phases within a year.
- *SUD's, Bank Sides and Field Margins* - Section of the SUDs and two balancing ponds would be planted with rush, marginal bank side and aquatic vegetation. Field buffers would be left to mature for three years before the removal of scrub.
- *Rough Grass and Wild Flower* - Existing grass field area and its plant species require little or no management except scrub if it spreads beyond its current size. No maintenance cutting through the spring or summer months.
- *Amenity Grassland* - Half a metre mown between margins either side of the pathways of amenity land. Areas of breeding bird habitat would be avoided during nesting and flowering period.

- *Bat and Bird Boxes* - Installation of bat and bird boxes before the bird breeding season.

The applicant has submitted a Site Layout Plan indicating the locations of the SBI and POS and the boundary treatment separating both, which would comprise diamond knee rail fencing. The Plan indicates that the POS would be maintained on a monthly basis by a Management Company whilst the SBI would be left for the first three years of the development, with the exception of scrub control.

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.

Flood Risk and Drainage

The applicant confirms that foul drainage would be discharged into the public sewer network in accordance with the submitted Preliminary Drainage Design Plan (referenced Dwg No. 02-03).

In response to the additional information required, the applicant has submitted a plan (reference Dwg No W0999/DD/101) showing the existing on-site drainage ditch positions which are roughly located through the central portion of the site and along the south western boundary between the proposed POS and Phase 2 of the development. The applicant confirms that drainage ditches are in the legal ownership of the landowner. Stewart Milne Group has a contract to purchase all of the land to facilitate the development of the site. The Management Company would be set up to maintain open space area, drainage ditches and POS and this is secured as part of the legal agreement as part of the outline application.

During the deferral period, the CEC Flood Risk provided comments in regards to the application. They did not raise objections in principle, subject to conditions requiring the submission of flood resilience and surface water drainage schemes, an assessment into the potential for disposing surface water by means of a SUD's scheme and the submission of a scheme for the management of overland flow from surcharging of the site's surface water drainage system.

In terms of the existing pumping station on Close Lane. A consultation response has been received from United Utilities who have raised no objection to the development subject to the

imposition of a planning condition (it should be noted that this condition is attached to the outline consent so there is no need to attach the condition to the reserved matters application).

As such the development is considered to be acceptable in terms of the drainage/flood risk implications.

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**
- 24. Flood Resilience Scheme**
- 25. Surface Water Drainage Scheme**
- 26. Sustainable Drainage Scheme**
- 27. Scheme for the Management of Overland Flow**

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Application No: 14/3962N

Location: Land North of POOL LANE, WINTERLEY, CHESHIRE

Proposal: Outline planning permission for the construction of up to 79no. dwellings

Applicant: Footprint Land and Development

Expiry Date: 20-Nov-2014

SUMMARY

The proposed development would be contrary to Policies NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The development would provide benefits in terms of affordable housing provision, delivery of housing, POS provision and LEAP and significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Winterley/Haslington.

The development would have a neutral impact upon education, protected species/ecology, drainage, highways, trees residential amenity/noise/air quality/contaminated land and landscaping could be secured at the reserved matters stage.

The adverse impacts of the development would be the loss of open countryside and the loss of agricultural land.

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies. As such the application is recommended for approval.

RECOMMENDATION

Approve subject to conditions and a S106 Agreement

PROPOSAL

This is an outline planning application for the erection of up to 79 dwellings. Access is to be determined at this stage with all other matters reserved.

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

The western portion of the application site has outline planning permission for the erection of up to 45 dwellings following the appeal decision for application 13/4632N.

SITE DESCRIPTION

The site of the proposed development extends to 2.89 ha and is located to the northern side of Pool Lane and the eastern side of Crewe Road, Winterley. The site is within Open Countryside. To the northern boundary of the site is an agricultural field and residential development fronting Crewe Road. To the east of the site is ribbon development fronting Pool Lane and to the south of the site is Pool Lane with residential properties to the opposite side. To the west are residential properties.

The land is currently in agricultural use and split into two fields. There are a number of trees and hedgerow to the boundaries of the site. Two trees onto the southern boundary of the site with Pool Lane are protected by a Tree Preservation Order as is a third tree to the south-east corner of the site.

The application site is relatively flat.

RELEVANT HISTORY

14/3393N - Outline planning permission for the construction of up to 45no. dwellings (Resubmission of 13/4632N) – Refused 25th September 2014

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

Reasons for refusal as follows:

1. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.

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

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.
- 50. Wide choice of quality homes
- 56-68. Requiring good design

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site, under policy NE.2, as open countryside.

The relevant Saved Policies are:

- NE.2 (Open countryside)
- NE.5 (Nature Conservation and Habitats)
- NE.8 (Sites of Local Importance for Nature Conservation)
- NE.9: (Protected Species)
- NE.20 (Flood Prevention)
- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- RES.5 (Housing in the Open Countryside)
- RES.7 (Affordable Housing)
- RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
- RT.9 (Footpaths and Bridleways)
- TRAN.3 (Pedestrians)
- TRAN.5 (Cycling)

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

Supplementary Planning Documents:

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

CONSULTATIONS

Environment Agency: The Environment Agency has no objection in principle to the proposed development but suggests a condition in relation to contaminated land.

United Utilities: Drainage condition suggested.

NHS England: No comments received.

Strategic Highways Manager: The principle of development on the site has been established at appeal and the Strategic Highways Manager does not consider that the additional units proposed in this application provides such a material difference in traffic impact to warrant an objection on traffic grounds. Subject to the satisfactory relocation of the bus stop on Crewe Road no objections are raised.

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

CEC Drainage: No objection subject to the imposition of drainage conditions.

Ansa (Public Open Space): The proposal should provide an equipped children's play area. The equipped play area needs to cater for younger children - 5 pieces of equipment. A ground-flush roundabout would be desirable, as these cater for less able-bodied children. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic.

Public Rights of Way: A need for additional high-quality cycle parking has been previously identified in Haslington village. In order to encourage residents of the proposed development to travel to the services of Haslington by bike, the developer should be tasked to contribute to the provision of these facilities. Such active travel could be further encouraged by means of connecting path(s) for pedestrians and cyclists from the site onto Pool Lane.

It is understood that a refuge island would be constructed in Crewe Road to assist pedestrians and cyclists when entering or leaving the proposed development via the site access.

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

Education: A development of 79 dwellings will generate 14 primary places and 10 secondary.

Primary schools within a 2 mile radius (Haslington Primary, The Dingle Primary and Wheelock Primary) and secondary schools within a 3 mile radius (Alsager School, Sir William Stanier Community School and Sandbach High school Boys and Girls) have all been taken in to consideration for capacity. It is forecast sufficient capacity for primary places, so no contribution is to be sought.

Secondary places are expected to be insufficient due to committed developments taking place in surrounding areas. On this basis, a contribution of $10 \times £17959 \times 0.91 = £163,427$ towards secondary education.

SUSTRANS: Would like to make the following comments:

- The cul-de-sac heads should allow access onto Pool Lane for pedestrians and cyclists only.
- At the proposed junction with Crewe Road, we would like to see a refuge, of minimum depth 2m, to allow pedestrians and cyclists to cross the road with safety.
- The design of the estate should restrict vehicle speeds to less than 20mph.
- SUSTRANS would like to see secure cycle parking under cover for those smaller properties without garages.
- SUSTRANS would like to see travel planning set up for the site, with targets, monitoring and with a sense of purpose

VIEWS OF THE PARISH COUNCIL

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

- The application is contrary to policy NE2 and Local Plan submission core strategy PG5, Pool Lane falls outside of the settlement boundary of Haslington and Winterley, therefore should not be considered for development.
- The development will increase the urbanised area of the village, changing its character to the detriment of the existing properties.
- Impact upon Winterley Pool which is listed as a Grade C site with respect to nature conservation: and has significant landscape value.

- Safe route to schools have not been demonstrated within the application. The nearest school "The Dingle" would be via Newtons Lane and Clay Lane, much of which is narrow, used by rat running commuter vehicles and has no footpath or street lighting.
- Winterley has 600 houses and the addition of 70 houses at Kent's Green Farm and 79 houses at Pool Lane (25% village increase) on this development with the potential 250 at Hazel Bank would not comply with any appropriate scaling levels.
- The size of the overall range of developments is unsustainable given the village support services.
- The conservation and enhancement of the built environment has similarly been overlooked.
- The application site is of high landscape value because it makes an important contribution to the intrinsic character and beauty of the countryside and, specifically, to Winterley village's character and sense of place.
- The increase in the size of development from 45 to 79 houses does not appear to include any increase in the amount of land allocated for public open space, or any appropriate formal play space / equipment.
- The proposed development would result in a built up frontage to both sides of Pool Lane, changing the character of this old country lane.
- The Design and Access document includes some 2.5 and 3 storey houses. There is no local precedent for this.
- The revised access/egress proposal is still very close to the junction for Newtons Lane is dangerous, and will give rise to significant vehicular emissions.
- Sewage proposals within the village footprint are under pressure.
- During periods of heavy rain, there is persistent flooding accumulation from the drains on the opposite side of Crewe Road, periodically all the way along from Newtons Lane to the Forresters Arms.
- The application only appears to address flood issues within the site boundary, The community is most concerned at the potential increase in flood risk in the area around Winterley including Winterley Pool alongside the banks of Fowle Brook through into Haslington where neighbouring gardens are at increased risk of inundation by flood water.
- Traffic calming measures (bollards and reduced road width) recently installed in Winterley, along with the speed visual (adjacent to the Holly Bush), traffic humps (in Haslington) and periodic police speeding enforcement all suggest the village is already under pressure to provide adequate traffic calming measures. The inclusion of such a significant increase in vehicles would make this unmanageable.
- Rural locations have a higher dependency car usage
- Transport does not take into account the effects of the additional traffic on the most sensitive parts of the network namely the A534 Crewe Green Roundabout and the A534/A533 junction (Old Mill Road/The Hill). The additional traffic generated may not give issues on the immediate network but the queues on the approaches to the roundabouts will effectively increase by a corresponding amount during the AM peak. This will be worse once the approved sites in Haslington are fully developed.
- It should be considered that the main influence in the AM peak would be the local schools, the nearest employment location in Crewe, and M6 Junction 16, all of which will influence right and left turns out of the site and will increase the number of vehicles on the Crewe Road Roundabout. No evidence is apparent to address this by the additional number of cars such a development would generate.
- Due to the distance, it can be assumed that children will be driven to the Dingle Primary School and this will increase significantly the number of vehicles on Kent's Green Lane and Newtons Lane which are narrow roads/lanes approximately 5.5m wide.

- Although there have currently been no collisions recorded resulting in injury during the past 5 years in the vicinity of the site, consideration should be given to the whole length of Crewe Road through Haslington and Winterley, as there are locations that such collisions do occur.
- Access/egress to Swan Lake restaurant and takeaway is continuously busy, and to assume an entranceway to properties directly adjacent to this is dangerous.
- Current drainage is already unable to cope with water runoff, consequently the accumulation of this, alongside any increase in wet weather would add to that risk.
- Cumulative impact upon secondary school education.
- The primary admissions at both The Dingle and Haslington schools are currently oversubscribed by small numbers (3 and 1 respectively in 2013).
- Winterley is deemed as an unsustainable village by its lack of infrastructure around shops, education and services, therefore a collective range of proposals to build both this development and any of the additional proposal submissions currently underway cannot be considered sustainable development.
- The submission core strategy proposes a requirement for employment land allocated for "other settlements and rural areas" this application does not address this issue. Any new residential housing is likely to require employment opportunities for the new occupiers.

REPRESENTATIONS

Letters of objection have been received from 61 local households raising the following points:

Principal of development

- The site is within the open countryside
- Intrusion into the open countryside
- Loss of agricultural land which is BMV
- There is support for the earlier refusals on this site
- There is no need for further development
- The development could be half built as there is no need for new housing in Winterley
- Lack of facilities in Winterley
- Winterley would see a 19% increase in size if all the applications are approved
- Due to its size the development cannot be classed as infill
- Contrary to Local Plan Policies
- The development will urbanise Winterley
- Haslington and Winterley will end up merging into one settlement
- The cumulative impact of developments in the village
- The development is out of scale compared to Winterley
- The size of the development is unsustainable
- Winterley is an unsustainable village
- Loss of village identity
- Approving the application will result in further applications in Winterley
- Speculative housing development
- The development is not commensurate to the size of Winterley
- There are no jobs in the village
- The development is not essential and is contrary to the Local Plan
- The development is contrary to the NPPF
- Landscape impact
- Loss of green land
- There are many unsold homes in the area

- The development is contrary to the NPPF
- The three storey properties would be out of character
- Brownfield sites should be developed first

Highways

- Increased traffic
- Pedestrian safety
- The proposed access point would be opposite Newtons lane and is not safe
- There are no safe walking routes to local schools
- Cumulative highways impact from other developments in the area
- There is existing high volumes of traffic using Crewe Road
- The proposed access in at a dangerous location on a bend in the road
- Increased use of Pool Lane as a rat run
- Pool Lane is too narrow for any additional traffic
- The traffic statement does not consider the wider traffic impacts (Crewe Green Roundabout and Old Mill Road/The Hill)
- The transport assessment makes no reference to the transport capabilities of the villages. A robust TA is required
- Increased traffic on country lanes
- There are a number of accidents along Crewe Road within Haslington and Winterley
- Drivers do not keep to the speed limit along Crewe Road
- The position of the access is not safe
- Existing difficulties accessing the M6
- Traffic problems when there is an accident on the M6 and the bypass
- There would be no increase in public transport
- Traffic speed through the village
- Insufficient visibility at the site access point
- Increased rat running through country lanes
- Footpaths and cycleways along Crewe road are inadequate
- Increased traffic will make the traffic management measures through the village unmanageable
- Pedestrian/cyclist/horse rider safety

Green Issues

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

Infrastructure

- The local schools are full
- There impact upon local schools will be exacerbated by the approved developments in the area

- Drainage/Flooding problems
- Internet access will not support this development
- Lack of medical facilities in the village
- Doctors surgeries are full
- The local Primary School is already full
- Insufficient capacity at the high schools in Sandbach
- Sewage infrastructure is not adequate
- Impact upon electricity infrastructure
- No shops in the village

Amenity Issues

- The development would have a negative impact upon the occupants of Crewe Road, Newtons Lane, Nesfield Drive, Fisherman's Close and Pool Lane
- Visual impact
- Loss of outlook
- Increased dust
- Increased noise
- Increased air pollution
- There are existing foul drainage problems in this area
- Increased noise and disturbance

Design issues

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

Other issues

- Impact upon property value

APPRAISAL

The key issues are:

- Loss of open countryside
- Impact upon nature conservation interests
- Design and impact upon character of the area
- Landscape Impact
- Amenity of neighbouring property
- Highway safety
- Impact upon local infrastructure

Principle of Development

The site lies largely in the Open Countryside as designated by the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states 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.

It should also be noted that following a recent appeal decision the principle of residential development has previously been accepted on part of this site.

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.

The 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.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was ‘too low’ further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account ‘persistent under delivery’ of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

Spatial Distribution

The Southern Planning Committee has previously resolved to refuse a number of applications which include the contention that the development would exceed the spatial distribution of housing in the southern part of the Borough (including Haslington) with reference to paragraphs 70 – 80 of the Inspector's Interim views on the Local Plan.

Paragraphs 70 – 80 of the Inspector's Interim Views concern the settlement hierarchy and spatial distribution of development; the Inspector was satisfied with the proposed settlement hierarchy but concluded that "the proposed distribution may not fully address the development needs and opportunities at all towns and settlements, particularly those in the north of the district" and that "some further work may be required to justify the proposed spatial distribution of development, particularly to address the development needs and opportunities of the Green Belt settlements in the north of the district."

There is nothing in these paragraphs of (or elsewhere in) the Inspector's Interim Views to justify their deployment in support of refusing applications in the Southern part of the Borough. As such a reason for refusal on these grounds could not be sustained.

It should be noted that part of this site has outline planning permission for the erection of 45 dwellings following a recent appeal decision. This proposed development would result in the addition of 34 dwellings to the east of the appeal site. This scale of development is not harmful to the settlement of Winterley and would represent sustainable development. The previous conclusions made by the Inspector on part of this site apply to this application and are as follows:

'The proposed development would constitute sustainable development for which the Framework contains a presumption in favour. On the evidence placed before this inquiry, the lpa cannot demonstrate a 5-year supply of deliverable housing sites. Whilst there would be some limited conflict with the relevant provisions of RLP Policies NE.2, NE.12 and RES.5, elements of Policies NE.2 and RES.5 are out of date and the weight to be attached to these policies is reduced. The conflict with these policies in terms of loss of countryside and loss of B&MV agricultural land, having regard to the Framework presumption in favour of sustainable development, is significantly and demonstrably outweighed by the benefits of this development. Accordingly, this appeal is allowed'

SOCIAL SUSTAINABILITY

Affordable Housing

The site falls within the Haslington and Englesea sub area for the purposes of the SHMA update 2013. This identified a net requirement for 44 affordable homes per annum for the period 2013/14 – 2017/18. This comprises a need for 1 x 1 bed, 11x 2 bed, 19 x 3 bed & 10 x 4+ bed general needs units and 1 x 1 bed and 1 x 2 bed older persons accommodation.

The Affordable Housing Interim Planning Statement (IPS) states that on all sites of 3 units or over in settlements with a population of 3,000 or less will be required to provide 30% of the total units as affordable housing on the site with the tenure split as 65% social or affordable rent and 35% intermediate tenure. This equates to a requirement of 24 affordable units in total on this site, split as 16 for social or affordable rent and 8 for intermediate tenure.

The exact details of the affordable housing will be provided at reserved matters stage. This will be secured as part of a S106 Agreement.

Public Open Space

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. In this case the level would be 2,765sq.m and the indicative plan shows that the developer will provide 3,221sq.m of public open space. As such this would exceed the amount required on this site.

In terms of children's play space this would be provided on site and the applicant has indicated that they are willing to provide a LEAP with 6 pieces of equipment. This would be an acceptable level given the number of dwellings on the site and would comply with Policy RT.3. This would provide an important benefit to the residents of Winterley which do not currently have a formal children's play area.

Education

In terms of primary school education, the proposed development would be served by Haslington Primary, The Dingle Primary and Wheelock Primary. The Education Department have confirmed that there is capacity to accommodate the children generated by this development and there is no requirement for a secondary school contribution.

In terms of secondary schools, there are four which would serve the proposed development (Alsager School, Sir William Stanier Community School and Sandbach High school Boys and Girls) and the proposed development would generate 10 new secondary places which cannot be accommodated. As there are capacity issues at these local schools the education department has requested a contribution of £163,427. This will be secured via a S106 Agreement should the application be approved.

Health

A number of the letters of objection raise concerns about the impact upon health provision in this area. At the time of writing this report a consultation response was awaited and an update will be provided in relation to this issue.

Location of the site

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a "Rule of Thumb" as to whether the development is addressing

sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

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

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

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 3800m
- Outdoor Sports Facility (500m) – 1600m
- Convenience Store (500m) – 1700m
- Primary School (1000m) – 1700m
- Pharmacy (1000m) – 2000m
- Post office (1000m) – 2000m
- Secondary School (1000m) – 3700m
- Medical Centre (1000m) - 2000m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Winterley, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development in Winterley from the application site. However, the majority of the services and amenities listed are accommodated within Haslington and are accessible to the proposed development on foot or via a short bus journey (the site is located on the main bus route between Crewe and Sandbach). It should also be noted that the site is located on National Cycle Network Route 451 and is easily accessible for cyclists. Accordingly, it is considered that this small scale site is a sustainable site.

This view is supported by the Inspectors recent appeal decision on part of this site where he stated that:

'Whilst not all services are available in Winterley, it is close to other settlements that possess a wider range of services, there is a regular bus service that passes in front of the site and it is within some 20 minutes cycling time of Crewe. In this context, I have no reason to dispute the Statement of Common Ground conclusion regarding the sustainability of the location'

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

To the north of the site 326 Crewe Road has a blank side elevation facing the site and the orientation and separation distances shown on the indicative plan show that there would not be a detrimental impact upon the residential amenities of this property.

Due to the separation distances involved to the properties to the south and the intervening highway and boundary treatments there would not be a significant impact to the dwellings to the south on the opposite side of Pool Lane.

To the west the nearest property is a bungalow at 29 Pool Lane which has a number of windows to its side elevation facing the application site. The indicative plan shows that there would be dwellings backing onto this boundary and side onto the boundary at the rear. There is no reason why an acceptable solution could not be negotiated at the reserved matters stage.

The Environmental Health Officer has requested conditions in relation to hours of operation, external lighting, and contaminated land. These conditions will be attached to any planning permission.

Air Quality

The proposed development is not close to any air quality management areas (AQMA) and an air quality assessment was not deemed necessary. However, it is likely that some small impact would be made in the Nantwich Road AQMA and that when combined with the cumulative impacts of other committed and proposed developments in the Crewe area the significance is increased. There is also no assessment of the dust impacts and details of dust control would need to be submitted should planning approval be granted. Conditions would be attached in relation to dust control.

Public Rights of Way

There are no PROW located on the application site.

In response to the comments made by the Councils PROW Officer further pedestrian links onto Pool Lane could be negotiated at the reserved matters stage to improve pedestrian movements from this site.

In relation to the request for cycling parking in Haslington village centre further information has been requested from the PROW Officer in terms of this scheme and any costs. A contribution of £5,000 will be secured as part of the S106 Agreement.

Highways

Access

The proposed development is in outline form with access to be determined at this stage. The proposed development would be accessed via a simple priority junction with a 5.5 metre wide carriageway with 2 metre wide footways on both sides and junction radii of 10 metres. The highways officer has commented that this design is typical of a residential development of this scale.

Crewe Road has a 30mph speed limit at this point. In this case the submitted plans indicate that visibility splays of at least 2.4m x 43m can be achieved in both directions. These visibility splays would comply with guidance contained within Manual for Streets.

The submitted Transport Assessment (TA) identifies that the proposed site access would operate with significant spare capacity and the traffic associated with this development can be accommodated onto the local network.

Traffic impact

The proposed development would generate 44 two-way trips during the AM peak hour and 47 two-way trips during the PM peak hour. This traffic generation will be distributed across the highway network in both directions.

There are local concerns over the impact upon the highway network and Crewe Green roundabout and there is a scheme of CEC improvements in this location. In this case the Highways Officer considers that the development would not have a severe impact upon this junction and as such no mitigation will be required from this development.

The only other committed development within the Parish of Haslington is at Vicarage Road (44 dwellings). Given the scale of the developments there is not considered to be a cumulative highways impact associated with this development.

It should be noted that the recent appeal decision at Land off Crewe Road, Haslington for 250 dwellings does not change this view of the Strategic Housing Manager.

Public Transport

The application site is within easy reach of bus stops in both directions with hourly connections to Crewe, Sandbach, Winsford, Northwich and Macclesfield throughout the day.

Highways Conclusion

In conclusion the proposed development would have an access of an acceptable design with adequate visibility. The traffic impact upon the local highway network would be limited and was found to be acceptable as part of the recent appeal. Improvements would be secured to the bus stops in the locality. It is therefore considered that the development complies with the local plan policy BE.3 and the test contained within the NPPF which states that:

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

Trees

A tree survey has been submitted in support of this application and this grades all trees on the site and those in close proximity to the site (including those located on the opposite side of Pool Lane). The survey grades 19 trees including the two TPO trees to the Pool Lane boundary and the TPO tree within the curtilage of 29 Pool Lane as Grade A (high quality and value), 13 trees as Grade B (moderate quality and value) and 8 trees as Grade C (low quality and value).

One of the two TPO Oaks on the Pool Lane road frontage exhibits signs of reduced vigour and vitality. The site plan is indicative, there will have to be amendments to accommodate the

retained high value trees, but in principle there is no objection from an arboricultural perspective subject to a suitable reserved matters layout plan.

Hedgerows

In this case the indicative plan shows that the hedgerow boundaries to the site would be retained as part of this development apart from a small loss to provide the access point.

Design

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

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

In this case the proposal would have a density of 27.3 dwellings per hectare this is consistent with the surrounding residential areas of Winterley

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

Landscape

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

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

This view is supported by the Inspectors comments as part of the recent appeal where he states that:

‘The development would result in a noticeable change particularly when viewed from Crewe Road. However, change that can be noticed is not in itself necessarily harmful. Having extensively toured the surroundings roads and attempted to view the appeal site from a variety of publicly accessible vantage points, this scheme would result not in material harm to the character and amenity of the countryside’

Ecology

Winterley Pool Site of Biological Importance (SBI)

The proposed development is located in close proximity to this locally designated site. The Councils Ecologist advises that the proposed development is unlikely to have a significant long term adverse impact upon the ecological features for which Winterley Pool was designated.

Hedgerows

Hedgerows are a biodiversity action plan priority habitat and hence a material consideration. The greatest majority of the existing hedgerows on site are shown for retention on the submitted illustrative layout plan. There would however be a loss of hedgerow to facilitate the site access and a loss of a section of hedgerows from the interior of the site. If outline planning consent is granted any unavoidable losses of hedgerow should be compensated for through the enhancement of the retained sections of hedgerows and the creation of additional native species hedgerows. This matter could be dealt with as part of a planning condition.

Arable Field Margins

Arable field margins are a UK Biodiversity Action Plan priority habitat and hence a material consideration. The submitted report identifies the presence of arable field margins on site. However, as the arable field margins recorded on site have been recorded as being 0.5m wide the Councils Ecologist advises they fall outside of the habitat description of this habitat and the habitats located within this 0.5m area should be better regarded as forming part of the hedgerow habitats bordering the site rather than being classified as Arable Field Margins.

Bats

Two trees have been identified on site as having potential to support roosting bats. Both of these trees are identified as being subject to a TPO and appear to be retained as part of the proposed development. The Council Ecologist advises that the proposed development is unlikely to have a significant adverse impact upon roosting bats. If planning consent is granted a condition should be attached requiring the retention of these two trees.

The potential loss of hedgerows from the site may have a localised adverse impact upon foraging and commuting bats so it is important that any losses are adequately compensated for as described above.

Breeding Birds

If planning consent is granted conditions are suggested to safeguard breeding birds.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is more than 1 hectare, a Flood Risk Assessment (FRA) has been submitted in support of the application.

The submitted FRA identifies the following:

- Flooding - The Environment Agency has stipulated that there are to be no off site surface water flood routes generated by the development during an enhanced 1 in 100 year storm.

- Site Surface Water Drainage – SUDS in the form of soakaways is considered to be a practical option
- Foul Water Drainage – Foul water will be discharged into the existing sewer located beneath Crewe Road subject to the agreement of United Utilities
- Off Site Impacts - All roofed and paved areas are to be drained into the site surface water drainage system. The design of the onsite surface water drainage system will ensure that no off site flood flows are generated by the proposed development in the 1% plus climate change event.
- Residual Impacts - With careful design of the drainage elements, there will be no residual flood related risk remaining after the development has been completed.

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

Agricultural Land Quality

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

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

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

In this case the Agricultural Land Assessment indicates that 2 hectares of the site is Grade 2 and 0.7 hectare is Grade 3a. As a result this issue needs to be considered as part of the planning balance.

As part of the recent appeal decision the Inspector found that:

'the loss of B&MV agricultural land does not weigh heavily against the development'

ECONOMIC SUSTAINABILITY

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 Winterley/Haslington including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

CIL Regulations

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

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

As explained within the main report, POS and children's play space is a requirement of the Local Plan Policy RT.3. It is necessary to secure these works and a scheme of management for the open space and children's play space. This contribution is directly related to the development and is fair and reasonable.

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

The development would result in increased cycle movements from Winterley to Haslington.. As a result a cycle storage area within Haslington village centre is required. This is considered to be necessary and fair and reasonable in relation to the development.

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

PLANNING BALANCE

The proposed development would be contrary to Policy NE.2 and RES.5 and the development would result in a loss of open countryside. However as Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the presumption in favour of sustainable development applies at paragraph 14 of the Framework where it states that LPA's should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the POS provision and the proposed LEAP this is considered to be acceptable. The provision of a LEAP would provide a facility for future residents and other residents in Winterley and there is no such facility.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in the area.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as the impact would be mitigated through the provision of a contribution.

- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The proposed development would not have a severe highways impact
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Although there would be a change in the appearance of the site. The landscape impact is considered to be neutral

The adverse impacts of the development would be:

- The loss of open countryside.
- The loss of agricultural land.

The impact upon medical infrastructure will form part of an update report.

There would be few adverse impacts in approving this development and they would not significantly and demonstrably outweigh the benefits of the development. The contribution of the development of this site towards the housing need of the Borough is considered to be significant and the presumption in favour of sustainable development applies. As such the application is recommended for approval.

RECOMMENDATION:

APPROVE subject to completion of Section 106 Legal Agreement to secure the following:-

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

- The numbers, type, tenure and location on the site of the affordable housing provision
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2. Provision of Public Open Space and a LEAP (5 pieces of equipment) to be maintained by a private management company (this should include the management of the boundary hedgerows)

3. Secondary School Education Contribution of £163,427

4. Cycle Parking Contribution of £5,000

And the following conditions:-

- 1. Standard Outline**
- 2. Submission of Reserved Matters**

3. Time limit for submission of reserved matters
4. Approved Plans
5. Details of existing and proposed land levels to be submitted for approval in writing
6. Surface water run-off to be submitted for approval in writing
7. Surface water disposal to be submitted for approval in writing
8. Foul water drainage to be submitted for approval in writing
9. Contaminated land
10. Environment Management Plan for the construction phase of development
11. Travel Plan
12. Submission of revised Ecological Mitigation Strategy
13. Breeding Birds – timing of works
14. Nesting bird and bat mitigation measures
15. The reserved matters application to include replacement hedgerow planting
16. Tree protection measures
17. The first reserved matters application to include an open space scheme including POS and a LEAP
18. Management plan for the POS
19. Details of the relocation of the bus stop and bus shelter to be submitted to the LPA for approval in writing
20. Site access works to be carried out before first occupation
21. Reserved Matters application to include the retention of the Pool Lane boundary hedgerow

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

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - The numbers, type, tenure and location on the site of the affordable housing provision
 - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
 - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of Public Open Space and a LEAP (5 pieces of equipment) to be maintained by a private management company (this should include the management of the boundary hedgerows)
3. Secondary School Education Contribution of £163,427
4. Cycle Parking Contribution £5,000

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CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE

Date of meeting: 10TH June 2015
Report of: David Malcolm – Head of Planning Regulation
Title: ELWORTH WIRE MILLS, STATION ROAD, SANDBACH,
CHESHIRE, CW11 3JQ ref; 14/5254C

1.0 Purpose of Report

1.1 Planning application 14/5254C was determined by the Southern Planning Committee on 2nd April 2014. This report is to consider the amendment to the Heads of Terms within the resolution for this application.

1.2 The minutes from the meeting are as follows:

‘That, for the reasons set out in the report and the update, the application be APPROVED subject to completion of a Section 106 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

2.0 Decision Required

- 2.1 To agree to the amended Heads of Terms to secure additional contributions towards Amenity Greenspace.

3.0 Background

- 3.1 The application relates to the site of the former Elworth Wire Works. The 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.

4.0 Proposal

- 4.1 14/5254c is a full planning application for the erection of 47 no. residential units. The scheme is 100% affordable with a registered provider willing to take the site forward (Adactus Housing Group Ltd).

5.0 Officer Comment

- 5.1 Further to the resolution to approve the application, it has been established that the required contributions towards Amenity Green Space were not included within the Heads of Terms.
- 5.2 The Council's Greenspaces section (ANSA) has confirmed that the required contributions towards Amenity Greenspace would be £4,120.74 to upgrade Elworth Park. The Council would also need a commuted sum of £9,223.50 to maintain the upgraded facilities over 25 years.

- 5.3 The applicant has confirmed agreement to pay these additional contributions and as such, the Heads of Terms should be amended to include these.

4.0 Conclusion

- 4.1 On the basis of the above, the amendment to the committee resolution is acceptable.

5.0 Recommendation

- 5.1 That the Heads of Terms are altered as follows:

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 Children and Young Persons Provision (Elworth Park)**
- **£13,344.24 commuted sum towards Public Open Space Amenity Greenspace (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

6.0 Risk Assessment and Financial Implications

6.1 There are no risk or associated financial risks with this decision.

7.0 Reason for Report

7.1 For the purpose of negotiating and completing a S106 Agreement for application 13/5254C and to issue the planning permission.

For further information:

Portfolio Holder: Councillor Don Stockton
Officer: Robert Law – Senior Planning Officer
Tel No: 01270 686758
Email: Robert.law@cheshireeast.gov.uk

Background Documents:

- Application 14/5254C

Cheshire East Council**Southern Planning Committee****Date of meeting: 10th June 2015****Report of: Emma Hood, Arboricultural Officer, Environmental Planning****Title: Cheshire East Borough Council (Hack Green – land off Coole Lane/Chrisham Avenue) Tree Preservation Order 2015****PURPOSE OF THE REPORT**

To inform the committee about the background and issues surrounding the making of a Tree Preservation Order (TPO) on 26th January 2015 at land off Coole Lane/Chrisham Avenue, Hack Green; to consider the objections and representation made to the TPO and to determine whether to confirm or not to confirm the Order or to confirm the Order subject to modification.

SUMMARY RECOMMENDATION

The Head of Planning (Regeneration) recommends that the Southern Area Planning Committee confirms the Tree Preservation Order at land off Coole Lane/Chrisham Avenue, Hack Green.

WARD AFFECTED

Audlem

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

The validity of a TPO may be challenged in the High Court on the grounds that the TPO is not within the powers of the Act or that the requirements of the Act or Regulations have not been complied with in respect of the TPO. When a TPO is in place, the Council's consent is necessary for felling of trees and other works, unless the works fall within certain exemptions e.g. to remove a risk of serious harm. It is an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy any tree to which the Order relates except with the written consent of the Authority.

RISK MANAGEMENT

The loss of trees could have a significant impact upon the amenity and landscape character of the area. The confirmation of the Tree Preservation Order will ensure that the Council maintains adequate control over trees of amenity value in its administrative area.

CIRCUMSTANCES

On 3rd June 2014 the Council received a planning application for the change of use of land to provide 9 yards for 10 travelling show people's families, formation of roads and hard surfacing at the former Hack Green RAF Camp, Coole Lane, Hack Green, Austerson. (App.14/2714N).

The application was not supported by any Arboricultural Information although the site was identified as having habitat potential by the Council's Nature Conservation Officer, including the ability to support a number of breeding bird species including those which are UK BAP priority species. A Landscape Plan; Drawing No. 1017/PL1 indicated the location of the yards in relation to existing trees to be retained, but no other supporting information was provided in relation to the species or condition of trees located within these areas or how these were to be managed in the future.

The site is located in a rural setting to the east of a small residential development which is accessed off Coole Lane. Agricultural farmland borders the site to the north, east and south. The land and existing trees can be viewed for some distance along Coole Lane to the north and south.

A linear woodland (W1) located along the southern boundary of the site comprises of native tree species and horse chestnut that were planted to define the boundary of the former RAF camp. The woodland is adjacent to Agricultural land and is highly visible forming an ecological corridor along the field boundary in a very flat and open area with low percentage tree cover.

The horse chestnut trees within the above mentioned woodland and around the boundary of the site have been identified as being in various stages of decline due to infection by bleeding canker. However, the woodland is considered of sufficient amenity to ensure the visual amenity, integrity and management of the woodland for the future.

An amenity evaluation of all the trees on the site was carried out in accordance with Government guidance. The assessment confirmed that the trees contributed to the visual amenity and landscape character of the area and in the light of this assessment it was considered expedient to make an Order to protect the trees.

Under powers delegated to the Head of Planning (Regeneration), a Tree Preservation Order was made on 26th January 2015.

CONSULTATIONS

On making the TPO a planning authority must publish and serve copies on owners and occupiers of land directly affected by it. There is a 28 day period to object or make representations in respect of the Order. If no objections are made the planning authority may confirm the Order itself if they are satisfied that it is expedient in the interests of amenity to do so. Where objections or representations have been made, then the planning authority must take them into consideration before deciding whether to confirm the Order.

The Order was served on the owners/occupiers of the land and their Agents on 26th January 2015. Copies of the Order were also sent to any adjoining landowners who are immediately affected by the Order, Audlem Parish Council and Ward Members for Audlem.

OBJECTIONS/REPRESENTATIONS

The Council has received three objections to the Tree Preservation Order from Janet Montgomery, of Brimble Lea & Partners who are Agents acting for The Hack Green Group. The objector objects to the Order and its implementation for the following reasons:

- For assessment as to the suitability for a TPO the trees are usually deemed to be under an immediate or foreseeable threat to warrant protection. Through the submission of a planning application reference number 14/2714N, it was clear that the area of trees to be protected under this Order were proposed to be retained and incorporated within a comprehensive landscaping plan. There was no threat to the loss of trees and hence TPO's are not warranted.
- The Order refers to a large linear woodland located along the southern boundary (map reference W1). A lot of this area is scrubland and no evidence has been provided in respect of the arboricultural qualities of this area. To impose a blanket TPO over an area where a qualitative assessment has not taken place is unwarranted and reasonable.
- The Hack Green group are of the opinion that the lodging of the Tree Preservation Order is a breach of the 1971 covenants on this land to which the Council signed. In particular, under clause 6, there was a right for the Secretary of State for Defence and any subsequent owners of the retained land to "erect such buildings or erections on any part of the retained land and to alter or add to or use the same or any existing buildings or erections on the retained land in such manner as he or they may think fit. By serving a TPO the Council are effectively stopping what was agreed in 1971, i.e. the potential to erect buildings or structures on the land. Having looked at the various Land Registry

documents in respect of houses to the west, these covenants are clearly referred to.

APPRIASAL AND CONSIDERATION OF OBJECTIONS AND REPRESENTATIONS

Objection by Brimble, Lea & Partners on behalf of The Hack Green Group

It is not necessary for there to be an immediate risk for there to be a need to protect trees. However, where it is considered to be in the interests of amenity to make an order due to development pressures, changes of ownership and/or changes of use of an area of land and the Local Authority considers it expedient to do so, then provision can be made to serve an order under Section 198 of the Town and Country Planning Act 1990.

An Amenity Evaluation Assessment was carried out prior to serving the order and trees within this area were identified as being in various stages of decline. The protection has been applied to ensure the visual amenity, integrity and management of the woodland for the future and the purpose of W1 being to safeguard the woodland as a whole, including saplings and natural regeneration occurring along the woodland edge within the proposed site boundary, thus preserving the landscape character of this flat area of land with low percentage tree coverage.

The protection of the trees does not prevent or impose limitations on the location of the Plots proposed in application 14/2714N as indicated on Plan Title: Change of Use of Land at Coole Lane, Hack Green, Cheshire, Drawing No. 1017/PL1.

A TPO does not serve to prevent development; its purpose is to afford additional protection to trees in the interests of amenity and in this instance due to development pressures, and a proposed change of use of an area of land. An assessment determined that it was expedient under the circumstances to serve an order on this site under Section 198 of the Town and Country Planning Act 1990.

Having sought Legal Advice on the matter regarding the 1971 covenant on the land, the advice was as follows; *the reserved right as detailed under Clause 6 of the above mentioned Conveyance and the right to make a TPO, are two entirely separate matters. The existence of a reserved right in a title as in this case cannot and does not affect the right of the Council and/or any other Local Planning Authority to make or serve a TPO or any other order or notice under the appropriate relevant statutory powers.*

In the context of this development proposal, the Order identifies which trees the authority considers to be important in terms of their contribution to the amenity of the area. It is therefore recognised that, in the knowledge that trees located around the perimeter of the site were not afforded any long term protection and that a change of use of the land was proposed for the area on

which the trees were located, that the Council were duty bound in accordance with the Town & Country Planning Act to consider whether a Tree Preservation Order should be placed on the trees. The risk of such development pressures has been recognised in Government advice as an appropriate test of expediency for raising a TPO.

The Order is considered to be necessary as the test for expediency has been met in accordance with Government advice, and the Council has demonstrated and recognised that the trees are a significant contribution to the visual amenities of the area. The Order allows the trees to be protected and ensures that full consideration is given to ensuring that adequate mitigation is secured as part of any development proposals.

CONCLUSION

In the light of the planning application received indicating the change of use of land where trees are located and identified as providing a contribution to the visual amenity of the area; the Council must give full consideration to the impact of any development proposal on those trees, it is therefore considered expedient for Cheshire East Council to make the TPO in accordance with Section 198 of the Town and Country Planning Act.

RECOMMENDATION

That the Cheshire East Borough Council (Hack Green – Land off Coole Lane/Chrisham Avenue) Tree Preservation Order 2015 be confirmed with out modification

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Appendix 1

Site pictures taken December 2014:



W1 from Coole Lane looking north towards Woodland 1 (W1)



W1 from Coole Lane near access driveway to Old Hall Austerson



T1 and G1 to the left of the proposed site taken from Coole Lane looking south down Coole Lane



W1 from within proposed site boundary looking east along Woodland 1

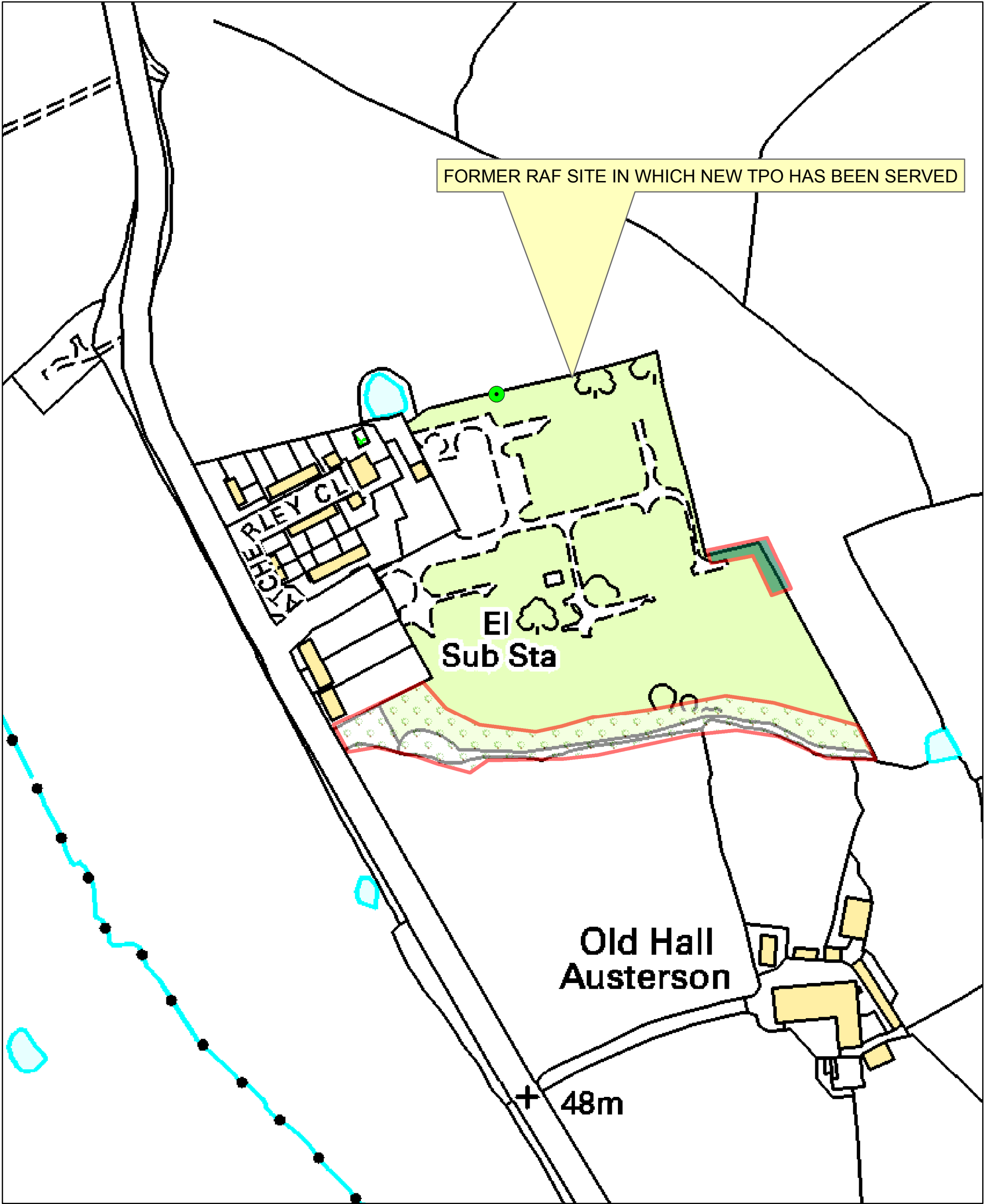


T1 from within site boundary



G1 from north eastern corner of site

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Town and Country Planning Act 1990
CHESHIRE EAST BOROUGH COUNCIL
(HACK GREEN – LAND OFF COOLE LANE/CRISHAM AVENUE)
TREE PRESERVATION ORDER 2015

The Cheshire East Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

This Order may be cited as **CHESHIRE EAST BOROUGH COUNCIL (HACK GREEN – LAND OFF COOLE LANE/CRISHAM AVENUE) TREE PRESERVATION ORDER 2015**

1. Interpretation

2.— (1) In this Order “the authority” means the Cheshire East Borough Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 26th day of January 2015

The Common Seal of **Cheshire East Borough Council**

was affixed to this Order in the presence of—

.....

Signed on behalf of the Cheshire East Borough Council

.....

Authorised by the Council to sign in that behalf

CONFIRMATION OF ORDER

This Order was confirmed by **Cheshire East Borough Council** without modification on the day of

OR

This Order was confirmed by the **Cheshire East Borough Council** subject to the modifications indicated by on the day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by **Cheshire East Borough Council** on day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf]

VARIATION OF ORDER

This Order was varied by the **Cheshire East Borough Council** on the day of by a variation order under reference number a copy of which is attached

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf



5920 (4a)

REVOCATION OF ORDER

This Order was revoked by the **Cheshire East Borough Council** on the day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Oak	Standing on the north boundary to the east of Atcherley Close Grid ref: 365,408- 349,701

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

Groups of trees

(within a broken black line on the map)

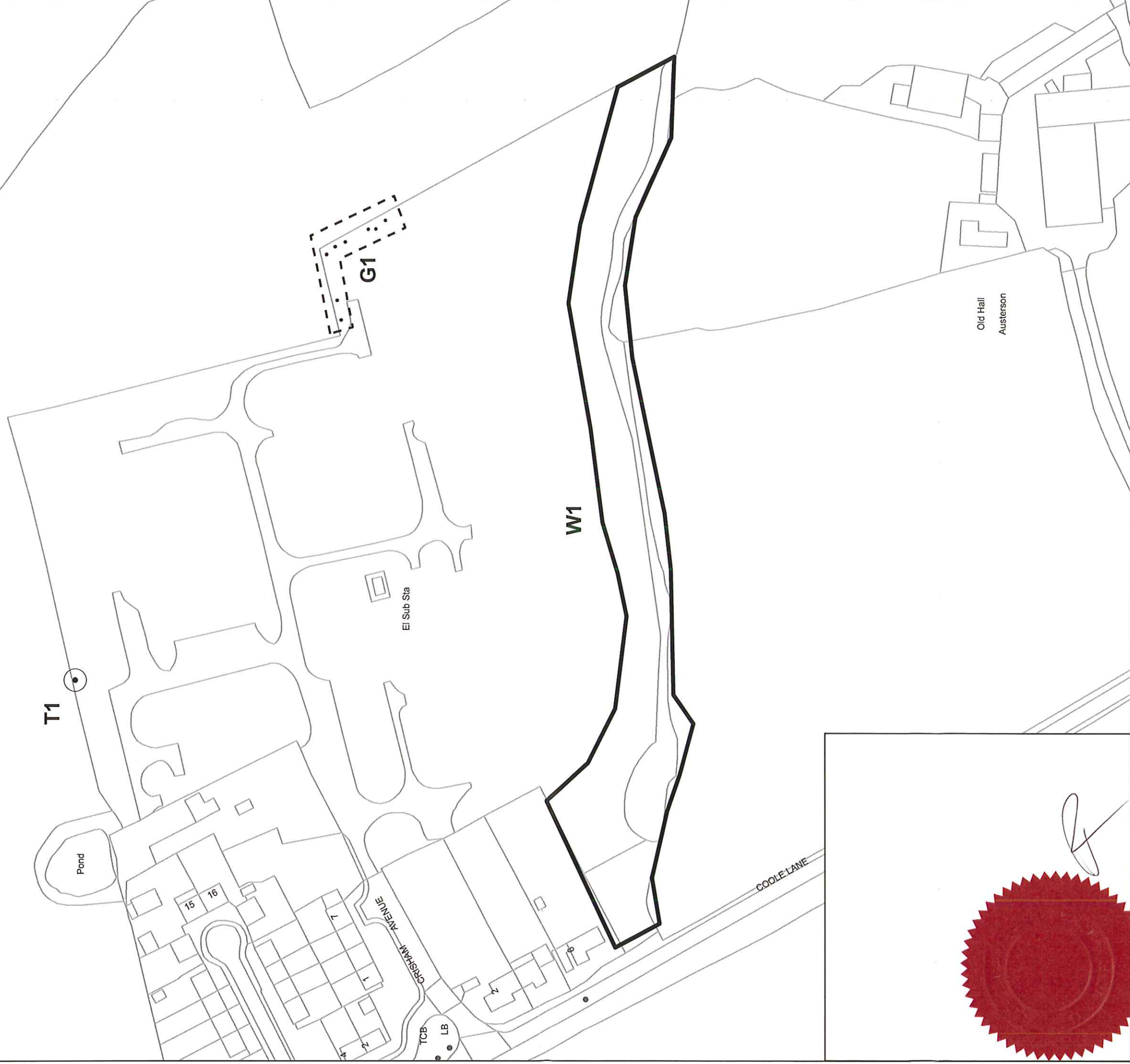
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
G1	4 Birch, 1 Ash and 1 Sycamore	Standing to the east of Crisham Avenue Grid Ref: 365,554 – 349.616

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Woodland comprising of mixed deciduous species	Linear woodland located along southern boundary with Old Hall Farm. Grid Ref: 365,468 – 349,516

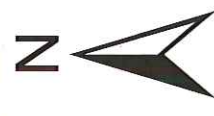
CHESHIRE EAST BOROUGH COUNCIL
(HACK GREEN - LAND OFF COOLE
LANE/CRISHAM AVENUE)



S920(4b)



Cheshire East
Council



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Cheshire East Council**Southern Planning Committee****Date of meeting: 10th June 2015****Report of: Emma Hood, Arboricultural Officer, Environmental Planning****Title: Cheshire East Borough Council (Wybunbury – Main Road/Pinfold Corner) Tree Preservation Order 2015****PURPOSE OF THE REPORT**

To inform the committee about the background and issues surrounding the making of a Tree Preservation Order (TPO) on 9th March 2015 at land off Main Road/Pinfold Corner, Wybunbury; to consider the objections and representation made to the TPO and to determine whether to confirm or not to confirm the Order or to confirm the Order subject to modification.

SUMMARY RECOMMENDATION

The Head of Planning (Regeneration) recommends that the Southern Area Planning Committee confirms the Tree Preservation Order at land off Main Road/Pinfold Corner, Wybunbury

WARD AFFECTED

Wybunbury

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

The validity of a TPO may be challenged in the High Court on the grounds that the TPO is not within the powers of the Act or that the requirements of the Act or Regulations have not been complied with in respect of the TPO. When a TPO is in place, the Council's consent is necessary for felling of trees and other works, unless the works fall within certain exemptions e.g. to remove a risk of serious harm. It is an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy any tree to which the Order relates except with the written consent of the Authority.

RISK MANAGEMENT

The loss of trees could have a significant impact upon the amenity and landscape character of the area. The confirmation of the Tree Preservation Order will ensure that the Council maintains adequate control over trees of amenity value in its administrative area.

CIRCUMSTANCES

On 20th December 2014 the Council received an outline planning application to construct up to forty dwellings on land located to the north of Main Road, Wybunbury. (App.14/0128N).

The application was supported by an Arboricultural Report which provided an assessment of the environmental and amenity values of all the trees within the application site and the arboricultural implications of the proposed development.

The proposed development site is located on the western edge of Wybunbury adjacent to the B5071 which borders the area to the south and west and is the main road that runs through the village. The site is bordered by Pinfold Farm to the north western corner and agricultural land to the north, with one residential property and its garden located to the south east of the site adjacent to the site boundary. A public right of way bisects the site and joins the footpath that runs across to Wybunbury Moss SSSI which is located only 65 meters to the east of the site.

The trees are prominent along the northern field boundary of the site and are clearly visible from Main Road and from Wybunbury Public Right of Way; footpaths No's 10,13, 4 and No.7 as it joins the B5071.

An amenity evaluation of all the trees on the site was carried out in accordance with Government guidance. The assessment confirmed that the trees contributed to the visual amenity and landscape character of the area and in the light of this assessment it was considered expedient to make an Order to protect the trees.

Under powers delegated to the Head of Planning (Regeneration), a Tree Preservation Order was made on 9th March 2015.

CONSULTATIONS

On making the TPO a planning authority must publish and serve copies on owners and occupiers of land directly affected by it. There is a 28 day period to object or make representations in respect of the Order. If no objections are made the planning authority may confirm the Order itself if they are satisfied that it is expedient in the interests of amenity to do so. Where objections or representations have been made, then the planning authority must take them into consideration before deciding whether to confirm the Order.

The Order was served on the owners/occupiers of the land and their Agents on 9th March 2015. Copies of the Order were also sent to any adjoining landowners who are immediately affected by the Order, Wybunbury Parish Council and Ward Members for Wybunbury.

OBJECTIONS/REPRESENTATIONS

The Council has received two objections to the Tree Preservation Order from Katherine Else of Barton Willmore who represent the interests of the Church Commissioners for England in respect of their land holdings within Cheshire East. The objector objects to the Order and its implementation for the following reasons:

- There is not a threat to the loss or harm of the trees; As although planning application (14/0128N) is currently being progressed the trees identified in the Order are not at risk through the planning proposal as they are shown to be retained within an area of open space.
- The TPO would impinge on the current arable farming of the land adjacent to the south, as well as have implications for continued grazing or farming of the field to the north that is not owned or controlled by the church commissioners.

APPRIASAL AND CONSIDERATION OF OBJECTIONS AND REPRESENTATIONS

Objection by Barton Willmore on behalf of The Church Commissioners for England

Government advice states that it is not necessary for there to be an immediate risk for there to be a need to protect trees. However, where it is considered to be in the interests of amenity to make an order due to development pressures, or where there would be a significant impact on the amenity of the area or changes of ownership, then provision can be made to serve an Order.

An Amenity Evaluation Assessment was carried out prior to serving the Order and determined that the trees offered exceptional landscape value in respect of their location in an area designated as open countryside, visible from many vantage points and less than 65 meters from the boundary of Wybunbury Moss SSSI.

Whilst the application at this stage is 'Outline', the parameters indicated may be subject to change and amendment, so with this in mind it is not unreasonable for the Local Authority to ensure the long term protection of trees.

The process of applying for consent to carry out tree work does not have any costs associated with it, so any reasonable requests for maintenance such as ensuring that adequate clearance above ground level is maintained for the purpose of agricultural operations is likely to receive consent. A TPO would serve only to ensure that appropriate tree work operations are undertaken and would not prohibit reasonable requests to undertake work so the objection based on the TPO being detrimental to agricultural operations is not valid.

The Order is considered to be necessary as the test for expediency has been met in accordance with Government advice, and the Council has demonstrated and recognised that the trees make a significant contribution to the visual amenities of the area. The Order allows the trees to be protected and ensures that full consideration is given to ensuring that adequate mitigation is secured as part of current and future development proposals.

CONCLUSION

In the light of the planning application received where trees have been identified as providing a contribution to the visual amenity of the area; the Council must give full consideration to the impact of any development proposal on those trees, it is therefore considered expedient for Cheshire East Council to make the TPO in accordance with Section 198 of the Town and Country Planning Act.

RECOMMENDATION

That the Cheshire East Borough Council (Wybunbury – Main Road/Pinfold Corner) Tree Preservation Order 2015 be confirmed without modification

Appendix 1

Site pictures taken January 2015:



T1, T2 & T3 of Order from the footpath on Main Road looking north



Looking across Wybunbury Footpath 10 as it crosses the site in an easterly direction with the trees identified for formal protection located to the left of the path



Looking south towards the trees from the gateway by Pinfold Farm

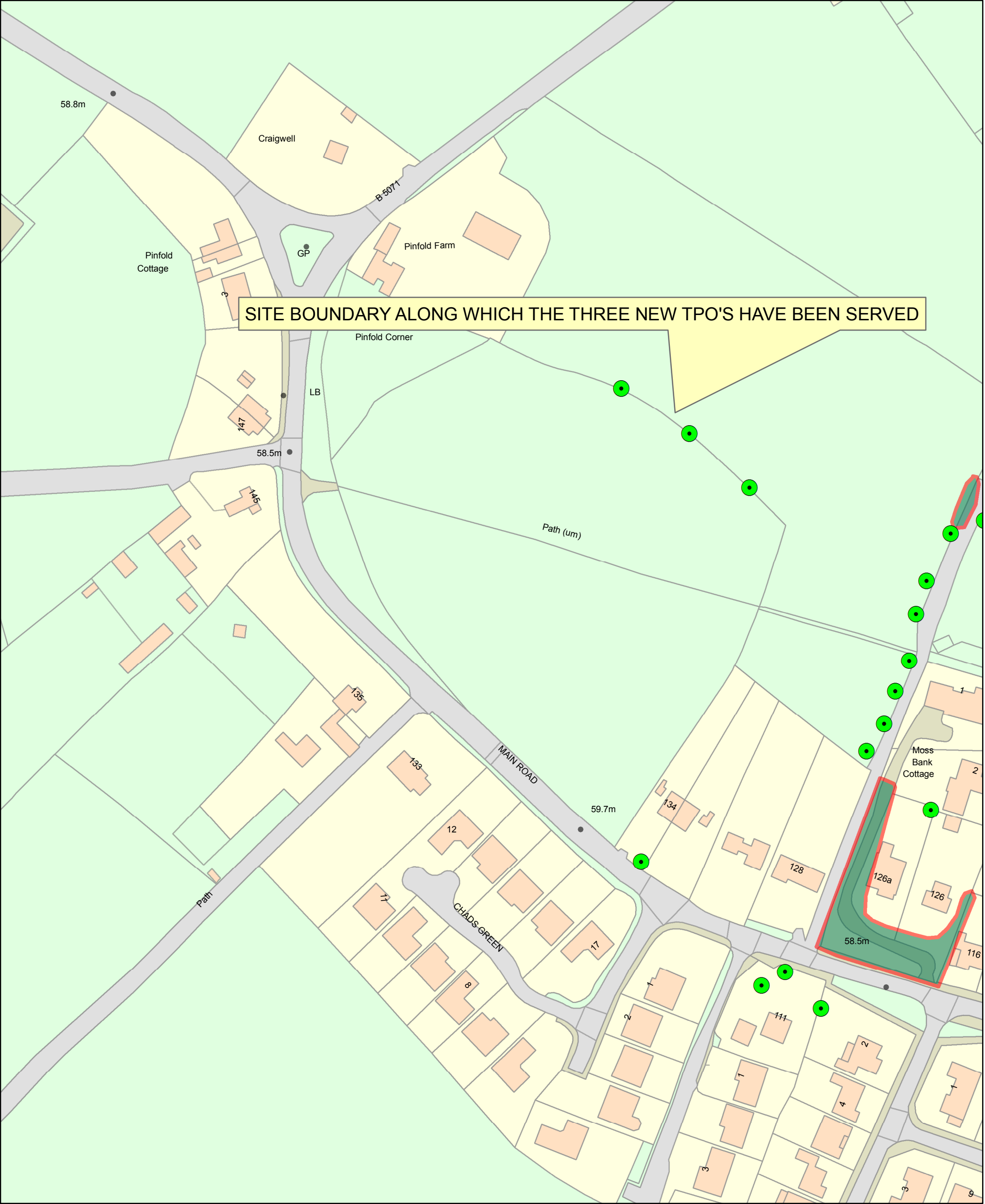


Looking west from the junction of Wybunbury Public Footpaths; 13, 4 & 10 at the linear group of trees identified for formal protection located centrally to the picture



T1, T2 & T3 from Wybunbury footpath 10 within the proposed development site boundary

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SITE BOUNDARY ALONG WHICH THE THREE NEW TPO'S HAVE BEEN SERVED



1:1,250

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Town and Country Planning Act 1990
CHESHIRE EAST BOROUGH COUNCIL
(WYBUNBURY – MAIN ROAD/PINFOLD CORNER)
TREE PRESERVATION ORDER 2015

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Citation

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1. Interpretation

2.— (1) In this Order “the authority” means the Cheshire East Borough Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 9th day of March 2015

The Common Seal of **Cheshire East Borough Council**

was affixed to this Order in the presence of—

.....

Signed on behalf of the Cheshire East Borough Council

.....

Authorised by the Council to sign in that behalf



6019 (a)

CONFIRMATION OF ORDER

This Order was confirmed by **Cheshire East Borough Council** without modification on the day of

OR

This Order was confirmed by the **Cheshire East Borough Council** subject to the modifications indicated by on the day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by **Cheshire East Borough Council** on day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf]

VARIATION OF ORDER

This Order was varied by the **Cheshire East Borough Council** on the day of by a variation order under reference number attached a copy of which is

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the **Cheshire East Borough Council** on the day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Oak	Standing in the boundary hedge to the north of Wybunbury Footpath 10 as it bisects the field from Pinfold Corner Grid Ref: 369,167 – 350,228
T2	Oak	Standing in the boundary hedge to the north of Wybunbury Footpath 10 as it bisects the field from Pinfold Corner Grid Ref: 369,190 – 350,213
T3	Oak	Standing in the boundary hedge to the north of PROW Wybunbury Footpath 10 as it bisects the field from Pinfold Corner Grid Ref: 369,211 – 350,194

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

Groups of trees

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

**CHESHIRE EAST BOROUGH COUNCIL
(WYBUNBURY - MAIN ROAD/PINFOLD
CORNER)
TREE PRESERVATION ORDER 2015**

