

Southern Planning Committee

Agenda

Date:	Wednesday, 6th January, 2016
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 - 20)

To approve the minutes of the meeting held on 25th November 2015.

Please contact Gaynor Hawthornthwaite on 01270 686467
E-Mail: gaynor.hawthornthwaite@cheshireeast.gov.uk with any apologies or requests for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

4. **Public Speaking**

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

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

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

5. **14/5801N - Working Mens Club Bungalow, Hall O Shaw Street, Crewe CW1 4AD: Outline Application for Demolition of dwelling and erection of 9no. dwellings for K Kelly (Pages 21 - 32)**

To consider the above application.

6. **15/3869N - Bentley Motor Company, Pym's Lane, Crewe, Cheshire CW1 3PL: It is proposed to convert the existing field into a private car park for Bentley Motors. The site is an existing green area which will be converted to hard standing material to suit the needs of a car park. The car park will be enclosed with fences. North east and south of the proposed car park, a 14 m width band will be dedicated for planting for Liam Devaney, Bentley Motors (Pages 33 - 44)**

To consider the above application.

7. **15/2391N - Land To The Rear Of New House Farm, Clay Lane, Haslington: Outline Application for Erection of up to 10 dwellings with detached garage buildings, landscaping and associated access for HIMOR (ILand) Limited & Lorne Waldermar, Conrad Pilip and Diane Lorraine Pilip (Pages 45 - 58)**

To consider the above application.

8. **15/1437N - Holly Cottage, Gauntons Bank, Norbury, SY13 4HP: Proposed construction of one dwelling on land adjacent to Holly Cottage for R Lewis (Pages 59 - 68)**

To consider the above application.

9. **15/3897N - Chapel Farm, Audlem Road, Hatherton, Cheshire CW5 7QT: Variation of Condition 5 on Application P07/0365 to allow unit 3 to be occupied by an agricultural worker for Mr John Roach (Pages 69 - 74)**

To consider the above application.

10. **15/4145C - Land Adjacent 17 Elm Tree Lane, Sandbach: Vacant brown field plot developed with new 4 bedroom house for John Westerside** (Pages 75 - 86)

To consider the above application.

11. **15/4766C - Mere End Barns, Hassall Road, Alsager: Outline single dwelling for Steven Hancock** (Pages 87 - 100)

To consider the above application.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 25th November, 2015 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

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

Officers in Attendance

Daniel Evans (Principle Planning Officer)
Patricia Evans (Lawyer)
Sue Orrell (Principle Planning Officer)
Neil Jones (Principle Development Officer – Highways)
Julie Zientek (Democratic Services Officer)

112 **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors D Bebbington, P Groves and
D Marren

113 **DECLARATIONS OF INTEREST/PRE DETERMINATION**

The following declarations were made in the interests of openness:

With regard to application number 15/3752N, Councillor S Edgar declared
that it was in his Ward but that he had kept an open mind.

With regard to application numbers 15/2818N and 15/3651N, Councillor B
Roberts declared that he had worked with the applicant for a number of
years.

With regard to application number 15/4576C, Councillor B Walmsley
declared that she knew the applicant but had kept an open mind.

With regard to application number 15/3394C, Councillor G Merry declared
that she knew the applicant and a supporter who had registered to speak
at the meeting. She would vacate the Chair for the consideration of this
application and would not take part in the debate or vote.

All Members of the Committee declared that they had received
correspondence with regard to application number 15/3563N.

114 **MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 28 October 2015 be approved as a correct record and signed by the Chairman.

115 **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 NIAL MELLAN, PERSIMMON HOMES NORTH WEST**

Note: Ms A Snook 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 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
9. Play area to be provided and management of open space areas to be in accordance with submitted details.
10. Boundary treatment details to be submitted
11. Hard landscaping details to be submitted
12. Existing and proposed ground levels to be submitted.
13. Tree protection scheme to be submitted.

(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.

116 **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

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

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

RESOLVED

(a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to a s106 agreement to contribute £10,000 towards the costs of the proposed footway/cycleway and 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
11. Internal layout to be submitted and approved including details of kitchens, laundry rooms (at least 3), bathrooms and communal sitting rooms
12. Details of adequate bin storage to be submitted and approved

Informative

The applicant's attention to be drawn to the requirement for a HMO licence.

(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.

117 **15/2331N LAND SOUTH OF CHESTER ROAD, ALPRAHAM:
OUTLINE APPLICATION FOR UP TO NINE DWELLINGS FOR A
HARDING**

Note: Mr M O'Brien 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 of Southern Planning Committee, to APPROVE the application for the reasons set out in the report, subject to the completion of a s106 agreement to secure two affordable units, a sum for off-site affordable housing provision, and the following conditions:

1. Commencement
2. Submission of reserved matters
3. Approved plans
4. Hours of piling limited to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday, with no working on Sundays or Public Holidays
5. Submission of Construction Management Plan
6. Provision of an electric vehicle charging point to each dwelling
7. Submission of drainage scheme to include foul and surface water including sustainable drainage systems
8. Submission of tree/hedgerow protection scheme
9. Breeding bird survey for works in the nesting season
10. Compliance with the Extended Phase One Habitat Survey
11. Reserved matters to include Noise Mitigation Scheme
12. Reserved matters to include details of external lighting
13. Reserved matters to include features for breeding birds and roosting bats
14. Reserved matters to include details of boundary treatments
15. Reserved matters to include existing and proposed levels.
16. Reserved matters to include an access point off Cinder Lane.

(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 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.

118 **15/2818N LAND SOUTH WEST OF THORNYFIELDS FARM,
HERBERT STREET, CREWE, CHESHIRE CW1 5LZ: OUTLINE
PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP
TO 12 DWELLINGS, ALL MATTERS RESERVED FOR CR MULLER,
MULLER PROPERTY GROUP**

Note: Councillor J Clowes arrived at the meeting during consideration of this item and did not take part in the debate or vote.

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

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

RESOLVED

(a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to a Section 106 Legal Agreement to secure £21,693 towards primary education and the following conditions

Submission of reserved matters

1. Standard Outline 1
2. Standard Outline 2
3. Standard Outline 3
4. Plans
5. Submission, approval and implementation of a scheme to limit the surface water runoff generated by the proposed development
6. Submission, approval and implementation of a scheme to dispose of foul drainage
7. Piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
8. Submission, approval and implementation of piling method statement
9. Electric Car Charging Points shall be provided
10. Contaminated Land
11. Public Rights of Way
12. Ecology mitigation
13. Development to be carried out in accordance with the submitted site specific drainage plan
14. Phasing plan for the development and the adjacent site to be submitted and approved

(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.

119 **15/3651N LAND ADJACENT YEW TREE FARM, CLOSE LANE, ALSAGER ST7 2JP: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AND ACCESS, ALL OTHER MATTERS RESERVED FOR MR C R MULLER, MULLER STRATEGIC PROJECTS**

Note: Councillor D Hough (Neighbouring Ward Councillor), Town Councillors S Helliwell and D Hough (on behalf of Alsager Town Council) and Mr M Wedderburn (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, a written update and an oral report of the site inspection.

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

The scale of the development and the cumulative impact together with other approved developments in Alsager would have a severe impact upon the local highway network heading towards Alsager town centre. As a result the development would be contrary to policies BE.5 of the Borough of Crewe and Nantwich Replacement Local Plan 2011, policy IN.1 of the Cheshire East Local Plan strategy submission version and guidance contained within the NPPF.

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 in perpetuity – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
 - transfer of any rented affordable units to a Registered Provider
 - provision of details of when the affordable housing is required
 - provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Council's allocations policy.
 - includes the requirement for an affordable housing scheme to be submitted at reserved matters stage that includes full details of the affordable housing on site including location by reference to a plan, type, size and tenure.
 - requires the affordable units which will be transferred to a Registered Provider to be constructed to the Governments Technical standards October 2015
- 2 Primary and Secondary School Education Contribution to the sum of £184,826

- 3 Provision of two pieces of additional play equipment to serve the play area on phase 1.

120 **15/3563N LAND OFF LONGHILL LANE, HANKELOW:
ERECTION OF 5 DWELLINGS AND CREATION OF NEW VEHICULAR
ACCESS OFF LONGHILL LANE FOR D E THELWELL**

Note: The Principal Planning Officer read a representation from Councillor Rachel Bailey (Ward Councillor), who had registered her intention to address the Committee but was unable to attend the meeting.

Note: Parish Councillor T Lee (on behalf of Hankelow Parish Council), Mr C Ainley (objector) and Mr S Locke (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, a written update and an oral report of the site inspection.

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

The local planning authority considers that the adverse impacts of this development in terms of the loss of open countryside, loss of agricultural land and impact upon the character and appearance of the area would significantly and demonstrably outweigh the benefits. As a result the development would be contrary to policies NE.2, NE.12, and BE.2 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.

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 1 affordable housing unit – to be provided as social rent/affordable rent. The scheme to 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 to both first and subsequent occupiers of the affordable housing; and
 - the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- 2 A contribution for off-site affordable housing (Final Sum TBC).

121 **15/3394C OAK FARM, CHURCH LANE, SANDBACH, CHESHIRE
CW11 4ST: DEMOLITION OF EXISTING BUILDINGS AND ERECTION
OF UP TO 5 NO. RESIDENTIAL DWELLINGS WITH ASSOCIATED
INFRASTRUCTURE AND ANCILLARY FACILITIES IN OUTLINE WITH
ACCESS DEFINED- RESUBMISSION OF 14/3810C FOR PAUL FODEN**

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

Note: Having made a declaration, Councillor G Merry vacated the Chair in favour of the Vice-Chairman and did not take part in the debate or vote.

Note: Councillor S Corcoran (Ward Councillor), Councillor J Wray (Neighbouring Ward Councillor) and Mr P Foden (applicant) attended the meeting and addressed the Committee on this matter.

Note: Mr G Heath (supporter) had registered his intention to address the Committee but left the meeting prior to consideration of this application.

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 for the following reasons:

1. Clarification of the footpath link, including location, cost, width and specification
2. Reconsideration of the location of the access to serve the site and the impact upon trees

122 **15/3752N 416, NEWCASTLE ROAD, SHAVINGTON, CHESHIRE
CW2 5EB: CONSTRUCTION OF FIVE DETACHED TWO-STOREY
DWELLINGS WITH CAR PARKING AND CAR PARKING FOR
EXISTING WORKSHOP WITH SHARED ACCESS FOR JOHN PARTON,
A B PARTON & SON LTD**

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

The Committee considered a report regarding the above planning application.

RESOLVED

(a) That authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman of Southern Planning Committee, to APPROVE the application for the reasons set out in the report, subject to the completion of a s106 agreement to secure a contribution for off-site affordable housing and the following conditions:

1. Commencement
2. Submission of reserved matters (all matters other than access)
3. Approved plans
4. Submission of a Phase II Contaminated Land Investigation
5. Submission and approval of a construction management plan including any piling operations and a construction compound within the site
6. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays.
7. Reserved matters to include details of any external lighting.
8. Submission of drainage scheme to include foul and surface water including sustainable drainage systems
9. Tree and hedgerow protection measures
10. Breeding bird survey for works in the nesting season
11. Reserved matters to include details of boundary treatments in particular acoustic fencing
12. Reserved matters to include details of existing and proposed levels
13. Reserved matters to include details of bin/cycle storage
14. Reserved matters to include a single electric vehicle charging point for each dwelling
15. Reserved matters to include a pedestrian footway through the site

(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 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.

123 **15/3847C SANOFI AVENTIS, LONDON ROAD, HOLMES CHAPEL, CREWE, CHESHIRE CW4 8BE: PART A: OUTLINE PERMISSION WITH ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS FOR: EXTENSIONS TO AREA 12 MANUFACTURING BUILDING, AREA 11 WAREHOUSING BUILDING, AREA 77 LABORATORY BUILDING AND AREA 37 STABILITY BUILDING; RELOCATION OF SERVICE BUILDINGS AND THE ERECTION OF STORAGE TANKS, SUBSTATION AND ASSOCIATED PLANT; AND PROVISION OF ADDITIONAL STAFF CAR PARKING PART B: FULL PLANNING PERMISSION FOR: EXTENSION TO AREA 13 BUILDING TO CREATE NEW RECEPTION AREA, CANTEEN AND OFFICE FLOOR SPACE (2,775M²) DEMOLITION OF BUILDING 15; AND ALTERATIONS TO INTERNAL ROADS AND SERVICING AREA, PROVISION OF NEW INTERNAL HGV LAY BY, INSTALLATION OF**

**NEW ACCESS GATES AND ASSOCIATED BOUNDARY TREATMENTS
FOR FISONS LTD, TRADING AS SANOFI**

Note: Ms R Harris 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 the following conditions:

1. Standard 3 year time limit (Part B)
2. Standard outline time limit (Part A)
3. Submission of reserved matters (Part A)
4. Approved Plans including amended parking
5. Submission of Materials (Part B)
6. Accordance with Landscaping submission (Part B)
7. Landscaping implementation (Part B)
8. Accordance with submitted Tree Protection Scheme and Arboricultural Method Statement (Part B)
9. Arboricultural Impact Assessment and Arboricultural Method Statement to be submitted with future reserved matters application for Part A
10. Breeding bird survey to be carried out prior to commencement of any works during nesting season
11. Accordance with Flood Risk Assessment including surface water flows
12. Accordance with Acoustic Report
13. Details of drainage with only foul drainage to be connected to sewer
14. Details of pile driving operations
15. Submission of dust control measures for Part B
16. Submission of details of external lighting
17. Contaminated land Phase 1 with conceptual model to be submitted for Part A
18. Contaminated land Phase 1 with conceptual model to be submitted for Part B
19. Electric vehicle charging points to be provided in approved car parking
20. Travel Plan

(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 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.

124 **15/4260C MOSS WOOD, MOSS LANE, BRERETON HEATH
CW12 4SX: DEMOLITION OF EXISTING GARAGES AND STABLES TO
BE REPLACED WITH ONE NEW DWELLING USING EXISTING
DRIVEWAY. NEW DRIVEWAY TO MOSS WOOD USING EXISTING
ACCESS TO PROPERTY FROM MOSS LANE FOR MR S KENNERLEY**

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

RESOLVED

(a) That authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman of Southern Planning Committee, to APPROVE the application for the reasons set out in the report and the written update, subject to consideration of the comments from Natural England and the following conditions:

1. Standard outline 1
2. Standard outline 2
3. Standard Outline 3
4. Plans
5. Materials – Prior approval required
6. Reserved Matters application to include an Arboricultural Impact Assessment
7. Prior submission of any piling works
8. Dust Control Measures
9. Surface water drainage scheme
10. Landscaping scheme to include a scheme of replacement tree planting
11. Breeding birds – timing of works
12. Construction Method Statement – The Moss Local Wildlife Site

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

125 **15/4316C FORMER TWYFORD BATHROOMS SITE, LAWTON
ROAD, ALSAGER, STOKE-ON-TRENT, CHESHIRE ST7 2DF:
VARIATION OF CONDITION 15 (HOURS OF DELIVERY) AND
REMOVAL OF CONDITION 16 (HOURS OF OPERATION OF THE**

BIOMASS BOILER) ON APPROVAL 13/4121C - FULL PLANNING PERMISSION FOR THE DEMOLITION OF ALL EXISTING BUILDINGS AND THE CONSTRUCTION OF A NEW RETAIL FOODSTORE; PARKING AND CIRCULATION SPACES; FORMATION OF NEW PEDESTRIAN AND VEHICLE ACCESSES; LANDSCAPING AND ASSOCIATED WORKS (RE-SUBMISSION OF 12/0800C) FOR SAINSBURY'S SUPERMARKETS LTD & LAGAN

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

The Committee considered a report regarding the above planning application.

RESOLVED

(a) That, for the reasons set out in the report, the application be APPROVED subject to the completion of a deed of variation to the S106 Agreement to application 13/4121C and the following conditions:

1. Standard Time – 3 years from 18th June 2015
2. Approved Plans
3. Prior to the commencement of development, a plan showing the extent of the phases of development (comprising the internal road infrastructure works referred to in Condition 34 –Phase 1 - and the remainder of the development – Phase 2) shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details.
4. Prior to the commencement of development details of existing and proposed land levels to be submitted to the LPA for approval in writing
5. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water runoff generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
6. 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
7. With the exception of the internal road infrastructure the development hereby permitted shall not be commenced until such time as a scheme to install underground tanks associated with the petrol filling station has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.
8. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to,

and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
10. Contaminated Land
11. Construction hours, and associated construction deliveries to the site, shall be restricted to 08.00 to 18.00hrs Monday to Friday and 09.00 to 14.00hrs on Saturdays. There shall be no working on Sundays or Bank Holidays.
12. All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs, Saturday 09:00 – 13:00 hrs, Sunday and Public Holidays Nil
13. Construction Management Plan
14. External Lighting Details
15. Hours of deliveries to the store and biomass boiler between the hours of 5am and 11pm (seven days a week) and that unrestricted (24 hour) deliveries to the petrol filling station
16. Details of Fixed Plant and Equipment
17. Scheme of security barriers for the proposed car park
18. A written schedule of maintenance for the Biomass Boiler which shall include removal of ash, inspection and maintenance of particulate arrestment equipment, boiler servicing and stack cleaning.
19. The biomass boiler shall only be operated using clean wood pellets that comply with a recognised fuel quality standard. A statement shall be submitted to the local authority specifying the quality of the wood pellets used in the biomass boiler and the fuel specification in accordance with CEN/TS 14961 or a similar recognised standard.
20. There shall be no changes to the fuel type for the Biomass Boiler, specification or operation of the biomass boiler unless agreed with the LPA
21. The Biomass stack shall comply with the parameter values specified in Table 5-1 of the submitted air quality assessment, report number 410.04063.00001-dated August 2013 with the exception of the stack height which shall not be less than 8.755 metres. Any deviations shall be submitted to and be approved in writing by the Local Planning Authority.
22. Prior submission and approval of materials
23. Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone to be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Council.
24. Nesting Bird Mitigation Measures
25. Mitigation recommendation of the 2014 Badger report to be secured

26. Boundary Treatment Details including details of all retaining structures
27. Tree protection measures
28. Arboricultural Method Statement
29. Implementation of the submitted landscape proposals
30. Cycle Parking Details
31. The net sales area shall be limited to 2,322sq.m
32. 1,975sq.m (85%) of the sales area will be for the display of convenience goods with the remaining 348sq.m for comparison goods.
33. Prior to first development the developer will provide a detailed suite of design and construction plans for the internal road infrastructure to the satisfaction of the LPA.
34. Prior to first use all access roads and car parking will be constructed and formally marked out.
35. Prior to the store first being brought into use the developer shall fully construct the following off-site highway works:
 - The roundabout access in accordance with plan reference A-PL-103 Rev J
 - The new bus stops on the A5011 in accordance with plan reference A-PL-103 Rev J
 - The junction improvement works at the junction of the A5011/A50/B5077 in accordance with Plan reference VN20017/104.
36. Prior to the commencement of development a plan to show the provision of a footway and cycleway from the site access with Linley Lane to the signal junction at the A5011/A50/B5077 cross-roads shall be submitted to the Local Planning Authority for approval in writing. The approved scheme shall be constructed in accordance with the approved details before the store or petrol station is first brought into use.
37. Travel Plan
38. Details of the opening of the culvert to be submitted to the LPA for approval in writing.
39. Prior to the commencement of phase 2 elevational details of all minor structures including trolley bays, sprinkler tanks, the biomass boiler and electrical services structures shall be submitted to the LPA for approval in writing.

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

WORKS, ALONG SIDE THE REFURBISHMENT OF THE OAKLEY BUILDING FOR USE BY THE UTC FOR GEORGINA HARRIS, CREWE ENGINEERING & DESIGN UTC

Note: Mr D Terry and Mr S Hughes 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 consideration of additional information in relation to conditions 3, 4 and 5 and the following conditions:

1. Standard
2. Approved Plans
3. Prior to commencement provision of tree protection scheme in accordance with current best practice BS5837:2012
4. Prior to commencement Phase II contaminated land investigation to be carried out and the results submitted
5. Prior to commencement Construction Management Plan to be submitted and agreed
6. No works to commence during bird nesting season without prior survey
7. No works other than clearance / refurbishment until scheme of acoustic mitigation to be submitted and agreed along
8. No works other than clearance / refurbishment until provision of revised landscaping / replacement planting scheme to include removal of dead trees and replacement planting on West Street boundary & planting within the car parking & along the western boundary with Newdigate Street.
9. No works other than site clearance / refurbishment until details of facing and surfacing materials have been submitted. Materials to include ceramic cladding to the elevation adjacent the public route through the site, retaining walls to be blue engineering brick, reuse of existing blue brick paviers.
10. No works other than clearance / refurbishment until details of brick bond to retaining walls to be submitted and agreed.
11. Prior to installation of any fixed plant details of acoustic insulation to be submitted and agreed
12. Prior to first occupation details of the hours of use of the building to be submitted and agreed.
13. Prior to first occupation travel plan to be submitted and agreed
14. Prior to first occupation electric vehicle charging points to be provided
15. Prior to occupation of the development a suitable Travel Plan will be submitted to the satisfaction of Cheshire East Council, including suitable measures to promote sustainable travel at the site.

16. No development other than site clearance / refurbishment to commence on site prior to the provision of a plans that include a walk link through the development, at a suitable standard, connecting West Street to Meredith Street and/or Chetwode Street. Route to be retained thereafter
17. Car parking provision to be provided at a total of 84 spaces.
18. Secure and covered cycle parking to be provided at 88 spaces, with plans for monitoring to be agreed prior to occupation.
19. Details of East - West pedestrian link

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

127 **15/4576C LAND SOUTH OF THE Paddock, BOOTH BED LANE, GOOSTREY, CHESHIRE: OUTLINE APPLICATION FOR THE ERECTION OF A SINGLE SELF BUILD DWELLING, GARAGE AND GARDEN CURTILAGE ON LAND LOCATED TO THE WEST OF BOOTH BED LANE, GOOSTREY. THE APPLICATION ALSO PROMOTES THE CREATION OF A VEHICLE PASSING PLACE WITHIN THE SITE, AND THE MINOR WIDENING OF THE VERGE TO CREATE A SAFER AND MORE EFFICIENT ENTRANCE TO / FROM BOOTH BED LANE FOR JOHN BEARDSSELL**

Note: Councillor S Hogben left the meeting during consideration of this application.

Note: Dr R Burgess (objector) and Mr J Beardsell (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 and the written update, the application be APPROVED subject to the following conditions:

1. Standard Outline 1
2. Standard Outline 2
3. Standard Outline 4
4. Plans
5. Surface water drainage scheme – Prior approval required
6. The access improvements shall be constructed as shown on Dwg B1065 prior to occupation.
7. Reserved matters application shall include an arboricultural impact assessment

8. Breeding birds
9. Jodrell Bank - standard screening condition

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

128 **UPDATE FOLLOWING THE RESOLUTION TO APPROVE APPLICATION 15/2101C SUBJECT TO A S106 AGREEMENT**

Note: Councillor D Hough (Ward Councillor) had registered his intention to address the Committee but left the meeting prior to consideration of this application.

Note: Ms S Helliwell (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding planning application 15/2101C which had been approved by the Southern Planning Committee subject to the completion of a Section 106 Agreement and a number of conditions.

As the application site included land which was still owned by the Council, it was a legal impossibility for the Council to enter into a S106 Agreement with itself as landowner and Local Planning Authority. In addition, the Heads of Terms with respect to the affordable housing provision on site referred to the Code for Sustainable Homes Level 3 requirement, a matter which was now delivered via the Building Regulations.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED, subject to the satisfactory completion of a Section 111 Agreement with a Draft S106 attached 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.
 - 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 ($21 \times 11919 \times 0.91$) towards primary education. This contribution is based on 110 units and will be phased on 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 ($17 \times 17959 \times 0.91$) towards secondary education. This contribution is based on 110 units and will be phased on 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.

The meeting commenced at 10.00 am and concluded at 5.10 pm

Councillor G Merry (Chairman)

Application No: 14/5801N

Location: WORKING MENS CLUB BUNGALOW, HALL O SHAW STREET, CREWE, CW1 4AD

Proposal: Outline Application for Demolition of dwelling and erection of 9no. dwellings

Applicant: K Kelly

Expiry Date: 27-Mar-2015

SUMMARY

The application site lies within the Crewe settlement boundary where Policy RES.4 of the Local Plan advises that new residential development in principle is accepted. The site also falls on a parcel of Protected Open Space. A needs assessment has clarified that there is no longer the need for this bowling green and a financial contribution has been offered to offset the loss.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area. Furthermore, a now untidy site would be cleared up.

No highway safety, amenity, design, drainage or flooding concerns would be created.

The dis-benefits of the scheme would be the loss of the bowling green.

In this instance, given the outcome of the needs assessment demonstrating that there is no longer the need and the financial contribution to offset the loss, it is considered that the benefits of the scheme outweigh the dis-benefits.

As such, the proposed application is recommended for approval.

RECOMMENDATION

APPROVE subject to S106 Agreement to secure off-site public open space contribution, a private highway's management plan and conditions

PROPOSAL

Outline Planning Permission is sought for the erection of 9 dwellings and the demolition of a bungalow.

The application seeks outline planning permission and permission for; Access, Layout, Appearance and Scale.

The only other matter not sought for consideration as part of this application is; Landscaping.

SITE DESCRIPTION

This application site relates to a former bowling green, located to the rear of Hall O Shaw Street, Crewe, within the Crewe Settlement Boundary.

The site is enclosed by residential development on all 4 sides. It is currently overgrown and has been subject to extensive fly tipping. The application site is an area of Protected Open Space as designated by the Borough of Crewe and Nantwich Adopted Local Plan 2011.

RELEVANT HISTORY

14/0540N - Demolition of existing dwelling and erection of 3 detached dwellings – Refused 29th April 2014

10/4489N - Development of Land at Hall O'Shaw Street to Provide 14 Dwellings of Mixed Type – Refused 3rd February 2011

P08/1290 - Demolition of Existing Club Premises and Redevelopment of Site to Provide Five Two Storey Dwellings – Approved 13th January 2009

P08/0179 - Twelve Dwellings with Associated Parking and Improvements to Railway View Properties Phase 1 – Refused 2nd May 2008

P07/0752 - Two Smoking Shelters – Approved 19th July 2007

7/05977 - Additional toilet facilities – Approved 11th October 1979

NATIONAL & LOCAL POLICY

National Policy

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

14 - Presumption in favour of sustainable development; 17 – Core planning principles, 47-50 - Wide choice of quality homes and 56-68 - Requiring good design

Development Plan

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

The relevant Saved Policies are;

RES.2 - Unallocated Housing Sites, RES.3 - Housing Densities, RT.1 - Protection of Open Spaces with Recreational or Amenity Value, BE.1 – Amenity, BE.2 - Design Standards, BE.3 - Access and

Parking, BE.4 - Drainage, Utilities and Resources, BE.5 – Infrastructure and BE.6 - Development on Potentially Contaminated Land

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), SE1 (Design), SE2 (Efficient Use of Land), SE4 (The Landscape), SE5 (Trees, Hedgerows and Woodland), IN1 (Infrastructure) and IN2 (Developer Contributions)

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections, subject to a S106 Agreement to maintain the access road to a suitable standard and covenant that residents will never seek adoption of the access road

Environmental Protection (Cheshire East Council) – No objections, subject to a number of conditions including; hours of piling, the prior submission of a piling method statement, prior submission of lighting details, prior submission of a noise mitigation scheme, the prior submission of electric vehicle charging sockets, prior submission of a dust suppression scheme, the prior submission of a dust mitigation scheme, a contaminated land condition and a contaminated land and hours of construction informative

United Utilities – No objections, subject to a condition seeking the prior submission of a surface water drainage scheme, and a foul drainage scheme

Housing (Cheshire East Council) – No objections

Network Rail – No objections

Sport England – No objections

Crewe Town Council – No objections

REPRESENTATIONS

Letters were sent to the occupiers of the properties adjacent to the application site. In addition, a site notice was erected.

In response, 2 neighbouring letters of objection / concern have been received. The main areas of concern raised include;

- Design – General layout, over-development of site
- Amenity – Noise, light and air pollution
- Highway safety – Access arrangements

APPRAISAL

The key issues are:

- The principle of the development
- The acceptability of the design
- The impact upon amenity
- The impact upon highway safety
- The impact upon ecology
- The impact upon trees
- The impact upon drainage and flooding

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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;

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

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

Economic and Social Role

Principle of Development

New Housing

Policy RES.2 of the Local Plan advises that within the settlement boundaries of Crewe and Nantwich, which are defined on the proposals map, the development or redevelopment of unallocated sites for housing will be permitted so long as it is in accordance with policies BE.1 to BE.5 of the Local Plan.

As such the principle of housing within Crewe is accepted, subject to its adherence with other relevant Local Plan Policies

Protection of Open Space

The application site where the 9 dwellings are proposed is protected under Policy RT.1 (Protection of Open Spaces with Recreational or Amenity Value) of the Borough of Crewe and Nantwich Replacement Local Plan. The lawful use of the site is as a Bowling Green although it is no longer used for such purposes and has fallen into disrepair.

The main issue in this case is whether the development is compliant with Policy RT.1. Policy RT.1 states *'Development will not be permitted which would result in the loss of open space (which includes school playing fields) shown on the proposals map, which has recreational or amenity value.'* It is stated that *'An exception may be made where:*

- A carefully quantified and documented assessment of current and future needs has demonstrated that there is an excess of playing field or open space provision in the catchment and the site has no special significance; or:*
- The proposed development is ancillary to the principal use of the site as a playing field or open space and does not affect the quantity or quality of pitches or adversely affect their use.*
- The proposed development affects only land incapable of forming part of a playing pitch and does not result in the loss of or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area or any playing pitch, or the loss of any other sporting / ancillary facility on the site.*
- The playing field or open space which would be lost as a result of the development would be replaced by a playing field or open space of equivalent or greater quality in a suitable location and subject to equivalent or better management arrangements prior to the commencement of the development.*
- The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or open space.'*

In response, the applicant has commissioned a 'Needs Assessment'. This assessment comprised of a questionnaire that was sent to all the bowling clubs in the area (Crewe, Haslington, Winsford, Congleton and Macclesfield). 20 responses were received and the summary of the findings included;

- Most Bowling Clubs reported static or decreasing membership
- Players spread themselves amongst available clubs
- The number of members in each club significantly over represents the total number of players in the district as members often play for more than 1 club
- Clubs appear to rely on attracting players who already play for another club rather than seeking new players – Some expressed concerns about losing members to a new club
- No clubs have a membership waiting list. Anyone interested in joining a club as a player can do so immediately

- There are not sufficient players for clubs to fulfil playing commitments
- Concerns were raised that a new club would mean the loss of further players from their club

It can be concluded from this assessment that there does not appear to be a future need for this bowling green in this district.

Sport England have raised no objections to the loss of this bowling green.

The second relevant aspect of Policy RT.1 is that development which would result in the loss of a playing field would be replaced by a playing field or open space of equivalent or greater quality in a sustainable location.

In response, the 'needs assessment' concluded that there was not the need to replace the existing bowling green due to the capacity of existing bowling greens and the general static / decline in membership of bowling clubs in the area. As such, the applicant proposes to provide a financial contribution to off-set the loss. More specifically, after conducting a viability appraisal the applicant proposes a contribution of £8,000.

It is proposed this contribution be used to upgrade the closest available public space / facilities to the existing bowling green in need of development or upgrade. The specifics of this shall be provided to members in the form of a written update.

This money would be secured via a S106 Agreement and would satisfy this aspect of Policy RT.1.

As a result of the above reasons, it is considered that the proposed development would adhere with Policy RT.1 of the Local Plan.

Other economic considerations

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

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

Other social considerations

Residential Amenity

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

With reference to the indicative layout plan, the closest residential properties to the proposed dwellings would be; No's 91a to 95a Hall O Shaw Street to the west, No's 1 to 19 Chestnut Grove to the north, No's 10 to 14 Railway View to the east and No's 1 to 27 Surrey Street to the south.

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

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

The indicative layout plan shows that the erection of 9 dwellings within this plot would adhere with these standards in respect to all of the abovementioned properties. As such, it is not considered that the development would create any significant amenity concerns for these neighbours with regards to loss of privacy, light or visual intrusion.

The private garden space of the properties proposed would adhere with the 50 metres squared minimum standard detailed within the Development on Backlands and Gardens Supplementary Planning Document.

In terms of the impact of environmental disturbance, this is assessed by the Council's Environmental Protection Team who have raised no objections, subject to a number of conditions including; hours of piling, the prior submission of a piling method statement, prior submission of lighting details, prior submission of a noise mitigation scheme, the prior submission of electric vehicle charging sockets, prior submission of a dust suppression scheme, the prior submission of a dust mitigation scheme, a contaminated land condition and a contaminated land and hours of construction informative.

As a result, subject to the inclusion of the above conditions, it is considered that the proposal would adhere to Policy BE.1 of the Local Plan.

Environmental role

Design

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

The application proposes to demolish an existing detached bungalow fronting Hall O Shaw Street and erect 9 terraced properties, in banks of 3, within the protected open space to the rear.

The indicative layout plan shows that the 9 dwellings would lie parallel with each other and be sited to the rear of the properties on Hall O Shaw Street.

The application site is enclosed on all 4 sides by terraced residential development of units with smaller footprints and garden spaces.

As such the provision of the proposed 9 dwellings within an area characterised by terraced properties with elongated narrow gardens would respect the prevailing character and appearance of the area.

Details of landscaping would be determined at a later date.

Highway Safety

The layout plan shows that the proposed development site would be accessed via an existing access point off Hall O Shaw Street.

A transport report commissioned by Highway Planning Services has been submitted in support of the application.

In response to this report and the proposed development, the Council's Strategic Highways Manager (SHM) has reviewed the proposed submission and advised that; sufficient parking is proposed (14 spaces), bin storage is provided in a suitable location for collection from the highway and the layout will allow emergency vehicles to adequately reach all properties.

The HSI has however advised that *'The proposed level of development exceeds that normally permitted off a private drive, which the access to the proposal will be as it does not meet adoptable standards. The developer has stated that he will enter into a Section 106 agreement to maintain the access road to a suitable standard and covenant that residents will never seek adoption of the access road (in its current form). If such an agreement is possible and legally binding it is recommended that it is sought from the developer.'*

The applicant has agreed to this legal agreement and this shall be secured via a S106 Agreement and it is therefore considered that the proposed development would adhere with Policy BE.3 of the Local Plan.

Nature Conservation / Ecology

The Council's Nature Conservation Officer has advised that he does not anticipate there being any significant ecological issues associated with the proposed development.

As such, it is considered that the proposed development would adhere with Policy NE.9 of the Local Plan and Policy SE3 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Flood Risk and Drainage

The site does not lie within a flood zone and as such, flooding is not a primary consideration in this instance.

United Utilities (UU) were consulted with regards to drainage. UU have subsequently advised that they have no objections to the scheme, subject to a number of informatives. As such, subject to the implementation of these informatives, it is considered that the proposed development would adhere with Policy BE.4 of the Local Plan.

Landscape and Trees

There are no trees on site or within close proximity. Furthermore, Landscape is not sought for approval as part of this submission.

Environmental Conclusion

The proposed revised development would be of an acceptable design that would not create any significant issues in relation to highway safety, ecology, drainage / flooding or landscape and trees subject to conditions and a S106 legal agreement.

As such, it is considered that the proposed development would be environmentally neutral.

Other matters

The scale of the proposed development does not trigger the requirements for affordable housing, further open space provision or education provision.

Planning Balance

The application site lies within the Crewe settlement boundary where Policy RES.4 of the Local Plan advises that new residential development in principle is accepted.

The site also falls on a parcel of Protected Open Space. A needs assessment has clarified that there is no longer the need for this bowling green and a financial contribution has been offered to offset the loss.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location and the usual economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area. Furthermore, a now untidy site would be cleared up.

No highway safety, amenity, design, drainage or flooding concerns would be created.

The dis-benefits of the scheme would be the loss of the bowling green.

In this instance, given the outcome of the needs assessment demonstrating that there is no longer the need and the financial contribution to offset the loss, it is considered that the benefits of the scheme outweigh the dis-benefits.

As such, the proposed application is recommended for approval.

RECOMMENDATION

APPROVE subject to a S106 Agreement to secure;

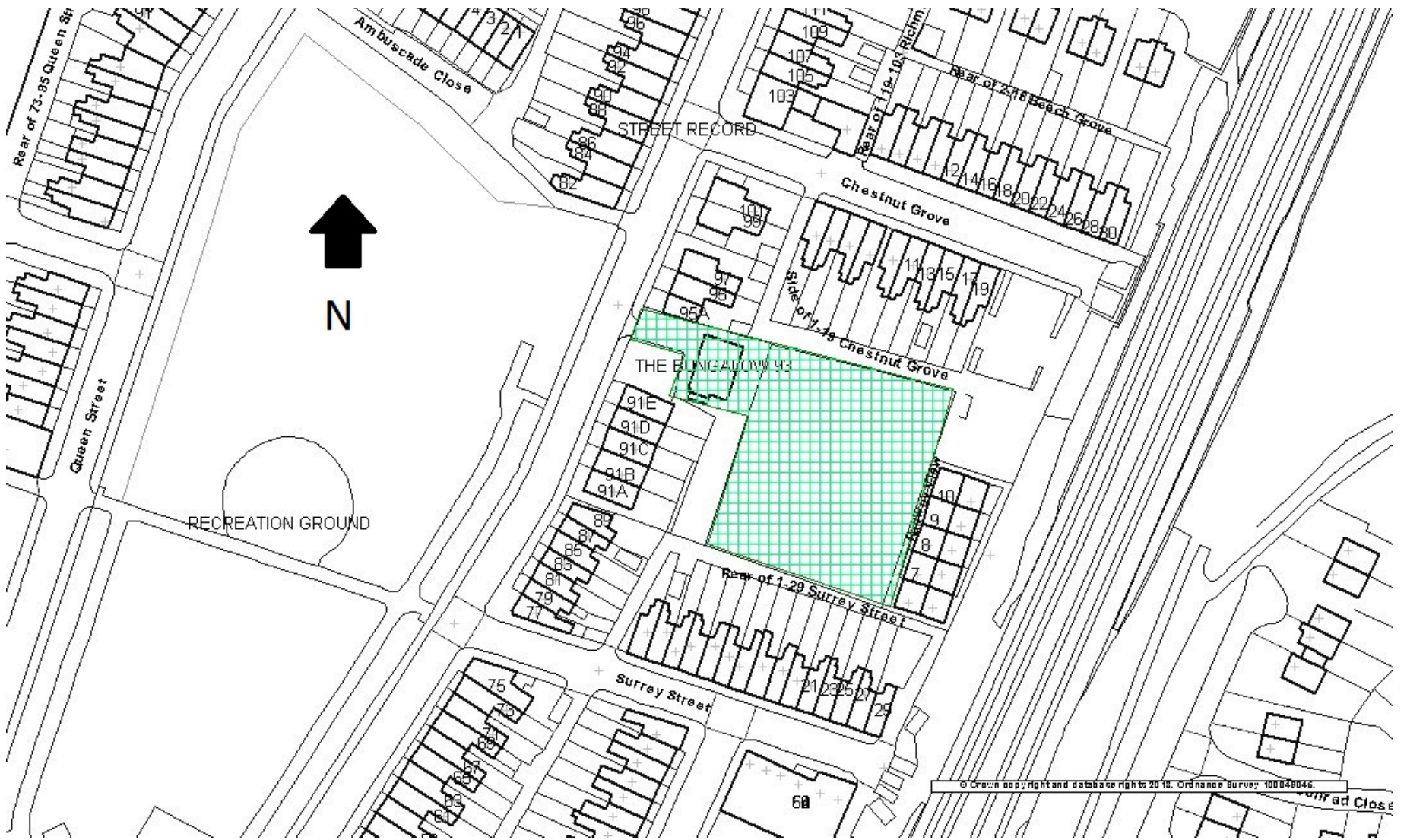
- 1. £8,000 towards the upgrading of nearby Public Open Space / facilities**
- 2. Highway maintenance management plan**

And conditions;

1. Time – 3 years of within 2 of last Reserved Matter approval
2. Reserved Matters within 3 years
3. Landscaping Matters to be submitted and approved
4. Plans
5. Materials – Prior approval
6. Hours of piling
7. Prior approval of a piling method statement
8. Prior approval of lighting details
9. Prior approval of a noise mitigation scheme
10. Prior approval of electric vehicle charging sockets
11. Prior approval of a dust suppression scheme
12. Prior approval of a dust mitigation scheme
13. Prior approval of a Phase 1 contaminated land report

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Principal Planning Manager (Regulation) in consultation with the Chair (or in their absence the Vice Chair) of the Southern Planning Committee 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.

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.



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Application No: 15/3869N

Location: Bentley Motor Company, PYMS LANE, CREWE, CHESHIRE, CW1 3PL

Proposal: It is proposed to convert the existing field into a private car park for Bentley Motors. The site is an existing green area which will be converted to hard standing material to suit the needs of a car park. The car park will be enclosed with fences. North east and south of the proposed car park, a 14 m width band will be dedicated for planting.

Applicant: Liam Devaney, Bentley Motors

Expiry Date: 15-Dec-2015

SUMMARY:

The principle of the development is compatible with surrounding land uses and would facilitate the delivery of new jobs and economic growth for Bentley Motors, a large local employer. The proposal would thereby help to deliver significant economic and social benefits.

Whilst the proposal would result in the loss of an area of public open space (incorporating land designated as sports playing field), the area of land is not of great recreational amenity value and its loss would be offset by contributing towards a local area of open space comprising of the 'James Atkinson Way Play Area', which better serves the needs of the area. Additional social benefits would be realised through financial contributions towards the allotments to the south of the site.

The proposal would not materially harm the character or appearance of the area, subject to the proposed landscaping scheme. The proposal is considered to be acceptable in terms of its impact upon residential amenity, highways and parking, ecology, drainage and flooding and other environmental interests. The proposal is therefore considered to be sustainable in the environmental sense.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and would be compliant with relevant policy. Subject to conditions and a s106 legal agreement, the proposal is therefore considered to comply with the relevant policies of the adopted Borough of Crewe and Nantwich Local Plan and advice contained within the NPPF and emerging local policy. The application is therefore recommended for approval.

RECOMMENDATION:

APPROVE subject to conditions and a s106 legal agreement

PROPOSAL

This application seeks planning permission to change the use of an existing field into a private car park for Bentley Motors. The site is partly allocated as public open space and a sports playing field and will be converted to hard standing. The car park will be enclosed by a fence with associated landscaping.

SITE DESCRIPTION:

This application relates to land owned by Bentley Motors, within the settlement boundary of Crewe. The application site is located directly to the east of the main plant, which is used to manufacture motor vehicles. The site comprises of an area of public open space that is bound to the north, east and south by residential properties, and to the south west and west by allotments and the main Bentley production plant.

RELEVANT HISTORY:

There is an extensive planning history for the Bentley Motors site. However, the only applications of relevance to this proposal are as follows:

12/4373N - New build showroom with associated car parking approved on 6th February 2013

12/3418N – Full planning permission approved to develop site to provide a permanent car park with a total of 478 parking spaces on 30th November 2012

12/4319N – Resolved to grant full planning permission (subject to S106 Obligation) for the erection of a two storey temporary office accommodation with links to an existing building to accommodate existing staff relocated on site on 1st May 2013

12/4426N - Proposed development of the site to provide a permanent car park with a total of 1817 car parking spaces plus lorry parking for up to 14 HGV's – Approved 03-Jun-2013

13/5114N - Variation of condition 2 (approved plans) on application 12/4426N (proposed development of the site to provide a permanent car park with a total of 1817 car parking spaces plus lorry parking for up to 14 HGV's) – Approved 18-Feb-2014

14/2944N - Construction of a new Painted Body Store Warehouse and ancillary accommodation totalling approximately 5060sqm gross internal floor area. The relocation of fuel tanks and a fuel filling location. The proposed building comprises a large warehouse with one and a half portal frame structure, a single storey office annex to the North elevation with rest and WC facilities, an enclosed link to the existing adjacent warehouse to the east and an enclosed bridge link above the private road to the adjacent property to the North. A 10m overhanging canopy will be provided for the full width of the building to the west elevation and a 2m deep canopy to the north side of the east link – Approved 29-Aug-2014

14/5262N - Proposed pre-fabricated building, complete with services to be installed as office and restrooms for lorry park on site at Bentley Motors – Approved 09-Feb-2015

15/3665N - Construction of a 4 storey office building on the site of an existing carpark – Approved 28-Oct-2015

15/4141N - Alterations to E1 Car Park, realignment of internal road, construction of a vehicle test building, relocation of Gate 3 Security Lodge and amendments to gate arrangement, installation of 5 No. entry gate positions and relocation of cycle and motor cycle shelters - Approved 18-Nov-2015

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 17, 28, 56, 65 and 74.

Development Plan:

The Development Plan for this area is the adopted Borough of Crewe & Nantwich Local Plan, which allocates the site within the Crewe Settlement Boundary.

The relevant Saved Policies are:-

BE.13 (Buildings of Local Interest)
BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Accessing and Parking)
E.4 (Development on Existing Employment Areas)
TRAN.3 (Pedestrians)
TRAN.8 (Existing Car Parks)
TRAN.9 (Car Parking Standards)
RT.1 (Protection of Open Spaces with Recreational or Amenity Value)
RT.5 (Allotments)

Cheshire East Local Plan Strategy Submission Version

PG1 – Overall Development Strategy
PG2 – Settlement Hierarchy
EG1 – Economic Prosperity
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 – Design
SE2 – Efficient Use of Land
CO2 (Car Parking Standards)

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

CONSULTATIONS:

Greenspaces (ANSA): No objection subject to financial contributions of £48,000 towards the James Atkinson Way play area and works of enhancement at the allotment site of £8,000 to offset the loss of the existing open space.

Highways: No objection

Environment Agency: No objection subject to the use of SUDS (Sustainable Urban Drainage Scheme)

Environmental Protection: No objections, subject to conditions / informatives requiring a restriction on hours of construction, submission of a scheme for dust control and a contaminated land survey.

Flood Risk Officer: No objection subject to submission of a surface water drainage scheme.

Public Rights of Way Unit (PROW): No objection

Sport England: No objection

United Utilities: No objection subject to a surface water drainage condition.

CREWE TOWN COUNCIL:

No objection - The Town Council welcomes the investment in the Bentley plant and the employment that it brings to the town. Whilst it is important to protect the town's open green spaces, this has to be balanced against the benefits to the local economy of the continued success of Bentley Motors Ltd. In the case of this particular application it is felt that the balance is in favour of the proposed development, and so the principle of developing this area of land is accepted. However, in order to mitigate its impact on local residents, the Town Council would, subject to consultation with residents, like to see the applicant surface the rear access way, and provide off-street car-parking at the rear of Minshall New Road, and, if residents approve, install alley-gating to increase security.

REPRESENTATIONS:

20 representations have been made by neighbouring properties and a petition with 45 signatures on has been received expressing concern about the following:

- Bentley do not own all of the land as some of the roadway belongs to the residential properties
- Lack of consultation
- Loss of greenspace, recreational land and a place for dog walkers and children
- Impact on property values
- Loss of trees
- Loss of a view, sunlight and daylight
- Impact on wildlife
- Drainage and increased risk of flooding
- Bentley should resurface road at the rear and provide off street parking for residents and reduce dust
- Impact on residential amenity by loss of light, noise and light
- Impact on health and wellbeing
- Parking problems in the area
- Proposal should include alley gates
- Fencing will be unsightly
- Fence should include sound absorbing materials
- Fire risk from parked cars
- There should be a minimum 20/25 metres distance between the fence and neighbouring properties
- The council should not have sold this land to Bentley, as it was a gift bequeathed to the council and will have clauses. Sale of land may not have been legal
- CCTV may result in loss of amenity
- Would result in anti-social behaviour
- Alternative sites should be considered
- Grasscrete should be used as a surface

APPRAISAL:

Principle of Development

In terms of the local plan policy, the site is located within the settlement boundary of Crewe where development is acceptable, provided that it is compatible with surrounding uses and accords with other relevant local plan policies.

The area has a longstanding association with the manufacturing and the production of motor cars and as such, it is considered that the compatibility of the site and the area for such use is well established. However, the site directly abuts the edge of the residential development to the east of the site along Minshull New Road. Consequently, the impact on these neighbours will be explored further in this report.

The NPPF requires Local Planning Authorities to adopt a positive and constructive approach towards planning applications for economic development. Planning applications that encourage sustainable economic development should be treated favourably and this view is further reinforced in Policy EG1 of the Council's emerging Local Plan Strategy Submission Version.

This proposal would facilitate the storage of finished vehicles arising from the increase in production and product lines at Bentley. Thus, there are clear economic benefits arising from the scheme that would support job creation and the economic growth in the locality, the Borough and the region. It is considered that such benefits are in line with the growth agenda outlined within the local plan and the aims of the NPPF and accordingly, the development is highly sustainable in the economic sense.

In terms of local plan designation, the site is partly allocated as formal open space including designation as a school sports playing field and informal open space. The remaining part of the site is unallocated.

Local Plan Policy RT.1 seeks to protect open spaces which have recreational or amenity value from development. However, an exception can be made where there is an excess of playing fields or open space provision in the area and the site has no special significance. Policy RT.1 also cites a further exception that development may be permitted where the open space that would be lost would be replaced by a playing field or open space of equivalent or greater quality in the area. This advice is reflected in para 74 of the NPPF. Subject to this, the principle of such development can be acceptable.

Public Open Space

The proposal to provide car parking on an area of open space as identified in the Crewe Local Plan and Open Space Assessment would be contrary to policy RT.1. Development would not normally be permitted which would result in the loss of open space (including school playing field), which has recreational or amenity value. The Council also needs to consider what future potential the site may have as open space / sporting facilities.

Within Crewe, shortages exist in outdoor sports provision, with a usable adult supply of 0.64ha per 1,000 population - a lack of 67ha; and a lack of children's play provision, with a supply of 0.1ha per 1,000 population - a shortage of 34ha. Generally, open space provision is poorer in the north-eastern area of Crewe, the central area, the high density residential areas and parts of south

western Crewe. Recommendations within the Council's Open Space Assessment include upgrading existing open space, facilities for older children, upgrading children's play areas and looking at shortages in pitch's whilst upgrading pitch quality.

However, an exception may be made where the loss would be mitigated by the replacement of the open space / playing field in a suitable location including provisions for future management. The Council's Greenspaces section (ANSA) have confirmed that the enhancement / improvement of an existing open space / playing field via the payment of a commuted sum would serve to mitigate the loss of open space. The area of open space is presently under utilised and not of high quality therefore contributions towards a more valued area of open space within the vicinity of the site would perform a better function as amenity land.

In this case, ANSA have confirmed that there are works of enhancement and improvement identified on the 'James Atkinson Way play area' at a cost of £48,000 and works of enhancement at the allotments to the south of the site at a cost of £8,000 which would suitably mitigate against the loss of the open space. Subject to this, and in the absence of any objection from Sport England, it is considered that the proposed loss of a designated sports playing field and open space would not be detrimental in terms of social sustainability and should be balanced against the economic benefits of the proposal.

Design

The NPPF and local plan policies BE.2 and SE.1 emphasise the importance of securing high quality design appropriate to its context. NPPF 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 site is presently under utilised and as a result, its value as amenity land is diminished. It does not have the appearance of a high quality open space and owing to the fact that the surrounding development turns its back on the area, the site is poorly overlooked. The contribution that the site makes to the character and appearance of the area is limited having regard to the context of the site.

To soften the visual impact of the proposals, the scheme would include a landscape buffer around the perimeter of the site. The site would be bound by a security fence; however, this would be of paladin style with a mesh which would be more lightweight in appearance than a solid boundary treatment. Coupled with the proposed landscaping buffer, the proposed fence would not appear over dominant and as such, the impact on the character and appearance of the area would not be significant. The application is therefore acceptable in design terms.

Trees and Landscaping

There are hedges and a number of trees within the site including several mature specimens. The proposal would require the removal of a length of mid field hedge and all of the existing trees would be removed in order to accommodate the proposed car park. However, the Council's Landscape

and Tree Officer has confirmed that none of the trees are of great amenity value and in the absence of any objection from the Council's Nature Conservation Officer, nor do they have any nature conservation value. As such, the proposal would have negligible impacts on trees.

With respect to landscape impact, whilst the proposal will result in the loss of a green space, the site is surrounded on all sides by existing development comprising of the existing Bentley plant and residential properties. The site is as a result, relatively self contained and therefore its loss would not impact on the wider landscape setting.

Ecology

The council's Nature Conservation Officer (NCO) has assessed the application and has confirmed that there are no significant ecological issues associated with the proposed development. Accordingly, subject to a condition requiring a breeding bird survey to be submitted if works are to be carried out during the nesting season, the proposal would harm species protected by law.

Drainage

The council's Flood Risk Team and the Environment Agency has considered the impact of the proposed development on the surface water regime in the area. It has been confirmed that the redevelopment of the site is considered to be acceptable with the use of appropriate conditions. Conditions requiring the use of sustainable urban drainage measures and a scheme to manage surface water are recommended. With the imposition of such conditions, the impact that the development would have on drainage and flooding would be acceptable.

Residential Amenity

With respect to the proposed use, given that the site would be used to store finished vehicles only, the intensity and scale of use would not result in material harm to the nearest neighbouring properties by reason of noise. There has been no objection from the council's Environmental Protection Unit.

Some objectors have expressed concerns regarding the potential loss of light caused by the proposed boundary fences. The proposed boundary fence would measure 3 metres in height at its tallest part and would be sited some 20 metres distance from the rear boundary of the properties fronting Minshull New Road with a landscape buffer in between. The proposed fence would be positioned at least 25 metres distance way from the rear elevations of the nearest properties. This distance is more than sufficient to ensure that there would be no loss of light.

In terms of light pollution, a detailed lighting scheme could be secured by condition to ensure that any external lighting does not result in material harm to neighbouring residential amenity. Subject to conditions, there are no issues with respect to land contamination. The proposal complies with local plan policy BE.1.

Parking, Highway Safety and Traffic Generation

The proposed car park would be used for the storage of finished vehicles and would not benefit from an external access. It would be served by the existing internal road within the existing factory plant. The car park would be used solely for storage and would not be used for the parking of staff

or visitors vehicles. Consequently, the proposal would not directly result in the generation of vehicle movements to or from the site and as such, there are no highways or parking issues. The proposal therefore accords with Policy BE.3.

Crewe Town Council and local residents have called for the development to include the resurfacing and provision of parking to the rear of the properties fronting Minshull New Road. Bentley has confirmed that they are prepared to carry out such works. However, it is important to note that these works would not be required in order to make the development acceptable in planning terms and would be a separate matter between Bentley and its neighbours. Thus, whilst this attribute of the scheme would offer some social benefit, it would fall outside of the remit of the planning process as it would not be required to offset harm from the proposed development. Accordingly, this is considered to offer limited weight in the overall planning balance.

S106 contributions Levy (CIL) Regulations:

Policy BE.5 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

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

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

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

The Council's Greenspaces Section (who deal with open spaces), have advised that the proposed development will need to offset the loss of the open space and playing fields as a result of the proposed development by contributing towards a local area of open space and the Hulme Street Allotments to the south of the site. Without such, the scheme would result in planning harm and would fail to address an identified need. As such, the proposed obligations are necessary and directly and reasonably related to the scale of development.

Other Issues

Objectors have made reference to the impact that the proposed development would have on property values and the fact that the original owner of the land gifted it to the Council on the proviso that it was not to be sold on. However, property values and matters relating to land ownership and land transactions are not material planning considerations and as such, would not sustain refusal of planning permission.

PLANNING BALANCE & CONCLUSIONS

The principle of the development is compatible with surrounding land uses and would facilitate the delivery of new jobs and economic growth for Bentley Motors, a large local employer. The proposal would thereby help to deliver significant economic and social benefits.

Whilst the proposal would result in the loss of an area of public open space (incorporating land designated as sports playing field), the area of land is not of great recreational amenity value and its loss would be offset by contributing towards a local area of open space comprising of the 'James Atkinson Way Play Area', which better serves the needs of the area. Additional social benefits would be realised through financial contributions towards the allotments to the south of the site.

The proposal would not materially harm the character or appearance of the area, subject to the proposed landscaping scheme. The proposal is considered to be acceptable in terms of its impact upon residential amenity, highways and parking, ecology, drainage and flooding and other environmental interests. The proposal is therefore considered to be sustainable in the environmental sense.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and would be compliant with relevant policy. Subject to conditions and a s106 legal agreement, the proposal is therefore considered to comply with the relevant policies of the adopted Borough of Crewe and Nantwich Local Plan and advice contained within the NPPF and emerging local policy. The application is therefore recommended for approval.

RECOMMENDATION:

APPROVE subject to S106 Agreement making provision for:

- **Public Open Space contributions comprising of:**
 - **£48,000 towards the 'James Atkinson Way Play Area**
 - **£8,000 towards Hulme Street Allotments**

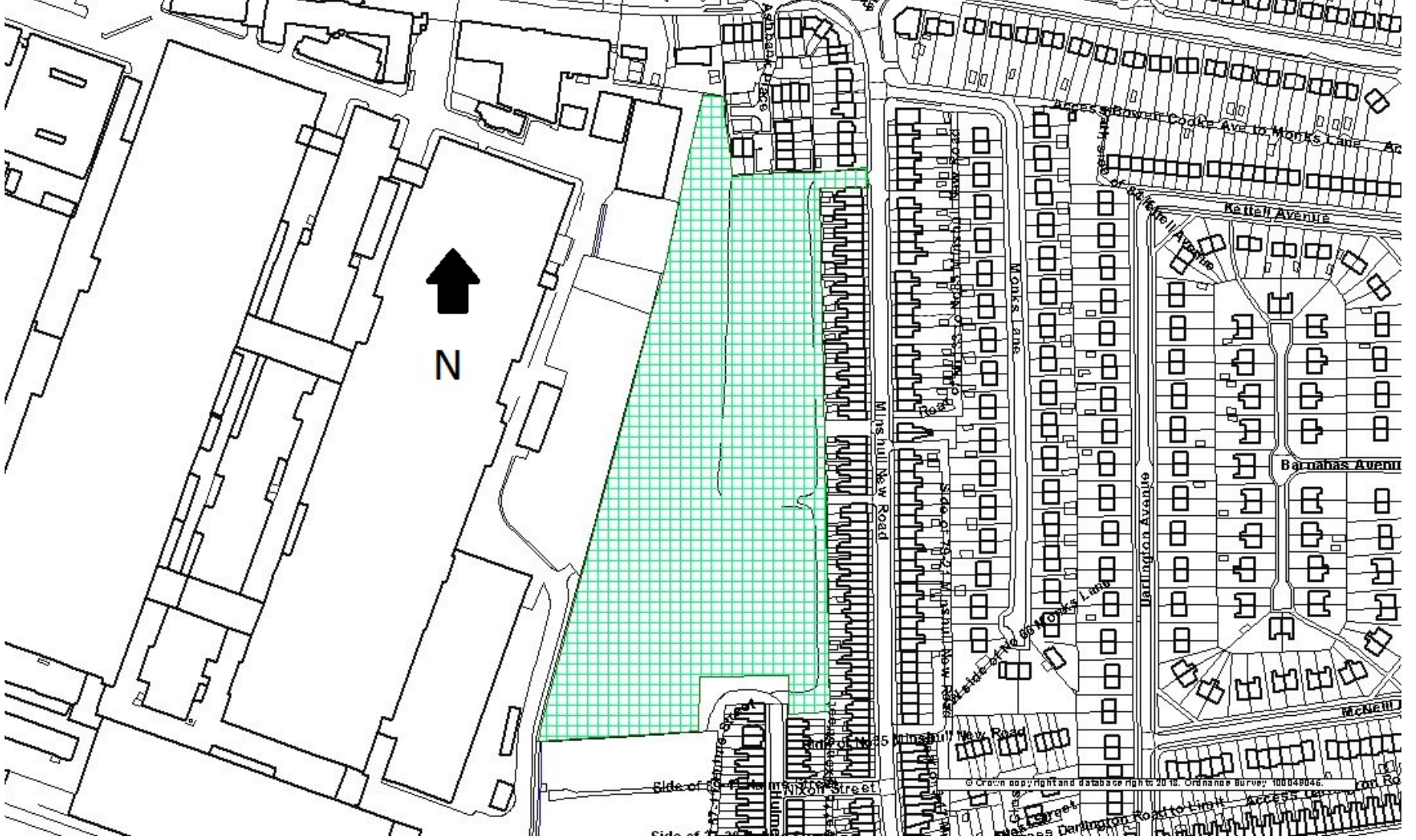
and for the following conditions:

- 1. Standard time limit (3 years)**
- 2. Accordance with amended plans**
- 3. Materials to be submitted and approved**
- 4. Notwithstanding submitted detail, fences to be no higher than 3 metres**
- 5. Survey for nesting birds to be submitted if development is carried out during the bird nesting season**
- 6. Details of sustainable drainage scheme to be submitted**
- 7. Surface water drainage strategy to be submitted**
- 8. Landscaping scheme to be submitted**
- 9. Landscaping scheme implementation**
- 10. Submission of a contaminated land survey**
- 11. Details of external lighting to be submitted**
- 12. Details of surfacing and car parking to the rear of Minshull New Road to be submitted**
- 13. Details of CCTV to be submitted**

14. Dust control scheme to be submitted

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

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.



Application No: 15/2391N

Location: Land To The Rear Of New House Farm, CLAY LANE, HASLINGTON

Proposal: Outline Application for Erection of up to 10 dwellings with detached garage buildings, landscaping and associated access

Applicant: HIMOR (Land) Limited & Lorne Waldermar, Conrad Pilip and Diane Lorraine Pilip

Expiry Date: 20-Aug-2015

SUMMARY

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

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

However, 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 support 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 regarding loss of employment are noted. However the development would secure replacement employment floorspace elsewhere within the borough.

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.

RECOMMENDATIONS

APPROVE subject to conditions and a s106 legal agreement

PROPOSAL

This application seeks outline planning permission with details of access for the erection of up to 10 dwellings (including affordable housing) on land to the rear of New House Farm, Clay Lane, Haslington. Matters relating to appearance, landscaping, layout and scale are reserved for approval at a later stage.

SITE DESCRIPTION

The site relates to an existing employment site which comprises of a multi-let industrial commercial trading estate situated to the rear of New House Farm, Clay Lane in the Parish of Haslington. The site accommodates a number of small businesses that range from car body repairs, mechanics, paint-spraying, storage and distribution, haulage contractors, caravan storage and vehicle storage. The site is relatively flat and measures approximately 0.99 ha in size. The site is located within Open Countryside as designated in the Borough of Crewe and Nantwich Adopted Replacement Local of Plan 2011 and is not allocated for any other purpose within the Local Plan.

RELEVANT HISTORY

The site has several historic approvals relating to its use for commercial and industrial purposes.

NATIONAL & LOCAL POLICY

National Policy

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

14, 17 - Presumption in favour of sustainable development
47-50 - Wide choice of quality homes
55 - Isolated dwellings in the countryside
56-68 - Requiring good design
69-78 - Promoting healthy communities
111 – Re-use of previously developed land
217 Implementation.

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011, which allocates the site, under Policy NE.2, as Open Countryside.

The relevant Saved Policies are:

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.6 (Development on Potentially Contaminated Land)
E.7 (Existing Employment Sites)

TRAN.9 (Car Parking Standards)
NE.2 (Open Countryside)
NE.5 (Nature Conservation and Habitats)
NE.9 (Protected Species)
RES.5 (Housing in the Open Countryside)
RES.7 (Affordable Housing)
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 – Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
EG3 - Existing and Allocated Employment Sites
IN1 – Infrastructure

Other Material considerations:

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

CONSULTATIONS

Head of Strategic Infrastructure (Highways)

No objection

Environmental Protection

No objection subject to conditions / informatives relating to external lighting, bin storage, the provision of electric vehicle charging points, contaminated land.

Cheshire Brine Subsidence Compensation Board

No objection provided that the foundations are strengthened.

Haslington Parish Council

Object on the following grounds:

(1) Loss of a major employment site within the service centre of Haslington Parish Council. It would be premature to change the designation of this site before all the employment sites have been identified within the Local Plan.

(2) The development would be in the open countryside and would potentially set precedent in closing the parish council boundaries and feels it is contrary to policies NE2/ RES5.

REPRESENTATIONS

Representations have been received from 3 objectors raising the following concerns:

- Principle of the development contrary to NPPF
- Not sustainable
- Loss of employment site
- There is a need for this site
- The site is popular with small businesses (15 businesses on site)
- Lack of consultation
- Haslington Village cannot support more housing
- Site is isolated and would set a precedent
- Services and amenities are not accessible to the development
- New houses would be at risk from subsidence
- Clay Lane is in poor condition
- Increased traffic using Elton Lane / Clay Lane junction with the Crewe Bypass which is dangerous
- Landowner has been allowing the site to become untidy
- Landowner issued shorter leases to tenants
- Site owners have no intention of relocating existing businesses
- Existing businesses will be subject to relocation costs
- Land ownership
- Inaccuracies in the submission
- Potential land contamination

APPRAISAL

Principle of Development

Policy NE.2 of the Local Plan advises that: *'within the Open Countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.'*

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

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

The proposed development does not meet any of the above exceptions and as such, the proposal constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "in accordance with the plan unless material considerations indicate otherwise".

However, one of the NPPF's 12 key principles is to *'encourage the effective use of land by reusing land that has been previously developed'*. This is reiterated in para 111 of the NPPF. This states that Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (Brownfield land), provided that it is not of high environmental value. This proposal seeks to redevelop an existing brownfield site and therefore accords with the NPPF in this regard.

The issue in question is whether the development represents a sustainable form of development and whether there are other material considerations associated with this proposal, which are a sufficient to outweigh the conflict with the development plan.

Housing Land Supply

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

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

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

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

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

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

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

Open Countryside Policy

In the absence of a 5-year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy NE.2, seeks to protect the intrinsic character and beauty of the countryside.

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

In order to assess the impact upon the Open Countryside, a key consideration is the impact that the development would have upon the landscape, which forms part of the assessment as to whether the proposal is a sustainable form of development. It is important to bear in mind that the present industrial / commercial use of the site and its associated impacts on the countryside should also be weighed in the balance.

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”.

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development comprises of three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

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

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

Environmental role

Locational Sustainability

The application site is located approximately 1.6 km to the north of the settlement of Haslington. 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 Haslington and the town of Crewe are within a reasonable cycling distance of the site. Crewe offers sustainable access to a range of retail and leisure facilities and employment opportunities with Haslington hosting a range of local amenities / services. Thus, future residents of the proposed development would be car dependant; however, local services and amenities would be accessible by bicycle.

Landscape Impact

The site has no national landscape designation. The application site is located in relatively flat agricultural landscape, characterised by hedgerows and a number of mature hedgerow trees. The site is visible from public viewpoints and the existing use of the site may be considered to have elements which are visually intrusive in the landscape. Redevelopment for residential use could provide opportunities for additional landscape works. Subject to this, which would be secured at the detailed reserved matters stage, the site is capable of accommodating a proposal for up to 10 units without injuring the visual amenity of the open countryside.

Trees

Although there is some vegetation on the periphery, and trees and hedges are indicated on plans the Council's Tree Officer does not anticipate that the existing trees or hedges would provide a significant constraint to development. A reserved matters application would need to take account of the guidance contained within BS 5837:2012. Subject to conditions, it is considered that the proposal is acceptable in terms of its impacts on trees.

Ecology

The application is supported by an Extended Phase 1 habitat survey and this has further been updated following initial comments from the Council's Nature Conservation Officer (NCO). The NCO has reviewed the submitted information and advises that no evidence of protected species were recorded at the site and the proposals would not affect them subject to a suite of 'reasonable avoidance measures'. The NCO has commented that a native species hedgerow to the south of the site and a mature oak tree needs to be retained for their nature conservation value. The indicative plan would allow for the retention of these features. As such, it is considered that the proposal would not affect species protected by law and would accord with Policy NE.9 of the Local Plan.

Design Standards

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

The proposal is in outline form and therefore the submitted layout is only indicative. However, the indicative layout shows how a scheme of up to 10 units could be accommodated on the site. The units would utilise the existing vehicular access serving the site, which would be extended along the northern boundary and would have 2 limbs extending south into 2 'courtyard' style cul-de-sacs. The units would be arranged around these 2 access limbs and would be set within spacious plots.

The dwellings as shown would be well spaced and would provide a mix of units. It is considered that further work would be required to ensure that scheme does not introduce a suburban form of development within this rural context, however, this would be a matter to be dealt with at the reserved matters stage when appearance and layout is fully considered. The application is considered to be acceptable in this regard.

Access

Access to the site is to be taken from Clay Lane where the site is already served by a vehicular access. The Head of Strategic Infrastructure (HSI) has assessed the application has confirmed that a development of just 10 dwellings would not be expected to have a material traffic impact on the adjacent highway network having regard to the current lawful use of the site for employment uses. Parking for each unit would accord with standards and would not result in a displacement of parking. As such, the scheme is found to be acceptable in terms of highways and parking.

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.

Thus, taking the above into account, the scheme would be sustainable in the environmental sense.

Economic Role

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

It is important to note that this proposal would involve the loss of an employment site, which is currently performing a valuable function by offering floor space to small businesses in the area. The applicant has not put a case forward that the site is no longer suitable or viable for employment uses and this is supported by the fact that there is a good uptake of the units on the site and a number of small businesses operating from there. No case has been made that there is no potential for modernisation or alternate employment uses.

However, the applicant has confirmed that owing to the location of the site within open countryside, there is limited scope to expand the site. It is the applicant's intention to find an alternative site where there is scope to expand. As such, the applicant has offered to enter into a s106 legal agreement to secure similar employment floor-space within the borough. Subject to this, there would be no tangible loss of employment floor-space and the proposal would not be contrary to local plan policies E.7 and EG3. Taking this into account, it is considered that the proposed development would be economically sustainable.

Social Role

Affordable Housing

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

The applicant has stated that the site does not lend itself well to the provision of affordable units on site. As such, their preference would be a contribution in lieu of affordable housing on site. The Council's Strategic Housing is currently considering this and this will be reported to Members by way of an update.

Residential Amenity

The nearest residential property is the former farmhouse to the front of the site. As the application is in outline form, the precise position of the proposed dwellings in relation to this existing property is not yet known nor is the position of windows. However, the existing property would enjoy a distance of 26 metres to the boundary of the site, which would be more than sufficient to ensure limited impact on the occupier's amenity.

Within the site, it has been demonstrated that a layout of 10 dwellings could be accommodated on the site without comprising the spacing standards advised between principal to principal elevations and principal to flanking elevations. The minimum separation distances would be exceeded and as far as can be determined at this stage, would not materially harm the amenity afforded to the future residents.

The scheme would be capable of providing a sufficient standard of amenity for each dwelling and as such, subject to suitable reserved matters detail, it is considered that the proposed development would adhere with Policy BE.1 of the Local Plan.

In the context of social sustainability, the proposal would provide much needed housing and would (subject to update) assist with the provision of affordable housing in the vicinity.

S106 contributions Levy (CIL) Regulations:

Policy BE.5 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

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

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

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

The Council's Stageic Housing Section (who deal with affordable housing) have advised that the proposed development will need to address a shortfall of affordable housing in the vicinity, be it by contribution or on site provision. Without such, the scheme would result in planning harm and would fail to address an identified need.

Additionally, without replacement employment floorspace to replace that which would be lost, the scheme would result in a loss of employment opportunities in the area without justification. As such, the proposed obligations are necessary and directly and reasonably related to the scale of development.

Other Issues Raised by Representation

Comments have been received regarding the loss of the site for specific businesses, land ownership and the precedent that the development would set. These are not material planning considerations. Each application must be assessed on its own merits. The planning process can only safeguard employment uses and the local planning authority cannot involve itself with the tenancy arrangements between the landowner and individuals / businesses.

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 support 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.

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

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

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.

Overall, the scheme represents a sustainable form of development and that the planning balance weighs in favour of supporting the development subject to conditions and a s106 legal agreement.

RECOMMENDATION

APPROVE subject to S106 Agreement making provision for:

- **Affordable Housing comprising: TBC**
- **Replacement employment floor-space of a size and format similar to that which would be lost**

and for the following conditions:

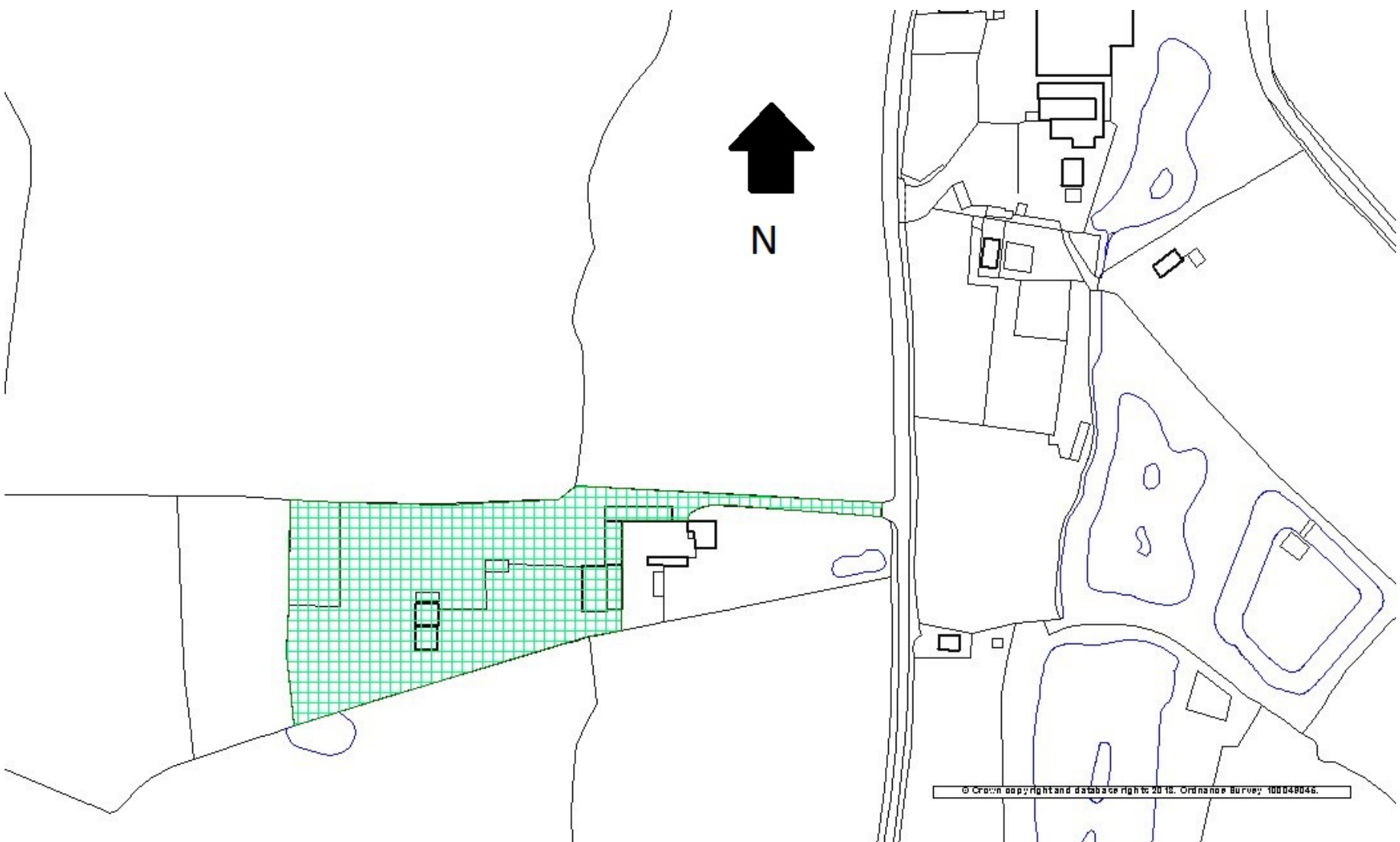
- 1. Standard Outline Time Limit**
- 2. Submission of Reserved Matters**
- 3. Accordance with approved plans**
- 4. Submission of a tree protection scheme including retention of existing oak tree and southern hedgerow**
- 5. Survey for nesting birds if development is carried out in bird breeding season**
- 6. Features for breeding birds to be incorporated into scheme**
- 7. Access to be constructed in accordance with approved plans**
- 8. Accordance with recommendations of ecological report**
- 9. Prior submission of any external lighting**
- 10. Prior submission of a dust mitigation scheme**
- 11. Submission of details of drainage**
- 12. Submission of land contamination report**

13.Submission of details of bin storage

14.Provision of electric vehicle charging points within each house

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

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



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Application No: 15/1437N

Location: Holly Cottage, Gauntons Bank, Norbury, SY13 4HP

Proposal: Proposed construction of one dwelling on land adjacent to Holly Cottage.

Applicant: R LEWIS

Expiry Date: 20-May-2015

SUMMARY

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

It is considered that the proposal is compliant to Open Countryside policy NE.2 which states paragraph 4.14 that:

'Within the open countryside there are numerous small settlements, some of which are no more than a group of dwellings. These do not justify the drawing of settlement boundaries, as there is little prospect of further development. It is recognised, however, that within the existing limits of some of these settlements there remain genuine opportunities for infilling.'

Additionally, RES.5 states that housing will in the open countryside will be acceptable subject to meeting the criteria for infilling contained within Local Plan Policy NE.2, which this proposal is considered to adhere to as above.

Furthermore, such a proposal would adhere with the emerging Local Plan Policy PG5.

As such, on balance, it is considered that the benefits of this development would weigh in favour of this proposal.

RECOMMENDATION

APPROVE subject to conditions

REASON FOR REFERRAL

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

‘Over domination. Not in keeping with the street scene. Overlooking a Listed Building’

PROPOSAL

The proposal seeks to construct one dwelling on land adjacent to Holly Cottage.

The original submission sought 2 detached dwellings on the corner plot between Gauntons Bank and Frith Lane. This was altered to one dwelling during the application process due to concerns that this would represent an over-development of the site. This amendment was then subject to a further period of consultation.

SITE DESCRIPTION

The site lies on a corner plot of land between Gauntons Bank and Frith Lane. The proposed site is located within the open countryside, outside the settlement boundary.

RELEVANT HISTORY

14/0411N- Proposed rear two storey extension, single storey side extension and extension to existing garage – Approved with conditions- 17-March 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, 47-50 - Wide choice of quality homes, 53- Inappropriate development of gardens, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011, which allocates the site, under Policy NE2, as Open Countryside.

The relevant Saved Policies are:

NE.2 Open Countryside, BE.1 Amenity, BE.2 Design Standards, BE.3 Access and Parking, BE.4 Drainage, Utilities and Resources, NE.5 Nature Conservation and Habitats and RES.5 Housing in the Open Countryside.

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP1 - Presumption in favour of sustainable development, PG1 - Overall Development Strategy, PG5 - Open Countryside, PG6 - Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SC4 - Residential Mix, SE1 – Design, SE2 - Efficient use of land, SE3 - Biodiversity and geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 - Green Infrastructure, SE9 - Energy Efficient Development, SE12 - Pollution, Land contamination and land instability and SE13 - Flood risk and water management

CONSULTATIONS

Marbury and District Parish Council: Object to the proposal on the grounds that the building applied for is not on land adjacent to but on the garden on Holly Cottage. The proposal will impact on neighbouring dwellings through overlooking, overshadowing and loss of privacy through visual intrusion. The land level variation between the garden of Holly Cottage and the neighbouring property is considerable causing an intimidating relationship. The size of the build is completely inappropriate for the site both socially, practically and aesthetically. The council are in agreement with other individual objections from individuals. The proposal does not adhere to Local and National Policy.

Head of Strategic Infrastructure: No comment or objection in relation to the revised layout. Section 184 Agreement informative advised.

Environmental Health: No objections however hours of construction informative advised. A method statement, dust control and contaminated land conditions are all advised.

Landscape: No objection, a condition to ensure the retention and protection of the boundary hedge is recommended, together with a landscaping scheme are advised.

Ecology: No objections.

REPRESENTATIONS

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

There have been 45 letters of objection which can summarised below:

- The proposal is against National Planning Policy paragraph. 53.
- Not in keeping with the character of the area.
- Loss of amenity by way of visual intrusion on the corner.
- Noise pollution.
- Vehicular access is dangerous and falls short of highways standards, location and visibility.
- Will alter the openness and character of the area and create a built up appearance when viewed from the road and adjacent properties.
- The corner plot should be reinstated to be an asset to the community.
- National planning does not expect every bit of green land to be built upon.
- No soil testing has been done in terms of contamination.
- Newts in the area, applicant hasn't undertaken any surveys to do with Newts.

- Totally inappropriate build in an open rural.
- House will be in the garden of an already extended house; over development of the site.
- Building line will be lost.
- Not an area designated for residential development which is adequately catered for in Wrenbury.
- Not enough time to consider amendments.

APPRAISAL

The key issues are:

- The principle of the development
- Housing Land Supply
- Open Countryside
- Emerging Local Plan policy
- Amenity
- Design

Housing Land Supply

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

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

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

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

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

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

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

Open Countryside Policy

In the absence of a 5-year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside.

Policy NE.2 states that within open countryside *‘an exception may be made where there is the opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage’*. It is considered that the proposal is compliant with this which then goes onto state in Paragraph 4.14 *‘within the open countryside there are numerous small settlements, some of which are no more than a group of dwellings. These do not justify the drawing of settlement boundaries, as there is little prospect of further development. It is recognised, however, that within the existing limits of some of these settlements there remain genuine opportunities for infilling.’*

Therefore, the proposal remains compliant to NE.2 Open Countryside Policy, thus not sustaining a reason for refusal.

Additionally it has been highlighted within various objections the concern that the proposal fails to adhere to Paragraph 53 of the NPPF. It is not considered that this is the case, as Paragraph 53 of the NPPF states the need to resist inappropriate development of residential gardens where development would cause harm to the area. As the proposal is compliant with NE.2 of the Local Plan, it is not considered that this is the case.

Emerging Local Plan Policy

Policy PG5 (Open Countryside) of the emerging Cheshire East Local Plan (Emerging LP) indicates that an exception may be made to the Open Countryside policy with regards to residential development. This includes where there is an opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage (i).

Given that the proposal would infill a small gap within a built up frontage, it is considered that the proposal would adhere with this emerging Local Plan policy.

However, although this document has been subject to formal examination, it has not yet been adopted and this limits the weight that can be attributed to this policy.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

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

The applicant has not submitted this completed toolkit. However, the Planning Officer can confirm that the site is not likely to adhere to the majority of the public facilities listed due to its location and as such, the proposed development cannot be considered to be locationally sustainable.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

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

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

Design

In regard to the form of the existing properties in the immediate area of Gauntons Bank, these comprise of predominantly detached, two-storey properties. There is also a detached bungalow adjacent to the site (known as Sunnyside).

As such, it is considered that the form of the dwelling will not look incongruous within its setting as a two storey detached dwelling, due to the variety of dwellings in the area.

The applicant has taken into account advice received at pre-application stage in that the scheme now includes the proposal of one dwelling as opposed to the original proposal for two. This is considered to be more suitable for the site without appearing as an over-development. The dwelling has been amended to sit further back from the highway and follow the curvature of the road fronting directly onto Gauntons Bank junction to avoid a prominent appearance amongst the landscape.

The size of the proposed dwelling is considered to be similar in footprint to those dwellings in the immediate area. The materials of the dwelling would consist of a natural blue grey slate roof, red Cheshire brick walls and white uPVC fenestration. These are considered to be in keeping with the surrounding area.

It is not considered that the design of the dwelling would impact upon the landscape and Open Countryside significantly. The existing boundary hawthorn hedge is proposed to be retained with soft landscaping to be agreed through the submission of a Landscaping Scheme to the Local Planning Authority. Furthermore, such a proposal would adhere with the emerging Local Plan Policy PG5.

Amenity

The proposal lies on a corner plot between Gauntons Bank and Frith Lane. There are two properties either side of the dwelling; Holly Cottage and Sunnyside.

In terms of the relationship between the proposed dwelling and Sunnyside, the only windows facing Sunnyside would be two secondary ground floor windows serving a garage and toilet and would be obscure glazed. The side elevation of Sunnyside facing the proposed site is a blank elevation and alleviates any concerns of potential amenity issues through loss of privacy or outlook.

The other adjacent property is Holly Cottage. Due to the offset relationship that the two properties would have due to the angling of the proposal in line with the building line, it is not considered that there are any issues of overlooking from the proposed dwelling. There are two narrow windows secondary sitting room windows at ground floor level which are not considered to incur any detrimental issues of amenity on the neighbouring property of Holly Cottage. The distance between Holly Cottage and the proposed dwelling at the two closest points of built form at the rear corners, measures approximately 11.7 metres. This is considered to be acceptable due to the offset nature of the dwellings.

The Cottage is measured approximately over 35 metres away from the proposal and it is therefore not considered to be affected by any detrimental issues of amenity.

Taking this into account, it is recognised that the proposal therefore complies with Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

Impact upon the setting of the Listed Building

There is a Grade II listed building to the east of the site known as Brook Farm. This property is located to the opposite side of the modern bungalow known as Sunnyside. Due to the scale of the proposed development and the intervening dwelling it is not considered that the development would have a detrimental impact upon the setting of this listed building.

Highways

The proposed development would include a widened access with the existing dwelling at Holly Cottage. This widened access would be shared by Holly Cottage and the proposed development. In this case the highways officer has considered the application and raised no objection to the proposed development.

Other Matters

The scheme is not of a scale which requires; affordable housing, public open space, education or health contributions.

RECOMMENDATION

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

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan. The proposed development does fall within the listed categories as it would constitute in-fill development within an otherwise built up frontage and as such the development would comply with Policy NE.2.

The proposal would bring positive planning benefits such as; the provision of market housing and a minor boost to the local economy.

However, the planning dis-benefits are that development would not be located in a sustainable location.

Given that the site is enclosed on all sides by built form, it is not considered that the impact upon the landscape, and Open Countryside would be significant in this instance. Furthermore, such a proposal would adhere with the emerging Local Plan Policy PG5.

As such, on balance, it is considered that the development would be sustainable and should therefore be approved.

APPROVE subject to the following conditions

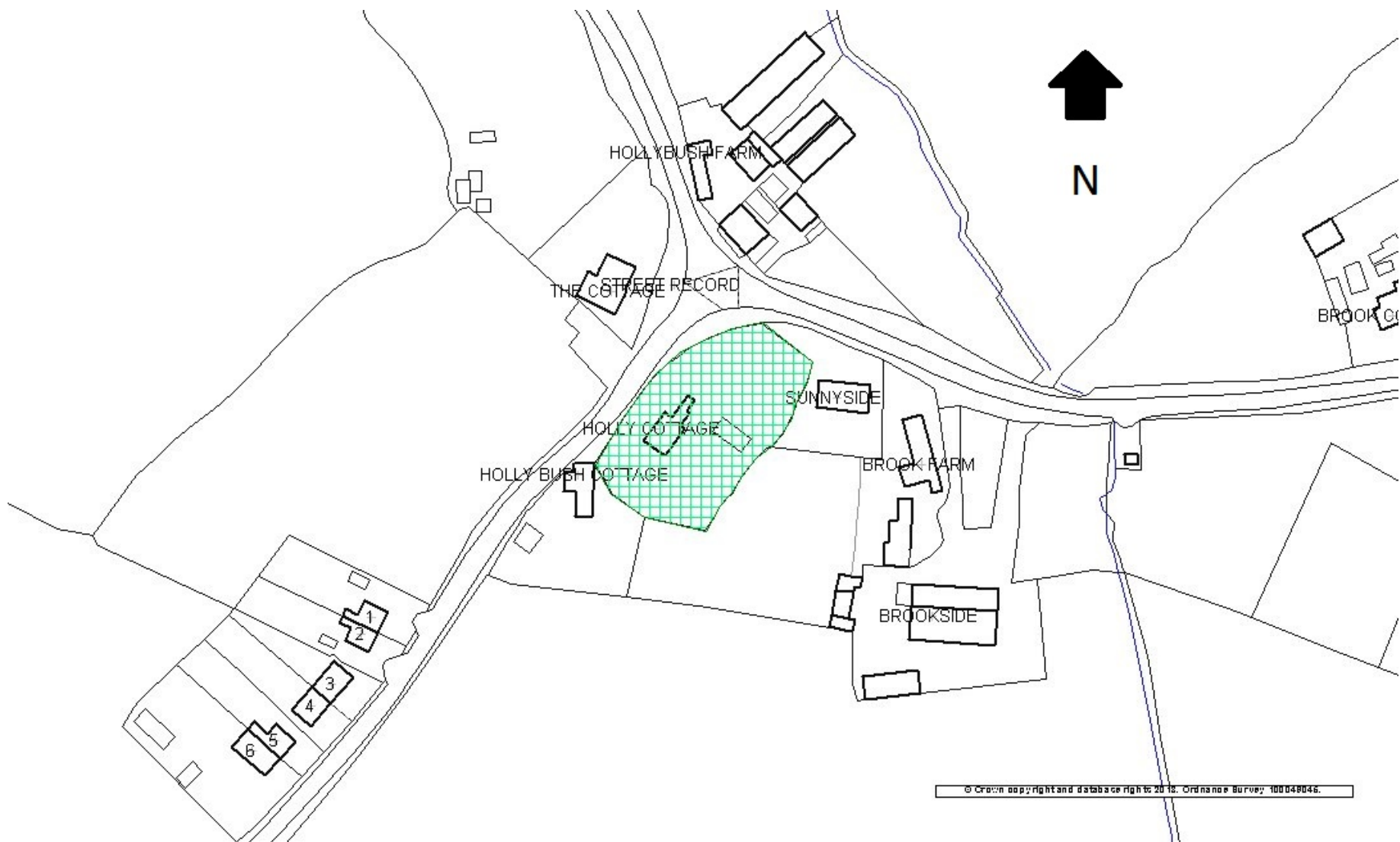
1. **Time 3 years**
2. **Compliance with the approved plans**
3. **Materials to be submitted and approved**
4. **Retention of boundary treatment**
5. **Contaminated land report to be submitted and approved**
6. **Landscaping Scheme**
7. **Landscaping implementation**

8. Construction Method Statement
9. Dust Control Report
10. Contaminated Land

Informatives:

1. NPPF
2. Highways; Section 184 Agreement
3. Hours of construction
4. Contaminated Land

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



Application No: 15/3897N

Location: CHAPEL FARM, AUDLEM ROAD, HATHERTON, CHESHIRE, CW5 7QT

Proposal: Variation of Condition 5 on Application P07/0365 to allow unit 3 to be occupied by an agricultural worker

Applicant: Mr John Roach

Expiry Date: 21-Oct-2015

SUMMARY

The development is considered to be acceptable in principle and the proposed variation of the condition would allow not raise any amenity, highways or design implications.

The proposal would comply with the above mentioned local policies contained within the Borough of Crewe and Nantwich Local Plan 2011 and the Cheshire East Local Plan Strategy – Submission Version as well the National Planning Policy Framework.

RECOMMENDATION – Approve with conditions**REASON FOR REFERRAL**

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

I have been asked to 'call-in' this application due to concerns raised by local residents and the Parish Council.

In summary, their concerns are as follows:-

A) Condition 5 (of P07/0365) states that the converted barns shall be used for holiday lets (Class 1) and NO other purpose whatsoever. (This including any other purposes in Class 3 which includes Dwelling Houses).

B) In the Applicant's Statement, it is stated that recent changes in Permitted Development Rights and Changes in Use Orders permit agricultural buildings to be changed to C3 use (Residential Dwelling House). However these buildings are no longer classified as Agricultural Buildings as they have already been converted to holiday accommodation (C1).

Therefore the recent changes in relation to 'agricultural buildings' are not applicable in this case.

C) The Barn Conversions are small holiday-let units situated around a small, constrained courtyard in close proximity to the Principal Dwelling (Chapel Farm Farmhouse) and adjacent agricultural buildings. They do not lend themselves for use as permanent residential dwellings with the regular on-site traffic movements and parking requirements that residential accommodation requires. (including the need for caravans and other farm vehicles to use the same courtyard to access adjacent buildings used for caravan and vehicle storage).

They do not offer any individual amenity space (garden/outdoor space).

These proposed residential properties would not satisfy conditions for sustainability as required under the NPPF. They would be reliant on car transport (there is a limited bus service that runs from Audlem to Nantwich past the Farm but this would not offer flexible transport for work or school and does not run after 6pm).

To change the classification of these buildings from C1 to C3 would create an inappropriate over-development of this constrained site.

D) Previous applications: 13/4214N Application to build Four Luxury Holiday Cabins on Land to the Rear of the Site. This application was refused in December 2013 and dismissed at Appeal (30.04.14).

Whilst this Appeal was dismissed on the basis that new build holiday properties would have 'an adverse impact on the Character and appearance of the area', the Appeal Inspector did concur that "I accept that visitor accommodation can be an appropriate use in a rural area" (Paragraph 9).

There is therefore concern that this application seeks to cease a legitimate diversification activity in an area where appropriate holiday lets are in limited supply.

E) It is requested that should this application go to Committee, that a site visit is arranged:-

i) to see the constraints of the site and the location of the Class 1 holiday let buildings.

ii) No documents regarding site layout and dimensions have been submitted with this application.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an L-shaped brick barn within the open countryside

The buildings lie within the farm complex.

Agricultural buildings lie immediately north and south of the barns, whilst the farm house lies immediately to the west. Agricultural fields lie to the east.

The agent confirms that the agricultural operations on the farm ceased in 1999.

Planning permission was granted on 2nd May 2007 for a barn conversion to holiday lets.

DETAILS OF PROPOSAL

This application proposes to vary Condition 5 to allow one unit to be used as an agricultural workers dwelling instead of being restricted to holiday lets. Dwellings and holiday let accommodation both fall within use class C3. Condition 5 states as follows:

‘The site premises shall be used for holiday lets only and for no other purpose whatsoever (including any other purposes in Class C3 (Dwelling house) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended.

Reason: The Local Planning Authority would wish to give further consideration to other uses within the specified class in this location in the interests of sustainable development at a working farm in the open countryside. In accordance with Policies BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Access) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.’

It should be noted that the description of development has been altered during the course of this application. The application originally proposed the removal of the condition.

RELEVANT HISTORY

P07/0365 – Barn conversion to holiday lets - Approved 02nd May 2007.

POLICIES

National Policy

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

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site within the open countryside

Policy NE.2 - Open Countryside

Policy BE.1 – Amenity

Policy BE.2 - Design Standards

Policy BE.3 - Access and Parking

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 MP1 – Presumption in Favour of Sustainable Development

Policy PG 1 - Overall Development Strategy

Policy PG 5 - Open Countryside
Policy SD 1 - Sustainable Development in Cheshire East
Policy SD 2 - Sustainable Development Principles
Policy SE 1 - Design

CONSIDERATIONS (External to Planning)

Environmental Health: No objection subject to a pre-commencement condition regarding contaminated land.

CEC Head of Strategic Infrastructure: The removal of condition 5 will not result in a substantial highway impact, a residential use for 5 units does not produce the level of traffic that would have a impact on the local road network. No highway objections are raised.

View of the Parish/Town Council: Object to the application. Concerns raised include the buildings identified as C1 on the plan are no longer classified as agricultural buildings as they have already been converted, the site is not appropriate for use for residential dwellings, there is no amenity space provided, the proposal does not represent sustainable development and the proposal would represent over-development of the site.

Other Representations:

No representations received at the time of writing.

OFFICER APPRAISAL

Principle of Development

The principle of the conversion has been established by the granting of planning permission P07/0365. This application does not represent an opportunity to re-examine the appropriateness of the conversion of the barns.

Condition 5

This application proposes to vary Condition 5 to allow one unit to be used as an agricultural workers dwelling instead of being restricted to holiday lets. Dwellings and holiday let accommodation both fall within use class C3.

As can be seen from the reason for the condition the justification for the restriction relates to the proximity to a working farm with reference to policies BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Access).

The main implication is in terms of residential amenity and policy BE.1 this is main reason for the condition which states that *'the Local Planning Authority would wish to give further consideration to other uses within the specified class in this location in the interests of sustainable development at a working farm in the open countryside'*. The agent for the application has confirmed that the occupant of the unit is a farm worker and as a result there would not be any issue in terms of a farm worker living in close proximity to the existing farm buildings. As the variation of the condition would be acceptable and comply Policy BE.1 (Amenity).

In terms of the design of the development and Policy BE.2 there would be no alterations to the approved design and as a result the impact would be acceptable.

In terms of access and Policy BE.3 the head of Strategic Infrastructure has confirmed that he has no objection to the removal of the condition and the highways impact would be acceptable.

CONCLUSIONS

The development is considered to be acceptable in principle and the proposed variation of the condition would allow not raise any amenity, highways or design implications.

The proposal would comply with the above mentioned local policies contained within the Borough of Crewe and Nantwich Local Plan 2011 and the Cheshire East Local Plan Strategy – Submission Version as well the National Planning Policy Framework.

RECOMMENDATIONS

APPROVE subject to the following conditions:

- 1. Units 1 and 2 shall be used for holiday lets only and no other purpose**
- 2. Unit 3 shall be restricted to an agricultural worker**
- 3. Retention of the visibility splays approved as part of application P07/0365**
- 4. Approved plans**
- 5. Retention of the approved car-parking**
- 6. Units 1 and 2 to be operated as an ancillary business to the farm operations at Chapel Farm**
- 7. Removal of permitted development rights – extensions and outbuildings**



Application No: 15/4145C

Location: Land Adjacent 17, ELM TREE LANE, SANDBACH

Proposal: Vacant brown field plot developed with new 4 bedroom house

Applicant: John Westerside

Expiry Date: 16-Nov-2015

SUMMARY

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

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

Furthermore, the development site is situated outside the Sandbach settlement boundary as denoted by the Sandbach Town Neighbourhood plan, and the policies relating to housing in the area.

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

The proposal would bring positive planning benefits such as; the provision of market housing and a minor boost to the local economy. In addition the site is located in a sustainable location with links to Sandbach.

It is not considered that the environmental concerns created, by reason of the impact upon the Open Countryside are not significant enough to warrant refusal of this application given the sites location amongst residential development.

No issues with regards to neighbouring amenity, landscape, trees, hedgerows, flooding or drainage would be created.

As such, the development is recommended for approval.

RECOMMENDATION

APPROVE subject to conditions

PROPOSAL

This application seeks full planning permission for 1 detached dwelling house on land adjacent to No.17 Elm Tree Lane, Sandbach.

SITE DESCRIPTION

The site relates to a rectangular plot of land on Elm Tree Lane, between No.17 and a property known as the Gables. The site is situated within the open countryside.

The application site is approximately 0.06 hectares in size, and is approximately 22m wide and 30m deep. Currently the site is vacant and overgrown and there is a boundary fence on all four sides of the plot.

RELEVANT HISTORY

19606/3 – one family house and two retirement bungalows – Approved subject to legal agreement 1988

NATIONAL & LOCAL POLICY

National Policy

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

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

Development Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS8, as Open Countryside.

The relevant Saved Policies are:

PS8 – Open Countryside
PS10 – Jodrell Bank Radio Telescope Consultation Zone
GR1 - New Development
GR2 – Design
GR4 – Landscaping
GR6 - Amenity and Health
GR9 - Accessibility, Servicing and Parking Provision – New development
GR20 - Public Utilities
GR21 - Flood Prevention
NR1 - Trees and Woodlands
NR2 - Wildlife and Nature Conservation – Statutory Sites
H1 - Provision of New Housing Development
H6 - Residential Development in the Open Countryside and the Green Belt

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP1 - Presumption in favour of sustainable development
PG1 - Overall Development Strategy
PG5 - Open Countryside
PG6 - Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
IN1 – Infrastructure
IN2 - Developer contributions
SC4 - Residential Mix
SC5 - Affordable Homes
SE1 – Design,
SE2 - Efficient use of land
SE3 - Biodiversity and geodiversity
SE4 - The Landscape
SE5 - Trees, Hedgerows and Woodland
SE6 - Green Infrastructure
SE9 - Energy Efficient Development
SE12 - Pollution, Land contamination and land instability
SE13 - Flood risk and water management.

Sandbach Town Neighbourhood Plan

PC2 – Landscape character
PC2a – Policy Boundary for Sandbach
H1 – Housing Growth
H2 – Design and Layout
H3 – Housing Mix and Type
H4 – Housing and an ageing population

H5 – Preferred Locations

CONSULTATIONS

Environmental Health: No objections subject to condition relating to contaminated land, and an informative for construction hours.

Strategic Highways Manager: None received at time of writing this report.

Sandbach Town Council – No objections

REPRESENTATIONS – none received at time of writing this report.

APPRAISAL

Principle of Development

The site lies entirely within the Open Countryside as designated in the Congleton Borough Local Plan First Review 2005 where policies PS8 and H6 state that only residential development which is required for a person engaged full-time in agriculture or forestry, the replacement of an existing dwelling, the conversion of an existing rural building, the change of use or re-development of an existing employment site, infill development or affordable housing shall be permitted.

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

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

Sandbach Town Neighbourhood Plan

The site lies outside the Sandbach settlement boundary as denoted by the emerging Sandbach Town Neighbourhood Plan. Policy PC2a states that only development which is required in a rural setting will be permitted in the open countryside. The policy sets out the type of development which is considered to be appropriate to open countryside locations to be; agricultural and forestry, replacement buildings, rural/farm diversification projects, reuse of existing rural buildings, and expansion of existing commercial buildings.

Furthermore, Policy H5 goes on to state that

‘e) Housing infill development, the conversion of existing buildings to residential use, self-build projects, co-housing and the subdivision or amalgamation of existing residential units with suitable space will be supported within the policy boundary for Sandbach (see Fig.2), but only within the countryside when they conform to countryside developments permitted in Policy PC2a. They must also contribute positively to local character and help to meet identified housing needs.’

It is considered that this development complies with Policy H5d of the Neighbourhood Plan in that it would contribute positively to local character and help to meet identified housing needs.

Housing Land Supply

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

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

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

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

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

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

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

Open Countryside Policy

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

Policy PS8, seeks to protect the intrinsic character and beauty of the countryside.

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

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

Emerging Local Plan Policy

Policy PG5 (Open Countryside) of the emerging Cheshire East Local Plan (Emerging LP) indicates that an exception may be made to the Open Countryside policy with regards to residential development. This includes where there is an opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage (i).

Given that the proposal would infill a small gap within a built up frontage, it is considered that the proposal would adhere with this emerging Local Plan policy.

However, although this document has been subject to formal examination, it has not yet been adopted and this limits the weight that can be attributed to this policy.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

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

The applicant has not submitted this completed toolkit. However, the site is on the edge of Sandbach Town settlement boundary, and has very clear links with the settlement which is easily accessible by foot, cycle or bus from the London Road, and is within walking distance of Sandbach Train Station which has links to Crewe and Manchester. Therefore in locational sustainability it is considered that the future occupiers of the site would be able to access local services and facilities

either by walking/cycling or a small car journey and in turn considered the location to be sustainable.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

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

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

Environmental role

Landscape Impact

The site is in open countryside as defined in the Congleton Borough local plan. It is well contained and would clearly appear as an infill plot, albeit outside the settlement boundary line. The site boundary will follow the existing rear boundaries of the adjacent sites which will help to assimilate the dwelling into the existing built up frontage. Subject to the retention of all the existing boundary hedging and trees (which provides good containment), it is considered the site could accommodate the development proposed without a significant landscape impact.

Trees and Hedgerows

Although there are a couple of trees and hedgerows on the site, no detailed arboricultural information has been provided. The applicant has stated that trees are self seeded and are of a low standard. The proposed access into the site will not affect the hedgerow and therefore it is considered unlikely that the proposed works will have any arboricultural impacts.

Ecology

The Council's Nature Conservation Officer has assessed the application, and does not anticipate that there would be any significant ecological issues associated with the proposed development. However, it is considered that should the application be approved a condition should be attached to safeguard nesting birds.

Design

The proposed development is for 1no new dwelling. The submitted plan shows a 4 bedroom one and half storey property with an attached garage and associated driveway. The proposed dwelling will have a gable roof design and a double fronted front elevation. The dwelling is of a size, position and design which is in keeping with the existing rural area. Subject to conditions for materials to be approved it is considered that the proposal is acceptable.

Access

The proposed development would utilise an existing access off Elm Tree Lane, which is an un-adopted lane off London Road. The proposed dwelling will have an integral garage with two spaces and there is space within the site to park several cars and enter and egress the site in a forward gear safely. It is therefore considered unlikely that the proposal development would have a detrimental impact on highway safety.

Flood Risk and Drainage

The application site falls within Flood Zone 1 and is not of a scale which requires the submission of a Flood Risk Assessment.

Conclusion

The proposed development would not create any significant landscape, tree or hedgerow, design, access, ecology, flooding or drainage issues.

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

Economic Role

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

As such, it is considered that the proposed development would be economically sustainable.

Social Role

The proposed development would provide 1 market dwelling housing unit.

Amenity

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

traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

There are dwellings on either side of the plot. The Gables to the north-east is a bungalow and Newholme (No.17) to the west is a two storey dwelling. The bungalow to the east has one secondary window on the side elevation at ground floor level, and the two storey dwellinghouse has a window at first floor level and a covered car port at ground floor level. The Proposed dwelling will be sited a minimum of 6m away from The Gables and 8m away from the side elevation of Newholme. The proposed dwelling will have several secondary windows on the side elevations at ground floor level and one window at first floor level serving the second bedroom. It is considered that the existing boundary treatment and the secondary nature of the side elevation windows at ground floor level will ensure the neighbours amenity is not affected, however the secondary window proposed on the side elevation to the Bedroom 2 will overlook the garden area of Newholme and it is considered that an obscure glazing condition should be added to safeguard the amenity of the neighbours private amenity space.

There is sufficient space within the site to allow the new dwelling to be constructed without detrimentally impacted on privacy, light or visual intrusion of the neighbouring properties.

In terms of the amenity of the future occupiers of the proposed dwelling, sufficient space would be available for the dwelling to have a private amenity space of at least 65 square metres.

Furthermore, the Council's Environmental Protection Team have advised that they have no objections to the proposal subject to a condition for further contaminated land details prior to the occupation of the dwelling and informatives relating contaminated land and construction hours.

As such, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan.

Planning Balance

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, it constitutes a "departure" from the development plan and there is a presumption against the proposal.

Furthermore, the development site is situated outside the Sandbach settlement boundary as denoted by the Sandbach Town Neighbourhood plan, and the policies relating to housing in the area.

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

in order to accommodate additional housing growth. This consideration is made on the sustainability of the development.

The proposal would bring positive planning benefits such as; the provision of market housing and a minor boost to the local economy. In addition the site is located in a sustainable location on the edge of Sandbach settlement boundary and within easy walking distance of the Rail Way station, bus stops and a number of general amenities.

It is not considered that the environmental concerns created, by reason of the impact upon the Open Countryside are not significant enough to warrant refusal of this application given the sites location amongst residential development.

No issues with regards to neighbouring amenity, landscape, trees, hedgerows, flooding or drainage would be created.

As such, the development is recommended for approval.

RECOMMENDATION

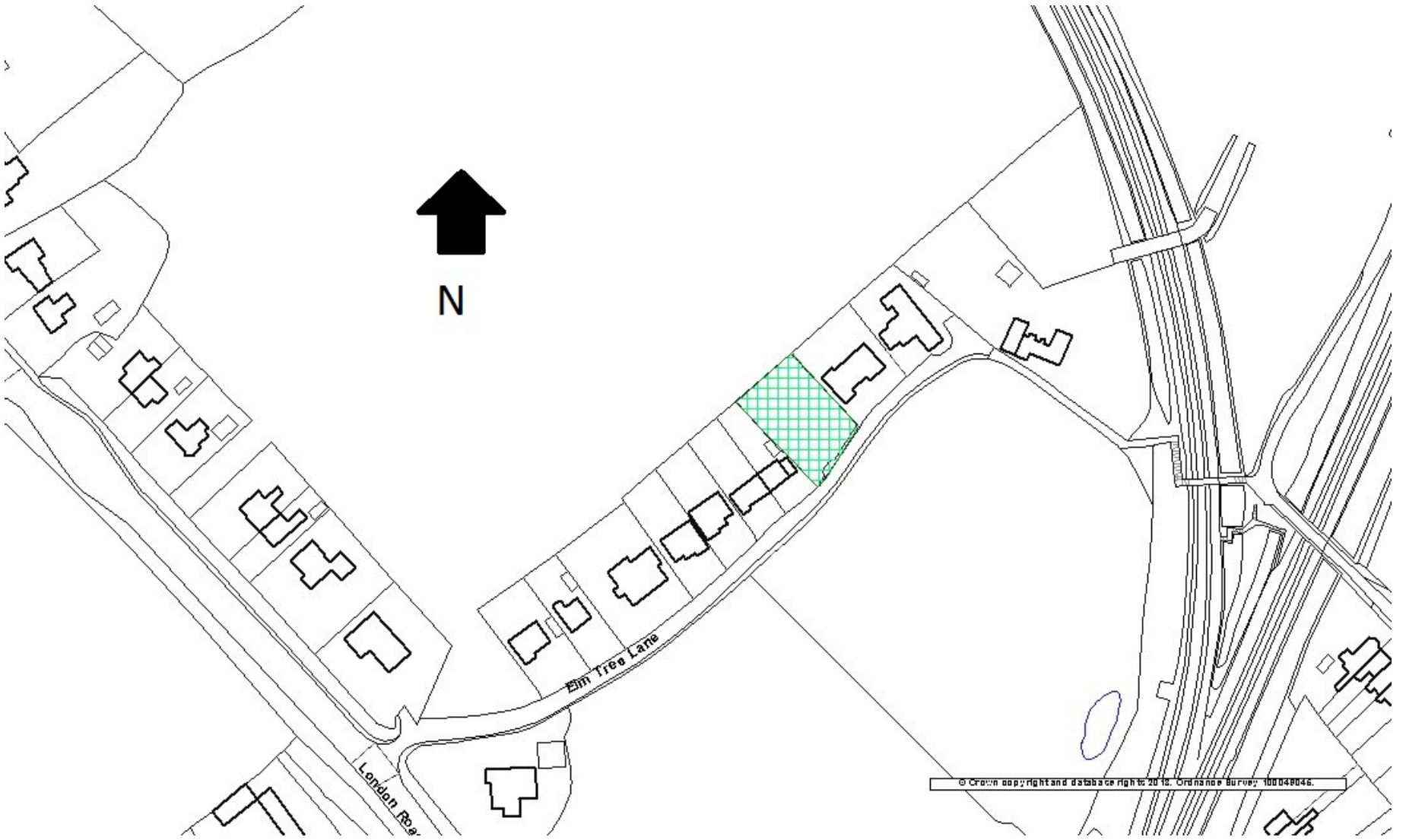
APPROVE subject to the following conditions;

1. Time Limit
2. Development in accordance with approved plans
3. Materials to be submitted
4. Surfacing materials to be submitted
5. Obscured window to first floor elevation
6. Prior to occupation/first use contamination report
7. Landscaping
8. Landscaping implementation
9. Boundary treatment
10. Nesting Bird features

Informatives:

1. NPPF
2. Contaminated Land
3. Construction Hours

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



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Application No: 15/4766C
Location: Mere End Barns, HASSALL ROAD, ALSAGER
Proposal: Outline single dwelling
Applicant: Steven Hancock
Expiry Date: 17-Dec-2015

SUMMARY

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide positive planning benefits such as; the provision of a market dwelling in a sustainable location and the knock-on minor local economic benefits such a development would bring.

Balanced against these benefits must be the dis-benefits, which in this case would be the loss of open countryside and impact upon trees.

In this instance, due to the mitigation which can be secured to overcome the tree concerns, it is considered that the benefits of the scheme would outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION

APPROVE subject to conditions

PROPOSAL

This application seeks outline planning permission to erect 1 dwelling with all matters reserved.

SITE DESCRIPTION

The site relates to a front garden of a residential barn conversion location on the western side of Hassall Road, Alsager within the Open Countryside as defined by the Congleton Borough Local Plan First Review 2005.

The site is triangular in shape and measures approximately 891 square metres.

RELEVANT HISTORY

06/1148/FUL - Change of use of land to residential curtilage and formation of new driveway to access the highway – Approved 6th February 2007

05/1207/FUL - Construct a pair of houses on the footprint of redundant agricultural buildings, identical to the proposal approved under 04/0333/FUL, 28.01.05 – Approved 17th January 2006

04/0333/FUL - Conversion of redundant farm buildings to 2no. dwellings and garages – Approved 28th January 2005

35055/6 - Renewal of Application No. 30033/3 For Change Of Use Of Redundant Agricultural Buildings To Dwellings And Garages – Approved 22nd November 2002

30033/3 - Change of Use Of Redundant Agricultural Buildings To Dwellings And Garages – Approved 27th July 1998

NATIONAL & LOCAL POLICY

National Policy

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

14 - Presumption in favour of sustainable development

47-50 - Wide choice of quality homes

55 - Isolated dwellings in the countryside

56-68 - Requiring good design

Development Plan

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS8, as Open Countryside.

The relevant Saved Policies are:

PS8 – Open Countryside
GR1 - New Development
GR2 – Design
GR4 – Landscaping
GR6 - Amenity and Health
GR9 - Accessibility, Servicing and Parking Provision – New development
GR20 - Public Utilities
GR21 - Flood Prevention
NR1 - Trees and Woodlands
NR2 - Wildlife and Nature Conservation – Statutory Sites
H1 - Provision of New Housing Development
H6 - Residential Development in the Open Countryside and the Green Belt

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

MP1 - Presumption in favour of sustainable development
PG1 - Overall Development Strategy
PG5 – Open Countryside
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
IN1 – Infrastructure
IN2 - Developer contributions
SC4 - Residential Mix
SC5 - Affordable Homes
SE1 – Design
SE2 - Efficient use of land
SE3 - Biodiversity and geodiversity
SE4 - The Landscape
SE5 - Trees, Hedgerows and Woodland
SE6 - Green Infrastructure
SE9 - Energy Efficient Development
SE12 - Pollution, Land contamination and land instability
SE13 - Flood risk and water management

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections

Environmental Protection – No comments received at time of report

United Utilities - Advised that a public sewer crosses this site and as such, they may not permit building over it.

UU have therefore requested that they will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

UU have advised that either a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.

Alsager Town Council – Object to the proposal on the following grounds;

- Over-intensification of site
- Impact upon trees

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. To date, no letters of objection have been received.

APPRAISAL

The key issues are:

- The principle of the development
- Sustainability including the proposal's Environmental, Economic and Social role
- Planning Balance

Principle of Development

The site lies entirely within the Open Countryside as designated in the Congleton Borough Local Plan First Review 2005 where policies PS8 and H6 state that only residential development which is required for a person engaged full-time in agriculture or forestry, the replacement of an existing dwelling, the conversion of an existing rural building, the change of use or re-development of an existing employment site, infill development or affordable housing shall be permitted.

The proposed development does not fall within any of these categories. As such, the development would be a 'departure' and the issue in question is whether the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection. These are considered below.

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 in support of the proposal.

Open Countryside Policy

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

Policy PS8, seeks to protect the intrinsic character and beauty of the countryside.

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

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

Sustainability

The National Planning Policy Framework definition of sustainable development is:

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

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside.

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

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

The applicant has not completed this assessment, but has provided an alternative locational sustainability assessment which details distances. These are fed into the checklist below;

Adherence with checklist

Post box (500m) – 300 metres
Amenity Open Space (500m) – 500 metres
Outdoor Sports Facility (500m) – 500 metres
Children’s Play Space (500m) – 300 metres
Primary School (1000m) – 500 metres
Leisure Facilities (Leisure Centre and Library) (1000m) – 600 metres
Local meeting place (1000m) – 600 metres
Public House (1000m) – 800 metres
Bus Stop (500m) – 200 metres
Railway station (2000m where geographically possible) – 2000 metres

50 percent failure of less

Supermarket (1000m) – 1,500 metres

Bank or cash machine (1000m) – 1,500 metres
Pharmacy (1000m) – 1,500 metres

Failure

Post Office (500m) – 1,500 metres
Child Care Facility (nursery or crèche) (1000m) – 1,650 metres
Medical Centre (1000m) – 1,800 metres

Unknown

Any transport node
Secondary School (1000m)
Convenience Store (500m)
Public Right of Way (500m)

Given that the development would fall within or be within 50% of the majority of the public facilities listed, it is considered that the development would be considered locationally sustainable.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

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

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

Environmental role

Landscape Impact

The proposed development would be sited within the front garden of Mere Barns, a residential barn conversion located on the western side of Hassall Road within the Open Countryside.

The Alsager settlement boundary lies on the opposite side of the road.

The boundary of the site comprises of a post and rail fence and a conifer hedge above on the Hassall Road frontage approximately 2.5 metres in height, a post and rail fence and hedgerow approximately 1.3 metres in height on the northern boundary with a field and an open boundary to the private driveway to the southwest.

There are TPO protected trees along the Hassall Road frontage.

Although the proposed dwelling would be sited in the Open Countryside, given that the site lies between existing built form in terms of the residential barn conversions to the west and residential development across Hassall Road to the east, it is not considered that the siting of a dwelling in this particular location would have a significant detrimental impact upon the openness of the Open Countryside.

As such, it is considered that the impact upon the landscape would be limited.

Trees and Hedgerows

The application is supported by a tree survey.

Whilst this is an outline application, the indicative layout plan depicts the dwelling within the Root Protection Areas (RPA) of the adjacent trees. The applicant has submitted additional information showing that the foundation design could be facilitated on the site without adversely affecting adjacent trees. However, the Council's Tree Officer has advised that the information fails to take into consideration issues of social proximity including fear of failure, light attenuation, and seasonal nuisance and future pressure for removal.

Located directly adjacent to the east of the existing driveway is the stump of a recently felled Sycamore. The tree appears not to form part of the 1970 Tree Preservation Order which extends down the Hassall Road field boundary hedge line. The Council's Tree Officer has advised that evidence of decay was noted within the central core of the trees felled stump.

Located immediately adjacent to the stump are two mature trees, an Oak and Sycamore; it appears the Sycamore is identified as T5 within the Order but the Oak is not protected. The Council's Tree Officer has advised that evidence on the ground in the form of what appears to be desiccated fungal brackets or Toadstools were noted within the RPA of both trees. However, identification was not possible as recent cold weather and time has caused them to degrade.

The Tree Officer has advised that the presence of the fungal infection may be reflective of the condition of the Sycamore which presents significant signs of reduced vigour and vitality.

The submitted Arboricultural report identifies the tree (T2) as a Category C poor specimen to be felled because of condition. The Council's Tree Officer has advised that he concurs with this conclusion, but replacement planting will be required.

The Oak T1 within the report has been identified as a category A high value specimen. The Council's Tree Officer has advised that this categorisation is considered to be high given the trees form and contribution to the street scene.

The Council's Tree Officer has advised that the Oak presents a particularly poor crown formation as a result of suppression from the adjacent mature Sycamore, and certainly not worthy of formal protection. The possible presence of a fungal infection also has to be taken into consideration. The remaining Sycamores which remain on site and protected as part of the 1970 Order are not affected as part of this outline application.

The Council's Tree Officer has concluded that should the application proceed to reserved matters a detailed Arboricultural Impact Assessment (AIA) which addresses all matters of construction will be required to support the application.

As such, subject to the addition of this recommended condition, it is considered that the proposed development would adhere with Policy NR1 of the Local Plan.

No issues in relation to hedgerows would be created.

Design

Policy GR2 of the Local Plan relates to design. It states that new development will be permitted where a proposal is sympathetic to the character, appearance and form of the site and the surrounding area in terms of height, scale, form and grouping of buildings as well the visual, physical and functional relationship with the streetscene and surrounding area.

The proposed development is for 1 new dwelling. Layout, appearance and scale are not sought for approval as part of this application. Therefore, the design aspect of the development considers whether the site could feasibly accommodate 1 dwelling on this plot of an acceptable design, in principle.

The submitted indicative layout plan demonstrates that a new detached dwelling could be accommodated within the site, forward of the applicant's property, Mere End Barn.

Indicative plans of the footprint and elevations have been submitted. These plans indicate a detached, two-storey dwelling of a design which incorporates many mock barn conversion features.

Should a dwelling of the scale and design indicated be submitted at reserved matters stage, it is considered that it would not appear incongruous within this area which comprises of a mixture of barn conversions and two-storey detached dwellings.

As a result, it is considered that the aspects of the proposal which can be considered would adhere with Policy GR2 of the Local Plan and Policies SE1 (Design) and SE2 (Efficient use of land) of the Cheshire East Local Plan Strategy – Submission Version (CELP).

Access

Access arrangements are also not sought for approval as part of this application. Again, the principle of the access to the site and the site's ability to accommodate sufficient off-street parking is therefore considered only.

The indicative layout plan demonstrates that the proposed new dwelling would be accessed off the existing access and driveway to the applicant's property, Mere End Barns.

The Council's Head of Strategic Infrastructure has reviewed the proposal and advised that he has no objections.

As such, it is considered that the proposed development would adhere with Policy GR9 of the Local Plan.

Ecology

The Council's Nature Conservation Officer has reviewed the proposal and advised that if Tree referenced as T2 on the submitted tree survey is removed as part of the development, as it indicated that it will, a condition is recommended requiring a bat and bird survey of the trees be completed and a report submitted to the council prior to commencement of development.

As such, subject to this condition, it is considered that the proposal would adhere with Policy NR2 of the Local Plan.

Flood Risk and Drainage

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

United Utilities (UU) have reviewed the application and advised that a public sewer crosses this site and as such, they may not permit building over it.

UU have therefore requested that they will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

UU have advised that either a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.

In response, given that Layout is not sought for approval as part of this application and because this matter would normally be resolved outside of the planning process, it is not considered that this concern impact the planning assessment of this application.

As such, it is considered that the proposed development would adhere with Policies GR20 and GR21 of the Local Plan.

Environmental Conclusion

The proposed development would not create any significant landscape, hedgerow, design, access, ecology, flooding or drainage concerns. The impact upon protected trees would be acceptable, subject to a condition.

As such, it is considered that the proposed development would be environmentally neutral as any impacts would either be limited or mitigated against.

Economic Role

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

As such, it is considered that the proposed development would be economically sustainable.

Social Role

The proposed development would provide 1 market dwelling which would be a social benefit.

Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

The closest neighbouring properties to the application site would be the occupiers of applicant's property, Mere End Barns to the west and the occupiers of No.95 Hassall Road on the opposite side of the road to the east.

As layout is not sought for approval, consideration as to whether a dwelling could be accommodated within the site without creating any significant amenity concerns shall be made.

The indicative layout plan indicated that the side elevation of the proposed dwelling would be sites approximately 14.5 metres away from the corner of Mere End Barns.

Given this significant offset relationship between the applicant's property and the indicative siting of the proposed dwelling, it is considered that a dwelling could be sited on this site without creating any significant issues in relation to loss of privacy, light and visual intrusion.

The indicative layout also indicates that the side elevation of the proposed dwelling would be located approximately 25 metres away from the dwellings on the opposite side of Hassall Road. At this distance, it is not considered that any issues would be created to this side in terms of the above considerations.

The Council's Environmental Protection Team have not provided any comments at the time of report. An update will be provided to committee in the form of a written update.

With regards to the amenity of the future occupiers of the proposed dwelling, sufficient space would be available for the dwelling to have a useable, private amenity space of at least 65 square metres.

As such, subject to the outcome of the consultation response from the Council's Environmental Protection Officer, the proposal is considered to adhere to Policy GR6 of the Local Plan.

Other Matters

The scheme is not of a scale which requires; affordable housing, public open space, education or health contributions.

Planning Balance

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide positive planning benefits such as; the provision of a market dwelling in a sustainable location and the knock-on minor local economic benefits such a development would bring.

Balanced against these benefits must be the dis-benefits, which in this case would be the loss of open countryside and impact upon trees.

In this instance, due to the mitigation which can be secured to overcome the tree concerns, it is considered that the benefits of the scheme would outweigh the dis-benefits.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions;

- 1. Time – 3 years of within 2 of last Reserved Matter approval**
- 2. Reserved Matters within 3 years**
- 3. Access, Layout, Scale, Appearance and Landscaping Matters to be submitted and approved**
- 4. Plans**

5. Prior approval of an Arboricultural Impact Assessment (AIA)
6. Prior approval of a Tree replacement plan
7. Prior approval of bat and bird survey

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

