

# Southern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 30th September, 2015</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

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

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

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

1. **Apologies for Absence**

To receive apologies for absence.

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

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Minutes of Previous Meeting** (Pages 1 - 14)

To approve the minutes of the meeting held on 2 September 2015.

4. **Public Speaking**

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

Please contact Julie Zientek on 01270 686466  
E-Mail: [julie.zientek@cheshireeast.gov.uk](mailto:julie.zientek@cheshireeast.gov.uk) with any apologies or requests for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

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

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

5. **15/3157N Land Off Paradise Lane, Church Minshull: Demolition of existing buildings, erection of 11 no. dwellings (including 4 no. affordable dwellings), access roads, garaging, car parking and landscaping for Sotrex Ltd** (Pages 15 - 28)

To consider the above planning application.

6. **15/3163N T I Midwood & Co, Green Lane, Wardle, Cheshire CW5 6BJ: Outline application for extensions to the existing warehouse, the erection of a canopy and the construction of a delivery dock and replacement car parking, including details of access, appearance, layout and scale (details of landscaping reserved for subsequent approval), following the demolition of an existing office building for T I Midwood and Co Ltd** (Pages 29 - 38)

To consider the above planning application.

7. **15/0001C Land off Goldfinch Close and Kestrel Close, Congleton: Reserved Matters following Outline Approval of 12/3025C for Mrs A Oakden, Seddon Homes Ltd** (Pages 39 - 50)

To consider the above planning application.

8. **15/0505C Land Off The Moorings, Congleton, Cheshire: Reserved Matters following outline approval (12/3028C) for 38 dwellings, open space, associated landscaping, infrastructure, access and demolition of a portal shed at land off The Moorings, Congleton, Cheshire for Mrs Amanda Oakden, Seddon Homes Ltd** (Pages 51 - 62)

To consider the above planning application.

9. **15/2007N Land off Beswick Drive, Crewe, Cheshire CW1 5NP: The erection of a Car Dealership and Showroom (sui generis) with associated landscaping (to be secured by condition), car parking and access arrangements for Pochin's Ltd and The Swansway Group** (Pages 63 - 76)

To consider the above planning application.

10. **15/2008N Land Adjacent Beswick Drive, Beswick Drive, Crewe, Cheshire: The erection of a petrol filling station with ancillary shop for Pochin's Ltd and The Kay Group** (Pages 77 - 90)

To consider the above planning application.

11. **14/3086C Thimswarra Farm, Dragons Lane, Moston, Sandbach CW11 3QB: Removal of Condition 2 (Time Limit) on Application 11/3548C - Change of Use of Land to Use as Residential Caravan Site for One Gypsy Family with Two Caravans Including Laying of Hardstanding and Erection of Stables for Mr D Sheridan** (Pages 91 - 102)

To consider the above planning application.

12. **15/2844N Land South Of Hassall Road, Winterley Cheshire: Outline application for the erection of 47 dwellings, with associated works for HIMOR (Land) Limited** (Pages 103 - 126)

To consider the above planning application.

13. **15/2147N Land To Rear Of 71, Main Road, Shavington: Outline planning permission for the development of up to 43 dwellings of mixed type and tenure with 30% affordable housing provision - Resubmission of 14/1669N for Mr Andrew Gibbs** (Pages 127 - 144)

To consider the above planning application.

14. **15/1849C Old Coach House Abbeyfields, Park Lane, Sandbach, Cheshire CW11 1EP: Construction of dwelling for M Finlow** (Pages 145 - 158)

To consider the above planning application.

15. **15/1964N Green Lane House, 31, Green Lane, Audlem, Crewe, Cheshire CW3 0ES: Outline Application for proposed residential building plot on existing garden area for 4 bed detached house for Mr Mark Ellis, Markden Ltd** (Pages 159 - 170)

To consider the above planning application.

16. **15/3137C Bank Farm, Macclesfield Road, Twemlow, Cheshire CW4 8BG: 1No New Detached Dwelling on an Infill Plot between Bank Farm & Maple Hayes on Macclesfield Road, Twemlow for Marshall Barnett** (Pages 171 - 182)

To consider the above planning application.

17. **15/3485C 94, Bradwall Road, Sandbach CW11 1GN: Proposed Two Storey Side Extension and Internal Alterations for Mr & Mrs Paul Carrington** (Pages 183 - 188)

To consider the above planning application.

18. **15/3467C Land Off London Road, Brereton, Holmes Chapel, Cheshire CW4 8AX: Variation of conditions 2, 3 and 4 on existing permission 14/1941C; Construction of two new dwellings for George Barlow** (Pages 189 - 196)

To consider the above planning application.

19. **15/2980C Land off Congleton Road, Smallwood, Sandbach, Cheshire: Variation of Condition 2 on Application 13/2427C -Erection of 14no. one and two storey homes, including 11 affordable units for local need and footpath link to School Lane, construction of vehicular access to highway, change of use of land to a car park to be allocated to Smallwood Primary School and open space to be gifted to Smallwood Parish Council for MCI Developments Limited,, PPlus Dane Group & Brian Bracegirdle** (Pages 197 - 208)

To consider the above planning application.

20. **15/3562N The Stables, Warmingham Road, Crewe, Cheshire CW1 4PP: Change of use and temporary classroom for Mr Alan Jackson, Cheshire East Council** (Pages 209 - 216)

To consider the above planning application.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 2nd September, 2015 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

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

Councillors Rhoda Bailey, D Bebbington, P Butterill, J Clowes, W S Davies,  
S Edgar, P Groves, S Hogben, A Kolker, J Rhodes, B Roberts and  
B Walmsley

**NON-COMMITTEE MEMBERS IN ATTENDANCE**

Councillor D Brown

**OFFICERS PRESENT**

Daniel Evans (Principal Planning Officer)  
Patricia Evans (Lawyer)  
Peter Hooley (Planning and Enforcement Manager)  
Neil Jones (Principal Development Officer - Highways)  
Julie Zientek (Democratic Services Officer)

**Apologies**

Councillor D Marren

**62 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 numbers 14/4810C and 15/2776C.

With regard to application number 15/2783N, Councillor S Edgar declared  
that he had received correspondence from the Parish Council and local  
residents but that he had kept an open mind.

With regard to application numbers 15/2783N and 15/3336N, Councillor J  
Clowes stated that she had received representations from the parish  
councils and local residents but that these had not been reflected in the  
reports.

Councillor G Merry declared that she had called in application numbers  
15/2421C and 15/3339C, which were in her Ward. She would exercise

her separate speaking rights as a Ward Councillor, vacate the Chair and not take part in the debate or vote.

### 63 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 5 August 2015 be approved as a correct record and signed by the Chairman.

### 64 **14/5255N LAND WEST OF BUNBURY LANE, BUNBURY: DETAILED PLANNING APPLICATION FOR THE PROPOSED DEVELOPMENT OF 52 DWELLINGS, ACCESS AND PUBLIC OPEN SPACE FOR MACBRYDE HOMES LTD**

Note: Parish Councillor R Pulford (on behalf of Bunbury Parish Council), Ms I Noonan (on behalf of Lower Bunbury Action Group), Ms D Caldwell (objector) and Ms E George (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED

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

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies 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 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 order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), 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 the application be subject to an appeal, the following Heads of Terms 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. Financial contribution towards grassland habitat (TBC).
  3. Education contribution/s of £130,741.52 towards secondary school provision
  4. Public Open Space (£500 per dwelling)
  5. NHS contributions (subject to any future representations from NHS England)

**65 14/5206N LAND OFF HILL CLOSE, BUNBURY CHESHIRE: OUTLINE APPLICATION FOR PROPOSED RESIDENTIAL DEVELOPMENT FOR 21NO. DWELLINGS AND PROPOSED NEW STABLE BLOCK AND PADDOCK FOR CB HOMES**

Note: Parish Councillor R Pulford (on behalf of Bunbury Parish Council) and Ms K Catherall (on behalf of Hill Close Action Group) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

**RESOLVED**

- (a) That authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman and Vice-Chairman of Southern Planning Committee and the Ward Councillor, to REFUSE the application for the following reasons, subject to clarification on the provision of visibility splays and control over the land:
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 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.
  3. 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 Bunbury Neighbourhood plan and because of the unacceptable environmental impacts of the scheme in terms of the lack of information to demonstrate that the proposal would not harm species protected by law (Great Crested Newts and reptiles) and the lack of information to demonstrate the development could be provided without significant harm to the landscape. These factors significantly and demonstrably outweigh the social and economic benefits of the scheme in terms of its contribution to boosting housing land supply and supporting the local economy. As such the proposal is contrary to Policies NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), RES.5 (Housing in the Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policies SE3 (Biodiversity and Geodiversity) and SE4 (Landscape) of the Cheshire East Local Plan Strategy – Submission Version and the provisions of the NPPF.
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), 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 the application be subject to an appeal, the following Heads of Terms 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. Financial contribution of £2000 towards local barn owl group to facilitate site habitat creation.
  3. Education contribution/s of £49,028.07 towards secondary school provision
  4. NHS contributions (subject to any future representations from NHS England)

66 **14/4810C 55, WEST STREET, CONGLETON, CHESHIRE CW12 1JY:  
DEMOLITION OF NO. 55 WEST STREET AND THE CONSTRUCTION  
OF A NEW TWO STOREY BUILDING CONTAINING 10NO. ONE  
BEDROOM FLATS WITH ACCOMPANYING AMENITY SPACE FOR  
JUSTIN SHEARD**

Note: Mr P Hull (objector) attended the meeting and addressed the Committee.

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

**RESOLVED**

- (a) That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reasons:
  1. The proposed development represents an overdevelopment of the site resulting in an overbearing impact and loss of light to adjoining property, no.53 West Street. The scale, massing and position of the proposed building will be over-dominant to the adjoining property, resulting in an unduly detrimental impact on the amenity of the occupiers of the adjoining property contrary to policy GR6 and GR1 of the Congleton Borough Local Plan. The development is similarly contrary to paragraph 17 of the NPPF.
  2. Insufficient car park provision will be provided to serve the development (3 spaces for the 10No. 1 bedroom apartments) resulting in an overspill of car parking in unsuitable off-site locations. This conclusion is reached taking into account the town centre location of the site and opportunity for other modes of travel to serve

the development. The proposal is contrary to policy to parking standards set out in Appendix 3 of the emerging Cheshire East local Plan Strategy (Submission Version) and contrary to policy GR1 and GR9 of the Congleton Borough Local Plan.

- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), 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 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.

**67 15/0001C LAND OFF GOLDFINCH CLOSE AND KESTREL CLOSE, CONGLETON: RESERVED MATTERS FOLLOWING OUTLINE APPROVAL OF 12/3025C FOR MRS A OAKDEN, SEDDON HOMES LTD**

Note: Councillor D Brown (Ward Councillor), Mr K Macintosh (objector) and Ms S Wozencroft (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 to enable officers to seek amendments to the location of the affordable housing and improved linkages to the public open space.

**68 15/1545N SITE OF 2 AND 4 HEATHFIELD AVENUE AND 29, 29A AND 31 HIGHTOWN, CREWE, CHESHIRE, CW1 3BU: CONSTRUCTION OF 9 HOUSES AND 5 APARTMENTS WITH ASSOCIATED PARKING AND ACCESS PROVISION FOR NICK MORGAN, R.G. HARRIS LTD**

Note: Mr G Allen 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 a S106 Agreement making provision for

£21,692.58 commuted sum towards education 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. Piling method statement to be submitted
- Limited
6. Submission / approval and implementation of scheme to minimise dust emissions
  7. Drainage – scheme for foul drainage submitted to and approved
  8. Drainage - scheme for surface water drainage submitted to and approved
  9. Construction of approved access
  10. Materials to be submitted and approved
  11. Landscaping scheme to be submitted including boundary treatments
  12. Landscaping implementation
  13. Parking to be provided as per approved plan prior to first occupation
  14. Removal of permitted development rights Classes A-E for mews properties
  15. Provision of cycle parking
  16. 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 Head of Planning (Regulation), 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 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.

**69 15/2783N ADJ 16, HUNTERSFIELD, SHAVINGTON CW2 5FB:  
VARIATION OF CONDITION 3 ON APPLICATION 14/2082N - 2 NO.  
SEMIS AND 2 NO. DETACHED HOUSES AND ANCILLIARY WORKS-  
RESUBMISSION OF 14/0183N FOR RENEW LAND DEVELOPMENTS  
LTD**

Note: Councillor J Clowes declared that she had been contacted by the parish council and local residents regarding their concerns with respect to this application.

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

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Standard time 3 years
  2. Plans
  3. Materials
  4. Landscaping Scheme
  5. Implementation of Landscaping Scheme
  6. Boundary Treatments
  7. Removal of P.D Rights
  8. Hours of Construction
  9. Nesting Bird Survey
  10. Breeding Birds
  11. Construction Method 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 Head of Planning (Regulation), 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 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.

**70 15/2232C LAND AT MOSSLEY HOUSE, BIDDULPH ROAD, CONGLETON, CHESHIRE CW12 3LQ: FULL PLANNING APPLICATION FOR THE ERECTION OF 10 NO. DWELLINGS WITH ASSOCIATED GARAGES, CAR PARKING, LANDSCAPING, MEANS OF ACCESS AND SITE INFRASTRUCTURE FOR ELAN HOMES LTD**

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

**71 15/3336N ROSE COTTAGE, 50, STOCK LANE, WYBUNBURY, CHESHIRE CW2 5ED: REMOVAL OF CONDITION 10 (DWELLING TYPE) ON APPROVAL 15/0482N - OUTLINE APPLICATION FOR 3-4 BEDROOM DETACHED DWELLING WITH ACCESS FROM EXISTING PRIVATE DRIVEWAY FOR MARK BEESTON**

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

Note: Councillor J Clowes declared that she had been requested to call in the application by the parish council and local residents, and that the wording in the report had been taken from the call in form, which reflected their views. She had kept an open mind and would consider the application on its merits, having heard the debate and all the information.

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

The Committee considered a report regarding the above planning application.

### RESOLVED

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

### **72 15/2776C 26, ELTON ROAD, SANDBACH CW11 3NE: REAR EXTENSION AND FIRST FLOOR ENLARGEMENT FOR MR & MRS C & E SHAWCROSS**

Note: Mrs T Burtonshaw (objector) attended the meeting and addressed the Committee.

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 as per application
  4. Obscure Glazing – First Floor windows to the side elevation facing No 24 Elton Road
  5. Construction management plan

Informatives:

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

**73 15/2421C 13, VICARAGE LANE, SANDBACH, CHESHIRE CW11 3BW: REPLACEMENT WORKSHOP/GARAGE AT THE REAR OF THE PROPERTY FOR MISS KERRY THOMAS**

Note: Having exercised her separate speaking rights as a Ward Councillor, Councillor G Merry vacated the Chair in favour of the Vice-Chairman and did not take part in the debate or vote.

Note: Mr R Maidment (objector) and Mr J Ripplingham (applicant) had not registered their 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 Maidment and Mr Ripplingham to 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 the following conditions:

1. Standard three year time limit
  2. Plans
  3. Materials as per application
  4. Building to be used only as a garage/workshop incidental to the enjoyment of the dwellinghouse
  5. Colour finish of the building to be submitted and approved
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), 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.

**74 15/2879C 49, PIKEMERE ROAD, ALSAGER, STOKE-ON-TRENT, CHESHIRE ST7 2SE: TWO STOREY SIDE EXTENSION WITH INTERNAL ALTERATIONS FOR MR A BUCKLEY**

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

**75 15/3339C 22, BOLLIN CLOSE, SANDBACH CW11 1WZ: CHANGE OF USE OF LAND FROM AMENITY TO GARDEN/ DRIVE. DOUBLE EXISTING DRIVE WIDTH. REMOVE EXISTING BOUNDARY FENCE AND ERECT NEW BOUNDARY FENCE ON NEW BOUNDARY LINE FOR MR ANTHONY ELLIOTT**

Note: Having exercised her separate speaking rights as a Ward Councillor, Councillor G Merry vacated the Chair in favour of the Vice-Chairman and did not take part in the debate or vote.

Note: Mr R Clare (objector) and Mr A Elliott (applicant) attended the meeting and addressed the Committee on this matter.

Note: Mr K Brooks (objector) had registered his intention to address the Committee but was not in attendance at the meeting.

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

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

1. Time
2. Plans
3. Removal of PD - Fences, outbuildings and hardstanding
4. Water run-off from the widened driveway to a permeable area

Informative:

1. NPPF

**76 15/2058C SCHOOL FARM, ALSAGER, HASSALL, CW11 4SA:  
PROPOSED AGRICULTURAL BUILDING FOR MISS LOWE**

The Committee considered a report regarding the above planning application.

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

1. Standard
2. Approved plans
3. Materials as stated

Informatives:

1. PROW advice note
2. Hours of operation

**77 LAND TO THE EAST OF HERMITAGE LANE, GOOSTREY**

The Committee considered a report and a written update regarding the reasons for refusal relating to planning application 14/1964C, which was the subject of an appeal.

RESOLVED

- (a) That, for the reasons set out in the report and the written update, the housing land supply reason for refusal be withdrawn and the Head of Planning (Regulation) be instructed not to contest this issue at the forthcoming Appeal. The appeal to be defended on the following grounds:
  1. The proposed residential development is unsustainable because it is located within the Open Countryside and Jodrell Bank Consultation Zone, contrary to Policies PS8, PS10, GR5 and H6 of the Congleton Borough Adopted Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework. These policies seek to ensure that development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and that the efficiency of the Jodrell Bank Radio Telescope, in terms of its ability to receive radio emissions from space with a minimum of interference from electrical equipment is maintained. As such it creates harm to interests of acknowledged importance, including the landscape and the efficient working of Jodrell Bank.



2. The proposed development would have an adverse impact upon the efficient operation of the Jodrell Bank Observatory. As such, the proposal is contrary to Policy PS10 of the adopted Congleton Borough Local Plan First Review 2005 and Policy SE14 of the emerging Cheshire East Local Plan Strategy – Submission Version.
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), 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 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 following Heads of Terms for a S106 Agreement:
  1. A commuted payment of £31,941.00 for the maintenance over a 25 year period of on-site Amenity Green Space (including the footpath link).
  2. A commuted payment of £5,677.34 for the upgrade of the Booth Bed Lane site which would be spent of upgrading the equipment and infrastructure.
  3. A commuted payment of £18,507.00 for the maintenance over a 25 year period of off-site Children and Young Persons Provision.
  4. 30% Affordable Housing provision – 8 units. Provided no later than 50% occupation. Transferred to registered provider. A tenure split of 65% social rent (or affordable rent) and 35% intermediate tenure.

The meeting commenced at 10.00 am and concluded at 3.15 pm

Councillor G Merry (Chairman)

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Application No: 15/3157N

Location: Land Off, PARADISE LANE, CHURCH MINSHULL

Proposal: Demolition of existing buildings, erection of 11 no. dwellings (including 4 no. affordable dwellings), access roads, garaging, car parking and landscaping.

Applicant: Sotrex Ltd

Expiry Date: 12-Oct-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 consider planning applications for housing in the context of the presumption in favour of sustainable development. It is therefore necessary for proposals demonstrate that they meet the definition of sustainable development for the presumption to apply.

The site is within the open countryside. Although open countryside policy is out of date by virtue of the lack of a 5 year supply of housing and attracts reduced weight, it must still be factored into the overall planning balance. The development would be on 'Brownfield' land, which the National Planning Policy Framework supports in paragraphs 17 and 111 and therefore the impact on open countryside is acceptable.

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 regarding highway safety are noted. However the development would result in an improvement to the existing traffic situation at the site.

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

The scheme represents a sustainable form of development and therefore the presumption in paragraph 14 applies. Applying the tests in paragraph 14, the benefits of the proposal are not significantly and demonstrably outweighed by the disbenefits and therefore the planning balance weighs in favour of supporting the development subject to conditions.

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

**RECOMMENDATION:**

**Approve subject to conditions and a Section 106 Agreement to secure affordable housing provision**

## **PROPOSAL**

Full planning permission is sought for the demolition of the existing buildings, the erection of eleven dwellings, including 4 no. affordable dwellings, access roads, garaging, car parking and landscaping.

## **SITE DESCRIPTION**

The site measures 0.71 Ha (1.75 acres). It is bounded to the north by Paradise Lane. The western, southern and eastern boundaries are formed by an established Leylandii hedge and fencing to extensive agricultural land beyond. The site is accessed currently off Paradise Lane via large security gates at the north eastern corner of the site, but there is evidence of 2 no. additional entrances along the road frontage. The site is virtually flat with less than a metre gradient across the entire site.

The site has a history of use as storage and distribution and is currently used by a company that operates as a supplier of trucks and trailers, including HGV's.

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

## **RELEVANT HISTORY**

The site has several historic approvals relating to its use for storage and distribution.

## **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

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

### **CONSULTATIONS:**

#### **Highways:**

No objection.

#### **Environmental Protection:**

Request conditions/informatives relating to noise generation, electric vehicle charging points and contaminated land.

#### **Flood Risk Manager:**

No objection subject to conditions relating to surface water run off.

#### **Parish Council:**

No objection.

### **REPRESENTATIONS:**

At the time of report writing one representation has been received which can be viewed on the Council website. This expresses concern about highway safety and increased traffic.

### **APPRAISAL**

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

### Principle of Development

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

The proposed development 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”.

A key consideration is the NPPF. According to paragraph 49 in the absence of a 5 year supply of housing, which is the case in Cheshire East at present, applications should be considered in the context of the presumption in favour of sustainable development.

The issue in question is whether this proposal represents sustainable development and whether the presumption therefore applies. If it does apply, a conclusion must be reached as to whether the benefits of the proposal outweigh the harm.

### 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”*

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**

#### **Open Countryside Policy**

Policy NE.2, seeks to protect the intrinsic character and beauty of the countryside. In the absence of a 5 year housing land supply open countryside policies are out of date and therefore attract reduced weight. However, harm to the intrinsic character and beauty of the countryside should still be played into the overall planning balance. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

The site is designated as Open Countryside in the adopted local plan, but it is actually an industrial site in use by a company involved in the supply of vehicles and trailers, including HGV's, therefore the land is classified as 'Brownfield'. As such it is not considered that a refusal on the grounds of adverse impact on the character and beauty of the Open Countryside could be sustained as the development would result in the improvement of the appearance of the area.

#### **Landscape**

The site is located on Paradise Lane, some distance from the village of Church Minshull. It is a brownfield site currently in use by a company dealing in the supply of trucks and trailers, including HGV's. It has large areas of hardstanding, industrial style buildings and several large vehicles within the site.

The development of the site as proposed would remove large areas of the hard standing and the existing buildings and would replace it with a development of a more rural appearance with more appropriate landscaping and boundary treatments. As such the development is considered to represent an improvement to the landscape character of the area.

#### **Trees**

The application is supported by a preliminary Tree Survey and Assessment. The report identifies five individual trees (one off site) and two hedges, with the proposed site plan depicting both T1 and T4 for removal. T1 an early mature Cedar has been 'topped' removing any value the tree presented in amenity terms, T4 exhibits significant signs of reduced vigour and vitality, probable as a result of on site activities and the presence of both permanent hard standing and adjacent building. The remaining trees are scheduled for retention and can be retained and protected in accordance with current best practice, none are considered worthy of formal protection.

The hedge identified as H1 (Leyland Cypress) extends around three sides of the site, with H2 forming the western boundary only. None of the hedges are considered to be important in terms of the 1997 Hedgerow legislation

There are no significant arboricultural constraints associated with this application. Should the application a tree protection condition should be imposed.

### **Design & Layout**

The application was the subject of a pre-application enquiry where a design strategy was discussed. This resulted in the proposed scheme that is subject of this application. The development would comprise 11 dwellings taking the form of a Cheshire farm complex. This would include a large family dwelling designed to replicate a farmhouse, a courtyard of 6 dwellings in the form of converted barns and a block of 4 dwellings in the form of farm workers cottages. The materials used in the development should be the traditional materials used in Cheshire farm complexes and this can be controlled by condition. To the front of the development the boundary treatment would comprise Cheshire railings, which is considered to be appropriate.

The 'farmhouse' and associated buildings would be in the south western part of the site, the 'converted barns' would be central within the site and the 'farm workers' cottages would be sited in the north eastern part of the site. This layout is considered to be appropriate in order to create a development appropriate to the character of this rural area.

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

### **Highways**

The site is currently occupied by Sotrex Ltd who utilise the existing commercial building and large area of hardstanding for the export of right hand drive trucks to right hand drive countries throughout the world. The site has a number of historical planning permissions for storage and distribution and was previously occupied by J T Lunt and Co who had HGV operator's license for 18 vehicles.

The site extends to some 0.7 hectares in area and is located off Paradise Lane, Church Minshull. The site has three existing site access, all of which are taken from Paradise Lane.

This is a full planning application for the development of 11 dwellings including off street parking provision, access to Paradise Lane and associated landscaping.

- The Head of Strategic Infrastructure (HSI) has not been made aware of any wider transport impacts in the area such as Air Quality Management impact for example, but recognises that the relevant officers would respond in detail on such items.
- The proposals will result in the removal of HGV movements on the adjacent rural highway network to the benefit of highway safety.

The HSI has reviewed the Transport Statement submitted by the applicant in support of the development proposals and finds the following:



### Sustainability

There are no facilities within a reasonable walking distance of the site and access to public transport is also limited. However, the village centre of Church Minshull and Winsford are within a reasonable cycling distance of the site, Winsford offers sustainable access to a range of retail and leisure facilities; and employment opportunities associated with town centres.

Having regard for the existing commercial use of the site HSI does not consider there to be sufficient grounds for refusal based on sustainability from an access perspective.

### Access and Parking

Access to the proposed site is taken from the three existing points of access to Paradise Lane, albeit appropriately modified to serve residential development. Having regard for the existing site use the access proposals are considered to be an acceptable solution to serve the development proposals.

In terms of off-street parking provision, the proposal is in accordance with CEC minimum parking standards.

### Traffic Impact

The morning and evening commuter peak hour traffic generating potential and daily traffic generating potential of the existing site use is compared to that associated with the development proposals in Table 1.

**Table 1 - Average trip rates**

	AM PEAK HOUR		PM PEAK HOUR		DAILY TRAFFIC	
	ARRIVALS	DEPARTURES	ARRIVALS	DEPARTURES	ARRIVALS	DEPARTURES
<b>EXISTING USE</b>	18	7	2	11	139	139
<b>11 DWELLINGS</b>	2	6	7	2	44	45
<b>NET DIFFERENCE</b>	<b>-16</b>	<b>-1</b>	<b>+5</b>	<b>-9</b>	<b>-95</b>	<b>-95</b>

The summary in Table 1 demonstrates that the development proposals will result in a significant reduction in site generated traffic, additionally, the development proposals will also result in a significant reduction in HGV traffic generation associated with the site, which will also benefit highway safety in the area.

The HSI is satisfied that the development proposals can be safely accommodated on the adjacent highway network; accordingly, the HSI has no objection to the planning application.

### **Ecology**

The application site is supported by an ecological assessment which has been assessed by the Council's Principal Nature Conservation Officer. The findings of the assessment are considered to

be acceptable and there are no significant ecological issue at the site. Should the application be approved, a condition should be imposed for the protection of breeding birds.

### **Flood Risk**

It is understood from the submitted documents that there will be a reduction in impermeable area at the site following development. Cheshire East Council as Lead Local Flood Authority would support this and, in line with the latest guidance published by Defra, consideration should be given to SuDS as the preferred option for surface water disposal. Conditions should be imposed relating to surface water run-off.

### **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 Church Minshull, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Whilst this would involve the loss of an employment site in this location, if an application for a business such as this in this rural location was put to the Council now, it would be unlikely to be approved. The company operating out of the site currently, is seeking to relocate to an alternative, larger site to accommodate this growing business.

### **SOCIAL SUSTAINABILITY**

## **Residential Amenity**

The proposal is for eleven dwellings on this site. Adequate separation distance can be achieved between the proposed dwellings and adequate private residential amenity space can be provided within the site. There are no existing residential properties adjacent to the site.

Should the application be approved a condition should be imposed relating to a Phase I Contaminated Land Report in order to protect future occupiers of the proposed dwellings.

Subject to the condition set out above, the proposal is considered to be acceptable in amenity terms and in compliance with Policy BE.1 of the adopted local plan.

## **Affordable Housing**

The site falls within the Minshull sub-area for the purposes of the SHMA update 2013. This identified a net requirement for 8 affordable homes per annum, equating to a need for 1x 1bd, 2x 2bd, 2x 3bd general needs units and 2x 1bd older persons accommodation. Information taken from Cheshire Homechoice shows there are currently 4 applicants who have selected the Church Minshull lettings area as their first choice, these applicants require 1x 1bd, 2x 2bd and 1x 3bd units.

The Interim Planning Statement on Affordable Housing (IPS) and Policy SC5 in the Local Plan Strategy Submission Version outline that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all sites of 3 dwellings or more or than 0.2 hectare in size. Further to changes to guidance the determination of applications should be in accordance with the NPPG and not require provision of affordable housing on sites of 10-units or less. The proposals are for 11 dwellings therefore there is a requirement for affordable housing.

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% affordable or social rented and 35% intermediate tenure.

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

The applicant is providing 4 dwellings as affordable housing as detailed in their application form. This equates to 30% of the total dwellings however they have selected that all the

affordable units will be provided as intermediate tenure. This is not acceptable as this is not in accordance with the tenure split identified in the policy.

The site location plan shows plots 8-11 as the affordable housing offer. This is clearly not 'pepper potting'; however this is because of the particular design features on this site, emulating a farm complex. This approach was agreed at pre-application stage in order to reach a satisfactory design solution for the site.

### **Education**

At the time of report writing, a response has not been received from the Education Department as to whether a contribution to education would be required. An update will be provided to Members prior to the meeting.

### **Health**

There are ten GP surgeries within 4 miles of the site which are all accepting patients and therefore not at capacity. No contributions will be required for health provision.

### **Response to Objections**

There has been one objection to the proposal, expressing concerns about highway safety. It should be noted that the development would generate significantly less traffic than the existing use and the types of vehicles would also be smaller. As such a refusal on these grounds could not be defended.

### **Conclusion – The Planning Balance**

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 consider planning applications for housing in the context of the presumption in favour of sustainable development. It is therefore necessary for proposals demonstrate that they meet the definition of sustainable development for the presumption to apply.

The site is within the open countryside. Although open countryside policy is out of date by virtue of the lack of a 5 year supply of housing and attracts reduced weight, it must still be factored into the overall planning balance. The development would be on 'Brownfield' land, which the National Planning Policy Framework supports in paragraphs 17 and 111 and therefore the impact on open countryside is acceptable.

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 regarding highway safety are noted. However the development would result in an improvement to the existing traffic situation at the site.

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

The scheme represents a sustainable form of development and therefore the presumption in paragraph 14 applies. Applying the tests in paragraph 14, the benefits of the proposal are not significantly and demonstrably outweighed by the disbenefits and therefore the planning balance weighs in favour of supporting the development subject to conditions.

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

## **RECOMMENDATION**

**Approve subject to the completion of a Section 106 Agreement to secure the affordable housing provision as follows:**

- **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.**

**following conditions:**

- 1. Commencement**
- 2. Approved plans**
- 3. Submission of external material**
- 4. Submission of full details of boundary treatments**
- 5. Submission of a scheme for disposing of foul surface water**
- 6. Submission of a Phase II Contaminated Land Report**
- 7. Submission of drainage scheme to include foul and surface water including sustainable drainage systems**
- 8. Tree protection scheme**
- 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.**

**Should the application be subject to an appeal, resolve to enter into a Section 106 Agreement on the basis of the above Heads of Terms.**



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Application No: 15/3163N

Location: T I MIDWOOD & CO, GREEN LANE, WARDLE, CHESHIRE, CW5 6BJ

Proposal: Outline application for extensions to the existing warehouse, the erection of a canopy and the construction of a delivery dock and replacement car parking, including details of access, appearance, layout and scale (details of landscaping reserved for subsequent approval), following the demolition of an existing office building

Applicant: T I Midwood and Co Ltd

Expiry Date: 12-Oct-2015

### **SUMMARY**

The principle of employment development is supported within the NPPF and the statements made by the Planning Minister in relation to 'Planning for Growth' and a 'presumption in favour of sustainable development'. Furthermore employment development on this site is supported within the emerging Cheshire East Development Strategy. Therefore the principle of development is considered to be acceptable.

The development would not have a detrimental impact upon residential amenity, the highway network, flood risk/drainage, ecology or the wider landscape.

The design is considered to be acceptable in this location and the concerns regarding the loss of landscaping would be outweighed by the employment/economic benefits of this development.

An update will be provided in relation to the impact upon trees on this site.

### **RECOMMENDATION**

**Approve with conditions**

### **PROPOSAL**

This is an outline application for extensions to the existing warehouse, the erection of a canopy and the construction of a delivery dock and replacement car parking. The application seeks approval for the details of access, appearance, layout and scale (details of landscaping are reserved). An existing office building would be demolished as part of this application.

The proposed development would take the form of a two bay warehouse extension to the south of the existing buildings on the site (front). The two bays of the warehouse would each have a length of 30 metres (60 metres in total) and a width varying from 16-38 metres.

The proposed canopies would have an area 1,235sq.m. One canopy would be provided to a bay of the existing warehouse and the second would be provided to one of the proposed bays.

The application includes the provision of 34 new parking spaces to the northern part of the site.

The application details state that this development would increase the number of full-time employees at the site from 60 to 80.

### **SITE DESCRIPTION**

The application site is an existing business located on the northern side of Green Lane, Wardle within the open countryside as defined by the Crewe and Nantwich Replacement Local Plan. To the east of the site an existing skip hire business with another industrial unit and agricultural buildings to the west of the site. To the north of the site is the strategic employment allocation at Wardle which has outline planning permission.

The front part of the site includes a single storey office building with a lawn area, semi-mature trees and a man-made pond to the front of the site.

### **RELEVANT HISTORY**

13/3871N - Reserved matters application, Landscaping of the proposed development – Approved 15<sup>th</sup> November 2013

12/4087N - The erection of a replacement storage and distribution unit, including details of access, appearance, layout and scale (details of landscaping reserved for subsequent approval), following the demolition of the existing building on the site – Approved 17<sup>th</sup> December 2012

11/1598N – Change of use from Class B8 Storage and Distribution to Class B8 Storage and Distribution with ancillary trade counter and agricultural and builders merchants – Approved 10<sup>th</sup> August 2011

10/4333N – Non-material amendment following the grant of planning permission 09/3543N – Approved 29<sup>th</sup> November 2010

10/3679N - Change of Use to Turn Warehouse into an Agricultural Merchants, Horticultural Merchants, Machinery Merchants and Animal Feed Merchants – Withdrawn 6<sup>th</sup> December 2010

09/3543N - Proposed Internal Layout Changes, Revised Elevations and Parking Layout to the Storage Unit with Internal Office Space and Service Area – Approved 23<sup>rd</sup> December 2009

## **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
- 17 – Core planning principles
- 18 – 22 Building a Strong Competitive Economy
- 28 – Supporting a Prosperous Local Economy
- 109-125 – Natural environment

### **Local Plan policy**

- BE.1 – Amenity
- BE.2 – Design Standards
- BE.3 – Access and Parking
- BE.4 – Drainage, Utilities and Resources
- BE.5 – Infrastructure
- BE.6 – Development on Potentially Contaminated Land
- NE.2 – Open Countryside
- NE.5 – Nature Conservation and Habitats
- NE.9 – Protected Species
- NE.17 – Pollution Control
- NE.20 – Flood Prevention
- E.6 – Employment Development in the Open Countryside
- TRAN.3 – Pedestrians
- TRAN.9 – Car Parking Standards
- TRAN.5 – Provision for Cyclists
- RT.9 – Footpaths and Bridleways

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

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

- PG5 - Open Countryside
- PG6 – Spatial Distribution of Development
- SD1 - Sustainable Development in Cheshire East
- SD2 - Sustainable Development Principles
- SE1 - Design
- SE2 – Efficient use of Land
- SE3 – Biodiversity and Geodiversity
- SE4 – The Landscape
- SE5 – Trees, Hedgerows and Woodland
- SE6 – Infrastructure
- SE9 – Energy Efficient Development
- 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

### **CONSULTATIONS:**

**CEC Head of Strategic Infrastructure:** No objection.

**CEC Environmental Health:** No objection – contaminated land condition and informative suggested.

**CEC Flood Risk Manager:** No objection subject to the imposition of a drainage condition.

**United Utilities:** No comments received.

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

**Wardle Parish Council:** No comments received at time of report preparation

### **REPRESENTATIONS**

No representations received.

### **APPRAISAL**

The key issues are:

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

### **Principle of Development**

The National Planning Policy includes a strong presumption in favour of economic growth in support of this application with Paragraph 19 stating 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'*

Paragraph 20 of the NPPF then goes onto state that:

*'To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century'*

And at paragraph 21 the NPPF states that Local Planning Authorities should:

*'set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth'*

On the contrary to this the site is located within the open countryside and the one of the core principles of the NPPF 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 NPPF 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'*

In this case, the proposed employment development has considerable support within the NPPF, however, the economic benefits of this development still need to be balanced against the environmental impact upon the open countryside.

### Local Plan Policy

The relevant policies relating to the principle of development, as contained within the Borough of Crewe and Nantwich Replacement Local Plan, are Policies NE.2 (Open Countryside) and E.6 (Employment Development in the Open Countryside).

Policy NE.2 identifies that the open countryside should be protected for its own sake and that development should be kept to a minimum in order to protect its character and amenity. The policy states that:

*'within the open countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted'*

Policy E.6 specifically relates to employment development within the open countryside and states employment development in the open countryside will be:

*'restricted to appropriate small industries, commercial business enterprises, including small scale business developments and the development of small scale workshop units within or adjacent to existing farm buildings or other existing employment areas'*

In this case the proposed development cannot be considered to be small and it would be contrary to Policy E.6.

## Emerging Policy

In this case the site is identified within the emerging Cheshire East Development Strategy (CEDS). Policy CS1 of the CEDS states that:

*‘Provision will be made for a minimum of 300ha of land for business, general industrial and storage and distribution uses over the period 2010 to 2030, to support growth of the local economy’*

Paragraph 5.61 of the CEDS states that:

*‘An employment improvement area has been identified at Wardle as having future potential for expansion and consolidation of existing and new employers, to provide employment opportunities’*

## Conclusion

In this case the principle of the proposed development would be contrary to the Policies contained within the Borough of Crewe and Nantwich Replacement Local Plan. However, there is significant support within the NPPF and through the emerging policy where the site to the north is identified as a strategic site for employment development. It is therefore considered that the principle of the development is acceptable.

## **Highway Implications**

### Policy issues

The test contained within the NPPF is that:

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

This is an outline planning application for the demolition of 270sqm of B1 office space and its replacement with a 3,310sqm B8 warehouse extension to the existing warehouse facilities at TI Midwood, located off Green Lane in Wardle. Additionally, the proposals include an increase of on site parking provision of 13 parking spaces and 20 new full-time employees; access to the site will remain unchanged.

The Planning Statement submitted in support of this application indicates that the proposals will result in approximately three or four additional HGV movements per day.

Having considered the proposals, the Head of Strategic Infrastructure concludes that, the expected additional HGV movements and traffic generation associated with an additional 20 employees would not be expected to have a material impact on the adjacent or wider highway network.

Accordingly, the Head of Strategic Infrastructure has raised no objection in relation to this planning application.

### **Amenity**

Given the rural nature of the site, between existing employment units, the proposed use and the scale of development. It is not considered that the proposed development would raise any issues such as noise and disturbance.

### **Contaminated Land**

The Contaminated Land team has no objection to this application. However they do state that the application area has a history of airfield, depot and industrial estate use and therefore the land may be contaminated.

The application is for new commercial properties which are a sensitive end use and could be affected by any contamination present or brought onto the site.

A Phase I Preliminary Risk Assessment has been submitted in support of the planning application. This report has identified some potential contaminant linkages and as such recommends further works.

It is noted that a current pond is proposed to be removed as part of the works. The pond should be infilled with inert material incapable of posing ground gas or contamination risks. Details of the proposed infill should be submitted as part of the next stage of works.

As such a condition is suggested to secure the relevant contaminated land mitigation as part of this proposed development.

### **Landscape**

The site of the proposed development is a warehousing site with large steel clad warehouse buildings and extensive areas of concrete hard surfacing. There is agricultural land to the north, employment land to the south and east and a number of nissan huts to the west. (Adjacent land to the north, west and further east forms part of the former Wardle Airfield and has outline planning consent for employment development under application 13/2035N). A young hedge defines the northern boundary of the site, with a grassed strip and immature trees adjacent. There are lengths of hedge to the south, south west and south east and in the southern part of the site there is an area of formal maintained grassland with a pond, and a number of trees.

The proposed development would appear to allow for the retention of the northern hedge and trees with a narrowed grass strip. Most of the southern open area and pond would be developed to accommodate warehousing.

The submission does not include a landscape or visual impact assessment. The Design and Access Statement makes reference to the surrounding existing buildings and states that the proposed development will not have a material landscape or visual impact upon the surrounding area.

The development would be visible from a number of public vantage points, including Green Lane to the south, Nantwich Road (A51) to the north and public footpaths in the vicinity. It would be viewed in the context of other large warehouse and industrial buildings and on this basis, it is not considered that the development would have significant landscape or visual impact in the wider landscape. Nevertheless, in the immediate area adjoining Green Lane, the loss of grassland, trees and the pond which softens the appearance and approach to the site would be regrettable.

### **Design**

The development would result in the loss of a grassed area to the front of the site, a number of trees and a pond whilst the design of the development is utilitarian and has been designed to serve the end user.

In this case as stated above the development would sit amongst an existing employment area which is characterised by large warehouse buildings, hardstanding and external storage areas. As such it is considered that the proposed development would not appear out of character in this location and the benefits of allowing the development would outweigh any loss of landscaping to the front of the site.

### **Trees and Hedgerows**

As part of this application an Arboricultural Impact Assessment (AIA) has been requested to provide a more detailed and accurate assessment in respect of any potential tree losses (RPA incursion) over and above the six trees already identified. A further update will be provided in relation to this issue.

### **Ecology**

This application would result in the loss of a pond to the front of the site and is supported by a Great Crested Newt Assessment.

The Councils Ecologist has confirmed that he is familiar with this site and the pond that would be lost and he advises that the pond is unlikely to be suitable for breeding Great Crested Newts.

Ponds are a local BAP priority habitat and hence a material consideration. However in this case the pond that would be lost is of a low nature conservation value and there are no ecology objections to this development.

### **Flood Risk/Drainage**

In this case part of the site is located within Flood Zone 1 which has a low probability of flooding.

The submitted Flood Risk Assessment (FRA) indicates that surface water at the existing site drains into an above ground attenuation basin before discharging into a privately owned sewer in Green Lane. Proposals include the removal of this attenuation basin and replacement with a below ground system with capacity to cater for additional flows generated by the extension. The developer must ensure the invert level of the sewer in Green Lane is appropriate to allow an underground system. In addition, although the FRA suggests the existing on-site pipes



discharging into Green Lane have a combined capacity of 29 l/s, this assumes the pipes are flowing at full bore and it doesn't take account of potential blockages/siltation which may reduce the flow rate. An assessment of the condition and capacity of the system in Green Lane should be undertaken to ensure it can cater for the flows arising from the new development.

In line with the NPPF and latest guidance published by Defra, the flow rate from the developed site must not exceed the rate of discharge from the existing site and where possible it should be reduced.

The Council's Strategic Flood Risk Manager has considered the Flood Risk Assessment and has raised no objection subject to the imposition of a planning condition.

### **PLANNING BALANCE**

The principle of employment development is supported within the NPPF and the statements made by the Planning Minister in relation to 'Planning for Growth' and a 'presumption in favour of sustainable development'. Furthermore employment development on this site is supported within the emerging Cheshire East Development Strategy. Therefore the principle of development is considered to be acceptable.

The development would not have a detrimental impact upon residential amenity, the highway network, flood risk/drainage, ecology or the wider landscape.

The design is considered to be acceptable in this location and the concerns regarding the loss of landscaping and impact on open countryside would be outweighed by the employment/economic benefits of this development.

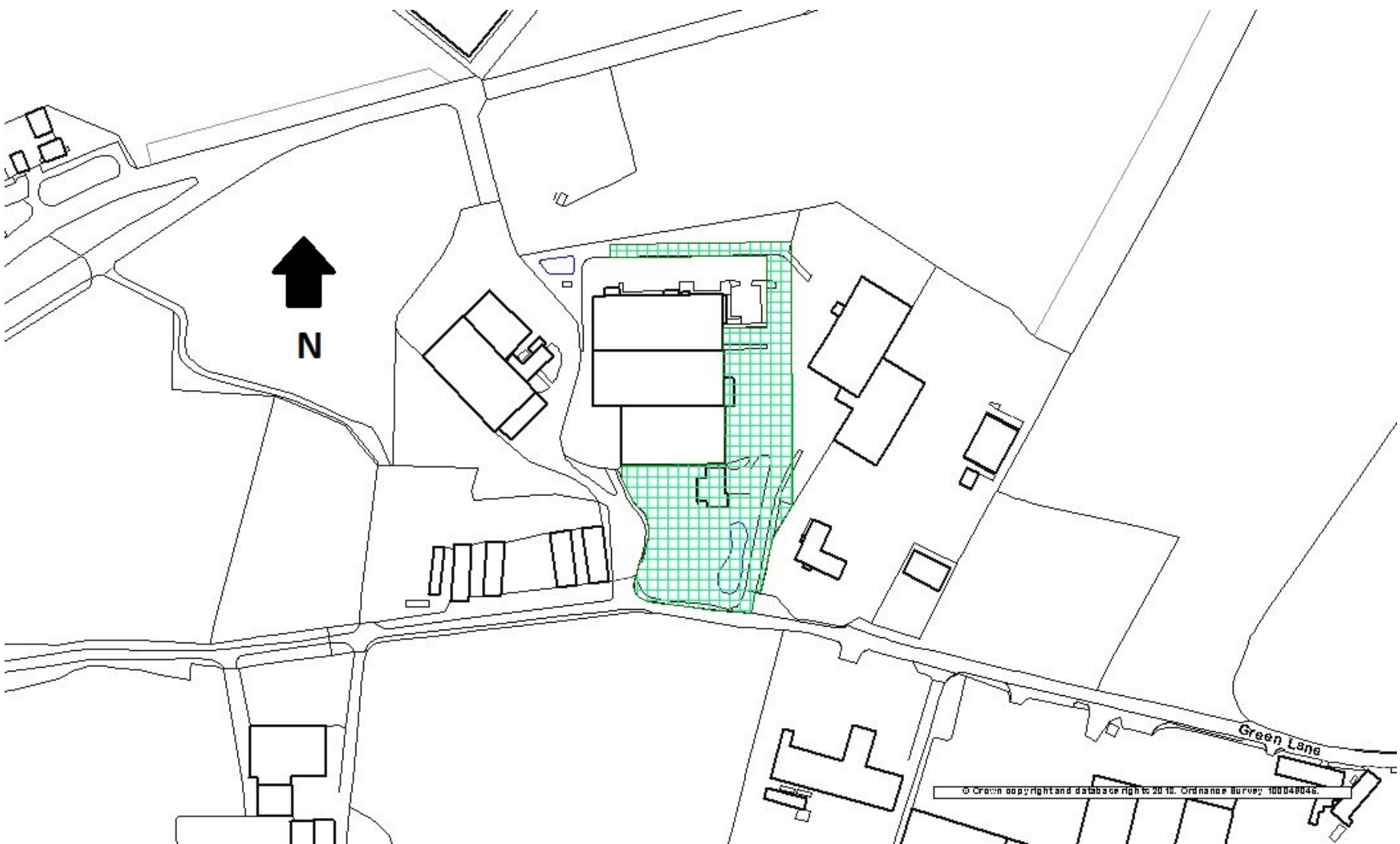
An update will be provided in relation to the impact upon trees on this site.

### **RECOMMENDATIONS**

**And the following conditions;**

- 1. The subsequent approval by the Local Planning Authority before development of the landscaping of the site**
- 2. Application for reserved matters must be made not later than the expiration of three years from the date of this permission.**
- 3. Development to be implemented within 3 years of the date of this outline permission or expiry of 2 years from final approval of the last of the reserved matters.**
- 4. Approved Plans**
- 5. Parking to be provided before the approved extensions are first brought into use**
- 6. Materials to match existing**
- 7. Scheme for the disposal of surface water**

**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 her absence the Vice Chair) of the 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.**



Application No: 15/0001C

Location: Land off, Goldfinch Close and Kestrel Close, Congleton

Proposal: Reserved Matters following Outline Approval of 12/3025C

Applicant: Mrs A Oakden, Seddon Homes Ltd

Expiry Date: 17-Apr-2015

**SUMMARY**

The principle of development has already been accepted as part of the outline approval on this site. The weighting of material planning issues within the planning balance is an exercise previously undertaken by the Inspector.

This assessment therefore considers the matters of detailed design, layout and landscaping previously reserved, however, the scheme is considered to contribute to the 3 strands of sustainability in the NPPF in the following ways:

**Social Sustainability**

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply and provide affordable housing in an area of continuing need.

The impact upon infrastructure would be neutral as the education department previously advised at outline stage that there was sufficient capacity in local schools to cater for this development as part of the outline scheme. The provision of public open space and the proposed play area is acceptable.

**Environmental Sustainability**

The design, layout and landscaping of the scheme are considered to be of sufficient quality.

The ecological and arboricultural impacts are considered to be neutral as mitigation, which was conditioned as part of the outline permission would be secured. Drainage/flood risk issues are also acceptable.

The proposed access points are acceptable and the traffic impact as part of this development has already been accepted together with highway works via a S278 agreement pursuant to the Highways Act and contributions for off-site highway works by the Inspector at the outline stage.

The internal design of the highway layout/parking provision is acceptable to the Head of Strategic Infrastructure (Highways).

### **Economic Sustainability**

The proposal will contribute to the local economy by virtue of the increased spending power of new residents and the construction supply chain.

### **RECOMMENDATIONS**

**APPROVE subject to conditions & deed of variation to the S106 Agreement**

### **REASON for REFERRAL**

This application is referred to the Southern Planning Committee as it is a small-scale major development.

### **BACKGROUND**

Members deferred determination at their meeting of 2 September 2015, pending further negotiation with the Applicant concerning the 'pepper-potting' of the affordable units and the provision of a footpath link from properties in the northern portion of the site to the Public Open Space in the southern part of the site.

Revised plans have now been received that address these concerns.

### **PROPOSAL**

Reserved matters approval is sought for the external appearance, layout, landscaping and scale for 38 dwellings at land to the west of Goldfinch Close, Congleton. Following revision, this has been revised down from 40 units, as originally submitted.

Two accesses are provided via Kestrel Drive and Goldfinch Close, both of which were previously granted permission at the outline stage.

The development would consist of 1 to 4 bedroom units including some apartments. The entire development is proposed to be 2 storeys in height.

### **SITE DESCRIPTION**

The application site measures some 1.83 hectares in size and is situated to the west of the residential development on Goldfinch Close and Kestrel Close, Congleton.

The application site is surrounded by open countryside to the north, south and west and by residential properties to the east, with Goldfinch Close and Chaffinch Close forming cul de sacs adjacent to the eastern boundary of the site. Both roads lead to Canal Road further to the east. Lamberts Lane is located to the south of the field on the southern boundary of the site.

The site has a network of existing hedgerows and trees and although it is agricultural land, it has not been managed for a period of time. The Congleton Borough Council (Canal Road, Congleton)

Tree Preservation Order 1986 affords protection to a number of selected Oak and Sycamore trees within existing field hedgerow boundary enclosures.

### RELEVANT HISTORY

12/3025C - Erection of up to 40 dwellings, open space, associated landscaping, infrastructure and access – granted on appeal 4 February 2014

13/3517C - Outline application for erection of up to 230 dwellings, access, open space and associated landscaping and infrastructure – refused 16 May 2014 (subject to appeal with Public Inquiry which has recently concluded, decision awaited)

14/4938C - Outline application for erection of up to 220 dwellings, access, open space and associated landscaping and infrastructure- resubmission of 13/3517C – Refused 31-Jul-2015

### NATIONAL & LOCAL POLICY

#### National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development, 47-50 - Wide choice of quality homes, 56-68 - Requiring good design and 69-78 - Promoting healthy communities

#### Development Plan

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005). The relevant Saved Policies are:

GR1 New Development  
GR2 Design  
GR3 Residential Development  
GR5 Landscaping  
GR6 Amenity and Health  
GR9 Accessibility, servicing and provision of parking  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR17 Car parking  
GR18 Traffic Generation  
GR21 Flood Prevention  
GR22 Open Space Provision  
NR1 Trees and Woodland  
NR2 Statutory Sites (Wildlife and Nature Conservation)  
NR3 Habitats  
NR5 Habitats  
H2 Provision of New Housing Development  
H6 Residential Development in the Open countryside  
H13 Affordable Housing and Low Cost Housing

## **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

PG2 – Settlement Hierarchy  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
SC4 – Residential Mix  
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 Material 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

## **CONSULTATIONS**

### **Head of Strategic Infrastructure (Highways)**

No objection - internal road layout is acceptable and the amount of parking provision complies with the Council's standard.

### **Environmental Protection**

No objection subject to conditions as detailed in the outline permission.

## **REPRESENTATIONS**

Objections have been received from 18 different local addresses on the basis of the following:

- Does not comply with planning policy or Town Plan

- Increased traffic
- Unsuitable access and road infrastructure with excessive parking at its access
- Potential for serious injury to children playing in the local area
- Lack of parking
- Loss of property values
- Location of the affordable houses within the layout – smaller units clustered close to existing 4 bed dwellings in Goldfinch Close
- Provision and necessity of affordable housing / provision of bungalows
- The affordable housing is not pepper-potted in accordance with the SPD
- Lack of parking/ creation of bottleneck
- Overshadowing of existing dwellings due to higher land level of site adjoining Goldfinch Close
- Out of keeping with area
- Increase in density / scale / levels
- Unneighbourly / loss of privacy / overlooking
- Local infrastructure cannot cope
- Will require extra bus services
- Impact on local wildlife
- Proposal does not comply with outline
- Maintenance issues with apartments
- Local pedestrian access is poor

Fiona Bruce MP has written to support the points made by the objectors.

### **APPRAISAL**

The key issues are:

- Principle of the development
- Housing land supply
- Sustainability
- The acceptability of the design
- Impact on residential amenity
- The impact upon highway safety
- Education
- S106 contributions Levy (CIL) Regulations

### **Principle of Development**

Given that the principle of development has been established by the granting of outline planning permission this application does not represent an opportunity to re-examine the appropriateness of the site for residential development.

Access to the site via the 2 access points via Goldfinch and Kestrel Close was fully approved as part of the outline scheme for up to 40 units granted outline permission at appeal.

The key issues for Members to consider in determining this application therefore, are the acceptability of the design and appearance of the scheme, the internal highway configuration,

landscaping, layout and scale of the buildings, particularly in respect of residential amenity, their relationship to retained trees and the surrounding area.

### **Design Standards**

The numbers of units have been reduced by 2 since the original submission of this application. This is now a scheme of 38 dwellings, comprising a mix of detached, semi-detached, terraced units and apartments arranged in two cul de sacs with 3 areas of incidental open space, one being located to the western boundary of this site and formed of a re-enforced earth embankment/retaining bund, whereas the other comprises the northern side of the continuation of Kestrel Drive.

The land falls away steeply towards Lamberts Lane, hence the need for the retaining structure. The assessment of this element of the scheme will be considered in the landscape section of this report.

The properties are exclusively 2 storey (approx. 7.6m) height set within individual landscaped plots with off street parking on driveways or within integral garages. A parking court has been provided behind the apartment blocks, thus leaving the frontages of the units at the entrance of the site free of car parking. The 2 storey apartment blocks comprise 4 one bedroomed flats and are designed to have the appearance of a standard modern mews or terraced house with covered porch. The revisions have split the apartments in to two separate areas of the site.

The layout is in keeping with the residential layout and vernacular in the existing Goldfinch/Kestrel Close estate and the wider modern housing estate. In this case it is considered that the proposed heights are acceptable. Some comments have been raised by neighbours concerning rising land levels in the site; however, this is no different than the existing rising land level in the estate and the spacing of the plots relative to each other and the existing residential housing estate is not dissimilar to that proposed.

Compared to the layout of the Illustrative Masterplan submitted as part of the outline application there has been some revision of heights. The outline scheme masterplan (as approved on appeal) originally indicated blocks of some two and a half storey development. This layout has a looser, less engineered character, where buildings and spaces more effectively determine layout. The street arrangement follows through from the indicative blocks on the outline masterplan and comprises the inclusion of the feature landscape spaces.

It is considered that the design of the units is appropriate and that the development would not appear out of character with the housing to the east of the site.

Details of the proposed boundary treatments are standard close boarded fencing. An open plan configuration is contained to front gardens, again in keeping with character of the existing estate.

The detailed design and layout has been the subject of negotiation during this application, which has resulted in the reduction in units by 2 and consequently it is considered that the design of the scheme is appropriate and that it accords with Policy GR2 (Design) of the Congleton Borough Local Plan.



## **Landscape Impact and trees/hedgerows**

The site is currently unused agricultural land located immediately adjacent to a residential area. An overgrown mound of spoil left over from the previous housing development adjoins the residential boundary. There are well established hedgerows and tree belts to several of the boundaries. A number of mature hedgerows and trees are located around the periphery of the site. The land falls away from north to south.

There are no landscape designations on the application site. Within the Cheshire Landscape Character Assessment the application site is located on the boundary of the Lower Farms and Woods landscape, specifically the Brereton Heath Area.

Although the site displays some of the characteristics of the Brereton Heath Character Area, the character of the site is significantly influenced by the existing development of housing along the entire eastern boundary. The topography of the application site generally falls from east to west, towards The Howty, apart from a bund located along the north east boundary of the site.

The site has a network of existing hedgerows and trees and although is agricultural land, has clearly not been managed for a period of time, nevertheless the existing vegetation and trees provide an attractive setting and significant screen to the periphery of the site, particularly from Lamberts Lane. The site is strongly influenced by the existing boundary hedgerows and trees, so that visually the site is very well self contained with a Landscape Zone of Visual Influence that is limited to the existing surrounding boundaries and residential properties to the east of the site.

The Congleton Borough Council (Canal Road, Congleton) Tree Preservation Order 1986 affords protection to a number of selected Oak and Sycamore trees within existing field hedgerow boundary enclosures.

There are seven protected trees within and immediately adjacent to the application site (assessed as A and B moderate high category trees) in addition to a number of other unprotected trees and hedgerows. The proposed site layout illustrates three of these protected trees (two Oak and a Sycamore) are to be located within formal public open space which is to be welcomed. It would appear that the internal road infrastructure generally respects root protection areas of retained trees.

The layout would allow for the retention of the majority of the peripheral hedgerows and important trees (other than to accommodate the main access points) and would allow for landscape and biodiversity enhancement measures to be realised. As mended, the Council's Tree Officer has confirmed that the arboricultural impacts are acceptable and as such there is no objection in this regard.

## **Residential Amenity**

The Congleton Borough Council Supplementary Planning Document, Private Open Space in New Residential Developments, requires a distance of 21 metres between principal windows and 13 metres between a principal window and a flank elevation to maintain an adequate standard of privacy and amenity between residential properties.

The nearest neighbouring residential units to the site are those occupying land at Partridge Close, Kestrel Drive and Goldfinch Drive to the east. The properties on Partridge Close would back onto the side elevation of plot 19 and would achieve a distance of 15 metres. Plot no. 30 would side onto the nearest property on Goldfinch Close and would achieve a distance of 13.3 metres. Such distances would be sufficient to ensure that the proposed development does result in a loss of amenity to the nearest neighbouring properties by reason of direct overlooking, visual intrusion or loss of light. Elsewhere, the proposed development would meet or exceed the minimum separation distances.

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. The layout shows that this will be achieved in the majority of cases. It is therefore concluded that the proposed development is acceptable in amenity terms and would comply with the requirements of Policy GR1 and GR6 of the Local Plan.

### **Affordable Housing**

The proposal incorporates 11 affordable units, of which 8 are 1 bedroom apartments and the remainder are 3 bed roomed mews houses located to the north of the site. The apartments are designed to appear as a pair of semi-detached dwellings or a small terrace. The Council's Strategic Housing Officer has confirmed that the quantum of affordable units, the tenure split, the size and location of the affordable units are acceptable and as such, the scheme as amended would provide the requisite level and type of affordable housing to assist the continuing need in the locality.

To address Committee concerns the 2 blocks of affordable rented units which were located to Goldfinch Close part of the site have been split and one of the blocks relocated to the southern part of the site. This is considered to build a stable community and the affordable units are of the same design ethos as the whole development and would not be discernible, in accordance with the SPD.

However, as the quantum equates to 29% rather than the 30% required by the S106 Agreement attached to the outline permission, further negotiations have taken place with the Strategic Housing Manager to offset this shortfall via an additional commuted sum of £22,400 with payment upon commencement of development. A Deed of Variation will be required.

### **Highways**

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

Vehicular access to the site is to be taken from Goldfinch Close and Kestrel Drive, precise details of which were granted on appeal. This assessment therefore addresses the internal layout.

The proposed internal road layout would provide two cul-de-sacs with no highway link between. The Council's Head of Strategic Infrastructure (HIS – Highways) has confirmed that the proposed road layout does meet highway standards in regards to road width and pedestrian footways provided and as such are considered acceptable.

With reference to parking provision, the parking provision is 200% for the all of the units except for the 1 bed units, which have 1 space each. This provision accords with the current parking standards. As such, the internal road layout and the parking provision is considered to be acceptable and policy compliant.

### **Ecology**

The application has been the subject of a number of surveys for European protected species and other protected species such as the badger. The surveys have been updated as part of the application consideration in accordance with the requirements of the Council's Nature Conservation Officer.

#### Bats

No evidence of roosting bats was recorded during the submitted survey and bat activity on site appears to be low. The Council's ecologist therefore considers that the proposed development is unlikely to have a significant adverse impact upon bats. A number of trees have been identified within the submitted surveys as offering potential roosting opportunities for bats. Given that the proposed layout will enable these tree specimens to be retained and having regard to the submitted mitigation/compensation, the favorable conservation status of the species will be maintained.

#### Habitats

The site exhibits features that are considered as Biodiversity Action Plan Priority habitats and hence a material consideration. These include hedgerows, badger habitat and breeding birds. The impacts of the layout of the proposed development upon the badger are significant so that a Natural England disturbance license will be required. The Council's Ecologist is satisfied that the adverse impact of the development on other protected species can be mitigated in accordance with the submitted ecological information and mitigation.

The proposed development site is likely to support breeding birds as well as provide badger habitat. The retention of the hedgerows within the proposed areas of open space (as ecological enhancement) will mitigate the impact of the development on breeding birds and badgers to some extent. The Council's Ecologist has queried the ecological buffer to the western boundary of the site and this has been addressed through submission of an amended plan.

### **Discharge of Conditions attached to 12/3025C**

A number of conditions attached to the original outline permission required information to be submitted as part of the reserved matters. This application has addressed this requirement in respect of Condition 8 (Landscape Management), Condition 9 (boundary treatments to each property); Condition 17 (existing and proposed ground levels) ; Condition 18 (bin storage) for all properties and Condition 20 (5m buffer zone alongside the watercourse on the site to be submitted for approval) the submitted Landscape Management Plan: Public Open Space Areas.

The information submitted satisfactorily addresses the requirements.

### **S106 contributions Levy (CIL) Regulations:**

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

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

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

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

In allowing the outline application, the Inspector has already considered the relevant contributions and mitigation required to offset impacts relating to affordable housing, public open space and urban realm works. These were deemed necessary and reasonably related to the development and it is not the purpose of this reserved matters to revisit this extant requirement. However, a formal deed of variation will need to be entered into to link the additional financial contribution of £22,400 in lieu of the full affordable housing compliance in this current layout with the original Unilateral obligation forming part of the outline permission for this development.

### **Planning Balance**

The principle of development has already been accepted as part of the outline approval on this site. The weighting of material planning issues within the planning balance is an exercise previously undertaken by the Inspector.

This assessment therefore considers the matters of detailed design, layout and landscaping previously reserved, however, the scheme is considered to contribute to the 3 strands of sustainability in the NPPF in the following ways:

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply and provide affordable housing in an area of continuing need.

The impact upon infrastructure would be neutral as the education department previously advised at outline stage that there was sufficient capacity in local schools to cater for this development as part

of the outline scheme. The provision of public open space and the proposed play area is acceptable.

The design, layout and landscaping of the scheme are considered to be of sufficient quality.

The ecological and arboricultural impacts are considered to be neutral as mitigation, which was conditioned as part of the outline permission would be secured. Drainage/flood risk issues are also acceptable.

The proposed access points are acceptable and the traffic impact as part of this development has already been accepted together with highway works via a S278 agreement pursuant to the Highways Act and contributions for off-site highway works by the Inspector at the outline stage.

The internal design of the highway layout/parking provision is acceptable to the Head of Strategic Infrastructure (Highways).

The proposal will contribute to the local economy by virtue of the increased spending power of new residents and the construction supply chain. Accordingly, the scheme is deemed to acceptable and is recommended for approval.

### **RECOMMENDATION**

#### **APPROVE subject to a formal deed of variation and the following conditions**

1. Development to be carried out in accordance with approved / amended plans
2. Accordance with submitted ecology reports / mitigation / recommendations
3. Accordance with details of boundary treatments
4. Accordance with levels
5. Path materials to be submitted and approved
6. Accordance with 5m buffer zone along watercourse
7. Removal of permitted development rights classes A-E (extensions and outbuildings)
8. Materials to be submitted and approved
9. Obscured glazing on selected plots
10. Removal of permitted development rights for openings on selected plots.
11. Accordance with updated arboricultural report
12. Accordance with Tree / hedgerow protection

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

**Should this application be the subject of an appeal, authority be delegated to the Planning and Enforcement 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.**



Application No: 15/0505C

Location: LAND OFF THE MOORINGS, CONGLETON, CHESHIRE

Proposal: Reserved Matters following outline approval (12/3028C) for 38 dwellings, open space, associated landscaping, infrastructure, access and demolition of a portal shed at land off The Moorings, Congleton, Cheshire

Applicant: Mrs Amanda Oakden, Seddon Homes Ltd

Expiry Date: 05-May-2015

## **SUMMARY**

The principle of development has already been accepted as part of the outline approval on this site. The weighting of material planning issues within the planning balance is an exercise previously undertaken by the Inspector.

This assessment therefore considers the matters of detailed design, layout and landscaping previously reserved, however, the scheme is considered to contribute to the 3 strands of sustainability in the NPPF in the following ways:

### **Social Sustainability**

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply and provide affordable housing in an area of continuing need.

The impact upon infrastructure would be neutral as the education department previously advised at outline stage that there was sufficient capacity in local schools to cater for this development as part of the outline scheme. The provision of public open space and the proposed play area is acceptable and in line with the parameters established within the outline approval.

### **Environmental Sustainability**

The design, layout and landscaping of the scheme are considered to be of sufficient quality.

The ecological and arboricultural impacts are considered to be neutral as mitigation, which was conditioned as part of the outline permission would be secured. Drainage/flood risk issues are also acceptable and the subject of extensive conditions imposed upon the outline permission, which sits alongside these reserved matters.

The proposed access point is as approved and the traffic impact as part of this development has already been accepted together with highway works via a S278 agreement pursuant to the Highways Act and contributions for off-site highway works by the Inspector at the outline stage.

The internal design of the highway layout/parking provision is acceptable to the Head of Strategic Infrastructure (Highways).

### **Economic Sustainability**

The proposal will contribute to the local economy by virtue of the increased spending power of new residents and the construction supply chain.

### **RECOMMENDATION**

**Delegated Approval subject to conditions pending the outcome of re-consultation of neighbours**

### **REASON for REFERRAL**

This application is referred to the Southern Planning Committee as it is a small-scale major development. This is the sister application to the Goldfinch/Kestral Drive reserved matters application reported elsewhere on this agenda (15/0001C)

### **PROPOSAL**

Reserved matters approval is sought for the external appearance, layout, landscaping and scale for 38 dwellings at land to the west of the Moorings and adjacent to Highfield House, Congleton. The layout has been revised to address neighbour concerns about the relationship with existing houses on the Moorings. Further neighbour consultation has been undertaken.

Access is provided via the Mooring as previously approved at the outline stage.

The development would consist of 1 to 4 bedroom units including some apartments. The development is proposed to be 2 storeys in height and comprises a mix of :

9 x four bed units  
12 x three bed units  
5 x two bed units (all for market sale);

And

4 x three bed units (for intermediate tenure)  
8 x one bed units (for social rent)

This comprises the full 30% affordable housing requirement as detailed in the Unilateral Undertaking linked to the Outline approval for up to 40 units granted on appeal at this site (12/3028C refers).



## **SITE DESCRIPTION**

The application site is some 1.74 hectares of land to the west of The Moorings, Congleton and to the west of Highfield Road, Congleton.

The site is surrounded by open countryside to the south and west and by residential properties to the east, with the Moorings forming a cul de sac adjacent to the eastern boundary of the site and existing dwellings with Quayside forming the boundary to the south east of the site. Both roads lead to Canal Road further to the east. Dense mature woodland abuts the northern boundary of the site. The site was last in agricultural land use for grazing. There are distinct levels difference within the site with the land sloping upwards away from the Moorings has a undulating character and a central depression. Land levels further fall away from the site towards the cemetery . The site has a network of existing hedgerows and trees to the perimeter which provide an attractive setting and the site is strongly influenced by these characteristics. The Goldfinch/Kestrel development site is circa 100m to the south of this site, interspersed by open countryside.

## **RELEVANT HISTORY**

12/3028C - Erection of up to 40 dwellings, open space, associated landscaping, infrastructure and access – granted on appeal 4 February 2014

13/3517C - Outline application for erection of up to 230 dwellings, access, open space and associated landscaping and infrastructure – refused 16 May 2014 (subject to appeal with Public Inquiry - decision awaited)

14/4938C - Outline application for erection of up to 220 dwellings, access, open space and associated landscaping and infrastructure- resubmission of 13/3517C – Refused 31-Jul-2015

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development, 47-50 - Wide choice of quality homes, 56-68 - Requiring good design and 69-78 - Promoting healthy communities

### **Development Plan**

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005). The relevant Saved Policies are:

GR1 New Development  
GR2 Design  
GR3 Residential Development  
GR5 Landscaping  
GR6 Amenity and Health  
GR9 Accessibility, servicing and provision of parking

GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR17 Car parking  
GR18 Traffic Generation  
GR21 Flood Prevention  
GR22 Open Space Provision  
NR1 Trees and Woodland  
NR2 Statutory Sites (Wildlife and Nature Conservation)  
NR3 Habitats  
NR5 Habitats  
H2 Provision of New Housing Development  
H6 Residential Development in the Open countryside  
H13 Affordable Housing and Low Cost Housing

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

PG2 – Settlement Hierarchy  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
SC4 – Residential Mix  
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 Material 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

### **CONSULTATIONS**

**Western Power (Infrastructure) - No reply**

**Environment Agency**

No objection subject to the conditions as detailed in the outline permission.

**Head of Strategic Infrastructure (Highways)**

No objection - internal road layout is acceptable and the amount of parking provision complies with the Council's standard.

**Environmental Protection**

No objection subject to the conditions as detailed in the outline permission.

**Strategic Housing Manager**

No objection to the design, tenure and mix of the affordable units

**REPRESENTATIONS**

**Congleton Town Council: Refuse**

Objections have been received from 12 different local addresses on the basis of the following:

- Increased traffic
- Unsuitable access and road infrastructure with excessive parking at access
- The affordable housing is all apartments and should be houses
- The affordable housing does not have sufficient parking – leading to parking congestion on the Moorings
- Unneighbourly / loss of privacy / overlooking
- Impact on local wildlife
- High density housing increases potential to cause noise disturbance

Ward Member Cllr Brown considers the pepper-potting should be throughout the site and the design is not in keeping.

**APPRAISAL**

The key issues are:

- Principle of the development
- Housing land supply
- Sustainability
- The acceptability of the design
- Impact on residential amenity

- The impact upon highway safety

### **Principle of Development**

Given that the principle of development has been established by the granting of outline planning permission (with access for up to 40 units via the Moorings determined), this application does not represent an opportunity to re-examine the appropriateness of the site for residential development.

The key issues for Members to consider in determining this application therefore, are the acceptability of the matters reserved, ie the design and appearance of the scheme, the internal highway configuration, landscaping, layout and scale of the buildings, particularly in respect of residential amenity, their relationship to retained trees and the surrounding area.

### **Design Standards**

Revisions have been received during the course of this application, the entrance to the site from the Moorings which are considered to be a considerable improvement to the layout and now sits more comfortably with the existing building line on the Moorings. The layout comprises the continuation of the Moorings with a mix of detached, semi-detached, terraced units and 2 apartment blocks arranged in two cul de sacs with 3 areas of incidental open space, one being located to the western boundary of this site and formed of a re-enforced earth embankment/retaining bund and the formal POS being located in the heart of the site in front of Highfield House whereas the other linear area of open space comprises the northern side of the site where a overhead electricity line runs through the site down towards Lamberts Lane.

The land levels within the site rise away from the Moorings, plateau and then fall away steeply towards the land adjoining to the west, hence the need for the retaining structure to the western portion of the site. The assessment of this element of the scheme will be considered in the landscape section of this report.

The properties are exclusively 2 storey (approx. 7.6m) height set within individual landscaped plots with off street parking on driveways or within integral garages. A parking court has been provided behind the apartment blocks, thus leaving the frontages of the units at the entrance of the site free of car parking. The 2 storey apartment blocks comprise 4 one bedroomed flats and are designed to have the appearance of a standard modern mews or terraced house with covered porch. The revisions have split the apartments in to two separate areas of the site.

The layout is in keeping with the residential layout and vernacular in the existing Moorings housing estate and the wider modern housing estate. In this case it is considered that the proposed heights are acceptable. Some comments have been raised by neighbours concerning rising land levels in the site; however levels are set by the level of the road surface where the Moorings terminates on the existing estate, a matter already accepted by the Inspector.

The layout has been amended since original submission with plots 1 to 4 at the Moorings entrance being revised. The orientation of the plots has been revised to follow the existing building line, which is a significant improvement in design terms.

The proposal provides a reasonable variety of housing styles and mix of units, all being two storey in height, in keeping with the existing vernacular of the Moorings, It should be recognised that the

existing housing estate on the Moorings is exclusively a design of 4 bedroomed detached dwellings, which if submitted as an application today would not meet the residential mix policy SC4 of the emerging plan. The proposal is considered to meet the requirements of SC4 and contribute to sustainable community provision.

Compared to the layout of the Illustrative Masterplan submitted as part of the outline application there has been some revision of heights. The outline masterplan originally indicated blocks of some two and a half storey development. The proposed layout has a looser, less engineered character, where the open space, levels, need to provide an adequate buffer to the overhead electricity cable to the north of the site and buildings and spaces more effectively determining the layout. The street arrangement follows through from the indicative blocks and comprises the inclusion of the central feature landscape public open space and retention of trees around Highfield House, with linear open space to the western boundary.

It is considered that the design of the housing units are appropriate and that the development would not appear out of character with the housing to the east of the site. It also displays the same housing types and layout character as the Goldfinch site.

Details of the proposed boundary treatments are standard close boarded fencing. An open plan configuration is contained to front gardens, again in keeping with open plan character of the existing estate. The road through the site is designed as shared surface, with block paving traffic tables to junctions. The central positioning of the open space ensures equal access from all part of the site via the shared surface.

It is considered that the layout and design of the scheme is appropriate and that it accords with Policy GR2 (Design) of the Congleton Borough Local Plan.

### **Landscape Impact and trees/hedgerows**

The site is currently agricultural land located immediately adjacent to a residential area. There are well established hedgerows and tree belts to several of the boundaries. A number of mature hedgerows and trees are located around the periphery of the site. The land gradient rises by 2/3 metres from north to south across the site.

There are no landscape designations on the application site. Within the Cheshire Landscape Character Assessment the application site is located on the boundary of the Lower Farms and Woods landscape, specifically the Brereton Heath Area.

Although the site displays some of the characteristics of the Brereton Heath Character Area, the character of the site is significantly influenced by the existing development of housing along the entire eastern boundary. The topography of the application site generally falls from east to west, towards The Howty, apart from a bund located along the north east boundary of the site.

The site has a network of existing hedgerows and trees to the periphery of Highfield House with the remainder of the site agricultural grazing land. The site is strongly influenced by the cemetery to the west and is dominated by residential properties to the east of the site and Highfield House, which the northern part of the site wraps around.

The layout would allow for the retention of the majority of the peripheral hedgerows and important trees (other than to accommodate the main access point previously approved) around Highfield House and would allow for landscape and biodiversity enhancement measures to be undertaken. The Council's Tree Officer has confirmed that the arboricultural impacts are acceptable and as such there is no objection in this regard.

The Council's Landscape Architect also raises no concern about this layout.

### **Residential Amenity**

The Congleton Borough Council Supplementary Planning Document, Private Open Space in New Residential Developments, requires a distance of 21 metres between principal windows and 13 metres between a principal window and a flank elevation to maintain an adequate standard of privacy and amenity between residential properties.

The nearest neighbouring residential units to the site are those occupying land at 24 and 21 The Moorings. The land level of the road rises into the site and the heights of the proposed dwellings are approx. 3m higher than the existing dwellings on the Moorings. The gables of each dwelling are approx. 10m and 9m from the new dwellings. These are gable elevations and the building line mirrors that which exists at the Moorings. Such orientations and distances would be sufficient to ensure that the proposed development does result in a loss of amenity to the nearest neighbouring properties by reason of direct overlooking, visual intrusion or loss of light. Elsewhere, the proposed development would meet or exceed the minimum separation distances.

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. The layout shows that this will be achieved in the majority of cases. It is therefore concluded that the proposed development is acceptable in amenity terms and would comply with the requirements of Policy GR1 and GR6 of the Local Plan.

### **Affordable Housing**

The proposal incorporates 12 affordable units, of which 8 are 1 bedroom apartments, located in 2 separate parts of the southern portion of the site and the remainder are 3 bedroomed mews houses located to the north of the site. The apartments are designed to appear as a pair of semi-detached dwellings.

Affordable units are therefore spread throughout the site in accordance with the pepper-potting requirements of the SPD.

The Council's Strategic Housing Officer has confirmed that the quantum of affordable units, the tenure split, the size and location of the affordable units are acceptable and such the proposal would provide the requisite level and type of affordable housing to assist the continuing need in the locality.

### **Highways**

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe

provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Vehicular access to the site is to be taken from the Moorings, the location and width of which was granted on appeal. This assessment therefore addresses the internal estate road layout.

The proposed internal road layout would provide two cul-de-sacs with no highway link between. The Council's Head of Strategic Infrastructure (HIS – Highways) has confirmed that the proposed road layout does meet highway standards in regards to road width and pedestrian footways provided and as such are considered acceptable.

With reference to parking provision, the parking provision is 200% for the all of the units except for the 1 bed units, which have 1 space each , with one block having 2 visitor spaces. This amount of provision accords with the current parking standards. As such, the internal road layout and the parking provision is considered to be acceptable and policy compliant.

### **Trees**

The Council's arborist has no objections to the proposals.

### **Ecology**

The application has been the subject of a number of surveys for European protected species and other protected species such as the badger. The surveys have been updated as part of the application consideration in accordance with the requirements of the Council's Nature Conservation Officer.

### Bats

A number of trees have been identified within the submitted surveys as offering potential roosting opportunities for bats. Given that the proposed layout will enable these tree specimens to be retained and having regard to the submitted mitigation/compensation, the favorable conservation status of the species will be maintained.

### Habitats

The site exhibits features that are considered as Biodiversity Action Plan Priority habitats and hence a material consideration. These include hedgerows, badger habitat and breeding birds. The impacts of the layout of the proposed development upon the badger are significant so that a Natural England disturbance license will be required. The Council's Ecologist is satisfied that the adverse impact of the development on other protected species can be mitigated in accordance with the submitted ecological information and mitigation.

The Council's Ecologist has queried the use of herbicide within the ecological buffer to the western boundary of the site. He would prefer less use of herbicide. This is achievable through minor adjustment to the management plan, which can be condition.

### **S106 contributions Levy (CIL) Regulations:**

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

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

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

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

In allowing the outline application, the Inspector has already considered the relevant contributions and mitigation required to offset impacts relating to affordable housing, public open space and urban realm works. These were deemed necessary and reasonably related to the development and it is not the purpose of this reserved matters to revisit this. The outline permission and the reserved matters sit together as part of the same development proposal, there is no need to enter into any further legal agreement.

### **Planning Balance**

The principle of development has already been accepted as part of the outline approval on this site. The weighting of material planning issues within the planning balance is an exercise previously undertaken by the Inspector.

This assessment therefore considers the matters of detailed design, layout and landscaping previously reserved, however, the scheme is considered to contribute to the 3 strands of sustainability in the NPPF in the following ways:

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Council's delivery of 5 year housing land supply and provide affordable housing in an area of continuing need.

The impact upon infrastructure would be neutral as the education department previously advised at outline stage that there was sufficient capacity in local schools to cater for this development as part of the outline scheme. The provision of public open space and the proposed play area is acceptable.

The design, layout and landscaping of the scheme are considered to be of sufficient quality.



The ecological and arboricultural impacts are considered to be neutral as mitigation, which was conditioned as part of the outline permission would be secured. Drainage/flood risk issues are also acceptable.

The proposed access points are acceptable and the traffic impact as part of this development has already been accepted together with highway works via a S278 agreement pursuant to the Highways Act and contributions for off-site highway works by the Inspector at the outline stage.

The internal design of the highway layout/parking provision is acceptable to the Head of Strategic Infrastructure (Highways).

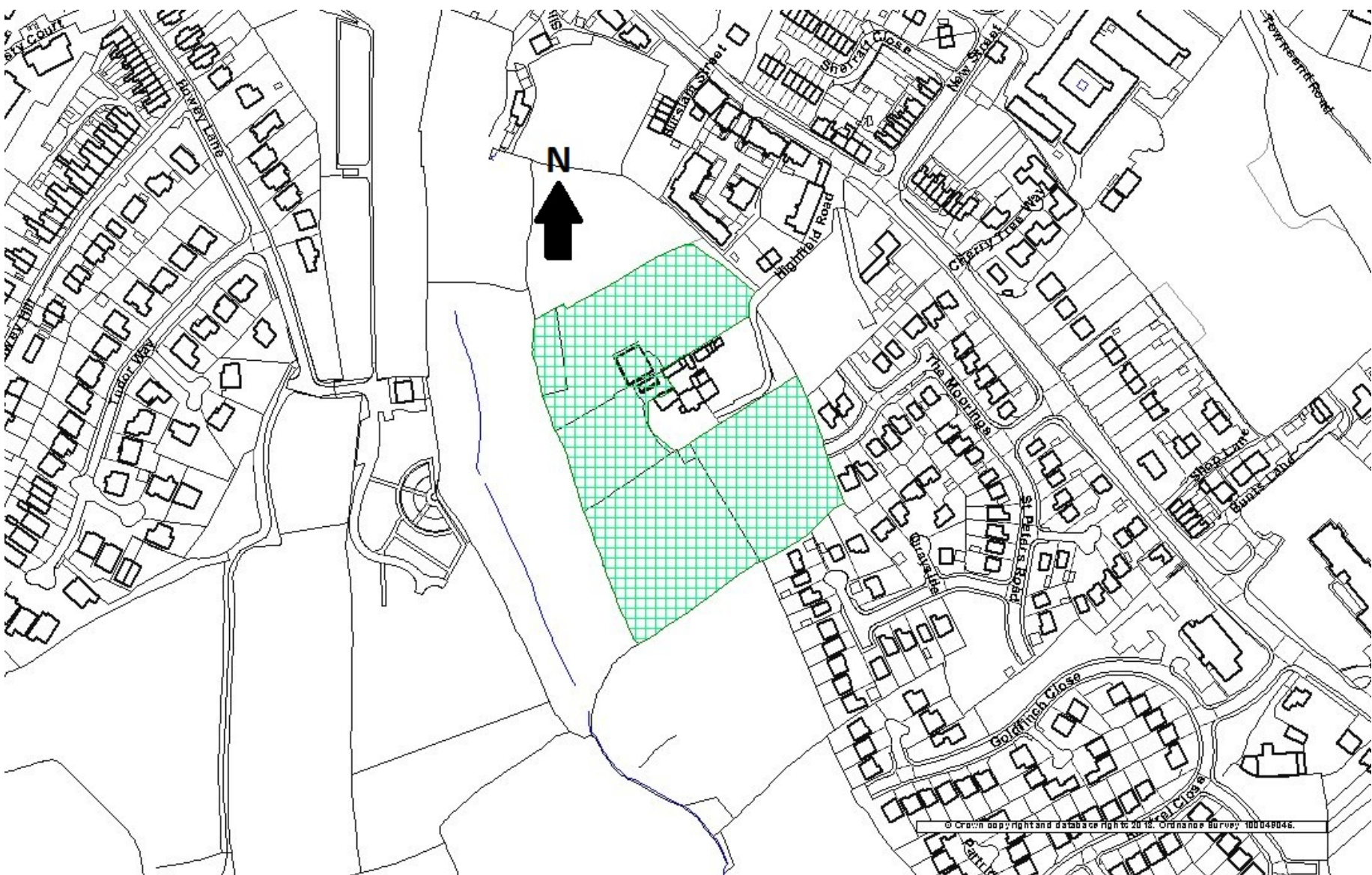
The proposal will contribute to the local economy by virtue of the increased spending power of new residents and the construction supply chain. Accordingly, the scheme is deemed to acceptable and is recommended for approval.

### **RECOMMENDATION**

**Delegate to Head of Planning (Regulation), in consultation with the Chairman and Vice-Chairman, for APPROVAL subject to the consideration of any additional representations resulting from the extended consultation period and the following conditions**

1. Development to be carried out in accordance with approved / amended plans
2. Accordance with submitted ecology reports / mitigation / recommendations with revision to herbicide use
3. Accordance with details of boundary treatments
4. Accordance with levels
5. Path materials to be submitted and approved
6. Accordance with 5m buffer zone along watercourse
7. Removal of permitted development rights classes A-E (extensions and outbuildings)
8. Materials to be submitted and approved
9. Obscured glazing on selected plots
10. Removal of permitted development rights for openings on selected plots.
11. Accordance with updated arboricultural report
12. Accordance with Tree / hedgerow protection

**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.**



Application No: 15/2007N

Location: Land off Beswick Drive, Crewe, Cheshire, CW1 5NP

Proposal: The erection of a Car Dealership and Showroom (sui generis) with associated landscaping (to be secured by condition), car parking and access arrangements.

Applicant: Pochin's Ltd and The Swansway Group

Expiry Date: 04-Aug-2015

### **SUMMARY**

The application site lies entirely within the Crewe Settlement boundary as determined by the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011. The application site also lies within the Crewe Business Park / Crewe Green employment allocation site.

Policy E.1.1 of the Local Plan advises that within this allocation, B1 (office) development and any uses required by and associated with Manchester Metropolitan University are specifically detailed as being acceptable.

The proposed erection of a car showroom / garage does not fall into any of these acceptable uses. 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”.

Policy EG.3 of the emerging Cheshire East Local Plan - submission version, a material consideration, specifically refers to allocated employment sites. It is advised that existing allocation shall be protected unless the site is no longer viable for employment uses and there is no potential for alternative employment uses.

Given that the NPPF encourages sustainable economic development and given that the application site has remained vacant for a number of years and the proposed development would create an alternative employment use on this site, this principle of development is accepted.

The development would bring positive planning benefits such as; the creation of new employment opportunities. Balanced against this benefit must be the dis-benefits, which in this case relate to the loss of the land for specific employment allocation purposes (Economic). It is considered that the environmental and social roles of the scheme are neutral.

**In this instance, it is considered that economic benefit via the creation of jobs on a site which has been vacant for a number of years, outweighs the economic dis-benefits.**

**On the basis of the above, it is considered that the proposal represents sustainable development and is recommended for approval.**

**RECOMMENDATION**

**APPROVE subject to conditions**

**PROPOSAL:**

Full Planning permission is sought for the erection of a Car Dealership and Showroom (sui generis) with associated landscaping, car parking and access arrangements.

The proposed building would be 1,830 square metres of workshop, showroom, offices and valet facilities.

Revised layout plans have been submitted during the application process following discussions between the applicant and the Council. These revisions have been subject to appropriate consultation.

**SITE DESCRIPTION:**

The application sites comprises of half of an irregular shaped parcel of land which is located to the northern side of Beswick Drive and the south-west of the Crewe Green Round-about within the Crewe Settlement Boundary as defined by the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

The site lies entirely on land allocated in the Crewe and Nantwich Replacement Local Plan 2011 under Policy E.1.1 for Class B1 uses and uses required by Manchester Metropolitan University.

**RELEVANT HISTORY:**

**15/2008N** - The erection of a petrol filling station with ancillary shop– Under consideration

**P06/0964** - Extension of time period condition 2 attached to P03/0639 for mixed use development – Approved 16<sup>th</sup> October 2006

**P04/1475** - Reserved Matters Application for Construction of Three Storey Office Block With Related Parking – Approved 11<sup>th</sup> January 2005

**P03/1239** - Variation of Conditions 7 & 20 (P03/0639) – Withdrawn 24<sup>th</sup> March 2004

**P03/0639** - Outline Application for Mixed use Development comprising Student Accommodation, Offices and Pub/Restaurant together with Access, Car Parking and Landscaping – Approved 3<sup>rd</sup> September 2003

**P00/1130** - Manufacturing Building and Associated External Works (Class B2) – Approved 16<sup>th</sup> May 2001

**P00/1133** - Screening Opinion In Respect Of New Manufacturing Building – EIA not required 21<sup>st</sup> February 2001

**P96/0766** - Outline application for multiplex cinema bingo club, bowling alley, public house, restaurants and offices with associated car parking.

P94/0471 – Withdrawn 29<sup>th</sup> January 1997

**7/19179** - O/a for business development (class B1) and a hotel (class C1) – Approved 10<sup>th</sup> January 1991

**7/18607** - Outline clearance for an hotel – Approved 21<sup>st</sup> June 1990

**7/16315** - Extension to Crewe Business Park – Approved 7<sup>th</sup> December 1988

**7/13981** - New access road and sewers including new junction with improvement of A534 Crewe Road – Approved 19<sup>th</sup> March 1987

**7/11951** - Development of a high technology site – Approved 2<sup>nd</sup> August 1985

### **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

18-22 Building a strong, competitive economy

23-27 – Ensuring the vitality of town centres

56-68 – Requiring good design

#### **Development Plan:**

For the erection of a car showroom in this location, the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011 would apply;

E.1 (Existing Employment Allocations)

E.1.1 (Crewe Business Park/Crewe Green)

E4 (Development on Existing Employment Areas)

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)

TRAN.9 (Car Parking Standards)

### **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)

EG3 (Existing and Allocated Employment Sites)  
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 (Infrastructure)  
SE8 (Renewable and Low Carbon energy)  
SE9 (Energy Efficient Development)  
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

### **CONSULTATIONS:**

**United Utilities** – No objections, subject to a condition requiring that the site must be drained on a total separate system whilst limiting the surface water run-off from the new development to a maximum discharge rate of 5 l/s in accordance with the FRA submitted. Furthermore, a number of informatives are proposed.

**Head of Strategic Infrastructure (HSI)** - No objections

**Environmental Protection** – No objections, subject to the following conditions; a restriction on the hours of piling; the prior submission of a piling method statement; the prior submission of a floor floating method statement; the prior submission of lighting details; a restriction on the hours of operation; the prior submission of electric vehicle charging point details; the prior submission of a dust mitigation scheme, the prior submission of a Phase 1 and Phase II contaminated land report and informatives relating to hours of construction and contaminated land.

**Environment Agency** – No comments received at time of report

**Flood Risk Manager (Cheshire East Council)** – No objections, subject to the prior submission of a surface water on-site storage and discharge condition

**Crewe Town Council** – No comments received at time of report

### **REPRESENTATIONS:**

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

No letters of correspondence have been received.

## APPRAISAL:

The key issues are:

- Principle of the development
- Sustainability (Environmental, Social and Economic). More specifically, the acceptability of the impact upon;
  - Landscape
  - Ecology
  - Design
  - Highways
  - Drainage and Flooding
  - Amenity
- Planning balance

## Principle of Development

### Local Plan

The application site lies within the Crewe Business Park / Crewe Green employment allocation site as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Policy E.1.1 of the Local Plan advises that within this allocation, B1 development and any uses required by and associated with Manchester Metropolitan University are specifically detailed as being acceptable.

Policy E.1.1 states that for the avoidance of doubt, such uses include; classroom/teaching facilities, residential accommodation for students, indoor and outdoor sport and recreational facilities.

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

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

### NPPF

Paragraph 17 of the NPPF states that planning should;

*‘Proactively drive and support sustainable economic development to deliver the homes, **business** and industrial units, infrastructure and thriving local places that a country needs.’*

Paragraph 22 of the NPPF states that;

*‘Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.... Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for the different land uses to support sustainable local communities.’*

Although this statement refers to planning policies and not how planning applications should be considered, it provides a steer as to how the government want Local Planning Authorities to consider sites allocated for employment use and as such, this is a material consideration.

### Emerging Local Plan

Policy EG3 (Existing and Allocated Employment Sites) from the emerging Local Plan Strategy – Submission Version, which is a material consideration, advises that;

*‘Existing employment sites will be protected for employment use unless;*

- i. Premises are causing significant nuisance or environmental problems that could not be mitigated; or*
- ii. The site is no longer suitable or viable for employment use; and*
  - a) There is no potential for modernisation or alternate employment uses; and*
  - b) No other occupiers can be found.’*

As the site is currently vacant scrubland, point *i* (above) does not apply. However, point *ii* does apply.

In response, the applicant has submitted marketing information for the site. This information advises that the site has been marketed with Matthews & Goodman and with Lamont Commercial since 2005 for large scale office functions. However, this exercise has not been successful. Although there have been planning applications granted for office development, the last was a renewal application in 2006, which has now expired.

In addition to the above, the application proposes an alternative employment use on this site and as such, the benefits of an alternative provision need to be considered.

### Conclusion

Although the proposed erection of a car showroom / garage on this site would be contrary to Policy E.1.1 and therefore Policy E.1 of the Local Plan, the NPPF and the emerging Local Plan policy advise that alternative uses, and particular alternative employment purposes as detailed by Policy EG5 of the emerging Local Plan, need to be considered on their merits. The benefits and dis-benefits of the proposal are considered below based on their sustainability.

### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:



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

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

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

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

## **Environmental Role**

### Landscape, Hedgerows and Trees

The site is located close to Crewe Green roundabout and forms a gateway to Crewe. Crewe Green Road lies to the north, the roundabout the north east, University Way to the east and Beswick Drive to the south. There is university accommodation to the south west and a pub and retail unit to the south beyond Beswick Drive. The road corridors of Crewe Green Road and University Way have landscape treatment which enhances the approach to Crewe.

The Council’s Landscape Officer has advised that it is considered essential that development of this gateway site is afforded a high quality landscape setting.

The site is generally flat with some areas of low mounding to the south and is rough grassland with hedge to much of the road boundary.

The submission is supported by a Landscape Appraisal and a planting plan and schedule detailed on plan. However, following the receipt of a revised layout plan, this is now out of date.

Notwithstanding the above, the Council's Landscape Officer had some concerns with the original landscape plan.

It was advised that the extent of built form and hard surfacing restricted the scope for soft landscape treatment. The boundary treatment between the University accommodation block and the application site was not adequate.

Furthermore, proposed levels were not provided in order to inform assessment of the relationship to Crewe Green Road, University Way and to the university accommodation which is at a lower level with a gabion retaining wall on the boundary.

It was also recommended that the existing boundary hedge be retained in order to maintain continuity in the street scene. No details of any proposed fencing for security were provided.

Following discussions between the applicant and the Council after receiving these comments, less hard standing and further landscaping has been incorporated into the frontage of the site onto the Crewe Green round-a-bout in order to address this concern. Subject to the prior approval of a detailed landscaping scheme and its subsequent implementation, it is considered that the proposal would be acceptable in landscape terms.

### Design

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

This site lies at a key gateway point on entry to Crewe from the motorway via junction 17. It is also a busy location with through traffic using University Way and traffic coming to and from the town and toward the hospital. It is one of the points where first impressions of Crewe as a place are defined. It is one of perhaps 4 or 5 key gateways into the town.

The proposals are for a car dealership, defined as Jaguar on the drawings. This application needs to be read in conjunction with the adjacent application, 15/2008N (Petrol Station and shop) as both proposal share the one larger gateway site.

The buildings are separated from one another with the car dealership occupying the western site, with the remaining development of application 15/2008N in the eastern plot. Access would be via Beswick Drive, off University Way.

The car dealership comprises a 2-storey equivalent commercial building (with floor space at ground-floor only), designed with a simple rectangular form, encased in metal cladding with openings revealed on part of the main road frontage. The drawings give the impression of a building with clean, simple lines. This is a brand architecture being employed by Jaguar on its newer sites.

Display car parking is indicated on the revised layout plan on would be on the main frontage with the Crewe Green round-a-bout in 2 banks and a single bank fronting Crewe Green Road. The remainder of the functional parking and valeting bays etc. are located to the south of the building, between it and the university halls of residence. There would be some customer parking to the east

of the site between the showroom and the Petrol Station and shop application proposal (ref: 15/2008N).

A modest landscape edge is proposed around the main frontage. Large areas of access road, manoeuvring space and hard surface bisect and divide up the site.

The Council's Urban Design Officer has reviewed the revised proposal and advised that despite the revisions to the scheme, he still cannot support the proposal on design grounds.

This is because this is a key site for Crewe and he considers that the proposal does not capitalise on the strategic value of this site in urban design and regeneration terms. The degree of improvement to the design is not sufficient to overcome those concerns. At the time of writing this committee report, further minor design suggestions to the scheme are being considered by the applicant. A further update shall be presented to committee in the form of a written update.

However notwithstanding the above, given that the layout has been amended to ensure that the showroom would now front onto the Crewe Green roundabout and further landscaping has been incorporated into the frontage, it is not considered that a refusal on design grounds would be sustained at appeal.

As such, it is considered that the revised design of the scheme would be acceptable and would adhere with Policy BE.2 of the Local Plan.

### Highways Implications

A Transport Assessment (TA) has been produced to support the development proposal.

Access will be via an existing roundabout also giving access to the Manchester Metropolitan University Cheshire student accommodation; a stub access is already in place.

The Council's Head of Strategic Infrastructure (HSI) has advised that the proposed development site is reasonably well located to take advantage of sustainable transport options; although the proposed usage is typically accessed by car-borne visitors, as the car showroom would be.

The HSI has confirmed that the car parking provision is considered sufficient for the proposed development.

The HSI has advised that traffic generation associated with the proposed car showroom would be less than that of office development, as allocated in the Local Plan, in peak hours by a considerable margin.

The HSI considers that development proposals taken as a whole (including the Petrol Filling Station and shop ref: 15/2007N), would generate a peak hour traffic envelope that would lie inside that of office development in this location.

To conclude, the HSI has advised that the development proposal would not result in severe harm on to the transport network, particularly when considered against office development on the site and therefore raises no objections.

### Ecology

The application is supported by a Preliminary Ecological Appraisal Report.

In response to this, the Council's Nature Conservation Officer has advised that sufficient information has been gathered to assess the quality of the habitats on site and that the grassland habitats on site are unlikely to be of significant nature conservation value.

It has been advised that should the application be approved, a condition to safeguard breeding birds and a condition seeking the prior submission of features suitable for breeding birds should be incorporated into the decision.

### Flood Risk/Drainage

The application is supported by a Flood Risk Assessment.

The Council's Flood Risk Manager has reviewed the proposal and advised that he has no objections in principle on flood risk grounds. However it is advised that should the application be approved, a condition requiring the prior submission of a surface water storage and discharge scheme be submitted to the LPA for prior approval.

United Utilities have advised that they raise no objections, subject to a condition requiring that the site must be drained on a total separate system whilst limiting the surface water run-off from the new development to a maximum discharge rate of 5 l/s in accordance with the FRA submitted. Furthermore, a number of informatives are proposed.

### Conclusion

The application would have a limited impact upon the landscape in this industrial part of Crewe located within the Crewe Settlement Boundary.

The scheme would be of an acceptable design that would not create any issues with regards to highway safety, ecology, drainage and flooding, subject to conditions where appropriate.

As a result, it is considered that the developments would be environmentally neutral.

### **Social Role**

#### Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Given the location of the application site in an industrial / university area of Crewe, the number of neighbouring dwellings are limited.

The closest dwellings would be 15A, 14 and 12 Renaissance Way which would be located approximately 53 metres away from the application site at their closest point.

As a result of this large separation distance, it is not considered that the proposal would create any issues for these neighbouring properties with regards to loss of privacy, light or visual intrusion.

An MMU University accommodation block would be located adjacent to the application proposal. At its closest point, the proposed show-room / workshop building would be located approximately 42 metres away from the block.

Much nearer to the accommodation would be vehicle display parking (10.2 metres and offset), recycling store (10.2 metres and offset), valet bays (13.3 metres and offset), MOT parking (13.9 metres) and staff parking (10.3 metres and offset).

Given the single-storey nature of these developments, their offset relationships with the closest aspect of the accommodation block, and because planting is proposed between the development and the student block, it is not considered that the proposed development would create any unreasonable amenity issues to this side with regards to loss of privacy, light or visual intrusion.

In relation to environmental disturbance, the Council's Environmental Protection Team have advised that they have no objections, subject to the following conditions; a restriction on the hours of piling; the prior submission of a piling method statement; the prior submission of a floor floating method statement; the prior submission of lighting details; a restriction on the hours of operation; the prior submission of electric vehicle charging point details; the prior submission of a dust mitigation scheme, the prior submission of a Phase 1 and Phase II contaminated land report and informatives relating to hours of construction and contaminated land.

It is therefore considered that the development would be socially neutral.

### **Economic Role**

It is advised within paragraph 6.6 of the submitted Planning Statement that *'the Jaguar Car Dealership would generate in the order of 50 jobs directly. In addition there would be indirect jobs created elsewhere in the industry such as vehicle transporter drivers and additional jobs at the Swansway group's Crewe based headquarters.'*

As a result of the above, it is considered that the development would provide strong economic benefits and would therefore be economically sustainable.

### **Planning Balance**

The application site lies entirely within the Crewe Settlement boundary as determined by the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

The application site also lies within the Crewe Business Park / Crewe Green employment allocation site.

Policy E.1.1 of the Local Plan advises that within this allocation, B1 development and any uses required by and associated with Manchester Metropolitan University are specifically detailed as being acceptable.

The proposed erection of a car showroom / garage does not fall into any of these acceptable uses. 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”.

Policy EG.3 of the emerging Cheshire East Local Plan - submission version, a material consideration, specifically refers to allocated employment sites. It is advised that existing allocation shall be protected unless the site is no longer viable for employment uses and there is no potential for alternative employment uses.

Given that the NPPF encourages sustainable economic development and given that the application site has remained vacant for a number of years and the proposed development would create an alternative employment use on this site, this principle of development is accepted.

The development would bring positive planning benefits such as; the creation of new employment opportunities.

Balanced against this benefit must be the dis-benefits, which in this case relate to the loss of the land for specific employment allocation purposes (Economic). It is considered that the environmental and social roles of the scheme are neutral.

In this instance, it is considered that economic benefit via the creation of jobs on a site which has been vacant for a number of years, outweighs the economic dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and is recommended for approval.

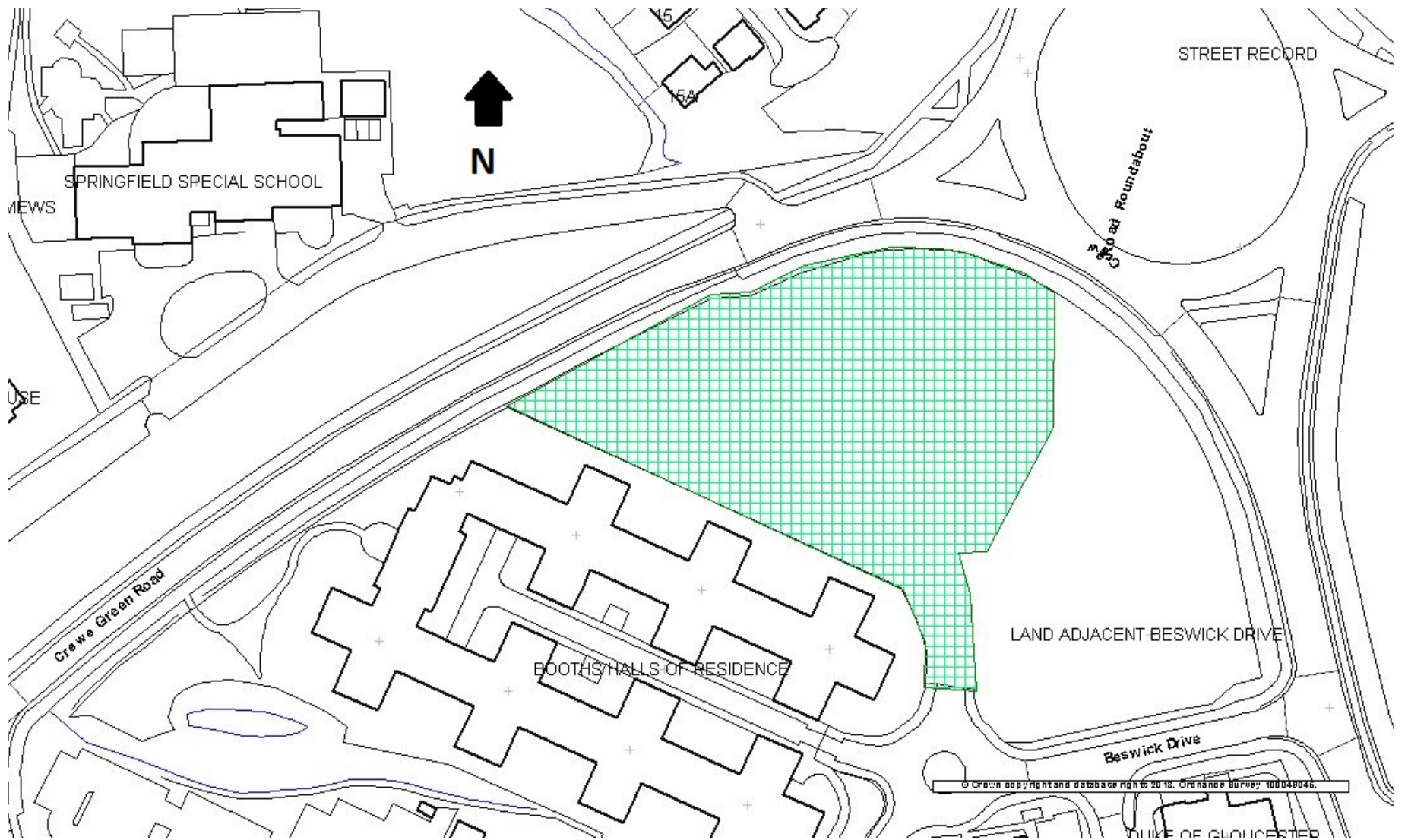
### **RECOMMENDATIONS**

#### **APPROVE subject to the following conditions**

- 1. Time (3 years)**
- 2. Plans**
- 3. Materials as per application**
- 4. Landscape – Prior approval of details**
- 5. Landscape – Implementation**
- 6. Protection of breeding birds**
- 7. Nesting features for birds – Prior approval of details**
- 8. Surface water storage and drainage scheme – Prior approval of details**
- 9. Drainage on separate system**
- 10. Hours of piling**
- 11. Piling method statement – Prior approval of details**
- 12. Floor floating method statement – Prior approval of details**
- 13. Lighting details - Prior approval of details**
- 14. Hours of operation**
- 15. Electric vehicle charging infrastructure - Prior approval of details**
- 16. Dust mitigation scheme - Prior approval of details**

**17. Phase 1 and Phase 2 Contaminated Land Report - Prior approval of details**

**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 Planning Manager (Regulation) in consultation with the Chair (or in their absence the Vice Chair) of the Strategic Planning Board and Ward Member, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**





Application No: 15/2008N

Location: LAND ADJACENT BESWICK DRIVE, BESWICK DRIVE, CREWE, CHESHIRE

Proposal: The erection of a petrol filling station with ancillary shop

Applicant: Pochin's Ltd and The Kay Group

Expiry Date: 30-Jun-2015

### **SUMMARY**

The application site lies entirely within the Crewe Settlement boundary as determined by the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011. The application site also lies within the Crewe Business Park / Crewe Green employment allocation site.

Policy E.1.1 of the Local Plan advises that within this allocation, B1 development and any uses required by and associated with Manchester Metropolitan University are specifically detailed as being acceptable.

The proposed erection of a Petrol Filling Station and ancillary shop does not fall into any of these acceptable uses. 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”.

Policy EG.3 of the emerging Cheshire East Local Plan - submission version, a material consideration, specifically refers to allocated employment sites. It is advised that existing allocation shall be protected unless the site is no longer viable for employment uses and there is no potential for alternative employment uses.

Given that the NPPF encourages sustainable economic development and given that the application site has remained vacant for a number of years and the proposed development would create an alternative employment use on this site, this principle of development is accepted.

The development would bring positive planning benefits such as; the creation of new employment opportunities. Balanced against this benefit must be the dis-benefits, which in this case relate to the loss of the land for specific employment allocation purposes (Economic). It is considered that the environmental and social roles of the scheme are neutral.

**In this instance, it is considered that economic benefit via the creation of jobs on a site which has been vacant for a number of years, outweighs the economic dis-benefit.**

**On the basis of the above, it is considered that the proposal represents sustainable development and is recommended for approval.**

**RECOMMENDATION**

**APPROVE subject to conditions**

**PROPOSAL:**

Full Planning permission is sought for the erection of a Petrol Filling Station, shop and associated landscaping, car parking and access arrangements.

The proposed buildings would it total measure 447 square metres.

The scheme has been amended during the application process. The original scheme also sought a Costa Coffee drive-thru stand alone building which has been removed from the scheme. A set of revised layout plans have been submitted to reflect this omission.

**SITE DESCRIPTION:**

The application sites comprises of half of an irregular shaped parcel of land which is located to the northern side of Beswick Drive and to the west of University Way within the Crewe Settlement Boundary as defined by the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

The site lies entirely on land allocated in the Crewe and Nantwich Replacement Local Plan 2011 under Policy E.1.1 for Class B1 uses and uses required by Manchester Metropolitan University.

**RELEVANT HISTORY:**

**15/2007N** - The erection of a Car Dealership and Showroom (sui generis) with associated landscaping (to be secured by condition), car parking and access arrangements – Under consideration

**P06/0964** - Extension of time period condition 2 attached to P03/0639 for mixed use development – Approved 16<sup>th</sup> October 2006

**P04/1475** - Reserved Matters Application for Construction of Three Storey Office Block With Related Parking – Approved 11<sup>th</sup> January 2005

**P03/1239** - Variation of Conditions 7 & 20 (P03/0639) – Withdrawn 24<sup>th</sup> March 2004

**P03/0639** - Outline Application for Mixed use Development comprising Student Accommodation, Offices and Pub/Restaurant together with Access, Car Parking and Landscaping – Approved 3<sup>rd</sup> September 2003

**P00/1130** - Manufacturing Building and Associated External Works (Class B2) – Approved 16<sup>th</sup> May 2001

**P00/1133** - Screening Opinion In Respect Of New Manufacturing Building – EIA not required 21<sup>st</sup> February 2001

**P96/0766** - Outline application for multiplex cinema bingo club, bowling alley, public house, restaurants and offices with associated car parking.

P94/0471 – Withdrawn 29<sup>th</sup> January 1997

**7/19179** - O/a for business development (class B1) and a hotel (class C1) – Approved 10<sup>th</sup> January 1991

**7/18607** - Outline clearance for an hotel – Approved 21<sup>st</sup> June 1990

**7/16315** - Extension to Crewe Business Park – Approved 7<sup>th</sup> December 1988

**7/13981** - New access road and sewers including new junction with improvement of A534 Crewe Road – Approved 19<sup>th</sup> March 1987

**7/11951** - Development of a high technology site – Approved 2<sup>nd</sup> August 1985

### **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

18-22 Building a strong, competitive economy

23-27 – Ensuring the vitality of town centres

56-68 – Requiring good design

#### **Development Plan:**

For the erection of a car showroom in this location, the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011 would apply; E.1 (Existing Employment Allocations)

E.1.1 (Crewe Business Park/Crewe Green)

E4 (Development on Existing Employment Areas)

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)

TRAN.9 (Car Parking Standards)

### **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)

EG3 (Existing and Allocated Employment Sites)

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 (Infrastructure)  
SE8 (Renewable and Low Carbon energy)  
SE9 (Energy Efficient Development)  
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

### **CONSULTATIONS:**

**United Utilities** – No objections, subject to a condition requiring the prior approval of a foul and surface water disposal scheme.

**Head of Strategic Infrastructure (HSI)** - No objections

**Environmental Protection** – No objections, subject to the following conditions; a restriction on the hours of piling; the prior submission of a piling method statement; the prior submission of an Environmental Management Plan; the prior submission of lighting details; the prior submission of electric vehicle charging point details; the prior submission of a dust mitigation scheme, the prior submission of a Phase 1 and Phase II contaminated land report and informatives relating to hours of construction and contaminated land.

**Environment Agency** – No comments received at time of report

**Flood Risk Manager (Cheshire East Council)** – No objections, subject to the prior submission of a surface water on-site storage and discharge condition

**Crewe Green Parish Council** – Have concerns over;

- The 'scattered' layout of the original scheme on this 'gateway' site
- Highway safety – Impact upon traffic volume and movements
- Noise concerns
- Would like to see further pedestrian access points

**Haslington Parish Council** - Have concerns over;

- The loss of the employment site
- Highway safety – more specifically, the impact upon the Crewe Green Roundabout

### **REPRESENTATIONS:**

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

No letters of correspondence have been received.

### **APPRAISAL:**

The key issues are:

- Principle of the development
- Sustainability (Environmental, Social and Economic). More specifically, the acceptability of the impact upon;
  - Landscape
  - Ecology
  - Design
  - Highways
  - Drainage and Flooding
  - Amenity
- Planning balance

### **Principle of Development**

#### Local Plan

The application site lies within the Crewe Business Park / Crewe Green employment allocation site as defined by the Borough of Crewe and Nantwich Replacement Local Plan 2011.

Policy E.1.1 of the Local Plan advises that within this allocation, B1 development and any uses required by and associated with Manchester Metropolitan University are specifically detailed as being acceptable. Policy E.1.1 states that for the avoidance of doubt, such uses include; classroom/teaching facilities, residential accommodation for students, indoor and outdoor sport and recreational facilities.

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

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

#### NPPF

Paragraph 17 of the NPPF states that planning should;

*'Proactively drive and support sustainable economic development to deliver the homes, **business** and industrial units, infrastructure and thriving local places that a country needs.'*

Paragraph 22 of the NPPF states that;

*'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.... Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for the different land uses to support sustainable local communities.'*

Although this statement refers to planning policies and not how planning applications should be considered, it provides a steer as to how the government want Local Planning Authorities to consider sites allocated for employment use and as such, this is a material consideration.

#### Emerging Local Plan

Policy EG3 (Existing and Allocated Employment Sites) from the emerging Local Plan Strategy – Submission Version, which is a material consideration, advises that;

*'Existing employment sites will be protected for employment use unless;*

- i. Premises are causing significant nuisance or environmental problems that could not be mitigated; or*
- ii. The site is no longer suitable or viable for employment use; and*
  - a) There is no potential for modernisation or alternate employment uses; and*
  - b) No other occupiers can be found.'*

As the site is currently vacant scrubland, point *i* (above) does not apply. However, point *ii* does apply.

In response, the applicant has submitted marketing information for the site. This information advises that the site has been marketed with Matthews & Goodman and with Lamont Commercial since 2005 for large scale office functions. However, this exercise has not been successful. Although there have been planning applications granted for office development, the last was a renewal application in 2006, which has now expired.

In addition to the above, the application proposes an alternative employment use on this site and as such, the benefits of an alternative provision need to be considered.

#### Out of town centre retail use

Paragraph 24 of the NPPF states that *'Local Planning Authorities should apply a sequential approach to planning applications for retail and leisure uses that are not in an existing centre and are not in accordance with an up to date Local Plan.'*

As the application site is located approximately 1 mile from the Crewe Town Centre, the applicant was advised to undertake a retail assessment.

This was undertaken and submitted during the application process. This statement considered that because the majority of the products sold from the shop would be from users of the Sui Generis Petrol Filling Station, the usual policy requirements contained within the NPPF in relation to sequential testing would not be of direct relevance in this case as the retail function would be ancillary.

The statement therefore concludes that the use would not undermine the vitality and viability of retail uses contained within the town centre.

This conclusion is supported by the Council's Spatial Planning Officer.

### Conclusion

Although the proposed erection of a Petrol Filling Station and shop on this site would be contrary to Policy E.1.1 and therefore Policy E.1 of the Local Plan, the NPPF and the emerging Local Plan policy advise that alternative uses, and particular alternative employment purposes as detailed by Policy EG3 of the emerging Local Plan, need to be considered on their merits.

The benefits and dis-benefits of the proposal are considered below based on their sustainability.

### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

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

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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**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**

#### Landscape, Hedgerows and Trees

The site is located close to Crewe Green roundabout and forms a gateway to Crewe. Crewe Green Road lies to the north, the roundabout to the north east, University Way to the east and Beswick Drive to the south. There is university accommodation to the south west and a pub and retail unit to the south beyond Beswick Drive. The road corridors of Crewe Green Road and University Way have landscape treatment which enhances the approach to Crewe.

The Council's Landscape Officer has advised that it is considered essential that development of this gateway site is afforded a high quality landscape setting.

The site is generally flat with some areas of low mounding to the south and is rough grassland with hedge to much of the road boundary.

The submission is supported by a Landscape Appraisal and a planting plan. However, following the receipt of a revised layout plan, this is now out of date.

Notwithstanding the above, the Council's Landscape Officer had some concerns with the original landscape plan.

It was advised that the extent of built form and hard surfacing restricted the scope for soft landscape treatment. Furthermore, proposed levels were not provided in order to inform assessment of the relationship to Crewe Green Roundabout and University Way which is at a lower level with a gabion retaining wall on the boundary.

It was also recommended that the existing boundary hedge be retained in order to maintain continuity in the street scene. No details of any proposed fencing for security were provided.

Following discussions between the applicant and the Council after receiving these comments further landscaping has been incorporated into the frontage of the site onto University Way in order to address this concern. Subject to the prior approval of a detailed landscaping scheme and its subsequent implementation, it is considered that the proposal would be acceptable in landscape terms.

#### Design

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



This site lies at a key gateway point on entry to Crewe from the motorway via junction 17. It is also a busy location with through traffic using University Way and traffic coming to and from the town and toward the hospital. It is one of the points where first impressions of Crewe as a place are defined. It is one of perhaps 4 or 5 key gateways into the town.

The proposals are for a petrol filling station and shop. This application needs to be read in conjunction with the adjacent application, 15/2007N (The erection of a Car Dealership and Showroom (sui generis) with associated landscaping (to be secured by condition), car parking and access arrangements) as both proposal share the one larger gateway site.

The buildings are separated from one another with the car dealership occupying the western site, with the remaining development of application 15/2008N in the eastern plot. Access would be via Beswick Drive, off University Way.

The petrol station and store is tucked into the southern part of the site, inward looking.

A modest landscape edge is proposed around the main frontage. Large areas of access road, manoeuvring space and hard surface bisect and divide up the site.

It is advised within the application that the proposed building facades would be finished in silver grey rain screen cladding, high quality facing brickwork with some relief rendered panels to create variety in the façade. All doors and windows would be powder coated aluminium. The overall appearance of the buildings would be functional, with the retail areas having punched windows.

The Council's Urban Design Officer has reviewed the revised proposal and advised that despite the revisions to the scheme, he still cannot support the proposal on design grounds. This is because this is a key site for Crewe and he considers that the proposal does not capitalise on the strategic value of this site in urban design and regeneration terms. The degree of improvement to the design is not sufficient to overcome those concerns.

However, given that the layout has been amended to ensure further landscaping has been incorporated into the frontage, it is not considered that a refusal on design grounds would be sustained at appeal.

As such, it is considered that the revised design of the scheme would be acceptable and would adhere with Policy BE.2 of the Local Plan.

### Highways Implications

A Transport Assessment (TA) has been produced by David Tucker Associates (DTA) to support the development proposal.

Access will be via an existing roundabout also giving access to the Manchester Metropolitan University Cheshire student accommodation; a stub access is already in place.

The Council's Head of Strategic Infrastructure (HSI) has advised that the proposed development site is reasonably well located to take advantage of sustainable transport options; although the proposed usage is typically accessed by car-borne visitors, as the Petrol Filling Station would be.

The HSI has confirmed that the car parking provision is considered sufficient for the proposed development.

The HSI has advised that traffic generation associated with the proposed car showroom would be less than that of office development, as allocated in the Local Plan, in peak hours by a considerable margin.

The HSI considers that development proposals taken as a whole (including the Car dealership ref: 15/2007N), would generate a peak hour traffic envelope that would lie inside that of office development in this location.

To conclude, the HSI has advised that the development proposal would not result in severe harm on to the transport network, particularly when considered against office development on the site and therefore raises no objections.

### Ecology

The application is supported by a Preliminary Ecological Appraisal Report. In response to this, the Council's Nature Conservation Officer has advised that sufficient information has been gathered to assess the quality of the habitats on site and that the grassland habitats on site are unlikely to be of significant nature conservation value.

It has been advised that should the application be approved, a condition to safeguard breeding birds and a condition seeking the prior submission of features suitable for breeding birds should be incorporated into the decision.

### Flood Risk/Drainage

The application is supported by a Flood Risk Assessment. The Council's Flood Risk Manager has reviewed the proposal and advised that he has no objections in principle on flood risk grounds; however it is advised that should the application be approved, a condition requiring the prior submission of a surface water storage and discharge scheme be submitted to the LPA for prior approval.

United Utilities have advised that they raise no objections, subject to a condition requiring the prior approval of a foul and surface water drainage scheme.

### Conclusion

The application would have a limited impact upon the landscape in this industrial part of Crewe located within the Crewe Settlement Boundary.

The scheme would be of an acceptable design that would not create any issues with regards to highway safety, ecology, drainage and flooding, subject to conditions where appropriate.

As a result, it is considered that the development would be environmentally neutral.

### **Social Role**

#### Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Given the location of the application site in an industrial / university area of Crewe, the number of neighbouring dwellings are limited.

The closest dwellings would be 15A, 15B and 12 Renaissance Way which would be located over approximately 150 metres away from the application site at their closest point.

The closest aspect of an MMU University accommodation block would be approximately 24 metres away from the closest built form proposed (jet wash bays).

As a result of these large separation distances, it is not considered that the proposal would create any issues for these neighbouring properties with regards to loss of privacy, light or visual intrusion.

In relation to environmental disturbance, the Council's Environmental Protection Team have advised that they have no objections, subject to the following conditions; a restriction on the hours of piling; the prior submission of a piling method statement; the prior submission of an Environmental Management Plan; the prior submission of lighting details; the prior submission of electric vehicle charging point details; the prior submission of a dust mitigation scheme, the prior submission of a Phase 1 and Phase II contaminated land report and informatives relating to hours of construction and contaminated land.

It is therefore considered that subject to the above conditions, the development would be socially neutral.

### **Economic Role**

It is advised within paragraph 6.6 of the submitted Planning Statement that *'The proposed petrol filling station would generate around 32 jobs directly, and...indirect jobs would be created in delivery drivers, fuel tanker drivers etc.'*

As a result of the above, it is considered that the development would provide strong economic benefits and would therefore be economically sustainable.

### **Planning Balance**

The application site lies entirely within the Crewe Settlement boundary as determined by the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

The application site also lies within the Crewe Business Park / Crewe Green employment allocation site.

Policy E.1.1 of the Local Plan advises that within this allocation, B1 development and any uses required by and associated with Manchester Metropolitan University are specifically detailed as being acceptable.

The proposed erection of a Petrol Filling Station and ancillary shop does not fall into any of these acceptable uses. 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”.

Policy EG.3 of the emerging Cheshire East Local Plan - submission version, a material consideration, specifically refers to allocated employment sites. It is advised that existing allocation shall be protected unless the site is no longer viable for employment uses and there is no potential for alternative employment uses.

Given that the NPPF encourages sustainable economic development and given that the application site has remained vacant for a number of years and the proposed development would create an alternative employment use on this site, this principle of development is accepted.

The development would bring positive planning benefits such as; the creation of new employment opportunities. Balanced against this benefit must be the dis-benefits, which in this case relate to the loss of the land for specific employment allocation purposes (Economic). It is considered that the environmental and social roles of the scheme are neutral.

In this instance, it is considered that economic benefit via the creation of jobs on a site which has been vacant for a number of years, outweighs the economic dis-benefit.

On the basis of the above, it is considered that the proposal represents sustainable development and is recommended for approval.

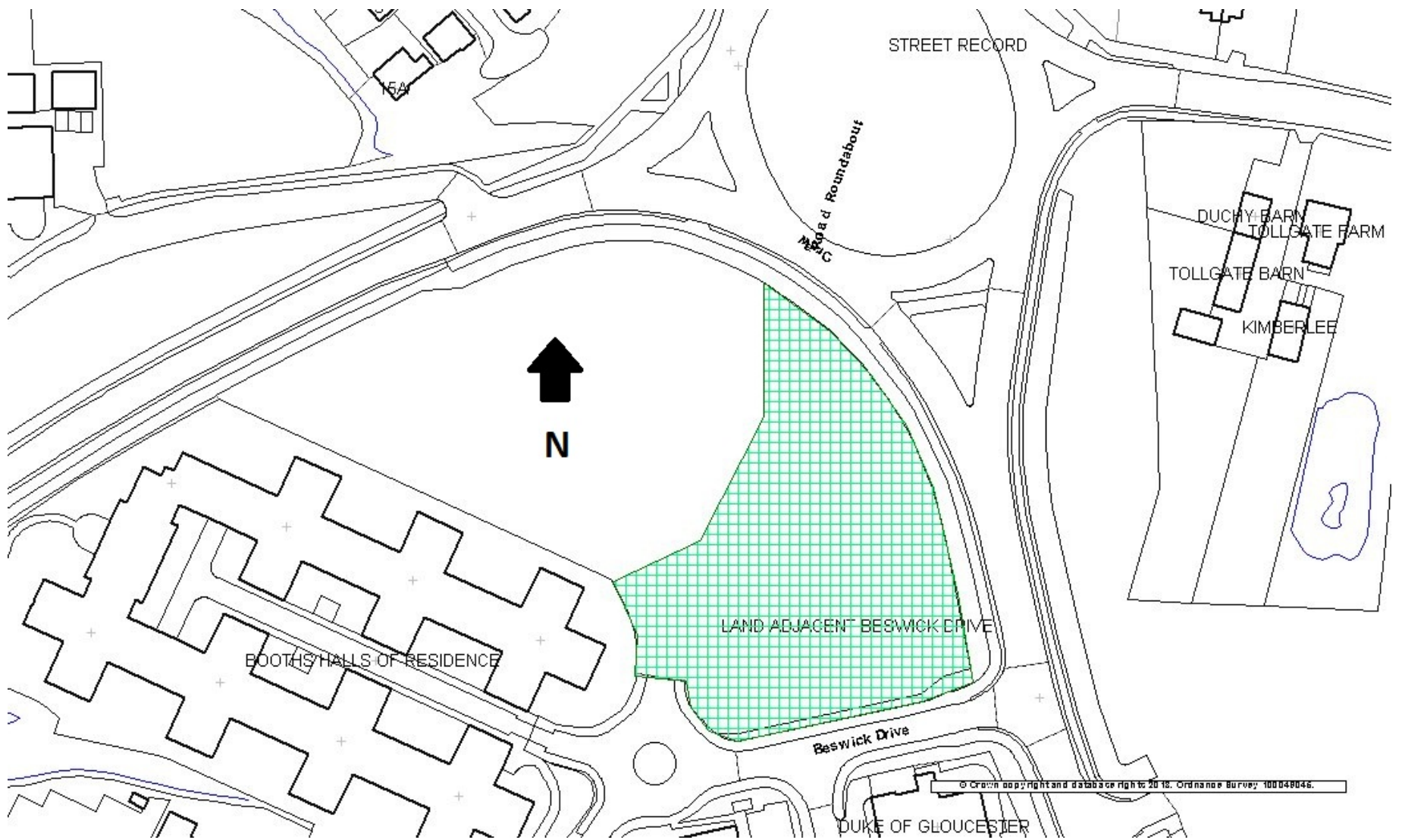
### **RECOMMENDATIONS**

**APPROVE subject to the following conditions**

- 1. Time (3 years)**
- 2. Plans**
- 3. Materials as per application**
- 4. Landscape – Prior approval of details**
- 5. Landscape – Implementation**
- 6. Protection of breeding birds**
- 7. Nesting features for birds – Prior approval of details**
- 8. Surface water storage and drainage scheme – Prior approval of details**
- 9. Surface and foul water drainage scheme**
- 10. Hours of piling**
- 11. Piling method statement – Prior approval of details**
- 12. Environmental Management Plan – Prior submission of details**

13. Lighting details - Prior approval of details
14. Electric vehicle charging infrastructure - Prior approval of details
15. Dust mitigation scheme - Prior approval of details
16. Phase 1 and Phase 2 Contaminated Land Report - Prior approval of details

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 Planning Manager (Regulation) in consultation with the Chair (or in their absence the Vice Chair) of the Strategic Planning Board and Ward Member, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.



Application No: 14/3086C

Location: THIMSWARRA FARM, DRAGONS LANE, MOSTON, SANDBACH, CW11 3QB

Proposal: Removal of Condition 2 (Time Limit) on Application 11/3548C - Change of Use of Land to Use as Residential Caravan Site for One Gypsy Family with Two Caravans Including Laying of Hardstanding and Erection of Stables.

Applicant: Mr D Sheridan

Expiry Date: 27-Aug-2014

### REASON FOR REPORT

The proposal was called to committee by Cllr Wray, the local ward member for the following reasons:

- 1. [At the time of the call in] The site has never been occupied in the 22 months since temporary planning permission was given - on appeal, so that the applicant, Mr Sheridan could provide a settled base for his young children to attend school.*
- 2. There is considerable local concern that if conditions are lifted that it would set a precedent for a similar application on an adjacent site which also has a current temporary 5 year permission.*
- 3. The inspector gave temporary permission to allow Cheshire East Council the time and opportunity to provide permanent sites in more sustainable locations.*

### SUMMARY

Having regard to the rural location of the site, the distance from facilities, and the absence of public transport the site is not considered to be in a sustainable location. This would have some adverse implications in terms of use of natural resources and movement towards a low carbon economy. In addition, there will be a limited adverse impact upon the character and appearance of this rural area arising from the visual impact of the proposal. There is therefore conflict with the environmental role of sustainable development as set out in the Framework.

Balanced against this is the significant identified need for accommodation for gypsies and travellers in the Borough and the lack of available alternatives. A total of 69 additional plots are required within the Borough for the period to 2028. Whilst 24 additional permanent pitches have been granted planning permission since the publication of the GTTSAA, they are not currently available, and substantial weight should still be attached to this unmet need in favour of the application.

The lack of any alternative site now and at least for the immediate future also carries significant weight in favour of the proposal. The Council does not have an adopted policy that is based on an accurate assessment of need in the Borough. A 5 year supply of deliverable sites cannot be demonstrated, which is matter that also weighs in favour of the application.

The situation with this site is similar to that considered by the Inspector in 2012 with the Council working towards delivering site allocations as part of the development plan. Therefore, due to the far from ideal location of the site, the limited harm to the character of the area, the PPTS advice to “very strictly limit” new traveller site development in the open countryside, and the stage of the local plan and site allocation process, the permanent occupation of the site is not considered to be justified. However, in order for the Council to be given the opportunity to provide these site allocations on suitable sites, and to cater for the site owner’s short term needs, it is recommended that permission should be granted for a further temporary period. The existing permission expires on 14 September 2016, and it is recommended that a further two years is given, which would then grant permission to 14 September 2018.

## **SUMMARY RECOMMENDATION**

Temporary approval subject to conditions

## **PROPOSAL**

The application seeks to remove Condition 2 (Time Limit) on Application 11/3548C. Condition 2 stated:

*The use of the land as a residential caravan site shall be discontinued and the relevant part of the land, other than the approved stable block, septic tank and hardstanding, restored to its former condition on or before the expiry of four years from the date of this permission, in accordance with a scheme of work submitted to and approved in writing by the local planning authority.*

The applicant is therefore seeking a permanent permission for a residential caravan site for one gypsy family with two caravans (one mobile home and one touring caravan).

The approved hardstanding and stable block were not subject to the temporary period condition and do already have the benefit of permanent planning permission.

It has become apparent that there is an extra caravan, shipping container and a mobile day room currently on the site that did not form part of the original planning permission. Enforcement investigations are currently ongoing regarding this breach of the original planning permission. The existing unauthorised development is a separate matter to the current proposal.

The site ownership has also changed during the course of the application. The temporary planning permission was not granted on a personal basis to the previous owner of the site, and does run with the land. Therefore, in planning terms there is no issue with the site now being occupied by a different family to that which obtained the initial consent.



## **SITE DESCRIPTION**

The application site occupies a position on the corner of Plant Lane and Dragons Lane and is located within the Open Countryside as identified in the Congleton Borough Local Plan First Review. The site currently comprises a gravelled surface with one mobile home, two touring caravans, a mobile day room, stable block and a shipping container.

## **RELEVANT HISTORY**

11/3548C - CHANGE OF USE OF LAND TO USE AS RESIDENTIAL CARAVAN SITE FOR ONE GYPSY FAMILY WITH TWO CARAVANS, INCLUDING LAYING OF HARDSTANDING AND ERECTION OF STABLES – Refused 23.02.2012, Appeal allowed 14.09.2012

## **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) 2015 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 2005, which allocates the whole site as 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 and the Green Belt)
- H7 (Residential Caravans and Mobile Homes)
- H8 (Gypsy Caravan Sites)

### **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 on original approval being complied with.

Moston Parish Council – Object to the proposal on the following grounds:

No one has resided at this site since the original application on the 14th of September 2012, this leaves a further two years of the original application to run and within that time work has taken place which fails to meet the conditions stipulated. Evidence that temporary planning permission was given because of educational needs of children has not proved correct and this being the major factor for granting temporary permission by the inspector, in his deliberation the inspector stated that the site was unsustainable and unsuitable for a permanent site. Clearly applications of this nature present major problems in the minds of the people of Moston without doubt considerable mistrust exists between the two communities particularly when a deliberate act of deception such as this application takes place.

### **REPRESENTATIONS**

20 letters of representation have been received objecting to the proposal on the following grounds:

- Temporary permission was to allow time for the development and implementation of Cheshire East's five year plan which would include adequate provision for gypsy traveller pitches.
- Reasons for temporary permission still apply.
- No grounds to extend to a permanent permission.
- No attempt to reside at the site since permission was granted – therefore no urgent need for site
- Moston already has more than its quota of gypsy sites
- Planning Inspectors identified the site as unsustainable, unsuitable and intruding into open countryside
- Too early to request removal of condition
- Highway safety
- Will set a precedent for the neighbouring site on Dragons Lane

### **APPLICANTS SUBMISSION**

A statement has been submitted on behalf of the new owner / occupier of the site, which outlines his gypsy status, local connections, family circumstances, travelling history, and continued nomadic habit of life.

## APPRAISAL

The key issue in the determination of this application is whether the condition is reasonable or necessary in the interests of the following matters:

- (a) Whether the site is in an appropriate location for the 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) Whether there is any harm and conflict with policy, there are material considerations which outweigh any identified harm and conflict with policy.

## ENVIRONMENTAL SUSTAINABILITY

### Character and appearance

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

In his decision letter, the Inspector identified that the presence of a mobile home and touring caravan *“would be likely to cause discernible, albeit limited, harm to the character and appearance of the countryside”*, and he found that there would be *“a degree of conflict with saved LP Policies H8, GR1 and GR2 and national policy in the PPTS and NPPF”*. This harm and policy conflict would therefore remain if the development was granted a permanent consent.

### Accessibility

Policy H8 of the local plan set out criteria which proposals for gypsy caravan sites are expected to comply with. One of these is that, wherever possible, such sites should be within 1.6 kilometres of existing local shops, community facilities, a primary school and public transport facilities. The more recent PPTS does not provide any further guidance on acceptable distances between traveller sites and local facilities

The Inspector on this site and the Inspector who considered the appeal on the adjacent site both acknowledged that policy H8 in the local plan is consistent with the Framework and the PPTS. Both Inspectors also identified that most facilities are beyond the 1.6kms specified in the local plan, that most journeys to and from the site would be by private car, but that these journeys would be relatively short and limited in number. The current proposal would therefore conflict with the requirements of policy H8 of the local plan.

### Amenity

No significant impact upon the living conditions of neighbours were identified at the time of the previous appeal, and it is considered that the presence of a permanent site of the scale

proposed would not have a significantly adverse impact upon the living conditions of neighbours in accordance with policy GR6 of the local plan.

### **Highways**

The Head of Strategic Infrastructure raised no objections to the original proposal. The Inspector was also satisfied that access and parking arrangements would be adequate and additional traffic generated by the proposed use would have a negligible impact on highway safety, in accordance with policies GR9 and GR17 of the local plan. The removal of the condition would have no significant impact upon the traffic generation for the site. No highways issues are therefore raised.

### **SOCIAL SUSTAINABILITY**

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

### **Need**

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

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

The study provides an evidence base to enable the Councils to comply with their requirements towards gypsies, travellers and travelling showpeople under the Housing Act 2004, the National Planning Policy Framework 2012 and Planning Policy for Traveller Sites 2015. It provides up-to-date evidence about the accommodation needs of gypsies, travellers and travelling showpeople in the study area up to 2028.

In terms of future need within Cheshire East, an extra provision totalling 69 pitches is required to 2028. Over 5 year periods, this translates to 32 pitches between 2013-2018, 17 pitches between 2018-2023 and 20 pitches between 2023-2028. There was also a recommendation within the GTTSA that the Council provide a transit site of between 5 and 10 pitches in order to address unauthorised encampments.

In June 2015, the Council granted approval for an additional 24 permanent pitches at Three Oaks Caravan Park, Booth Lane, Moston, which does go some way towards meeting the first five year requirement to 2018. This permission has not been implemented to date. Additionally a transit site comprising 9 pitches and a warden's pitch was granted approval at Cledford Lane in Middlewich in May 2015. This has also not been implemented to date. It is however clear that the Council is taking steps towards addressing the need for additional traveller pitches within the Borough.

### **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.

In terms of the application site, the Peter Brett report rejects the site as an option for permanent development stating that:

*Although the site has temporary permission for Gypsy and Traveller use, the site is not suitable for full planning permission, as it would have an unacceptable impact on landscape character. There are partial views (reasonably screened in summer) through the hedgerow adjoining the junction of Dragons Lane and Plant Lane; as such the site is in a quite prominent location and development is likely to be recognisable as an isolated and non-vernacular intrusion into this rural area, although further appropriate screening could undoubtedly be provided. Furthermore, development within this part of the field would make it difficult to resist further piecemeal expansion and the extension of related activities (site CHE031 relates to part of the site and adjoining land and is evidence of this). The site is unsuitable as a location for permanent or any additional development.*

### **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will make a very limited contribution towards bringing increased trade to local shops and businesses.

## PLANNING BALANCE

Having regard to the rural location of the site, the distance from facilities, and the absence of public transport the site is not considered to be in a sustainable location. This would have some adverse implications in terms of use of natural resources and movement towards a low carbon economy. In addition, there will be a limited adverse impact upon the character and appearance of this rural area arising from the visual impact of the proposal. There is therefore conflict with the environmental role of sustainable development as set out in the Framework.

Balanced against this is the significant identified need for accommodation for gypsies and travellers in the Borough and the lack of available alternatives. A total of 69 additional plots are required within the Borough for the period to 2028. Whilst 24 additional permanent pitches have been granted planning permission since the publication of the GTTSAA, they are not currently available, and substantial weight should still be attached to this unmet need in favour of the application.

Alongside this the Council's site identification study rejects the application site as a potential site for permanent provision noting that it is in an unsuitable location and would have an unacceptable impact upon landscape character. However, there are currently no alternative sites that are available to the applicants or any other gypsy or traveller. The lack of any alternative site now and at least for the immediate future also carries significant weight in favour of the proposal.

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

The definition of sustainable development set out in the Framework includes more than an assessment of the proximity of the site to shops, services and facilities. It should be viewed in environmental, social and economic terms. Given the Inspector's conclusions on the original application where he identified that the poor accessibility of the proposed development and the limited harm to the character and appearance of the area were clearly outweighed by the substantial unmet need for gypsy and traveller pitch provision in Cheshire East, which still remains despite recent planning permissions, it is considered that the same conclusions must be drawn again. It is also important to note that the Inspector stated that, *"This would be the case irrespective of whether specific gypsies or travellers had been identified as prospective occupiers"*. The lack of alternative accommodation available to the appellant and his family and the educational needs of the children then simply served to add more weight to the Inspector's conclusions in favour of the development.

The statement put forward by the current owner and occupant of the site notes that the family comprises three school aged children. One of these children is awaiting an operation, and a further child (beyond school age) has Cerebral Palsy, and requires daily physio. The owner of the site, also owns another piece of the field where consent is sought separately for 3 plots (14/3106C). There is no other known alternative accommodation.

However, the Inspector went on to note that Policy H of the PPTS specifies that new traveller site development in open countryside should be strictly limited and that, consequently, the

location of the appeal site was far from ideal. He also acknowledged that new pitches are likely to become available through the development plan process by 2015.

The PPTS was revised in August 2015 and now policy H states that *“Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.”* The word “very” has now been inserted before “strictly limit” presumably to increase the protection given to open countryside locations, such as the application site. In addition, whilst the local plan process has been subject to delay, there are clear indications of additional pitches coming forward (evidenced by recent planning permissions) and once the local plan process resumes in the very near future, further new pitches are again likely to become available through the development plan process, in order to meet the identified need. However at this moment there remains a significant unmet need for gypsy and traveller pitches

As such, the situation is similar to that considered by the Inspector in 2012 with the Council working towards delivering site allocations as part of the development plan. Therefore, due to the far from ideal location of the site, the limited harm to the character of the area, the PPTS advice to “very strictly limit” new traveller site development in the open countryside, and the stage of the local plan and site allocation process, the permanent occupation of the site is not considered to be justified. However, in order for the Council to be given the opportunity to provide these site allocations on suitable sites, and to cater for the site owner’s short term needs, it is recommended that permission should be granted for a further temporary period. The existing permission expires on 14 September 2016, and it is recommended that a further two years is given, which would then grant permission to 14 September 2018.

It is acknowledged that the National Planning Practice Guidance (NPPG) advises that it will be rarely justifiable to grant a second temporary permission. However, given the particular circumstances of this case, and the stage of the local plan process which is relied on to provide the site allocations for further gypsy and traveller site provision, it is considered to be the most reasonable approach in this case. It is expected that the planning circumstances will change at the end of the temporary period, which is a specific situation where the NPPG advises a temporary permission is appropriate.

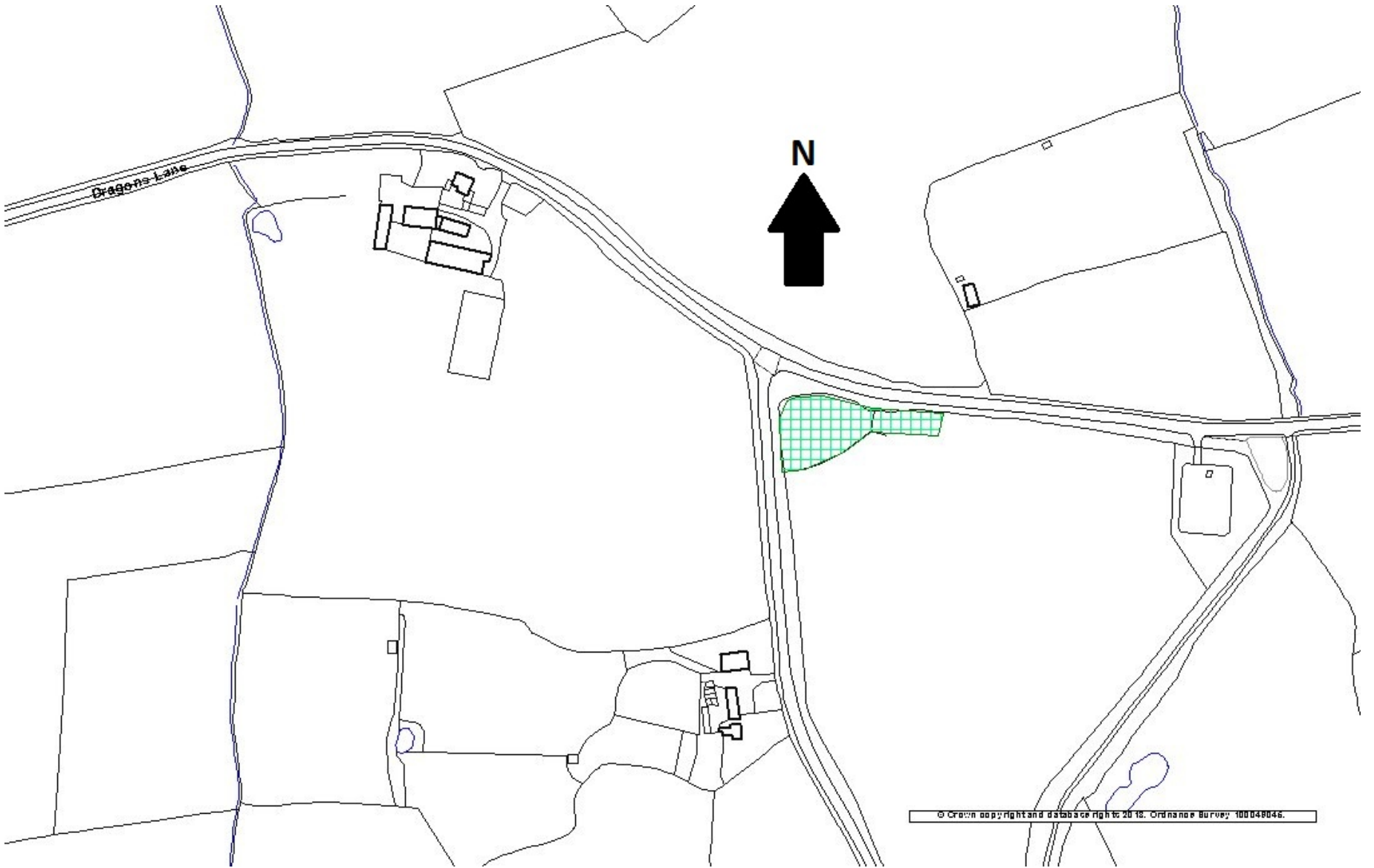
### **RECOMMENDATION**

It is recommended that the application be granted for a further temporary period.

1. Use of the land as a residential caravan site shall be discontinued on or before 14 September 2018
2. Approved plans
3. Occupation by gypsies and travellers
4. Landscaping scheme to be submitted within 3 months
5. No more than two caravans
6. External lighting to be approved
7. Details of external colour of stable block to be submitted

8. Drainage details to be submitted within 3 months
9. No commercial use
10. Manure storage details to be submitted





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Application No: 15/2844N

Location: Land South Of, HASSALL ROAD, WINTERLEY CHESHIRE

Proposal: Outline application for the erection of 47 dwellings, with associated works

Applicant: HIMOR (Land) Limited

Expiry Date: 21-Sep-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, 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, 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, the loss of agricultural land and the highways accessibility of the site. There is insufficient information in relation to hedgerows.

The adverse impacts in approving this development and would significantly and demonstrably outweigh the benefits of the development. As such the application is recommended for refusal.

**RECOMMENDATION****REFUSE****PROPOSAL**

This is an outline planning application for the erection of up to 47 dwellings. Access is to be determined at this stage with all other matters reserved.

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

## **SITE DESCRIPTION**

The site of the proposed development extends to 2.11 ha and is located to the southern side of Hassall Road, Winterley. The site is within Open Countryside. The site has a narrow frontage to Hassall Road with residential properties at either side. To the south and south-east are residential properties which front onto Pool Lane. To the east of the site are a number of small paddocks and to the west is agricultural land.

The majority of the site is currently in agricultural use and forms one large field. The site also includes part of the residential curtilage of 42 Hassall Road and a caravan site. There are a number of trees and hedgerow to the boundaries of the site. The application site is relatively flat.

## **RELEVANT HISTORY**

The site has no relevant planning history.

## **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**

**United Utilities:** No objection subject to the imposition of a drainage condition.

**NHS England:** No comments received.

**Head of Strategic Infrastructure:** The accessibility of the site is poor, the safety of pedestrians accessing the site is a concern and the local road infrastructure is not suitable to serve the development. A financial contribution has been offered although there is no certainty that the

measures proposed can be implemented and the sum offered falls well short of the cost of actually implementing the works. Therefore, the HSI would have to recommend refusal in that safe and suitable access to the site has not been achieved.

**CEC Environmental Health:** Conditions suggested in relation to environment management plan, travel plan, electric vehicle infrastructure and contaminated land. Informatives are also suggested in relation to contaminated land and hours of operation.

**CEC Strategic Housing Manager:** No objection.

**CEC Flood Risk Manager:** No objection subject to the imposition of planning conditions.

**Ansa (Public Open Space):** No objection.

**CEC Education:** A secondary school education contribution of £114,399 is required. There is no requirement for a primary school education contribution.

## IEWS OF THE PARISH COUNCIL

**Haslington Parish Council:** Haslington Parish Council objects to the proposed development on the following grounds:

- Under the Policies NE.2 seeking to protect the open countryside and also Policy NE.4 of the Local plan which protects Green Gaps such as this between Haslington and Sandbach.
- 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.
- Recent planning applications show that Secondary places are expected to be insufficient due to committed developments taking place in surrounding areas.
- 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.
- Winterley has 600 houses and the addition of 70 houses at Kent's Green Farm and potentially 79 houses at Pool Lane and 250 at Hazel Bank (25% village increase) plus another 47 Dwellings on this development would not comply with any appropriate scaling levels.

## REPRESENTATIONS

Letters of objection have been received from 64 local households raising the following points:

### Principal of development

- The site is within the open countryside
- There is plenty of empty housing in the locality
- There are a number of housing developments under way in this area
- Intrusion into the open countryside
- The area is overpopulated
- Loss of peaceful open countryside

- Winterley is being transformed into a large housing estate
- Developers are trying to exploit the problems with the Cheshire East Local Plan
- Previous application in the area have been refused as they would prejudice the local plan
- This application relies heavily on the allowed appeal at Pool Lane
- The extension to the Pool Lane site was refused
- There is no demand for this additional housing
- The applicant has not demonstrated why the development should be located on this site
- Lack of justification within this application
- Concerns over the sustainability of this site
- The development is contrary to Policies contained within the Crewe and Nantwich Local Plan
- Loss of agricultural land which is BMV
- The site is identified as being unsustainable under the SHLAA
- The scale of development is not commensurate to Winterley
- The development would exceed the spatial distribution for the area
- There are few benefits in allowing this development
- The development is not a logical rounding off
- Loss of Green Belt
- There are 700 houses for sale within a 3 mile radius of this site
- The application site is part of a wider network of green spaces
- Brownfield sites should be regenerated first
- The application is driven by profit
- Winterley is unsustainable due to the lack of local services
- This development would destroy the character of Winterley
- Crewe will eventually join up with Sandbach
- There are currently 28 dwellings for sale in Winterley
- The application is premature ahead of the Cheshire East Local Plan

## Highways

- The access is via a narrow country lane and is used by pedestrians, cyclists and horse riders
- Increased traffic
- Highway safety
- Lack of footpaths along Hassall Road
- Cheshire East should provide an independent highways assessment of this development
- The development does not meet the accessibility standards
- The development will be dependent on the private motor vehicle
- Increased traffic congestion in Winterley
- The local road network is not suitable to serve this development
- Hassall Road suffers from icy conditions in winter and is not gritted
- Concerns over the wider highways impact – Crewe Green Roundabout and Old Mill Road/The Hill
- Hassall Road is too narrow
- Hassall Road is used as a rat run to Alsager
- Limited parking along Hassall Road with on-street parking problems
- The sustainable transport information within the submitted Transport Assessment is misleading
- There are existing traffic problems caused by the businesses located along Hassall Road
- Parking problems caused by the construction works

- Lack of street lighting on the local highway network
- The Transport Assessment does not cover all junctions in close proximity to the site
- The site access is located at a dangerous bend in the road
- Hassall Road and other roads within the vicinity of the site are used by large farm vehicles

### Green Issues

- Impact upon wildlife
- Loss of habitat
- An independent ecological assessment should be carried out by Cheshire East
- It is unclear if the applicants ecologist has visited the site or the ecology report is a desk based exercise
- The survey work was undertaken at a poor time of year
- Impact upon protected species
- The site is well used by bird species
- The application site is highly visible in this location

### Infrastructure

- Local infrastructure cannot cope with any further development
- The local schools are full
- There impact upon local schools will be exacerbated by the approved developments in the area
- Drainage/Flooding problems
- 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
- No shops in the village

### Amenity Issues

- Increased pollution
- Increased dust
- Increased noise
- Increased air pollution
- Noise and disturbance caused by the construction works

### 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

### Other issues

- Impact upon property value
- Lack of notification about this application

A letter of representation has been received from CTC (The National Cycling Charity) raising the following points:



- National Cycle Network route 451 runs along Crewe Road and it needs to be assessed why currently so few people cycle and the speed assessments as part of the Hazel Bank and Kents Green Lane development provide good information. The high speeds recorded for the 30 mph zone and unattractive for cycling, affecting cycling to the site and the journey to school for example.
- The site is within the catchments of the Sir William Stanier and Sandbach High Schools. Both schools are located within 15 – 25 minutes bicycle rides respectively which makes cycling a viable option and the following contributions should be secured:
  - a. Sandbach High Schools, A534/Crewe Road/Wheelock roundabout It needs to be investigated why for example cyclists don't use the cycle tracks around the roundabout and how roundabout safety could be improved.
  - b. Sir William Stanier High School in Crewe This school will become more relevant due to house building in Sandbach resulting in more pupils in Sandbach. Consequently the catchment area will become smaller, potentially excluding Winterley. There is a good, existing connection to Sir William Stanier High School avoiding many main roads via Bradeley Hall Road (Haslington bridleway 43) crossing the bypass via the bridge. Improvements to this whole route could include:
    - Building a cyclepath in Crewe on the north-west side of the railway line, between the Sydney Bridge and Lime Tree Avenue to connect to the cycle path to reach the rear of the school.
    - Surface improvements at BR43, Haslington side of the bypass and lighting at the Crewe side of the bypass
    - Footpath 24 in Haslington could be used by cyclists. The footpath is lit and has a good width of around 2.50 throughout, sometimes wider. Half of this currently overgrown.
    - Investigating the danger the bollard presents at the Crewe end of BR43
    - Signposting
  - Cycling to Sandbach Railway Station -This destination would benefit from the same above mentioned improvements mentioned as the Sandbach schools.

### 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.

### **Housing Land Supply**

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

This calculation of five year housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance (“the NPPG”) indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

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

The Local Plan Inspector published his interim views based on the first three weeks of Examination in November 2014. He concluded that the Council’s calculation of objectively assessed housing need is too low. He also concluded that following six years of not meeting housing targets, a 20% buffer should also be applied.

Given the Inspector’s Interim view that the assessment of 1180 homes per year is too low, officers no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Examination of the Plan was suspended on 15th December 2014.

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 in the form of the “*Cheshire East Housing Development Study 2015 – Report of Findings June 2015*” produced by Opinion Research Services, has now taken place.

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.

The definitive methodology for buffers and backlog will be resolved via the Development Plan process. However the indications from the work to date suggests that this would amount to an identified deliverable supply target of around 11,300 dwellings.

This total would exceed the total deliverable supply that the Council is currently able to identify. As matters stand therefore, the Council remains unable to demonstrate a 5 year supply of housing land. On the basis of the above, the provision of housing land is considered to be a substantial benefit of the proposal.

### **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.

The scale of development (47 dwellings) would not be harmful to the settlement of Winterley and would represent sustainable development.

The issue of spatial distribution has been raised at two recent appeal decisions in the vicinity of this site and was not accepted by either Inspector as can be seen below.

As part of the appeal decision to allow a development of 34 dwellings at land to the east of The Dingle and to the south of Clay Lane, Haslington (14/0009N) the Inspector stated that

*'Councillor Hammond expressed concerns about the imbalance in new housing provision between the north and south of the district but this is a matter for the Local Plan Inspector. I must assess this appeal on the basis of development plan policies and other relevant material considerations'*

As part of the appeal decision to allow a development of 60 dwellings at Kents Green Farm, Winterley (13/4240N) the Inspector stated that

*'the proposal would involve expansion of Winterley's physical envelope, but would be unlikely to fundamentally alter the character of the settlement or of views out from the centre of the village, even allowing for other development already approved. The village would clearly*

*remain as a small-medium sized settlement in a rural setting. The appropriateness of the village for future development, including the concern raised about imbalance between the north and south of the borough, is a matter to be resolved by the CELP'*

The amount of development proposed around the village of Winterley has also been raised as part of the letters of objection for this application. This issue was considered as part of a recent appeal decision at The Woodlands, Whitchurch Road, Aston (14/3053N) and in this case the Inspector found that:

*'I appreciate that local residents consider that too much housing development is being permitted in the village. However, this in itself would not justify the refusal of permission for sustainable development to meet housing needs'*

## **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. In addition to this information taken from Cheshire Homechoice shows there are currently 50 applicants who have selected the Haslington lettings area as their first choice, these applicants require 21 x 1 bed, 15 x 2 bed, 11 x 3 bed and 3 x 4bed units.

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.

In this case the Strategic Housing Manager originally objected to the application due to the lack of detail in relation to affordable housing provision on this site. However the applicants have now confirmed that they will provide 30% affordable housing on this site (9 social rented units and 5 intermediate tenure). The Strategic Housing Manager has now confirmed that this is acceptable and this will be secured as part of a S106 Agreement.

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 1,225sq.m and the indicative plan shows that the developer will provide 1,380sq.m of public open space within the centre of the site. As such the level of open space meets the Councils requirements under Policy RT.3.

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 5 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

An application of 47 dwellings is expected to generate 9 primary aged children and 7 secondary aged children.

In terms of primary school education, the proposed development would be served by Haslington Primary, The Dingle Primary, Sandbach Community 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 primary school contribution.

From the table below which includes a revised NET CAP at Haslington Primary it can be seen that by 2019 there will be 52 spaces within the local primary schools. It should be noted that this table takes into account the existing committed developments within the catchment areas of the schools listed below.

Primary Schools	PUPIL FORECASTS based on October 2014 School Census						
	2015	2016	2017	2018	2019		
haslington	262	267	266	265	255		
the Dingle	339	347	357	360	353		
Sandbach Community	99	108	112	117	121		
Wheelock	280	295	301	312	304		
OVERALL TOTAL	980	1017	1036	1054	1033		
OVERALL SURPLUS PLACES PROJECTIONS	60	23	4	-14	7		
OVERALL SURPLUS % PROJECTIONS	5.769231	2.211538	0.384615	-1.34615	0.673077		
OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CA	105	68	49	31	52		
OVERALL SURPLUS % PROJECTIONS based on Revised NET CAP	9.677419	6.267281	4.516129	2.857143	4.792627		
Secondary Schools	PUPIL FORECASTS based on October 2014 School Census						
Alsager	2015	2016	2017	2018	2019	2020	2021
Sir William Stanier	1048	1041	1048	1107	1109	1112	1125
Sandbach high	836	872	919	996	1058	1100	1143
Sandbach School	1027	1055	1105	1146	1230	1254	1283
OVERALL TOTAL	1040	1079	1134	1151	1227	1254	1272
OVERALL SURPLUS PLACES PROJECTIONS	3951	4047	4206	4400	4624	4720	4823
OVERALL SURPLUS % PROJECTIONS	398	302	143	-51	-275	-371	-474
	9.151529	6.944125	3.288112	-1.17268	-6.32329	-8.5307	-10.8991

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 7 new secondary places which cannot be accommodated. As there are capacity issues at these local schools the education department has requested a contribution of £114,399. 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. Although no consultation response has been received from the NHS a search of the NHS

Choices website shows that there are 3 GP practices within 3 miles of the application site and all are accepting patients indicating that there is capacity to serve this development.

### 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) – adjacent to the site

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 at Pool Lane where the Inspector 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'*

The appeal decision at Kents Green Farm also supports this conclusion where the Inspector states that:

*'While Winterley lacks some local community facilities, those in Haslington would be quite readily reachable by bus or cycle or on foot. The proposed Travel Plan should include measures to encourage non-car modes'*

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

To the north-east of the site the dwelling at No 50 Hassall Road has a blank side elevation facing the site and there is no reason that an acceptable design could not be achieved that would not be a detrimental impact upon the residential amenities of this property.

Due to the separation distances involved to the properties to all other sides and the intervening boundary treatments there would not be a significant impact to the surrounding dwellings.

The Environmental Health Officer has requested conditions in relation to hours of construction, 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 (AQMAs) 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. In order to mitigate this development conditions in relation to dust control and electric vehicle infrastructure and contaminated land will be attached to any permission.

### **Public Rights of Way**

There are no PROW located on the application site.

In relation to the request for cycleway improvements it is not considered that the suggestions would be CIL compliant.

### **Highways**

#### Access

The application is an outline application for residential development consisting of 47 units and the access will be taken from Hassall Road. There is a single access proposed to serve the development that is 4.8m wide carriageway and two 1.8m footways on either side of the access road.

The applicant has submitted a priority junction design to serve the site, a speed survey has been undertaken to determine the approach vehicle speeds so that the appropriate visibility splays can be calculated. The submitted speed surveys show that the 85%ile speed along Hassall Road is 28.4mph in the eastbound direction and 28.6mph in the westbound direction.

There is sufficient visibility available in both directions at the proposed access point onto Hassall Road. It is accepted that a suitable standard of access can be provided to serve the development with the required visibility splays of 2.4m x 35m.

### Traffic impact

The site can be accessed using a number of rural lanes, Crewe Road provides the principal route between settlements and the site can be accessed from this road by using Pool Lane, Hassall Road, Coppice Road and Alsager Road.

The proposed development would generate 27 two-way trips during the AM peak hour and 29 two-way trips during the PM peak hour with 236 vehicle movements over a 24 hour period. The trip rates used are considered slightly low although using rates derived from CEC own counts this would add an additional 3 trips to the AM and PM peak hours. There has been no specific distribution presented but stated that traffic will distribute to Crewe Road to access Crewe or to travel towards Alsager.

The site is served from rural lanes that have varying road widths. The standard of infrastructure that serve the site is poor and there are long sections of road along Pool Lane and Hassall Road that operate as single width carriageway. Currently, the level of traffic flow using the Hassall Road is very low and this has been confirmed by the applicant in that 30 vehicles/hour were recorded as the maximum recorded flow.

### Pedestrian Access

In regard to the sustainability, the site is located in a rural location and to access public transport residents would have to walk approximately half a kilometre along rural lanes to access bus services that operate on Crewe Road. It is important that facilities exist to enable pedestrians to walk to the site, there are no footways on Hassall Road, the vast majority of Pool Lane does not have a footway and there is a footway on one side only of Coppice Road from the junction with Hassall Road. Overall, it is considered that the pedestrian accessibility of the site is very poor.

### Highways Conclusion

In conclusion the proposed development would have an access of an acceptable design with adequate visibility.

However given the poor standard of infrastructure the Head of Strategic Infrastructure would not wish the use of the rural lanes within the vicinity of the site to be intensified. The development would have a 100% increase in peak hour traffic and a further 230 daily trips. In assessing application the Head of Strategic Infrastructure does not consider that safe and suitable access is available to accommodate the development.



The applicant has submitted a further Technical Note in support of the application and is also willing to contribute a sum of £40,000 towards measures to reduce traffic speeds to provide a gateway treatment at the start of the 30mph north of Winterley on Crewe Road. In addition, the provision of speed cushions between Elton Road and Pool Lane. Whilst, the offer of a contribution to these measures is welcomed, there is no certainty that speed cushions can be implemented as a TRO is required and public consultation. The provision of these measures does not overcome the objections raised in regard to the poor infrastructure that has to be used to access the site.

Promoting sustainable development is key element of the NPPF and in relation to accessibility an important consideration is provision for pedestrians to be able to walk to the site in safety. There is no footway on Hassall Road in the vicinity of the site, and the road width is narrow. In order to be able to access public transport services on Crewe Road, pedestrians need to walk a considerable distance along narrow rural roads without the provision of a footway. As such the Head of Strategic Infrastructure objects to this application and the development is considered to be contrary to the NPPF which states that decisions should take into account whether:

*‘safe and suitable access to the site can be achieved for all people’*

### **Trees/Hedgerows**

There are currently no TPO designations within or immediately adjacent to the application site and the site does not lie within a Conservation Area. A TPO may be considered if it is expedient in the interests of amenity to make an order on such trees, groups or woodland which may be affected by the proposal.

The application is supported by an Arboricultural Impact Assessment which includes a Tree Constraints Plan and Indicative Tree Removal Plan. The AIA broadly complies with the requirements of *BS 5837:2012 Trees in Relation to design, demolition and construction – Recommendations*. The application is also supported by an indicative site layout which has been reproduced on the Tree Removal Plan.

The Assessment identifies 8 individual trees, 12 groups of trees and 8 hedgerows which are predominantly located around the field boundaries or located off site on third party land. The trees have been categorised in terms of their Arboricultural, Landscape and Cultural qualities in accordance with BS5837:2012.

Three Moderate (B) category groups, part of a further two (B) category groups; one individual low (C) category tree, two low (C) low category groups and part of a further two low (C) category groups have been identified for removal to accommodate the development. A Hawthorn/Sycamore hedge (H8) located on the northern boundary adjacent to Hassall Road will require removal to allow for carriageway widening and part of a hedge Holly/Hawthorn (H1) to facilitate access to the site off Hassall Road.

The majority of removals will necessitate the removal of around 40 trees comprising of semi mature – early mature groups of Beech, Cypress, Birch, Cherry, various Conifers, Holly and fruit trees located within the north west section of the site and an individual Ash located to the southern site boundary of relatively low quality. The design of the indicative site layout has identified the removals to accommodate internal access arrangements and proposed dwellings.

In terms of tree losses the Councils Tree Officer would concur with the submitted assessment that the greatest impact would be in respect of the removal of the two sections of hedge and part of an early mature group of Cherry, Sycamore and Hawthorn to facilitate the site access, road widening and proposed visibility splays. The Councils Tree Officer considers that the trees, whilst providing some contribution to the street scene are not considered to be significant in terms of their wider contribution to the amenity and landscape character of the area.

The assessment has identified that the majority of A and B category trees located around the site boundary are proposed to be retained. Two large Oak trees (T4 and T6) have been identified as having developing veteran characteristics (cavities and deadwood). In this regard where large trees are shown for retention, consideration should be given to ensuring provision of adequate space around the trees enable their long term protection. The retention of large mature trees within private rear gardens should be avoided if possible so as to avoid future conflict with residential amenities resulting in pressure for their removal.

The indicative site layout plan shows a number of mature trees to the southern and south east boundary within or on the boundary of proposed gardens. BS5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations identifies that a realistic assessment of the impact of development on retained trees taking into account shading of buildings and open space and the relationship/social proximity to large trees to avoid future pressure for removal. Proposed Plot positions are considered to be too close to retained trees to provide the necessary assurance for their sustainable long term retention. However final details will be secured as part of the reserved matters application.

The Ecological Assessment states that none of the hedgerows are thought to be important in regards to the Hedgerow Regulations (1997). However no definitive assessment appears to have been provided in terms of their Importance under the Historic and Archaeological value.

From an Arboricultural perspective the Councils Tree Officer has no objections to the outline proposals. However the indicative layout submitted shows some potential conflict with retained trees. This issue will be resolved at the reserved matter stage.

### **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 22.4 dwellings per hectare this is consistent with the surrounding residential areas of Winterley (this is lower density than the approved development at Pool Lane).

In this case an indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved and that the areas of open space and all highways

would be well overlooked. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

## **Landscape**

The application site is flat and is well enclosed. The application has been considered by the Councils Landscape Architect who considers that a 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 on a more open site to the south-west of this site at the junction of Crewe Road and Pool Lane. As part of this appeal decision the inspector found 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.

### Great Crested Newts

One of the representations received as part of this application has provided a photograph of what they believe to be a Great Crested Newt. However the Councils Ecologist has confirmed that this is a Smooth Newt which is not a protected species. The Councils Ecologist has not raised any concerns in relation to the impact upon Great Crested Newts as part of this development.

### 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. 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.

### Bats

A Bat Survey has been submitted in support of this application and in this case no evidence of roosting bats was recorded. As a result the Councils Ecologist has advised that Bats do not present a constraint to the proposed development.

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

### **ECONOMIC SUSTAINABILITY**

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.

### **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 MAFF identified that the site was mainly Grade 2 with some areas to the north being Grade 3. The submitted agricultural land assessment states that the proposed development site has a gross farmable area of just 1.82 hectares of which just 1.17 hectares is fully utilisable. The loss of such a small, awkwardly shaped parcel is agriculturally insignificant.

This view is consistent with the recent appeal decision at Pool Lane where the Inspector found that:

*'the loss of B&MV agricultural land does not weigh heavily against the development'*

As a result this issue needs to be considered as part of the planning balance.

### **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.

There are serious concerns over the proposed access strategy and in an attempt to mitigate this impact the applicants has offered a contribution of £40,000. It is necessary to secure these works to mitigate the impact of the development should the application be approved contrary to the recommendation or be subject to an appeal. 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.

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 Winterley/Haslington.

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 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 subject to mitigation

The adverse impacts of the development would be:

- The loss of open countryside.
- The loss of agricultural land.
- It is not considered that a safe and suitable access to the site can be achieved for all people
- There is insufficient information in relation to whether any important hedgerows would be affected by this development

The adverse impacts in approving this development and would significantly and demonstrably outweigh the benefits of the development. As such the application is recommended for refusal.

## **RECOMMENDATION:**

### **REFUSE for the following reasons:**

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.**
- 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.**

- 3. The application includes insufficient information to demonstrate that the proposed development would not involve the removal of an “important” hedgerow as defined in the Hedgerow Regulations 1997. Therefore the scheme is contrary to Policy NE.5 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and guidance contained within the NPPF.**
- 4. The proposed development is located within Open Countryside and would have a severe adverse impact upon Hassall Road, Pool Lane and Coppice Road due to the sub-standard nature of these highway routes. As a result the development would not achieve a safe and suitable access to the site for all people and this would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policies BE.3, TRAN.1 and TRAN.3 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the National Planning Policy Framework (paragraph 32).**

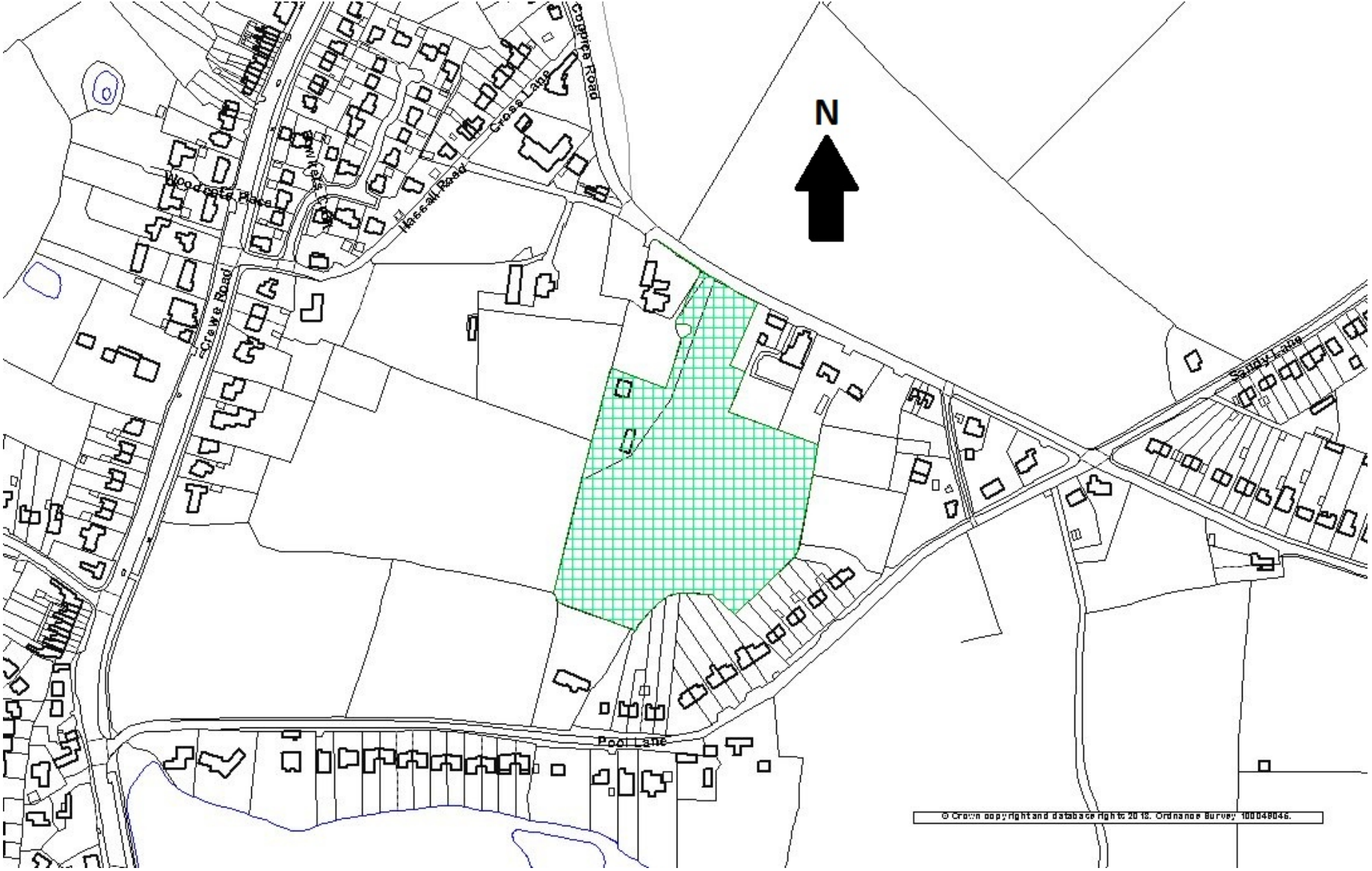
**In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical 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**
- 3. Secondary School Education Contribution of £114,399**
- 4. A contribution of £40,000 towards off-site highway improvements**







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Application No: 15/2147N

Location: LAND TO REAR OF, 71, MAIN ROAD, SHAVINGTON

Proposal: Outline planning permission for the development of up to 43 dwellings of mixed type and tenure with 30% affordable housing provision - Resubmission of 14/1669N

Applicant: Mr Andrew Gibbs

Expiry Date: 11-Aug-2015

**SUMMARY:**

The proposal is situated within the Green Gap as designated in the proposals map of the adopted local plan and the development would result in an erosion of the physical gap between Shavington and Crewe.

It is acknowledged that the Council is unable to 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 close to an existing settlement where there is existing infrastructure and amenities.

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

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the Framework (economic, social and environmental).

In this case, the development would be on a site that is considered to be a sustainable location, would provide additional housing for the Borough and would provide economic benefits in the form of employment and additional custom for businesses in the local area.

Balanced against these benefits must be the loss of land designated in the local plan as open countryside, the erosion of the Green Gap between Shavington and Crewe and the concerns of local residents.

On the basis of the above, it is considered that the proposal represents unsustainable development and paragraph 14 is not engaged and therefore the proposal should be

determined in accordance with the development plan. Notwithstanding this point, even if it were engaged, it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits. Accordingly the application is recommended for refusal.

**RECOMMENDATION:**

**Refuse**

**PROPOSAL**

The application is in outline form with only access to be determined at this point, all other matters are reserved for later consideration.

The application is for up to 43 dwellings and an **indicative** layout has been submitted with the application. Although all matters other than access are reserved for later consideration, the applicants have stated that the accommodation would comprise two, three, four and five bedroom properties with a play area at the northern end of the site.

The site would have vehicular access from Main Road where number 71 would be demolished to facilitate this.

**SITE DESCRIPTION**

The application site is 1.3 hectares in size and comprises the house (71 Main Road), garden, outbuildings and a paddock.

The site is bound by hedgerows and mature trees and the existing dwellings on Main Road. There is a line of mature conifers that bisect the site. The land slopes down towards the gardens of 69 and 67 Main Road.

The site is designated as being partially within the Settlement Boundary of Shavington. However; the majority of the land proposed for development is designated as being within the Open Countryside and Green Gap

**RELEVANT HISTORY**

14/1669N      Outline application for 44 dwellings - Withdrawn

**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.4 – Green Gaps  
NE.5 – Nature Conservation and Habitats  
NE.9 – Protected Species  
NE.17 – Pollution Control  
NE.20 – Flood Prevention  
RES.7 – Affordable Housing  
RES.3 – Housing Densities  
RT.3 – Provision of Recreational Open Space and Children’s Playspace in New Housing Developments

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

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

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

### **Other Considerations:**

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:** Raise no objection subject to a condition relating to visibility splays.

**Environmental Protection:** Recommend conditions/informatives relating to noise mitigation, construction management plan, lighting, waste, dust air quality and contaminated land.

**Education:** Require a contribution of £86,770.32 towards primary education.

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

**Flood Risk Manager:** No objection subject to conditions relating to drainage of the site.

**Shavington Parish Council:** Object on the grounds of loss of open countryside, contrary to green gap policy, impact on local amenity and the amenity of the occupiers of neighbouring properties, highway safety, car parking and traffic flow and pollution and infrastructure. The full objection letter can be viewed on the website.

## REPRESENTATIONS:

Neighbour notification letters were sent to neighbouring properties and a site notice posted.

At the time of report writing 76 representations have been received which can be viewed in full on the Council website. These included an objection from the local MP, 71 objections in total and 5 representations in support of the application. The objections express several concerns including the following:

- Development out of keeping with the character of the area
- More development is not needed in Shavington too much already approved
- Shavington will become a continuation of Crewe
- Shavington will no longer be a village
- Highway safety
- Dangerous access
- Increase in traffic
- Existing traffic chaos/gridlock on Main Road
- On street parking
- Loss of privacy
- Loss of amenity to neighbouring properties including outlook
- Light and noise pollution
- Local infrastructure (doctors/schools) cannot cope
- Inadequate drainage
- Flood risk
- Loss of wildlife
- Impact on trees
- Inappropriate development on open countryside/green gap
- Inaccurate technical reports
- No more development is needed in Shavington
- Shavington already has enough affordable housing from approved developments

- Cumulative effect of developments approved in Shavington
- It is a money making opportunity for the developer
- It would be a haven for joy riders
- Loss of property values

Those in support of the application make the following points:

- A good manageable size of development
- Provision of affordable housing
- Not visible from the street scene
- Good starter homes for young people

### **APPRAISAL**

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

#### **Principle of Development**

The site lies 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 site is also subject to Policy NE.4 (Green Gaps) and this policy states that approval will not be granted for the construction of new buildings which result in the erosion of the physical gaps between the built up areas or adversely affect the visual character of the landscape.

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**

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.

### **Green Gap**

In this case, the application site is within the Green Gap. Therefore, as well as being contrary to Policy NE2 (Open Countryside) it is also contrary to Policy NE.4 (Green Gaps) of the Local Plan which states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would:

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

A development of the scale proposed will clearly erode the physical gap between Shavington and Crewe.

Policy NE.4 goes on to state that exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available. It is considered that there are many other sites within Cheshire East which, although designated as Open Countryside, are not subject



to Green Gap policy and can be used to address the Council's housing land supply shortfall and which would not contravene policy NE4.

Turning to the question of whether, in the light of the lack of a 5 year supply, Policy NE4 should be considered to be a housing land supply policy and / or out of date, Green Gap policy has a specific planning purpose – to avoid settlements merging. This is not a housing supply policy purpose. Whilst Open Countryside areas also have specific roles (including the protection of the Countryside for its own sake, in accordance with NPPF paragraph 17.(v)) open countryside policy does not have the special, additional function of ensuring that two settlements remain separate (that is the function of Green Gaps). Hence Green Gaps are not a function of Open Countryside policy; rather Green Gaps have their own specific function.

The Courts have ruled that the interpretation of policy is a matter of law, and the above stance is supported by Ousley J in the Barwood case who draws a distinction between general open countryside policy and policies which protect gaps between settlements. It has also been the approach taken by the Secretary of State in the Gresty Oaks and Church Lane Wistaston Appeal cases and Mrs Justice Lang in the High Court decision which led to the quashing of the decision to allow the appeal at Moorfields in Willaston.

Whether a proposed development falls within the definition of “*sustainable*” development is a question of fact for the decision maker's assessment in the circumstances of any individual case. However, as it is located within Green Gap, this case profits from a very clear reflection on the meaning of that expression applied to similar circumstances, and this is to be found in Bloor Homes East Midlands Ltd. V. SOSCLG [2014]:

*“On any sensible view, if the development would harm the Green Wedge by damaging its character and appearance or its function in separating the villages of Groby and Ratby, or by spoiling its amenity for people walking on public footpaths nearby, it would not be sustainable development within the wide scope drawn for that concept in paragraphs 18 to 219 of the NPPF”.*

It is therefore concluded that contravening the Green Gap policy renders the development unsustainable and consequently, it does not benefit from the presumption in favour under Paragraph 14 of the NPPF.

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

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

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature

(WWF). The checklist has been specifically designed for this region and relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008).

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

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

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

These comprise of:

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

The applicant has submitted an assessment as follows:

• Post box	Not specified
• Local shop	482m
• Playground / amenity area	Not specified
• Post office	321m
• Pharmacy	804m
• Primary school	965m
• Medical centre	804m
• Leisure facilities	1,287m
• Local meeting place/community centre	965m
• Public house	482m

• Public park	Not specified
• Child care facility	Not specified
• Bus stop	46m
• Railway station	3,219m
• Secondary school	1,287m
• Public right of way	Immediately adjacent
• Children's playground	Not specified

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

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 is not the first priority for development. It is however adjacent to existing residential development and is within walking distance of services and facilities in Shavington.

### Landscape

This is an outline application for the development of up to 44 dwellings. The application site is located on land to the north of main Road, to the rear of No 71. The application does not include either a landscape appraisal or an LVIA, and while the application site does not have any landscape designations, the Crewe and Nantwich Borough Council Replacement Local Plan 2011 identifies that it is located within the boundary of the Green Gap, and as such Policy NE4 is relevant to this application.

The Design and Access Statement offers the view that the land is generally flat in nature, that surrounding trees and hedgerows will soften the visual impact, that when viewed from the open countryside the development would be seen against the backdrop of the existing settlement, and that there will be no adverse visual impact on the character and appearance of the locality, but offers no evidence that the application will not have an adverse effect on the visual character of the landscape. The Council's Landscape Officer does not consider that sufficient information has been submitted to show that the proposals will not have an adverse effect on the visual character of the landscape.

### **Trees and Hedgerows**

The submitted Arboricultural Impact Assessment identifies 3 groups of Scots Pine, 3 groups of Spruce, 2 Groups of Cypress and one Cherry group or removal to accommodate the development. The groups vary in age between young and semi mature and provide some boundary screening and wildlife value to the site and have been assessed as moderate (B) and Low (C) category within the defined categories of *BS5837:2012*. Whilst part of these groups can be seen as glimpses between properties along Main Road, none are considered significant in terms of their wider contribution to the amenity of the area it is agreed that in terms of their future growth potential, their relationship and social proximity to existing development is indefensible.

The loss of these trees will result in the loss of some screening to existing properties on Main Road, although their retention and long term protection could not be justified in terms of their contribution to the wider amenity of the area.

There are mature Oak trees within the site and on 24<sup>th</sup> July 2015, a Tree Protection Order was served, identifying 5 individual and a group of 3 for formal protection, this should be confirmed 6 months from this date.

The Council's Principal Forestry and Arboricultural Officer initially had concerns that the layout could be accommodated within the site without having any adverse impact on trees. As such an amended layout, reducing the number of plots by one was submitted and that has now satisfactorily addressed those issues.

### **Ecology**

The grassland habitats on site are unlikely to be of significant ecological value. A number of ponds are located within 250m of the proposed development site. The applicant has submitted an acceptable Great Crested Newt assessment. The Council's ecologist considers that the proposed development is unlikely to significantly affect Great Crested Newts. No further action is required in respect of this species.

No evidence of roosting bats has been recorded on site. The mature trees and hedgerows around the site provide potential roosting and commuting habitat for bats and it is considered that any loss of habitat for bats would be at least partly mitigated if these boundary features were retained as part of the development and a sensitive lighting scheme incorporated into the detailed design for the site.

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

## Design & Layout

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application, a Design and Access Statement has been provided. In addition an **indicative** layout has 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.”*

Whilst the application is in outline form with access as the only matter to be agreed at this stage, the design and access statement has put forward that the development would be appropriate and in keeping with the area. These issues could be addressed at reserved matters stage.

## Highways

An outline application was submitted previously for this site and this application is a resubmission of the previous application for 44 units. There were a number of highway matters raised on the previous application that the applicant has considered in a Technical Note submitted with this application.

The previous submission for the access road was over engineered and the current submission is now 4.8m wide which is an acceptable width to serve the 43 units proposed. The required visibility can be provided at the access point and the splays of 2.4m x 43m would be a condition to be added to any permission.

There have been a number of residential developments approved in the Shavington area and the previous comments requested that the applicant address the cumulative impact of the development proposals along with the committed schemes. The submitted technical note has considered the effects of the cumulative impact but has only looked at the link capacity of the road network but not the capacity of the major junctions. It is very unlikely that link capacity would be exceeded as a result of this development and it is the junctions that have congestion and capacity problems.

Despite the omission of the junction capacity modelling, the distribution of traffic on the local road network from the 43 units development some 30 peak hour two way trips would result in very small increases in flow at the junctions and a refusal on grounds of severe traffic impacts could not be justified.

The cumulative impact of development is potentially a significant problem in Shavington and the Council is currently undertaking a study to assess the strategic highway impact of the approved developments in and around Shavington. However, at this time there is no current policy or study that provides a robust basis to support refusal of the application on cumulative traffic impact grounds.

The revised access is a more appropriate design to provide access to the 43 units proposed and it is an acceptable design. This is an outline application and there are no comments made on the indicative internal layout submitted.

There have been a number of developments approved in the Shavington area and there are capacity problems and queues at the principal junctions but to reject the application a severe impact (as defined in NPPF) needs to be evidenced. In this particular application, once the generated traffic is distributed on the road network the number of trips using the junctions will be very small when compared to the level of traffic already using them and it is not considered that this will constitute a severe impact.

Therefore subject to visibility conditions on the access, the Head of Strategic Infrastructure raises no objection to the application.

### **Flood Risk/Drainage**

The site is located in flood zone 1 and Environment Agency surface water flood maps indicate very low risk of surface water flooding at the existing site.

The discharge of surface water from the proposed development should mimic that which discharges from the existing site. If a single rate of discharge is proposed, this is to be the mean annual run-off ( $Q_{bar}$ ) from the existing undeveloped greenfield site. For discharges above the allowable rate, attenuation will be required for up to the 1 in 100 annual probability event, including a 30% allowance for climate change. The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). It is noted from the submitted flood risk assessment dated October 2014 that it is proposed to discharge surface water from the developed site into the ordinary watercourse to the north - agreement with adjacent landowners may therefore be required. In addition, if the construction of an outfall has the potential to alter the flow of the watercourse in any way, consent will be required under the Land Drainage Act 1991 from Cheshire East Council as Lead Local Flood Authority.

Conditions should be imposed requiring details of surface water drainage.

### **ECONOMIC SUSTAINABILITY**

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

Paragraph 19 states that:

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

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

*'the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'.*

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

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

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

With regard to the economic role of sustainable development, the proposed development would 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.

### **Agricultural Land**

An Agricultural Land Classification Report was submitted with the application. This gives the results of research and tests carried out on site. The conclusions were that the land is predominantly Grade 3a, with a corner of the land to the north being Grade 2.

As the report has identified the land as being the ‘Best and Most Versatile’ agricultural land Policy NE.12 needs to be given consideration. This policy states that development will not be permitted on agricultural land of Grades 1, 2 and 3a. This will form a reason for refusal.

## **SOCIAL SUSTAINABILITY**

### **Residential Amenity**

The proposal is for up to 43 dwellings on this site. It would be possible to achieve adequate separation distances between the existing and proposed dwellings, which would be demonstrated and secured at reserved matters stage.

Adequate private residential amenity space could be provided within the domestic curtilage of the properties to provide recreational space and bin storage.

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

### **Housing**

The site falls within the Wybunbury and Shavington sub-area for the purposes of the SHMA update 2013. This identified a net requirement for 54 affordable homes per annum for the period 2013/14 – 2017/18. This equates to a need for 8 x 1 bed, 20 x 2 bed, 7 x 3 bed and 12 x 4+ bed general needs units and 1 x 1 bed and 7 x 2 bed older persons accommodation. Information taken from Cheshire Homechoice shows there are currently 47 applicants who have selected the Shavington lettings area as their first choice. These applicants require 12 x 1 bed, 23 x 2 bed, 10 x 3 bed and 2 x 4+ bed units.

The Interim Planning Statement: Affordable Housing (IPS) and Policy SC5 in the emerging Local Plan states that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing.

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 or affordable rented and 35% intermediate tenure.

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

The application form states that 8 units will be provided as social/affordable rent and that 5 units will be provided as intermediate tenure. This is the correct amount and tenure split in accordance with the IPS. The indicative residential mix proposed 2 and 3 bed units. It is accepted that at this stage the mix is only indicative, however further clarification at reserved matters would be required. In addition the affordable units should be 'pepper-potted' within the site.

### **Public Open Space**

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. In this case the level would be 1,505sq.m and the indicative plan shows that the developer will provide 658sq.m of open space which would comprise a play area and the narrow strip of land around the northern boundary of the site which would not constitute useable recreational open space. As such the submitted plans do not demonstrate that the site could accommodate the 43 dwellings proposed together with the required open space requirement. As such this issue will form a reason for refusal.

In terms of children's play space an update will be provided when the comments of the POS officer have been received.

### **Education**

A development of 43 dwellings would be expected to generate 8 primary aged pupils and 7 secondary pupils. There is a shortage of primary school places available in the area; therefore a contribution to primary education would be required. The contribution to primary education would be £86,770.32.

There is sufficient secondary school provision, therefore no contribution would be necessary.

### **Health**



There are nine GP surgeries within 3 miles of the site which are all accepting patients and therefore not at capacity. No contributions will be required for health provision.

## **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 loss of open countryside, design, highway safety, flooding and residential amenity, have been assessed by Officers and found to be acceptable.

## **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, a contribution of £86,770.32 towards primary education provision is required. It is necessary to secure contribution. This contribution is directly related to the development and is fair and reasonable.

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.

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

## **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.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would be on a site that is considered to be a sustainable location, would provide additional housing for the Borough and would provide economic benefits in the form of employment and additional custom for businesses in the local area.

Balanced against these benefits must be the loss of land designated in the local plan as open countryside and the concerns of local residents.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14, it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

### **RECOMMENDATION**

**Refuse for the following reasons:**

**1. In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Shavington and Crewe and adversely effect the visual character of the landscape which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.**

**2. Insufficient information has been provided to demonstrate that the site could accommodate the number of dwellings proposed together with the required level of Open Space. As such the proposed development is contrary to Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.**

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

**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 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 a contribution of £86,770.32 towards primary education.
3. Provision of POS and a LEAP and a scheme of management



Application No: 15/1849C

Location: OLD COACH HOUSE ABBEYFIELDS, PARK LANE, SANDBACH,  
CHESHIRE, CW11 1EP

Proposal: Construction of dwelling.

Applicant: M Finlow

Expiry Date: 01-Jul-2015

## **SUMMARY**

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

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide positive planning benefits such as; the provision of a market dwelling in a sustainable location and the knock-on minor local economic benefits such a development would bring.

Balanced against these benefits would be the loss of open countryside.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

## **RECOMMENDATION**

<b>APPROVE subject to conditions</b>
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## **REASON FOR REFERRAL**

As the proposed development is for a house in the Open Countryside and does not fall within any of the acceptable exceptions within Local Plan policies PS8 or H6, the application represents a 'departure' from the development plan.

## **PROPOSAL**

Full planning permission is sought for the erection of a detached bungalow.

Revised plans were submitted during the application process in order to address tree concerns. This change primarily involved the re-siting of the proposed access by just over 2 metres further to the west.

## **SITE DESCRIPTION**

The site relates to a square parcel of land located on the southern side of a private access road which extends from the west of Park Lane, Sandbach, within the Open Countryside.

The application site is relatively flat and measures approximately 1,227sq.m. There is a step-up in the ground-floor level from the associated private road. The site is currently used as paddock and consists of grass and trees.

The site lies adjacent to the Grade II listed former coach house to the west.

## **RELEVANT HISTORY**

None

## **NATIONAL & LOCAL POLICY**

### **Development Plan**

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS8, as Open Countryside.

The relevant Saved Policies are:

PS8 – Open Countryside  
BH4 – Listed Buildings (Effect of Proposal)  
GR1 - New Development  
GR2 - Design  
GR4 – Landscaping  
GR6 - Amenity and Health  
GR9 - Accessibility, Servicing and Parking Provision – New development  
GR16 - Footpath, Bridleway and Cycleway Networks

GR20 - Public Utilities  
GR21 - Flood Prevention  
GR22 - Open Space Provision  
NR1 - Trees and Woodlands  
NR2 - Wildlife and Nature Conservation – Statutory Sites  
H1 - Provision of New Housing Development  
H6 - Residential Development in the Open Countryside and the Green Belt

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

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development  
47-50 - Wide choice of quality homes  
55 - Isolated dwellings in the countryside  
56-68 - Requiring good design  
69-78 - Promoting healthy communities

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

MP1 - Presumption in favour of sustainable development  
PG1 - Overall Development Strategy  
PG5 - Open Countryside  
PG6 - Spatial Distribution of Development  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
IN1 – Infrastructure  
IN2 - Developer contributions  
SC4 - Residential Mix  
SC5 - Affordable Homes  
SE1 – Design, SE2 - Efficient use of land  
SE3 - Biodiversity and geodiversity  
SE4 - The Landscape  
SE5 - Trees, Hedgerows and Woodland  
SE6 - Green Infrastructure  
SE9 - Energy Efficient Development  
SE12 - Pollution, Land contamination and land instability  
SE13 - Flood risk and water management  
CO1 - Sustainable Travel and Transport  
CO4 - Travel plans and transport assessments.

### **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 policy/guidance:**

Interim Planning Statement: Affordable Housing (Feb 2011)  
North West Sustainability Checklist

## **CONSULTATIONS**

**Head of Strategic Infrastructure (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 the prior submission of a Phase 1 contaminated land report. In addition, informatives relating to hours of construction and contaminated land are sought

**Flood Risk Manager (Cheshire East Council)** – No objections, subject to a condition seeking the prior submission of a surface water drainage plan

**United Utilities** – No comments received at time of report

**Cheshire Brine Subsidence Board** – Require that the foundations be strengthened, utilising a raft foundation

**Sandbach Town Council** – No objections

## **REPRESENTATIONS**

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

One letter of representation received:

- Lack of consultation
- Concerns that a modern bungalow will not be in keeping with the grade II Listed Building and converted coach house

## **APPRAISAL**

The key issues are:

- The principle of the development
- Housing Land Supply
- Open Countryside
- Sustainability including; Environmental role, Economic role, Social role
- Planning balance



## **Principle of Development**

The site lies entirely within the Open Countryside as designated in the Congleton Borough Local Plan First Review 2005 where policies PS8 and H6 state that only residential development which is required for a person engaged full-time in agriculture or forestry, the replacement of an existing dwelling, the conversion of an existing rural building, the change of use or re-development of an existing employment site, infill development or affordable housing shall be permitted.

The proposed development does not fall within any of these categories. As such, the issue in question is whether the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection. These are considered below.

### Draft Sandbach Neighbourhood Plan

The Neighbourhood Plan is 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.

Policy H1 within the Neighbourhood Plan aims to limit large scale housing development by imposing a limit to 30 dwellings with exceptions being made for brownfield sites.

The application site is clearly a greenfield one. However, the proposal is for 1 dwelling only.

Due to the minor scale of the proposal and the site's sustainable location within close proximity and walking distance to the public facilities of Sandbach, it is not considered that it would be contrary to this Policy or be comparable to larger developments which have been deemed to be premature to the Sandbach Neighbourhood Plan and would prejudice the neighbourhood plan making process.

### Housing Land Supply

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

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.

This is a material consideration.

### 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 PS8, seeks to protect the intrinsic character and beauty of the countryside.

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

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

### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

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

Although a locational sustainability assessment has not been provided by the applicant for this scheme, the application site lies just 168 metres from the Sandbach Settlement Zone Line. Furthermore, any future occupiers could walk from the site to the town centre using public footpaths.

As such, it is considered that the site is locationally sustainable.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

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

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

### **Environmental role**

#### Landscape Impact

The site is a vacant parcel of land situated adjacent to the Old coach house and within the wider estate of Abbeyfields, a Grade II listed building. There are a number of trees present. The site lies at a higher level than the access road to Abbeyfields and a track which runs to the west of the site.

As the site is largely enclosed by mature vegetation, it is not considered that the erection of 1 dwelling on this site would have a significant detrimental impact upon the wider landscape, subject to appropriate landscaping and boundary treatment conditions being imposed for prior approval.

#### Design

The proposed development is for 1 new dwelling.

The revised layout plan shows that the proposed dwelling would be inset from the private driveway to the north by approximately 15 metres, would be inset from the private agricultural

access to the west by 7.3 metres, from the rear of the site to the south by approximately 25 metres and from the eastern boundary by approximately 7 metres. This siting would be similar to that of the adjacent development, the 'Old Coach House' and as such, is deemed to be acceptable.

The form of the proposal would be a detached bungalow. The closest surrounding development on the private access road comprises of recently approved, two-storey residential barn conversions and a grade II listed former stately home all to the west. To the east, on Park Lane, the dwellings comprise of a mixture of detached bungalows and two-storey units.

As such, it is not considered that the form of a detached bungalow would appear incongruous.

In relation to scale, the proposed dwelling would be of a bungalow design. At its maximum height, it would measure approximately 6.3 metres. Given that the nearest barn conversion to the west is two-storey in height and given the mixture of dwelling heights on Park Lane, it is considered that this height would be acceptable. Furthermore, the footprint would not be out of character.

The dwelling would be of a bungalow design comprising of a dual-pitched roof and a small forward projecting gable on the frontage.

It is advised within the submitted Design and Access Statement that the dwelling would be constructed from brick and include brick headers and cill detailing in order to compliment the adjacent 'Old Coach House' barns.

It is advised that the roof would be constructed from tile to match the adjacent building and the windows and doors would be constructed from timber.

Subject to the detail of the materials being submitted for prior approval by the LPA, it is considered that the appearance of the dwelling would be acceptable and would adhere with Policy GR2 of the Local Plan and Policies SE1 (Design) and SE2 (Efficient use of land) of the Cheshire East Local Plan Strategy – Submission Version (CELP).

The Council's Heritage Officer has advised that he has no concerns with regards to the proposals impact upon the setting of the Grade II listed building given the large distance between the application proposal and the listed building (approximately 90 metres).

### Access

The layout plan demonstrates that the proposal seeks the creation of a new access point onto the private driveway to the north. Sufficient parking space would be provided for at least 200% parking.

The Head of Strategic Infrastructure (HSI) has reviewed the submitted information and advised that he has no objections.

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

## Trees and Hedgerows

Trees to the eastern boundary section of the application site are protected by the Sandbach Urban District Council (Abbeyfields) Tree Preservation Order 1970 (Area A4 Beech and Sycamore).

A revised Arboricultural Implications Assessment and Method Statement have been received during the application process in order to address the concerns of the Council's Tree Officer.

The Council's Tree Officer has reviewed this latest information and completed a site visit and advised that he is satisfied that the access position has been relocated as requested, providing a greater separation from protected trees.

The Arboricultural Method Statement has been revised to show the removal of the protected Beech (T7), the unprotected Beech (T1) and the retention of Sycamore (T2). Of the trees to be removed the Arboricultural Impact Assessment rates them as follows:

- Beech T7 – Grade B (Moderate Quality and Value) – This tree co-dominant specimen with poor form and in an early stage of decline. The Council's Tree Officer has inspected this tree and discovered that there is evidence of Honey Fungus and Bleeding Canker. As a result terminal decline is likely within the next 10 years.
- Beech T1 – Grade C (low Quality and Value) – estimated life span of 10-20 years

The Council's Tree Officer has noted that the Revision B documents do not include provision for the position of Tree Protective fencing so has advised that this will need to be added as a condition.

The Council's Tree Officer has advised that the Arboricultural Method Statement 14 September 2015 Ref: TRE/CHA/Rev B and Method Statement drawing AFS/MS/01 Rev B dated 7/6/2015 can form part of the approved documents and plans.

As the relevant amendments to the survey's and access point have been made, the Council's Tree Officer has raised no objections, subject to a number of conditions including; Tree Protection, the submission of Landscape scheme (to include provision for the replacement of the protected Beech T7) and Landscaping Implementation.

The proposal is therefore considered to adhere with Policy NR1 of the Local Plan.

## Ecology

The Council's Ecologist advised that there is a significant 'protected species' sett located within a woodland to the south of the application site, consequently there is potential for further setts to be present on the application site itself. As such, a 'protected species' survey was sought during the application process.

On receipt of this survey, the Council's Ecologist has advised that based upon the submitted survey, 'protected species' are not reasonable likely to be affected by the proposed development.

As such, it is considered that the proposal would adhere with Policy NR2 of the Local Plan.

## Flood Risk and Drainage

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

The Council's Flood Risk Officer has reviewed the application and advised that they have no objections, subject to a condition seeking the prior submission of a surface water drainage plan.

As such, subject to the above, it is considered that the proposed development would adhere with Policies GR20 and GR21 of the Local Plan.

## Conclusion

The proposed development would not create any significant landscape, hedgerow, design, access, ecology, flooding or drainage concerns. The impact upon protected trees would be acceptable, subject to a number of conditions.

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

## **Economic Role**

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

As such, it is considered that the proposed development would be economically sustainable.

## **Social Role**

The proposed development would provide 1 market dwelling which would be a social benefit.

## Amenity

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

The closest neighbouring properties to the application site would be the occupiers of the Old Coach house located approximately 23 metres to the west.

Given this large separation distance, it is not considered that the proposal would create any issues in relation to loss of light, privacy and visual intrusion.

The Council's Environmental Protection Team have advised that they have no objections to the 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 the prior submission of a Phase 1 contaminated land report. In addition, informatives relating to hours of construction and contaminated land are sought.

With regards to the amenity of the future occupiers of the proposed dwelling, sufficient space would be available for the dwelling to have a useable, private amenity space of at least 65 square metres.

As such, the proposal is considered to adhere to Policy GR6 of the Local Plan.

### **Other Matters**

The scheme is not of a scale which requires; affordable housing, public open space, education or health contributions.

The comments of the Brine Board are noted and an informative will be attached to the decision notice. This issue will be dealt with at the Building Control stage.

### **Planning Balance**

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

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide positive planning benefits such as; the provision of a market dwelling in a sustainable location and the knock-on minor local economic benefits such a development would bring.

Balanced against these benefits would be the loss of open countryside.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is

considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

## **RECOMMENDATION**

**APPROVE** subject to the following conditions;

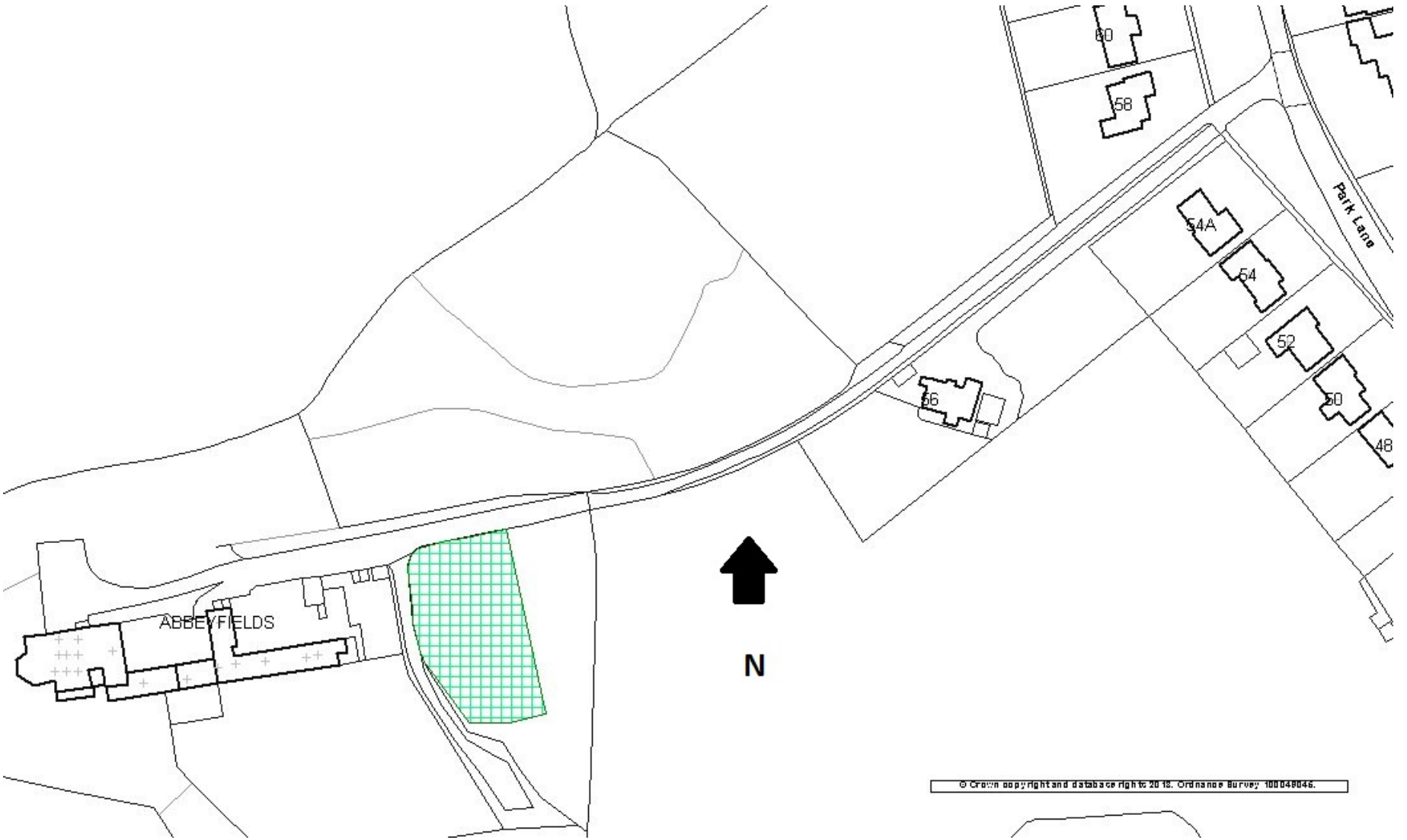
1. Time (3 years)
2. Plans
3. Materials – Prior approval required
4. Boundary treatment – Prior approval required – to include the replacement of Beech T7
5. Tree Protection – Prior approval required
6. Landscaping – Prior approval required
7. Landscaping – Implementation
8. Surface water drainage scheme – Prior approval required

**Informative:**

1. Brine Board recommendations

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





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Application No: 15/1964N

Location: Green Lane House, 31, GREEN LANE, AUDLEM, CREWE, CHESHIRE, CW3 0ES

Proposal: Outline Application for proposed residential building plot on existing garden area for 4 bed detached house

Applicant: Mr Mark Ellis, Markden Ltd

Expiry Date: 23-Jun-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 in close proximity to 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, albeit on a small scale.

Local concerns of residents are noted, particularly in respect of loss of Open Countryside, compliance with the neighbourhood plan and highway safety. have been considered but do not outweigh the reasons for recommending approval of the application.

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

The scheme represents a sustainable form of development and therefore the presumption in paragraph 14 applies. Applying the tests in paragraph 14, the benefits of the proposal are not significantly and demonstrably outweighed by the disbenefits and therefore the planning balance weighs in favour of supporting the development subject to conditions.

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

**RECOMMENDATION:**

<b>Approve subject to conditions</b>
--------------------------------------

## **PROPOSAL**

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

Whilst all matters are reserved a plan has been submitted showing access from Green Lane, which is the existing access to the property. An indicative layout has also been submitted to demonstrate impact on trees and ecology.

## **SITE DESCRIPTION**

The application site comprises part of the garden of Green Lane House, which is a two-storey dwelling. There are residential properties on the opposite side of the road, and the site is within walking distance of Audlem which is a local service centre with many facilities and services.

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

## **RELEVANT HISTORY**

P03/0415     Approval for side extension (2003)

## **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

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

### **Audlem Neighbourhood Plan 2015 – 2030 (Draft)**

H1 – Number of New Homes  
H3 – Scale of New Development  
H4 – Size of Homes  
H5 – Type of Homes  
D1 – Character & Quality  
D2 – Size & Space  
D3 – Position & Topography  
D7 – Efficiency & Sustainability  
D10 – Drainage  
D11 – Residential Parking

### **CONSULTATIONS:**

#### **Highways:**

No objection subject to a condition relating to visibility splay.

#### **Environmental Protection:**

None received at the time of report writing.

#### **Environment Agency:**

No objection.

#### **Flood Risk Manager:**

No objection subject to a condition requiring development in accordance with the Flood Risk Assessment.

**Parish Council:**

Object to the proposal.

**REPRESENTATIONS:**

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

At the time of report writing 2 representations have been received which can be viewed on the Council website. They express several concerns including the following:

- Development on greenfield land
- Adverse impact on the character of the village
- Not in accordance with the neighbourhood plan
- Highway safety
- Enough houses are approved for Audlem

**APPRAISAL**

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

**Principle of Development**

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

The proposed development 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”.

A key consideration is the NPPF. According to paragraph 49 in the absence of a 5 year supply of housing, which is the case in Cheshire East at present, applications should be considered in the context of the presumption in favour of sustainable development.

The issue in question is whether this proposal represents sustainable development and whether the presumption therefore applies. If it does apply, a conclusion must be reached as to whether the benefits of the proposal outweigh the harm.

**Audlem Neighbourhood Plan (Draft)**

The Audlem Neighbourhood Plan is currently at the stage of completing consultations, but as yet has not been tested at examination.

Whilst this application site is located outside the settlement boundary of the village, it is not considered that a single dwelling, sited in the garden of an existing dwelling would compromise the aims and aspirations of the draft neighbourhood plan.

## 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 Audlem which is a local service centre and there bus services 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 Audlem.

## Open Countryside Policy

Policy NE.2, seeks to protect the intrinsic character and beauty of the countryside. In the absence of a 5 year housing land supply open countryside policies are out of date and therefore attract reduced weight. However, harm to the intrinsic character and beauty of the countryside should still be played into the overall planning balance. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

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. As such it is not considered that a refusal on the grounds of adverse impact on the character and beauty of the Open Countryside could be sustained.

### **Landscape**

The site is located on the outskirts of the village of Audlem. It is readily visible from Green Lane on the approach to the village. The site is identified as open countryside in CNBC local plan.

The site forms part of the mature garden to existing dwelling. A grassed lawn with specimen trees slopes down from the existing dwelling to the south and east and a tree lined watercourse, providing an attractive outlook and a transition from the existing dwelling to agricultural land to the south.

Whilst the loss of this established garden area would be regrettable, it is not considered that the proposals would result in any significantly adverse landscape or visual impacts that would warrant refusal of the application.

### **Trees**

Whilst this is an outline application the arboricultural detail identifies an indicative plot position and associated access details which requires the loss of five trees (T1, 1 from G18, T20, T21, T22). None are considered to be significant high value specimens worthy of formal protection as they contribute little to both the amenity of the immediate area or the wider landscape aspect. The loss of these trees can be easily mitigated as part of a suitable landscape scheme should development proceed.

The higher value trees located closer to the stream can all be retained and protected in accordance with current best practice. Adequate space is available to ensure issues of social proximity can be designed out providing some thought is given in terms of the orientation of main habitable rooms should this proceed to reserved matters.

Given the information available Officers are comfortable that development can be accommodated from an arboricultural perspective without significant tree loss

### **Flood Risk**

The application is supported by a Flood Risk Assessment (FRA). The Flood Risk Manager has assessed the FRA and is satisfied that the development is acceptable in flood risk terms, subject to compliance with the measures set out in the FRA, including the finished floor levels. Given the



sloping nature of the site, the proposed dwelling could be constructed in accordance with this without appearing too elevated within the site.

## **Design & Layout**

This is an outline planning application with all matters reserved, therefore all matters including design 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.”*

There is space within the plot to accommodate a four bed detached property, as intimated in the description of development. Appearance, siting and scale would be the subject of a reserved matters application should this proposal be approved in principle. However an indicative layout, that is considered to be acceptable has been submitted to demonstrate impact on trees and ecology.

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

## **Highways**

The Head of Strategic Infrastructure (HSI) originally objected to the application due to a lack of information. Subsequently further details were submitted and the HIS is now satisfied that, subject to a condition requiring adequate visibility to be provided, that objection is now withdrawn.

The proposal is therefore considered to acceptable in highway safety terms and in accordance with Policy BE.3 of the adopted local plan.

## **Ecology**

The application site is bounded by a stream to the south. The stream may be of ecological value and may also potentially support protected species. No ecological information has been submitted in support of this application.

Potential impacts on the stream can be avoided by means of a condition requiring an 8 metre undeveloped buffer to be provided adjacent to the stream. The buffer zone would need to be fenced off and safeguarded during the construction process.

## **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, albeit small scale to Audlem, 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 Audlem, 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. Adequate separation distance can be achieved between the existing dwelling and that proposed and adequate private residential amenity space can be provided within the site.

Should the application be approved conditions should be imposed relating to piling operations and a Phase I Contaminated Land Report..

Subject to the condition set out above, the proposal is considered to be acceptable in amenity terms and in compliance with Policy B.1 of the adopted local plan.

## **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 loss of Open Countryside and highway safety, have been assessed by Officers and found to be acceptable.

## **Conclusion – The Planning Balance**

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 consider planning applications for housing in the context of the presumption in favour of sustainable development. It is therefore necessary for proposals demonstrate that they meet the definition of sustainable development for the presumption to apply.

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.

The boost to housing supply is an important benefit and this proposal achieves this in the context of a deliverable, sustainable housing land release, albeit on a small scale.

It is also necessary to consider the negative effects of this incursion into Open Countryside by built development. This is not considered to be significant given the nature of the site (residential garden). Therefore, it is not considered that this is sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

The scheme represents a sustainable form of development and therefore the presumption in paragraph 14 applies. Applying the tests in paragraph 14, the benefits of the proposal are not significantly and demonstrably outweighed by the disbenefits and therefore the planning balance weighs in favour of supporting the development subject to conditions.

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

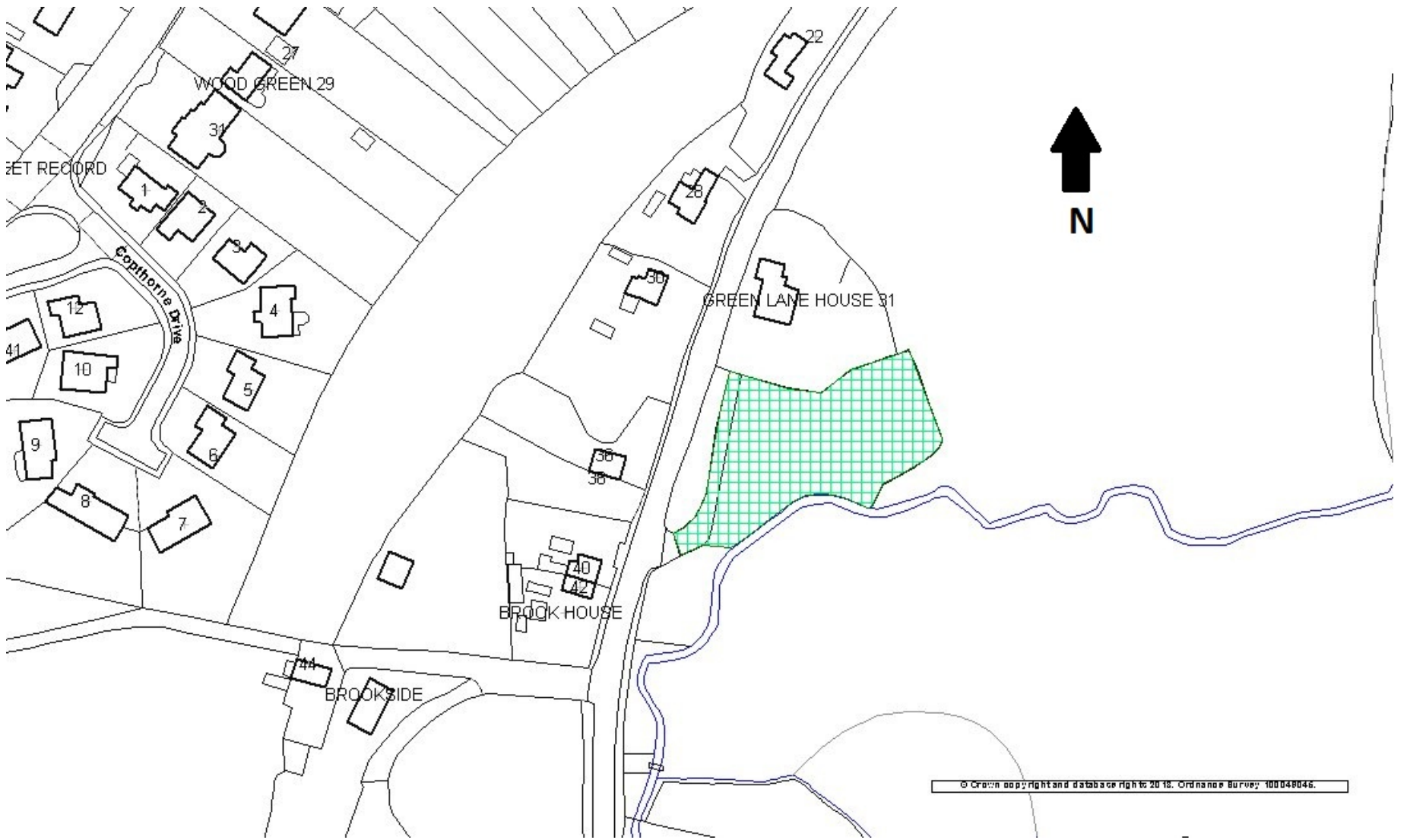
## **RECOMMENDATION**

**Approve subject to the following conditions:**

- 1. Commencement**
- 2. Submission of reserved matters**
- 3. Approved plans**
- 4. Retention of an 8 metre undeveloped buffer zone between the dwelling and any hardstanding and the stream, including fencing and safeguarding during construction**
- 5. Provision of adequate visibility splays**
- 6. Compliance with the Flood Risk Assessment**
- 7. 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**
- 8. Submission of a Phase I Contaminated Land Report**
- 9. Submission of drainage scheme to include foul and surface water including sustainable drainage systems**
- 10. Tree and hedgerow protection measures**

**11. 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: 15/3137C

Location: Bank Farm, Macclesfield Road, Twemlow, Cheshire, CW4 8BG

Proposal: 1No New Detached Dwelling on an Infill Plot between Bank Farm & Maple Hayes on Macclesfield Road, Twemlow

Applicant: Marshall Barnett

Expiry Date: 07-Sep-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 favorably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

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

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

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

The proposal would bring positive planning benefits such as; the provision of market housing and a minor boost to the local economy. In addition the site is located in a relatively sustainable location with links to Goostrey and Holmes Chapel.

It is not considered that the environmental concerns created, by reason of the impact upon the Open Countryside are significant enough to warrant refusal of this application given the sites location amongst residential development.

No issues with regards to neighbouring amenity, landscape, trees, hedgerows, flooding or drainage would be created.

As such, the development is recommended for approval.

**RECOMMENDATION**

**APPROVE subject to conditions**

**REFERAL**

This application as recommended would constitute a departure from the Local Plan and therefore should be considered by the Southern Planning Committee.

**PROPOSAL**

This application seeks full planning permission to 1no detached dwelling house on land between Bank Farm Barns and Maple Hayes on Macclesfield Road, Twemlow.

**SITE DESCRIPTION**

The site relates to a roughly rectangular plot of land on Macclesfield Road, between Bank Farm Barns and Maple Hayes. The site is situated within the open countryside.

The application site is approximately 0.12 hectares in size, and is approximately 40m wide and 30m deep. Currently the site is used for the grazing of sheep and there is a boundary hedge facing Macclesfield Road.

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

**RELEVANT HISTORY**

10/1371C – Permission to keep horses – Approved with conditions 27<sup>th</sup> July 2010

**NATIONAL & LOCAL POLICY**

**National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development,  
47-50 - Wide choice of quality homes,  
55 - Isolated dwellings in the countryside,  
56-68 - Requiring good design  
and 69-78 - Promoting healthy communities

**Development Plan**

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS8, as Open Countryside.



The relevant Saved Policies are:

PS8 – Open Countryside  
PS10 – Jodrell Bank Radio Telescope Consultation Zone  
GR1 - New Development  
GR2 – Design  
GR4 – Landscaping  
GR6 - Amenity and Health  
GR9 - Accessibility, Servicing and Parking Provision – New development  
GR20 - Public Utilities  
GR21 - Flood Prevention  
NR1 - Trees and Woodlands  
NR2 - Wildlife and Nature Conservation – Statutory Sites  
H1 - Provision of New Housing Development  
H6 - Residential Development in the Open Countryside and the Green Belt

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

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

MP1 - Presumption in favour of sustainable development  
PG1 - Overall Development Strategy  
PG5 - Open Countryside  
PG6 - Spatial Distribution of Development  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
IN1 – Infrastructure  
IN2 - Developer contributions  
SC4 - Residential Mix  
SC5 - Affordable Homes  
SE1 – Design,  
SE2 - Efficient use of land  
SE3 - Biodiversity and geodiversity  
SE4 - The Landscape  
SE5 - Trees, Hedgerows and Woodland  
SE6 - Green Infrastructure  
SE9 - Energy Efficient Development  
SE12 - Pollution, Land contamination and land instability  
SE13 - Flood risk and water management.

### **CONSULTATIONS**

**Environmental Health:** No objections subject to conditions for glazing specification on front elevation for habitable rooms and contaminated land.

**Strategic Highways Manager:** None received at time of writing this report.

**Jodrell Bank (University of Manchester)** – No objections, but recommends the use of electromagnetic screening measures in the construction of the proposed development.

**United Utilities** – No objections

**Twemlow Parish Council** – The site is not within the infill boundary line as stated. The three barn conversions adjacent to the proposed dwelling do not wish the access to be across their shared access with the applicant and desire a separate access from the A535.

## REPRESENTATIONS

To date, letters of observation have been received from 3 neighbouring properties. The main issues raised are,

- Dispute the applicant's right to access the application site, as deeds allow access to farmhouse and fields for himself, his tenants, his servants and visitors but not for additional person to a new house.
- Site is not within the Congleton Borough Local Plan infill boundary
- The proposed dwelling would detract from the rural appearance of the barn development, and the village as a whole,

## APPRAISAL

### Principle of Development

The site lies entirely within the Open Countryside as designated in the Congleton Borough Local Plan First Review 2005 where policies PS8 and H6 state that only residential development which is required for a person engaged full-time in agriculture or forestry, the replacement of an existing dwelling, the conversion of an existing rural building, the change of use or re-development of an existing employment site, infill development or affordable housing shall be permitted.

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

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

### Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that 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**

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 PS8, seeks to protect the intrinsic character and beauty of the countryside.

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

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

### **Emerging Local Plan Policy**

Policy PG5 (Open Countryside) of the emerging Cheshire East Local Plan (Emerging LP) indicates that an exception may be made to the Open Countryside policy with regards to residential

development. This includes where there is an opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage (i).

Given that the proposal would infill a small gap within a built up frontage, it is considered that the proposal would adhere with this emerging Local Plan policy.

However, although this document has been subject to formal examination, it has not yet been adopted and this limits the weight that can be attributed to this policy.

## **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

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

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

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

The applicant has not submitted this completed toolkit. However, they have stated that in a recent Appeal Decision at Land at Hiverley Cottage, Twemlow Green to the Inspector concluded that (similarly) although the site is in a rural area it is close to the IBL of Twemlow Green village and that there is access to a circular bus service, school and college buses and there is a restaurant nearby. The site is within cycling distance of Goostrey and Holmes Chapel which are defined as Local Service centres in the CELP. Therefore in locational sustainability the Inspector considered that the future occupiers of the site would be able to access local services and facilities either by walking/cycling or a small car journey and in turn considered the location to be sustainable.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

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

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

## **Environmental role**

### Landscape Impact

The site is in open countryside as defined in the Congleton Borough local plan. It is well contained and would appear as an infill plot, albeit outside the infill boundary line. The site boundary will follow the existing rear boundaries of the adjacent sites which will help to assimilate the dwelling into the existing built up frontage. Subject to the retention of all the existing boundary hedging and trees (which provides good containment), it is considered the site could accommodate the development proposed without a significant landscape impact.

### Trees and Hedgerows

Although there are trees and hedgerows in the vicinity, no detailed arboricultural information has been provided. However, these trees and hedgerow are largely sited within the periphery of the site and the proposed dwelling will be sited centrally. The proposed access into the site will not affect the hedgerow and therefore it is considered unlikely that the proposed works will have any arboricultural impacts subject to a tree protection condition.

### Ecology

The Council's Nature Conservation Officer has not yet commented on the application, however as the land is currently in use as an area of grazing land it is unlikely that the development will have any significant impact on ecology in the area. Furthermore, as the proposal does not include the removal of any hedgerow or trees it is unlikely to have any adverse impact on nature conservation in the area.

### Design

The proposed development is for 1no new dwelling. The submitted plan shows a fairly standard 4 bedroom property with an attached garage and associated driveway off the existing private drive

serving the Bank Farm Barns. The proposed dwelling will have a hipped roof design and a fairly symmetrical double fronted front elevation. The dwelling is of a size, position and design which is in keeping with the existing rural area. Subject to conditions for materials to be approved it is considered that the proposal is acceptable.

### Access

The proposed development would utilise an existing drive way off Macclesfield Road, which currently serves Bank Farm Barns and the Farmhouse. The neighbours have objected to this proposed access due to a disagreement over the applicant's right of access on this land. However this is not a material planning consideration and is a civil legal matter between the applicant and the Bank Farm Barns Management company.

The Strategic Highways Manager has yet to comment on the application and these comments will form part of an updated report to the Committee.

### Flood Risk and Drainage

The application site falls within Flood Zone 1 and is not of a scale which requires the submission of a Flood Risk Assessment. United Utilities have also reviewed the application and have no objections to make.

### Conclusion

The proposed development would not create any significant landscape, tree or hedgerow, design, access, ecology, flooding or drainage issues.

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

### **Economic Role**

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

As such, it is considered that the proposed development would be economically sustainable.

### **Social Role**

The proposed development would provide 1 market dwelling housing unit.

### Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and

traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

The closest neighbouring properties to the application site include; Bank Farm Barns 2 & 3 and Maple Hayes.

There will be a 21m separation distance between the side elevation of Maple Hayes and the proposed side elevation of the new dwelling. The proposed side elevation will have only secondary windows on the side elevation and there are a number of large trees on the boundary which will help to mitigate for any overlooking. There will also be a separation gap of 44m from the side elevation of the proposed garage of the dwelling to the front and side elevations of 2 & 3 Bank Farm Barns.

There is sufficient space within the site to allow the new dwellings to be constructed without detrimentally impacted on privacy, light or visual intrusion of the neighbouring properties.

The Council's Environmental Protection Team have advised that they have no objections subject to conditions for glazing specification on the front elevation and prior to the occupation and post construction Contamination details and informative relating contaminated land.

The Environmental Protection Team consider that the close proximity of the main A535 to the proposed new dwelling has potential to have a negative impact on the future occupiers of the dwelling by means of noise. The proposed condition requires all habitable rooms on the front elevation of the building to achieve a minimum of 34 dB R +Ctr and include details of acoustic trickle ventilation systems. This would help to mitigate for any significant noise impact and is therefore considered reasonable.

In terms of the amenity of the future occupiers of the proposed dwelling, sufficient space would be available for the dwelling to have a private amenity space of at least 65 square metres.

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

### Jodrell Bank

As the application site falls within the Jodrell Bank Radio Telescope Consultation Zone, it is subject to Policy PS10 of the Local Plan.

Policy PS10 advises that for such sites, development will not be permitted which can be shown to impair the efficiency of the Jodrell Bank Radio Telescope.

It is proposed that Policy PS10 will be replaced by Policy SE14 within the emerging Cheshire East Local Plan Strategy – Submission Version. The principles of this policy broadly reflect those of Policy PS10.

Jodrell Bank have advised that they have no objections to the proposal, but recommend the incorporation of electromagnetic screening measures into the construction of the proposed development.

As such, subject to the addition of this condition, it is considered that the proposal would adhere with Policy PS10 of the Local Plan and Policy SE14 of the emerging Cheshire East Local Plan Strategy – Submission Version.

### **Planning Balance**

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

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

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

The proposal would bring positive planning benefits such as; the provision of market housing and a minor boost to the local economy. In addition the site is located in a relatively sustainable location with links to Goostrey and Holmes Chapel.

It is not considered that the environmental concerns created, by reason of the impact upon the Open Countryside are significant enough to warrant refusal of this application given the sites location amongst residential development.

No issues with regards to neighbouring amenity, landscape, trees, hedgerows, flooding or drainage would be created.

As such, the development is recommended for approval.

### **RECOMMENDATION**

**APPROVE** subject to the following conditions;

- 1. Time Limit**
- 2. Development in accordance with approved plans**
- 3. Materials to be submitted**
- 4. Prior submission of electromagnetic screening measures (Jodrell Bank)**
- 5. Glazing specification for front elevation of property**
- 6. Prior to occupation/first use contamination report**
- 7. Landscaping**
- 8. Landscaping implementation**
- 9. Boundary treatment**
- 10. Tree Protection**
- 11. Nesting birds**



**12. Prior submission of features suitable for breeding birds**

**13. Obscure glazing to first floor windows to the side elevation of the proposed dwelling**

**Informatives:**

**1. NPPF**

**2. 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 Planning Manager (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.**



Application No: 15/3485C  
Location: 94, BRADWALL ROAD, SANDBACH, CW11 1GN  
Proposal: Proposed Two Storey Side Extension and Internal Alterations  
Applicant: Mr & Mrs Paul Carrington  
Expiry Date: 25-Sep-2015

**SUMMARY:**

The proposed extension is not considered to be incongruous within its setting nor detrimental with regard to amenity for any surrounding properties. The proposed development is of an acceptable design and is therefore in accordance to Local Plan Policies and the NPPF.

The application site is within the settlement boundary for Sandbach and the scheme represents a sustainable form of development and the planning balance weighs in favour of supporting the development subject to conditions.

**RECOMMENDATION:**

**Approve with conditions**

**REASON FOR REPORT:**

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

*"In view of the significant public interest and concern with this proposed two storey side extension, it is considered that the application should be determined at a public planning committee meeting, rather than being delegated to officers to decide. Members of the public can then observe the democratic process and also make representations to committee members [elected councillors], as appropriate.*

*The key issue here is that the original site plan shows the extension would infringe on a very well used and long established public footpath located between 92 and 94 Bradwall Road and that links Bradwall Road and Twemlow Avenue. On this basis, Sandbach Town Council has objected to this development.*

**PROPOSAL:**

Householder planning permission is sought for a two storey side extension with internal alterations.

The extension would be approximately 7.5 metres (m) in height to ridge and 2.4 m in height to eaves, 4.2 m in width and a depth of 13 m.

The application also includes a replacement porch to the front elevation of the dwelling.

## **SITE DESCRIPTION:**

The application site is a roughly rectangular shaped piece of land, located on the northern side of Bradwall Road. The site comprises a detached, two storey dwelling and associated curtilage. The surrounding area is residential in character. Immediately to the eastern boundary is a footpath connecting Bradwall Road with Twemlow Avenue. This is not a recorded public right of way.

The site falls within the Sandbach settlement zone line.

## **RELEVANT HISTORY:**

**04/0136/FUL** - Demolition of detached single garage in rear garden and existing single storey rear extension, to be replaced with two storey side and new single storey rear extension – approved 19<sup>th</sup> November 2004

**07/0335/FUL** - Addition of dormer window to central roof area above the front door to restore light to landing area – approved 16<sup>th</sup> May 2007

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework (2012)

### **Development Plan:**

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Congleton Borough Local Plan First Review 2005:

Sandbach Settlement Zone Line

PS4 - Towns

GR1 – New Development

GR2 - Design

GR6 – Amenity and Health

GR9 - Accessibility, Servicing and Parking Provision

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

MP.1 – Presumption in Favour of Sustainable Development

SD.1 - Sustainable Development in Cheshire East

SD.2 - Sustainable Development Principles

SE.1 - Design

### **Sandbach Neighbourhood Development Plan (Draft)**

Policy H2 – Design and Layout

**CONSULTATIONS:**

**Environmental Health:** No comments received at the time of writing the report.

**SandbachTown Council:** Object as the plans show that the development will impinge an existing public access path/right of way and means a reduction in the width of the path.

**REPRESENTATIONS:**

A number of letters of representation have been received from local residents, 4 object to the proposal and 5 support the proposal. The letters of objection are outlined below:

- The proposal will impinge on a public path/right of way
- In principle no objection, object to the reduced width of the path
- The path should be maintained during and post construction
- Path should be reopened as soon as possible
- Plans and ownership are unclear

The letters of support are outline below:

- The path is used by dog walkers and there is an issue with fouling, ground pollution and maintenance.
- The path is often blocked by overgrowth
- No objection to extension as long as the path is reopened
- Based on the updated plans showing the path removed from the scheme, no objection
- Footpath will be improved

**APPRAISAL:**

**Principle of Development**

The proposal is for a two storey side extension to a dwelling within the settlement boundary for Sandbach which is acceptable in principle providing that the design is appropriate and that the development does not give rise to any detrimental impact on the amenities of adjacent properties.

The proposal is considered to be in accordance with Policy PS4 (Towns) and is acceptable in principle.

**Amenity**

In terms of neighbouring residential amenity the closest neighbouring dwelling is No. 92, Bradwall Road (the neighbouring dwelling to the south east). It is not considered that the proposal would have any significant impact on the amenity of No. 96, Bradwall Road (the neighbouring dwelling to the north west of the application site) as the proposed development would be situated on the south east elevation of the host dwelling and the existing built form would serve to separate No. 96 from the proposed extension.

The extension follows the ridge height of the host dwelling. It is not considered to be excessive in terms of scale and massing. There are five windows proposed on the side elevation of the proposed extension facing No. 92, four at ground floor (two serving the garage and two serving the garden room) and one at first floor serving an en-suite bathroom (this will be conditioned to be obscure glazed). As such the impact on amenity would be limited. It is not considered that the new windows on the front elevation would have any impact on the amenity of the opposite dwellings as there are already windows facing these dwellings and the relationship is established.

The proposed extension maintains a gap of between 1.7m and 2.3m to the boundary of No. 92. This provides an acceptable spacing between buildings. The extension slopes down from 2 storey to single storey at the rear, such that the proposal will not be overly dominant to the neighbouring dwelling. There is a footpath between the dwellings that serves to provide additional spacing. When considering the proposed extension in relation to any potential overshadowing of principal windows and any potential overbearing effect on the neighbouring properties, the proposed extension complies with the 45 degree guideline that is used as a benchmark to assess the implications of such developments. Adequate space, light and privacy would be maintained between the two properties.

Whilst the objections are noted, it is considered that the proposed extension would not have any significant adverse impact on the residential amenity of the closest neighbouring properties or the path. The Applicant has advised that the footpath is to remain open and the revised drawings show the path omitted from the application site. The proposal is therefore considered to be in compliance with GR6 (Amenity and Health) of the adopted local plan.

### **Design**

The proposed two storey extension would match the height of the existing roof line and the extension has been designed to mirror the host dwelling with the introduction of a new gable facing into the garden, mirroring the existing rear gable. The dormer on the front elevation has been designed to be in keeping with the existing dormer.

It is considered that the design and proportions of the proposed apertures are in keeping with the existing property and will not appear as alien or obtrusive features.

As such it is not considered that there would be any significant negative impact on the street scene.

As per policy H2 in the draft Sandbach Neighbourhood Development Plan the extension is appropriate and does not cause any unacceptable visual intrusion whilst making efficient use of land and respecting the character of the area.

Overall it is considered that the proposed extension is acceptable in terms of its size, scale and bulk and its relationship with the surrounding dwellings. The proposal is therefore considered to be in compliance with Policies GR1 (New Development) and GR2 (Design) of the adopted Local Plan.

### **Access and Car Parking**

The proposed development includes the relocation of the single bay integral garage. There is enough room to park at least two cars at the front parking area of the property and, when taking into account the provision of the garage parking space, this provision is acceptable.

The proposal is considered in accordance with Policy GR9 (Accessibility, Servicing and Parking Provision).

### **Footpath**

The majority of the objections raise concern about the obstruction of a footpath to the side of the dwelling between numbers 92 and 94 Bradwall Road which links Twemlow Avenue and Bradwall Road. The PROW team have confirmed that this is not a Public Right of Way and in any event it would be retained as part of the proposed development as shown on the amended plans.

### **Planning Balance**

The proposal is in accordance with relevant policies of the development plan. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should therefore be granted unless material consideration indicate otherwise. The objections in respect of amenity issues and the path have been considered but there is not considered to be a significant and demonstrable impact that would justify a refusal of planning permission.

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

The proposal is in within the settlement zone line for Sandbach and an established residential area and is in accordance with development plan policy therefore there is a presumption in favour of development.

### **RECOMMENDATION**

**Approve subject to the following conditions:**

- 1. Standard three year time limit**
- 2. Plans**
- 3. Materials as per application**
- 4. Obscure glaze first floor window facing 92 Bradwall Road**

**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 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.**







Application No: 15/3467C

Location: LAND OFF, LONDON ROAD, BRERETON, HOLMES CHAPEL,  
CHESHIRE, CW4 8AX

Proposal: Variation of conditions 2, 3 and 4 on existing permission 14/1941C;  
Construction of two new dwellings

Applicant: George Barlow

Expiry Date: 22-Sep-2015

### SUMMARY

The principle of development has already been accepted by virtue of planning approval 14/1941C.

The variation of condition 2 relating to approved plans, condition 3 (materials) and 4 (Tree protection) is sought. The applicant seeks to flip the design of House 1, re-siting 2 metres closer to London Road and minor changes to the layout and House 2 is also sought.

The proposed amendments are considered to be of an acceptable design that would not create any new issues in relation to; neighbouring amenity, highway safety, trees or drainage and flooding.

As such, the application is recommended or approval

**APPROVE subject to conditions**

### PROPOSAL:

Revised plans have been submitted to vary conditions 2, 3 and 4 from Planning Permission 14/1941C.

14/1941C was granted at appeal (ref: APP/R0660/A/14/2226483) for the '*Construction of two new dwellings (resubmission of planning application reference 13/4566C).*

The conditions sought for variation are detailed below;

#### Condition 2

*'The development hereby permitted shall be carried out in accordance with the following approved plans: (i) drawing no 867 L01 rev P0; (ii) drawing no 867 101 rev P1; (iii) drawing no 867 103 rev P1; and (iv) drawing no 867 104 rev P2.'*

The applicant seeks to make the following changes to the approved scheme;

- Relocate House 1 two metres closer to London Road
- Revise patio door position to House 1
- Revise the eastern end elevation of House 1 fronting London Road to include further openings
- Provide revised finished floor level of 56.00 to both properties.
- Reduce entrance hall size of House 2
- Revise kitchen / living / dining layout of House 2.

The revisions to the openings on the eastern end elevation of House 1 were done on the advice of the Planning Officer for design reasons.

### Condition 3

*'No development involving the use of any facing or roofing materials shall take place until samples of the materials to be used in the construction of external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.'*

Material details have been submitted with the application in order to address this condition.

### Condition 4

*'Prior to the commencement of development or other operations being undertaken on the site in connection with the development hereby permitted, a scheme for the protection of the retained trees in accordance with BS 5837:2012 - Trees in relation to design, demolition and construction. Recommendations shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.'*

A tree survey report and tree protection scheme have been submitted in order to address this condition.

## **SITE DESCRIPTION:**

The application site forms a parcel of vacant grassland located adjacent to London Road which is to the east. The site is largely rectangular in shape and extends for 2500 square metres. The site has a relatively flat topography and is bound to the north by a stream. The site falls within the Open Countryside.

## **RELEVANT HISTORY:**

**14/5834C** - Construction of 10 dwellings (resubmission of planning application reference 14/0057C) - Undetermined

**14/1941C** - Construction of two new dwellings (resubmission of planning application reference 13/4566C) – Approved at Appeal 16<sup>th</sup> December 2014

**14/0057C** - Construction of 10 dwellings – Withdrawn 5<sup>th</sup> March 2014

**13/4566C** - Construction of two new dwellings – Refused 31<sup>st</sup> March 2014

**12/0036C** - The Construction of 18 New Affordable Two and Three Bedroom Houses – Refused 26<sup>th</sup> April 2012

**10/3320C** - The Construction of 18 New Affordable Two Bedroom Houses – Refused 3<sup>rd</sup> June 2011

### **Local Plan Policy**

PS8 - Open Countryside, GR1 - New Development – General Criteria, GR2 – Design, GR6 – Amenity, GR9 - Accessibility, Servicing and Parking Provision, GR15 - Pedestrian Measures, GR19 – Infrastructure, GR20 - Public Services, GR21 – Flooding, GR22 - Open Space Provision, NR1 - Trees and Woodlands, and NR2 - Protected Species

### **National Policy**

National Planning Policy Framework (NPPF)

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

MP1 - Presumption in favour of sustainable development, PG1 - Overall Development Strategy, PG5 - Open Countryside, PG6 - Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, IN1 – Infrastructure, IN2 - Developer contributions, SC4 - Residential Mix, SE1 – Design, SE2 - Efficient use of land, SE3 - Biodiversity and geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 - Green Infrastructure, SE9 - Energy Efficient Development, SE12 - Pollution, Land contamination and land instability, SE13 - Flood risk and water management, CO1 - Sustainable Travel and Transport and CO4 - Travel plans and transport assessments

### **Brereton Neighbourhood Plan (Draft Submission)**

HOU01 – Amount of new housing development

HOU03 – Exceptions to new housing development

HOU11 – The layout and design of new housing

ENC01 – Land uses in the Countryside

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

**Head of Strategic Infrastructure (HSI)** – No objections

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

Comments to original proposal (14/1941C);

No objections

**Environment Agency** – ‘No comment’

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

Comments to original proposal (14/1941C);

Objection on grounds that the application is outside the settlement zone line

**OTHER REPRESENTATIONS:**

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. To date, 1 letter of objection has been received. The main areas of concern raised include;

- Highway Safety – Congestion
- Infrastructure – Impact upon schools and doctors

**APPLICANT'S SUPPORTING INFORMATION:**

Tree survey report plan

Tree protection plan

**OFFICER APPRAISAL**

**Principle of development**

The site lies entirely within the Open Countryside as designated in the Congleton Borough Local Plan First Review 2005 where policies PS8 and H6 state that only residential development which is required for a person engaged full-time in agriculture or forestry, the replacement of an existing dwelling, the conversion of an existing rural building, the change of use or re-development of an existing employment site, infill development or affordable housing shall be permitted.

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 was whether the development of 2 dwellings represented sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

In December 2014, the Planning Inspectorate concluded that the development did represent sustainable development and as such, was granted approval.

As such, the principle of the development has been established.

The draft Brereton Neighbourhood Plan restricts new housing development within the Parish to 50 new houses by 2030.

Given that planning approval has already been granted for 2 dwellings on this site and the proposal seeks no additional development, it is not considered that the draft Neighbourhood Plan would have a bearing on the principal acceptability of this proposal.

The acceptability of the revisions sought to the scheme shall be considered on their; design, impact upon neighbouring amenity, highway safety, flood risk and ecology. These matters are considered below.

### **Design**

The revised scheme still comprises of 2 dwellings. Both dwellings would front onto the private driveway to the south and would have their own new access points onto this driveway.

The house closest to London Road (House 1) would be elongated in design and have an L-shaped footprint. It would be 2-storey's tall, have a dual-pitched roof and comprise of a partial gable frontage.

House 1 would be inset from London Road by approximately 6.8 metres, the private shared driveway to the south by approximately 6 metres, to the boundary with the proposed house 2 to the west by approximately 5.6 metres and from the stream to the rear (north), by approximately 8 metres.

At its maximum points, the dwelling will measure 16.7 metres in width, 9.3 metres in depth and 7.8 metres in height.

The house furthest away from London Road (House 2) would have a smaller footprint and be largely rectangular in design. It would be 1 ½ storeys tall, have a dual-pitched roof and comprise of 2 gable frontage features.

House 2 would be inset from the eastern boundary with House 1 by approximately 1 metre, the private shared driveway to the south by approximately 7.4 metres, to the eastern boundary by approximately 7 metres and by approximately 14.3 metres to the northern boundary with the stream.

On a comparison of the approved and proposed plans, House 1 has been handed (or flipped), with the two-storey gable end now being located on the London Road side. Furthermore, this proposed dwelling is now sought 2 metres further to the north than the approved dwelling. Given the increased prominence of this dwelling within the streetscene, further openings were added to generate a degree of interest.

In relation to House 2, a set of patio doors on the rear elevation is now sought as a window. Changes to the layout of this dwelling are also sought.

Given the minor nature of the design changes sought, it is not considered that these changes would have a detrimental impact upon the character and design of the area or streetscene and would therefore be acceptable in principle and would adhere with Policy GR2 of the Local Plan.

It is advised within the application that the dwellings would be constructed from Weinerberger Chepstow Multi facing brick walls (red), Smooth Grey Marley Due tiled roofs and uPVC fenestration. This choice of materials is considered to be acceptable.

As a result of the above reasons, it is considered that the proposed revisions would be of an acceptable design that would adhere with Policy GR2 of the Local Plan.

### **Amenity**

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

The proposed changes to the dwellings would not bring the units any closer to the closest neighbouring properties on Alum Court and as such, would not create any additional concerns to this side.

Between the dwellings themselves, as House 1 would now be handed, the closest openings to House 2 would comprise of; a ground-floor utility room window and a secondary lounge and bedroom window within an inset section which would be off-set from House 2.

Within the relevant side elevation of House 2, is a ground-floor utility window only. As the ground-floor windows would be largely screened from each other by boundary treatment once constructed and given the offset angle to which the other windows on House 1, facing House 2 would be, it is not considered that the 2 proposed dwellings would have a detrimental impact upon each other's amenity.

Sufficient garden space would be retained for both dwellings.

The proposal is therefore considered to adhere with Policy GR6 of the Local Plan.

### **Highway Safety**

The approved 2 new vehicular access points to the 2 dwellings onto the shared private access road to Dunkirk Farm was agreed under application 14/1941C.

The revised proposal continues to seek the provision of the 2 access points onto this private access road. There is an application being considered by the Council to make amendments to this private access road as part of another application (15/4140C) and as such, is not considered as part of this proposal.

The Council's Head of Strategic Infrastructure (HSI) has raised no objections to the changes.

As such, the development is not considered to create any highway safety / parking concerns and would adhere with Policy GR9 of the Local Plan.

## **Trees**

The application is supported by a tree survey report and tree protection plan. This has been submitted in order to address condition 4 of planning permission 14/1941C, which required the prior submission of a tree protection scheme. It was noted by the Council's Tree Officer that this survey did not relate directly to the application site. As such, a revised survey was received.

In response, the Council's Tree Officer has advised that the proposed submission is acceptable subject to the development being carried out in strict accordance with the Tree Report (Murray Tree Consultancy amended 16/9/2015) and Tree Protection Scheme Drawing : M134/DWHC/TREE/03/F dated September 2015) submitted on 17/9/2015

As such, subject to this variation to the approved conditions, it is considered that the proposed development would adhere with Policy NR1 and Condition 4 amended to ensure implementation.

## **Drainage and Flooding**

As part of the original application, the Planning Inspector concluded that there was no technical evidence to show that the site would be liable to flooding or would exacerbate flood risk elsewhere. There are no reasons why the revised proposal would alter this conclusion.

## **CONCLUSIONS**

The proposed changes to the approved scheme would be of an acceptable design that would not create any new concerns with regards to; neighbouring amenity, highway safety, trees or drainage and flooding. As such, the variation of the conditions is recommended for approval.

## **RECOMMENDATION**

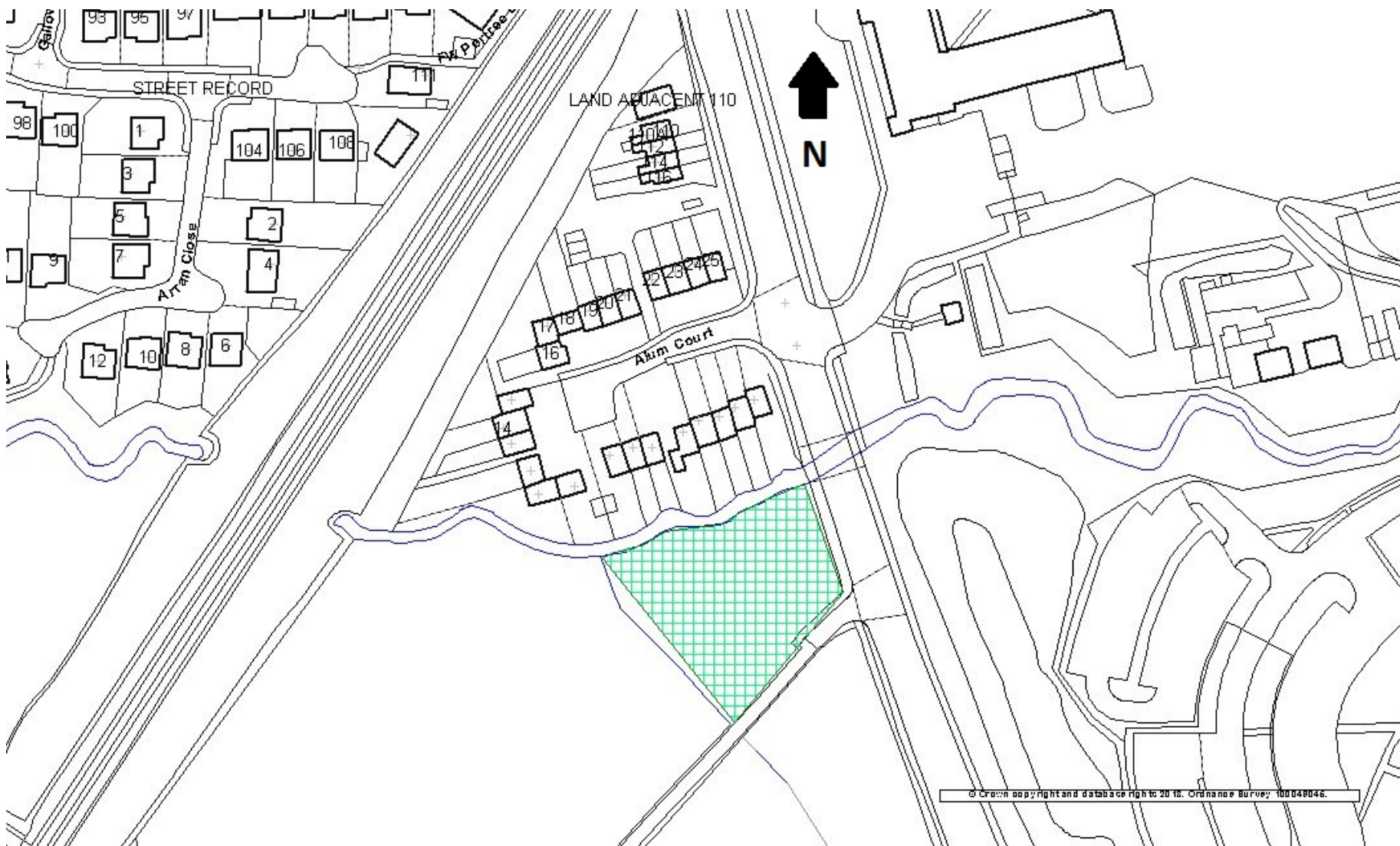
**APPROVE subject to conditions**

- 1. Time (as per original limit)**
- 2. Plans**
- 3. Materials as per application**
- 4. Tree protection – Implementation**
- 5. Tree felling/pruning – Prior submission of details**

**Informatives:**

- 1. NPPF**
- 2. Plans**

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



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Application No: 15/2980C

Location: Land off Congleton Road, Smallwood, Sandbach, Cheshire

Proposal: Variation of Condition 2 on Application 13/2427C -Erection of 14no. one and two storey homes, including 11 affordable units for local need and footpath link to School Lane, construction of vehicular access to highway, change of use of land to a car park to be allocated to Smallwood Primary School and open space to be gifted to Smallwood Parish Council

Applicant: MCI Developments Limited,, PPlus Dane Group & Brian Bracegirdle

Expiry Date: 28-Sep-2015

#### **SUMMARY**

**The principle of development has already been accepted by virtue of planning approval 13/2427C.**

**The proposed changes to the approved scheme, primarily comprising of a change to 3 of the 14 house types and minor changes to the layout, are not considered to create any significant issues in relation to design, amenity, highway safety, trees, drainage and flooding, open space or ecology.**

**The proposal therefore accords with the relevant Local and National planning policies and is recommended for approval.**

**APPROVE Subject to a deed of variation to the Unilateral Undertaking and conditions**

#### **PROPOSAL:**

Revised plans have been submitted for a variation of condition application to vary Condition 2 from approved Planning Permission 13/2427C.

*13/2427C was for the 'Erection of 14no. one and two storey homes, including 11 affordable units for local need and footpath link to School Lane, construction of vehicular access to highway, change of use of land to a car park to be allocated to Smallwood Primary School and open space to be gifted to Smallwood Parish Council'*

This application was approved subject to conditions, including Condition 2 below, which the applicant seeks to vary the reasons detailed.

#### Condition 2

*'The development hereby approved shall be carried out in total accordance with the approved plans numbered/entitled:*

*CongletonRd/BOUND - Boundary Treatment Plan  
CongletonRd/LOC - Site Location Plan  
CongletonRd/Bungalow - 2 Bed 3 Person Bungalow  
CongletonRd/2B4P/01 - 2 Bed 4 Person (1)  
CongletonRd/2B4P/02 - 2 Bed 4 Person (2)  
CongletonRd/Street - Proposed Streetscenes  
CongletonRd/Block - Block Elevations  
CongletonRd/BINS - Bin Enclosure – Remove  
CongletonRd/SLAB - Proposed Slab Levels  
SMALLWOOD/3B5P - 3 Bed 5 Person*

*Received by the Local Planning Authority on the 11th June 2013.*

*And in total accordance with the revised approved plan numbered/entitled:*

*CongletonRd/SK17 Rev A - Planning Layout  
Recieved by the Local Planning Authority on the 1st August 2013.*

*And in total accordance with the approved plan numbered/entitled:*

*4355.02 – Tree Protection Plan'*

The applicant proposes to amend, replace and add a number of the above plans in order to achieve the following changes;

- Layout – The removal of a footpath link from the Congleton Road frontage forward of dwellings 1-7, inset the dwelling on plot 1 further within the site, re-arrange the parking layout to the rear of the site, stagger the building lines of the dwellings proposed on plots 12-14, reduce the extent of on-site POS to the rear by approximately 18 metres squared
- Change in house types – House types 1-3 shall be amended from a row of 3 terraced units, to a pair of semi-detached dwellings and a detached dwelling. A materials schedule has also now been submitted.
- Change in boundary treatment plan – The applicant has submitted elevational plans of the proposed fencing
- Removal of bin storage plan – No longer sought

The original scheme sought a second vehicular access to the site, frontage parking forward of dwellings 1-3, a further inset of dwellings 2 and 3 and a reduced amount of Public Open Space.

These aspects of the scheme have been amended/removed on the advice of the Planning Officer.

### **SITE DESCRIPTION:**

The site is 0.59 Ha of open land directly adjacent to the developed area of the village of Smallwood to the north-west of Church Lane within the Open Countryside.

The land is open with no buildings. It is relatively flat and enclosed by hedgerows and trees. There is built development to the south-west in the form of a row of red-brick terraced properties built as Council houses. The remainder of the site is surrounded by Open Countryside.

### **RELEVANT HISTORY:**

**13/2427C** - Erection of 14no. one and two storey homes, including 11 affordable units for local need and footpath link to School Lane, construction of vehicular access to highway, change of use of land to a car park to be allocated to Smallwood Primary School and open space to be gifted to Smallwood Parish Council – Approved Subject to a S106 17<sup>th</sup> February 2014

**9771/1** – Dwellinghouse (Outline) – Refused 11<sup>th</sup> September 1979

### **Local Plan Policy**

PS8 - Open Countryside

H14 - Affordable Housing

GR1 - New Development – General Criteria

GR2 – Design, GR6 – Amenity

GR9 - Accessibility, Servicing and Parking Provision

GR15 - Pedestrian Measures

GR19 – Infrastructure

GR20 - Public Services

GR21 – Flooding

GR22 - Open Space Provision

NR1 - Trees and Woodlands

NR2 - Protected Species

### **National Policy**

National Planning Policy Framework (NPPF)

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

MP1 - Presumption in favour of sustainable development

PG1 - Overall Development Strategy

PG5 - Open Countryside

PG6 - Spatial Distribution of Development

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

IN1 – Infrastructure

IN2 - Developer contributions

SC4 - Residential Mix

SC5 - Affordable Homes

SE1 – Design

SE2 - Efficient use of land

SE3 - Biodiversity and geodiversity

SE4 - The Landscape  
SE5 - Trees, Hedgerows and Woodland  
SE6 - Green Infrastructure  
SE9 - Energy Efficient Development  
SE12 - Pollution, Land contamination and land instability  
SE13 - Flood risk and water management  
CO1 - Sustainable Travel and Transport  
CO4 - Travel plans and transport assessments

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

**Head of Strategic Infrastructure (HSI)** – No objections

**Environmental Health** – No objections, subject to an hours of construction and a contaminated land informative

**United Utilities** – No comments received at time of report

**Countryside Rights Of Way Office (Cheshire East Council)** – No objections

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

*Previous comments to application 13/2427C: No objections*

**Environment Agency** – No objections

**Housing (Cheshire East Council)** – No objections

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

*Previous comments to application 13/2427C: No objections*

**Smallwood Parish Council** – Support the application

## **OTHER REPRESENTATIONS:**

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

No letters of consultation were received.

## **OFFICER APPRAISAL**

### **Principle of development**

The site lies within the Open Countryside so is therefore subject to Policy PS8 of the Local Plan. Policy PS8 advises that development in the Open Countryside is only acceptable in certain circumstances, one of which is affordable housing in accordance with Policy H14.

Southern Planning Committee granted approval in principle for application 13/2427C which was for 11 affordable dwellings and 3 open market dwellings. The 3 open market dwellings were approved to facilitate the development and a viability statement was submitted to demonstrate their need.

The application proposal seeks to amend the layout and 3 of the house types within the scheme. Approval is also sought for the proposed materials and boundary treatment.

Such changes would not have an impact upon the principal acceptability of the scheme. However, matters of; design, amenity, highway safety, drainage and flooding, open space provision, trees and hedgerows and protected species could be impacted by the changes and as such, are re-considered below.

### **Design**

#### Layout

The revised housing scheme consists of 14 new dwellings, as per the approved scheme. It is now proposed that these are now made up from;

- 2 semi-detached bungalows
- 3 two-storey terraced properties
- 8 two-storey semi-detached properties
- 1 detached dwelling

The revised proposal now seeks to re-arrange the layout of plots 1-3, the 3 proposed open market dwellings within the site.

More specifically, it is proposed to change the form of these units from a row of 3 terraced properties, to a pair of semi-detached units and a detached dwelling.

It is also proposed to push the proposed detached market dwelling, to the south-west of the site, further back within the plot (by approximately 3.5 metres). To the front, a change in the footpath arrangement is proposed. An access would still be provided onto Congleton Road; however this would serve plots 1-3 only.

Two parking spaces are now proposed to the rear of plots 2 and 3. The knock-on effects of these changes are that the depths of the gardens to plots 2 and 3 have been reduced from 11.6 metres to approximately 9.5 metres. Furthermore, the depth of the Public Open Space provision to the rear has been reduced by approximately 1 metre.

The other change to the approved layout is that the row of 3 terraced properties on plots 12-14 shall now have a staggered building line rather than being flush with each other.

In response, the re-siting of the dwelling proposed on plot 1 would create a welcomed staggered building line between the proposed scheme and the existing neighbouring properties. The original relationship between the existing and proposed development on site was starker.

As such, it is considered that this revision would represent a design improvement. Furthermore, the proposed staggering of the terraced properties on plots 12-14 would provide a greater degree of interest.

It is not considered that the minor changes to the parking layout to the rear of the site, the reductions in the garden depths of plots 2 and 3 and the partial loss of Public Open Space or the private footpath re-arrangement to the front of the site would have a significant detrimental impact upon the overall layout of the scheme.

In relation to the proposed boundary treatment, a scheme was approved as part of the original application 13/2427C.

The applicant now seeks to make some amendments to this approved scheme, including;

- The retention of the existing hedgerow forward of plots 1-7 instead of its removal and replacement
- The replacement of a 1.5 metre fence with a 1.8 metre fence between plots 1 separating the rear gardens
- The addition of more 0.9 metre-tall post and rail fencing between the Public Open Space to the rear of the site and the proposed 2 parking spaces for plot 1
- The addition of a small section of 0.9 metre-tall post and rail fencing the rear of plots 4 and 5
- The erection of a section of 0.9 metre-tall post and rail fencing between plots 3 and 4 extending forward of the proposed building line

The proposed changes to the layout of the boundary treatment is considered to be acceptable due to their minor nature and the limited impact they would have on the overall scheme. The retention of the existing hedgerow is welcomed.

As a result of the above reasons, the proposed revised layout is considered to be acceptable and would adhere with Local Plan Policy GR2.

### **Appearance & Scale**

Of the 14 dwellings proposed, only the dwellings proposed on plots 1-3 shall alter. The dimensions of these units are as follow;

Plot 1 – Detached dwelling, gable fronted. This would measure approximately 8.2 metres in height, 8.8 metres in depth and 6.3 metres in width.

Plots 2 and 3 – Pair of semi-detached units. These would measure approximately 7.9 metres in height, 9.8 metres in depth and 5.3 metres in width.

The form of a detached dwelling would not be replicated within the application site or on the adjacent plot where there are a row of semi-detached / terraced units. The closest detached unit is Stanstead which would be larger than the application proposal and lies within a much larger plot.

However, Policy SC4 of the emerging Local Plan advises that *‘new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of a mixed, balanced and inclusive communities.’*

As this scheme shall provide a mixture of detached, semi-detached and terraced units, including bungalows, it is considered that a good mix of forms would be provided and as such, the provision of this detached unit is considered to be acceptable.

The form of the other pair of semi-detached units now sought would respect the form of the majority of the units on the site.

In terms of scale, all of the proposed 3 new units would be of a scale that would be representative of the other approved dwellings on-site which this scheme does not propose to alter. Therefore, the scale of the proposal is considered to be acceptable.

The proposed dwellings would have Ibstock Morpeth Blend, red brick walls with an Ibstock Ravenhead red smooth feature bricks. The roof tiles would be Russel Penine Peat brown, the cills would comprise of red brick, the fascias, soffits and fenestration would be white uPVC and the rainwater goods, black uPVC.

Given that these finishes would be replicated throughout the development, it is considered that the proposed materials of the new dwellings would not appear incongruous whilst also largely respecting the local character.

On the principle elevation of the proposed detached dwelling (Plot 1), the unit would be gable fronted with symmetrical openings and a front door offset to the right hand side with a flat-roofed canopy above.

On the principle elevation of the proposed semi-detached units, the front doors would be positioned on the outer edge of the frontage with flat-roofed canopies above. A small gable feature is also proposed on each unit. It is considered that these design features would be acceptable.

No changes to the appearance of the proposed boundary treatment is proposed.

As such, subject to a condition ensuring that the material use is as per application, it is considered that the scale and appearance of the proposed dwellings would be acceptable and would adhere with Policy GR2 of the Local plan.

### **Amenity**

The proposed changes to both the layout of the scheme and house types would not create any new neighbouring amenity concerns.

The Council's Environmental Protection Team have also raised no objections.

The proposal is therefore considered to adhere with Policy GR6 of the Local Plan.

### **Highway Safety**

The proposal seeks the creation of a second new access point onto Congleton Road.

The Head of Strategic Infrastructure has reviewed the proposal and advised that he has objections.

As such, the development is not considered to create any highway safety / parking concerns and would adhere with Policy GR9 of the Local Plan.

### **Trees**

The Council's Tree Officer has advised that the proposals do not appear to present any new arboricultural issues. Nevertheless, the submission does not include an updated tree protection plan to reflect the revised layout. As such, it is recommended that this be added as a planning condition should the application be recommended for approval.

In addition, 2 outstanding tree conditions from the original application, relating to tree retention and the submission of an arboricultural method statement shall also be re-attached.

### **Drainage and Flooding**

As part of the original application, the Environment agency raised no objections to the scheme from a flooding perspective and United Utilities raised no objections with regards to drainage.

It is not considered that the proposed changes in layout would significantly alter these conclusions.

### **Open Space Provision**

As part of the approved application, the development incorporated 2 areas of Public Open Space (POS) within the layout. Furthermore, a section of open space would be 'gifted' to the Parish Council. The Council's Greenspace team are satisfied with the provision of this open space and as such, it is considered that the development would adhere with Policy GR22 of the Local Plan. These matters were secured via a Unilateral Undertaking.

This proposal seeks to reduce the agreed provision by approximately 18 metres squared (1 metre x 18 metres).

It is not considered that this minor reduction in the on-site provision would create any significant provision concerns given that in addition to the on-site provision a second section of POS was agreed to be gifted to the Parish Council and this section can be accessed easily via a footpath from the application site.

The Council's Greenspace team have not provided any comments at the time of the report, an update shall therefore be presented to committee to clarify this team's position on this minor reduction in provision.

### **Protected Species**

As a result of the provision of protected species reports, the Council's Nature Conservation Officer advised that he had no objections to the development, subject to a breeding birds condition.

It is not considered that the proposed development would alter these conclusions.

## **CONCLUSIONS**



The proposed changes to the approved scheme are not considered to create any significant issues in relation to design, amenity, highway safety, trees, drainage and flooding, open space or ecology.

The proposal therefore accords with the relevant Local and National planning policies and is recommended for approval.

## **RECOMMENDATION**

**APPROVE** Subject to a deed of variation to the Unilateral Undertaking to secure;

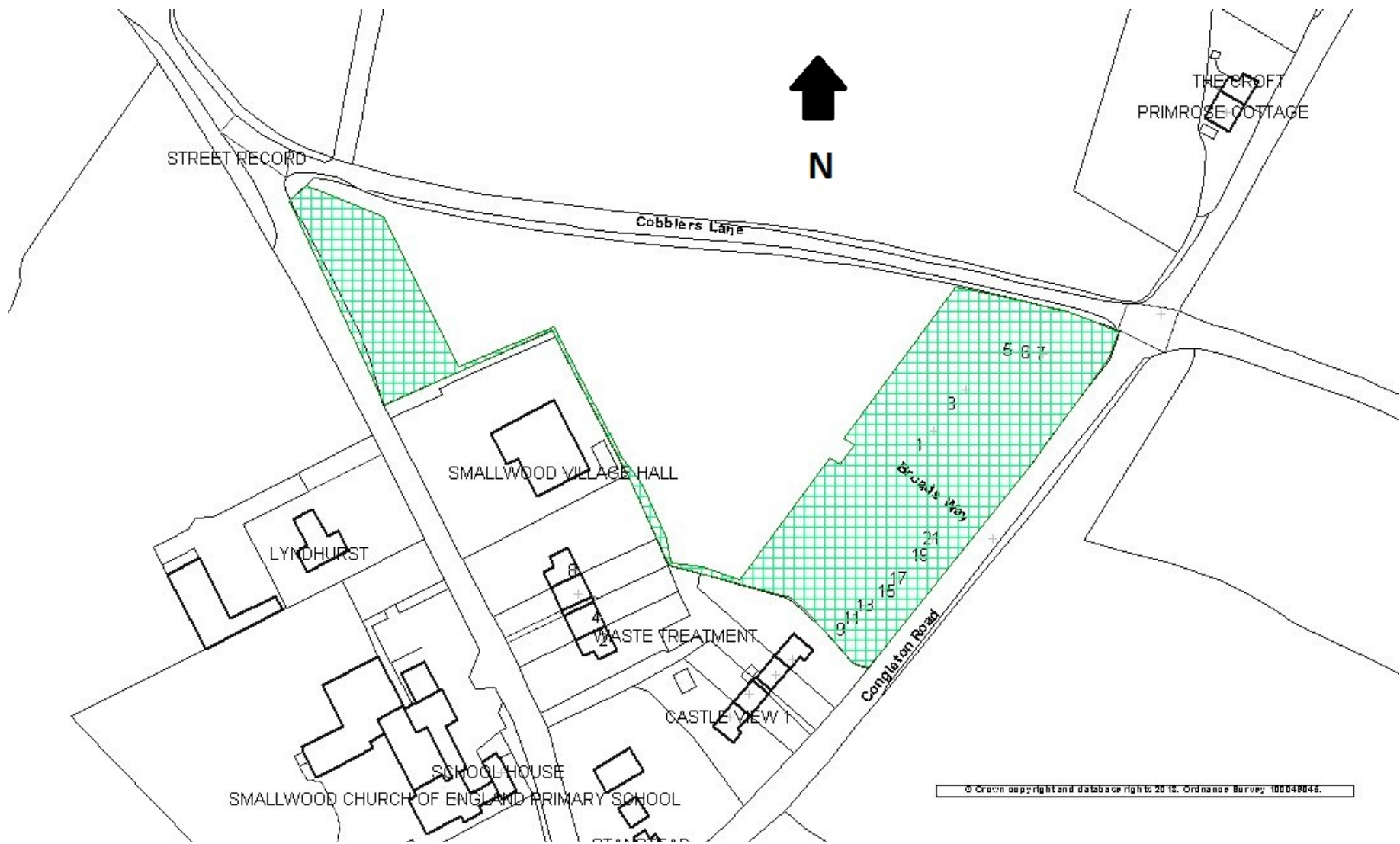
- Amendments to refer to the new application number and reference to the revised plans

**And conditions;**

1. Time (17<sup>th</sup> February 2017)
2. Plans
3. Materials – As per application
6. Environmental Management Plan – As per application 14/1042D
7. Dust Mitigation - As per application 14/1042D
8. PD Removal (A to D)
9. Landscaping – Prior approval
10. Landscaping - Implementation
11. Tree retention – Prior approval
12. Tree protection plan – Prior approval
13. Arboricultural Method Statement – Prior approval
14. Boundary treatment – Implementation
15. Breeding birds

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





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Application No: 15/3562N

Location: THE STABLES, WARMINGHAM ROAD, CREWE, CHESHIRE, CW1 4PP

Proposal: Change of use and temporary classroom

Applicant: Mr Alan Jackson, Cheshire East Council

Expiry Date: 29-Sep-2015

**CONCLUSION:**

The proposal will contribute to economic and social sustainability through the provision of improved educational facilities. In terms of environmental sustainability, the proposal would be acceptable in terms of amenity design and highways, it is not considered that a refusal on these grounds could be sustained and that any concerns in this regard are outweighed by the economic and social benefits of the proposal and the environmental benefits of bringing a vacant site back into use. The scheme, it is considered to represent sustainable development and is in accordance with the relevant policies of the development and accordingly it is recommended for approval.

**SUMMARY RECOMMENDATION:**

**Approve subject to conditions**

**REASON FOR REPORT:**

The applicant is Cheshire East Council and the proposal is subject to objection.

**SITE DESCRIPTION:**

The application relates to a single storey former stable building of brick construction with a tiled roof. To the rear of this is an existing temporary classroom. The site also includes a MUGA pitch and parking areas to the front of the building. The site was last used as a school occupied by the Willowview Education Trust (Plymouth Brethren).

**PROPOSAL:**

It is proposed to use the site as a Pupil Referral Unit (PRU). PRU's are Department for Education (DFE) registered educational schools that are managed by local authorities and subject to regular inspections by Ofsted. They support a wide range of school aged young people in centres outside mainstream school but often work closely in partnership with groups of schools and other agencies.

The relocation of the PRU to the site will facility the redevelopment of the Oakley Centre in Crewe for use as a University Technical College (UTC).

The previous school had around 30 occupants. The number of proposed will be similar to the previous occupant and that there are no anticipated implications for increased traffic etc.

The PRU would be used for teaching purposes and would operate within normal hours of the school day.

It is also proposed to located a temporary classroom within the grounds.

### **RELEVANT HISTORY:**

- (2002) Change of use From Stables to Education Centre
- (2007) Rear Extension to Existing Education Centre
- (2008) Variation of Condition One of Planning Application P07/0159

### **NATIONAL & LOCAL POLICY**

#### **National Policy:**

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

#### **Development Plan:**

Crewe and Nantwich Local Plan:

- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- BE.5 (Infrastructure)
- TRAN.1 (Public Transport)
- TRAN.3 (Pedestrians)
- TRAN.4 (Access for the Disabled)
- TRAN.5 (Provision for Cyclists)
- TRAN.6 (Cycle Routes)
- TRAN.9 (Car Parking Standards)

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, its policies carry limited weight. The following are considered relevant material considerations as indications of the emerging strategy:

Policy MP 1 Presumption in Favour of Sustainable Development  
Policy SD 1 Sustainable Development in Cheshire East  
Policy SD 2 Sustainable Development Principles  
Policy EG 1 Economic Prosperity  
Policy SE 1 Design  
Policy CO 1 Sustainable Travel and Transport  
Policy CO 4 Travel Plans and Transport Assessments

## **CONSULTATIONS:**

**Environmental Health:** Having looked at the application the current use of the site is a school and Environmental Health have not received any complaints or investigated any issues, hence as the proposed use is to remain as a school with no increase numbers, EH have no concerns with the application. Therefore EH have no objection and would recommend that previous conditions are transferred to this current application.

Informatives are suggested in relation to construction hours and contaminated land.

## **REPRESENTATIONS:**

One objection has been received from the occupier of 121 Warmingham Road making the following points:

- The occupants of 121 Warmingham Road will be the most affected by this proposal
- Concerns regarding security
- Parts of the boundary fence are to be increased to 3m in heights and the existing fencing to the boundary will not provide sufficient security
- The pupils attending will have behavioural issues
- There are concerns over the safety and vulnerability of occupants and dogs at 121 Warmingham Road
- Potential trespassing issues
- Previous pupils on this site have thrown objects over the existing boundary fence
- Noise and disturbance
- Police are regularly in attendance at the existing PRU
- Increased traffic
- Impact upon privacy
- Financial impact

## **APPRAISAL:**

### **Principle of Development**

Planning permission was granted in 2002 for the use of the site as a school. The previous permission was subject to a condition restricting use of the site to the Plymouth Brethren. Therefore, Cheshire East cannot operate the school under the existing permission, hence the requirement for this planning application. The application has been submitted as a full application rather than a variation of condition, as a temporary classroom is also proposed which requires full planning permission.

Nevertheless, the principle of the use of the site as a school has been established and the main issues in the consideration of the application, are the acceptability of it's operation by Cheshire East and the siting of the classroom.

### **Environmental Sustainability**

#### **Access**

Whilst the comments of local residents are noted, the principle of the use has been previously established and the operation of the site by Cheshire East is not anticipated to generated any parking requirements or traffic generation over and above the existing.

In the absence of any objection from the Head of Strategic Infrastructure, it is not considered that a refusal on highways grounds could be sustained.

#### **Design**

The proposed conversion of the existing school building involves internal works with the exception of the re-opening of a single external doorway. These will have no impact on the overall appearance of the building or the area generally.

The proposed temporary classroom is a single storey mobile building. Whilst this is utilitarian in nature, there is an existing temporary classroom on the site and as it is a temporary structure it is considered to be acceptable in terms of design.

The building would be located alongside the former stables, set back from the road, behind the front building line of the property. Consequently, it will be discretely sited, and despite its lack of architectural merit it will have little impact on the character and appearance of the street scene or the wider rural area.

#### **Amenity**

The surrounding development comprises open fields to north east, north west and south east. There is one neighbouring residential property to the south west which sits on the end of a row of ribbon development on the western side of Warmingham Road.

Concerns have been raised by neighbouring occupiers regarding privacy, noise and security.

With regard to privacy, there would be no greater overlooking of neighbouring properties from the existing buildings or school grounds as is the case presently. In respect of the proposed building, as this is single storey it is considered that the existing boundary treatments, which comprise a mix of tall conifer hedges and 2m high closed boarded fencing would be sufficient to prevent any issues.

Furthermore, the proposed building would be located on the north east side of the existing stables building, adjacent to the open countryside. In this location it would be screened from the neighbouring dwelling by the stables building, and sufficient distance would be maintained from the nearest residential property to avoid any loss of light.



Turning to the issue of security, the concerns regarding the behaviour of pupils have been raised with the Council's education department, the applicant, who have commented that Pupil Referral Units are a type of alternative schooling provision and local authorities are responsible for arranging suitable full-time education for pupils who because of illness or other reasons would not receive suitable education without such provision. This applies to all children of compulsory school age resident in the local authority area.

PRU's are schools, and therefore, pupils are subject to at least the same level of supervision that would be expected in a mainstream school. Also, the proposal makes some provision for increased fencing heights.

Furthermore, in land use planning terms there is no distinction between a mainstream school and a school catering for any form of special educational needs and under the terms of the extant permission the previous occupier could have, if they so wished, used the school for the education of pupils with special needs.

In the absence of any objection from the Environmental Health Department, it is not considered that a refusal on the grounds of noise could be sustained.

### ***Landscape & Trees***

The proposed development would result in the removal of one small tree which has limited value. There is a mature hedge and trees on the northern boundary. The proposed additional parking may encroach into the rooting area of a mature Ash tree. In the event of approval, the Landscape Officer suggests a no dig construction should be required for surfacing of this area. A specification could be sought by condition. It may also be advisable to seek protective fencing for retained vegetation during the course of development. This could be secured by condition.

### **Social Sustainability**

The proposal will improve education provision both for pupils attending the PRU and in facilitating the development of the UTC in the town centre.

### **Economic Sustainability**

The development of the UTC is an important aspect of economic regeneration in Crewe,

### **S106 contributions:**

No Section 106 contributions will be necessary for this development.

### **Other Matters**

Neighbours have raised concerns about impact on property values. However, this is not a material planning consideration.

### **Planning Balance**

The proposal will contribute to economic and social sustainability through the provision of improved educational facilities. In terms of environmental sustainability, the proposal would be acceptable in terms of amenity design and highways, it is not considered that a refusal on these grounds could be sustained and that any concerns in this regard are outweighed by the economic and social benefits of the proposal and the environmental benefits of bringing a vacant site back into use. The scheme, it is considered to represent sustainable development and is in accordance with the relevant policies of the development and accordingly it is recommended for approval.

## **RECOMMENDATION**

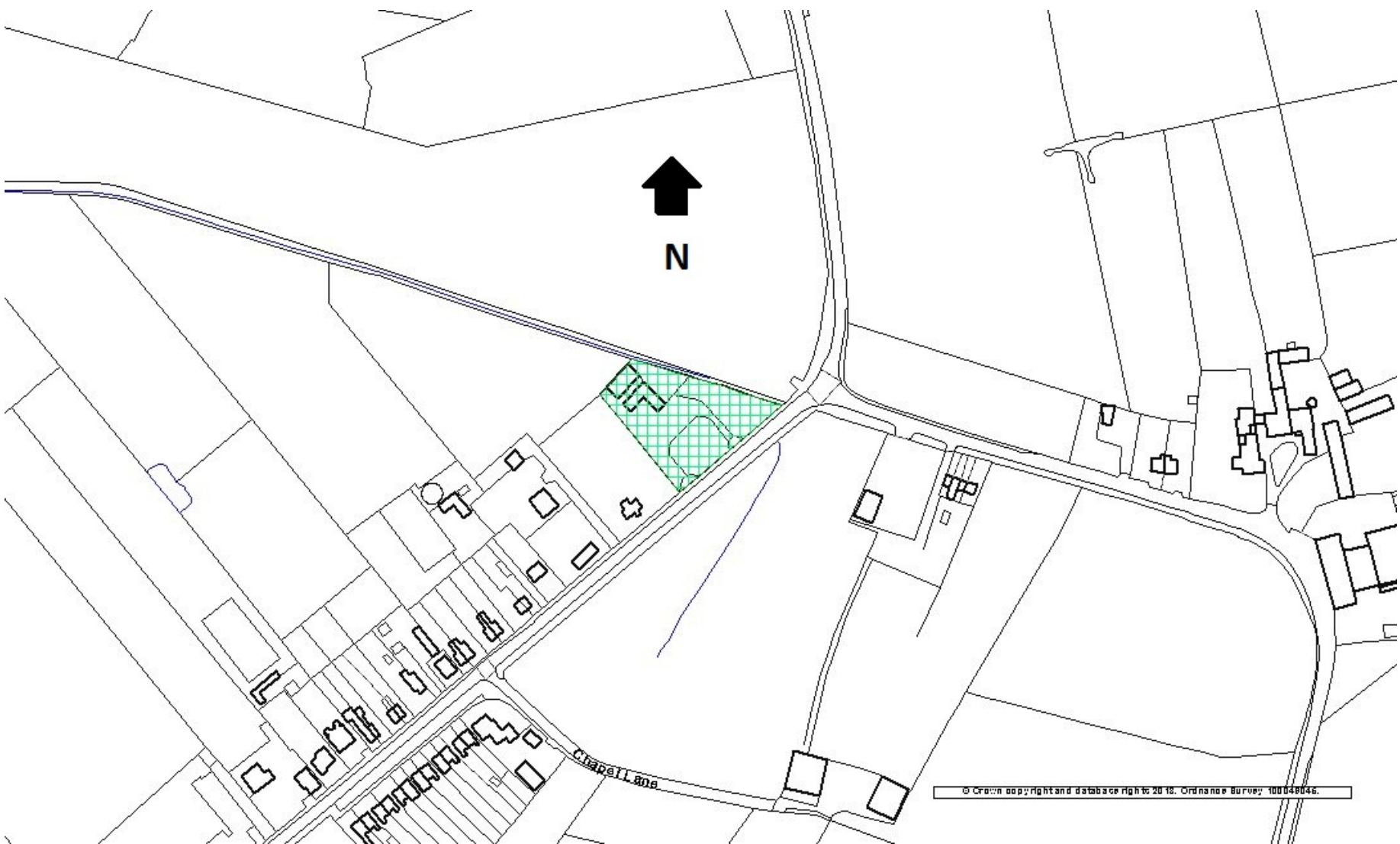
**APPROVE** subject to the following conditions.

1. **Standard**
2. **Temporary permission for 3 years.**
3. **Site shall be used for an Education Centre / School / Pupil Referral Unit and for no other purpose whatsoever (including any other purpose(s) in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987.**
4. **Shall not be used for teaching purposes between 6pm and 8am**
5. **Special construction techniques for hardstanding under trees.**
6. **Tree protection Scheme**
7. **Implementation of Tree Protection**

### **Informatives:**

1. **Hours of construction**
2. **Contaminated Land**

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



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