

Southern Planning Committee

Agenda

Date:	Wednesday, 28th October, 2015
Time:	10.00 am
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

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

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

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

1. **Apologies for Absence**

To receive apologies for absence.

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

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

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

To approve the minutes of the meeting held on 30 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 with any apologies or requests for further information

Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

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

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

5. **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. **14/2915N Land West Of Broughton Road, Crewe: Outline Planning Application for Erection of up to 53 no residential units with associated infrastructure and ancillary facilities in Outline with access defined for MG and LF Ltd**
(Pages 29 - 48)

To consider the above planning application.

7. **14/5880C Land Off Crewe Road, Alsager, Cheshire ST7 2JL: Reserved Matters Application for 110 dwellings (33 affordable), the creation of an area of public open space and children's play area and associated works (pursuant to outline planning approval 13/3032C) for Niall Mellan, Persimmon Homes North West**
(Pages 49 - 60)

To consider the above planning application.

8. **15/1640C Land Adjacent the Pump House, Forge Lane, Congleton, Cheshire CW12 4HF: Variation of Condition 2 (plans) on Approved 09/3498C - Demolition Of Four Dwellings, A Coach & HGV Depot Building, A Workshop & Various Outbuildings & Construction Of Twenty Dwellings With Associated Garages & Car Parking & Alterations To Access Road (Resubmission 08/1019/FUL) for Keyworker Homes NW** (Pages 61 - 66)

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 67 - 80)

To consider the above planning application.

10. **15/2008N Land Adjacent Beswick Drive, Crewe, Cheshire: The erection of a petrol filling station with ancillary shop for Pochin's Ltd and The Kay Group** (Pages 81 - 96)

To consider the above planning application.

11. **15/2101C Cardway Business Park, Linley Lane, Alsager ST7 2UX: Outline planning application for a phased development of up to 110 dwellings for J. Redfern, Cardway Limited** (Pages 97 - 124)

To consider the above planning application.

12. **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** (Pages 125 - 136)

To consider the above planning application.

13. **15/2879C 49, Pikemere Road, Alsager, Stoke-On-Trent, Cheshire ST7 2SE: Two Storey Side Extension with Internal Alterations for Mr A Buckley** (Pages 137 - 142)

To consider the above planning application.

14. **15/2910N The Gables, Bradfield Road, Leighton CW1 4QW: Extension and refurbishment to an existing former nursing care home and conversion into key worker accommodation for Ralph Murphy, Pantheon West** (Pages 143 - 152)

To consider the above planning application.

15. **15/3840N 48 , Wistaston Road, Crewe, Cheshire East, CW2 7RE: Proposed construction of apartments on land for GHP4 Limited** (Pages 153 - 160)

To consider the above planning application.

16. **15/3873N Site Of Bristol Street Motors, Macon Way, Crewe, Cheshire: Variation of Condition 13 (Range of Goods) on Application 12/0316N - Proposed new build, non-food retail unit, up to 3715 sq.m (Use Class A1), including access and associated infrastructure for Andrew Bird, Maconstone Ltd** (Pages 161 - 166)

To consider the above planning application.

17. **Outline Planning for development of 68 houses including new vehicular entrance, boundaries, infrastructure and landscaping, with primary access from the Crewe Road shown and other matters reserved (15/1210N): Open Grass Land, Crewe Road, Shavington** (Pages 167 - 172)

To consider the additional information submitted in relation to reasons for refusal 2 and 3.

18. **15/3767T Application to remove three protected Pine trees at 14 Deans Lane, Sandbach CW11 3HE** (Pages 173 - 176)

To consider and determine an application to fell three protected Pine trees (with a proposal for their replacement) and the crown lifting of a fourth Pine tree at 14 Deans Lane, Sandbach, CW11 3HE.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 30th 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, A Kolker, N Mannion (substitute for Councillor Hogben), J Rhodes,
B Roberts and B Walmsley

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors J Hammond and J Wray

OFFICERS PRESENT

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

Apologies

Councillors P Groves, S Hogben and D Marren

78 DECLARATIONS OF INTEREST/PRE DETERMINATION

The following declarations were made in the interests of openness:

With regard to application numbers 15/2007N and 15/2008N, Councillor J Rhodes declared that she had been Chairman of the Planning Committee when they had been considered by Crewe Town Council. As it could be considered that she had pre-determined the applications, she would not take part in the debate or vote.

With regard to application number 15/2147N, Councillor J Rhodes declared that the applicant was a former colleague but that she had not seen him for a number of years. She had not discussed the application and had kept an open mind.

With regard to application number 15/2147N, Councillor S Edgar declared that it was in his Ward. He had not discussed this application and had kept an open mind.

With regard to application number 15/1849C, Councillor G Merry declared that she knew the applicant. She had not discussed the application with him and had kept an open mind.

With regard to application number 15/3485C, Councillor G Merry declared that she was a Member of Cheshire Fire Authority but that she did not know the applicant, who was a fireman.

With regard to application number 15/3485C, Councillor J Weatherill declared that she was a Member of Cheshire Fire Authority but that she did not know the applicant, who was a fireman.

With regard to application number 15/2844N, Councillor J Hammond, who was in attendance at the meeting in order to address the Committee as Ward Councillor, declared that he was a member of Haslington Parish Council but that he had not been involved in the consultation response to this application.

79 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 2 September 2015 be approved as a correct record and signed by the Chairman.

80 **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**

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

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED to enable officers:

1. To seek a re-design of the site to provide a greater level of pepper-potting for the affordable housing.
2. To consider a contribution towards the cost of school transport as a result of the education needs associated with the development.

81 **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**

Note: Mr H Jones attended the meeting and addressed the Committee on behalf of the applicant.

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

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. 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
 8. Retention of Trees and compliance with Arboricultural Statement
 9. Tree protection scheme
 10. Contaminated Land
- (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.

82 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: Ms S Wozencroft 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 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
 13. A scheme for the provision, retention and maintenance of the public footpath
- (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.

**83 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**

Note: Ms S Wozencroft 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 authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman and Vice-Chairman of Southern Planning Committee, to APPROVE the application for the reasons set out in the report, 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
- (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.

84 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

Note: Having made a declaration, Councillor J Rhodes moved from the Member seating area for the duration of the Committee's consideration of this item and did not take part in the debate or vote.

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

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

RESOLVED – That the application be DEFERRED to enable officers to seek design improvements to the scheme at this gateway location and details of highway improvements at the junction of Beswick Drive/University Way.

85 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

Note: Having made a declaration, Councillor J Rhodes moved from the Member seating area for the duration of the Committee's consideration of this item and did not take part in the debate or vote.

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

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

RESOLVED – That the application be DEFERRED to enable officers to seek design improvements to the scheme at this gateway location, an analysis of the pedestrian access to/through the site and consideration of how vehicles manoeuvre around the site.

86 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

Note: Councillor J Wray (Ward Councillor) and Parish Councillor A Holder (on behalf of Moston Parish Council) attended the meeting and addressed the Committee on this matter.

Note: Mr P Cosnett had not registered his intention to address the Committee on behalf of the applicant. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Mr Cosnett to speak.

The Committee considered a report regarding the above planning application.

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

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

87 15/2844N LAND SOUTH OF HASSALL ROAD, WINTERLEY CHESHIRE: OUTLINE APPLICATION FOR THE ERECTION OF 47 DWELLINGS, WITH ASSOCIATED WORKS FOR HIMOR (LAND) LIMITED

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

Note: Councillor J Hammond (Ward Councillor) and Mr M Riley (objector) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

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

88 15/1849C OLD COACH HOUSE ABBEYFIELDS, PARK LANE, SANDBACH, CHESHIRE CW11 1EP: CONSTRUCTION OF DWELLING FOR M FINLOW

Note: Councillor A Kolker left the meeting prior to consideration of this application.

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

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

The Committee considered a report regarding the above planning application.

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 – 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

- (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.

**89 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**

Note: Parish Councillor W McIntyre (on behalf of Shavington-cum-Gresty Parish Council), Mr H Ashworth and Mrs B Kelly (objectors), Mr J Unwin (supporter) and Mr D Taylor (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. 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. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.
- (b) That, in 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.

- (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. Provision of a contribution of £86,770.32 towards primary education.
 3. Provision of POS and a LEAP and a scheme of management

90 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

Note: Parish Councillor H Jones (on behalf of Audlem Parish Council) and Mr M Ellis (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

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

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE2 (Open Countryside) and RES5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan , Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance.

2. The proposed development site is unsustainable because it is not a small, restricted gap in the continuity of existing frontage buildings, or within the confines of existing housing land or a site within the built up area of the village where the site is closely surrounded by buildings; is not located within the confines of the settlement boundary; is not within the confines of existing housing land or brownfield land outside the settlement boundary. As such it is contrary to Policy H2 of the draft Audlem Neighbourhood Plan.

91 **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**

Note: Parish Councillor M Tomkinson (on behalf of Twemlow Parish Council) and Mr P Yates (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED

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

- (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.

**92 15/3485C 94, BRADWALL ROAD, SANDBACH CW11 1GN:
PROPOSED TWO STOREY SIDE EXTENSION AND INTERNAL
ALTERATIONS FOR MR & MRS PAUL CARRINGTON**

Note: The Principal Planning Officer read a representation from Councillor B Moran (Ward Councillor), who was unable to attend the meeting.

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. Obscure glaze first floor window facing 92 Bradwall Road
- (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.

**93 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**

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

The Committee considered a report regarding the above planning application.

RESOLVED

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

- (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.

94 **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, PLUS DANE GROUP & BRIAN BRACEGIRDLE**

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 deed of variation to the Unilateral Undertaking to secure amendments to refer to the new application number and reference to the revised plans

and the following conditions:

1. Time (17th 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
- (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.

**95 15/3562N THE STABLES, WARMINGHAM ROAD, CREWE, CHESHIRE
CW1 4PP: CHANGE OF USE AND TEMPORARY CLASSROOM FOR
MR ALAN JACKSON, CHESHIRE EAST COUNCIL**

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
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

(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.

The meeting commenced at 10.00 am and concluded at 2.55 pm

Councillor G Merry (Chairman)

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 favourably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

The development would be on 'Brownfield' land, which the National Planning Policy Framework supports in paragraphs 17 and 111.

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 that the planning balance weighs in favour of supporting the development subject to conditions.

RECOMMENDATION:

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

DEFERRAL

The application was deferred by members in order that it could be ascertained whether a contribution to a school bus could be included and to have the affordable housing 'pepper-potted' within the site. These issues are addressed within the Education, Design and Affordable Housing Sections of this report.

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, eclectic 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”.

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

Open Countryside Policy

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

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

The 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.

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

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 Members debated at the previous meeting. That scheme comprised 11 dwellings taking the form of a Cheshire farm complex. This included 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.

A revised scheme has now been submitted which shows the 'Farmhouse' and annex as previously proposed and a larger 'barn' complex with the affordable units sited centrally. Whilst not in line with the original design strategy, this layout is considered to be acceptable in order to create a development appropriate to the character of this rural area.

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 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.

Wider planning balance (transport related)

- 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 two 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
EXISTING USE	18	7	2	11	139	139
11 DWELLINGS	2	6	7	2	44	45
NET DIFFERENCE	-16	-1	+5	-9	-95	-95

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 affordable dwellings are now contained within a 'barn' complex of market units and this is considered to be acceptable on a development of this size.

Education

An application of 11 dwellings is expected to generate 2 primary aged children and 2 secondary aged children.

An assessment has been undertaken looking at the capacities at primary schools within a 2 mile radius and secondary schools within a 3 mile radius of the proposal and this has been considered against numbers on roll and 5 year pupil forecasts.

Forecasts indicate that there will be sufficient space available in the catchment primary school to accommodate the pupils generated by this development. Forecasts are indicating a shortfall of places in the catchment secondary school and so a contribution will be needed to accommodate the pupils generated by the development.

$2 \times £17,959 \times 0.91 = 32,685.$

Transport Service Solutions have confirmed that the existing school transport service which would include for this development proposal has sufficient space to accommodate the pupils generated and so the development will not create an extra burden on the service. The cost of transport is included in the calculations for education provision.

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 favourably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

The development would be on 'Brownfield' land, which the National Planning Policy Framework supports in paragraphs 17 and 111.

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 that 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

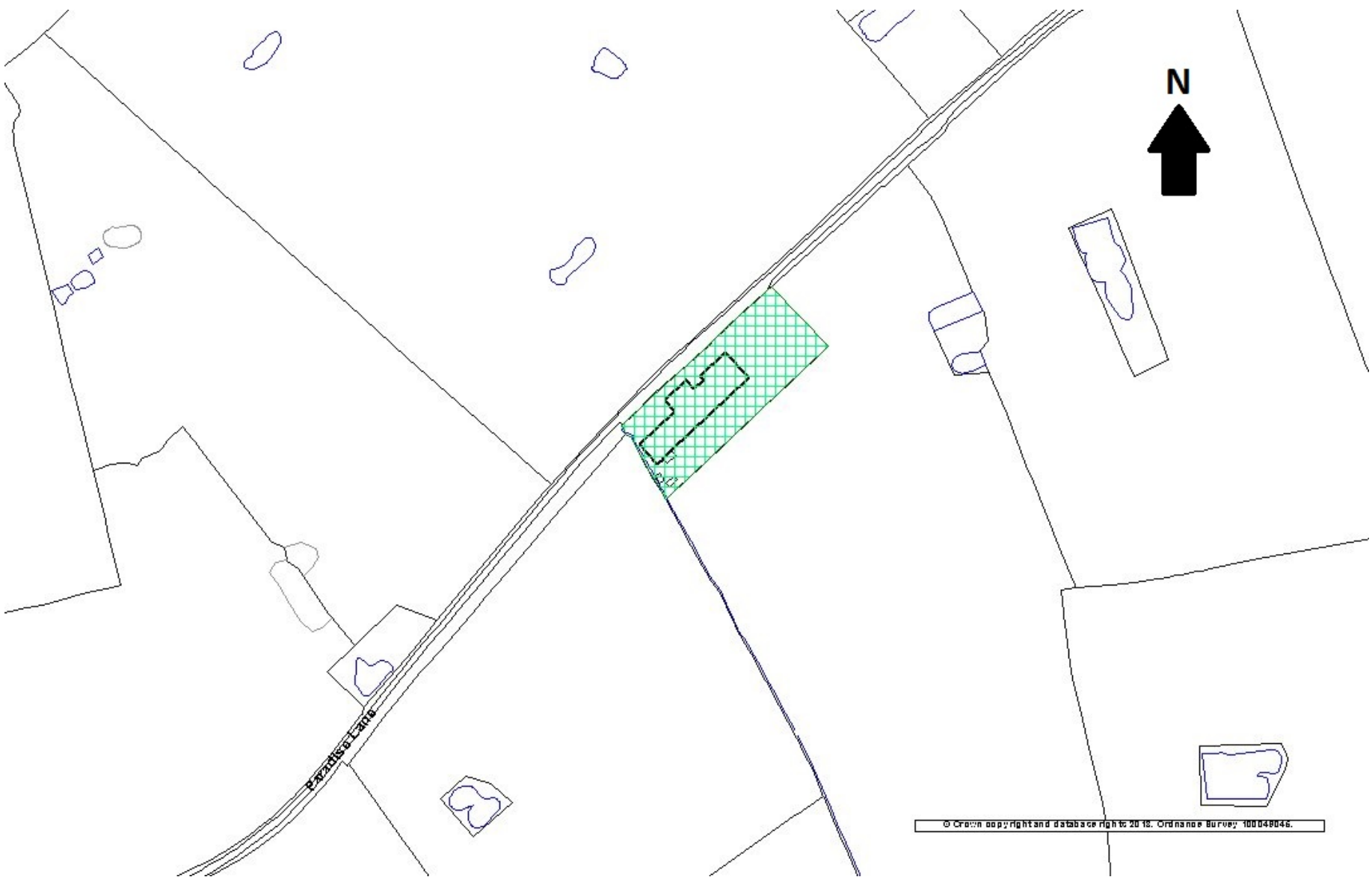
Approve subject to the completion of a Section 106 Agreement to secure the affordable housing provision following conditions:

- 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, 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.



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Application No: 14/2915N

Location: Land West Of, Broughton Road, Crewe.

Proposal: Outline Planning Application for Erection of up to 53 no residential units with associated infrastructure and ancillary facilities in Outline with access defined.

Applicant: MG and LF Ltd

Expiry Date: 16-Sep-2014

SUMMARY

The proposal is contrary to development plan policies NE2 (Open Countryside) and RES5 and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which states at paragraph 49 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

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. It would provide a public open space facility for proposed and existing residents, and the development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.

Balanced against this are the adverse impacts of the development including the loss of open countryside, the loss of agricultural land and the moderate landscape impact.

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.

SUMMARY RECOMMENDATION

Approve subject to conditions and s106 agreement

REASON FOR REPORT

The application is a major development and a departure from the Development Plan, and therefore requires a Committee decision.

PROPOSAL

The application seeks outline planning permission for the erection of up to 53no. residential units with associated infrastructure and ancillary facilities with all matters reserved except for access.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an open area of agricultural land situated between Broughton Road to the east and the railway line to the west. To the north and south there is further open agricultural land with residential properties running along Broughton Road. The site is located within the Open Countryside as identified in the Congleton Borough Local Plan.

RELEVANT HISTORY

P06/0108 – Construction of 8 dwellings and access road – refused 20.03.2006

10/4356N - Change of use for the keeping of Horses, Livery Stables and Associated Works such as Access and Hard Standing – Not determined

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.

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 whole site 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)

Cheshire East Local Plan Strategy – Submission Version

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

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement hierarchy
PG6 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
IN2 Developer contributions
EG1 Economic Prosperity
EG3 Existing and allocated employment sites
SC1 Leisure and Recreation
SC2 Outdoor sports facilities
SC3 Health and Well-being
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

Other Material Considerations

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

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

CONSULTATIONS (External to Planning)

Environment Agency – Responsibility for ordinary watercourses and surface and ground water flooding with Lead Local Flood Authorities

Flood Risk Manager – No objections subject to conditions relating to disposal and management of surface water

United Utilities – No objection subject to conditions relating to drainage

Environmental Health – No objections subject to conditions relating to submission of an Environmental Management Plan, lighting details, noise mitigation scheme, travel planning, electric vehicle infrastructure, dust control and contaminated land.

Public Rights of Way – Proposed development may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes. The developer should provide contributions towards this.

Head of Strategic Infrastructure – No objections

Education – Financial contributions required towards accommodating pupils generated by the development.

Housing Strategy & Needs Manager – No objections subject to 30% affordable housing provision and tenure split in accordance with IPS

Ansa – Open space comments awaited

Crewe Town Council - Object on the following grounds:

- Increased traffic congestion
- Strain being put on existing infrastructure such as doctors and schools
- No apparent commitment to affordable housing provision
- Concern about the ground conditions and the loss of natural drainage which may affect surrounding properties.
- If approved, s106 money should be spent on improvements to the current road network and encouragement for sustainable methods of transport

OTHER REPRESENTATIONS

Approximately 40 letters of representation have been received from local residents and a petition signed by 240 residents, objecting to the proposal on the following grounds:

- Loss of view
- Impact on wildlife
- Other applications refused for highways reasons
- Already enough housing for Coppenhall area for next 5-10 years
- Impact on highway safety

- Increased congestion
- Drainage and flooding concerns
- Increase in pollution and noise
- Impact on infrastructure – hospitals, doctors, schools etc
- Inadequate car parking
- No additional employment for additional residents
- Existing on street parking restricts visibility
- Loss of house value
- Access for emergency vehicles
- Not sustainable development
- Out of character
- Landscape impact
- HS2 to be located to rear of the development
- Loss of privacy
- Empty homes in Crewe
- Broughton Road is already used as a rat run

Two local groups make the following general observations on the proposal:

- Wider carbon footprint should be considered in design of the building – solar panels etc.
- Secure storage for bicycles and or prams should be provided
- There should be cycle and pedestrian short cut access to the site
- Traffic management measures on Broughton Road from North Street junction should be incorporated to restrict vehicle speeds
- Contribution to improving pedestrian/cycle conditions should be made
- Travel planning set up with targets and monitoring

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted an Arboricultural report; a land contamination report; a design & access statement; an ecology assessment; a Flood Risk assessment; a transport statement and a supporting planning statement.

The planning statement outlines:

- Site is located in highly sustainable location.
- There will be no significant and demonstrable adverse impacts
- Degree of harm to the character and appearance of the Open Countryside, given that it is surrounded by man made built form, is not significantly and demonstrably adverse given the low grade of the agricultural land and its sustainable location
- Benefit of affordable housing provision
- The housing shortfall has consistently been found to hold great material weight in favour of approving housing sites within the Borough due to the significance of the shortfall.
- Direct and indirect economic benefits from the process of construction and from expenditure from future residential occupiers
- No five year housing supply
- Site is suitable, available and deliverable for development

APPRAISAL

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

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.

The most important material consideration in this case is the NPPF which states at paragraph 49 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).

SOCIAL SUSTAINABILITY

Housing Land Supply

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

This calculation of five year housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local

Plan the National Planning Practice Guidance (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 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.

Indeed, despite referring to the local plan Inspector's interim views within his decision letter, the Inspector who recently allowed the 124 dwellings on the opposite side of Broughton Road to the application site, made no reference to this as an issue.

Other appeals that have specifically considered the issue of spatial distribution have generally concluded that it does not justify the refusal of an otherwise sustainable form of development which meets housing needs.

Affordable Housing

The SHMA shows that for the sub-area of Crewe, within which the site lies, there is a need for 217 new affordable homes per year, made up of a need for 50 x 1 beds, 149 x 3 beds, 37 x 4+ beds, 12 x 1 bed older persons units and 20 x 2 bed older persons units. (There is an oversupply of 2-bed general needs accommodation).

There are currently 1586 applicants on the housing register applying for social rented housing who have selected one of the sub-areas of Crewe as their first choice, these applicants require 528 x 1 beds, 614 x 2 beds, 346 x 3 beds, 56 x 4 beds and 2 x 6 beds (40 applicants have not specified how many bedrooms they need).

Therefore as there is affordable housing need in Crewe there is a requirement for affordable housing to be provided at this site, 30% of the total dwellings on site should be provided as affordable, this equates to up to 16 affordable homes and the tenure split of the affordable dwellings should be 65% social or affordable rent (up to 10 units) and 35% intermediate tenure (up to 6 units), the affordable housing should be provided on site.

According to the Planning Statement the applicant is offering 30% affordable housing at this site with a tenure split to be agreed at Reserved Matters. The tenure split highlighted above will be required, which will be secured as part of a s106 agreement.

The provision of affordable housing in a location where there is an identified need is a substantial benefit of the scheme.

Public Open Space (POS)

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. There is therefore a requirement for open space as part of the proposal. The indicative layout indicates an area of open space within the site; however comments from Ansa are awaited regarding the specific requirements for this scheme and will be provided as an update.

Education

A development of up to 53 dwellings would be expected to generate 10 primary and 7 secondary pupils.

The assessment of primary schools within 2 miles and secondary schools within 3 miles of the site has been undertaken which has shown that the primary schools are cumulatively forecast to be oversubscribed and the high schools are also expected to be oversubscribed based on already committed development expected to take up the current slack (397 pupils expected from approved development).

On this basis the following contributions will be required, which will be secured via the s106 agreement:

$10 \times 11919 \times 0.91 = \text{£}108,463$ towards primary education

$7 \times 17959 \times 0.91 = \text{£}114,399$ towards secondary education.

Residential Amenity

The indicative layout shows the proposed dwellings to be some quite distant from the existing dwellings on Broughton Road. The closest relationship appears to be plot 1 which is over 12 metres from the nearest point of the blank gable of number 129 Broughton Road. Plots 2 and 3 are over 27 metres from the dwelling at 155 Broughton Road, and to the rear of this property a substantial outbuilding sits 4 metres from the side elevation of plot 53.

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties.

The layout and design of the site are reserved matters and it is considered that the dwellings could be accommodated on the site, whilst maintaining these distances between the proposed dwellings within the new development and adequate amenity space could be provided for each new dwelling. No further significant amenity issues are raised at this stage.

ENVIRONMENTAL SUSTAINABILITY

Air Quality

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

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

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

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

Noise

The applicant has submitted a noise assessment with this application that demonstrates the site can be made suitable for residential development providing a scheme of noise mitigation measures are put into place.

The report specifies that the development will require the garden fences to be 2.5 metres high along the sites eastern and southern boundaries and partly along the northern boundary. Following concerns being raised about the visual impact of such a fence, the applicant's acoustic consultants have come back to confirm a 1.8 metre high fence will be adequate for noise mitigation purposes. Confirmation is awaited from environmental health that the proposed 1.8 metre high fence will adequately protect the properties from railway noise, and will be reported as an update.

The report also recommends that any habitable room on the first floor and above, which directly or obliquely faces the railway line, will require enhanced levels of glazing providing 40 dB Rw of sound attenuation and alternative (trickle) ventilation providing approximately the same level of sound attenuation. The window units should also incorporate a difference in thickness between the two outer most panes, of at least 30% to prevent the ingress of lower frequency noise associated with diesel powered freight engines. Sufficient levels of ventilation will be required; if this cannot be achieved by trickle ventilation the applicant will need to submit a scheme of mechanical or alternative means of ventilation that will satisfy Part F of Building Regulations.

Any mitigation shown as part of the report must achieve the internal and external noise levels defined within BS8233:2014. A detailed scheme of noise mitigation measures on a plot by plot basis will need to be submitted prior to first occupation of the site.

Public Rights of Way

There are no PROW located on the application site. In relation to the request for cycleway improvements, noted above in the consultations, it is not considered that the suggestions would be CIL compliant.

Highways

The Head of Strategic Infrastructure has provided the following comments on the proposal.

Visibility

The visibility splays have been derived from the speed survey on Broughton Road and the splays provided are 2.4m x 43m these are considered to be an acceptable level of visibility provision.

Traffic Impact

With regard to the traffic impact of the proposal, the trip rates submitted by the applicant are on the low side predicting 23 trips in the evening peak. Whilst these rates are not accepted the CEC analysis of trips rates indicate that 36 trips would be the likely generation in the peak hour.

It is then necessary to consider how the traffic is to be distributed on the road network, the applicant has indicated that there is a 70% -30% split in favour of the town centre. This is a realistic assessment of how the trips will be distributed from the site. Therefore, the traffic turning towards Crewe at the Bradfield Road Junction can be expected to be approximately 25 trips in the peak hour.

There have been a number of large developments approved along the B5076 corridor namely Coppenhall East, Parkers Road, Maw Green and the recent appeal opposite the application site, and these will all add to the traffic levels using this route. Improvements have been secured for the corridor from all of these applications, but even with improvements in place there remains capacity concerns at some of the key junctions.

This application is likely to have an impact on the roundabout junctions of Broad Street / Remer Street and Middlewich Street. Although there are improvements and contributions secured for these junctions, further improvements works are necessary to not only deal with the current approvals but to allow further development to come forward. Whilst this development will only add to the traffic levels using the B5076 corridor, the current transport policy in the Framework needs to be taken into account and also numerous recent appeal decisions.

Given the very small impact that the development will produce in the peak hours on the junctions above, it is not considered that a refusal based on traffic impact can be sustained. Due regard should also be given to appeal decisions relating to proposals with much larger traffic impacts that have been considered acceptable.

Accessibility

An accessibility assessment has been provided in the Transport Statement, the site can be accessed by footways on both sides of Broughton Road and there are a range of local facilities within walking distance of the site. With regard to public transport, there are a

number of bus services that can be accessed within a reasonable walking distance from the site.

At the recent appeal for the 124 dwellings on the opposite side of Broughton Road, the Inspector agreed with the Council's view that the site was sustainable in terms of its location on the northern edge of Crewe in an area that hosts a range of shops and local services.

Therefore, in summary whilst the proposed development will only add traffic to a congested road network, the development will only produce such a small traffic increase it would be very difficult indeed to support a refusal based on traffic impact. As all other matters are acceptable, no objections are raised on highways grounds.

It should be noted that the applicant is aware of local concerns relating to the impact of the proposal on the local highway network, and has stated that they would be willing to make a contribution towards local highway improvements, in exchange for a reduced level of affordable housing, should Members be particularly concerned regarding the highways impact of the proposal.

Trees / landscape

An arboricultural impact assessment which identifies the impact of the proposal upon trees both within and adjacent to the site, in accordance with the provisions of BS5837: 2012.

The proposed development will require the removal of a number of existing trees and hedgerows, all of which appear to be low grade. Comments from the Forestry officer are awaited and will be reported in an update.

In terms of the landscape impact of the proposal, the landscape officer has noted that the application site is located outside the settlement boundary of Crewe in Open Countryside. The Cheshire Landscape Character Assessment 2008, identifies that the site is located within the East Lowland plain character Type and specifically the ELP5 Wimboldsley Character Area. This is characterised as being a predominantly flat, large scale landscape with relatively few hedgerow trees or hedgerows. This combines with a low woodland cover typical of the type to create an open landscape with long views in all directions.

The use of a greenfield site does weigh against the proposal. However the area has no specific landscape designation, whilst its open character is no doubt of value locally, its visual benefit is tempered by the presence of the railway line just beyond the western boundary. Therefore, whilst there will be some resultant harm arising from the urbanisation of the site and the loss of open countryside which has intrinsic character and beauty, the change is not considered to be so significantly adverse to justify a refusal of planning permission in this case.

Design / character

The importance of securing high quality design is specified within the Framework. 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 31.3 dwellings per hectare, which is considered to be acceptable in the context of the local area. An indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved and that areas of open space can be provided and would be well overlooked. It is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the Framework could be secured at the reserved matters stage.

The application indicates that the dwellings will be 2 to 2.5 storeys in scale. The majority of properties within the immediate area are two-storey. Whilst, they cannot be ruled out at this stage, given character of surrounding dwellings, the introduction of 2.5 storey dwellings will have to be carefully considered and much will depend on the specific form and design put forward in the reserved matters.

Ecology

The nature conservation officer has provided the following comments on the application.

Great Crested Newts

This protected species has previously (in 1999) been recorded at both of the ponds on the application site, also from the two ponds and ditches located to the north of the application site and a further ditch to the south of the application site. This species was also previously recorded at a pond to the south which is located at a distance greater than 250m.

A great crested newt survey has been undertaken in support of this application, which did not record any evidence of this species, however this survey was restricted to just the two ponds on the application site. The submitted report states that no surveys were undertaken of the two ponds to the north as access permission was denied.

Based on the results of the assessments undertaken in support of application 13/5085N, which have been highlighted by the applicants consultant, the nature conservation officer advises that on balance great crested newts are unlikely to be present or affected by the proposed development. There are two remaining ponds which have not been subject to recent surveys, however it is considered that they are located far enough away from the application site that the proposed development would not be likely to pose a significant risk to any populations of great crested newts present.

Lesser Silver Diving Beetle (Hydrochara caraboides)

This protected species was recorded at both of the two ponds present on the application site in 1999. In order to allow the Council to assess the potential impacts of the proposed development upon this species, a survey for this species was required, which has resulted in the delay with this application.

Mudsnail (*Omphiscola glabra*)

This Biodiversity Action Plan priority species is known to occur in the locality of the proposed development. In order to allow the Council to assess the potential impacts of the proposed development upon this species, a survey for this species was required, which again has resulted in the delay with this application.

The surveys for the lesser silver diving beetle and the mudsnail found evidence of both species within the onsite ponds. The proposed mitigation strategy involves creating two additional ponds and a section of ditch offsite. The applicants have identified two potential sites. One is a Council owned section of land and the other is in third party ownership (a local equestrian centre). The nature conservation officer is happy to accept the additional ponds as appropriate mitigation, as opposed to trying to retain these two species on site, which is almost certain to fail.

It is recommended that the third party land is utilised for the mitigation strategy, and a letter has been received from the land owner that they are happy for the ponds to be formed on their land. Despite the letter, there is not considered to be sufficient certainty that the ponds will be provided to allow it to be dealt with by condition, and as such it is recommended that the off site mitigation is secured as part of the s106 agreement. A detailed mitigation method statement will be required but this can be dealt with at the reserved matters stage.

Ponds

Ponds are a Local Biodiversity Action plan priority habitat and hence a material consideration. Based upon the submitted indicative layout the proposed development would result in the loss of two ponds and consequently have a significant adverse impact upon nature conservation interests.

The offsite ponds outlined above required for the lesser silver diving beetle and mud snails will adequately compensate for the loss of these BAP priority habitats.

Hedgerows

Hedgerows are a Biodiversity Action plan priority habitat and hence a material consideration. Based on the submitted illustrative layout the proposed development would result in the loss of a significant length of defunct species poor hedgerow which runs across the middle of the site and also a length of species poor hedgerow on the eastern boundary of the site to facilitate the site entrance.

If outline consent is granted it must be ensured that suitable replacement planting is incorporated into any landscaping scheme produced at the detailed design stage to compensate for this loss.

Reptiles

The submitted ecological assessment states that the application site is superficially suitable for grass snakes. Grass snakes have been recorded 800m to the south east of the

application site, however a detailed reptile survey is not required. The species is known from this broad locality and is likely to occur on the site on a transitory basis. To ensure grass snakes are not killed or injured during the construction phase it is recommended that the applicant submits a more detailed method statement of reasonable avoidance measures which include proposals to ensure that the site remains in a state unsuitable for reptiles prior to the commencement of development.

Contaminated land

The Contaminated Land team has no objection to the proposals subject to the following comments with regard to contaminated land. The site is located on areas of suspected filled ground that has the potential to create gas, and the application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

The submitted contaminated land report recommends that intrusive investigations are required. Therefore, in accordance with the Framework, a condition requiring a phase II site investigation is recommended.

Flooding.

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

Economic Benefits

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

Agricultural Land

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 is designated as "Urban" on the Council's constraints maps, which on the Magic Agricultural Land Classification comes below Grade 5 and Non Agricultural. It is therefore considered that the proposal does not involve the development of the best and most versatile agricultural land.

Community Infrastructure Levy (CIL) Regulations

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

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

The provision of affordable housing, public open space provision and offsite ecological mitigation is necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The development would result in increased demand for school places at the primary and secondary schools within the catchment area which have very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary and secondary school education is required based upon the maximum units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

PLANNING BALANCE

The proposal is contrary to development plan policies NE2 (Open Countryside) and RES5 and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which states at paragraph 49 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

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- The development would provide a public open space facility for proposed and existing residents.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses.

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 and the s106 agreement 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 (subject to Forestry comments).
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development

The adverse impacts of the development would be:

- The loss of open countryside.
- The loss of agricultural land.
- Moderate landscape impact

The comments received in representation relating to material planning considerations have been considered in the preceding text. However, 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 subject to comments from outstanding consultees (Environmental Health and Ansa), the following Heads of Terms and the conditions below.

RECOMMENDATION

APPROVE subject to S106 agreement to secure

- **Education contributions of £108,463 (10 places) towards primary accommodation and £114,399 (7 places) towards secondary.**
- **Open space provision and management**
- **Provision and phasing of 30% affordable housing with 65% to be provided as social/affordable rent and 35% provided as intermediate tenure**
- **Offsite ecological mitigation – pond creation**

And the following conditions:

1. Submission of reserved matters
2. Implementation of reserved matters

3. Time limit for submission of reserved matters
4. Commencement of development
5. Development in accord with approved plans
6. Details for disposal of surface water to be submitted
7. Scheme for management of overland flow from surcharging of the site's surface water drainage system during heavy rainfall
8. Environmental Management Plan to be submitted and agreed by the planning authority
9. External lighting details to be approved
10. Noise mitigation scheme to be submitted
11. Travel plan to be submitted
12. Electric vehicle charging point to be provided
13. Phase II site investigation to be submitted
14. Refuse storage facilities to be approved
15. Ground levels to be submitted with reserved matters application
16. Method statement for reasonable avoidance measures for reptiles to be submitted.

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

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Application No: 14/5880C

Location: LAND OFF, CREWE ROAD, ALSAGER, CHESHIRE, ST7 2JL

Proposal: Reserved Matters Application for 110 dwellings (33 affordable), the creation of an area of public open space and children's play area and associated works (pursuant to outline planning approval 13/3032C).

Applicant: Niall Mellan, Persimmon Homes North West

Expiry Date: 24-Mar-2015

REASON FOR REPORT

The application is a major development, and therefore requires a committee decision.

SUMMARY

The principle of the development has already been approved.

The proposed scheme provides an acceptable design and layout, the dwellings are appropriate to the character of the area, sufficient open space is provided and appropriate landscaping can be conditioned. It is also considered that the development would not have a detrimental impact upon neighbouring amenity, ecology, trees, or highway safety.

The scheme therefore represents a sustainable form of development providing sufficient quality of design and landscaping and open space. Matters of drainage and flooding have been considered to be acceptable, subject to the conditions, on the associated outline planning application.

The application is therefore recommended for approval, subject to conditions.

RECOMMENDATION

Approve subject to conditions

PROPOSAL

The application seeks approval for all reserved matters following the outline planning permission 13/3032C for a residential development comprising 110 homes, including 33 affordable homes and an area of public open space and children's play area.

SITE DESCRIPTION

The application site covers an area of approximately 3.477 hectares, which is bounded to the south by Crewe Road, south of which is agricultural land. The east and north of the site is adjacent to the rear gardens of dwellings located along Close Lane, which lies on the westernmost edge of Alsager.

To the north west is agricultural land. White Moss quarry, a peat quarry, is located to the west of these. To the west of the southern field is Hollys House hotel.

The site itself consists of two fields with hedgerows along the southern, Crewe Road boundary, and along the western boundary. A hedge forms the boundary between the two fields, across the centre of the application site. The most significant feature on the site is the electricity pylon, located towards the southern part of the site and the overhead power lines that run across the southern field.

RELEVANT HISTORY

13/3032C - Outline application for residential development, comprising 110 homes, including 33 affordable homes to include an area of public open space and children's play area – Approved 04.11.2014

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
- 69-78. Promoting healthy communities

Development Plan

Congleton Borough Local Plan Policy

- PS8 (Open countryside)
- GR1 (New Development)
- GR2 (Design)
- GR3 (Residential Development)
- GR4 (Landscaping)
- GR5 (Landscaping)
- GR6 (Amenity and Health)
- GR7 (Amenity and Health)
- GR8 (Amenity and Health - pollution impact)
- GR9 (Accessibility, servicing and provision of parking)
- GR10 (Accessibility for proposals with significant travel needs)
- GR14 (Cycling Measures)
- GR15 (Pedestrian Measures)
- GR16 (Footpath, Bridleway and Cycleway networks)

GR17 (Car parking)
GR18 (Traffic Generation)
GR19 (Infrastructure provision)
GR20 (Utilities infrastructure provision)
GR21 (Flood Prevention)
GR 22 (Open Space Provision)
NR1 (Trees and Woodland)
NR2 (Statutory Sites)
NR3 (Habitats)
NR4 (Non-statutory sites)
NR5 (Creation of habitats)
H1 (Provision of new housing development)
H6 (Residential development in the open countryside)
H13 (Affordable Housing and Low Cost Housing)

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement hierarchy
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

Other material considerations

Interim Planning Statement: Affordable Housing
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994
Alsager Town Strategy

CONSULTATIONS

Natural England – No objections

HSE Explosives Inspectorate – No objections

United Utilities – No comments received

Environment Agency – No formal response required. Responsibility for ordinary watercourses and surface and ground water flooding now with the Lead Local Flood Authorities.

Flood Risk Manager – No objections subject to condition relating to disposal of surface water

Environmental Health – No objections subject to conditions relating to piling, submission of environmental management plan, implementation of noise mitigation scheme, travel planning, electric vehicle infrastructure, and contaminated land.

Streetscape (open space) – No objections

Head of Strategic Infrastructure – No objections

Alsager Town Council - Concerned regarding the impact of this development when taking into consideration the cumulative effect of all new approved developments in the area.

REPRESENTATIONS

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

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

- Other available brownfield sites should take priority
- Ecological impact
- Urban sprawl
- Health risk of family homes close to overhead pylons
- Roads are inadequate to cope with increase in housing
- Highway safety
- Alsager already exceeded quota for houses
- Proximity to Radway Green Blast Zone
- Impact from dust
- Noise impact
- Pollution
- Visual impact
- Infrastructure cannot cope with increase
- Loss of agricultural land
- Flood risk
- No job creation in Alsager to justify this as sustainable development

- Speculative development should be put on hold until local plan in place
- Density too great
- Not part of local or town plan
- Not all house types have garages
- Inadequate parking spaces

Revised plans were received during the course of the application, and following re-consultation, 10 letters were received objecting to the proposal on the following grounds:

- Brownfield sites are available – MMU?
- Alsager already overloaded with new houses
- No employment for new residents
- Contrary to planning policies
- Noise and air pollution from M6 and quarry
- Overshadowed by high voltage power line
- Highway safety / impact
- Proximity to Radway Green Blast Zone
- No reference to required right turn lane in this submission
- Applicants previously stated that there would be no apartments – there are now 8
- Applicants were also investigating possibility of putting high voltage line underground.
- Acoustic fencing should be extended to all properties
- Increase in density from 40 to 45 dwellings
- Plots have crept closer to high power cables
- One plot is within 20 metres of play area which is prohibited by original decision notice
- Bland and uninteresting design
- Only two weeks to comment on revised proposals
- Unsuitable infrastructure
- Loss of privacy
-

APPRAISAL

Main Issues

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.

The key issues in question in this application, therefore, are:

- Impact upon nature conservation interests
- Impact upon character of the area
- Amenity of neighbouring property
- Highway safety

ENVIRONMENTAL SUSTAINABILITY

Character & Appearance

The local area is characterised by a variety of house types – flats, bungalows, terraced, semi-detached and detached – of varied ages and materials, and therefore the area does not provide a strong design lead for new development. The proposal seeks to construct two-storey detached, semi-detached and terraced dwellings, and two blocks of four flats predominantly in brick. The appearance of the proposed dwellings is fairly standard and is perfectly acceptable in the context of the local area.

The presence of the electricity pylons and power lines inevitably impacts upon the appearance of the development as a whole. The layout is therefore constrained a little by this and the linear form of the site. However it does contain some positive aspects, including the threshold open space at the entrance, which leads through the site to the play area at the south west boundary. The crescent that borders the play area also provides natural surveillance from the dwellings. Planting is widely used to reduce the dominance of frontage parking by breaking up views of parked cars.

Amenity

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties.

There will be a significant change to the views from the properties that border the site from open fields to the proposed residential development. However, the relationships of the proposed dwellings with existing properties all meet the distances above. A further revision to the plans has been made to move the dwelling on plot 110 back slightly away from a side facing habitable room window at the neighbouring property on Crewe Road. This repositioning has resulted in an acceptable relationship with the neighbour's window and their rear amenity space. Within the site, there are some separation distances that fall marginally below the identified standards. However, any shortfall is minimal and is not considered to have such a significantly adverse impact upon the living conditions of future occupiers to justify a refusal of planning permission.

Air Quality

No further air quality issues are raised from those identified at the outline stage. Conditions relating to a travel plan and electric vehicle charging infrastructure were attached to the outline permission.

Noise

The applicant has submitted a scheme of acoustic insulation with the application. The report recommends mitigation designed to ensure that occupants of the properties are not adversely affected by road traffic noise. The mitigation includes: the provision of standard thermal double glazing, standard background trickle ventilation and 1.8 metre high close-boarded wooden fences around garden areas. Environmental Health raises no objections subject to a condition requiring the mitigation measures to be implemented prior to the first occupation of the development.

Ecology

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

Oakhanger Moss SSSI / Ramsar

The outline application was supported by an assessment of the likely impacts of the proposed development upon the features for which Oakhanger Moss was designated as a SSSI and Ramsar site. The assessment concluded that the proposed development is not likely to have any significant effects. With regard to the reserved matters Natural England advise that the proposed development is not likely to have a significant effect upon the features for which the site was designated and they advise that an “Appropriate Assessment” under the Habitat Regulations is not required.

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

White Moss SBI

The assessment submitted with the outline application identified the following potential impacts on the nearby SBI. Firstly, the nutrient enrichment and pollution of water run-off and ground water contamination during the construction phase. Outline mitigation proposals were submitted to address this impact and the nature conservation officer was satisfied that these issues could be dealt with by means of a condition requiring the submission of a Construction Environment Management Plan. This was made a condition of the outline consent, and remains applicable.

Secondly, the assessment submitted in support of the outline application identified potential impacts resulting from reduced infiltration rates and an increased risk of surface water pollution. The assessment concludes that these issues could be mitigated through the provision of a SUDS scheme. Further details of SUDS and surface water management were made a condition of the outline consent, and also remain applicable.

Nesting Birds

If planning consent is granted a condition is recommended requiring detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds to secure an enhancement for Biodiversity in accordance with the Framework.

Hedgerows

For the most part the existing hedgerows on site are retained. There is however likely to be some loss of hedgerow to facilitate the access roads. The loss of hedgerow should be compensated for through the incorporation of replacement native species hedgerow planting around the site boundaries.

Trees / landscape

The arboricultural constraints on the site relate to a small number of trees, and various lengths of mature hedgerow forming the site boundary and dividing the two fields.

The status of the hedgerows was established as part of the outline application; it was concluded that they were not considered important in respect of the 1997 Hedgerow Regulations. In order to compensate for the loss of hedgerow to facilitate access roads compensatory planting of native hedgerow species should be planted around the site boundaries where appropriate.

The only mature trees directly associated with the site are identified within the POS / Play Area to the south of the site. There is not considered to be any impact arising from the development, with protective fencing required to ensure this area is not used as a site compound and storage area. This can be addressed by condition.

A number of inconsequential trees are located off site, including a linear group of Silver Birch on the northern boundary. The plot positions of the proposed adjacent dwellings have no direct impact on the linear group. The species afford a degree of openness within their canopies which should not have a detrimental impact on the respective rear gardens. Some of the rear gardens of the properties on Close lane support a number of early mature trees none of which will be affected by the construction process.

In terms of the landscape details that have been submitted, the landscape officer confirms that the landscape layout and specification is acceptable.

Highways

The Head of Strategic Infrastructure raises no objections to the proposal. The access details were agreed at the outline stage, and the internal layout is an acceptable design given the linear nature of the site. There should be no vertical deflections in the junction areas but there are no issues with changes of materials in these locations. The parking provision for each of the units across the site accords with standards. Therefore, no highways objections are raised.

One of the letters of representation makes reference to the fact that a condition on the outline permission requires the provision of a dedicated right turn lane from Crewe Road, and this is not included within the submission. The relevant condition (condition 7) requires these details to be submitted for approval prior to the commencement of development, and will therefore be dealt with as a discharge of condition application.

Contaminated land

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

This site is within 250m of a known landfill site or area of ground that has the potential to create gas. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site. The Report submitted in support of the outline application recommends site investigation works be carried out. As such, the Contaminated Land team recommends a condition requiring a phase II site investigation to be carried out.

Flood Risk

The Flood Risk Manager has reviewed the proposals and there are no objections in principle to the proposed development on flood risk grounds. A condition is recommended requiring the detailed proposals for disposal of surface water. This was a matter covered by a condition on the outline permission. Therefore the condition is unnecessary for the reserved matters.

SOCIAL SUSTAINABILITY

Affordable Housing

As part of the outline approval the applicant entered into a s106 agreement securing the provision of affordable housing. In addition, the s106 outlined information to be provided and approved at reserved matters stage. This included an affordable housing scheme to include the tenure, layout and size of the affordable dwellings.

The applicant has provided a housing layout outlining the affordable housing units showing the units will be provided as 8x 1bd units, 7x 2bd units and 6x 3bd units for rent and 5x 3bd units and 7 x2bd units as intermediate tenure. The pepper-potting of the units is acceptable and the units meet the identified housing need in Alsager.

Open Space

Public Open Space and Children's Play Area

As originally submitted the proposed play area was not acceptable as it did not include sufficient play equipment; it did not incorporate items of DDA inclusive equipment; there was no indication that it would be manufactured to appropriate standards; it was rather uninspiring and the proposed planting on top of the mound concealed the play area from natural surveillance from the housing giving rise to concerns of site safety.

Revised proposals have been submitted which add items of DDA inclusive equipment – basket swing and rotating platform. Modifications have been made to some of the other equipment to add more interest and variation. Confirmation has been received that the play equipment all has the required certification. And finally, the mounding has been removed to increase natural surveillance.

The play area was not positioned 20 metres from the nearest residential property as required by condition 15 of the outline planning permission. The applicant has sought to overcome this by reducing the size of the play area. Comments are awaited from Ansa to confirm whether the reduced play area is acceptable, and will be reported as an update.

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 Alsager town centre including additional trade for local

shops and businesses (in closer proximity to the site than the town centre), jobs in construction and economic benefits to the construction industry supply chain.

PLANNING BALANCE

The principle of the development has already been approved.

The proposed scheme provides an acceptable design and layout, the dwellings are appropriate to the character of the area, sufficient open space is provided and appropriate landscaping can be conditioned. It is also considered that the development would not have a detrimental impact upon neighbouring amenity, ecology, trees, or highway safety.

The scheme therefore represents a sustainable form of development providing sufficient quality of design and landscaping and open space. Matters of drainage and flooding have been considered to be acceptable, subject to the conditions, on the associated outline planning application.

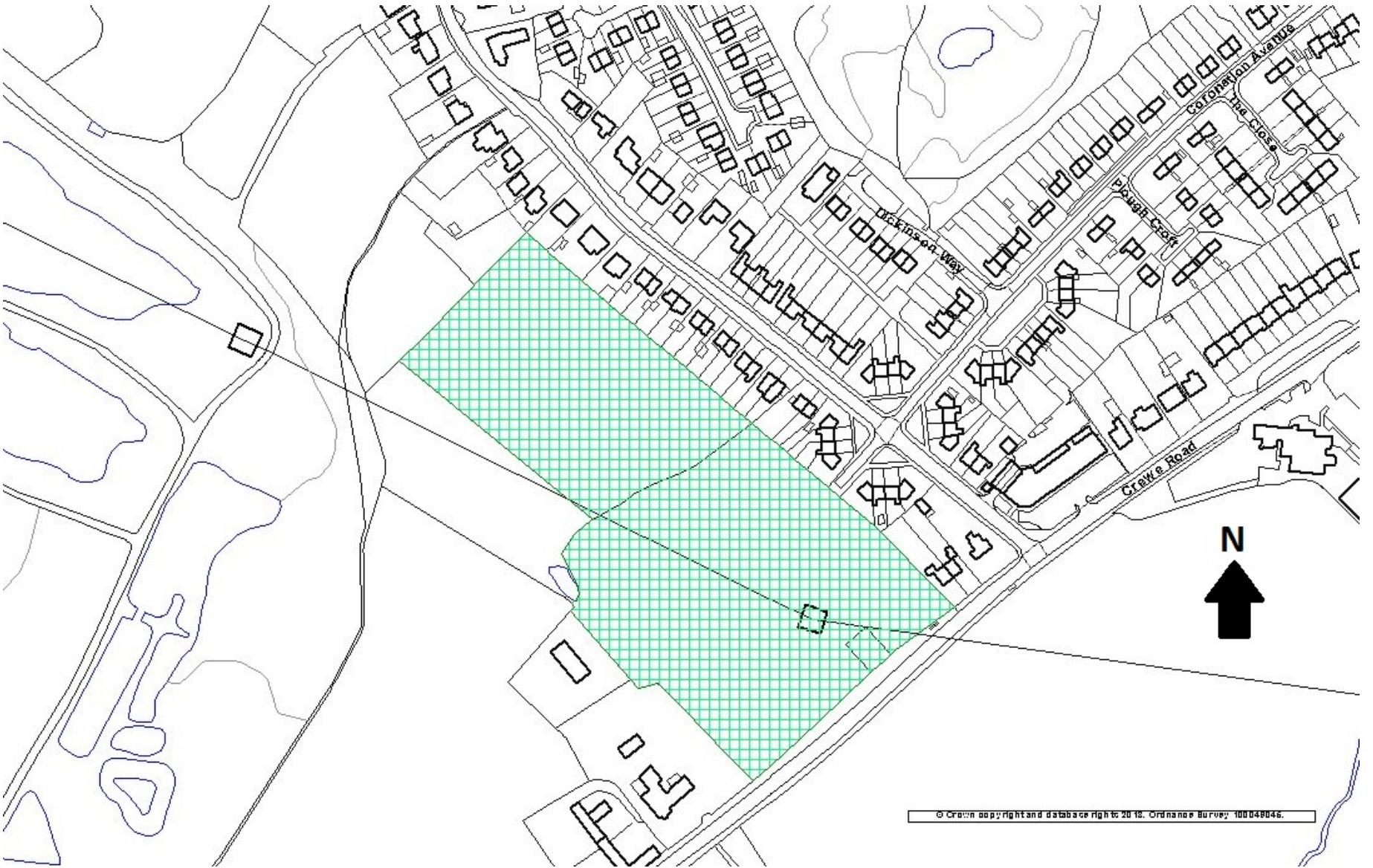
The application is therefore recommended for approval, subject to conditions.

RECOMMENDATION

The application is recommended for approval subject to the following conditions:

- 1. To comply with outline permission**
- 2. Time limit following approval of reserved matters**
- 3. Development in accord with approved plans**
- 4. Submission of samples of building materials**
- 5. Obscure glazing requirement**
- 6. Noise Mitigation Scheme to be provided**
- 7. Construction phase environmental management plan to be submitted**
- 8. Phase II site investigation to be carried out**

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



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Application No: 15/1640C

Location: Land Adjacent the Pump House, Forge Lane, Congleton, Cheshire, CW12 4HF

Proposal: Variation of Condition 2 (plans) on Approved 09/3498C - DEMOLITION OF FOUR DWELLINGS, A COACH & HGV DEPOT BUILDING, A WORKSHOP & VARIOUS OUTBUILDINGS & CONSTRUCTION OF TWENTY DWELLINGS WITH ASSOCIATED GARAGES & CAR PARKING & ALTERATIONS TO ACCESS ROAD (RESUBMISSION 08/1019/FUL)

Applicant: Keyworker Homes NW

Expiry Date: 08-Jul-2015

SUMMARY

The principle of developing the site for 20 houses has already been accepted by virtue of planning approval 09/3498C.

The variation of condition no. 2 relating to the approved plans is to allow some changes to the design of the elevations on Plots 1-6 (inclusive), to realign the positions of plots 9, 10 and to provide a detached single garage to side of plot 7.

Such amendments are considered to be acceptable in this case and would not change the environmental, social or economic sustainability considerations established by the original application.

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

APPROVE subject to conditions as varied by this application and a formal deed of variation to secure the same Heads of Terms as application 09/3498C

PROPOSAL:

This application seeks to amend condition no. 2 (which references the approved plans) of planning ref; 09/3498C, so that the elevations to plots 1-6 can be amended. The proposal also seeks to realign the positions of plots 9, 10 and to provide a detached single garage to side of plot 7. The original consent granted full planning permission to demolish the existing buildings and redevelop the site with a total of 20no residential dwellings comprising 9 dwellings on the western parcel and 11 dwellings on the eastern parcel on land at Forge Lane, Congleton.

SITE DESCRIPTION:

The application site comprises 0.85ha of previously developed land split into two parcels on either side of Forge Lane, Congleton. The parcel to the west of the site formerly contained a number of smaller dilapidated structures and an area of overgrown hard standing. The eastern side formerly contained four dwellings and a small, steel framed commercial building also with an area of hardstanding. This application relates specifically to plots 1-6 which would be located on the western side of Forge Lane. The site is located within the settlement zone line of Congleton as designated in the Congleton Borough Local Plan First Review.

RELEVANT HISTORY:

09/3498C - DEMOLITION OF FOUR DWELLINGS, A COACH & HGV DEPOT BUILDING, A WORKSHOP & VARIOUS OUTBUILDINGS & CONSTRUCTION OF TWENTY DWELLINGS WITH ASSOCIATED GARAGES & CAR PARKING & ALTERATIONS TO ACCESS ROAD (RESUBMISSION 08/1019/FUL) – Approved 26-Sep-2014

08/1019/FUL - Withdrawn application for demolition of four dwellings, a coach and HGV depot, building, a workshop and various outbuildings, and construction of eighteen dwellings with associated garages and car parking and alterations to access road

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 50

Development Plan:

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

PS4	Towns
GR1	New Development
GR2	Design
GR3	Residential Development
GR6	Amenity and Health
GR9	Accessibility, servicing and provision of parking

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

SD2 Sustainable development principles
SE1 – Design

Other Considerations:

Planning Practice Guidance (PPG)

CONSULTATIONS:

Environmental Protection: No objection

Head of Strategic Infrastructure (Highways): No objection

VIEWS OF THE CONGLETON TOWN COUNCIL:

No comments received

REPRESENTATIONS:

None

APPRAISAL:

Principle of Development

Considerations relating to the redevelopment of the site for 20 dwellings have already been accepted and the proposed amendments do not raise issues relating to the principle of the development, highways, parking, traffic generation or other relevant material planning considerations except for design and amenity. The main issue to consider as a result of the proposed changes is the acceptability of the revised design and the impact on neighbouring amenity.

Design

The proposed siting of plots 1-6 within the south-western corner of the site reflects the layout and character of the existing terraced properties to West Road which are located to the rear (south). Plots 1-6 would occupy the same footprint and would be of the same height and scale as that already approved. The main changes relate to the fenestration.

The original scheme proposed an assortment of openings with the principal elevation that were offset from each other to give a coach house appearance. This revised scheme proposes a more regimented arrangement of openings within the facing elevations. It is considered that such amendments would still be in keeping with the design and character of the scheme and would not appear out of keeping with the area.

With respect to the re-siting of plots 9 and 10, these would be very minor and would still remain in a similar position. The provision of the detached single garage to side of plot 7 would be tucked away and therefore appropriately sited.

Residential Amenity

Given that the siting of plots 1-6 is the same as that already approved and the repositioning of plots 9 and 10 very minor; the amendments would not have any greater impact on neighbouring amenity than the consented scheme. The proposals would achieve the minimum interface distances advised within

SPG2 and would not give rise to any direct overlooking or significant loss of sunlight or daylight. As such, it is considered that the residential amenity afforded to the nearest properties would not be unduly harmed.

S106 AGREEMENT:

The original permission comprises a S106 Agreement. As part of the Community Infrastructure Levy (CIL) Regulations 2010, it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

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

The approved planning application was considered to comply with the CIL Regulations and a S106 Deed of Variation will be required to secure the same Heads of Terms as previously approved. These refer to a woodland management plan and a financial contribution for local traffic management.

PLANNING BALANCE:

The principle of development has already been accepted as part of the original planning permission on this site. The proposed amendments would be acceptable in term of design amenity and would be acceptable in all other regards. The variation of the suggested condition to accommodate the amended plans is therefore considered to be acceptable in this case and would not change the environmental, social or economic sustainability considerations as part of the original application.

RECOMMENDATION:

APPROVE subject to the completion of a Section 106 legal agreement/deed of variation to secure the same Heads of Terms as per the original permission.

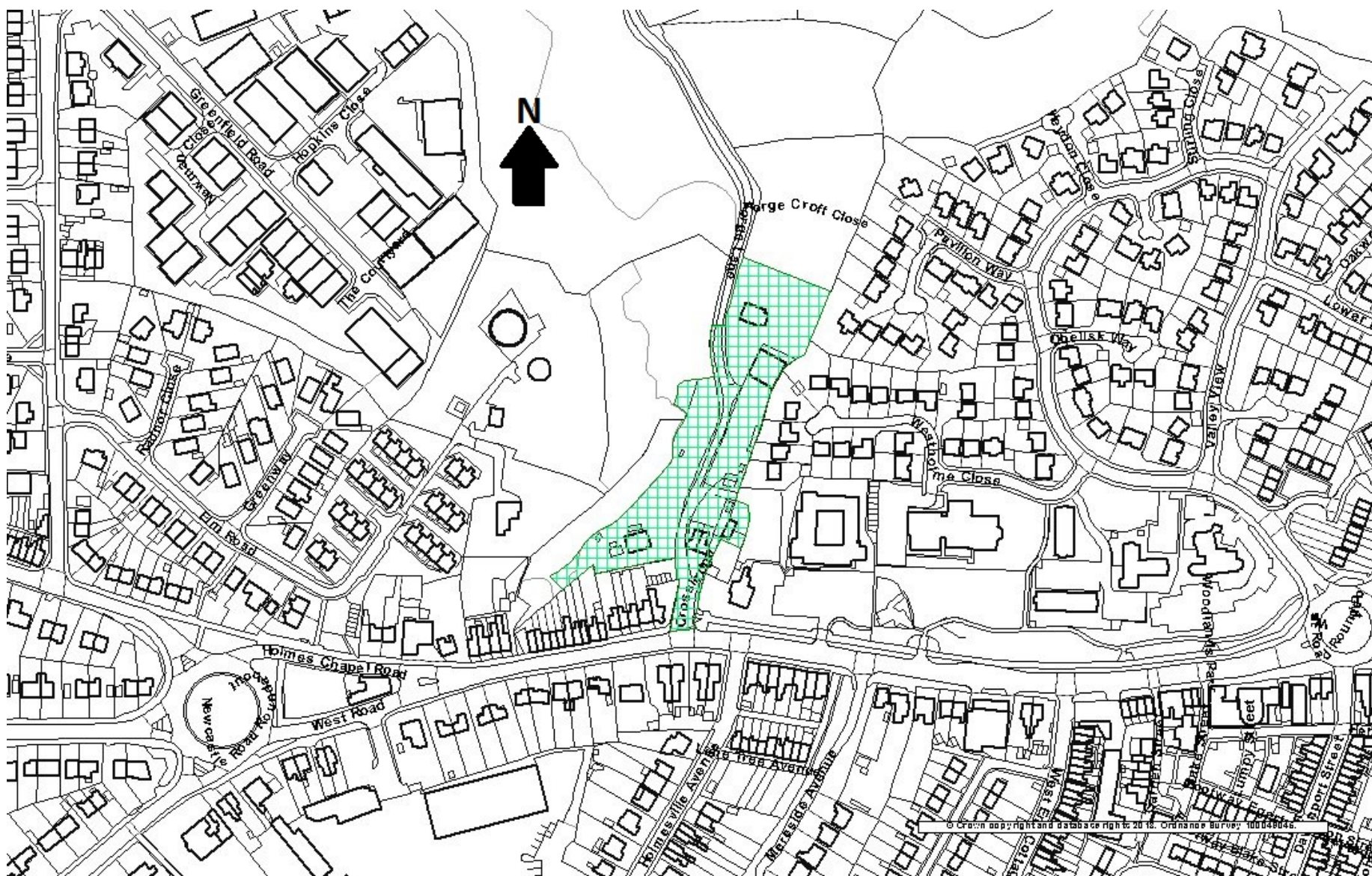
And the following conditions

- 1. Time Limit – 3 years from 26th September 2014**
- 2. Development in accordance with approved plans (as amended by this application)**
- 3. Materials to be agreed prior to construction commencing (including window frames, doors and balconies)**
- 4. Standard contaminated land condition**
- 5. Scheme for noise mitigation within new dwellings**
- 6. Restriction on construction hours to 08.00 to 18.00 Monday to Friday, 08.00 to 13.00 Saturday and no work on Sundays or Bank Holidays**
- 7. Removal of permitted development rights**
- 8. Submission of a scheme of landscaping to include replacement hedge planting using native species**
- 9. Implementation and 5 years landscape maintenance condition**
- 10. Tree protection measures**
- 11. Precise details of boundary treatments**
- 12. Precise layout of car parking court to be submitted and agreed prior to commencement of development**

13. Precise details of retaining wall to the western site boundary to be submitted and agreed
14. Scheme for ecological enhancements for bats and birds
15. Site levels condition
16. Submission of a detailed suite of plans relating to the off site highway works
17. Compliance with the recommendations contained within the ecological report
18. Provision of a sustainable urban drainage system (SUDS)

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

Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager (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.



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

DEFERRAL

This application was deferred by the Southern Planning Committee on the 30th September 2015. The application was deferred for the following reasons;

- To secure design improvements to the scheme at this gateway location
- Details of highway improvements at junction of Beswick Drive/University Way

In response, the applicant has made the following changes;

- The submitted elevations have been enhanced (**not changed**) to include a better representation of the proposed landscaping as indicated on the plans
- The site plans have been enhanced (**not changed**) to show more clearly the extent of proposed landscaping throughout the development.
- The public access footpaths for both the Jaguar dealership and the petrol filling station, which were already included in the submitted schemes have been more clearly identified.
- The PFS layout drawing has been enhanced (**not changed**) to indicate the flow of vehicles through the forecourt.
- The design statement has been updated to include the images of recently completed buildings by JLR in the UK and worldwide (**but not changed**).

These changes result in no change to the positive recommendation proposed at the previous committee.

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 16th October 2006
P04/1475 - Reserved Matters Application for Construction of Three Storey Office Block With Related Parking – Approved 11th January 2005
P03/1239 - Variation of Conditions 7 & 20 (P03/0639) – Withdrawn 24th 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 3rd September 2003
P00/1130 - Manufacturing Building and Associated External Works (Class B2) – Approved 16th May 2001
P00/1133 - Screening Opinion In Respect Of New Manufacturing Building – EIA not required 21st 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 29th January 1997
7/19179 - O/a for business development (class B1) and a hotel (class C1) – Approved 10th January 1991
7/18607 - Outline clearance for an hotel – Approved 21st June 1990
7/16315 - Extension to Crewe Business Park – Approved 7th December 1988
7/13981 - New access road and sewers including new junction with improvement of A534 Crewe Road – Approved 19th March 1987
7/11951 - Development of a high technology site – Approved 2nd 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 objections, subject to the prior submission / approval of a drainage scheme

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 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 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

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.

The Environment Agency has advised that they have no objections, subject to a condition which secures the prior submission of a drainage scheme.

Subject to the above conditions, it is not considered that the proposed development would create drainage concerns.

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

DEFERRAL

This application was deferred by the Southern Planning Committee on the 30th September 2015. The application was deferred for the following reasons;

- To secure design improvements to the scheme at this gateway location
- Analysis of the pedestrian access to/through the site
- Consideration of how vehicles manoeuvre around the site

In response, the applicant has made the following changes;

- The submitted elevations have been enhanced (**not changed**) to include a better representation of the proposed landscaping as indicated on the plans
- The site plans have been enhanced (**not changed**) to show more clearly the extent of proposed landscaping throughout the development.
- The public access footpaths for both the Jaguar dealership and the petrol filling station, which were already included in the submitted schemes have been more clearly identified.
- The PFS layout drawing has been enhanced (**not changed**) to indicate the flow of vehicles through the forecourt.
- The design statement has been updated to include the images of recently completed buildings by JLR in the UK and worldwide (**but not changed**).

These changes result in no change to the positive recommendation proposed at the previous committee.

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 16th October 2006

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

P03/1239 - Variation of Conditions 7 & 20 (P03/0639) – Withdrawn 24th 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 3rd September 2003

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

P00/1133 - Screening Opinion In Respect Of New Manufacturing Building – EIA not required 21st 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 29th January 1997

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

7/18607 - Outline clearance for an hotel – Approved 21st June 1990

7/16315 - Extension to Crewe Business Park – Approved 7th December 1988

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

7/11951 - Development of a high technology site – Approved 2nd 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 objections, subject to a number of conditions including; that the fixed fuel storage tanks and delivery lines of the filling station must have dual containment systems with interstitial leak detection and automatic alarm systems to identify any leakage of the primary containment system and the prior submission / approval of a drainage scheme.

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:

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. 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 site lies within a Flood Risk Zone 1 and as such, does not require the submission of a Flood Risk Assessment (FRA).

The Council's Flood Risk Officer has reviewed the proposal and advised that she 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.

The Environment Agency have reviewed that application and advised that they have no objections, subject to a number of conditions including; that the fixed fuel storage tanks and delivery lines of the filling station must have dual containment systems with interstitial leak detection and automatic alarm systems to identify any leakage of the primary containment system and the prior submission / approval of a drainage scheme.

Subject to the above conditions, it is not considered that the proposed development would create drainage concerns.

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.

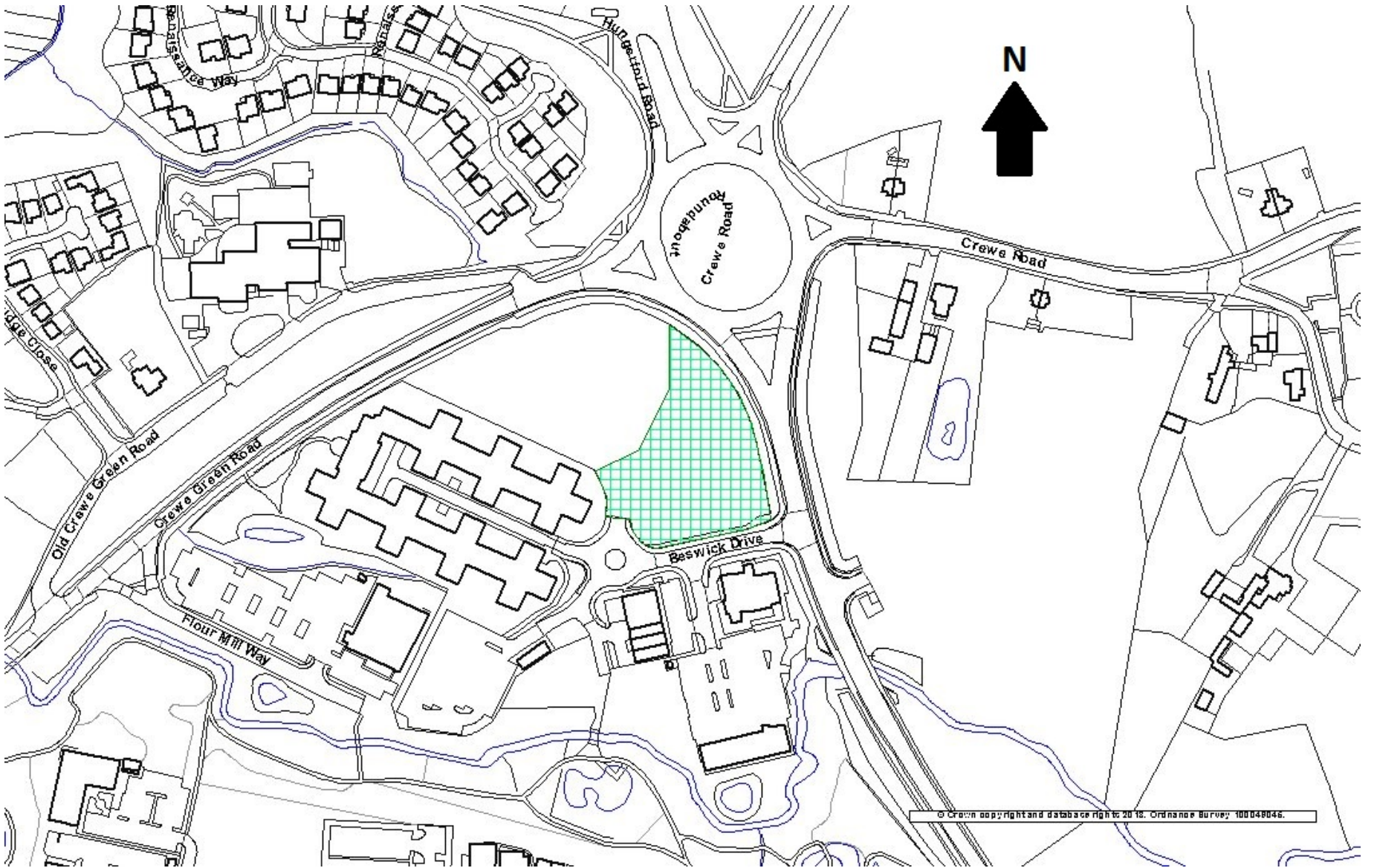
RECOMMENDATIONS

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. Drainage scheme – Prior approval**
- 10. The fixed fuel storage tanks and delivery lines of the filling station must have dual containment systems with interstitial leak detection and automatic alarm systems to identify any leakage of the primary containment system**
- 11. Hours of piling**
- 12. Piling method statement – Prior approval of details**

13. Environmental Management Plan – Prior submission of details
14. Lighting details - Prior approval of details
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 there 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: 15/2101C

Location: Cardway Business Park, LINLEY LANE, ALSAGER, ST7 2UX

Proposal: Outline planning application for a phased development of up to 110 dwellings

Applicant: J. Redfern, Cardway Limited

Expiry Date: 05-Aug-2015

SUMMARY:

The proposed development is located within the settlement boundary where there is a general presumption in favour of development. However it would be contrary to Policy RC2 and E10 of the Congleton Borough Local Plan 2004.

However, there are material considerations in this case in that Cheshire East cannot demonstrate a 5 year supply of deliverable housing sites and the site is proposed for allocation for housing development in the emerging local plan. In addition, the development would deliver a number of the objectives of the emerging Local Plan Policy CS12, by way of up to 105 houses and significant infrastructure improvements/contributions and reasonable amounts of over space within the layout.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing within an existing settlement where there is existing infrastructure and amenities. 30% affordable housing, contributions to education, highways contributions have been negotiated.

Overall, there is a loss in protected open space. However, significant areas of open space have been provided throughout the site, which include an ecological area which would assist in creating biodiversity.

In addition, the scheme would also provide a NEAP to comply with adopted standard for new residential developments. This is an enhancement in terms of the current facilities available to residents in the area.

With regard to the environmental role, an ecological mitigation payment has been negotiated. Conditions can be imposed to ensure that the development would have a neutral impact upon ecology, drainage, trees, residential amenity, noise, air quality and contaminated land. Landscaping could be secured at the reserved matters stage.

Subject to conditions and satisfactory completion of a S106 Agreement, the proposal is considered to be acceptable in terms of its impact upon highway safety, education, amenity, flood risk, drainage, landscape and ecology and accordingly it is recommended for approval.

REASON FOR REPORT

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

DESCRIPTION AND SITE CONTEXT

The application relates to circa 4.6 ha of land in mixed use situated to the west of Linley Lane (A5011). The site is located within the Alsager settlement Boundary.

To the front of the site lies a working industrial premises (6,782sqm) and associated hardstanding in majority use by Cardway Cartons for the manufacture of cardboard boxes (brownfield). The rear portion of the site (Council owned) is open space which is part of wider area of open space and allotments. To the north of the site is the Crewe-Derby railway line. An existing modern office building is located outside the red-edge for this planning application. This building is therefore retained.

DETAILS OF PROPOSAL

This application is a re-submission of 13/4081C which was refused permission by Southern Planning Committee on grounds of the loss of an area of protected open space in an area of deficiency. The proposal was considered contrary to Policy RC2 of the Congleton Borough Local Plan First Review 2005, Policy CS12 of the Cheshire East Local Plan Strategy Submission Version 2014 and Para 74 of the National Planning Policy Framework.

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

In the light of Committees previous concerns, the Applicant has increased the area of the site left as open space. The indicative proposals now show three areas of open space through the site as opposed to one previously refused.

The indicative plans demonstrate a linear residential layout of 105 units with accesses via Linley Lane and Linley Road, interspersed with a central area of open space and areas of incidental open space/landscaping.

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

Three phases of development are proposed. Phase 1 comprises circa 20% of the site in the middle of the site, currently unused area in the ownership of Cardway, phase 2 comprises the Council owned land in use as open amenity grassland (circa 30%) with the remainder of the site (circa 50% of the site) and in use by Cardway Cartons presently proposed as the last phase. This will allow the current commercial occupier of the site time to find the alternative premises to suit their future needs.

During the course of the application it became apparent that the Applicant had erroneously incorporated an access to the rear of dwellings on 133- 167 Talke Road within the red edge. This has been corrected and the Applicant has confirmed that the residents' rights of access will be maintained.

RELEVANT HISTORY

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

13/4081C - Outline planning application for residential development for up 110 dwellings – Refused 22 February 2014

POLICIES

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

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

Policies in the Local Plan

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

National Policy

National Planning Policy Framework

Other Material Policy Considerations

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

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

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

North West Sustainability Checklist

Submission Version Core Strategy

SPD 4 Sustainable Development

Alsager Town Centre Strategy SPD

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE1 - Design

SE2 - Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE4 - The Landscape

SE5 – Trees, Hedgrows and Woodland

SE9 – Energy Efficient Development

SE13 – Flood Risk and Water Management

CS12 - Twyford and Cardway Alsager

IN1 - Infrastructure

IN2 – Developer Contributions

CONSULTATIONS (External to Planning)

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

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

Flood Risk Manager :No objection in principle to the proposed development subject to conditions concerning surface water run off, overland flow.

United Utilities (UU): No objection subject to conditions

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

Education: A development of up to 110 dwellings (as described on the application form) would be expected to generate 21 primary places and 17 secondary places. The latest forecasts indicate that there will be no capacity across the local primary schools within 2 miles nor in the local secondary school within 3 miles to accommodate the pupils generated.

Based on this the sum of £227,772.09 (21 x 11919 x 0.91) is required towards primary education and £277,826 (17 x 17,959 x 0.91) towards secondary education

Network Rail: The following conditions are suggested:

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

Environment Agency – No comment to make other than need to consult the Environment Agency

VIEWS OF THE TOWN COUNCIL

Alsager Town Council: Support the development of brownfield land but express concern about the design and layout and that the provision of open space is insufficient. Also raise concern about additional traffic and the provision on a further access on Linley Road

OTHER REPRESENTATIONS

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

31 Objections have been received from local addresses on the following grounds to the original and later consultation -

Principle of development

- Loss of protected open space
- There is no need for more housing in Alsager
- Existing employment should be retained
- Local infrastructure of services cannot cope with this additional development

Highways

- Increased traffic congestion on local roads which are already congested
- Impact upon highway safety
- Future residents would be dependent on the car
- There is a lack of parking in Alsager Town Centre
- Pedestrian safety
- Poor public transport
- Access from Linley Lane is unsafe.
- Conflicts between pedestrians and road/shared surface unclear

Green Issues

- Increased flood risk
- Increased water run-off
- Increased flooding during extreme weather events
- Not enough green space
- Impact on wildlife

Infrastructure

- The infrastructure in Alsager cannot cope
- Increased pressure on local schools
- The sewage system is overstretched
- Impact on doctors/dentists/schools

Amenity Issues

- Noise and disruption from construction of the dwellings
- Increased noise caused by vehicular movements from the site
- Loss of privacy and light from dwellings being built on land that is currently open
- 2 phase of developments before the park is provided.
- A lack of open space compared to the number of houses

Other Matters

- There are so many inconsistencies between the various newly submitted documents
- Impact upon property values
- Red edge inaccuracy – red edge includes land over which adjoining properties 133-167 Talke Rd own/ have right of access over. Developer is building on land he does not own

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

APPLICANT'S SUPPORTING INFORMATION

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

All documents are available to view on the web site. In précis, the Applicant considers the proposal to be a sustainable development, coming in 3 phases, with the removal of the existing factory in the last phase which will allow the existing commercial occupier to relocate elsewhere in the Borough to suit the growing expansion needs of the business.

The Applicant also considers that the Council does not have a 5 year housing supply and therefore the presumption in favour of the housing development in the NPPF outweighs the employment protection policy E10 and the 2009 appeal decision, as a material consideration.

OFFICER APPRAISAL

Principle of Development

The site is located within the settlement boundary for Alsager, where there is general presumption in favour of development.

The majority of the site (circa 70%) is an existing employment site within the settlement zone line for Alsager. Policy E.10 of the Local Plan does not allow the re-development of employment sites unless it can be shown that the site is no longer suitable for employment uses or there would be substantial planning benefits in permitting alternative uses. It is considered that this policy is largely consistent with Policy EG3 (Existing and Allocated Employment Sites) as contained within the Local Plan Strategy Submission Version.

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

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

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

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

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

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

Greater weight can be attached to this allocation because:

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

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

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

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

- a. Contributions to improvements to the town centre street scene.
- b. The existing open space on the Cardway site be retained (not built upon) and improved
- c. Retention of the woodland areas to the north and east of the site
- d. Further archaeology investigation on the site in relation to the heritage asset in the north east area of the site
- e. Contributions towards the delivery of improvements to B5077 Crewe Rd/B5078 Sandbach Road North Junction/Linley lane/Crewe Road junction improvements
- f. Contributions to education and health infrastructure
- g. The local plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes)

This site has also been included in the Council's evidence base (SHLAA 2013) as a site that would contribute towards that housing land supply. This site is recorded by the SHLAA as being achievable with 60 units being provided within years 1-5. This site is therefore making a significant contribution to the 5 year housing land supply position of the Council. As this site has been assessed as being deliverable within the 1st five years for the purposes of demonstrating the 5 years housing land supply within a policy framework developed post NPPF, it is considered that very considerable weight can be attached to the allocation.

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

Whilst circa 70% of the site comprises the Cardway site, the remaining 30% comprises Council owned fields sandwiched between the Cardway site and Council owned allotments. The fields comprise part of an area of protected open space.

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

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

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

Environmental role

Locational Sustainability

The site is mainly (70%) a brownfield site and its redevelopment would be more beneficial than the loss of countryside or agricultural land. The site is within walking distance to many day to day facilities and is a short bus journey from the town centre. This centre offers a wide range of essential facilities and means that occupiers of the development will have a choice of means of transport.

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

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

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

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

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

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

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

Design And Layout

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application a preliminary concept

masterplan has been provided. The indicative layout shows a manual for streets led design of 3 zones each with its own area of open space and houses arranged around parking courts.

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

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

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

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

- three areas of green/open space/ ecological zones
- A majority 2 storey development with 3 storey provided for place making purposes
- Buffer planting
- Three phase development with independent access points to each phase
- Pedestrian permeability through the site

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

Ecology

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

Badgers

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

Great Crested Newts

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

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

Botanical/habitat value

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

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

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

It is recommended that the residual impacts of the development on biodiversity be off-set by means of a commuted sum that could be utilised to fund offsite habitat creation/enhancement. This mitigation could equally be utilised to enhance the Merelake Way footpath/ Green Corridor by Countryside Rangers in the locality to improve local facilities, given the loss of the ecological value is upon an area of Protected Open space.

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

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

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

Bats

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

Reptiles

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

Highways

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

The existing site currently comprises of a 6,782sqm industrial factory premises and areas of associated hardstanding and parking. The site currently has an access point from the A5011 Linley Lane on its eastern frontage and an unused access from Talke Road/Linley Road on the southern frontage.

Three accesses are proposed. One will use the existing access point from Linley Lane with a revised geometry to suit the residential development. The second and third access will be taken from the Talke Road/Linley Road frontage where the site has the opportunity for two links.

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

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

The three points of access will achieve acceptable junction geometry even for Linley Lane where the existing access has some limitations to visibility however the junction operates safely with no accidents at the location which involve a vehicle emerging from the junction. The three-way access strategy for the site and establishes the principles for a design approach via Manual for Streets.

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

The detailed design for the site will come forward with any detailed application which may be made. However, overarching principles for the creation of open space within the site will guide the way this site will need to be laid out in any future reserved matters.

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

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

The Head of Strategic Infrastructure accepts that the increase in traffic will not have a severe impact on the operation of the highway network.

In short, the Head of Strategic Infrastructure raises no objection to this proposal but requires £100,000 for local junction improvements to address the capacity of the local highway network as a direct consequence of this development .

Drainage and flooding

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

The majority of the existing site is covered by structures and hardstanding with the remainder being dense vegetation. The FRA submitted with the application has been considered by the Flood Risk manager who has raised no objection to the proposal subject to condition regarding surface water run off. It is therefore considered that the development would not raise any significant flooding/drainage implications that would warrant the refusal of this application.

Economic Role

Loss Of Employment Use

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

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

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

Paragraph 22 advises that:

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

Paragraph 51 goes on:

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

Policy E10 of the Local Plan states :

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

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

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

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

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

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

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

They also consider that the allocation of this site as primarily a housing allocation within the Submission Version of the emerging Plan contributes to the continuing supply of housing as required by the NPPF which again outweighs the policy requirement of E10.

The current occupier of the site, Cardway Cartons Ltd (CCL) are a leasehold occupier having been in situ for many years. They hold a lease until 2016 according to information submitted as part of the 2009 appeal. They have considerably expanded their operations within the factory unit since 2009. In 2009, they occupied approximately 50% of the premises for the manufacture and storage of cardboard boxes, employing approximately 40/50 full and part time staff, who mainly come from the local area. In 2009, the premises were also occupied by

other tenants on a short term basis who now appear to have moved out such as Dotshops although it would appear Greenworld as still located at the site.

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

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

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

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

Committee will recall that they did not seek to refuse the previous application on grounds of loss of employment. There have been no change in circumstances since the last Committee determination in this regard.

Economic Benefit

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

Paragraph 19 states that:

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

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

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

According to paragraphs 19 to 21:

“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and

support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”

There would be economic benefits arising from jobs in construction and additional trade for local shops, businesses and services arising from the residents of the new development.

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

Social Role

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

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 against which significant weight should be attached.

Affordable Housing

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

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

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

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

“In order to ensure the proper integration of affordable housing with open market housing, particularly on larger schemes, conditions and/or legal agreements attached to a planning permission will require that the delivery of affordable units will be phased to ensure that they are delivered periodically throughout the construction period. The actual percentage will be decided on a site by site basis but the norm will be that affordable units will be provided not later than the sale or let of 50 % of the open market homes. However, in schemes that provide for a phased delivery and a high degree of ‘pepper potting’ of affordable homes, the maximum proportion of open market homes that may be completed before the provision of all affordable units may be increased to 80%.”

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

Furthermore the IPS states that:

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

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

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

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

The IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.

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

Education

This proposal would generate 19 primary and 14 secondary pupils based on a indicative layout of 105 units (this has reduced down from the initial 110 units).

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

A financial contribution of £206,080 ($19 \times 11919 \times 0.91$) is required. Heads of terms for a S106 Legal Agreement are recommended.

Residential Amenity

It is generally considered that in New Residential Developments, a distance of 21m between principal windows and 13m between a principal window and a flank elevation is required to maintain an adequate standard of privacy and amenity between residential properties. Where 3 storey development is proposed or there are significant levels difference, this interface should be increased proportionately. A minimum private amenity space of 65sq.m is usually considered to be appropriate for new family housing.

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

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

Loss Of Protected Open Space (the Council owned open space to the rear of the site)

Policy RC2 of the Congleton Local Plan states that (inter alia) the loss of such areas will only be permitted where the proposal does not result in local deficiency the quantity range and accessibility of such open space, or alternatively the provision of an equivalent or improved and suitably located replacement facility is proposed within an acceptable to the Local Planning Authority. The Submission Version of the Cheshire East Local Plan likewise requires the Council owned open space to the rear to be retained as open space as part of redevelopment proposals.

The Council owned open space to the rear is proposed to be redeveloped as part of the residential layout and not retained as open space. This land comprises approx. one third of the overall site area within this application. This is greenfield land and would comprise the 2nd phase of development.

The previously refused application comprised some 4800 square metres in a centralised formal area of open space. This was refused on grounds of the loss of protected open space.

The proposal now comprises the following -

- a park with children's play to the west of the site (phase 3): 2,000 m²
- a central park (indicating a NEAP) and ecological area (phase 1 and 2) 4,000m²
- a pocket park to the east of the site (phase 1) – 540 m²

Areas of useable public open space have therefore increased by 1740 sq metres.

Whilst it is recognised that the area is deficient in quantity in POS, however, the quality of the existing open space is in the opinion of the Greenspace Manager also of limited quality. A significant area of 6540 sq metres in the 3 phases has been negotiated which is in excess of the area required for POS in connection with a development of 105 dwellings (2,520m² would normally be required to comply with the adopted standard).

It should be noted that the proposed open space will be of significantly better quality (a NEAP, proposed ecological area and ecological mitigation payment) than the open fields to be developed.

Whilst the proposed open space (in quantity terms) is not a like for like replacement for the loss of the Council owned open space, it is not considered that the existing open space performs an important ecological function or is of great significance in terms of provision of

open space in the locality. There will remain allotments and a significant area of open space to the rear of the current open space.

A balance needs to be gauged in terms of the increased quality in the open space provision to be secured as part of this proposal as opposed to the current benefits of the protected open space within an existing area of open space.

Overall, the improved quantum of open space now proposed, together with the provision of the ecological area / off site ecological commuted sum is considered to be a important benefit of the scheme in qualitative terms.

Given the long term strategy for the site set out in the emerging Plan and the fact that the increased quantum of open space will play a positive environmental role in the local area it is considered the proposal does not conflict with objectives for environmental sustainability set out in national guidance.

It is also considered that given the need to deliver a constant housing land supply, the presumption in favour of sustainable development in the NPPF, the provision of the ecological area, a NEAP and other incidental areas of open space within the layout and the commuted sum mitigation to be utilised to improve Wayside in the locality is sufficient to outweigh the harm of the proposal in policy RC2 terms.

Public Open Space Provision for new residential development.

The amount of Amenity Greenspace required in accordance with the interim Policy Note on Public Open Space Provision would be 2,520m² of usable open space. Overall the current indicative layout shows 6540 sq m laid out as open space/childrens play space

Applying the standards and formulae in the 2008 Guidance the Council would need a commuted sum of £ 29,799 to maintain the Amenity Greenspace / areas identified as being formally maintained.

With reference to the Revised Play and Space Strategy two equipped play spaces have been identified providing for the needs of young children on the formal park in phase 1 and a NEAP in phase 3

The NEAP standard play facility is required having a minimum area of 1000 sq m. The NEAP (Neighborhood Equipped Area for Play) standard play area would be acceptable due to the size of the development and should be suitable for all ages.

The area should include at least 8 items/activities incorporating DDA inclusive equipment plus infrastructure and be in line with the standards set out by Fields In Trust Planning and Design for Outdoor Sport and Play

Full plans showing the design must be submitted prior to the play area being installed and this must be approved, in writing prior to the commencement of any works. A buffer zone of a least 30m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

Due to the complex management required for play facilities and in accordance with policy, the Council has the best competencies required to carry out effective maintenance to protect these community facilities. The new children's play facility should be secured for public use and transferred to the Council together with a 25 years commuted maintenance sum of £75,799

Community Infrastructure Levy (CIL) Regulations

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

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

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

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

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

CONCLUSIONS AND THE PLANNING BALANCE

This brownfield/greenfield site located within the Settlement Zone Line for Alsager, and significantly contributes to an adequate and continuing supply of market and affordable housing to meet the local need and the requirements to provide for the general housing supply as required by the NPPF.

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

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

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

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

The NPPF supports the loss of open space if the loss is replaced by equivalent or better provision in terms of quality and quantity in a suitable place. Whilst the amount lost is greater than that which replaces it, the quality of the proposed open space on site and locally will be significantly enhanced over what is currently in situ by the mitigation and open space negotiated.

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

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

In conclusion, the proposed development is located within the settlement boundary where there is a general presumption in favour of development. However, it would be contrary to Policy RC2 and E10 of the Congleton Borough Local Plan. Nevertheless there are material considerations in this case, in particular, those relating to the NPPF, the emerging local plan and a lack of 5 year housing land supply which outweigh the provisions of those policies and the development is considered overall to be sustainable. Accordingly it is recommended for approval, subject to a Section 106 Agreement and conditions.

RECOMMENDATION

APPROVE subject to 106 Legal Agreement to Secure:

- **Affordable housing:**
 - **30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)**
 - **A mix of 2 , 3 bedroom and other sized properties to be determined at reserved matters**
 - **units to be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.**
 - **constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).**
 - **no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased**

to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.

- developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.
- Contribution of £ 227,772.09 (21 x 11919 x 0.91) towards primary education. This contribution is based on 110 units and will be phased on a pro rata basis and be required to be paid on first occupation of each phase (pro rata) of the development of the site
- Contribution of £277,826 (17 x 17959 x 0.91) towards secondary education. This contribution is based on 110 units and will be phased on a pro rata basis and be required to be paid on first occupation of each phase (pro rata) of the development of the site
- Commuted Sum for off-site enhancement works of £ 19,762.75 in lieu of the loss of protected open space – to be spent at Merelake Way footpath/ Green Corridor
- Provision of on site NEAP (8 pieces of equipment) and a 25 years commuted maintenance sum of £75,799
- Contributions of £29,799 as maintenance payment for on site POS (not incidental areas of open space/ ecological area/buffer zones)
- Bus Shelter Contribution of £25,000 to upgrade two local bus stops to quality partnership specification located within the vicinity of the development site
- Off – site highway contribution of £100,000
- Travel Plan monitoring payment of £5000 (£1000 per annum for 5 years)
- Private residents management company to maintain all on-site incidental open space/buffer zones/ ecological area (not the 3 areas of formal open space/childrens play space)

And the following Conditions;

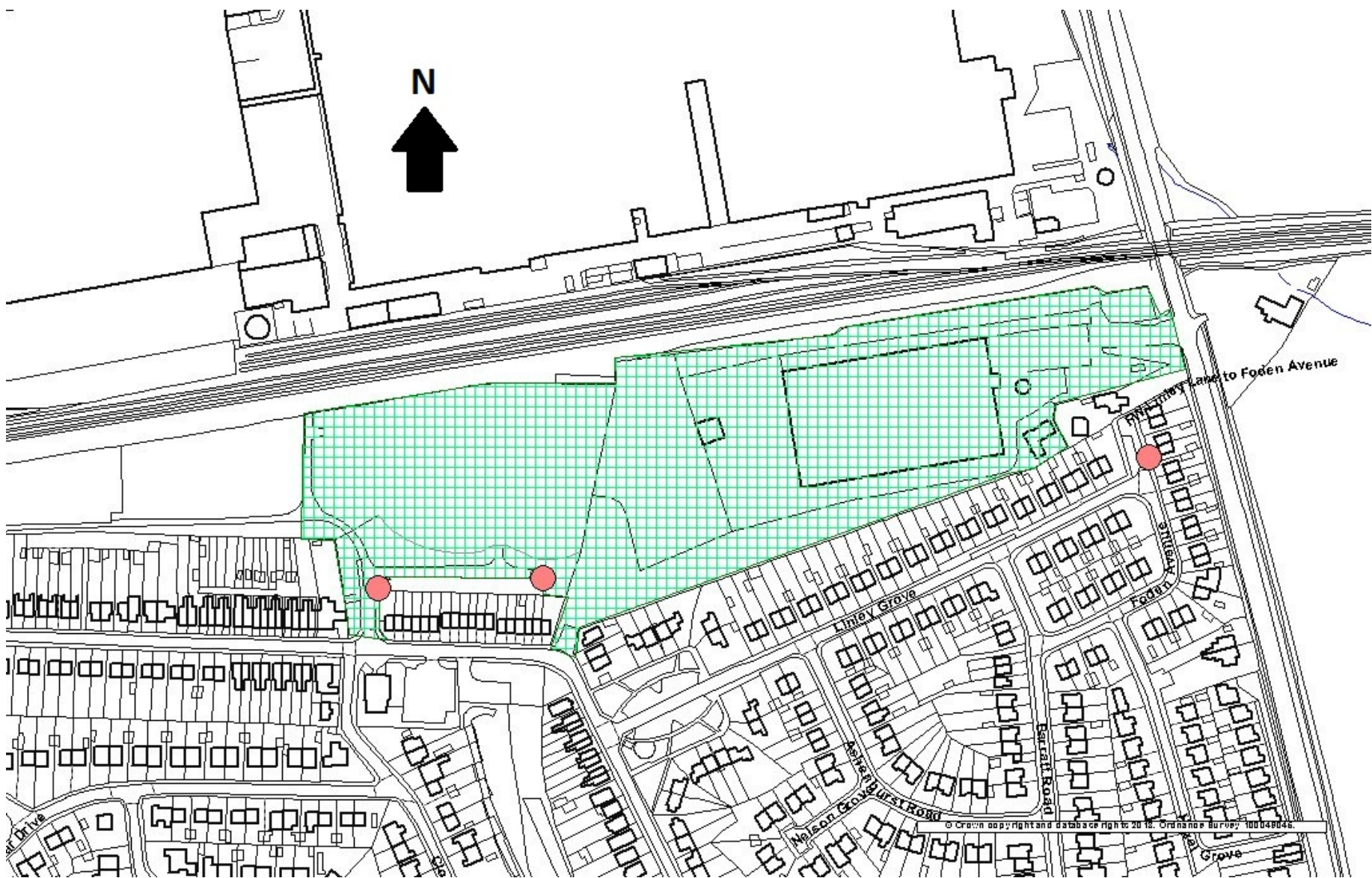
1. Standard Outline
2. Submission of Reserved Matters
3. Time limit for submission of reserved matters
4. Approved Plans – (parking layout/driveways and courts size/position/ use not approved on indicative masterplan
5. Electric vehicle infrastructure shall be provided on car parking spaces/ each dwelling
6. 6870 square metres of useable formal open space and childrens play space shall be provided within the site (not including noise buffer zones or incidental spaces/verges)
7. Pile driving limited to 08:30 to 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays
8. The developer shall agree with the LPA an Environmental Management Plan (EMP) with respect to the construction phase of the development. The EMP shall identify all potential dust sources and outline suitable mitigation. The plan shall be implemented and enforced throughout the construction phase.
9. Prior to the commencement of development an additional Phase II Contaminated Land Assessment shall be submitted to the LPA for approval in writing.

10. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
11. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority.
12. Noise mitigation to be submitted and implemented to achieve a good standard and the proposed mitigation for the gardens closest to potential noise sources will require the recommended design criteria of <55dB LAeq to be achieved.
13. No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority showing how at least 10% of the predicted energy requirements of the development will be secured from decentralised and renewable or low-carbon sources. The scheme shall be implemented as approved and retained thereafter.
14. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.
15. 105 units maximum
16. Any reserved matters application for housing to include detailed proposals for the incorporation of features into the scheme suitable for use by roosting bats and breeding birds including swifts and house sparrows. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.
17. Works should commence outside the bird breeding season
18. No trees shall be removed without the prior approval of the LPA.
19. Landscaping Scheme including details of boundary treatments to be submitted
20. Submission of Statement Design (site wide) of part of 1st reserved matters principles to take into account, the Master Plan and the Parameters Plan and to include the principles for:
 - determining the design, form, heights and general arrangement of external architectural features of buildings including the roofs, chimneys, porches and fenestration;
 - determining the hierarchy for roads and public spaces;
 - determining the colour, texture and quality of external materials and facings for the walls and roofing of buildings and structures;
 - the design of the public realm to include the colour, texture and quality of surfacing of footpaths, cycleways, streets, parking areas, courtyards and other shared surfaces;
 - the design and layout of street furniture and level of external illumination;
 - the laying out of the green infrastructure including the access, location and general arrangements of the children's play areas, open space within the site

- sustainable design including the incorporation of decentralised and renewable or low carbon energy resources as an integral part of the development
 - ensuring that there is appropriate access to buildings and public spaces for the disabled and physically impaired.
 - scale parameters for 2.5 storey buildings (maximum) on key parts of the site
 - SUDS details to be submitted
 - All subsequent phases and reserved matters to comply with overall strategy unless otherwise agreed
21. Reserved Matters to include Arboricultural Implication Study (AIS) in accordance with para 5.4 of BS5837:2012 Trees in Relation to Design, Demolition and Construction -Recommendations , Constraints and Tree Protection Plan and Arboricultural Method Statement
 22. Landscaping implementation
 23. Umbrella Travel Plan to be submitted with 1st reserved matters and each Phase of development to include travel plan
 24. scheme to manage the risk of flooding from overland flow
 25. Existing and proposed levels to be submitted as part of each phase/ each reserved matters application whichever is sooner.
 26. Each phase to include an area of useable public open space as detailed on plan 14-028-P-001 Rev B with access strategy from wider area
 27. first reserved matters application to provide a detailed design/management regime for the Ecological Area

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

Should this application be the subject of an appeal, resolve to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement as above



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Application No: 15/2232C

Location: LAND AT, MOSSLEY HOUSE, BIDDULPH ROAD, CONGLETON, CHESHIRE, CW12 3LQ

Proposal: Full planning application for the erection of 10 no. dwellings with associated garages, car parking, landscaping, means of access and site infrastructure.

Applicant: Elan Homes Ltd

Expiry Date: 14-Aug-2015

SUMMARY:

The site is within the Settlement Zone Line of Congleton, where there is a presumption in favour of sustainable development. There is also an extant approval for a 52 apartment block on the site, which would have a much greater impact than the proposed 10 residential dwellings.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing within 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, trees and design.

RECOMMENDATION:

Approve subject to conditions and a s106 Agreement to secure payment for off site tree planting.

PROPOSAL

Full planning permission is sought for the erection of 10 dwellings, with associated garages, car parking, landscaping, means of access and associated infrastructure. Access would be taken from Biddulph Road using a one-way entry/exit arrangement, leading to a main spine road to serve the dwellings.

SITE DESCRIPTION

The site previously housed the dwelling known as Mossley House, which has now been demolished in line with the approval of previous planning applications (09/1127C & 11/3695C). It is located on Biddulph Road approximately 2km from Congleton town centre. It has an irregular shape and total area of 0.78 ha.

The site contains many mature trees around the edge and to the front, as well as substantial hedgerows along the southern boundary. Some of these trees are protected by TPO and allow significant screening.

The current access is from Biddulph Road to the west of 'The Lodge'. There are two other disused access points to the site off Biddulph Road and on the corner of Biddulph Road and Reades Lane respectively.

The site is located within a residential area, characterised mainly by detached single storey and two-storey family dwellings. The land slopes to the south and east with the neighbouring residential properties to the east being at a lower level than the application site.

RELEVANT HISTORY

11/3695C Approval for C2 residential accommodation with care comprising 52 apartments

09/1127C Approval for demolition of Mossley House and erection of C2 residential accommodation comprising 43 apartments

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 adopted Congleton Borough Local Plan First Review 2005, which allocates the site as being within the within Open Countryside.

The relevant Saved Policies are: -

PS4 – Towns

H1 & H2 – Provision of New Housing Development

H4 – Residential Development in Towns

H13 – Affordable and Low Cost Housing

GR1 – New Development

GR2 – Design

GR3 – Density, Housing Mix and Layout

GR4 – Landscaping

GR6 – Amenity and Health

GR7 – Pollution

GR9 - Accessibility, Servicing and Parking Provision

GR22 – Open Space Provision

NR1 – Trees and Woodlands

NR2 – Statutory Sites

NR3 - Habitats

SPG1 – Provision of Public Open Space in New Residential Development
SPG2 – Provision of Private Open Space in New Residential Developments
SPD14 – Trees and Development

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
SC 4 Residential Mix
SC 5 Affordable Homes
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
PG6 Spatial Distribution of Development
EG1 Economic Prosperity

CONSULTATIONS:

Highways:

The Head of Strategic Infrastructure (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 subject to conditions and an informative.

Environmental Protection:

No objection subject to conditions and informatives relating to noise and disturbance, contaminated land and electric vehicle charging points.

United Utilities:

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

Town Council:

No objection.

REPRESENTATIONS:

Neighbour notification letters were sent to neighbouring properties and a site notice posted.

At the time of report writing 2 representations have been received which can be viewed on the Council website. One supports the application subject to ecology and tree issues. The other objects to the development on the grounds of loss of privacy and property price depreciation.

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 Settlement Zone Line as designated in the adopted Congleton Borough Local Plan First Review 2005, where there is the presumption in favour of sustainable development.

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 presumption in favour of sustainable development.

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, 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

Trees and Hedgerows

The site is covered by two Tree Preservation Orders (Congleton Borough Council (Henshall Hall) Tree Preservation Order 1978 (Group G10) and Congleton Borough Council (Congleton – Henshall Hall No.2) TPO 1995 (Group G3 and Woodland W1)

Originally the proposal was for 12 dwellings on the site. However, due to the significant constraints that trees on the site present, this was revised down to 10 dwellings. This was due to issues posed by existing trees with regard to shading, low daylight and sunlight levels and private amenity space.

The revised layout provides for an improved relationship in terms of Plots 1 to 5 and the TPO trees to the northern east boundary and Plot 7 has been revised to provide an improved relationship to the protected Sycamore (T7), providing a distance of 12 metres on a north facing aspect, which is considered to be acceptable. Some pruning of the crown of a protected Lime tree (T8) will be necessary to provide a 2 metre clearance from the garage of Plot 7, to allow for construction space and it is not considered that this would be detrimental to the health of the protected tree.

There is a proposed no-dig method to be used for the access off Biddulph Road and a detailed Construction Method Statement should be secured by condition. In addition, the access must be completed prior to any other development taking place on the site, to ensure protection of the trees.

Following discussions with the Principal Forestry and Arboricultural Officer, it has been agreed that there is not sufficient space for large canopy planting along the north east section of the site. As such it has been agreed with the developer that a commuted sum of £5,000 will be provided for off site planting within the immediate area to compensate for tree loss. This should be secured by a legal agreement and the developer has offered to submit a Unilateral Undertaking to secure this. At the time of report writing it has not been possible to discuss this with the Legal Section of the Council and an update will be provided to clarify this matter prior to the meeting.

Subject to conditions and the delivery of the commuted sum for off-site planting, the proposal is considered to be acceptable in terms of impact on trees and in accordance with Policy NR1 of the adopted local plan.

Ecology

The ecological field work undertaken to inform the submitted assessment was undertaken in January a very poor time of year to undertake assessments of this type. However, considering the nature of the habitats present on site this does not present a significant constraint on the assessment of the sites nature conservation value.

The desk top survey undertaken as part of the submitted assessment has failed to identify Dane in Shaw Brook Meadows Local Wildlife Site which is located 120m north of the application site. However, it is considered that the proposed development is not likely to have a significant adverse impact upon this designated site.

No evidence of protected species activity was recorded on site during the latest survey. Some limited evidence of activity was previously recorded on site during earlier ecological appraisals. The reduction in activity may reflect the clearance works undertaken on site.

A number of bat boxes were previously attached to trees on site to mitigate for the loss of a bat roost associated with the previously demolished buildings. One of these bat boxes was identified as supporting an active roost in 2011. The submitted ecological appraisal states that the tree with bat boxes attached would be retained as part of the proposed development. The precise location of the bat boxes is not provided with the ecological assessment however the submitted tree survey identifies two trees (Tree 43 and 45) with 'objects' attached to them which relates to the bat boxes.

A record for White Letter Hairstreak was provided 100m north of the site. The absence of Elm trees probably means that the development site is not important for this species. However, it is recommended that English Elm of a suitable type is included in the landscaping of the site to enhance the habitat of this species.

The Common Toad, which is a local BAP species and hence a material was previously recorded as breeding at a pond near to the proposed development however it appears unlikely that that proposed development will have a significant adverse impact upon this species.

If planning consent is granted it is recommended that the conditions are imposed to safeguard nesting birds.

Design & Layout

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

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

The proposed dwellings would be of a traditional design with gable features, some bay windows and a variety of finishes including red brick, off-white render and grey concrete roof tiles. Both the design and finish of the proposed dwellings would be appropriate in the context of the site and in keeping with the character and appearance of the site.

The layout is largely dictated by the constraints that protected trees on the site present and following the submission of the revised layout and reduction in the number of dwellings, it is considered that the layout is now acceptable.

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

Highways

The site is considered to be in a sustainable location, a number of facilities are within reasonable walking and cycling distance of the site including the town centre of Congleton which offers sustainable access to a range of retail and leisure facilities; and employment opportunities. There are a number of bus stops within reasonable walking distance of the site and Congleton railway station is within the maximum recommended walking distance of 800m to a fixed public transport node providing sustainable access to a range of local and regional destinations.

The internal layout of the site has been reviewed and is considered suitable for a development of 10 dwellings, furthermore, vehicle swept path analysis has been submitted to demonstrate that a large refuse vehicle can serve the site safely.

The proposed pedestrian and vehicular access arrangements for the site are the same as those submitted for the two previously consented planning applications i.e. separate points of one-way access and egress; although, the access proposals associated with this application have a minor amendment to ease access to the site for a refuse vehicle.

A development of up to 10 dwellings would be expected to generate less than 10 two-way trips during the morning and evening commuter peak periods; this level of traffic generation would not be expected to have a material impact on the operation of the adjacent or wider highway network.

The HSI is therefore satisfied that the development proposals can be safely accommodated on the adjacent highway network; accordingly, the HSI has no objection to the planning application subject to conditions relating to the access and an informative relating to a s278 Agreement.

Air Quality

The cumulative impact of a number of developments in the area (regardless of their individual scale) has potential to significantly increase traffic emissions, change the character of traffic in an area, increase HGV movements and as such adversely affect local air quality for existing residents by virtue of additional road traffic emissions. As such a condition should be imposed requiring electric vehicle charging points to be provided to all the dwellings.

ECONOMIC SUSTAINABILITY

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

Paragraph 19 states that:

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

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Congleton, 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 Congleton Station and bus services, and Congleton offers a wide range of essential facilities and the development would contribute to the supply of housing in the local area.

Affordable Housing

The proposal is for less than the threshold for a requirement for affordable housing, therefore no affordable housing should be sought within the development.

Residential Amenity

The proposal is for 10 detached dwellings on this site. The required separation distances of 21.3m between principal elevations and 13.7m between principal elevations and flank elevations would be achieved between the existing and proposed dwellings, meaning that there would be no significant adverse impact on privacy or light levels.

Adequate private residential amenity space could be provided within the domestic curtilage of the properties to provide recreational space and bin storage.

Following the submission of the revised layout, it is considered that there would no longer be issues of overshadowing of gardens and properties by existing trees within the site.

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

Response to Objections

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. There is an objection on the grounds of loss of privacy, however the proposed development would meet all the required separation distances. In addition there is already approval for a block of 52 apartments on the site and this proposed development would have a significantly lower impact. The matter of property prices is not a material planning consideration.

S106 Contributions:

LEVY (CIL) REGULATIONS

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

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

As explained within the main report, replacement tree planting to mitigate for the loss of some trees within the site is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. It would help to make the

development sustainable and is a requirement of Policy NR1 and Supplementary Planning Document No.14: Trees and Development.

Conclusion – The Planning Balance

The site is within the Settlement Zone Line of Congleton, where there is a presumption in favour of sustainable development. There is also an extant approval for a 52 apartment block on the site, which would have a much greater impact than the proposed 10 residential dwellings.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing within 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, trees and design.

RECOMMENDATION

Approve subject to the completion of a s106 Agreement to secure £5,000 for the provision of off-site, replacement tree planting and the following conditions:

- 1. Commencement**
- 2. Approved plans**
- 3. Materials in accordance with details submitted with the application**
- 4. Retention of trees identified for retention within the site**
- 5. Submission of tree and hedgerow protection measures**
- 6. Submission of a Construction Method Statement for the no-dig access off Biddulph Road**
- 7. Submission of a tree pruning/felling specification, including a 10 year management plan for the protected woodland fronting Biddulph Road**
- 8. Submission of an Arboricultural Method Statement**
- 9. The proposed access off Biddulph Road shall be constructed in accordance with the agreed specification (condition 6) and constructed prior to the commencement of any other development on the site**
- 10. Submission and approval of a Construction Management Plan including a construction compound within the site**
- 11. 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.**
- 12. Submission of an updated Remediation Strategy for contaminated land**
- 13. Provision of electric vehicle charging points for each dwelling**
- 14. Breeding bird survey for works in the nesting season**
- 15. Submission of details of features suitable for use by breeding birds including Sparrows and Swifts for inclusion within the site**
- 16. Submission of details of bat boxes for inclusion within the site**

Informatives:

1. It is recommended that the hours of noise generative* demolition / construction works taking place during the development (and associated deliveries to the site) are restricted to:

Monday – Friday	08:00 to 18:00 hrs
Saturday	09:00 to 14:00 hrs
Sundays and Public Holidays	Nil

2. The developer will be required to enter into section 278 agreement of the Highways Act 1980 with the Highway Authority for the proposed works (illustrated in ashleyhelme drawing number 1087/SP/04 rev A but revised to include pedestrian crossings as conditioned above) that are within the existing highway boundaries.

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: 15/2879C

Location: 49, PIKEMERE ROAD, ALSAGER, STOKE-ON-TRENT, CHESHIRE, ST7 2SE

Proposal: Two Storey Side Extension with Internal Alterations

Applicant: Mr A Buckley

Expiry Date: 20-Aug-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 Alsager 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 Hough for the following reason:

“The planning reason is the lack of information regarding the effect on the neighbouring property. No distances are given to show the distance to No 47 nor the scale of the extension to the neighbour.”

PROPOSAL:

Householder planning permission is sought for a two storey side extension with internal alterations.

The extension would be approximately 8 metres (m) in height to ridge and 5.0 m in height to eaves, 5.8 m in width and a depth of 10.1 m.

The original plans showed the incorrect dwelling edged red on the location plan. The drawings have been amended to reflect this mistake and re-consultation has taken place based on the correct plans. Since the re-consultation, no further issues have been raised.

SITE DESCRIPTION:

The application site is a roughly rectangular shaped piece of land, located to the north of Pikemere Road. The site comprises a detached, two storey dwelling, detached garage to the rear and associated curtilage. The surrounding area is residential in character.

The site falls within the Alsager settlement zone line.

RELEVANT HISTORY:

None relevant.

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:

Alsager 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

CONSULTATIONS:

Highways: No comment.

Environmental Health: No comment.

Alsager Town Council: Based on the revised plans Alsager Town Council have no comment to make on this application.

REPRESENTATIONS:

None received.

APPRAISAL:

Principle of Development

The proposal is for a two storey side extension to a dwelling within the settlement boundary for Alsager 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. 51, Pikemere Road (the neighbouring dwelling to the west). It is not considered that the proposal would have any significant impact on the amenity of No. 47, Pikemere Road (the neighbouring dwelling to the east of the application site) as the proposed development would be situated on the western elevation of the host dwelling and the existing built form would serve to separate No. 47 from the proposed extension.

The extension follows the ridge and eaves height of the host dwelling. It is not considered to be excessive in terms of scale and massing. There are two windows proposed on the side elevation of the proposed extension facing No. 51, both at ground floor and both serving the garage. 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 existing side elevation of No. 51, Pikemere Road includes 4 ground floor opening and 3 first floor windows facing the application site. The ground floor windows serve the porch, a toilet, kitchen and utility room (the kitchen and utility are obscured by an existing carport at No 51 Pikemere Road) and the first floor windows serve a bath room, toilet and landing. As such it is not considered that the proposed development will have any significant impact on the amenity of No. 51.

The proposed extension maintains a gap of 2.3 m to the shared boundary of No.51. 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. 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.

It is considered that the proposed extension would not have any significant adverse impact on the residential amenity of the closest neighbouring properties. 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 hipped roof facing Pikemere Road, mirroring the existing hip.

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.

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 a garage. There is enough room to park two cars at the front/side parking area of the property and, when taking into account the provision of two garage parking spaces, this provision is acceptable.

The proposal is considered in accordance with Policy GR9 (Accessibility, Servicing and Parking Provision).

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 from the Town Council in respect of amenity issues 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 Alsager and an established residential area and is in accordance with development plan policy therefore there is a presumption in favour of development.

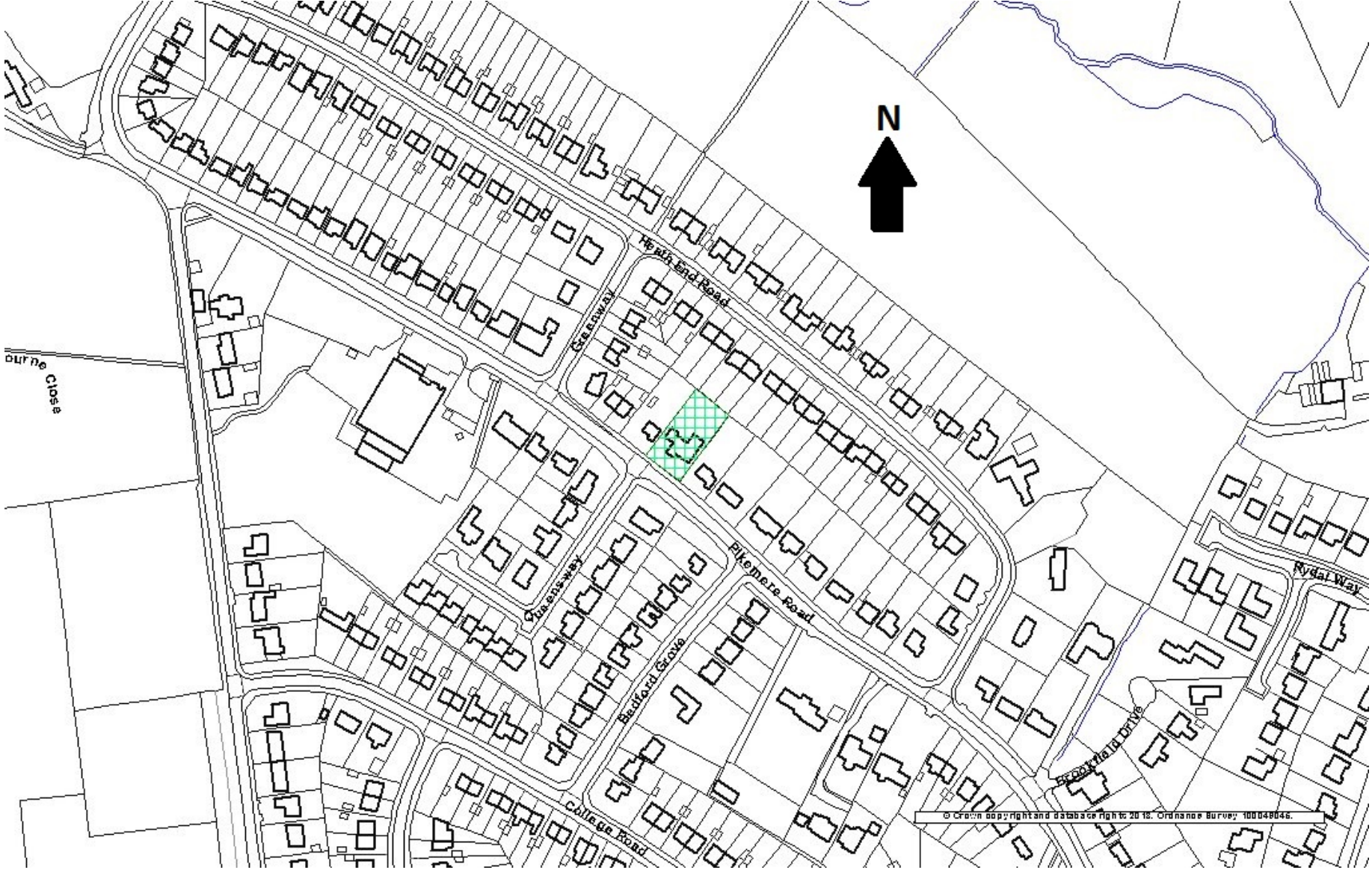
RECOMMENDATION

Approve subject to the following conditions:

- 1. Standard three year time limit**
- 2. Plans**
- 3. Materials as per application**

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in

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



Application No: 15/2910N

Location: THE GABLES, BRADFIELD ROAD, LEIGHTON, CW1 4QW

Proposal: Extension and refurbishment to an existing former nursing care home and conversion into key worker accommodation.

Applicant: Ralph Murphy, Pantheon West

Expiry Date: 01-Oct-2015

SUMMARY:

The development would bring back into use a building that is currently vacant and in a poor state of repair to the detriment of the local area.

The proposal would satisfy the economic and social sustainability roles by providing much needed accommodation close to Leighton Hospital adjacent 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.

RECOMMENDATION:

Approve subject to conditions

PROPOSAL

The application is for the conversion and extension of a former nursing home situated on the eastern side of Bradfield Road, Crewe. The development would effectively become a house of multiple occupation, aimed at accommodating key workers from Leighton Hospital, which is in close proximity to the site.

SITE DESCRIPTION

The application site is situated on the north eastern side of Bradfield Road, Leighton. The site lies within the open countryside but is adjacent to a site that has approval for 400 houses (11/1879N – Land North of Parkers Road).

The building to be converted and extended is a two storey, 'L' shaped building, with a brick and tile finish. It is a former nursing home that has been vacant for some time but is in a reasonable state of repair.

The site is in close proximity to Leighton Hospital.

RELEVANT HISTORY

12/3771N Withdrawn application for residential development

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 14 and 47.

Development Plan:

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

The relevant Saved Policies are: -

BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.5 – Infrastructure
BE.6 – Development on Potentially Contaminated Land
NE.2 – Open Countryside
NE.5 – Nature Conservation and Habitats
NE.9 – Protected Species
NE.17 – Pollution Control
NE.20 – Flood Prevention
RES.5 – Housing in Open Countryside
Res.9 – Houses in Multiple Occupation

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:

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:

None received at the time of report writing.

Environmental Protection:

Recommend conditions/informatives relating to noise generative works and noise mitigation in the building.

Parish Council:

None received at the time of report writing.

REPRESENTATIONS:

Neighbour notification letters were sent to neighbouring properties and a site notice posted.

At the time of report writing no representations have been received.

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. The building in question is a former nursing home that has been vacant for some considerable time and the proposal is to refurbish and extend it to provide a house of multiple occupation aimed at 'key workers' at Leighton Hospital.

Paragraph 51 of the NPPF requires that local planning authorities should "*Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty hoes strategies and, where appropriate, acquire properties under compulsory purchase powers.*" Whilst this building is not the subject of a compulsory purchase order, it would involve bringing back into use a building that has been vacant for some considerable time.

Policy RES.9 requires that the conversion of buildings to houses of multiple occupation are acceptable subject to the provision of satisfactory living conditions for future residents, acceptable design, the proposal would not cause noise transmission or overlooking to neighbouring

properties and that safe access and adequate parking are provided. The proposal meets the requirements of this policy and is therefore considered to be acceptable in principle.

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 very close proximity to Leighton Hospital where the developers are targeting the occupation of the building to staff working there (key workers). Whilst it would not be reasonable to condition that only key workers occupy the accommodation, it is likely that it would be most attractive to that group.

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

Open Countryside

The site is designated as being within open countryside and therefore not the first priority for development. It does however involve the redevelopment of an existing building that has been vacant for a considerable amount of time. Clearly the provision of accommodation would be of benefit as would the improvements to the building.

Furthermore, planning permission has been granted for residential development on the land to the rear and so the site will no longer appear as part of the open countryside. Consequently, any adverse effect would be minimal.

Trees and Hedgerows

The application is supported by a Tree Survey and Constraints Plan by a suitably qualified arboriculturist.

The Council's expert in issues relating to trees has assessed this information and is in agreement with its findings. These include the fact that the site contains trees comprising almost all being of the genus Cypress, all of which are considered to be low value Category C specimens in terms of the British Standard. Therefore they should not be seen as a constraint to development.

The proposal includes an extension to the rear of the existing building. The extension would be contained within the existing curtilage of the site and would not have any significant impact on the openness of the countryside or the landscape character of the area.

Subject to conditions relating to the landscaping of the site, the proposal is considered to be acceptable in terms of its impact on trees and the wider landscape.

Ecology

The habitats on the site are considered to be of relatively limited nature conservation value.

No evidence of roosting bats was recorded during the submitted ecological survey, the survey was undertaken very late in the survey season. However on balance it is considered that roosting bats are not reasonably likely to be affected by the proposed development.

The submitted ecological assessment states that there are records of Great Crested Newts close to the proposed development site. There is a small pond present on site but this is of very low value for Great Crested Newts. It is considered that considering the poor quality of the pond and terrestrial habitat on site Great Crested Newts are not reasonably likely to be present or affected by the proposed development.

There are anecdotal records of grass snakes in the broad locality of the application site. The application site however provides only small areas of suitable habitat for reptiles. It is therefore considered that reptiles are not reasonably likely to be present or affected by the proposed works.

If planning consent is granted a condition should be imposed to ensure the protection of breeding birds.

Design & Layout

The application involves the conversion and extension of this former nursing home. The refurbishment of the existing building would improve the character of the area as it is currently vacant and is beginning to fall into a poor state of repair to the detriment of the locality.

Having regard to the extensions, they are to the rear of the site, set well back from the road and would be barely visible from the street scene. The materials used would match those on the existing building as closely as possible.

Highways

At the time of report writing there has been no formal response from the Head of Strategic Infrastructure (HSI). However verbal discussions have taken place and the HSI is satisfied that the access and parking arrangements would be acceptable. An update will be provided when formal comments are received.

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 provide accommodation for key workers at Leighton Hospital as well as bringing direct and indirect economic benefits to Crewe, 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 Leighton Hospital and the developers are targeting the staff there as occupants of the rooms in the building.

Residential Amenity

The extension would be to the rear of the site and would be in excess of 30 metres away from the nearest existing residential property. As such there would be no significant adverse impact on the residential amenity of the property. To the north east of the site, there is approval for a development of 400 houses. However, given the siting of the extension and the position of windows, in both it and the approved dwellings, there would be no significant adverse impact on residential amenity. Officers have assessed the proposal in the light of the approved plans and have confirmed that the minimum separation distances of 21m between principal windows and 13m between principal windows and flank elevations will be achieved between the new building and the nearest approved dwellings to the north.

Adequate communal amenity space will be provided within the site to provide recreational space and bin storage.

Due to the proximity to the road, an Environmental Noise Assessment was submitted with the application. This includes recommended mitigation measures for the protection of residents from road traffic noise and a condition should be imposed requiring compliance with this mitigation scheme.

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

Conclusion – The Planning Balance

The development would bring back into use a building that is currently in a poor state of repair to the detriment of the local area.

The proposal would satisfy the economic and social sustainability roles by providing much needed accommodation close to Leighton Hospital and in close proximity 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, landscape and design.

The proposal is therefore considered to be sustainable development and the presumption in paragraph 14 of the Framework applies. The adverse impacts would not significantly and demonstrably outweigh the benefits and accordingly it is recommended for approval.

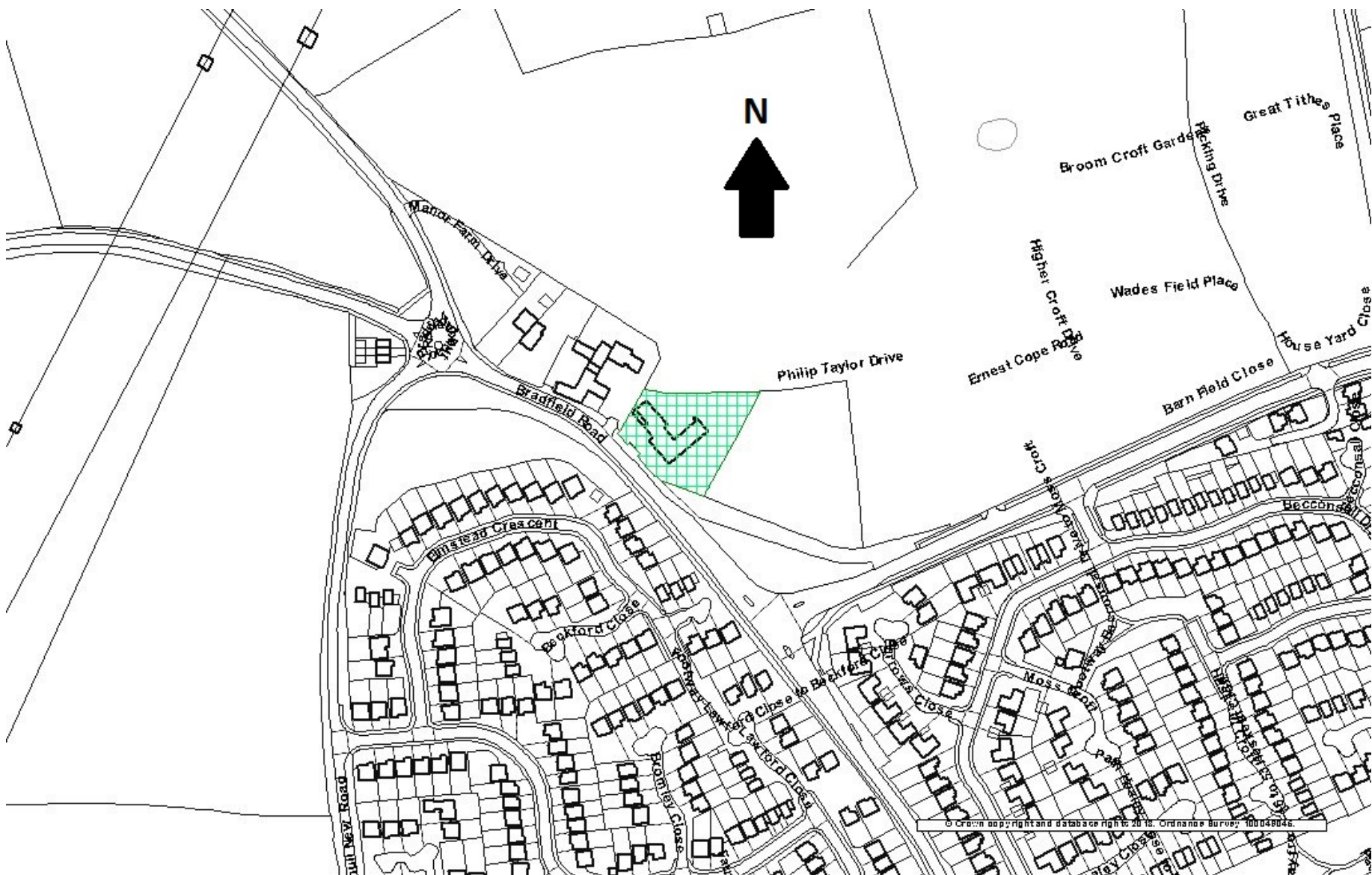
RECOMMENDATION

Approve subject to the following conditions:

- 1. Commencement of development**

2. Approved plans
3. Materials as stated in the application
4. Submission and approval of a construction management plan including 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. Compliance with the mitigation measures in the Noise Assessment
7. Submission of a landscaping scheme
8. Implementation of a landscaping scheme
9. Submission of details of external lighting
10. 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: 15/3840N
Location: 48 , Wistaston Road, Crewe, Cheshire East, CW2 7RE
Proposal: Proposed construction of apartments on land
Applicant: GHP4 Limited
Expiry Date: 15-Oct-2015

SUMMARY:

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

Following amendments the design and layout is considered to be appropriate in this location.

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

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

RECOMMENDATION:

Approve subject to conditions

CALL IN

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

“Access for motor vehicles on what appears to be a narrow point of entry. A three storey building where all other properties are two storey. This is not in keeping with the street scene and area. Inaccuracies in the design statement Lack of disabled access.”

PROPOSAL

This is an application for full planning permission for the erection of an apartment block to accommodate nine apartments, with associated parking and bin storage. The building would be three storey to the front, with a basement level at the rear containing plant room, and cycle store and other storage areas. The materials would be a mixture of red brick and render with grey roof tiles.

Access would be taken from the existing access to the site off Wistaston Road.

SITE DESCRIPTION

The application site comprises a vacant parcel of land on the southern side of Wistaston Road, Crewe. Aerial photographs indicate that the site has previously been used for the motor trade. Wistaston Road has a mix of residential and commercial uses.

The site is approximately 0.7 miles from the town centre and is designated as being within the settlement boundary of Crewe.

RELEVANT HISTORY

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

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 7, 14 and 19.

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site as being within the 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
- RES.2 – Unallocated Housing sites
- NE.17 – Pollution Control

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

- SD 1 Sustainable Development in Cheshire East
- SD 2 Sustainable Development Principles
- SE 1 Design

SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
EG1 Economic Prosperity

CONSULTATIONS:

Highways:

Originally objected to the application due to parking and bin storage provision. These objections have now been addressed.

Environmental Protection:

Recommend conditions/informatives relating to pile driving, contaminated land, noise and vehicle charging points.

United Utilities:

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

Parish Council:

Object to the proposal on the grounds of inadequate parking and bin storage.

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 concerns about the height of the building, over bearing appearance, access and damage to their property, there are enough flats in the area and impact on the neighbouring car wash.

APPRAISAL

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

Principle of Development

The site is within the settlement boundary of Crewe where there is a presumption in favour of development. This is a mixed residential and commercial area where apartments are considered to be an acceptable form of development and therefore acceptable in principle.

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

Sustainability

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

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

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

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

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

ENVIRONMENTAL SUSTAINABILITY

Design & Layout

The proposed apartment building would be three storeys at the front with a partial basement element to the rear. As originally submitted the proposal had slightly higher ridge height and a more monolithic appearance to the front elevation. The proposal has been amended by slightly lowering the ridge height, and design changes breaking up the front elevational detail, including a low wall with railings and the addition of chimney features. Whilst the building does contain three storeys, the ridge height of the building would only be approximately 1m higher than the neighbouring property, which is not considered to be excessive.

The materials used would be a mixture of brick and render, with a grey tiled roof, which would be appropriate in this area.

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

Highways

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

The HSI's concerns were that there was a shortfall of one parking space and that the bins were not stored in an area that would be accessible to refuse collectors and the amended plans show an additional parking space and the bin storage area re-located closer to the entrance to the site.

The proposal is therefore considered to be acceptable in terms of access and parking and in compliance with Policy BE.3 of the adopted local plan.

Locational Sustainability

The site is sustainably located close to the town centre of the Principal town of Crewe.

ECONOMIC SUSTAINABILITY

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

Paragraph 19 states that:

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

With regard to the economic role of sustainable development, the proposed development will provide employment in the short term during construction and bring direct and indirect economic benefits to Crewe, including jobs in construction and economic benefits to the construction industry supply chain.

SOCIAL SUSTAINABILITY

Residential Amenity

The proposed apartment building would be situated in a mixed residential and commercial area with a residential property to the east and a commercial car wash to the west.

The property most impacted by the development would be 46 Wistaston Road, which is a traditional terraced property. There are no windows in the side elevation of this property, meaning that privacy and light to this elevation would not be affected. The occupier of this property has expressed concerns that an additional boundary wall would be oppressive to their garden area, which is at a lower level. However the proposal does not include any additional boundary treatments and merely retains the existing wall.

To the west of the site is a car wash and as this is already situated within an existing residential area, a refusal on the grounds of the residential amenity of the future occupiers of the building could not be sustained. However a condition requiring submission of noise mitigation methods should be imposed.

The neighbouring car wash has expressed concerns about dust during construction having an adverse impact on his business. This is an issue that can be controlled under other legislation and does not need to be included as a planning condition.

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

Contaminated Land

The application site has a history of works, brewery and depot use and therefore the land may be contaminated. As such a Phase 1 Contaminated Land Report should be submitted to fully assess the ground conditions at the site. This should be secured by condition.

Air Quality

In terms of air quality the site is within the vicinity of the Wistaston Road Air Quality Management Area. As such it is considered reasonable to require the provision of electric vehicle charging points on each of the parking spaces within the site, as this would encourage the uptake of ultra-low emission vehicles that in turn would be of benefit to local air quality.

Housing Land Supply

The Council cannot currently demonstrate a 5 year supply of housing land. The proposal would assist in providing much needed housing without resulting in any loss of greenfield or agricultural land.

Open Space

With regard to private amenity space, the plans show a paved area to the rear of the building where residents could sit outside and washing could be dried. Whilst this would not meet the requirements of 50sqm per dwelling, given the small size of the units, it is not considered that this would not constitute family accommodation, the proximity to the town centre and existing public open space means that this is considered to be acceptable.

Furthermore, no Public Open Space is provided within the proposed development. Policy RT3 states that *“in small residential developments likely to be occupied by less than 50 people, contributions will be required towards the provision of children’s play equipment and casual recreational open space which is reasonably related to the nature of the development proposed, provided that such contributions would secure provision in an easily accessible location and where it would directly benefit the occupiers of the new development.”*

The site has ready access to the existing Public Open Space at Valley Park which is within easy walking distance of the site. However, given the small scale of the development it is not considered that a financial contribution would be “reasonably related in scale and kind” to the development and would not meet the requirements of the CIL Regulations.

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. The matter of keeping the access road clear at all times is a private matter between land owners.

CONCLUSION – THE PLANNING BALANCE

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

Following amendments the design and layout is considered to be appropriate in this location.

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

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

RECOMMENDATION

Approve subject to conditions:

- 1. Commencement**
- 2. Approved plans**
- 3. Materials in accordance with the details submitted with the application**
- 4. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays and submission of a piling method statement**
- 5. Submission of details of external lighting**
- 6. Submission of a Phase 1 Contaminated Land Report**
- 7. Submission of noise report and mitigation measures**
- 8. All parking spaces laid out and available for use prior to first occupation of any of the units**
- 9. Provision of electric vehicle charging points to all parking spaces**
- 10. Bin/recycling facilities to be provided and available for use prior to first occupation of any of the units**
- 11. Submission of drainage scheme to include the disposal of foul and surface water**

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.

Application No: 15/3873N

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

Proposal: Variation of Condition 13 (Range of Goods) on Application 12/0316N - Proposed new build, non-food retail unit, up to 3715 sq.m (Use Class A1), including access and associated infrastructure.

Applicant: Andrew Bird, Maconstone Ltd.

Expiry Date: 24-Nov-2015

CONCLUSION:

The proposal will contribute to economic sustainability through the provision of a new retail unit and creation of jobs. The amended condition would not prejudice the vitality and viability of the town centre. There would be no adverse social or environmental implications of the proposal. The scheme 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 Deed of Variation and conditions

REASON FOR REPORT:

The proposal is a variation of a condition relating to a major development requiring a Committee decision.

PROPOSAL:

Planning permission has been granted for the construction of a single Class A1 retail unit with associated parking, landscaping and infrastructure.

Condition 13 on the outline consent currently states:

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

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

The site owner has had interest from a Builders Merchants to occupy the site and whilst it is considered that the Builders Merchant can operate within the restrictions of condition 13, for further comfort the applicant has nevertheless requested that the condition be amended as follows:

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

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

SITE DESCRIPTION:

The site consists of an 8.1 hectare area comprising of a cleared site formerly occupied by single storey general industrial, car dealership buildings, formerly known as Bristol Street Motors, and is bounded to the west by railway lines filtering into Crewe railway station, to the north and south by commercial premises. A number of residential properties stand on the opposite side of Macon Way.

RELEVANT HISTORY:

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

14/4644N (2014) Approval of reserved matters for Proposed new build, non-food retail unit, up to 3715 sq.m (Use Class A1), including access and associated infrastructure.

14/4901N (2014) Variation of conditions relating to sale of bulky goods (withdrawn)

NATIONAL & LOCAL POLICY

National Policy:

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

Development Plan:

The relevant Saved Policies are: -

- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- BE.5 (Infrastructure)
- TRAN.1 (Public Transport)

TRAN.3 (Pedestrians)
TRAN.4 (Access for the Disabled)
TRAN.5 (Provision for Cyclists)
TRAN.6 (Cycle Routes)
TRAN.9 (Car Parking Standards)
S.10 (Major Shopping Proposals)
S.12.2 (Mixed Use Regeneration Areas) Mill Street, Crewe
E.7 (Existing Employment Sites)

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

CONSULTATIONS:

None received at the time of report preparation.

REPRESENTATIONS:

One letter has been received stating that they fully support this long delayed development.

APPRAISAL:

The principle of retail development on this site has been established by the previous outline consent on this site. Consequently, the principle of the development has already been established and this application does not present an opportunity to re-examine those issues. The main issues in the consideration of this application is whether broadening the list of good permitted to be sold from the premises to including building supplies would be acceptable in sustainability terms.

Economic Sustainability

The condition was applied in order to protect the vitality and viability of the town centre. Sales of building supplies does not lend itself to town centre retail units due to the bulky nature of the goods and need for access by HGV's. Therefore the proposed modification would not impact on the vitality and viability of the town centre and would accord with the principles in the Local Plan policy and the NPPF.

Although the principle of the development has been established, the approval of the variation of the condition will give the potential tenant the comfort to occupy the building will allow the new retail unit to be realised which will be of economic benefit to the town through the provision of a new business with associated job creation.

Environmental Sustainability

There are no implications for environmental sustainability.

Social Sustainability

There are no implications for social sustainability.

S106 contributions:

The original outline consent was subject to a Section 106 Agreement provision of £40,000 for traffic management improvements in the local area. The variation of conditions permission will require a Deed of Variation to this Section 106 to reference the new consent.

Planning Balance

The proposal will contribute to economic sustainability through the provision of a new retail unit and creation of jobs. The amended condition would not prejudice the vitality and viability of the town centre. There would be no adverse social or environmental implications of the proposal. The scheme 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

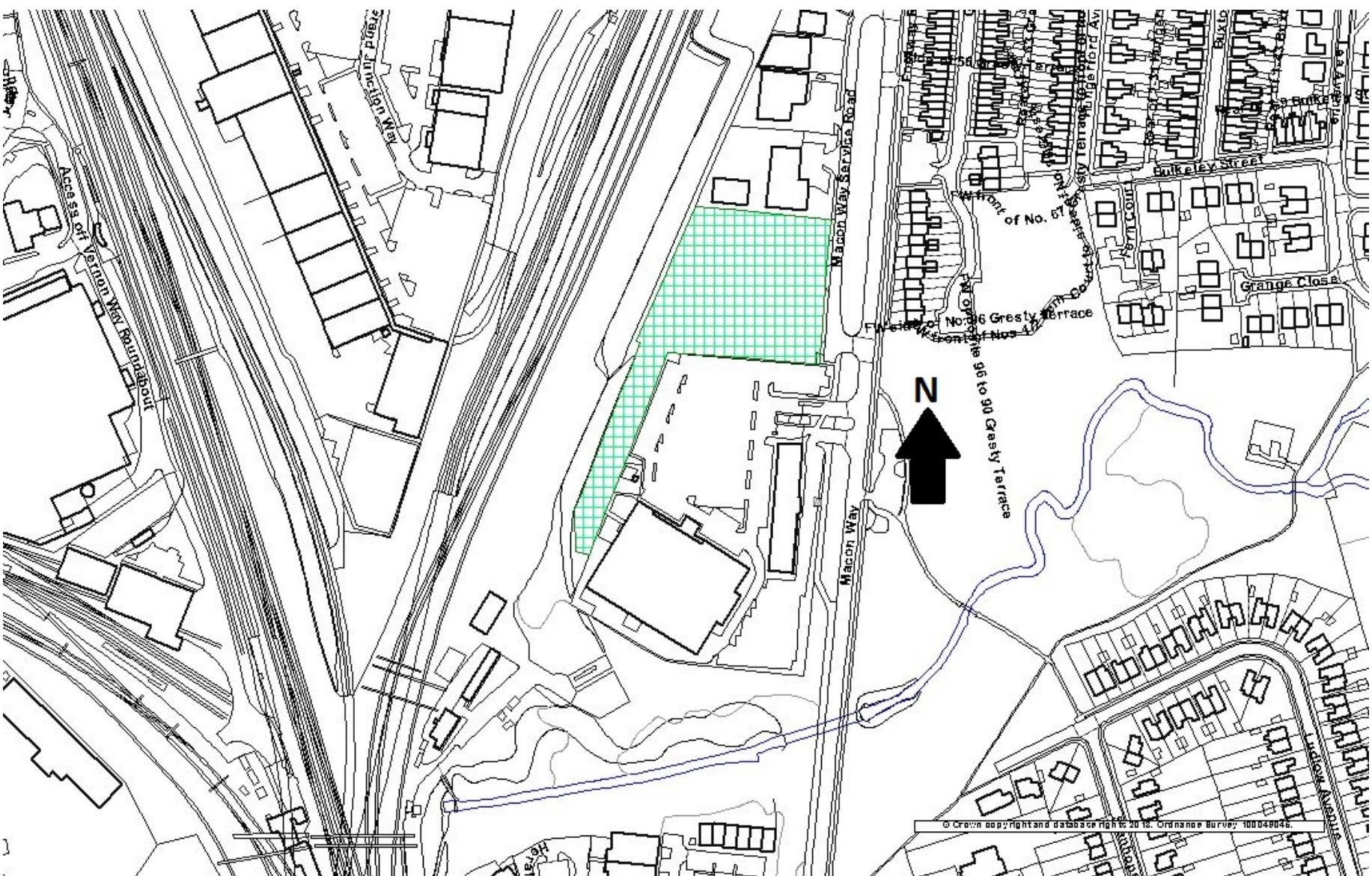
APPROVE subject to Deed of Variation to the Section 106 Agreement to reference the new consent and the following conditions:

1. **Commencement of Development**
2. **Reserved Matters**
3. **Plans**
4. **Details of Materials to be submitted and approved in writing**
5. **Details of Surfacing Materials to be submitted and approved in writing**
6. **Details of any external lighting to be submitted and approved in writing**
7. **Landscaping to be submitted**
8. **Landscaping Implemented**
9. **Details of secured covered cycle parking to be submitted and approved in writing**
10. **Details of bin storage areas to be submitted and approved in writing**
11. **Details of boundary treatment to be submitted and approved in writing**
12. **Restrict the Use of Unit to A1**
13. ***The range and type of goods to be sold from the non-food retail units hereby permitted shall be restricted to the following: DIY and building supplies and/or garden goods; furniture, carpets and floor coverings; camping, boating and caravanning goods; motor vehicle and cycle goods; and bulky electrical goods.***

14. Access to be formed in accordance with the approved plans
15. Car parking and turning areas to be constructed and made available prior to the unit being occupied
16. No subdivision of the building
17. Pile foundations
18. Restrict Retail Floor Space to 3715sqm
19. Contaminated Land Report
20. Air Quality Assessment
21. Noise Control – Hours of Construction
22. Waste
23. Floor Floating
24. Hours of operation
25. Travel Plan to be submitted and approved in writing
26. Details of Car Park Opening Times to be submitted and approved
27. Oil Interceptors
28. Acoustic Enclosures
29. Accesses to be constructed in accordance with the submitted plans

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

Should this application be the subject of an appeal, authority is approved to enter into a S106 Agreement to secure a Deed of Variation to the Section 106 Agreement to reference the new consent.



CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE REPORT

Date:	28 th October 2015
Report of:	Daniel Evans – Principal Planning Officer
Title:	Outline Planning for development of 68 houses including new vehicular entrance, boundaries, infrastructure and landscaping, with primary access from the Crewe Road shown and other matters reserved (15/1210N)
Site:	Open Grass Land, Crewe Road, Shavington

1.0 Purpose of Report

- 1.1 Southern Planning Committee resolved to refuse planning application 15/1210N on 8th July 2015 for the following reasons:

a) That the application be REFUSED 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 proposed development would not involve the permanent loss of best and most versatile agricultural land. The NPPF states that local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The proposed development is contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Paragraph 112 of the NPPF.

3. 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.

b) 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.

c) 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 and a scheme of management in perpetuity

- 1.2 Following the determination of the application further information has been submitted in relation to reasons for refusal 2 and 3. The purpose of this report is to consider this additional information in advance of an appeal against the refusal of application 15/1210N.

2.0 Decision Required

- 2.1 To consider the additional information which has been submitted in relation to reasons for refusal 2 and 3 in advance of an appeal which the applicant intends to lodge.

3.0 Background

- 3.1 The site of the proposed development extends to 2.19 ha and is located to the eastern side of Cholmondeley Road. The site is within Open Countryside and Green Gap. To the northern boundary of the site is agricultural land. To the south and south-east of the site is residential development which forms the village of Shavington (fronting Meadow Close, Park Estate, North Way and West Way). To the west of the site is residential development which fronts Crewe Road.

- 3.2 The land is relatively flat and is in agricultural use. There are a number of trees and hedgerow to the boundaries of the site.
- 3.3 Public Right of Way Shavington cum Gresty FP3 runs along the southern boundary of the site.

4 Proposed Development

- 4.1 15/1210N is an outline planning application for the erection of 68 dwellings. Access formed part of the application with all other matters reserved. The application includes a single access point onto Crewe Road which would be located to the western boundary of the site.

5 Officer Comment

- 5.1 In relation to BMV agricultural land an assessment has now been undertaken in relation to the quality of land on this site. This has identified that the site is Grade 3a and as a result is classed as BMV. The submitted report states that the land is not versatile in its agricultural use and is restricted to seasonal grazing of cattle. It also states that the loss of BMV in this case would not be significant and the economic benefits would be limited (the land would be expected to generate a gross margin of £2,000 per annum and this has to cover significant sums of money associated with addressing the problems caused by the sites location for example in repairing water supplies, fencing and clearing litter). Finally the report states that any development around Shavington would result in the loss of BMV agricultural land).
- 5.2 The reason for refusal related to a lack of information in relation to agricultural land and the quality of the land has now been identified. However it is still considered that this issue should form part of the planning balance and it is recommended that the appeal is defended based on the updated wording below:

The proposal would result in loss of the best and most versatile agricultural land and 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.

- 5.3 In relation to reason for refusal 3 the applicant has now provided an amended indicative plan. This plan shows an amended scheme with a development of 64 dwellings and 2972sq.m of open space (including a 6 piece LEAP). This would be an overprovision of open space based on both a development of 68 dwellings and as such reason for refusal number 3 has now been addressed.

6 Conclusion

- 6.1 On the basis of the above, in terms of the open space provision the applicant has now demonstrated that the application site can accommodate the number of dwellings proposed and the required level of POS and LEAP.
- 6.2 However, the proposal is not considered to be sustainable as it would result in the loss of BMV agricultural land, open countryside and would have an unacceptable impact on the Green Gap. Consequently, the presumption in favour of sustainable development is not engaged. Notwithstanding this, even if it were considered that paragraph 14 should be applied, the adverse impacts identified above would significantly and demonstrably outweigh the benefits including the provision of market and affordable housing and economic benefits arising from construction.

7 Recommendation

- 7.1 To defend the appeal in relation to reason for refusal 1 as existing and reason 2 on the following grounds:

The proposal would result in loss of the best and most versatile agricultural land and 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.

- 7.2 Not to contest reason for refusal 3 on the basis of the amended indicative plan.

8 Financial Implications

- 8.1 There are no financial implications.

9 Legal Implications

- 9.1 The Borough Solicitor has been consulted on the proposals and raised no objections

10 Risk Assessment

- 10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

- 11.1 For the purpose of defending the appeal based on the additional information which has been provided.

For further information:

Portfolio Holder: Councillor Ainsley Arnold
Officer: Daniel Evans – Principal Planning Officer
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Email: daniel.evans@cheshireeast.gov.uk

Background Documents:

- *Application 15/1210N*

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Southern Area Planning Committee 28th October 2015**COMMITTEE REPORT****15/3767T****Application to remove three protected Pine trees at 14 Deans Lane, Sandbach CW11 3HE****PURPOSE OF THE REPORT**

To consider and determine an application to fell three protected Pine trees (with a proposal for their replacement) and the crown lifting of a fourth Pine tree at 14 Deans Lane, Sandbach, CW11 3HE. These trees are the subject of the Congleton Borough Council (Middlewich Road No.3, Sandbach) TPO 1993. The application is from the sister of an employee of Cheshire East Council and is being presented to this Committee because the Council's Constitution requires matters relating to the preservation of trees submitted by an immediate family member or an employee of Development Management and Policy to be decided by Planning Committee.

SUMMARY RECOMMENDATION

It is recommended that the removal of the three protected Pine trees is refused and that consent is granted to the crown lifting of the fourth protected Pine tree.

WARDS AFFECTED

Sandbach Elworth

POLICIES

Corporate Plan (Objective four)

To protect the natural and recreational environment for the benefit of local communities.

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

The Council is the Local Planning Authority and has delegated to the Planning Committee the responsibility for determining applications for works to protected trees where the applicant is an immediate family member or an employee of Development Management and Policy.

RISK MANAGEMENT

Tree Preservation Orders are made to protect appropriate trees which are of public amenity, are normally visible from a public place and which may contribute to the street scene and local landscape. The three Pine trees form part of a group of protected trees located at the northern end of the applicants garden and can be currently viewed from a number of public vantage points. With any application to fell protected trees, a balancing exercise needs to be undertaken. The need and reasons submitted in support of the works applied for must be weighed against the resultant loss to the amenity of the area.

CONSULTATIONS

All Tree Preservation Order applications and Conservation Area notifications are made available to Ward Members, Town and Parish Councils on the weekly planning list

VIEWS OF THE PARISH/TOWN COUNCIL

No comments have been received

OBJECTIONS/REPRESENTATIONS

None

APPRAISAL AND CONSIDERATION OF THE APPLICATION

The applicant has requested the felling of three Pine trees which are included within Group G3 of the first schedule of the Tree Preservation Order and crown lifting of a fourth Pine tree also within the same group. The reasons given for the work are that they have very low amenity value, are not visible, therefore have no bearing on public enjoyment and are not in a public place. Some of the trees are imbalanced and misformed, are creating excessive shading and falling Pine cones and dead branches are making the area hazardous.

The Council's Principal Forestry and Arboricultural Officer carried out a site visit on 30th September 2015 to consider whether the proposed works would have an adverse effect on the amenity of the area and whether the reasons given for the works were justified.

The four trees are early mature specimens of Scots Pine located at the northern end of the garden of 14 Deans Lane, Sandbach. The pines have been measured and are about 12-13 metres tall and have been planted about 4-5 metres apart.

The group of pines can be seen from part of the public footpath (Sandbach FP33) located to the rear of the site that runs from Middlewich Road to School Lane and are easily seen looking north west from the junction of Abbey Road and Deans Lane and views between 8/10; 12/14 and 16/18 Deans Lane. The

pine group forms part of the collective value of trees in this area and contributes to the sylvan setting and backdrop for properties on Deans Lane, Middlewich Road and the public footpath.

All four pine trees are situated at the northern end of a long rectangular garden adjacent to two garden sheds and a log store. The trees are located more than 30 metres from the house.

The first pine identified for removal is situated 2 metres south of the breeze block shed. It has a slight lean and forks at 6 metres. Some browning of needles is evident on lower branches, but overall the tree is healthy and in a reasonable condition.

The second pine tree identified for removal is located between a wood store and garden shed. It has an asymmetric crown and some lower branches are touching the roof of the shed. The tree appears slightly malformed; however this is a natural growth pattern due to competition from adjacent trees.

The third pine tree identified for removal is located behind a second store and has a slight bend in its stem, some browning of needles on some lower branches but is generally healthy and in good overall condition.

The fourth pine tree, located behind the wooden shed, has been identified for crown lifting (removal of lower branches). The application however does not provide a clear specification of the extent of this proposed work.

The reasons in support of the application are that they have very low amenity value, are not visible, and are not in a public place. That some of the trees are imbalanced and malformed and are creating excessive shading and falling pine cones and dead branches are making the area hazardous.

Given that the position of the group of trees are located some distance north of the house and formal area of the garden, any shade will only be cast within the area occupied by the existing sheds and rear gardens of adjoining properties and not the lawn or more formal area of the garden.

Some of the trees have slightly malformed crowns and stems which is a normal consequence of their proximity within the protected group. There is no visual evidence to suggest that the trees are imbalanced or present a significant risk, other than the presence of some deadwood within the crowns which can be removed without the need for consent.

The applicant refers to the hazard of falling pine cones, which were observed on the ground around the base of the trees. Falling pine cones are a natural occurrence and whilst this may be an inconvenience, it is not uncommon and can be dealt with as part of regular garden maintenance. Fallen pine cones are not considered a significant justification for the felling of the three pine trees.

The crown lifting of Pine (T4) has been assessed and whilst no specific detail has been provided it is accepted that some lifting of lower branches up to a nominal height from ground level of 4.5 metres would accord with accepted arboricultural practice. Some of the lower branches up to this height are dead and could be removed under exempted works. The remaining live lower branches are inconsequential and can be deemed minor work.

Replacement Trees

The applicant has indicated that they are willing to plant three replacement Scots Pine trees (3 feet in height) on the rear and side garden boundary. The three existing Pine trees are important and have significant future growth potential and contribute to the character of the local landscape and amenity of the area. However it would take a significant amount of time for any replacements to compensate for the loss of these three trees and reasons to justify their removal need to be compelling.

RECOMMENDATION

It is recommended that the application to fell three protected Pine trees forming part of Group G3 of the Congleton Borough Council (Middlewich Road No.3, Sandbach) TPO 1993 be refused on the grounds that the submitted reasons do not justify the felling of the trees. That consent is granted for the crown lifting of Pine (T4) by removal of lower branches up to a height of no more than 4.5 metres from ground level